

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



MONDAY, DECEMBER 8, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Regular Planning and Zoning Commission, to be held on Monday, December 8, 2014 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 Regular 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 November 10, 2014.

5.0 New Business:

- 5.1 Consideration to approve **PRELIMINARY PLAT OF R & R ESTATE:** Being a subdivision of 1.410 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.
- 5.2 Consideration to approve **PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT:** A residential subdivision of 2.0000 acres located in the Chauncey Goodrich Survey A-311 City of Tomball, Harris County, Texas being a replat of Reserve "A" of Pine Country of Tomball ~ Section Two, an addition in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 628282 of the Map Records of Harris County, Texas.
- 5.3 Consideration to approve **MOH DALI DEVELOPMENT:** A subdivision of 5.7965 acres situated in the Jesse Pruitt Survey, A-629 being a replat of Lot 1, Block 1 of Hufsmith-2978 as recorded under Film Code No. 620122 Map Records of Harris County Harris County, Texas.
- 5.4 Consideration to approve **REPLAT: GUSMERI HOME:** A replat of Lots 37 and 38 into New Lot 37 in Block 90 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 90 lying in the Ralph Hubbard Survey (A-383).
- 5.5 Consideration to approve **GATEWAY BUSINESS PARK:** A subdivision of 2.9894 acres Triangular-shaped tract of land situated in the Joseph House Survey, Abstract No. 20, Montgomery County, Texas.
- 5.6 Consideration to approve **FINAL PLAT STANOLIND FIRE STATION:** A 2.2277 acre tract of land being out of a called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50 City of Tomball, Harris County, Texas.
- 5.7 Consideration to approve **ZONING CASE P14-227:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a "Dance/Drama/Music School." The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.
- Conduct Public Hearing on **ZONING CASE P14-227**
- 5.8 Consideration to approve **ZONING CASE P14-232:** Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by

rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P14-232**

5.9 Consideration to approve **ZONING CASE P14-239**: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

- Conduct Public Hearing on **ZONING CASE P14-239**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was poster on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day December 2014 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: December 8, 2014

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: December 8, 2014

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: December 8, 2014

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 10, 2014.

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:

11/10/14 Draft Minutes

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

MONDAY, NOVEMBER 10, 2014



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 – Excused Absence

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 a Planning & Zoning Commission survey to be distributed to the Commissioners.

4.0 Motion was made by Commissioner Byrd, second by Commissioner Roquemore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 13, 2014.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve ZONING CASE P14-217: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning

Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

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

Applicant Russell Brown (16020 Pine Country Blvd., Tomball, TX 77377) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:07 p.m.

J.C. Sawyer (15826 Pine Country Blvd., Tomball, TX 77377) had questions regarding the property and surrounding property.

Hearing no additional comments, the Public Hearing was closed at 6:12 p.m.

Motion was made by Commissioner Anderson to approve **ZONING CASE P14-217**, second by Commissioner Roquemore. Vote was as follows:

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

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.2 Consideration to approve **PECK STATION PARTIAL REPLAT NO 1**; A Subdivision of 18.2541 Acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas Being a Partial Replat of Reserve "A" of Peck Station Film Code No. 666109 M.R.H.C. 3 Lots, 1 Block.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Anderson, second by Commissioner Byrd, to approve **PECK STATION PARTIAL REPLAT NO 1**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to approve **HAUSMAN REPLAT**; A Subdivision of a 16.1043 Acre Tract, being a Replat of Lots 182, 186, 190 and 194 of Tomball Outlots Vol. 2, PG. 65 H.C.M.R.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Byrd, second by Commissioner Anderson, to approve **HAUSMAN REPLAT**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to approve **REPLAT OF LOT 3 CHESTNUT BUSINESS PARK**; A Subdivision of A 1.7096 Acre Tract, Being a Replat of Lot 3, Block 1 of Chestnut Business Park F.C. #628085 H.C.M.R. and the remainder of a called 7.5 acre tract to Albers Properties, LP H.C.C.F. #20070501339 & 20110213233.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **REPLAT OF LOT 3 CHESTNUT BUSINESS PARK**, with contingencies.

Motion carried unanimously.

- 5.5 Consideration to approve **ZONING CASE P14-187**: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

Harold Ellis, City Planner, presented the staff report and recommendation.

Trent Connor (4931 Valkeith, Houston, TX 77096) of Greystar Development Group spoke on behalf of the request.

Thad Kudela (312 Highland, Houston, TX 77009) of Kudela & Weinheimer Landscape Architecture, spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:36 p.m.

Hearing no comments, the Public Hearing was closed at 6:36 p.m.

Motion was made by Commissioner Anderson to approve **ZONING CASE P14-187**, second by Commissioner Byrd. Vote was as follows:

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

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.6 Consideration to approve **ZONING CASE P14-218**: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

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

The Public Hearing was opened by Chair Tague at 6:41 p.m.

Property owner, John Perce (29614 Liberty Ln., Tomball, TX 77375) spoke in favor of the request.

Gretchen Fagan (1314 Pine Brook, Tomball, TX 77375) spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 6:43 p.m.

Motion was made by Commissioner Roquemore to approve **ZONING CASE P14-218**, second by Commissioner Anderson. Vote was as follows:

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

Motion carried; 4 votes Aye, 0 votes Nay.

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

Motion carried unanimously.

Meeting adjourned at 6:44 p.m.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **PRELIMINARY PLAT OF R & R ESTATE**: Being a subdivision of 1.410 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.

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:

R&R Estate Plat

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT**: A residential subdivision of 2.0000 acres located in the Chauncey Goodrich Survey A-311 City of Tomball, Harris County, Texas being a replat of Reserve "A" of Pine Country of Tomball ~ Section Two, an addition in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 628282 of the Map Records of 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:

Pine Country of Tomball Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, The Joseph Family Limited Partnership, LTD, acting by and through Russell E. Brown, Trustee, hereinafter referred to as owner (whether one or more) of the 2.0000 acre tract described in the above and foregoing plat of PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT, do hereby make and establish said subdivision of said property according to all liens, dedications and 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 purpose 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, unobstructed aerial easements, five (5) feet, six (6) inches in width for perimeter lots seven (7) feet for back to back lots from a plane sixteen (16) feet above the ground level upward, located adjacent to all public utility easements shown hereon.

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

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

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easements, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, building, 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.

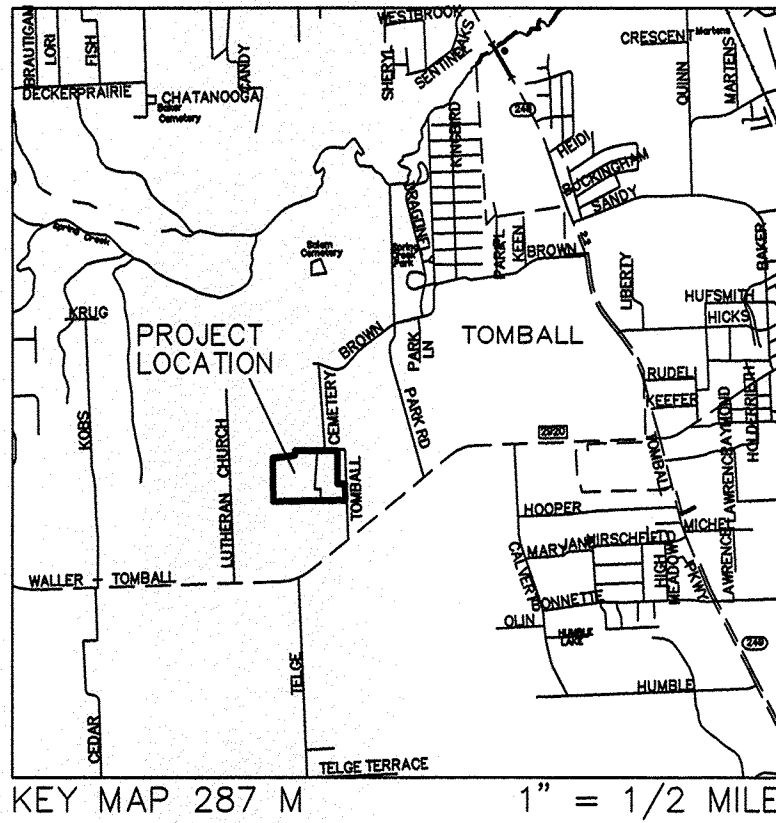
WITNESS my hand in the City of Tomball this _____ day of _____, 2014.

Russell E. Brown, Trustee
The Joseph Family Limited Partnership, LTD

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared RUSSELL E. BROWN, TRUSTEE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____

Notary Public in and for the State of Texas
My Commission Expires: _____



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

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

Stan Stanart
Clerk of the County Court
Harris County, Texas

By: _____
Deputy

CITY OF TOMBALL

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 show hereon and authorized the recording of this plat this _____ day of _____

By: _____
Gretchan Fagan, Mayor

By: _____
Doris Speer, City Secretary

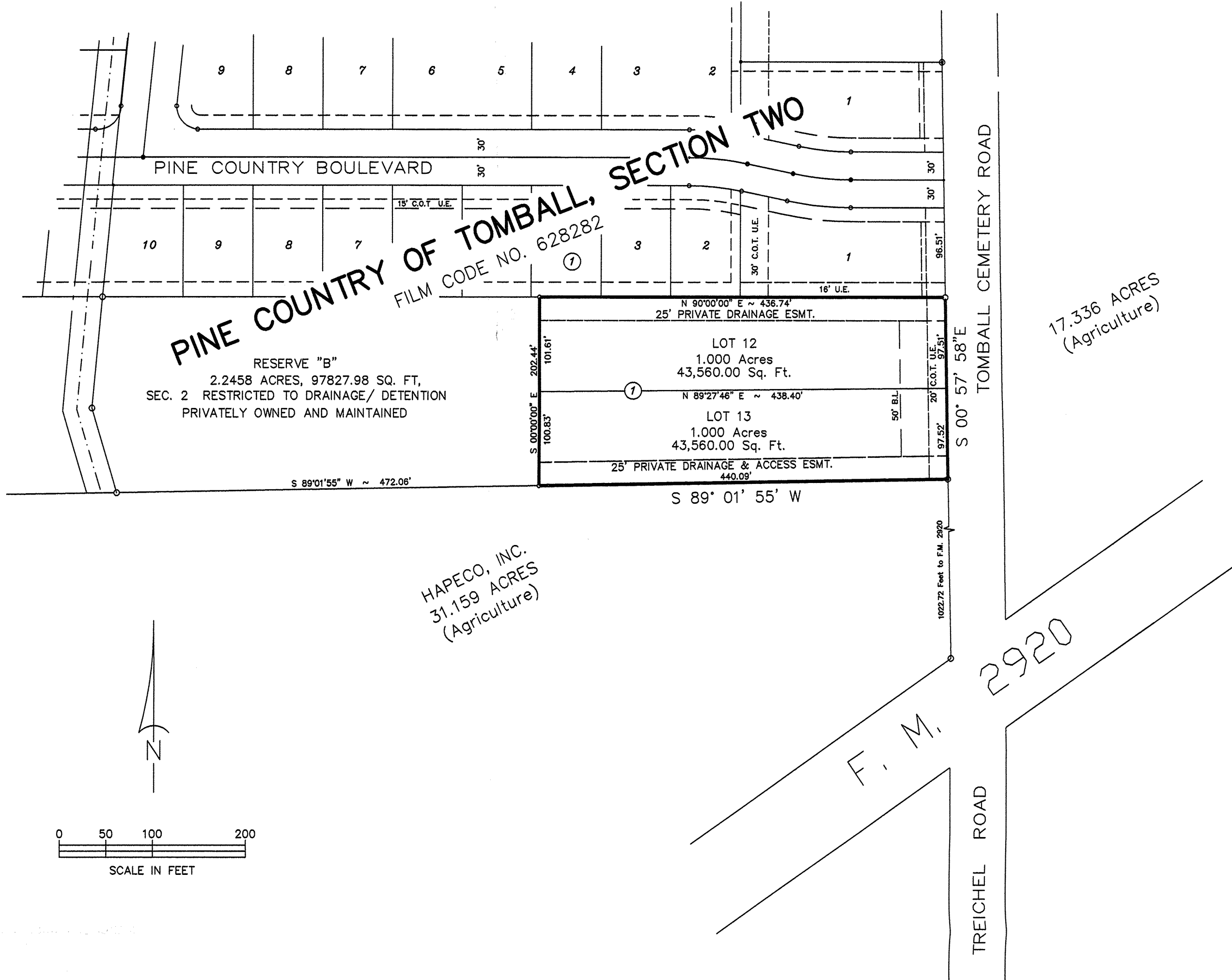
We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball's Ordinances.

George Shackelford
City Manager

Lori Lakatos, P.E., CFM
City Engineer

I, Tony Swonke, am a 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 lot corners have been marked with iron rods having an outside diameter of not less than five-eighths inch (5/8"); that all boundary corners, angle points, points of curvature, and otherpoints of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4) and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767



HAPECO, INC.
31.159 ACRES
(Agriculture)

17.336 ACRES
(Agriculture)

NOTES

- All oil/gas pipelines or pipeline 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 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.

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. 48201C 0210 L (Effective Date June 18, 2007), this property is in Zone "X" and not within the 0.2% Annual Chance Flood Plain.

OWNER
The Joseph Family
Limited Partnership, LTD
16020 Pine Country Blvd.
Tomball, TX 77377
281-255-3238

SURVEYOR
TONY SWONKE LAND SURVEYING
700 KANE STREET
TOMBALL, TEXAS 77375
281-351-7789

DATE: November 27, 2014

PINE COUNTRY OF TOMBALL, SECTION TWO,
RESERVE "A" REPLAT

A RESIDENTIAL SUBDIVISION OF 2.0000 ACRES
LOCATED IN THE
CHAUNCEY GOODRICH SURVEY A-311
CITY OF TOMBALL, HARRIS COUNTY, TEXAS
Being a replat of Reserve "A" of
PINE COUNTRY OF TOMBALL ~ SECTION TWO,
an addition in Harris County, Texas, according to
the map or plat thereof recorded under Film Code
No. 628282 of the Map Records of Harris County, Texas.
2 Lots / 1 Blocks / 0 Reserves
Replatted to convert former Reserve "A" into two residential lots.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

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

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

Moh Dali Development Plat

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **REPLAT: GUSMERI HOME**: A replat of Lots 37 and 38 into New Lot 37 in Block 90 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 90 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:

Gusmeri Home Plat

STATE OF TEXAS
COUNTY OF HARRIS

I, Stephanie L. Gusmeri, hereinafter referred to as owner of the 4.017 acre tract described in the above and foregoing plat of "GUSMERI HOME", 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 myself and my heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owner has 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, owner does 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, owner does 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, owner does 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 my hand, this ____ day of _____, 2014.

Stephanie L. Gusmeri, Owner

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Stephanie L. Gusmeri, 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 _____, 2014.

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 _____, 2014.

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 "GUSMERI HOME" 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 "GUSMERI HOME", 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 _____, 2014.

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.

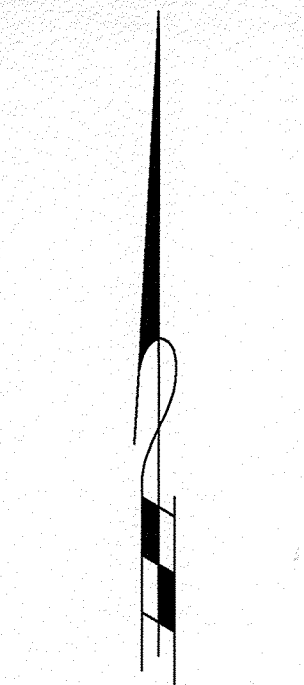
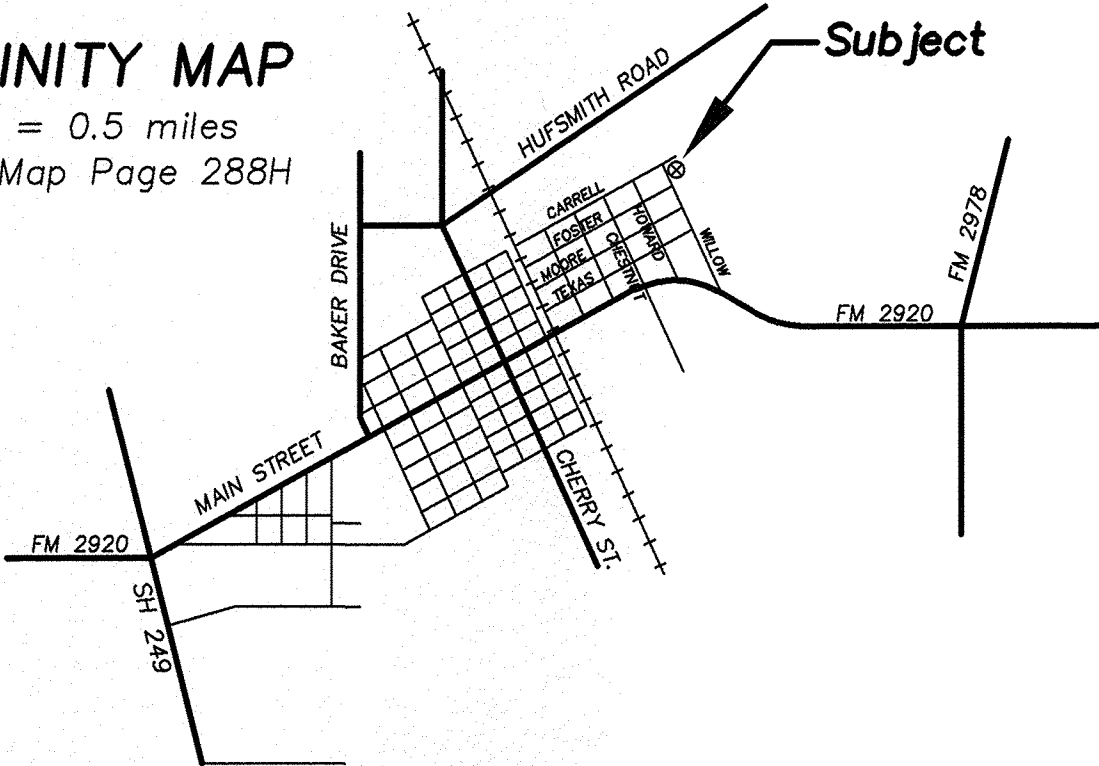
WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.

Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

VICINITY MAP

1" = 0.5 miles
Key Map Page 288H



SCALE: 1" = 20 Ft.
0 5 10 15 20

OWNER:
Stephani L. Gusmeri
16335 Stable Manor Lane
Cypress, TX 77429
Ph: 832-771-7973

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

DATE: November 30, 2014

Note #1 All oil/gas pipelines or pipeline easements 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.

7.9983 Acres
Undeveloped / Agriculture

CARRELL STREET
(60 Ft. R-O-W per Vol. 4, Pg. 25, HCMR)

WILLOW STREET
(60 Ft. R-O-W per Vol. 4, Pg. 25, HCMR)

LOT 47 LOT 48
Vol. 4, Pg. 25, HCMR
(Residential w/ home)

BLOCK 84

LOT 18 LOT 17
Vol. 4, Pg. 25, HCMR
(Residential w/ home)

NEW LOT 37
0.1607 Acres
(7000.00 Sq. Ft.)

BLOCK 90

"HITCHCOCK PLACE"
Film Code No. 501048 HCMR
(VACANT)

LOT 41 LOT 42
Vol. 4, Pg. 25, HCMR
(residential w/ home)

LOT 39 LOT 40
Vol. 4, Pg. 25, HCMR
(Vacant) (Vacant)

LOT 34 LOT 33
Vol. 4, Pg. 25, HCMR
(VACANT) (VACANT)

REPLAT: "GUSMERI HOME"

A replat of Lots 37 and 38 into New Lot 37 in Block 90 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 90 lying in the Ralph Hubbard Survey (A-383).

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

Containing: 1 Lot / 1 Block

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **GATEWAY BUSINESS PARK**: A subdivision of 2.9894 acres Triangular-shaped tract 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

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

We, Sahail Syed and Mohsin Rasheed, President and Vice President respectively of Gateway 60 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 lines, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as Gateway Business Park, located in the Survey, 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 forever; 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, ditches, 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-) square feet (18" diameter pipe culvert).

FURTHER, we do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

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 _____, 201____.

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 _____, 201____.

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 _____, 201____.

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

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 _____, 201____.

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

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 _____, 201____.

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.



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



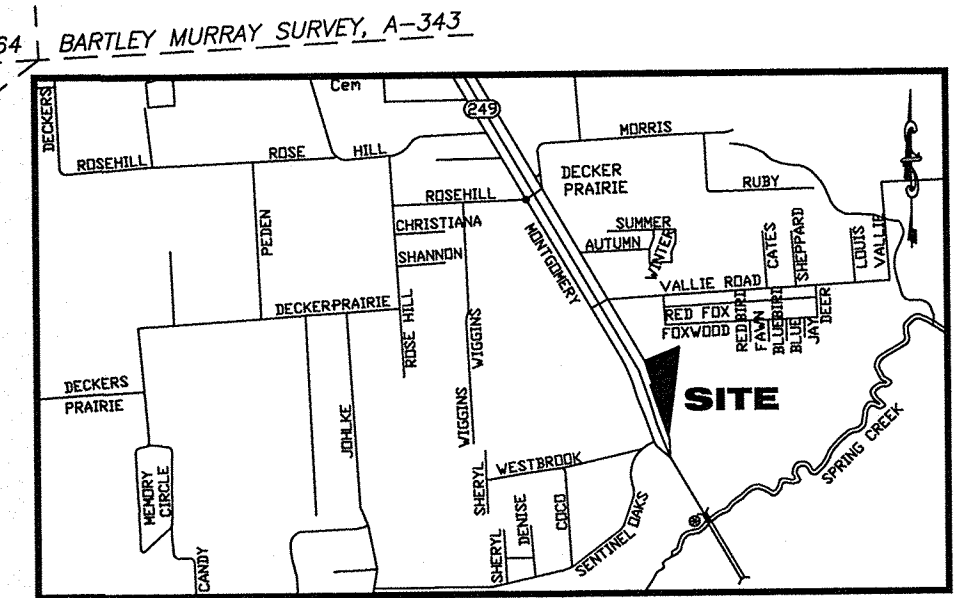
BENCHMARK
3" BRASS DISK FOUND IN A CONCRETE
COLUMN 6" IN DIAMETER, THREE FEET DEEP AND
BURIED FLUSH WITH NATURAL GROUND
STAMPED: DECKER PRAIRIE COMMERCIAL PARK
ELEVATION: 180.7'

LOT 1, BLOCK 1
DECKER PRAIRIE COMMERCIAL PARK
(CABINET Z, SLIDE 34 MCPH)

UNRESTRICTED RESERVE "A"
1.9894 ACRES
(86,658.77 SQ. FT.)

UNRESTRICTED RESERVE B
1.0000 ACRE
(43,560.48 SQ. FT.)

(PUBLIC STATE HIGHWAY 246
(MCCF NO. 9545700)
WIDTH VARIES)



VICINITY MAP
NOT TO SCALE
KEY MAP 248W

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 0.99995790816.

3. According to FEMA Firm Panel No. 48339C0495G and 48339C0675G, both effective August 18, 2014, this property is located in Zone "AE" 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 pipeline, 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.

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 (130,220.26 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 246 (NORTH 80 MINUTES 34 SECONDS EAST, 344.44 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. 2008070535, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEAST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 1 AND THE HEREN DESCRIBED TRACT, NORTH 80 DEGREES 34 MINUTES 34 SECONDS EAST, 344.44 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. 2008070535, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEAST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID CALLED 18.10 ACRE TRACT AND THE HEREN DESCRIBED TRACT, SOUTH 00 DEGREES 34 MINUTES 35 SECONDS EAST, 830.70 FEET TO A 5/8-INCH IRON ROD FOUND IN THE SAID NORTHEAST ROW LINE OF STATE HIGHWAY 246, SAID POINT BEING THE SOUTHWEST CORNER OF THE HEREN DESCRIBED TRACT AND BEING IN A CURVE TO THE LEFT;

THENCE, ALONG THE SAID NORTHEAST ROW LINE OF STATE HIGHWAY 246 COMMON TO THE WEST LINE OF THE HEREN 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 43 SECONDS, A CHORD BEARING AND DISTANCE OF NORTH 23 DEGREES 20 MINUTES 41 SECONDS WEST, 488.34 FEET, FOR A TOTAL ARC LENGTH OF 488.37 FEET TO A FOUND TIE-POINT FOR AN ANGLE POINT;
- * NORTH 83 DEGREES 28 MINUTES 41 SECONDS EAST, 20.00 FEET TO A FOUND TIE-POINT FOR AN INTERIOR CORNER OF THE HEREN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE LEFT;
- * ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 16883.73 FEET, A CENTRAL ANGLE OF 00 DEGREES 47 MINUTES 04 SECONDS, A CHORD BEARING AND DISTANCE OF NORTH 23 DEGREES 20 MINUTES 47 SECONDS WEST, 232.87 FEET, FOR A TOTAL ARC LENGTH OF 232.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.9894 ACRES (130,220.26 SQUARE FEET) OF LAND, MORE OR LESS.

GATEWAY BUSINESS PARK

1 BLOCK, 2 RESERVES

A SUBDIVISION OF 2.9894 ACRES (130,220.26 SQUARE FEET) TRIANGULAR-SHAPED TRACT 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. K:\COMPS 2012\PLATS\15-12.DWG (NO) FRM NO. 10045400

JOB: 715-12

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **FINAL PLAT STANOLIND FIRE STATION**: A 2.2277 acre tract of land being out of a called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50 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:

Stanolind Fire Station Plat

PROPERTY DESCRIPTION

A 2.2277 acre (97,039.20 square foot) tract of land being out of a called 28.25 acre tract of land described in a deed from BP Pipelines (North America) Inc. to TEPPCO Crude Pipeline, L.P., as recorded under Harris County Clerk's File Number Y662630. In the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, said 2.2277 acre tract being more particularly described as follows (Bearings based on the Texas State Plane Coordinate System, NAD83):

COMMENCING at a PK Nail in asphalt found at the intersection of the north right-of-way of Hufsmith Road (width varies) and the described centerline of Stanolind Road, called 28.25 acre tract and along the described centerline of said Stanolind Road, a **BEGINNING** of 326.83 feet to a PK Nail found for the southeast corner and **POINT OF BEGINNING** of hereof.

THENCE, South 83 degrees 00 minutes 17 seconds West, a distance of 254.65 feet to a 1/2-inch iron rod with "Gullet & Assoc." cap found for the southwest corner hereof.

THENCE, North 04 degrees 51 minutes 06 seconds West, a distance of 364.63 feet to a 1/2-inch iron rod with "Gullet & Assoc." cap found in the south line of a called 0.928 acre tract of land (Tract II) described in a deed to Richard Earl Eggleston and Meredith Moore, as recorded under Harris County Clerk's File Number U891936, for the northwest corner hereof.

THENCE, North 80 degrees 20 minutes 52 seconds East, along the south line of said called 0.928 acre tract, a distance of 269.99 feet to a PK Nail in asphalt found in the described centerline of said Stanolind Road for the northeast corner of said called 28.25 acre tract, and the northeast corner hereof.

THENCE, South 02 degrees 38 minutes 33 seconds East, with the easterly line of said called 28.25 acre tract and along the described centerline of said Stanolind Road, a distance of 377.98 feet to a the **POINT OF BEGINNING** and containing a computed area of 2.2277 acre (97,039.20 square foot) of land.

STATE OF TEXAS
COUNTY OF HARRIS
I, **TEPPCO CRUDE PIPELINE, L.P.**, owner, hereinafter referred to as owners of the 2.2277 acre tract described in the above and foregoing plat of **STANOLIND FIRE STATION**, 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, parks, watercourses, drains, easements, and public places shown thereon for the purposes and purposes herein expressed, and do hereby bind ourselves our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a six (6) inch opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby covenant and agree that they have complied with or will comply with existing Harris County Law, Section 37-C, as amended by Chapter 614, Acts of 1973, 62nd Legislature and all other regulations hereof on the file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, **TEPPCO CRUDE PIPELINE, L.P.**, has caused these presents to be signed by its duly authorized, attested by _____ and its common seal hereunto affixed this _____ day of _____, 2014.

TEPPCO CRUDE PIPELINE, L.P., a Texas Limited Partnership

BY: _____

ATTEST: _____

BY: _____

NAME: _____

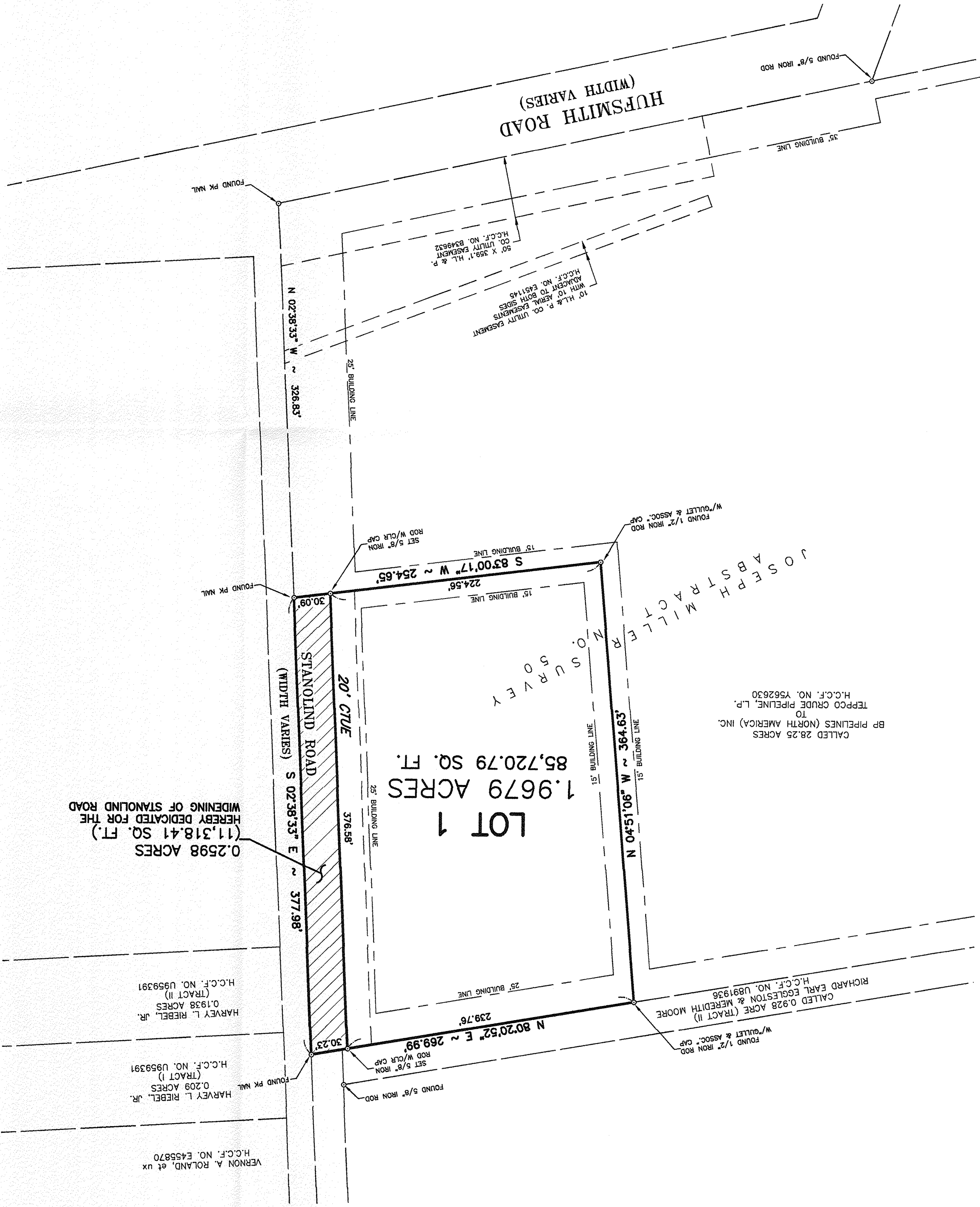
TITLE: _____

STATE OF TEXAS

COUNTY OF HARRIS

My commission expires _____

Notary Public in and for the State of Texas



By: _____
Barbara Tagua, Chairman

By: _____
Darell Roquemore, Vice Chairman

We, the City Manager and City Engineer for the City of Tomball, Texas, do hereby certify that the plat of **STANOLIND FIRE STATION** is in conformance with the City of Tomball ordinances.

City Manager
George Shackelford

City Engineer
Lon Lakatos, PE

City Secretary
Doris Speer

Mayor
Gretchen Fagan

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

I, Stan Stant, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on _____, 2014 by an order entered into the minutes of the court.

Stan Stant
County Clerk of Harris County, Texas

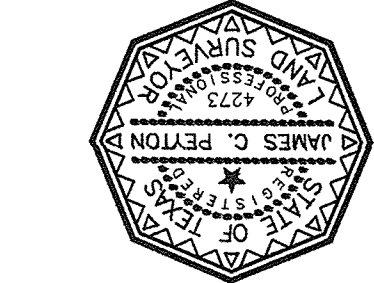
By: _____
Deputy

- NOTES:**
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown to the best knowledge and belief of the Surveyor.
 2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown to the best knowledge and belief of the Surveyor.
 3. No building or structure shall be constructed across any pipelines, building lines, and / or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
 4. This plat does not attempt to remove any valid restrictions or covenants.
 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.
 6. All visible easements and easements of record as reflected on title commitment from Stewart Title Guaranty Company, File No.: 1320174350, issued February 19, 2014, are shown hereon.
 7. Bearings shown hereon are based on the Texas State Plane Coordinate System South Central Zone NAD 83.
 8. This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
 9. The areas shown hereon have been carried to the number of decimal places required by the City of Tomball, which exceeds the precision prescribed by the Texas Board of Professional Land Surveying.

Public Easements:

The subject property lies within Zone "X" (unshaded), as per F.E.M.A. Flood Insurance Rate Map No. 48201C0230L, dated June 15, 2007. Zone "X" (unshaded) is defined in this case as "Areas determined to be outside the 0.2% annual chance floodplain". This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. The flood hazard area is subject to change as detailed studies occur and/or as watershed or channel conditions change. This flood statement shall not create liability on the part of this surveyor.

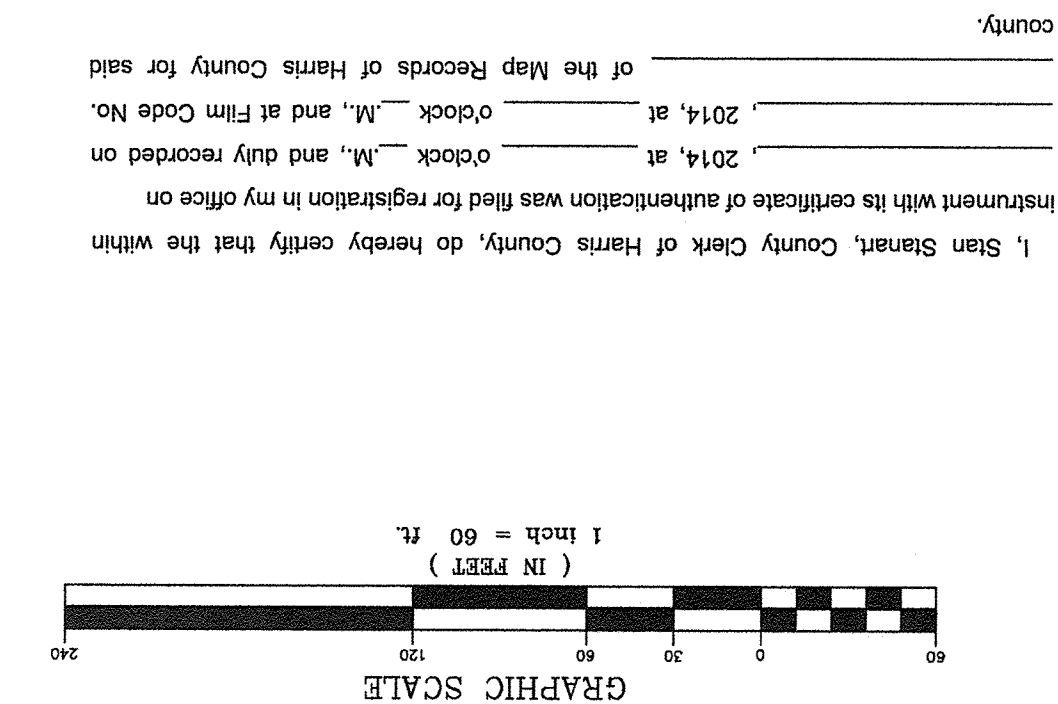
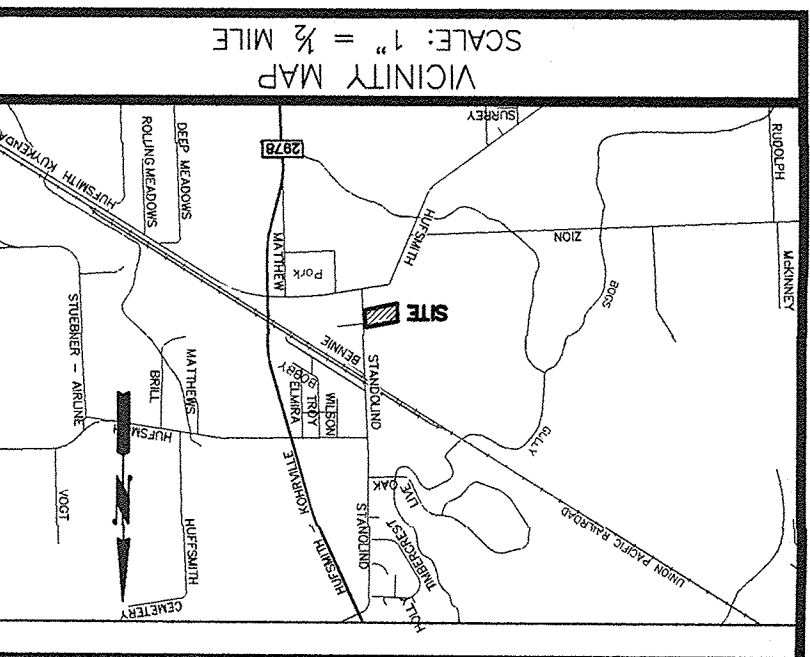
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring and adding to or removing 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 removal of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any public utility shall be responsible for replacing any facilities or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.



STANOLIND FIRE STATION
FINAL PLAT

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1



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

Stan Stant
County Clerk
Harris County, Texas

By: _____
Deputy

James C. Peyton, RPLS
Registered Professional Land Surveyor No. 4273

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

1 LOT

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER, 2014
SHEET 1 OF 1

FINAL PLAT

A 2.2277 ACRE TRACT OF LAND
BEING OUT OF A CALLED 28.25 ACRE TRACT RECORDED
UNDER HARRIS COUNTY CLERK'S FILE NO. Y632630
IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER: SURVEYOR / ENGINEER:

TEPPCO Crude Pipeline, L.P.
1021 Main Street #1150
Houston, TX 77002
Phone: (713) 533-4019
FAX: (713) 462-0983
Engineers • Surveyors • GIS
CLB, Inc.
19530 FM 362, Waller, Texas 77484
TBPES Form No. 10028600

SCALE: 1"=60'
OCTOBER

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-227**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a "Dance/Drama/Music School." The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

- Conduct Public Hearing on **ZONING CASE P14-227**

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

P14-227 Staff Report

Property Owner Notification Letter

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 8, 2014
&
CITY COUNCIL
DECEMBER 15, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 8, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 15, 2014, 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 P14-227: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

ZONING CASE P14-232: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

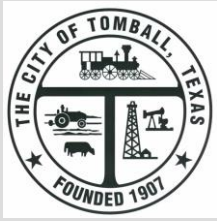
Persons interested in these cases will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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 4th day of December 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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: December 8, 2014

City Council Public Hearing Date: December 15, 2014

Rezoning Case: P14-227

Property Owner(s): Nancy Gomez Revocable Living Trust

Applicant(s): Nancy Gomez

Legal Description: Tract 42B, Tomball Outlots

Location: Between Ulrich Road and Rudolph Road, north of East Hufsmith Road (Exhibit "A")

Area: 2.46 acres

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

Present Zoning and Use: Single-Family Estate Residential-20 (SF-20) District (Exhibit "C") / Texas Star Gymnastics (Exhibit "D")

Proposed Use(s): Texas Star Gymnastics

Request: CUP to allow for an expansion of Texas Star Gymnastics

Adjacent Zoning & Land Uses:

North:	SF-20-E District / Vacant land and single-family residential
South:	SF-20-E District / City of Tomball Park (Jerry Matheson Park)
West:	SF-20-E District / Ulrich Road and City of Tomball Park (Juergens Park)
East:	SF-20-E District / Rudolph Road and vacant land

BACKGROUND

On May 12, 2014, City staff identified that an addition (Exhibit "D") had been constructed at the subject site without receiving permits from the City of Tomball. On May 13, 2014, Mike Dutka, an employee of the applicant, met with City staff to inquire how the situation could be rectified. City staff informed Mr. Dutka that the site was zoned SF-20 District and that the existing land use, Texas Star Gymnastics, was classified as a "Dance/Drama/Music School" per Section 50-82 of the Tomball Code of Ordinances which was not a permitted land use. As this land use classification was not a permitted use in the SF-20 District, Mr. Dutka was informed that no new construction could be permitted without first having the property rezoned to a district allowing this use by right. On May 14, 2014, the applicant turned in a rezoning application requesting the property be rezoned from the SF-20 District to the Commercial District. On July 21, 2014, Tomball City Council voted to deny the rezoning request but directed staff to propose a text amendment to allow the "Dance/Drama/Music School" land use with a CUP in the SF-20 District. The City Council directed text amendment was approved by City Council on second reading on October 6, 2014. On

October 22, 2014, Nancy Gomez submitted this CUP application (Exhibit “E”) and concept plan (Exhibit “F”) showing the awning described above.

ANALYSIS

According to Section 50-81 of the Tomball Code of Ordinances, when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as Low Density Residential which “includes residential development on minimum 20,000 square foot lots (approximately ½ acre) with the intent to provide for a larger lot development pattern. This designation may also include such supporting land uses as parks and recreational facilities, religious institutions, and schools to serve local residents.” The gymnastics school land use appears to be consistent with the Comprehensive Plan because it is permitted by CUP in the SF-20 District which is the district most compatible with the Low Density Residential classification.

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

According to Chapter 50 (Zoning) of the Tomball Code of Ordinances, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.” As shown below, the lot and awning are well in excess of the minimum development standards of the SF-20 District. As a result, the external effect of the awning on the existing and planned uses of adjoining property and neighborhood appear to be mitigated.

Development Standard	SF-20 District	Awning/Lot
Height	45' (max.)	10'
Lot Area	20,000 SF (min.)	107,000 SF
Lot Width	100' (min.)	126'
Lot Depth	150' (min.)	818'
Front Setback	35' (min.)	90' (Ulrich Rd.); 700' (Rudolph Rd.)
Side Setback	25' (min.)	40'

Additionally, there do not appear to be any adverse impacts of the existing gymnastics operations.

- 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Chapter 50 (Zoning) of the Tomball Code of Ordinances;**

Should the CUP application be approved, the applicant will be required to submit a full site plan application, and supporting documents, to the City for review and approval before construction. The awning shown on the concept plan appears to be generally consistent with Chapter 50 (Zoning) of the Tomball Code of Ordinances.

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

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood. The gymnastics school in general and the awning in particular are not out of character with the other sports and recreation land uses in the vicinity including Jerry Matheson Park, Juergens Park, Texas Prospects baseball academy, Wayne Stovall Park, and the future private tennis club to the east of Texas Prospects.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 27, 2014. No public comment forms have been received as of December 3, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-227, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F."

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

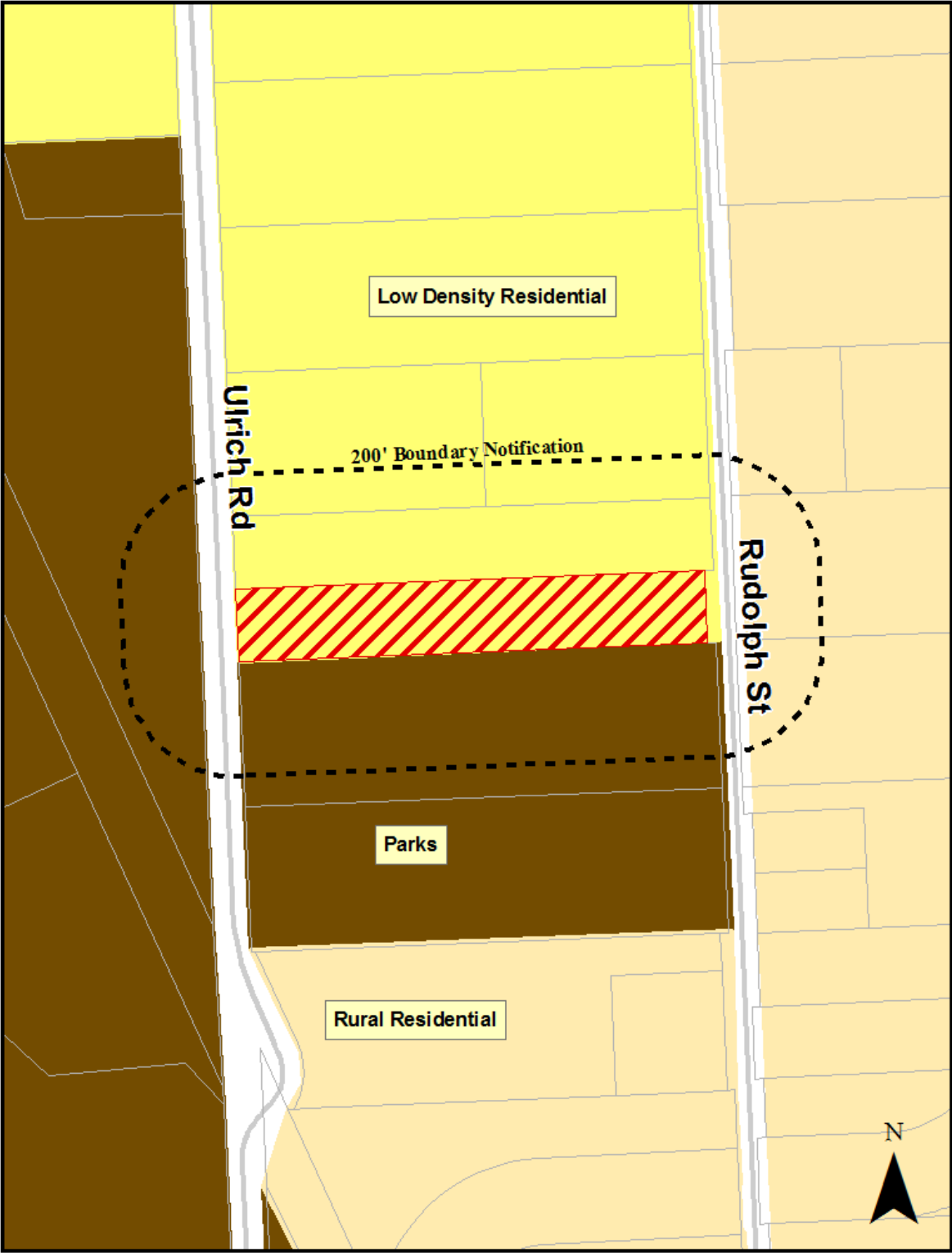
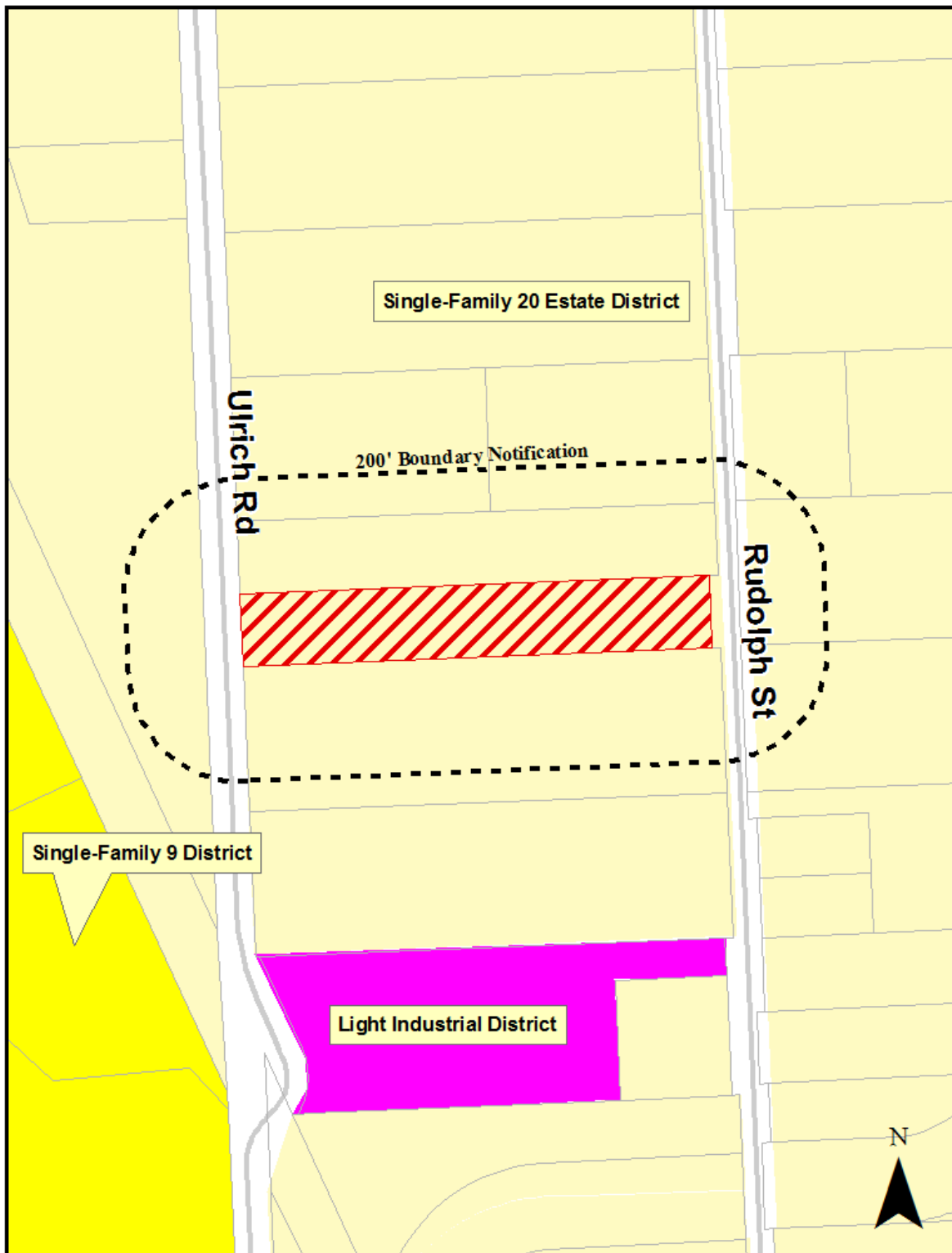


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Figure 1: Subject site.
Source: City of Tomball

Exhibit "E"
CUP Application



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department

814-227
Revised 1/20/09

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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: Nancy A. Gomez Title: President
Mailing Address: 1230 Ulrich Road City: Tomball State: Tx
Zip: 77375
Phone: (281) 255-9997 Fax: () Email: NGomez6883@sbcglobal.net

Owner

Name: Nancy A. Gomez Revocable Living Trust Title: President
Mailing Address: 32210 Spinnaker Run City: Magnolia State: Tx
Zip: 77354
Phone: (281) 734-2506 Fax: () N/A Email: NGomez6883@sbcglobal.net

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Metal Awning

Physical Location of Property: 1230 Ulrich Road Tomball
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 42B Tomball Outlets
[Survey Abstract No. and Tracts; or platted Subdivision Name with Lots Block]

HCAD Identification Number: 0352820000080 Acreage: 108,900 SF

Current Use of Property: Gymnastic School (Dance/Drama/Music Schools)

Proposed Use of Property: Gymnastic School (Dance/Drama/Music Schools)

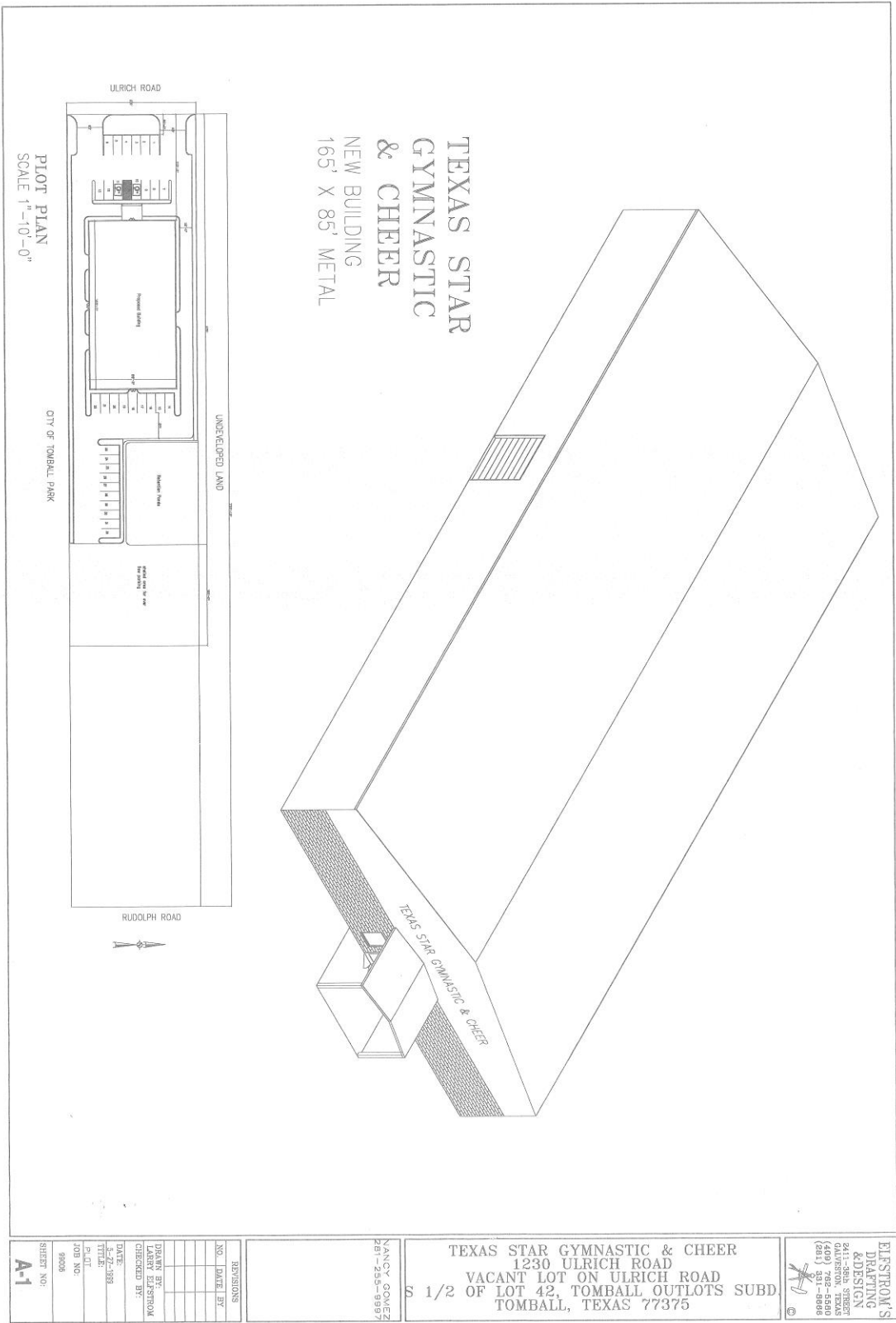
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

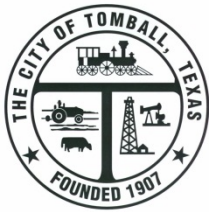
This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

x Nancy A. Gomez 10/21/14
Signature of Applicant Date

x Nancy A. Gomez 10/21/14
Signature of Owner Date

Exhibit "F" Concept Plan





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: P14-227

APPLICANT: Nancy Gomez

LOCATION: Between Ulrich Road and Rudolph Road, north of East Hufsmith Road

PROPOSAL: Request for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a "Dance/Drama/Music School." The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is located in the Single-Family Estate Residential-20 District.

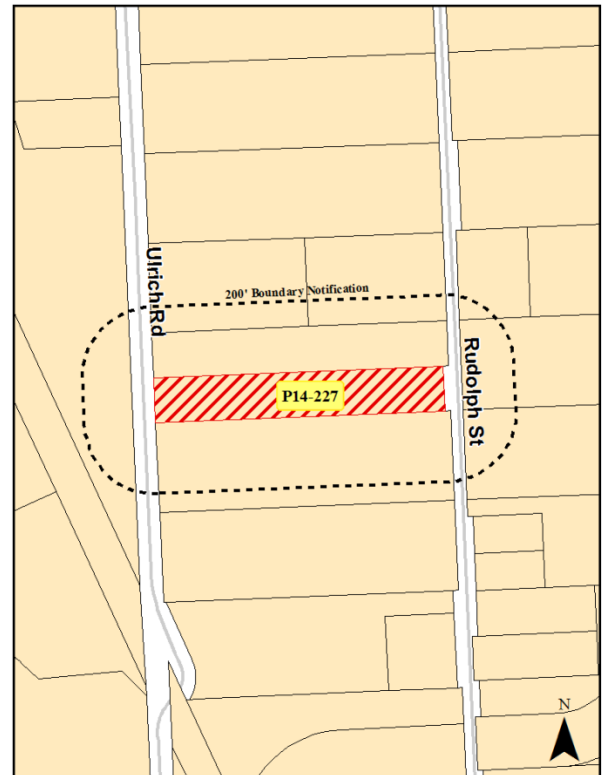
CONTACT: Rodney Schmidt

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 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.



**Planning & Zoning Commission
Public Hearing:
Monday, December 8, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, December 15, 2014, 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-232**: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P14-232**

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

P14-232 Staff Report

Property Owner Notification Letter

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 8, 2014
&
CITY COUNCIL
DECEMBER 15, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 8, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 15, 2014, 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 P14-227: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

ZONING CASE P14-232: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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.

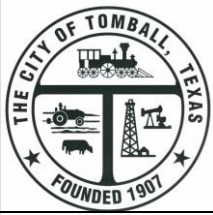
CERTIFICATION

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 4th day of December 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.



Rezoning Staff Report

Planning & Zoning Commission Hearing Date: December 8, 2014
City Council Public Hearing Date: December 15, 2014

Zoning Case: P14-232
Property Owner(s): Pamela Castelain
Applicant(s): Pamela Castelain
Legal Description: Tract 7D-3, Abstract 34, Joseph House Survey
Location: South of Baker Drive, west of State Highway 249 (Exhibit "A")
Area: 1.13 acres
Present Zoning and Use: Multifamily Residential (MF) District (Exhibit "B") / Undeveloped land (Exhibit "C")
Comp Plan Designation: Commercial (Exhibit "D")
Proposed Zoning and Use: Commercial District¹ / Any use permitted by right in the Commercial District
Adjacent Zoning and Use:
North: MF and Commercial Districts / Undeveloped land and a former motorsports sales and service facility
South: MF District / Apartment complex
West: MF District / Apartment complex
East: Commercial District / State Highway 249

BACKGROUND

On October 15, 2014, the property owner's land broker, Rich Norris, met with City staff to inquire about the property's zoning classification. City staff informed him that the property was zoned MF District and had a Comprehensive Plan land use designation of Commercial. Mr. Norris informed City staff that because the property had never been, was not currently, and was not anticipated to be used for multi-family purpose, the property owner would likely be requesting a rezoning. On October 29, 2014, the property owner turned in a rezoning application (Exhibit "E") requesting the property be rezoned from the MF District to the Commercial District.

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

ANALYSIS

The applicant is requesting that the property be rezoned from the MF 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 undeveloped land and former motorsports sales and service facility; to the south and west is an apartment complex; and to the east is State Highway 249. The uses permitted by the Commercial District appear to be compatible with the numerous non-residential uses to the north and south along State Highway 249. Additionally, the Commercial District appears to be compatible with the apartment complex to the south and west. The Commercial District establishes larger building setbacks when a use permitted in this district is constructed adjacent to single-family, duplex (two family), patio home, or single-family attached districts. The implication is that the Commercial District uses may be compatible when adjacent to these districts and uses with the establishment of larger building setbacks. The adjacent MF District and apartment complex use are not included in this list and are therefore considered to be generally compatible with the uses permitted in the Commercial District.

The MF and Commercial Districts are the predominant zoning classifications in the vicinity of the subject site, and nonresidential uses and zoning districts comprise the majority of the general FM 249 corridor. To the north are the MF and Commercial Districts; to the south and west is the MF District; and to the east is the Commercial District. As described above, the Commercial District appears to be compatible with the surrounding zoning classifications and uses.

The Comprehensive Plan designates the subject site as Commercial. According to the Comprehensive Plan, “Commercial is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional office uses such as physicians, accountants, or therapy offices would be permitted.” The Commercial District appears to be compatible with the Commercial 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 uses in the vicinity of the subject site.

- 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. There are currently water and natural gas available at this site but sanitary sewer will likely need to be extended to and through this site before development will be permitted to occur.

- 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 Commercial Comprehensive Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 27, 2014. No public comment forms have been received as of December 3, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-232.

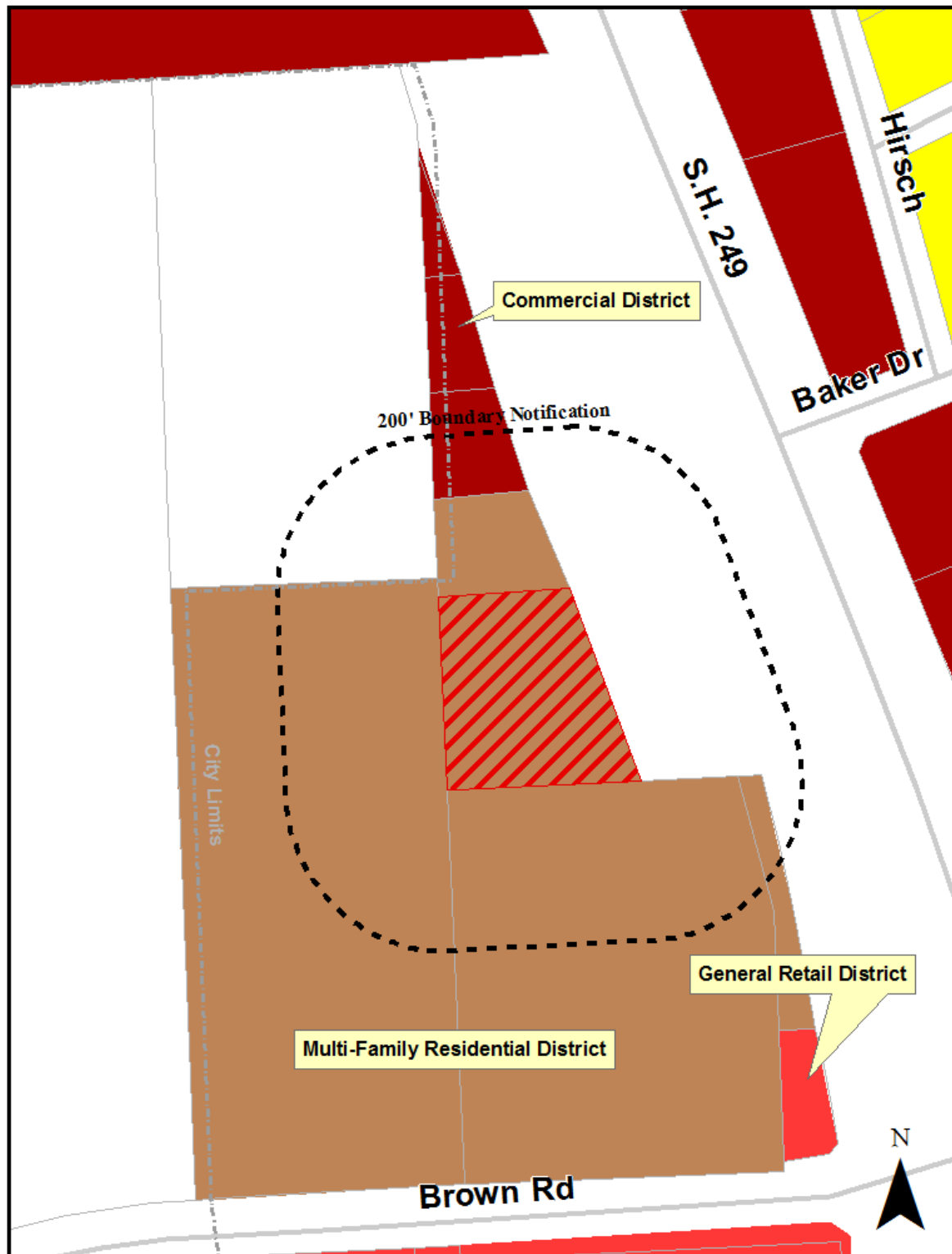
EXHIBITS

- 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: City of Tomball

Exhibit "D"
Comprehensive Plan Map

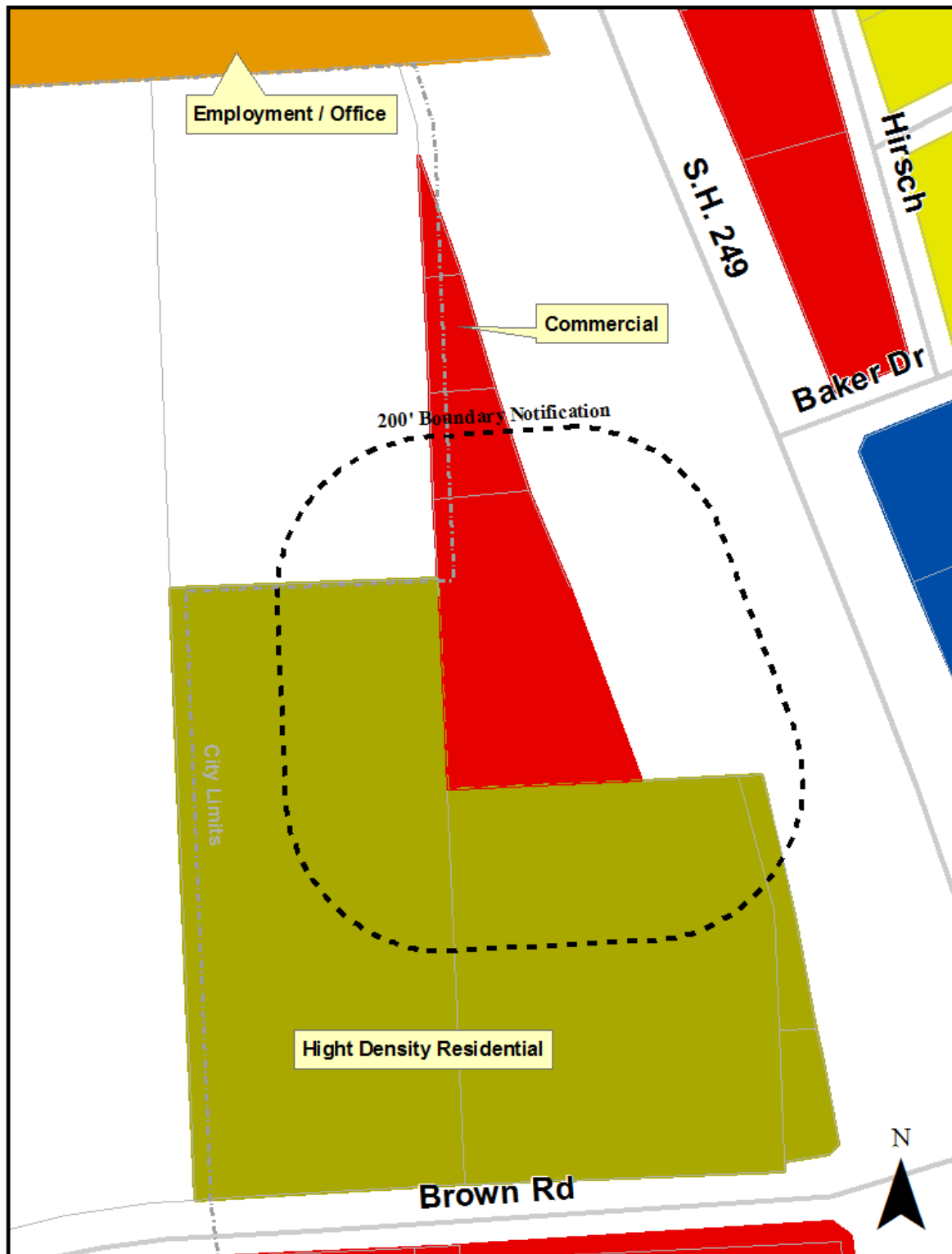


Exhibit "E"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: Pamela B. Castelain Title: Mrs.
Mailing Address: P.O. Box 4626 City: Huntsville State: AL
Zip: 35815
Phone: (256) 797-7770 Fax: (888) 453-5192 Email: pamelacastelain@gmail.com

Owner

Name: Pamela B. Castelain Title: Mrs.
Mailing Address: P.O. Box 4626 City: Huntsville State: AL
Zip: 35815
Phone: (256) 797-7770 Fax: (888) 453-5192 Email: pamelacastelain@gmail.com

Engineer/Surveyor (if applicable)

Name: Robert A. LaPlant, Jr. Title: Registered Land Surveyor, St. of TX
Mailing Address: 17150 Butte Creek Ste 135 City: Houston State: Texas
Zip: 77090
Phone: (281) 440-8890 Fax: () none Email: laplantsurveying@gmail.com

Description of Proposed Project: Commercial / restaurant / retail (site of Viewpoint Restaurant & retail bldg 1971-1997)

29903 & 29915 S.H. 249 (Tomball Parkway) - in front of traffic light at Baker Road; 1.1 miles north of FM 2920, and immediately south of Lone Star College, adjacent to Kawasaki store.

Physical Location of Property: Tract has 250+/- front feet along the west line of Highway 249, Tomball, TX.

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

1.1286 Ac. Tract in the J. House Survey, Abs. 34, Harris Co, TX, being a portion of that called 2.4506 ac.

Legal Description of Property: tract conveyed to Jacques Castelain, et ux in deed recorded under Harris Co Clerk's File Number F256163.

Ref.: Tr. 7D-3, TX DOT Tract "508" Remainder [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Multi-family Residential (recent zoning)

Current Use of Property: Vacant land since 1997 TX DOT taking of Viewpoint Restaurant & retail bldg.; awaiting highway construction.

Proposed Zoning District: Commercial

Proposed Use of Property: commercial (unknown at this time)

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

www.ci.tomball.tx.us

HCAD Identification Number: 040-270-0001-0417 Acreage: 1.1286 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.

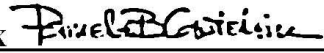
This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X 

October 28, 2014

Signature of Applicant

Date

X 

October 28, 2014

Signature of Owner

Date

Attachments include:

Nine pages including Letter from Owner, Survey, TXDOT plat, Metes & Bounds description, HCAD Owner & Property Information, 2013 Paid Property Tax Receipt, 2012 Paid Property Tax Receipt.

Ten Page Powerpoint containing the maps and description for Tract 7D-3, Abstract 34, J House Survey, 1.1286 acres, Harris County, Tomball, Texas. HCAD acct. no. 040-270-001-0417

City of Tomball
Planning & Zoning
Community Development Department
501 James Street,
Tomball, TX 77375
Attention: Rodney Schmidt, MPSA
Assistant City Planner

October 28, 2014

RE: 29903 & 29915 S.H. 249
TR7D-3 ABST 34 J House
(1.1286 acres including driveways)
HCAD #0402700010417
Owner: Pamela B Castelain

Dear Mr. Schmidt & Tomball City Planners:

I am the current owner of the subject property, and my late husband and I used to have our restaurant on the property (the Viewpoint Restaurant) from 1972-1997 as well as tenants in a smaller building at 29903 S.H. 249 as retail tenants. The 7,000 sq. ft. restaurant and smaller building were sold to the Texas DOT in a Condemnation proceeding in 1997 for the widening of S.H. 249.

It has come to my attention last week that our Remainder (TR 7D-3 ABST 34 J HOUSE 1.1286 ACRES) on SH 249 has been re-zoned to multi-family, probably due to the apartments behind us. However, we have only had a commercial business on our property, and our buildings had highway frontage adjacent to the Kawasaki store to the north. The Remainder has 205 +/- frontage feet on S.H. 249 with driveways by the TXDOT for access. Also, the HCAD Real Property Account Information shows our zoning as currently being "General Commercial Vacant".

It is my understanding that there will be a zoning hearing in December 8, 2014. Would it be possible for our land to be added to the hearing in order to correct the zoning from multi-family to commercial? I understand that the highway construction has started again, so we will want to move forward with putting our land to commercial use in preparation for the highway completion.

I appreciate your help in this matter.

Sincerely,



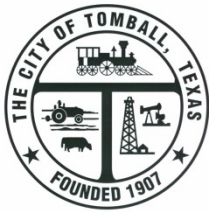
Pamela B. Castelain

Mailing address:

P. O. Box 4626, Huntsville, AL 35815

(256) 797-7770 (AL) & (239) 263-0026 (FL cell)

App.Docs. Page 1



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: P14-232

APPLICANT: Pamela Castelain

LOCATION: South of Baker Drive, west of State Highway 249

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, from the Multifamily Residential District to the Commercial District.

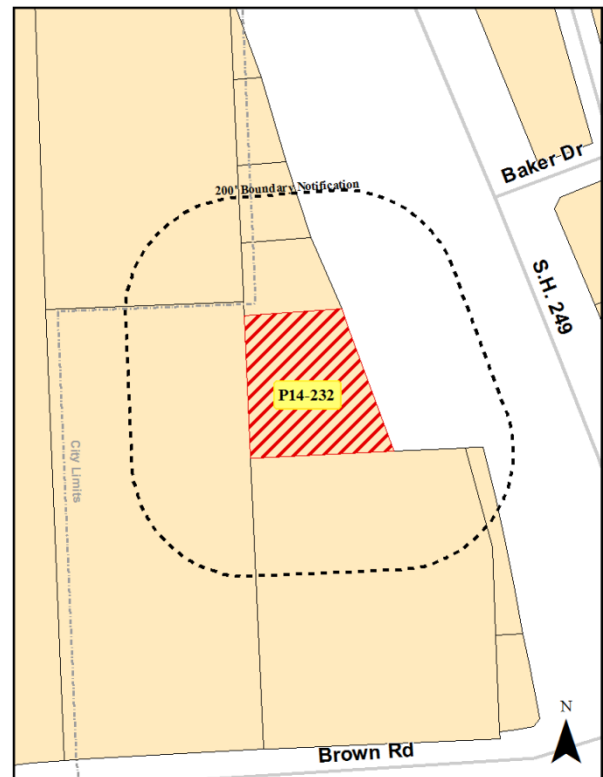
CONTACT: Rodney Schmidt

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 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.



**Planning & Zoning Commission
Public Hearing:
Monday, December 8, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, December 15, 2014, 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 8, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-239**: Request by the City of Tomball to amend Section 50-82(b) ("Use Charts") of the Tomball Code of Ordinances.

- Conduct Public Hearing on **ZONING CASE P14-239**

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

P14-239 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 8, 2014
&
CITY COUNCIL
DECEMBER 15, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 8, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 15, 2014, 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 P14-227: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

ZONING CASE P14-232: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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.

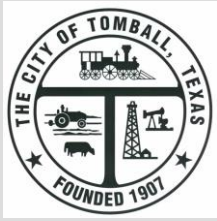
CERTIFICATION

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 4th day of December 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 & Zoning Commission Hearing Date: December 8, 2014

City Council Public Hearing Date: December 15, 2014

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

BACKGROUND

On October 20, 2014, City Council directed City staff to bring forward amendments to Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances to restrict certain transportation and auto service-related land uses in the Old Town & Mixed Use (OT&MU) District. The red text below are City staff’s recommendations for amending the “Transportation and Auto Services” section of the use chart.

ANALYSIS

Section 50-82(b) of the Tomball Code of Ordinances currently allows numerous transportation and auto service-related land uses in the OT&MU District by right and with a conditional use permit (CUP) that do not appear to be consistent with the intent of the district. The OT&MU District is intended to preserve and enhance the image, character, and unique qualities of the City's historic original business district. City staff has reviewed the transportation and auto service-related land uses and has proposed the following changes.

- Only allowing all-terrain vehicle sales, new and used auto dealers, motorcycle sales, and personal watercraft sales in the OT&MU District to be conducted indoors and with a CUP;
- Allowing auto rental only with a CUP in the OT&MU District; and
- Prohibiting auto storage/auction, bus or truck storage, truck and bus leasing, truck sales and service, and truck terminals entirely from the OT&MU District.

These changes appear to protect the unique character of the OT&MU District but also give the Planning & Zoning Commission and City Council the flexibility to determine the impact and feasibility of certain transportation and auto service-related land uses on a case-by-case basis through the CUP process.

PROPOSED AMENDMENTS

Section 50-82(b) (“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		
Transportation and Auto Services													
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display) ‡									P	P	P	P	1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)									P	P	P	C	1 space per 300 square feet
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡									P	P	P	P	See Section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)									P	P	P	C	See Section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡									C	P	P	P	See Section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display									C	P	P	C	See Section 50-112
Auto rental									P	P	P	P C	1 space per 200 square feet
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡									P	P	P	P	See Section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display									P	P	P	C	See Section 50-112
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display									P	P	P	P	See Section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display									P	P	P	C	See Section 50-112
Auto storage or auto auction ‡										C	P	E	1 space per 1,000 square feet
Bus or truck storage										P	P	E	1 space per 1,000 square feet
Truck and bus leasing ‡										P	P	E	1 space per 1,000 square feet
Truck sales and services (heavy trucks) ‡										P	P	E	1 space per 1,000 square feet
Truck terminal ‡										P	P	E	See Section 50-112

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on November 24, 2014. No public comment forms have been received as of December 3, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-239.