

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



**MONDAY, JULY 14, 2014**

**6:00 P.M.**

**Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, July 14, 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 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 June 9, 2014.

5.0 New Business:

- 5.1 Consideration to approve **ALEXANDER ESTATES PRELIMINARY PLAT**; A Subdivision of 70.3604 acres of land and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70, Harris County, Texas.
- 5.2 Consideration to approve **CAPPADONNA TRACTS**; A Subdivision of a 3.8897 acre tract; Being a Replat of Lot 1, Block 1 Stotts Tracts as recorded under Film Code No. 612089, Harris County Map Records situated in the Ralph Hubbard Survey A-383, Harris County, Texas.
- 5.3 Consideration to approve **SECOND REPLAT OF MARTIN MARIETTA SUBDIVISION**; Being a Subdivision of 29.5011 acres and being a Replat of Martin Marietta Subdivision Replat recorded under Film Code No. 645043 Harris County Map Records situated in the William Hurd Survey, Abstract 371 and the Jesse Pruett Survey Abstract 629, City of Tomball, Harris County, Texas.
- 5.4 Consideration to approve **VALUE BANK MAIN STREET - TOMBALL**; A Subdivision of 0.6322 acres out of Lots 1, 2, 3, and 14, Block 7 Main Street Addition, Volume 15, Page 43 HCMR Joseph House Survey, A-34, Tomball, Harris County, Texas.
- 5.5 Consideration to approve **LIVE OAK CENTER**; A Subdivision of land containing 0.3335 acre, more or less, being a Replat of all of Lot 4, the adjoining 3.30 feet of Lot 3, and the adjoining south 10' of a 200' wide alley, in Block 10, of Main Street Addition, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 15, Page 43 of the map records of Harris County, Texas.
- 5.6 Consideration to approve **COMPREHENSIVE PLAN CASE P14-087**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial.
  - Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P14-087**
- 5.7 Consideration to approve **ZONING CASE P14-088**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P14-088**

- 5.8 Consideration to approve **ZONING CASE P14-109**: Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P14-109**

- 5.9 Consideration to approve **COMPREHENSIVE PLAN CASE P14-118**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential & Business/Industrial to Medium Density Residential.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P14-118**

- 5.10 Consideration to approve **ZONING CASE P14-102**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Zoning Ordinance by rezoning approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Single-Family Residential-9 District.

- Conduct a Public Hearing on **ZONING CASE P14-102**

## 6.0 Adjournment

## CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of July 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](http://www.ci.tomball.tx.us).

Regular Planning and Zoning Commission  
Agenda Item  
Data Sheet

Meeting Date: July 14, 2014

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

Regular Planning and Zoning Commission  
Agenda Item  
Data Sheet

Meeting Date: July 14, 2014

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| APPROVAL<br><input type="checkbox"/> YES <input type="checkbox"/> NO | READINGS PASSED<br><input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> | OTHER |

# Regular Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: July 14, 2014

**Topic:**

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 9, 2014.

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

P&Z Regular Meeting Minutes 06.09.14

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

**MONDAY, JUNE 9, 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 Torres  
Commissioner Anderson  
Commissioner Byrd  
Commissioner Roquemore

Others present:

Director of Community Development – Craig Meyers  
City Engineer – Lori Lakatos  
Senior Administrative Assistant – Brandy Harbolt  
City Attorney – Loren Smith

**Draft**

**1.1 Election of Chair and Vice Chair:**

Chair Tague requested nominations for Chair.

Commissioner Torres nominated herself for Chair  
Commissioner Byrd nominated Commissioner Tague for Chair.

Commissioner Roquemore made a motion that nominations cease; second by Commissioner Anderson.

Vote for Commissioner Torres as Chair Failed, 2-3.

Vote for Commissioner Tague as Chair Passed, 3-2.

Commissioner Tague is elected Chair.

Chair Tague requested nominations for Vice Chair.

Commissioner Tague nominated Darrell Roquemore as Vice Chair.

Commissioner Byrd made a motion that nominations cease; second by Commissioner Torres.

Commissioner Roquemore is elected Vice Chair.

Barbara Tague and Darrell Roquemore assumed positions on the dais and the following items were considered:

2.0 No Public Comments were received.

3.0 No Reports or Announcements were received.

4.0 Motion was made by Commissioner Torres, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of May 12, 2014.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve **FIRST PRESBYTERIAN CHURCH OF TOMBALL**; A Subdivision of 2.7578 acres of land situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas; Being a Replat of Unrestricted Tract "B" and Lots 13, 14, 15, and 16, Block 3, Replat Revision 1, 9-29-78, Tomball Hills Addition, Volume 279, Page 111, M.R.H.C., 1 Lot, 1 Block.

Lori Lakatos, City Engineer presented comments and recommendations.

Church Member, Jim Rhinehardtson of 17340 Horseshoe Bend spoke regarding the request.

The Public Hearing was opened by Chair Tague at 6:08 p.m.

Bob Anderson of 31126 Antonia Ln. spoke in opposition.

Mary Whitaker of 404 Baker spoke in favor.

Ken Birchfield of 3122 Antonia Ln. spoke in opposition.

Paul Hurst of 903 Tall Pines spoke in favor.

Dennis Bell of 31215 Antonia Ln. spoke in favor.

Mary McKenzie, surveyor spoke on behalf of the request.

Motion was made by Commissioner Torres, second by Commissioner Roquemore, to approve **FIRST PRESBYTERIAN CHURCH OF TOMBALL**.

Motion carried unanimously, 5-0.

- 5.2 Consideration to approve **JTS SUBDIVISION PRELIMINARY PLAT**; Being a Subdivision of 6.4483 acres of land situated in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 6.598 acres as described in deed recorded in Clerk's File Number S026292 of the Real Property Records of Harris County, Texas.

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Byrd, to approve **JTS SUBDIVISION PRELIMINARY PLAT**, with contingencies.

Motion carried unanimously, 5-0.

- 5.3 Consideration to approve **ALEXANDER ESTATES PRELIMINARY PLAT**; A Subdivision of 70.3574 acres of land and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70, Harris County, Texas.

Lori Lakatos, City Engineer announced that the Alexander Estates Preliminary Plat was pulled from the agenda at the applicant's request. No action necessary.

- 5.4 Receipt of Capital Projects Comments and Recommendations from the Planning and Zoning Commission for City Manager Consideration regarding Budget of Five Year CIP 2015-2019.

Lori Lakatos, City Engineer, provided a review and presentation of the five-year CIP for 2015 – 2019.

Chair Tague requested modifications to two items within the proposed five-year CIP.

Motion was made by Commissioner Anderson; second by Commissioner Byrd to approve the five-year CIP for 2015 – 2019.

Motion carried unanimously, 5-0.

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

Motion carried unanimously, 5-0.

Meeting adjourned at 6:47 p.m.

PASSED AND APPROVED this 14th day of July 2014.

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Brandy Harbolt  
P&Z Commission Secretary

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Barbara Tague  
Chairman

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **ALEXANDER ESTATES PRELIMINARY PLAT**; A Subdivision of 70.3604 acres of land and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70, Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

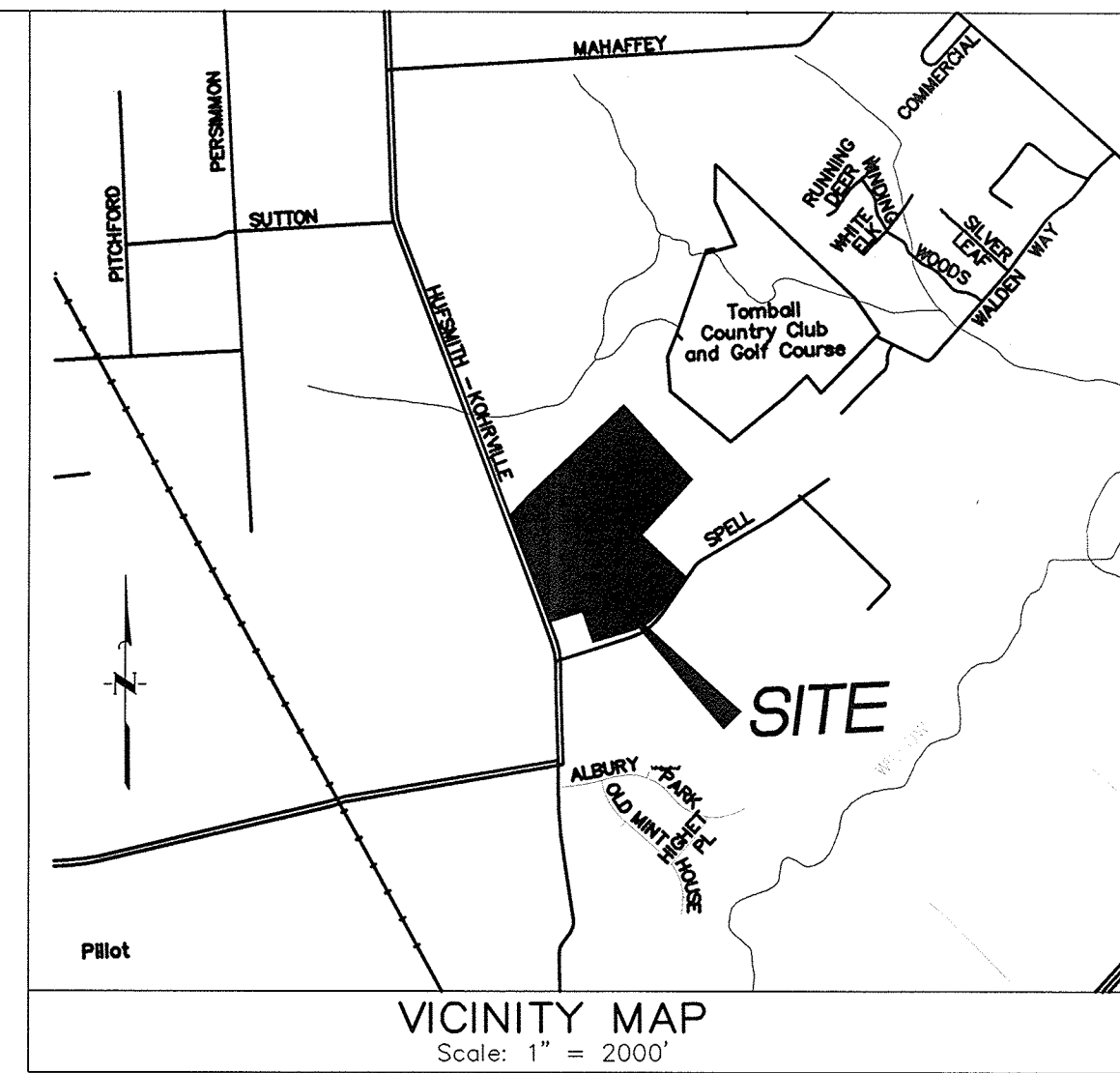
Alexander Estates Preliminary Plat

**A** RESTRICTED RESERVE "A"  
Restricted to Landscape, Open Space  
& Incidental Utility Purposes Only  
1.03 Acres  
45,091 Sq Ft

**B** RESTRICTED RESERVE "B"  
Restricted to Landscape, Open Space  
& Incidental Utility Purposes Only  
.88 Acres  
38,662 Sq Ft

**C** RESTRICTED RESERVE "C"  
Restricted to Drainage, Detention, Landscape, Open Space  
& Incidental Utility Purposes Only  
8.12 Acres  
353,251 Sq Ft

**D** RESTRICTED RESERVE "D"  
Restricted to approved fire Apparatus  
access Only  
.26 Acres  
11,354 Sq Ft



| CURVE | ARC LENGTH | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1    | 379.68'    | 579.03' | 137°34'11"  | S 56°12'14" W | 372.91'      |

LOT SIZES

|          |               |            |     |               |            |
|----------|---------------|------------|-----|---------------|------------|
| RESERVES |               |            | 66  | 1,300.00 S.F. | 0.0300 AC. |
| 1        | 1,300.00 S.F. | 0.0300 AC. | 67  | 1,300.00 S.F. | 0.0300 AC. |
| 2        | 1,300.00 S.F. | 0.0300 AC. | 68  | 1,300.00 S.F. | 0.0300 AC. |
| 3        | 1,300.00 S.F. | 0.0300 AC. | 69  | 1,300.00 S.F. | 0.0300 AC. |
| 4        | 1,300.00 S.F. | 0.0300 AC. | 70  | 1,300.00 S.F. | 0.0300 AC. |
| 5        | 1,300.00 S.F. | 0.0300 AC. | 71  | 1,300.00 S.F. | 0.0300 AC. |
| 6        | 1,300.00 S.F. | 0.0300 AC. | 72  | 1,300.00 S.F. | 0.0300 AC. |
| 7        | 1,300.00 S.F. | 0.0300 AC. | 73  | 1,300.00 S.F. | 0.0300 AC. |
| 8        | 1,300.00 S.F. | 0.0300 AC. | 74  | 1,300.00 S.F. | 0.0300 AC. |
| 9        | 1,300.00 S.F. | 0.0300 AC. | 75  | 1,300.00 S.F. | 0.0300 AC. |
| 10       | 1,300.00 S.F. | 0.0300 AC. | 76  | 1,300.00 S.F. | 0.0300 AC. |
| 11       | 1,300.00 S.F. | 0.0300 AC. | 77  | 1,300.00 S.F. | 0.0300 AC. |
| 12       | 1,300.00 S.F. | 0.0300 AC. | 78  | 1,300.00 S.F. | 0.0300 AC. |
| 13       | 1,300.00 S.F. | 0.0300 AC. | 79  | 1,300.00 S.F. | 0.0300 AC. |
| 14       | 1,300.00 S.F. | 0.0300 AC. | 80  | 1,300.00 S.F. | 0.0300 AC. |
| 15       | 1,300.00 S.F. | 0.0300 AC. | 81  | 1,300.00 S.F. | 0.0300 AC. |
| 16       | 1,300.00 S.F. | 0.0300 AC. | 82  | 1,300.00 S.F. | 0.0300 AC. |
| 17       | 1,300.00 S.F. | 0.0300 AC. | 83  | 1,300.00 S.F. | 0.0300 AC. |
| 18       | 1,300.00 S.F. | 0.0300 AC. | 84  | 1,300.00 S.F. | 0.0300 AC. |
| 19       | 1,300.00 S.F. | 0.0300 AC. | 85  | 1,300.00 S.F. | 0.0300 AC. |
| 20       | 1,300.00 S.F. | 0.0300 AC. | 86  | 1,300.00 S.F. | 0.0300 AC. |
| 21       | 1,300.00 S.F. | 0.0300 AC. | 87  | 1,300.00 S.F. | 0.0300 AC. |
| 22       | 1,300.00 S.F. | 0.0300 AC. | 88  | 1,300.00 S.F. | 0.0300 AC. |
| 23       | 1,300.00 S.F. | 0.0300 AC. | 89  | 1,300.00 S.F. | 0.0300 AC. |
| 24       | 1,300.00 S.F. | 0.0300 AC. | 90  | 1,300.00 S.F. | 0.0300 AC. |
| 25       | 1,300.00 S.F. | 0.0300 AC. | 91  | 1,300.00 S.F. | 0.0300 AC. |
| 26       | 1,300.00 S.F. | 0.0300 AC. | 92  | 1,300.00 S.F. | 0.0300 AC. |
| 27       | 1,300.00 S.F. | 0.0300 AC. | 93  | 1,300.00 S.F. | 0.0300 AC. |
| 28       | 1,300.00 S.F. | 0.0300 AC. | 94  | 1,300.00 S.F. | 0.0300 AC. |
| 29       | 1,300.00 S.F. | 0.0300 AC. | 95  | 1,300.00 S.F. | 0.0300 AC. |
| 30       | 1,300.00 S.F. | 0.0300 AC. | 96  | 1,300.00 S.F. | 0.0300 AC. |
| 31       | 1,300.00 S.F. | 0.0300 AC. | 97  | 1,300.00 S.F. | 0.0300 AC. |
| 32       | 1,300.00 S.F. | 0.0300 AC. | 98  | 1,300.00 S.F. | 0.0300 AC. |
| 33       | 1,300.00 S.F. | 0.0300 AC. | 99  | 1,300.00 S.F. | 0.0300 AC. |
| 34       | 1,300.00 S.F. | 0.0300 AC. | 100 | 1,300.00 S.F. | 0.0300 AC. |
| 35       | 1,300.00 S.F. | 0.0300 AC. | 101 | 1,300.00 S.F. | 0.0300 AC. |
| 36       | 1,300.00 S.F. | 0.0300 AC. | 102 | 1,300.00 S.F. | 0.0300 AC. |
| 37       | 1,300.00 S.F. | 0.0300 AC. | 103 | 1,300.00 S.F. | 0.0300 AC. |
| 38       | 1,300.00 S.F. | 0.0300 AC. | 104 | 1,300.00 S.F. | 0.0300 AC. |
| 39       | 1,300.00 S.F. | 0.0300 AC. | 105 | 1,300.00 S.F. | 0.0300 AC. |
| 40       | 1,300.00 S.F. | 0.0300 AC. | 106 | 1,300.00 S.F. | 0.0300 AC. |
| 41       | 1,300.00 S.F. | 0.0300 AC. | 107 | 1,300.00 S.F. | 0.0300 AC. |
| 42       | 1,300.00 S.F. | 0.0300 AC. | 108 | 1,300.00 S.F. | 0.0300 AC. |
| 43       | 1,300.00 S.F. | 0.0300 AC. | 109 | 1,300.00 S.F. | 0.0300 AC. |
| 44       | 1,300.00 S.F. | 0.0300 AC. | 110 | 1,300.00 S.F. | 0.0300 AC. |
| 45       | 1,300.00 S.F. | 0.0300 AC. | 111 | 1,300.00 S.F. | 0.0300 AC. |
| 46       | 1,300.00 S.F. | 0.0300 AC. | 112 | 1,300.00 S.F. | 0.0300 AC. |
| 47       | 1,300.00 S.F. | 0.0300 AC. | 113 | 1,300.00 S.F. | 0.0300 AC. |
| 48       | 1,300.00 S.F. | 0.0300 AC. | 114 | 1,300.00 S.F. | 0.0300 AC. |
| 49       | 1,300.00 S.F. | 0.0300 AC. | 115 | 1,300.00 S.F. | 0.0300 AC. |
| 50       | 1,300.00 S.F. | 0.0300 AC. | 116 | 1,300.00 S.F. | 0.0300 AC. |
| 51       | 1,300.00 S.F. | 0.0300 AC. | 117 | 1,300.00 S.F. | 0.0300 AC. |
| 52       | 1,300.00 S.F. | 0.0300 AC. | 118 | 1,300.00 S.F. | 0.0300 AC. |
| 53       | 1,300.00 S.F. | 0.0300 AC. | 119 | 1,300.00 S.F. | 0.0300 AC. |
| 54       | 1,300.00 S.F. | 0.0300 AC. | 120 | 1,300.00 S.F. | 0.0300 AC. |
| 55       | 1,300.00 S.F. | 0.0300 AC. | 121 | 1,300.00 S.F. | 0.0300 AC. |
| 56       | 1,300.00 S.F. | 0.0300 AC. | 122 | 1,300.00 S.F. | 0.0300 AC. |
| 57       | 1,300.00 S.F. | 0.0300 AC. | 123 | 1,300.00 S.F. | 0.0300 AC. |
| 58       | 1,300.00 S.F. | 0.0300 AC. | 124 | 1,300.00 S.F. | 0.0300 AC. |
| 59       | 1,300.00 S.F. | 0.0300 AC. | 125 | 1,300.00 S.F. | 0.0300 AC. |
| 60       | 1,300.00 S.F. | 0.0300 AC. | 126 | 1,300.00 S.F. | 0.0300 AC. |
| 61       | 1,300.00 S.F. | 0.0300 AC. | 127 | 1,300.00 S.F. | 0.0300 AC. |
| 62       | 1,300.00 S.F. | 0.0300 AC. | 128 | 1,300.00 S.F. | 0.0300 AC. |
| 63       | 1,300.00 S.F. | 0.0300 AC. | 129 | 1,300.00 S.F. | 0.0300 AC. |
| 64       | 1,300.00 S.F. | 0.0300 AC. | 130 | 1,300.00 S.F. | 0.0300 AC. |
| 65       | 1,300.00 S.F. | 0.0300 AC. | 131 | 1,300.00 S.F. | 0.0300 AC. |
| 66       | 1,300.00 S.F. | 0.0300 AC. | 132 | 1,300.00 S.F. | 0.0300 AC. |
| 67       | 1,300.00 S.F. | 0.0300 AC. | 133 | 1,300.00 S.F. | 0.0300 AC. |
| 68       | 1,300.00 S.F. | 0.0300 AC. | 134 | 1,300.00 S.F. | 0.0300 AC. |
| 69       | 1,300.00 S.F. | 0.0300 AC. | 135 | 1,300.00 S.F. | 0.0300 AC. |
| 70       | 1,300.00 S.F. | 0.0300 AC. | 136 | 1,300.00 S.F. | 0.0300 AC. |
| 71       | 1,300.00 S.F. | 0.0300 AC. | 137 | 1,300.00 S.F. | 0.0300 AC. |
| 72       | 1,300.00 S.F. | 0.0300 AC. | 138 | 1,300.00 S.F. | 0.0300 AC. |
| 73       | 1,300.00 S.F. | 0.0300 AC. | 139 | 1,300.00 S.F. | 0.0300 AC. |
| 74       | 1,300.00 S.F. | 0.0300 AC. | 140 | 1,300.00 S.F. | 0.0300 AC. |
| 75       | 1,300.00 S.F. | 0.0300 AC. | 141 | 1,300.00 S.F. | 0.0300 AC. |
| 76       | 1,300.00 S.F. | 0.0300 AC. | 142 | 1,300.00 S.F. | 0.0300 AC. |
| 77       | 1,300.00 S.F. | 0.0300 AC. | 143 | 1,300.00 S.F. | 0.0300 AC. |
| 78       | 1,300.00 S.F. | 0.0300 AC. | 144 | 1,300.00 S.F. | 0.0300 AC. |
| 79       | 1,300.00 S.F. | 0.0300 AC. | 145 | 1,300.00 S.F. | 0.0300 AC. |
| 80       | 1,300.00 S.F. | 0.0300 AC. | 146 | 1,300.00 S.F. | 0.0300 AC. |
| 81       | 1,300.00 S.F. | 0.0300 AC. | 147 | 1,300.00 S.F. | 0.0300 AC. |
| 82       | 1,300.00 S.F. | 0.0300 AC. | 148 | 1,300.00 S.F. | 0.0300 AC. |
| 83       | 1,300.00 S.F. | 0.0300 AC. | 149 | 1,300.00 S.F. | 0.0300 AC. |
| 84       | 1,300.00 S.F. | 0.0300 AC. | 150 | 1,300.00 S.F. | 0.0300 AC. |
| 85       | 1,300.00 S.F. | 0.0300 AC. | 151 | 1,300.00 S.F. | 0.0300 AC. |
| 86       | 1,300.00 S.F. | 0.0300 AC. | 152 | 1,300.00 S.F. | 0.0300 AC. |
| 87       | 1,300.00 S.F. | 0.0300 AC. | 153 | 1,300.00 S.F. | 0.0300 AC. |
| 88       | 1,300.00 S.F. | 0.0300 AC. | 154 | 1,300.00 S.F. | 0.0300 AC. |
| 89       | 1,300.00 S.F. | 0.0300 AC. | 155 | 1,300.00 S.F. | 0.0300 AC. |
| 90       | 1,300.00 S.F. | 0.0300 AC. | 156 | 1,300.00 S.F. | 0.0300 AC. |
| 91       | 1,300.00 S.F. | 0.0300 AC. | 157 | 1,300.00 S.F. | 0.0300 AC. |
| 92       | 1,300.00 S.F. | 0.0300 AC. | 158 | 1,300.00 S.F. | 0.0300 AC. |
| 93       | 1,300.00 S.F. | 0.0300 AC. | 159 | 1,300.00 S.F. | 0.0300 AC. |
| 94       | 1,300.00 S.F. | 0.0300 AC. | 160 | 1,300.00 S.F. | 0.0300 AC. |
| 95       | 1,300.00 S.F. | 0.0300 AC. | 161 | 1,300.00 S.F. | 0.0300 AC. |
| 96       | 1,300.00 S.F. | 0.0300 AC. | 162 | 1,300.00 S.F. | 0.0300 AC. |
| 97       | 1,300.00 S.F. | 0.0300 AC. | 163 | 1,300.00 S.F. | 0.0300 AC. |
| 98       | 1,300.00 S.F. | 0.0300 AC. | 164 | 1,300.00 S.F. | 0.0300 AC. |
| 99       | 1,300.00 S.F. | 0.0300 AC. | 165 | 1,300.00 S.F. | 0.0300 AC. |
| 100      | 1,300.00 S.F. | 0.0300 AC. | 166 | 1,300.00 S.F. | 0.0300 AC. |
| 101      | 1,300.00 S.F. | 0.0300 AC. | 167 | 1,300.00 S.F. | 0.0300 AC. |
| 102      | 1,300.00 S.F. | 0.0300 AC. | 168 | 1,300.00 S.F. | 0.0300 AC. |
| 103      | 1,300.00 S.F. | 0.0300 AC. | 169 | 1,300.00 S.F. | 0.0300 AC. |
| 104      | 1,300.00 S.F. | 0.0300 AC. | 170 | 1,300.00 S.F. | 0.0300 AC. |
| 105      | 1,300.00 S.F. | 0.0300 AC. | 171 | 1,300.00 S.F. | 0.0300 AC. |
| 106      | 1,300.00 S.F. | 0.0300 AC. | 172 | 1,300.00 S.F. | 0.0300 AC. |
| 107      | 1,300.00 S.F. | 0.0300 AC. | 173 | 1,300.00 S.F. | 0.0300 AC. |
| 108      | 1,300.00 S.F. | 0.0300 AC. | 174 | 1,300.00 S.F. | 0.0300 AC. |
| 109      | 1,300.00 S.F. | 0.0300 AC. | 175 | 1,300.00 S.F. | 0.0300 AC. |
| 110      | 1,300.00 S.F. | 0.0300 AC. | 176 | 1,300.00 S.F. | 0.0300 AC. |
| 111      | 1,300.00 S.F. | 0.0300 AC. | 177 | 1,300.00 S.F. | 0.0300 AC. |
| 112      | 1,300.00 S.F. | 0.0300 AC. | 178 | 1,300.00 S.F. | 0.0300 AC. |
| 113      | 1,300.00 S.F. | 0.0300 AC. | 179 | 1,300.00 S.F. | 0.0300 AC. |
| 114      | 1,300.00 S.F. | 0.0300 AC. | 180 | 1,300.00 S.F. | 0.0300 AC. |
| 115      | 1,300.00 S.F. | 0.0300 AC. | 181 | 1,300.00 S.F. | 0.0300 AC. |
| 116      | 1,300.00 S.F. | 0.0300 AC. | 182 | 1,300.00 S.F. | 0.0300 AC. |
| 117      | 1,300.00 S.F. | 0.0300 AC. | 183 | 1,300.00 S.F. | 0.0300 AC. |
| 118      | 1,300.00 S.F. | 0.0300 AC. | 184 | 1,300.00 S.F. | 0.0300 AC. |
| 119      | 1,300.00 S.F. | 0.0300 AC. | 185 | 1,300.00 S.F. | 0.0300 AC. |
| 120      | 1,300.00 S.F. | 0.0300 AC. | 186 | 1,300.00 S.F. | 0.0300 AC. |
| 121      | 1,300.00 S.F. | 0.0300 AC. | 187 | 1,300.00 S.F. | 0.0300 AC. |
| 122      | 1,300.00 S.F. | 0.0300 AC. | 188 | 1,300.00 S.F. | 0.0300 AC. |
| 123      | 1,300.00 S.F. | 0.0300 AC. | 189 | 1,300.00 S.F. | 0.0300 AC. |
| 124      | 1,300.00 S.F. | 0.0300 AC. | 190 | 1,300.00 S.F. | 0.0300 AC. |
| 125      | 1,300.00 S.F. | 0.0300 AC. | 191 | 1,300.00 S.F. | 0.0300 AC. |
| 126      | 1,300.00 S.F. | 0.0300 AC. | 192 | 1,300.00 S.F. | 0.0300 AC. |
| 127      | 1,300.00 S.F. | 0.0300 AC. | 193 | 1,300.00 S.F. | 0.0300 AC. |
| 128      | 1,300.00 S.F. | 0.0300 AC. | 194 | 1,300.00 S.F. | 0.0300 AC. |
| 129      | 1,300.00 S.F. | 0.0300 AC. | 195 | 1,300.00 S.F. | 0.0300 AC. |
| 130      | 1,300.00 S.F. | 0.0300 AC. | 196 | 1,300.00 S.F. | 0.0300 AC. |
| 131      | 1,300.00 S.F. | 0.0300 AC. | 197 | 1,300.00 S.F. | 0.0300 AC. |
| 132      | 1,300.00 S.F. | 0.0300 AC. | 198 | 1,300.00 S.F. | 0.0300 AC. |
| 133      | 1,300.00 S.F. | 0.0300 AC. | 199 | 1,300.00 S.F. | 0.0300 AC. |
| 134      | 1,300.00 S.F. | 0.0300 AC. | 200 | 1,300.00 S.F. | 0.0300 AC. |
| 135      | 1,300.00 S.F. | 0.0300 AC. | 201 | 1,300.00 S.F. | 0.0300 AC. |
| 136      | 1,300.00 S.F. | 0.0300 AC. | 202 | 1,300.00 S.F. | 0.0300 AC. |
| 137      | 1,300.00 S.F. | 0.0300 AC. | 203 | 1,300.00 S.F. | 0.0300 AC. |
| 138      | 1,300.00 S.F. | 0.0300 AC. | 204 | 1,300.00 S.F. | 0.0300 AC. |
| 139      | 1,300.00 S.F. | 0.0300 AC. | 205 | 1,300.00 S.F. | 0.0300 AC. |
| 140      | 1,300.00 S.F. | 0.0300 AC. | 206 | 1,300.00 S.F. | 0.0300 AC. |
| 141      | 1,300.00 S.F. | 0.0300 AC. | 207 | 1,300.00 S.F. | 0.0300 AC. |
| 142      | 1,300.00 S.F. | 0.0300 AC. | 208 | 1,300.00 S.F. | 0.0300 AC. |
| 143      | 1,300.00 S.F. | 0.0300 AC. | 209 | 1,300.00 S.F. | 0.0300 AC. |
| 144      | 1,300.00 S.F. | 0.0300 AC. | 210 | 1,300.00 S.F. | 0.0300 AC. |
| 145      | 1,300.00 S.F. | 0.0300 AC. | 211 | 1,300.00 S.F. | 0.0300 AC. |
| 146      | 1,300.00 S.F. | 0.0300 AC. | 212 | 1,300.00 S.F. | 0.0300 AC. |
| 147      | 1,300.00 S.F. | 0.0300 AC. | 213 | 1,300.00 S.F. | 0.0300 AC. |
| 148      | 1,300.00 S.F. | 0.0300 AC. | 214 | 1,300.00 S.F. | 0.0300 AC. |
| 149      | 1,300.00 S.F. | 0.0300 AC. | 215 | 1,300.00 S.F. | 0.0300 AC. |
| 150      | 1,300.00 S.F. | 0.0300 AC. | 216 | 1,300.00 S.F. | 0.0300 AC. |
| 151      | 1,300.00 S.F. | 0.0300 AC. | 217 | 1,300.00 S.F. | 0.0300 AC. |
| 152      | 1,300.00 S.F. | 0.0300 AC. | 218 | 1,300.00 S.F. | 0.0300 AC. |
| 153      | 1,300.00 S.F. | 0.0300 AC. | 219 | 1,300.00 S.F. | 0.0300 AC. |
| 154      | 1,300.00 S.F. | 0.0300 AC. | 220 | 1,300.00 S.F. | 0.0300 AC. |
| 155      | 1,300.00 S.F. | 0.0300 AC. | 221 | 1,300.00 S.F. | 0.0300 AC. |
| 156      | 1,300.00 S.F. | 0.0300 AC. | 222 | 1,300.00 S.F. | 0.0300 AC. |
| 157      | 1,300.00 S.F. | 0.0300 AC. | 223 | 1,300.00 S.F. | 0.0300 AC. |
| 158      | 1,300.00 S.F. | 0.0300 AC. | 224 | 1,300.00 S.F. | 0.0300 AC. |
| 159      | 1,300.00 S.F. | 0.0300 AC. | 225 | 1,300.00 S.F. | 0.0300 AC. |
| 160      | 1,300.00 S.F. | 0.0300 AC. | 226 | 1,300.00 S.F. | 0.0300 AC. |
| 161      | 1,300.00 S.F. | 0.0300 AC. | 227 | 1,300.00 S.F. | 0.0300 AC. |
| 162      | 1,300.00 S.F. | 0.0300 AC. | 228 | 1,300.00 S.F. | 0.0300 AC. |
| 163      | 1,300.00 S.F. | 0.0300 AC. | 229 | 1,300.00 S.F. | 0.0300 AC. |
| 164      | 1,300.00 S.F. | 0.0300 AC. | 230 | 1,300.00 S.F. | 0.0300 AC. |
| 165      | 1,300.00 S.F. | 0.0300 AC. | 231 | 1,300.00 S.F. | 0.0300 AC. |
| 166      | 1,300.00 S.F. | 0.0300 AC. | 232 | 1,300.00 S.F. | 0.0300 AC. |
| 167      | 1,300.00 S.F. | 0.0300 AC. | 233 | 1,300.00 S.F. | 0.0300 AC. |
| 168      | 1,300.00 S.F. | 0.0300 AC. | 234 | 1,300.00 S.F. | 0.0300 AC. |
| 169      | 1,300.00 S.F. | 0.0300 AC. | 235 |               |            |

- NOTES:**
- All oil, gas or pipeline easements with ownership through the subdivision have been shown.
  - All oil, gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
  - No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low 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.
  - Building permits will not be issued for more than 30 single family homes, until an approved street or easement is constructed in accordance with city standards on this plat.

Flood Information:  
According to FEMA Form Panel No.4820100230L (Effective Date June, 18, 2014 ), this property is in: Unshaded Zone  
"X" on this plat is not within in the 0.2% Annual Chance Flood Plain or According to FEMA Form

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.

I, RONALD L. HAUCK, 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.



Ronald L. Hauck  
Texas Registration No. 5343

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

GEORGE SHACKELFORD  
CITY MANAGER

LORI LAKATOS, P.E. C.F.M.  
CITY ENGINEER

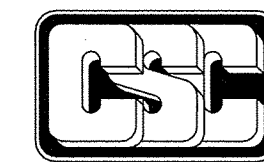
THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS DAY OF \_\_\_\_\_ 2014.

BARBARA TAUKE  
CHAIRMAN

DARRELL ROQUEMORE  
VICE CHAIRMAN

## PRELIMINARY PLAT ALEXANDER ESTATES

A SUBDIVISION OF 70.3604, (3,064,897.54 s.f.) ACRES OF LAND AND BEING A PARTIAL REPLAT OF TOMBALL GREENS UNRESTRICTED RESERVE "C" AS RECORDED IN F.C. NO. 440128, H.C.M.R. OUT OF THE ELIZABETH SMITH SURVEY, A-70 HARRIS COUNTY, TEXAS.  
128 LOTS 4 RESERVES 4 BLOCKS  
JULY 7, 2014



COTTON SURVEYING  
COMPANY  
8701 New Trails Drive, Suite 200  
The Woodlands, Texas 77381-4241  
Office (281) 363-4039  
REGISTRATION NO. 10046106

DEVELOPER/OWNER:  
BCDE, INC.  
24522 CREEKVIEW ROAD  
SPRING, TEXAS 77379

PLANNER/ENGINEER:  
JC JONES & CARTER, INC.  
ENGINEERS-PLANNERS-SURVEYOR  
8701 New Trails Drive, Suite 200  
The Woodlands, Texas 77381  
(281) 363-4039

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **CAPPADONNA TRACTS**; A Subdivision of a 3.8897 acre tract; Being a Replat of Lot 1, Block 1 Stotts Tracts as recorded under Film Code No. 612089, Harris County Map Records situated in the Ralph Hubbard Survey A-383, Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Cappadonna Tracts Plat

THE STATE OF TEXAS  
COUNTY OF HARRIS

WE, MITCHELL P. CAPPADONNA AND JEFFIE K. CAPPADONNA, OWNERS, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 3.8897 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF CAPPADONNA TRACTS, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS (1-3/4) SQUARE FEET (18" DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT,, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

WITNESS OUR HANDS IN THE CITY OF TOMBALL, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BY: MITCHELL P. CAPPADONNA, OWNER  
BY: JEFFIE K. CAPPADONNA, OWNER

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITIES, ON THIS DAY PERSONALLY APPEARED MITCHELL P. CAPPADONNA AND JEFFIE K. CAPPADONNA, OWNERS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

PRINT NAME: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

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

BY: GEORGE SHACKELFORD, CITY MANAGER  
BY: LORI LAKATOS, P.E., CFM, CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING & ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BY: GRETCHEN FAGAN, MAYOR  
BY: DORES SPEER, CITY SECRETARY

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF CAPPADONNA TRACTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BY: BARBARA TAGUE, CHAIRMAN  
BY: PARRELL ROQUEMORE, VICE CHAIRMAN

I, EMIL HADDAD, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN, ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER 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.

EMIL HADDAD, R.P.L.S.  
TEXAS REGISTRATION NO. 5072

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 2014, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED ON \_\_\_\_\_, 2014, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND AT FILM CODE NO. \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY.

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

STAN STANART  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

SHAUN LEHMAN  
CALL 4.8780 AC. TRACT  
TAX ID.No.041-006-002-0136

BOBBY D. and LORRAINE TALBOTT  
CALL 4.8780 AC. TRACT  
TAX ID.No.041-006-002-0085

ZION ROAD (60.00' R.O.W)  
(F.C. NO. 612089 H.C.M.R.)

JOSEPH MILLER SURVEY A - 50

RALPH HUBBARD SURVEY A-383

REMAINDER  
OUTLOT 3  
TOMBALL OUTLOTS  
VOLUME 2, PAGE 65 H.C.M.R.

KENNETH E. MELTON  
CALL 1.426 AC. TRACT  
RELEASE OF LIEN  
RECORDED UNDER CF#1-361814

REMAINDER  
OUTLOT 9  
TOMBALL OUTLOTS  
VOLUME 2, PAGE 65 H.C.M.R.

STANLEY and PATTY SWERNEMAN

OUTLOT 15

TOMBALL OUTLOTS  
VOLUME 2, PAGE 65 H.C.M.R.

## CAPPADONNA TRACTS

A SUBDIVISION OF A 3.8897 ACRE TRACT,  
169,435.332 SQUARE FEET,  
BEING A REPLAT OF LOT 1, BLOCK 1  
STOTTS TRACTS  
AS RECORDED UNDER  
FILM CODE NO. 612089,  
HARRIS COUNTY MAP RECORDS  
SITUATED IN THE RALPH HUBBARD SURVEY A - 383  
HARRIS COUNTY, TEXAS

CONTAINING  
2 LOTS, 1 BLOCK

JULY 2014

(REASON FOR PARTIAL REPLAT TO DIVIDED LOT 1 INTO 2 LOTS)

OWNER

MITCHELL P. and JEFFIE K. CAPPADONNA  
12727 ZION ROAD  
TOMBALL, TEXAS 77375  
TEL: (713) 681 - 0627

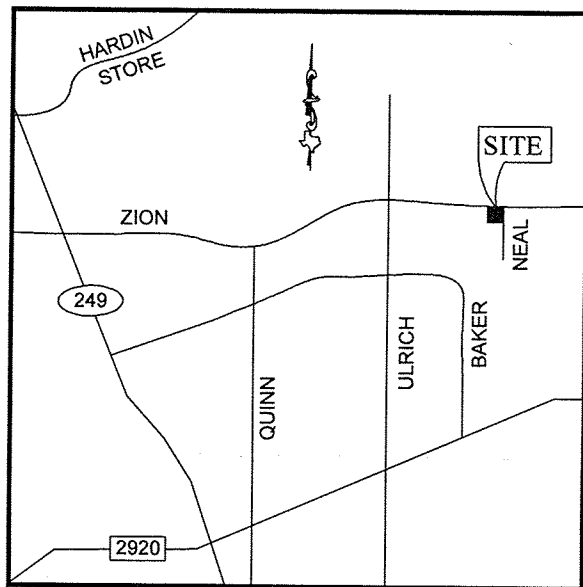
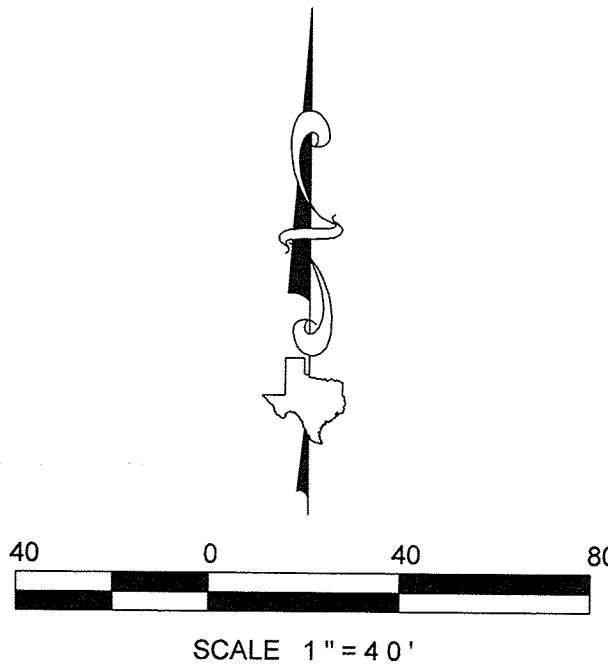
SURVEYOR

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

### GENERAL NOTES

- |              |                                          |
|--------------|------------------------------------------|
| 1. B.L.      | Indicates " Building Line "              |
| 2. U.E       | Indicates " Utility Easement "           |
| 3. R.O.W     | Indicates " Right-of Way "               |
| 4. AC.       | Indicates " Acre "                       |
| 5. SQ.FT.    | Indicates " Square Foot "                |
| 6. Vol.      | Indicates " Volume "                     |
| 7. Pg.       | Indicates " Page "                       |
| 8. I.R.      | Indicates " Iron Rod "                   |
| 9. H.C.M.R.  | Indicates " Harris County Map Records "  |
| 10. H.C.D.R. | Indicates " Harris County Deed Records " |
| 11. F.C. NO. | Indicates " Film Code Number "           |

12. Public easements donated on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the city of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
13. According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
14. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
15. 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.
16. This plat does not attempt to amend or remove any valid covenants or restrictions.
17. 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.



VICINITY MAP  
NOT TO SCALE  
KEY MAP 248Z

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **SECOND REPLAT OF MARTIN MARIETTA SUBDIVISION**; Being a Subdivision of 29.5011 acres and being a Replat of Martin Marietta Subdivision Replat recorded under Film Code No. 645043 Harris County Map Records situated in the William Hurd Survey, Abstract 371 and the Jesse Pruett Survey Abstract 629, City of Tomball, Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

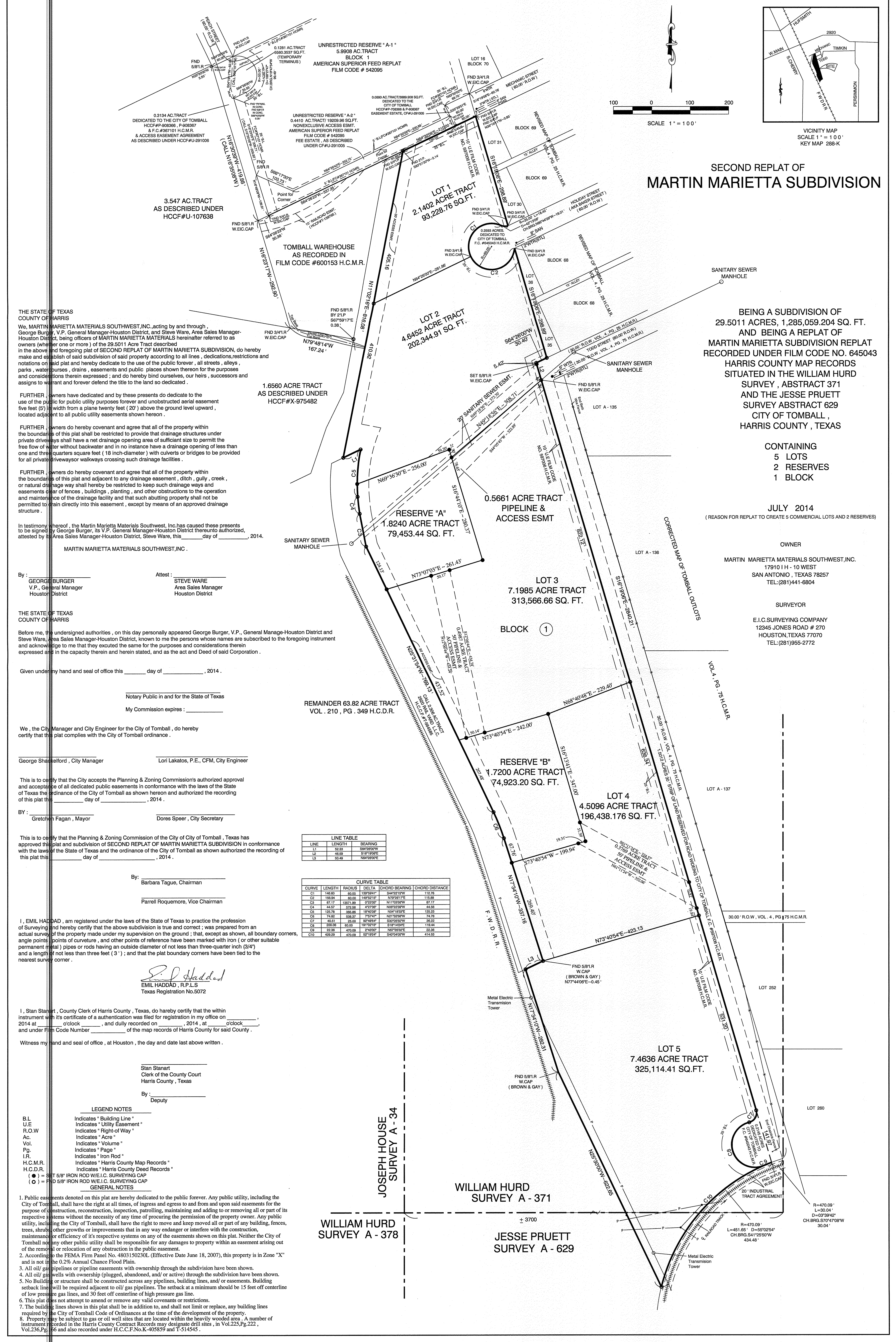
### Party(ies) responsible for placing this item on agenda:

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Second Replat of Martin Marietta Subdivision



# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

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

### Background:

### Origination:

### Recommendation:

### Funding:

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

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

value Bank Main Street - Tomball

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

I, Keary Barnes acting by and through trustee being an officer of Keary Barnes Trustee, owner hereinafter referred to as owners of the 0.6322 acre tract described in the above and foregoing plat of Value Bank Main Street - Tomball, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

Keary Barnes Trustee  
By: \_\_\_\_\_  
Trustee

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers, and lienholders, (corporation title, if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (all for corporation, "and in the capacity therein and herein stated, and as the act and deed of said corporation").

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

(Signature of Notary Public)  
Notary Public In and For the State of Texas  
My Commission Expires: \_\_\_\_\_  
/\_\_\_\_\_  
(Affix notary seal)

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



Walter E. Smith  
Texas Registration No. 1982

This is to certify that the Planning Commission of the City of Tomball, Texas, has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this \_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Barbara Tague, Chairman  
By: \_\_\_\_\_  
Brandy Pate Harbolt, Secretary

I, Stan Stuart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_ of \_\_\_\_\_, 2014 at \_\_\_\_ o'clock (a.m. or p.m.), and in Volume \_\_\_\_ Page \_\_\_\_ of the map records of Harris County for said County.

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

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

#### Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

#### Flood Information:

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

#### Note #1:

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

#### Note #2:

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

#### Note #3:

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

#### Note #4:

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

#### Note #5:

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

#### OWNER/DEVELOPER:

KEARY BARNES  
13322 WILDWOOD  
TOMBALL, TEXAS 77375  
281-205-9691

#### ENGINEER:

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

#### SURVEYOR:

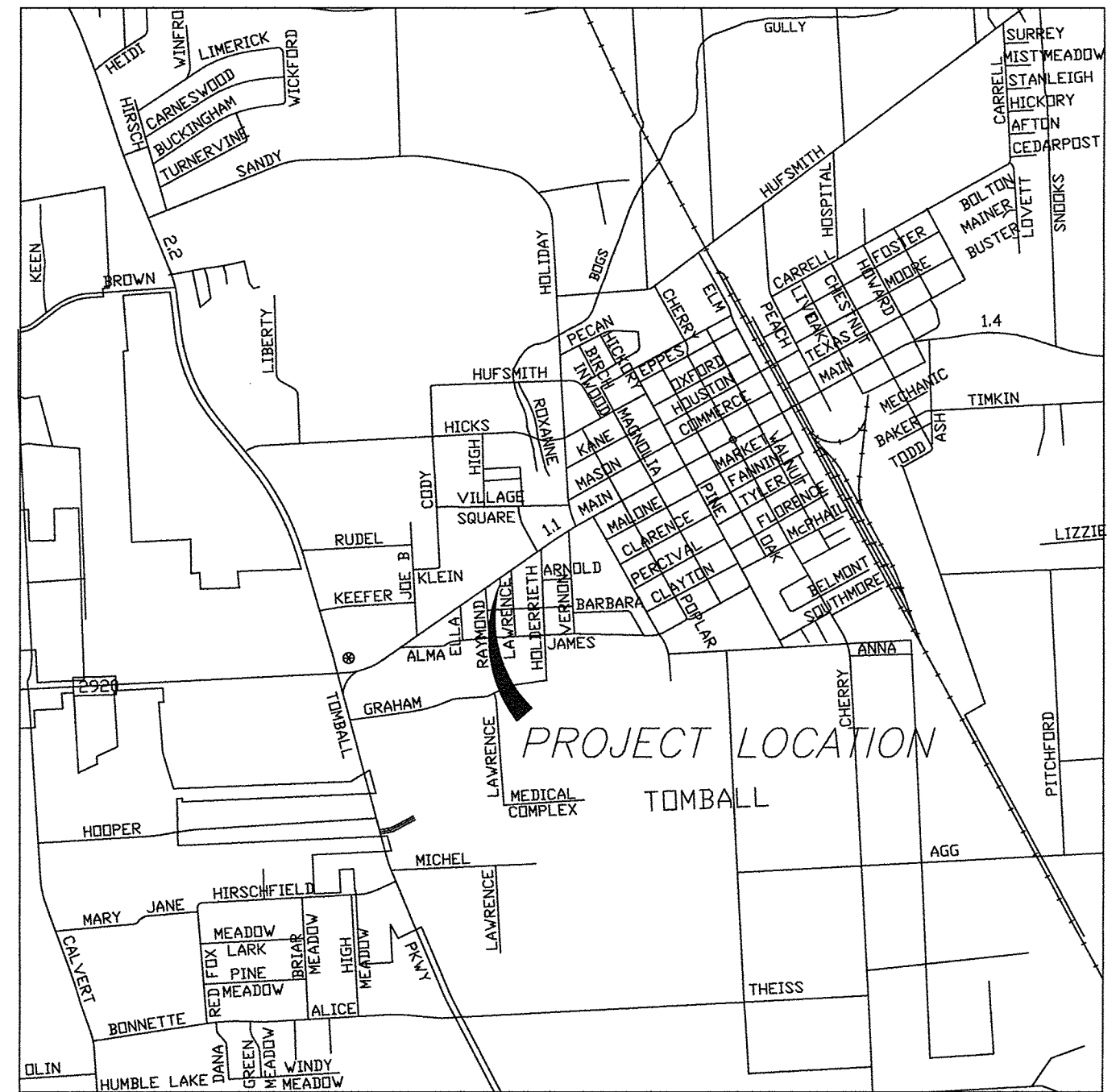
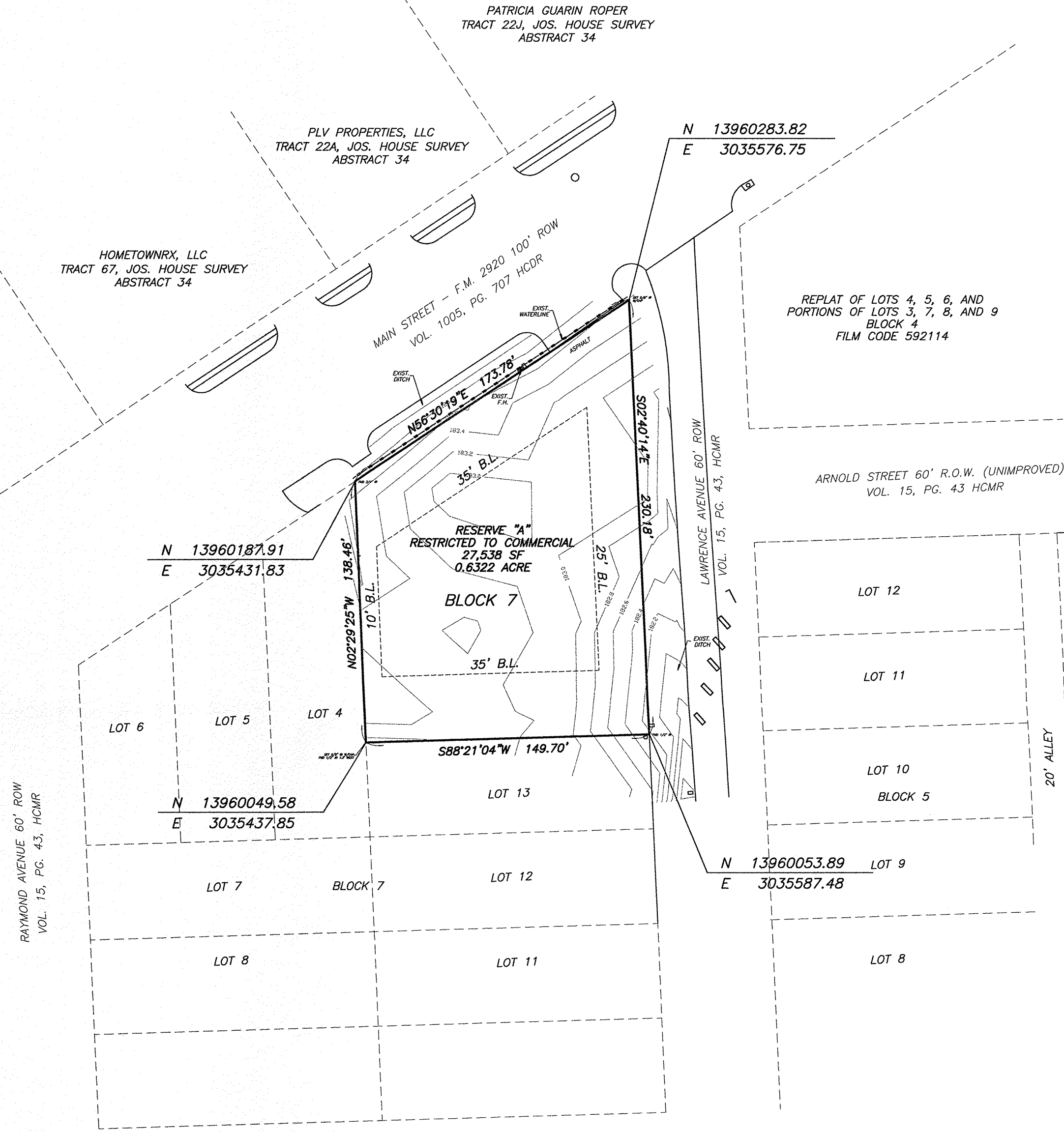
ARBORLEAF ENGINEERING & SURVEYING, INC.  
TBPLS #100543-00  
1002 VILLAGE SQUARE DRIVE, SUITE B  
TOMBALL, TEXAS 77375

## Value Bank Main Street - Tomball

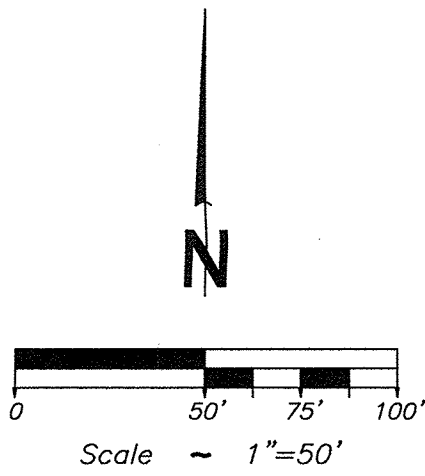
A SUBDIVISION OF 0.6322 ACRES  
OUT OF LOTS 1, 2, 3, AND 14, BLOCK 7  
MAIN STREET ADDITION, VOLUME 15, PAGE 43 HCMR  
JOSEPH HOUSE SURVEY, A-34  
TOMBALL, HARRIS COUNTY, TEXAS  
JULY 2014

0 LOTS 1 RESERVES 1 BLOCK

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



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



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

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

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **LIVE OAK CENTER**; A Subdivision of land containing 0.3335 acre, more or less, being a Replat of all of Lot 4, the adjoining 3.30 feet of Lot 3, and the adjoining south 10' of a 200' wide alley, in Block 10, of Main Street Addition, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 15, Page 43 of the map records of Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

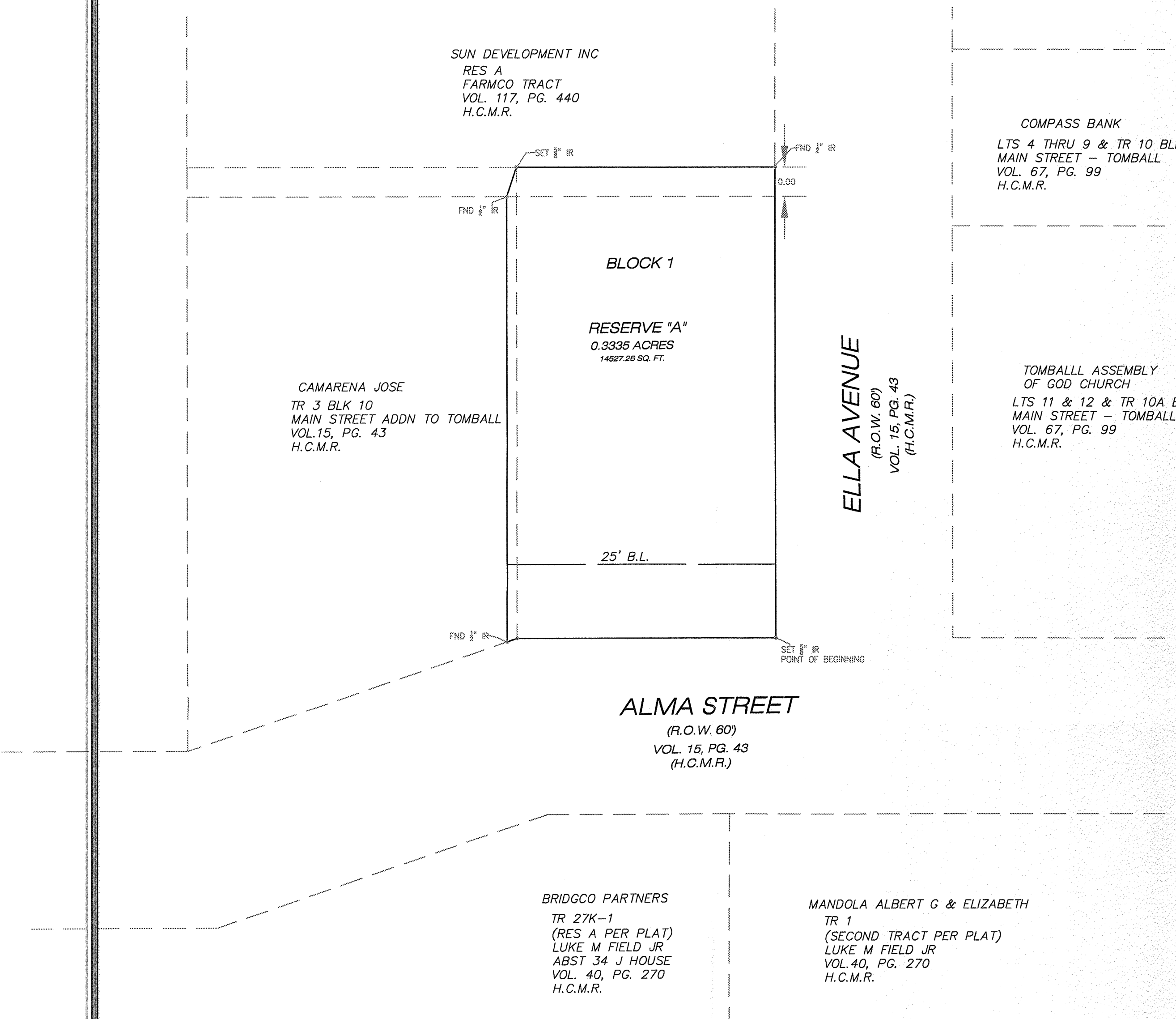
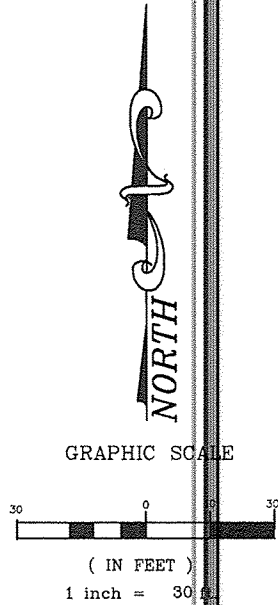
### Party(ies) responsible for placing this item on agenda:

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Live Oak Center Plat



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

STAN STANART  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_M., AND DULY RECORDED ON \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_M., AND AT FILM CODE NO. \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

STAN STANART  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

STATE OF TEXAS  
COUNTY OF HARRIS

WE, SKB BUSINESS INVESTMENT, LLC, ACTING BY AND THROUGH SAMEH ALY, ITS PRESIDENT AND ITS SECRETARY, HERINAFTER REFERRED TO AS OWNERS OF THE 0.3335 ACRES TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF LIVE OAK CENTER DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN 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 THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (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 IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF HOUSTON, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR OTHER 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 ADJUTING 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 TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

SKB BUSINESS INVESTMENTS, LLC

SAMEH ALY, President  
\_\_\_\_\_, Secretary

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SAMEH ALY AND \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGEMENT TO ME THAT THE EXECUTED THE SAME FOR THE PUROSES AND CONSIDERATIONS THERE IN EXPRESSED..

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES \_\_\_\_\_

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF LIVE OAK CENTER IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

BY: BARBARA TAGUE  
CHAIRMAN

BY: DARRELL ROQUEMORE  
VICE CHAIRMAN

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

GEORGE SHACKELFORD,  
CITY MANAGER

LORI LAKATO, P.E.,  
CITY ENGINEER

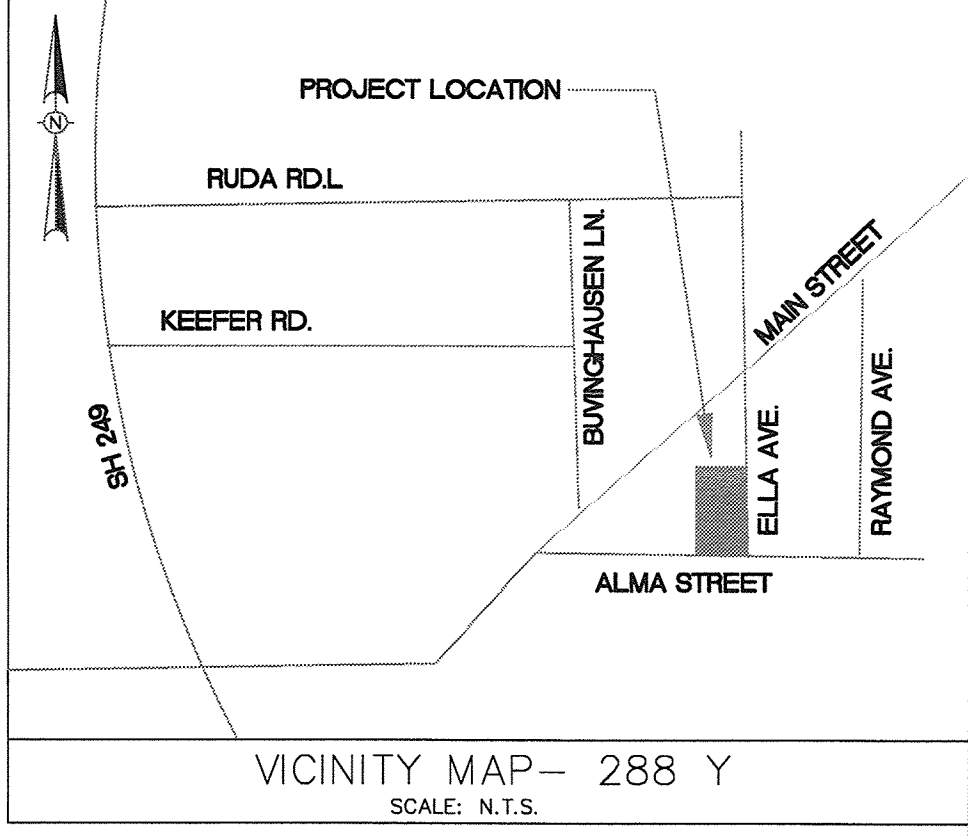
THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE ITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

BY: GRETCHEN PAGAN, MAYOR

BY: DORIS SPEER, CITY SECRETARY

I, F.G. HUFFMAN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER OBJECTS OF A PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

F.G. HUFFMAN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 1682



NOTES:

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 RIGHTS 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 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. 4803150210L (EFFECTIVE DATE 6-18-07), THIS PROPERTY IS IN ZONE "X" AND IS WITHIN / NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

NOTE #1: ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

NOTE #2: ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

NOTE #3: NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACK AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.

NOTE #4: THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

NOTE #5: THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE 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.

# LIVE OAK CENTER

A SUBDIVISION OF LAND CONTAINING 0.3335 ACRE, MORE OR LESS, BEING A REPLAT OF ALL OF LOT 4, THE ADJOINING 3.30 FEET OF LOT 3, AND THE ADJOINING SOUTH 10' OF A 200' WIDE ALLEY, IN BLOCK 10, OF MAIN STREET ADDITION, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGE 43 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

REASON FOR REPLAT: TO CREATE 1 COMMERCIAL RESERVES  
1 BLOCK 1 RESERVES

SCALE: 1"= 30' DATE: 06-30-14

OWNER: SKB BUSINESS INVESTMENT, LLC  
3100 S. GESSNER RD., STE 115  
HOUSTON, TX 77063  
TEL.NO. (713) 392-2953

SURVEYOR:

PREPARED BY:

F.G. HUFFMAN  
P.O.BOX 430792  
Houston, Texas 77243  
PH # 281 447 7802  
E-Mail: fghuffman@sbcglobal.net

MAK Design & Drafting LLC  
P.O.BOX 940161  
HOUSTON, TX 77094  
TEL.NO. (713) 298-0297  
FAX. NO. (281) 239-2710

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **COMPREHENSIVE PLAN CASE P14-087**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P14-087**

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-087 Staff Report

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JULY 14, 2014  
&  
CITY COUNCIL  
JULY 21, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, July 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 21, 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 Planning & Zoning Commission and City Council will consider the following:

**COMPREHENSIVE PLAN CASE P14-087:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial.

**ZONING CASE P14-088:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

**ZONING CASE P14-109:** Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will

be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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](mailto:rschmidt@tomballtx.gov).

### CERTIFICATION

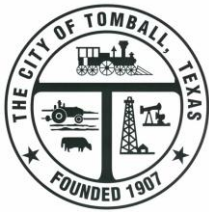
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> of July 2014 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Harbolt

Brandy Harbolt

Senior Administrative Assistant

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](http://www.ci.tomball.tx.us).



## 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:** P14-087

**APPLICANT:** Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust

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

**PROPOSAL:** Request to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, from Low Density Residential to Commercial.

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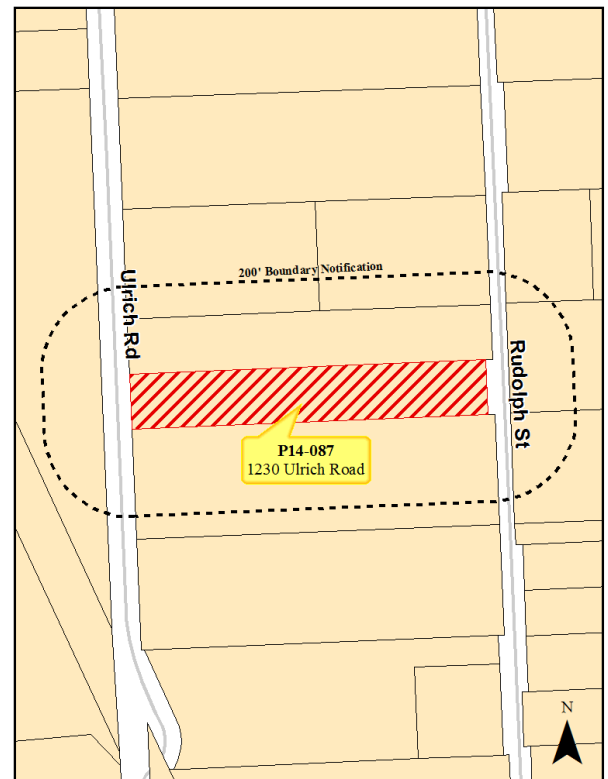
**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@tomballtx.gov](mailto: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:**

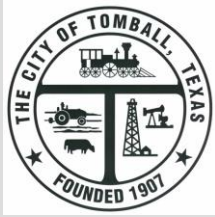
**Monday, July 14, 2014, 6:00 PM**

**City Council Public Hearing:**

**\*Monday, July 21, 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.



## ***Comprehensive Plan (CP) Amendment Staff Report***

Planning & Zoning Commission Public Hearing Date: July 14, 2014

**CP Amendment Case:** P14-087

**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

**Present Zoning & Use:** Single-Family Estate Residential-20 (SF-20-E) District (Exhibit "B")/  
Texas Star Gymnastics

**FLU Designation:** Low Density Residential (Exhibit "C")

**Proposed FLU:** Commercial

**Adjacent FLU Designation & Land Usage:**

- North:** Low Density Residential / Vacant land and single-family residential
- South:** Parks / City of Tomball Park (Jerry Matheson Park)
- West:** Parks / Ulrich Road and City of Tomball Park (Juergens Park)
- East:** Rural Residential / Rudolph Road and vacant land (Exhibit "D")

### **BACKGROUND**

On May 12, 2014, the City of Tomball identified that a covered entrance 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 subject site is zoned SF-20-E District and that the existing land use, Texas Star Gymnastics, appears to be classified as a "Dance/Drama/Music School" per Section 38.2 of the Zoning Ordinance. Because this land use classification is not a permitted use in the SF-20-E 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. City staff also informed Mr. Dutka that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of Low Density Residential and that if he wished to make a request to rezone the property, he may want to consider submitting a CP Amendment application so any Rezoning request would be consistent with the CP.

On May 14, 2014, the applicant turned in a CP Amendment application (Exhibit "E") requesting the property's designation be changed from Low Density Residential to Commercial. Accompanying the CP Amendment application was a Rezoning application requesting the property be rezoned from the SF-20-E District to the Commercial District. The CP Amendment is being heard as Case

P14-087 and the Rezoning application is being heard as Case P14-088. Both cases are being submitted to allow for the expansion of the existing gymnastics facility.

## **ANALYSIS**

The proposed FLU designation for this site is Commercial. The CP states, “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. It is expected that these uses will have a steady traffic stream throughout the day and in some cases well into the evening. Some businesses may provide 24-hour services.”

There are several land uses in the vicinity of the subject site. To the north are vacant land and single-family residences; to the south is Jerry Matheson Park (owned by City of Tomball); to the west are Ulrich Road and Juergens Park (owned by City of Tomball); and to the east are Rudolph Road and vacant land. The Commercial FLU designation appears to be inconsistent and incompatible with the existing land uses in the vicinity.

The zoning classification of the property and the properties in the vicinity is SF-20-E District. According to Section 15.1 of the Zoning Ordinance, “The SF-20-E...district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks.” The Commercial FLU designation appears to be inconsistent and incompatible with the SF-20-E District.

The predominant FLU designations in the vicinity are Low Density Residential, Rural Residential, and Parks. To the north is Low Density Residential; to the south and west is Parks; and to the east is Rural Residential. According to the CP:

- Low Density Residential includes residential development on minimum 20,000 square foot lots with the intent to provide for a larger lot development pattern.
- Rural Residential includes residential developments on minimum 1-acre lots that allow up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.
- Parks includes mini, neighborhood, community, or regional parks that are both active and passive recreational areas. This can include both publicly and privately owned parks, open spaces, and recreation areas. Park and open space uses are also appropriate in all residential land use designations.

The Commercial FLU designation appears to be inconsistent and incompatible with the FLU designations in the vicinity.

City staff recommends **DENIAL** of this request based on the following:

1. The proposed CP Amendment appears to be inconsistent and incompatible with the surrounding land uses, zoning districts, and FLU designations as explained above.

2. The proposed CP Amendment appears to be inconsistent with the following CP goals, objectives, and actions:
  - a. Objective LUD 1.2: Promote a cohesive land use pattern by minimizing incompatible land uses.
    - i. The Commercial CP designation would be inconsistent with the surrounding designations. The nearest Commercial property is at the intersection of East Main Street and Willow Street.
    - ii. The CP has located the Commercial designation along major thoroughfares and away from parks to avoid traffic and land use incompatibility issues. This request is both not along a major thoroughfare and is adjacent to two City-parks.
  - b. Objective LUD 2.1: Protect the rural character and continued ranching or agricultural uses, where appropriate, to maintain the rural lifestyle in Tomball.
    - i. The vast majority of the properties to the east of the subject site between Rudolph, Zion, and East Hufsmith Roads have a CP designation of Rural Residential. Allowing this property to be Commercial would not appear to promote or protect the rural residential character intended for this area.
  - c. Action LUD 3.1.1: Protect existing residential areas from encroachment of incompatible uses.
    - i. Allowing the proposed CP Amendment may set a precedent for further non-residential development to the north. The existing land uses to the north are single-family residential in nature, are zoned for single-family use, and have a CP map designation of residential.
3. The proposed CP Amendment does not appear to be a better use of land than what is recommended by the CP.
  - a. The CP was created to provide a unified vision for future land uses that would maximize the utility for the City. It groups like uses together, apportions appropriate land areas to fulfill the goals of the City, and provides adequate transition areas to separate incompatible uses. This proposal appears to be inconsistent with the parks and single-family residences that the City intends for this area. The CP has allocated sufficient land area in the City for gymnastics-type uses without altering the CP.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on July 3, 2014; no public comments have been received as of July 8, 2014.

## **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends **DENIAL** of Comprehensive Plan Amendment Case P14-087.

## **EXHIBITS**

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

Exhibit "A"  
Aerial Photo



Exhibit "B"  
Future Land Use Map

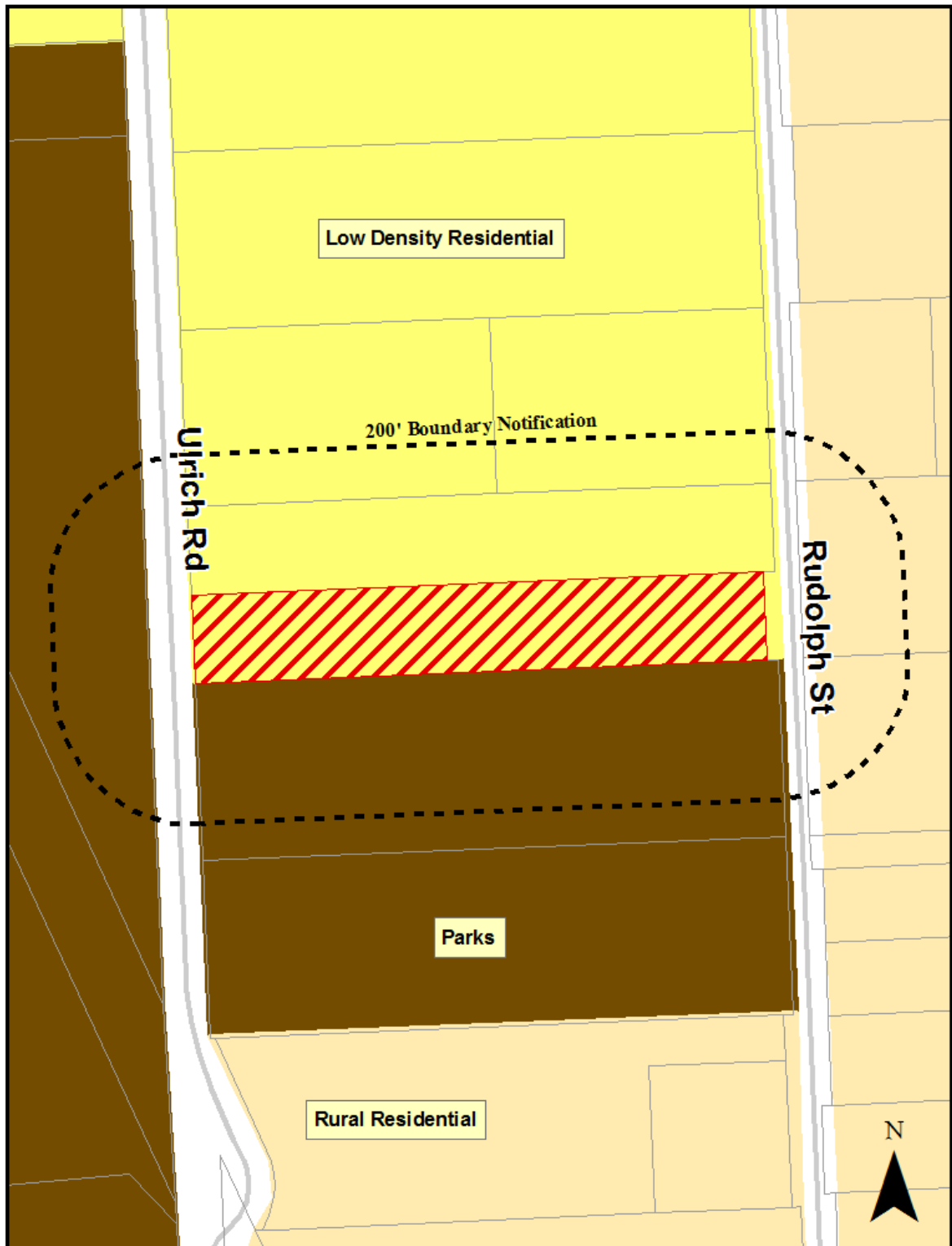
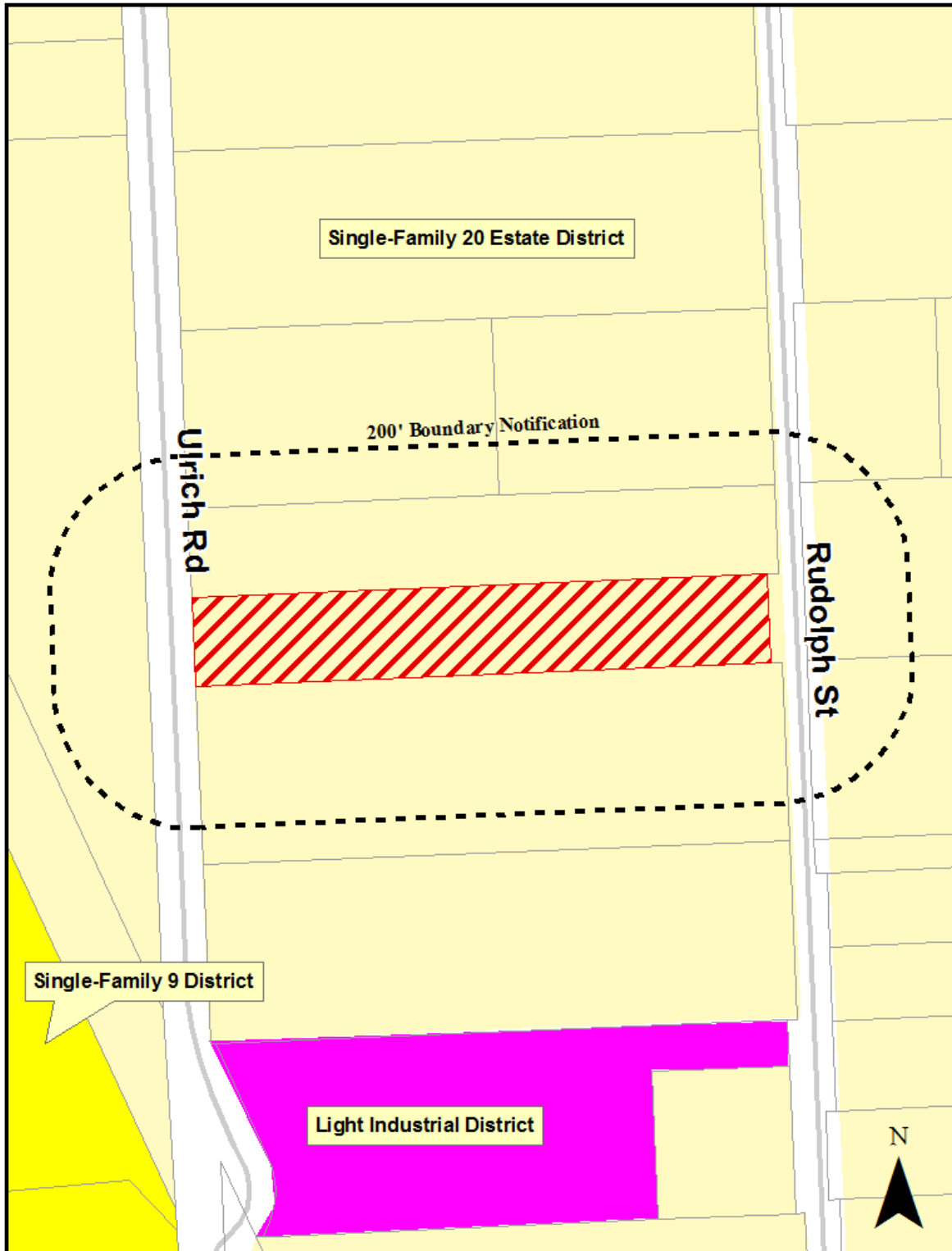


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: North**



**Figure 3: South**



**Figure 4: West**



**Figure 5: East**

Exhibit "E"  
Comprehensive Plan Amendment Application

Revised 1/26/10



**COMPREHENSIVE PLAN  
AMENDMENT APPLICATION**  
Engineering & Planning Department



**APPLICATION SUBMITTAL**

The Comprehensive Plan serves as the City's long-range development guide. Local Government Code Section 213.003 authorizes and specifies procedures for amendments and modifications to the City's Comprehensive Plan. The process requires a public hearing and review by the City's Planning and Zoning Commission and final review and approval by the City Council.

Plan amendments for parcels of real property within Tomball may be initiated by property owners or by agents of property owners by written consent. Plan amendment(s) involving textual changes may be initiated by any interested party including the Tomball City Council, Planning & Zoning Commission, staff, or private citizens. It shall be the burden of the party requesting the amendment, not the City of Tomball, to prove that the change constitutes an improvement to the Tomball Comprehensive Plan.

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 request may be delayed until corrections or additions are received.

**CONTACT INFORMATION:**

**Applicant**

Name: Nancy Gomez Title: President  
Mailing Address: 1230 Ulrich Road City: Tomball State: Tx  
Zip: 77375  
Phone: (281) 255-9997 Fax: (281) 255-9966  
Email: NGomez6883@sbcglobal.net

**Owner**

Name: Nancy Gomez Living Revocable Trust Title: President  
Mailing Address: 32210 Spinnaker Run City: Magdalena State: Tx  
Zip: 77375 54  
Phone: (281) 734-2506 Fax: ( ) N/A  
Email: NGomez6883@sbcglobal.net

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

**COMPREHENSIVE PLAN AMENDMENT REQUEST:**

Amendment Type (check all that apply): Text \_\_\_\_\_ Map ☒

Text Amendment(s)

Text to be modified:

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Proposed Text Amendment (exact wording):

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Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

Map Amendment(s)

Current Comprehensive Plan Designation: Low Density Residential

Proposed Comprehensive Plan Designation: Commercial

Proposed Use of Property: Gymnastic Center

Physical Location of Property: 1230 Ulrich Road Tomball, Tx 77375  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tract 42B Tomball Outlots Abstract 383  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Single Family Estate Residential-20 District

Current Use of Property: Gymnastic Facility

HCAD Identification Number: 035-282-200-0080

Property Acreage: 2.25

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?
- Is the proposed map amendment a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed map amendment impact adjacent residential areas in a positive or negative manner?
- Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed map amendment similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed map amendment present a significant benefit to the public health, safety and welfare of the community?

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. Horney 5/14/2014  
Signature of Applicant Date

x Nancy A. Horney 5/14/2014  
Signature of Owner Date

Texas Star Gymnastics of Tomball  
1230 Ulrich Road  
Tomball, Texas 77375

May 28, 2014

Planning Department  
City of Tomball  
501 James Street  
Tomball, Texas 77375

**RE: Application to Change Comprehensive Plan, Tract 42B Tomball Outlets**

Please allow this letter to serve as our request to change the future land use of the property referenced above as designated in the City of Tomball's Comprehensive Plan.

We request that the change be supported by staff and ultimately approved by the Planning and Zoning Commission and City Council as requested for several reasons.

First, the adjacent properties to Texas Star Gymnastics are City Parks, which are family oriented parks and very similar in nature. Children need to find activities to do to keep healthy and fit lifestyle. Texas Star Gymnastics is a family oriented business that helps children find fun in athletic activity. Texas Star Gymnastics also has consistent operating hours as the City Parks and would not disturb anyone outside of those operating hours.

I feel the statement above supports these goals, objectives, and actions in the Comprehensive Plan.

- Goal LUD 1 Implement an efficient land use philosophy that is fiscally sustainable and enhances Tomball's quality of life.
- Objective LUD 1.2 Promote a cohesive land use pattern by minimizing incompatible land uses.
- Action LUD 1.2.1 Maintain and strengthen effective buffering policies between land uses to ensure compatibility.
- Action LUD 1.2.2 Manage the impacts of noise, glare, fumes, odor, refuse, etc. by utilizing buffering and site design techniques to protect the health and livability of the community.

Gymnastics is more than just an athletic activity. Gymnastics is perhaps one of the most comprehensive "lifestyle exercise programs" available to children, incorporating strength, flexibility, speed, balance, coordination, power and discipline.

- In a study of school-aged youth, researchers found that the risk of substance abuse by adolescents is decreased by physical training programs that incorporate life skills. Better school attendance, lower anxiety and depression, and decreased use of tobacco and alcohol were all reported after a twelve week physical training program (Collingwood, Sunderlin, Reynolds & Kohl, 2000). Recreational sports activities, including gymnastics is a key to balanced human development and has been proven to be a significant factor in reducing alcohol and drug use (Williams, 1994).
- Many studies have reported the benefits of moderate impact activities such as gymnastics has on the development of bone density and the prevention of osteoporosis. Plyometric exercises (also known as jump training) like tumbling and vaulting have been determined by the American College of Sports Medicine to be a safe, beneficial and fun activity for children.

Healthy activities like gymnastics keep our kids off the couch and engaged in a healthy lifestyle. That intermediate gymnastics class teacher is contributing to lower health care costs in the United States; active children are more likely to grow to become active and healthier adults, reducing the burden on the health care system. Sedentary lifestyles have been linked to the development of coronary heart disease, diabetes mellitus and numerous other chronic ailments. Nurturing the enjoyment of movement and motor skill development at an early age will help to promote continued participation in physical activity. Long range, these active and therefore healthier adults are more likely to be more productive at work, take less sick days, and have fewer "on the job" accidents (Paffenbarger, 1986)."

Second, the change would give us the ability to add a new building which could house new programs such as cheerleading and martial arts which would give children more options of activities. More programs and more activities will require more employees which will help out the Tomball residents looking for employment, which is Goal LUD 7 Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs, and Objective LUD 7.1 Enhance Tomball's viability as a place for businesses by reserving adequate employment related land.. This will also help the City economically by raising the value of the property and therefore producing more tax dollars for the City.

Third, this change will not adversely impact adjacent residential uses due to the existing roads and therefore separations being currently provided. This change will not adversely affect vehicular or pedestrian access, roadway capacity, ingress and egress of traffic.

Forth, the proposed map amendment will help the City aesthetically because Texas Star will be able to add structures and signs to the property to make the building look better. I feel it is very important to be able make the building look nicer because of the location next to and across from the City Parks.

Additionally, the proposed change presents a significant benefit to the public health, safety, and welfare of the community by consolidating the family oriented fun and activities to a specified area while controlling its activities through consistent zoning ordinances.

For these reasons the property's uses should be changed on the City's Comprehensive Plan to reflect commercial types of uses.

Sincerely,

A handwritten signature in black ink that reads "Mike Dutka". The signature is written in a cursive, flowing style.

Mike Dutka

Texas Star Gymnastics

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P14-088**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P14-088**

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-088 Staff Report

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JULY 14, 2014  
&  
CITY COUNCIL  
JULY 21, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, July 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 21, 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 Planning & Zoning Commission and City Council will consider the following:

**COMPREHENSIVE PLAN CASE P14-087:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial.

**ZONING CASE P14-088:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

**ZONING CASE P14-109:** Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will

be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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](mailto:rschmidt@tomballtx.gov).

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

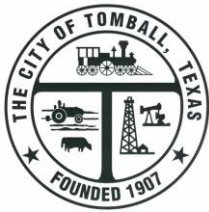
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> of July 2014 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Harbolt

Brandy Harbolt

Senior Administrative Assistant

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](http://www.ci.tomball.tx.us).



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**CASE NUMBER:** P14-088

**APPLICANT:** Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust

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

**PROPOSAL:** Request to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

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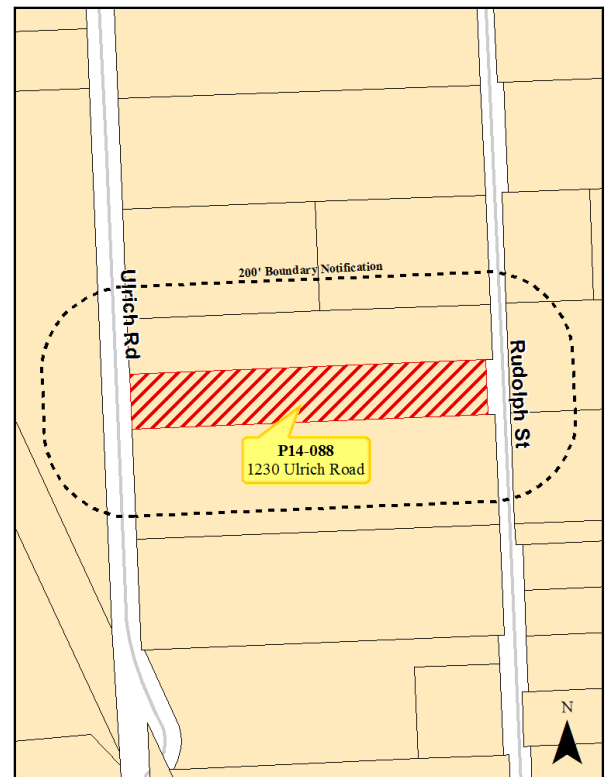
**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@tomballtx.gov](mailto: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:**

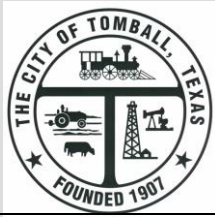
**Monday, July 14, 2014, 6:00 PM**

**City Council Public Hearing:**

**\*Monday, July 21, 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.



## ***Rezoning Staff Report***

Planning & Zoning Commission Public Hearing Date: July 14, 2014

**Rezoning Case:** P14-088

**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

**Present Zoning & Use:** Single-Family Estate Residential-20 (SF-20-E) District (Exhibit "B")/ Texas Star Gymnastics

**Future Land Use (FLU):** Low Density Residential (Exhibit "C")<sup>1</sup>

**Proposed Zoning and Use:** Commercial<sup>2</sup> / Gymnastics facility

**Adjacent Zoning & Use:**

- 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 (Exhibit "D")

### **BACKGROUND**

On May 12, 2014, the City of Tomball identified that a covered entrance 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 subject site is zoned SF-20-E District and that the existing land use, Texas Star Gymnastics, appears to be classified as a "Dance/Drama/Music School" per Section 38.2 of the Zoning Ordinance. Because this land use classification is not a permitted use in the SF-20-E 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. City staff also informed Mr. Dutka that the

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<sup>1</sup> The applicant is requesting the FLU be changed to Commercial in Comprehensive Plan Amendment Case P14-087.

<sup>2</sup> Any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

property has a Comprehensive Plan (CP) designation of Low Density Residential and that if he wished to make a request to rezone the property, he may want to consider submitting a CP Amendment application so any Rezoning request would be consistent with the CP.

On May 14, 2014, the applicant turned in a CP Amendment application requesting the property's designation be changed from Low Density Residential to Commercial. Accompanying the CP Amendment application was a Rezoning application (Exhibit "E") requesting the property be rezoned from the SF-20-E District to the Commercial District. The CP Amendment is being heard as case P14-087 and the Rezoning application is being heard as case P14-088. Both cases are being submitted to allow for the expansion of the existing gymnastics facility.

## **ANALYSIS**

The applicant is requesting that the property be rezoned from the SF-20-E District to the Commercial District. According to Section 30.1 of the Zoning Ordinance:

The C, 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. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

There are several land uses in the vicinity of the subject site. To the north are vacant land and single-family residences; to the south is Jerry Matheson Park (owned by City of Tomball); to the west are Ulrich Road and Juergens Park (owned by City of Tomball); and to the east are Rudolph Road and vacant land. Many of the uses permitted in the Commercial District appear to be incompatible and inconsistent with the existing uses in the vicinity of the subject site.

The zoning classification of the property and the properties in the vicinity is SF-20-E District. According to Section 15.1 of the Zoning Ordinance, "The SF-20-E...district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks." The Commercial District appears to be inconsistent and incompatible with the SF-20-E District.

The FLU map identifies the subject site as Low Density Residential. The predominant FLU designations in the vicinity are Low Density Residential, Rural Residential, and Parks. To the north is Low Density Residential; to the south and west is Parks; and to the east is Rural Residential. According to the CP:

- Low Density Residential includes residential development on minimum 20,000 square foot lots with the intent to provide for a larger lot development pattern.
- Rural Residential includes residential developments on minimum 1-acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as

well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.

- Parks includes mini, neighborhood, community, or regional parks that are both active and passive recreational areas. This can include both publicly and privately owned parks, open spaces, and recreation areas. Park and open space uses are also appropriate in all residential land use designations.

The Commercial District appears to be inconsistent and incompatible with the FLU designations in the vicinity of the subject site.

Additionally, this request appears to create a situation known as “spot zoning” which has been deemed illegal in the State of Texas. Spot zoning occurs when a single property is zoned differently than those lands which are immediately adjacent to it. As illustrated above, the request to rezone the property to Commercial District is inconsistent with the zoning designations of those properties in the surrounding area.

### **ZONING CONSIDERATIONS**

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission 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.**

Many of the uses permitted in the Commercial District appear to be incompatible and inconsistent with the existing 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.

- 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 numerous vacant properties elsewhere in the City already zoned Commercial District including an approximately two-acre property near the intersection of East Hufsmith Road and Rudolph Road (approximately .4 miles south of the subject site).

- 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 zoning change 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 appears to be a spot zoning request which is not permitted in the State of Texas. Because a City's authority to enforce its zoning ordinance is considered a police power to protect the public's health, safety, and welfare, and because spot zoning has been determined to be a violation of this police power, to allow this request may affect the public's health, safety, and welfare.

**G. Whether the request is consistent with the Comprehensive Plan.**

- 1) The Rezoning request appears to be inconsistent and incompatible with the FLU designations in the vicinity of the subject site.
- 2) The Rezoning request appears to be inconsistent with the following CP goals, objectives, and actions:
  - a) CP Objective LUD 1.2: Promote a cohesive land use pattern by minimizing incompatible land uses.
    - i) The Rezoning request would be inconsistent with the surrounding CP FLU designations. The nearest Commercial FLU designated property is at the intersection of East Main Street and Willow Street.
    - ii) The CP has located the Commercial FLU designated properties along major thoroughfares and away from parks to avoid traffic and land use incompatibility issues. This request is both not along a major thoroughfare and is adjacent to two City-parks.
  - b) CP Objective LUD 2.1: Protect the rural character and continued ranching or agricultural uses, where appropriate, to maintain the rural lifestyle in Tomball.
    - i) The vast majority of the properties to the east of the subject site between Rudolph, Zion, and East Hufsmith Roads have a CP designation of Rural Residential. Allowing this Rezoning request would not appear to promote or protect the rural residential character intended for this area.
  - c) Action LUD 3.1.1: Protect existing residential areas from encroachment of incompatible uses.
    - i) Allowing the proposed Rezoning may set a precedent for further non-residential development to the north. The existing land uses to the north are single-family residential in nature, are zoned for single-family use, and have a CP FLU designation of residential.

- 3) The proposed Rezoning does not appear to be a better use of land than what is recommended by the CP.
  - a) The CP was created to provide a unified vision for future land uses that would maximize the utility for the City. It groups like uses together, apportions appropriate land areas to fulfill the goals of the City, and provides adequate transition areas to separate incompatible uses. The proposed Rezoning appears to be inconsistent with the parks and single-family residences that the City intends for this area. The CP has allocated sufficient land area in the City for gymnastics-type uses without altering the Zoning Map.

### **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on July 3, 2014; no public comments have been received as of July 8, 2014.

### **RECOMMENDATION**

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **DENIAL** of Rezoning Case P14-088.

### **EXHIBITS**

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

Exhibit "A"  
Aerial Photo



Exhibit "B"  
Future Land Use Map

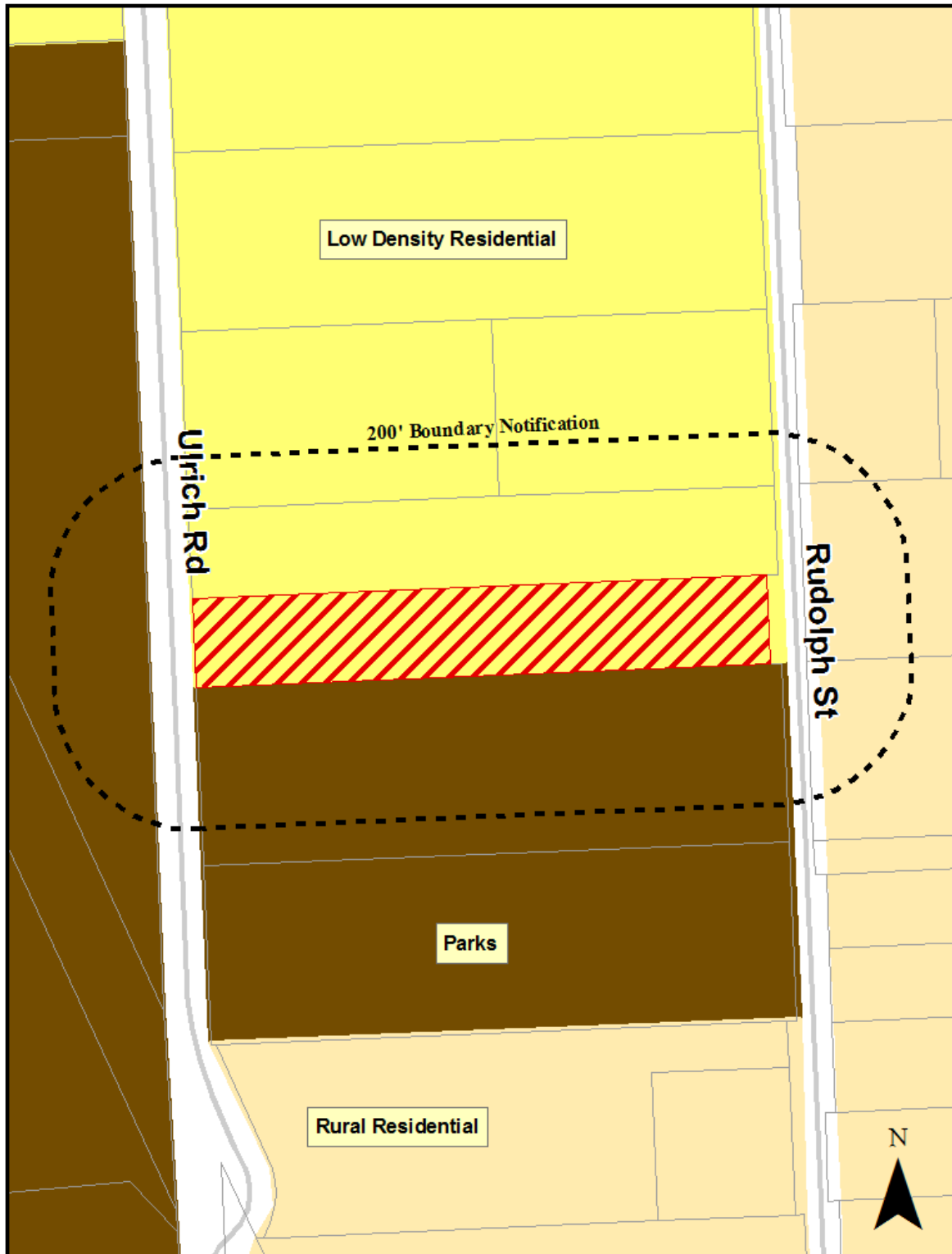
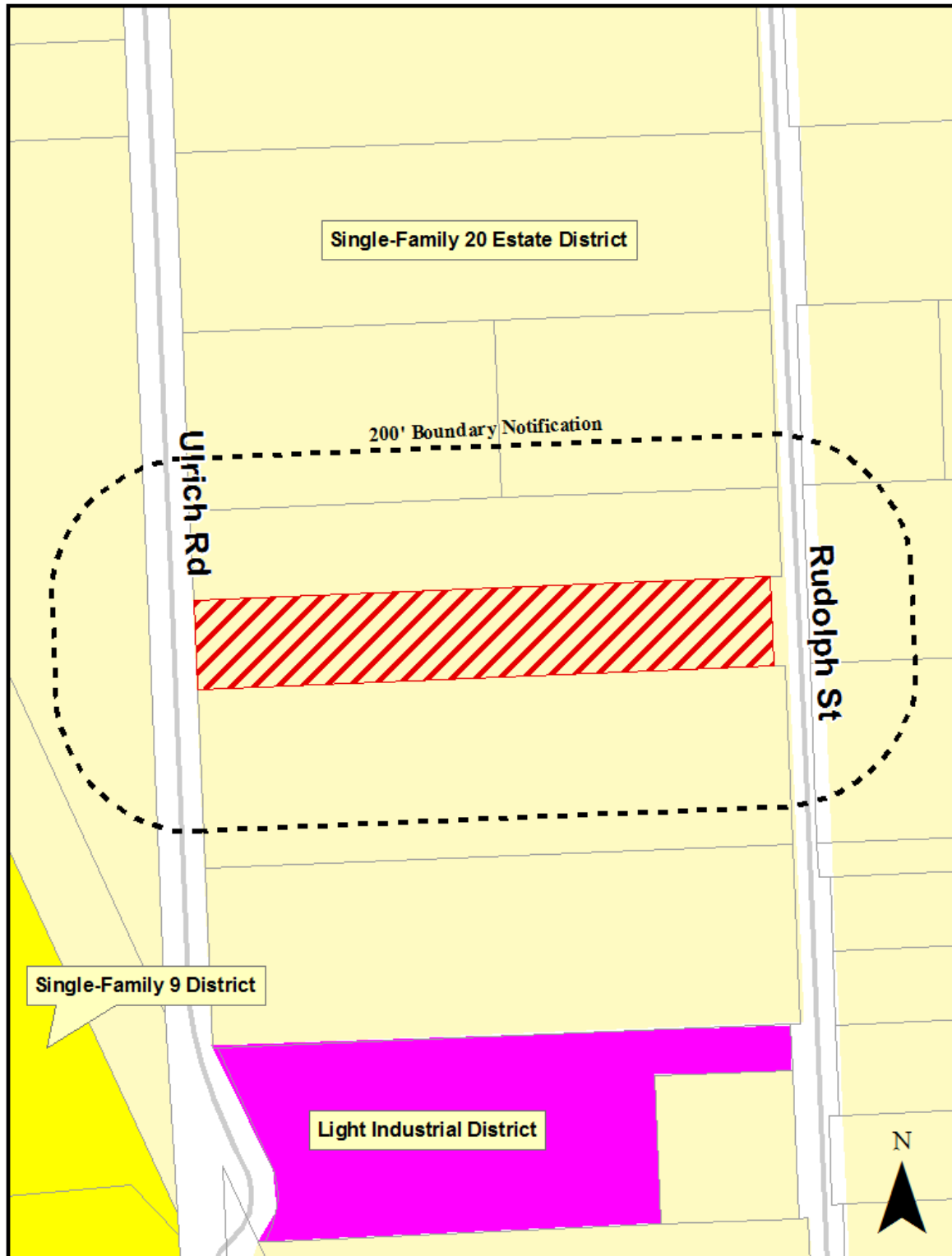


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: North**



**Figure 3: South**



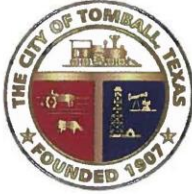
**Figure 4: West**



**Figure 5: East**

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: Nancy A. Gomez Title: President  
Mailing Address: 1230 Ulrich Road City: Tomball State: Tx  
Zip: 77375  
Phone: (281) 255-9997 Fax: (281) 255-9966 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:** \_\_\_\_\_

Physical Location of Property: 1230 Ulrich Road Tomball, Tx 77375

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

Legal Description of Property: TR 42B Tomball Outlots

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

Current Zoning District: Residential Single Family - 20 Residential

Current Use of Property: Gymnastic Facility

Proposed Zoning District: Commercial

Proposed Use of Property: Gymnastic Facility

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

HCAD Identification Number: 0352820000080 Acreage: 108,900 SF

**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. Horney  
Signature of Applicant

5/14/2014  
Date

x Nancy A. Horney  
Signature of Owner

5/14/2014  
Date

5/14/2014

Dear City of Tomball,

I will like my property zoned Commercial. It has been a gymnastic center since 2000. We would like to put new signage to comply with Tomball new sign rules.

Thank-you

Nancy G. Hornig

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P14-109**: Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P14-109**

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-109 Staff Report

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JULY 14, 2014  
&  
CITY COUNCIL  
JULY 21, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, July 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 21, 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 Planning & Zoning Commission and City Council will consider the following:

**COMPREHENSIVE PLAN CASE P14-087:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial.

**ZONING CASE P14-088:** Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

**ZONING CASE P14-109:** Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will

be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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](mailto:rschmidt@tomballtx.gov).

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

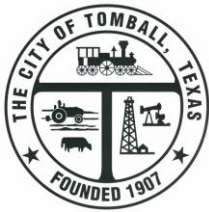
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> of July 2014 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Harbolt

Brandy Harbolt

Senior Administrative Assistant

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](http://www.ci.tomball.tx.us).



## 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:** P14-109

**APPLICANT:** Steven Vaughan, on behalf of Keary Barnes

**LOCATION:** West of Lawrence Avenue, south of West Main Street

**PROPOSAL:** Request to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

\* \* \*

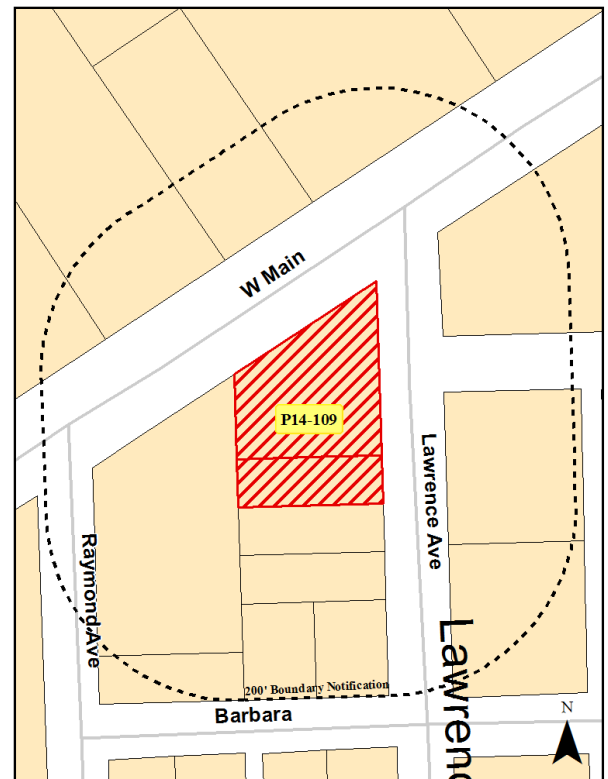
**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@tomballtx.gov](mailto: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.

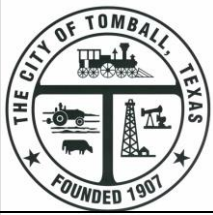


**Planning & Zoning Commission  
Public Hearing:  
Monday, July 14, 2014, 6:00 PM**

**City Council Public Hearing:  
\*Monday, July 21, 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.



## ***Rezoning Staff Report***

Planning & Zoning Commission Public Hearing Date: July 14, 2014

**Rezoning Case:** P14-109  
**Property Owner:** Keary Barnes  
**Applicant:** Steven Vaughan  
**Legal Description:** Lots 1, 2, 3, and 14, Block 7, Main Street Addition  
**Location:** West of Lawrence Avenue, south of West Main Street (Exhibit "A")  
**Area:** .68 acres  
**Present Zoning & Use:** Commercial and Old Town and Mixed Use (OTMU) Districts (Exhibit "B") / Undeveloped  
**Future Land Use (FLU):** Mixed Use (Exhibit "C")  
**Proposed Zoning and Use:** Commercial District<sup>1</sup> / Bank and office building  
**Adjacent Zoning & Use:**  
**North:** Commercial District / West Main Street, lumber yard, retail center, former eating establishment, and a single-family residence  
**South:** OTMU District / Single-family residences and vacant land  
**West:** Commercial District / Medical office  
**East:** Commercial and OTMU Districts / Lawrence Avenue, unimproved Arnold Street right-of-way, eating establishment, and vacant land (Exhibit "D")

### **BACKGROUND**

On May 7, 2014, City staff met with the applicant, Steven Vaughan, regarding the possible construction of a bank and office building at the subject site. At this meeting, City staff informed Mr. Vaughan of the following:

- The property has a Comprehensive Plan FLU of Mixed Use which is consistent with a bank and office building.
- Approximately 65% of the property is zoned Commercial and approximately 35% is zoned OTMU District.

---

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

- The bank and office uses are both permitted by right in both zoning districts.
- The property is comprised of multiple lots and would need to be replatted into one overall tract.
- Because the property has two zoning classifications, any improvements to the site would be required to be developed according to the standards of the zoning district classification upon which it is zoned. To avoid having to develop his project under two different sets of zoning district standards, Mr. Vaughan was informed that he could have the property rezoned.

Mr. Vaughan informed City staff of his desire to rezone the entire property to the Commercial District to have one set of design standards for the project. On June 4, 2014, the City received a Rezoning application (Exhibit “E”) from Mr. Vaughan requesting to rezone the property from the Commercial and OTMU Districts to the Commercial District.

## **ANALYSIS**

There is a mixture of land uses in the vicinity of the subject site. To the north are West Main Street, a lumber yard, a retail center, a former eating establishment, and a single-family residence; to the south are single-family residences and vacant land; to the west is a medical office; and to the east are Lawrence Avenue, unimproved Arnold Street right-of-way, an eating establishment, and vacant land. The uses permitted in the Commercial District appear to be compatible with the lumber yard, retail center, former and current eating establishments, and medical office in the vicinity. With the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.), the uses permitted in the Commercial District may be compatible with the single-family residences in the vicinity.

There are two zoning classifications in the vicinity of the subject site: Commercial and OTMU Districts. To the north, west, and east is the Commercial District and to the south is the OTMU District. The proposed 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. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.” The Commercial District appears to be compatible with the existing Commercial Districts to the north, west, and east. With the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.), the Commercial District may be compatible with the OTMU District to the south.

The FLU map identifies the subject site as Mixed Use. Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. The proposed rezoning and uses appear to be consistent with a FLU of Mixed Use.

## **ZONING CONSIDERATIONS**

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission 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 in the Commercial District appear to be compatible with the lumber yard, retail center, former and current eating establishments, and medical office in the vicinity. With the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.), the uses permitted in the Commercial District may be compatible with the single-family residences to the north and south.

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

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

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There are numerous vacant properties elsewhere in the City already zoned Commercial District. However, there is little vacant property in the vicinity 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 zoning change 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 is not anticipated to affect the public health, safety, morals, or general welfare.

**G. Whether the request is consistent with the Comprehensive Plan.**

The proposed Rezoning and uses appear to be consistent with a FLU of Mixed Use.

**PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on July 3, 2014; no public comments have been received as of July 8, 2014.

**RECOMMENDATION**

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Rezoning Case P14-109.

**EXHIBITS**

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

Exhibit "A"  
Aerial Photo



Exhibit "B"  
Future Land Use Map

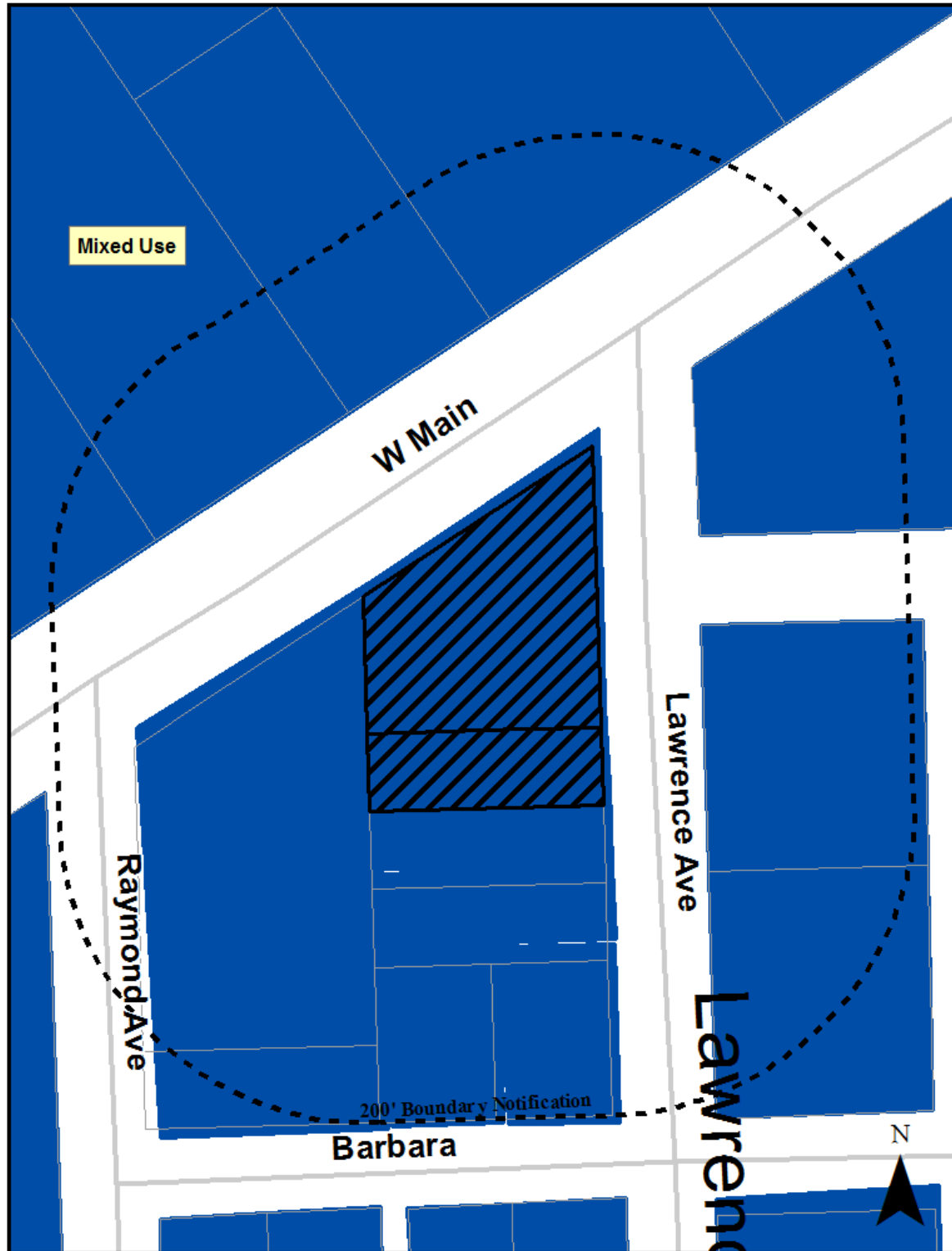
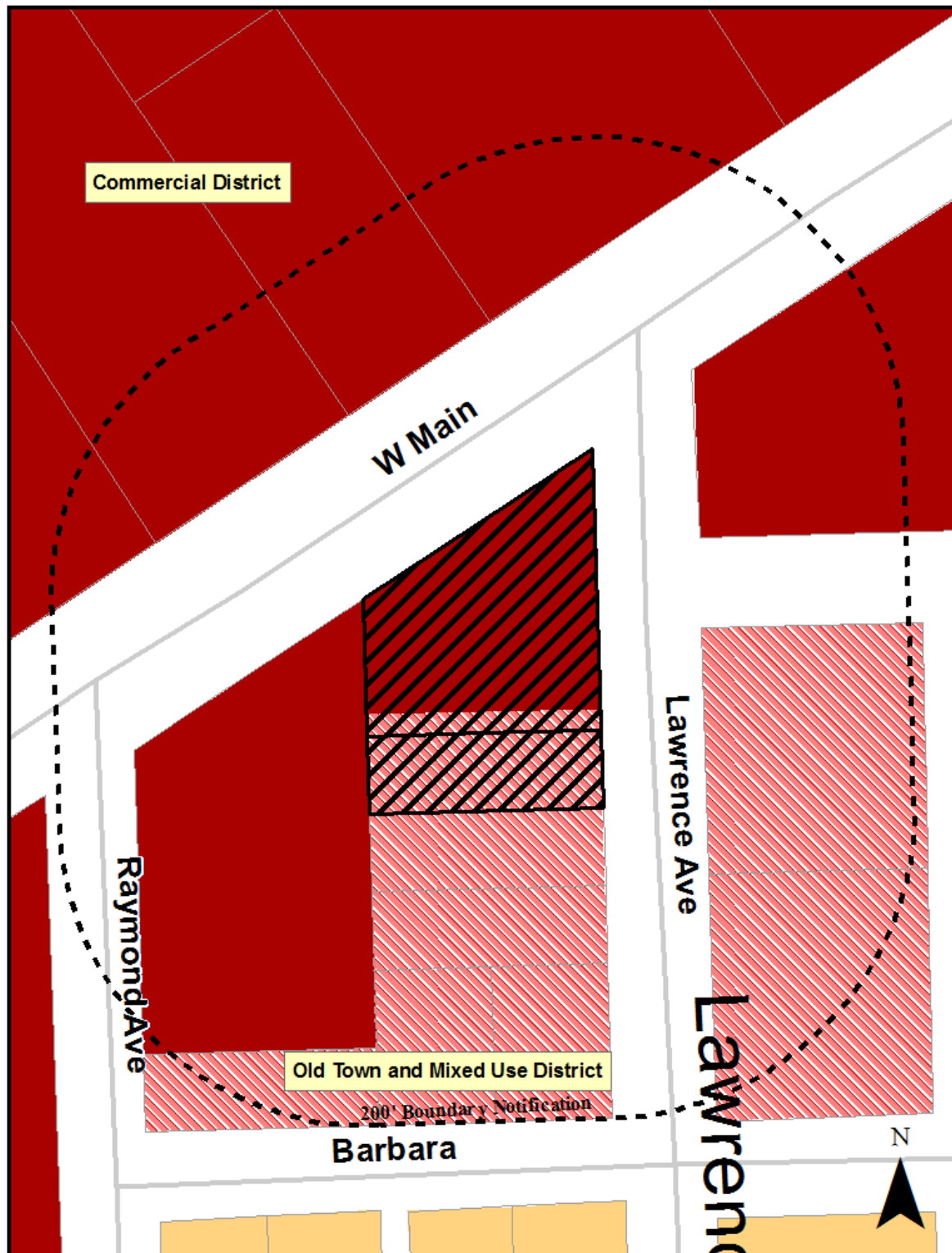


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site**



**Figure 2: North**



**Figure 3: North**



**Figure 4: North**



**Figure 5: South**



**Figure 6: West**



**Figure 7: East**



**Figure 8: East**



**Figure 9: East**

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: Steven E. Vaughan Title: Co-Owner  
Mailing Address: 13322 Wildwood City: Tomball State: TX  
Zip: 77375  
Phone: (281) 413-4193 Fax: ( ) Email: svaughanster@gmail.com

**Owner**

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

**Engineer/Surveyor (if applicable)**

Name: Walter Smith Title: President  
Mailing Address: 1002 Village Sq. Drive Suite B City: Tomball State: TX  
Zip: 77375  
Phone: (281) 655-0634 Fax: ( ) Email: smithwe@earthlink.net

Description of Proposed Project: New Office Building

Physical Location of Property: 1001 W. main  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: lots 1, 2, 3, & 14 Block 7 main Street Addition  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: lots 1, 2, & 3 are C-commercial and lots 14 & 15 are OT+mu

Current Use of Property: Vacant

Proposed Zoning District: All lots change to C-commercial

Proposed Use of Property: Bank/Office building

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

HCAD Identification Number: 0470990070001 Acreage: .676  
0470990070017

**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 *L. Vaughan* 6/4/14  
Signature of Applicant Date

X *L. Vaughan* 6/4/14  
Signature of Owner Date

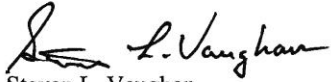
Steven L. Vaughan  
13322 Wildwood  
Tomball, Texas 77375  
June 4, 2014

City of Tomball Engineering and Planning Department  
% City of Tomball  
501 James Street  
Tomball, Texas 77375

Dear Sirs:

Attached please find my application for a zoning change for four lots located at 1001 West Main Street in Tomball. They are for lots 1, 2, 3, & 14 Blk 7 Main Street Addition, Tomball. Currently parts of lots 1, 2, and 3 are zoned C commercial and OT & MU and lot 14 is zoned OT & MU. I would like all four lots to be zoned C commercial. We are planning to design and construct a bank/office building on the site. We are currently working on survey work to replat the four lots into one tract.

Sincerely,



Steven L. Vaughan  
Co-owner

Enclosure



THIRD COAST ARCHITECTS  
ARCHITECTURE & PLANNING  
14505 Turkey Creek  
Houston, TX 77058  
(281) 465-0034 Phone  
(281) 465-0035 Fax

|            |  |
|------------|--|
| CONSULTANT |  |
| NAME       |  |
| ADDRESS    |  |
| CITY       |  |
| STATE      |  |
| ZIP        |  |
| CONSULTANT |  |
| NAME       |  |
| ADDRESS    |  |
| CITY       |  |
| STATE      |  |
| ZIP        |  |
| CONSULTANT |  |
| NAME       |  |
| ADDRESS    |  |
| CITY       |  |
| STATE      |  |
| ZIP        |  |

Project Title  
XXXX Street Address  
CITY, STATE XXXXX

|     |             |      |
|-----|-------------|------|
| NO. | DESCRIPTION | DATE |
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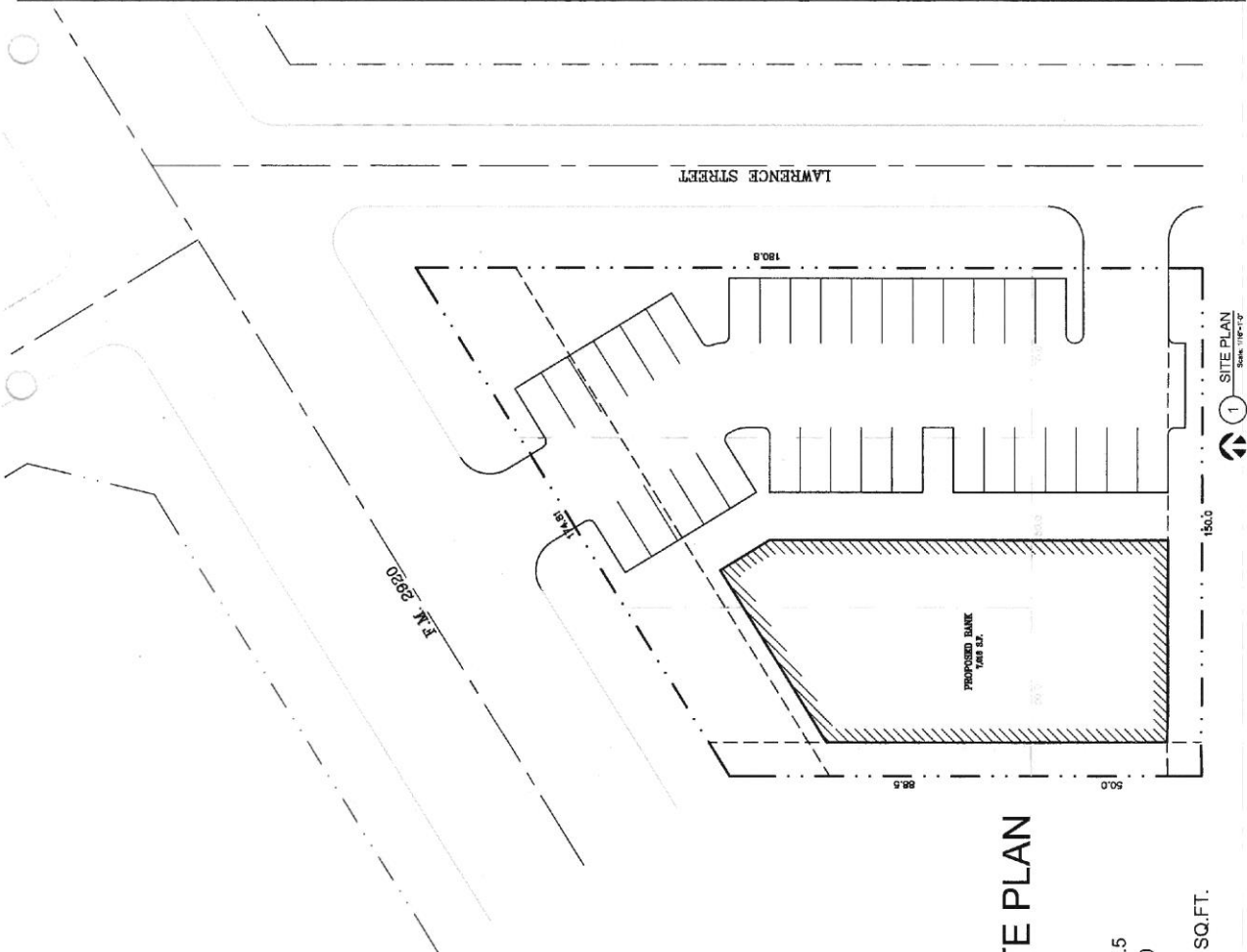
NOT FOR CONSTRUCTION  
PRINTED FOR REVIEW  
APPROVED BY ALL  
SHEETS: 1 OF 1

QUANTITY: 11 SHEETS  
DATE: 11/11/11  
BY: J. L. L. L.

SCHEMATIC DESIGN  
NOT FOR CONSTRUCTION

SHEET NO.  
SHEET TOTAL

AS1.00



PROPOSED SITE PLAN

SYNOPSIS

LAND AREA 27,697.5  
BUILDING AREA 6,800.0  
PARKING 34.0  
PARKING RATIO 5 CARS/1000 SQ.FT.

1 SITE PLAN  
Scale: 1/8"=1'-0"

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **COMPREHENSIVE PLAN CASE P14-118**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential & Business/Industrial to Medium Density Residential.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P14-118**

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-118 Staff Report

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JULY 14, 2014  
&  
CITY COUNCIL  
AUGUST 4, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, July 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 4, 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 Planning & Zoning Commission and City Council will consider the following:

**COMPREHENSIVE PLAN CASE P14-118:** Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential & Business/Industrial to Medium Density Residential.

**ZONING CASE P14-102:** Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Zoning Ordinance by rezoning approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Single-Family Residential-9 District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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](mailto:rschmidt@tomballtx.gov).

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

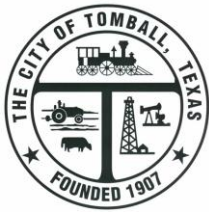
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> of July 2014 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Harbolt

Brandy Harbolt

Senior Administrative Assistant

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](http://www.ci.tomball.tx.us).



## 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:** P14-118

**APPLICANT:** Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC.

**LOCATION:** East of Hufsmith-Kohrville Road, north of Spell Road

**PROPOSAL:** Request to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, from Rural Residential & Business/Industrial to Medium Density Residential.

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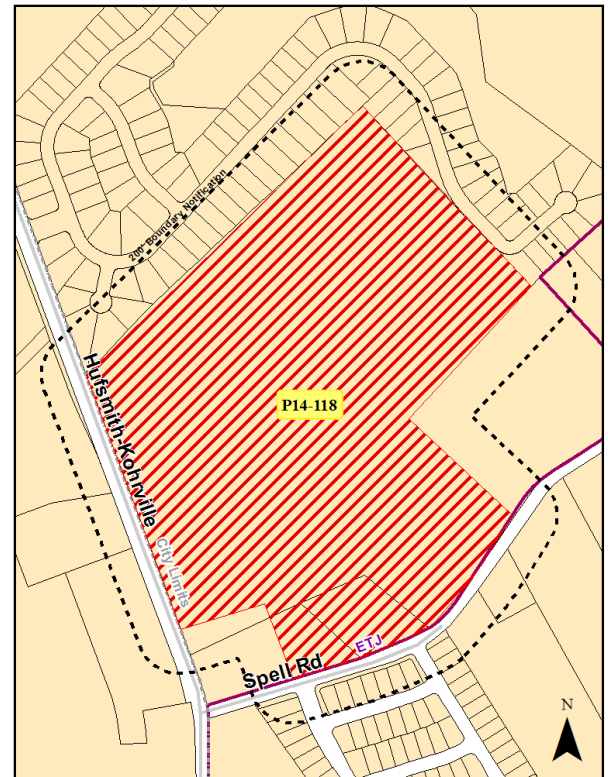
**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@tomballtx.gov](mailto: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.



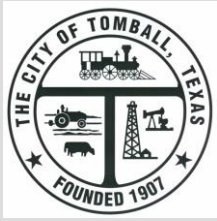
**Planning & Zoning Commission  
Public Hearing:**

**Monday, July 14, 2014, 6:00 PM**

**City Council Public Hearing:  
\*Monday, August 4, 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.



## Comprehensive Plan (CP) Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: July 14, 2014

|                                                   |                                                                                                                                                                                                                          |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CP Amendment Case:</b>                         | P14-118                                                                                                                                                                                                                  |
| <b>Property Owner(s):</b>                         | BCDE, LTD. and Eibsen & Associates, INC.                                                                                                                                                                                 |
| <b>Applicant(s):</b>                              | Harold Ellis                                                                                                                                                                                                             |
| <b>Legal Description:</b>                         | All of proposed Alexander Estates Subdivision and being a partial replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas |
| <b>Location:</b>                                  | East of Hufsmith-Kohrville Road, north of Spell Road (Exhibit "A")                                                                                                                                                       |
| <b>Area:</b>                                      | 70.36 acres                                                                                                                                                                                                              |
| <b>Present Zoning &amp; Use:</b>                  | UNZONED City of Tomball extraterritorial jurisdiction (ETJ) (Exhibit "C") <sup>1</sup> / Former horse training facility and vacant land                                                                                  |
| <b>FLU Designation:</b>                           | Rural Residential and Business/Industrial (Exhibit "B")                                                                                                                                                                  |
| <b>Proposed FLU:</b>                              | Medium Density Residential                                                                                                                                                                                               |
| <b>Adjacent FLU Designation &amp; Land Usage:</b> |                                                                                                                                                                                                                          |
| <b>North:</b>                                     | Rural Residential / Single-family residences (Country Club Greens subdivision)                                                                                                                                           |
| <b>South:</b>                                     | Undesignated / Spell Road and single-family residences                                                                                                                                                                   |
| <b>West:</b>                                      | Rural Residential and Business/Industrial / Hufsmith-Kohrville Road, vacant, commercial (CREACOM, Inc.), and a single-family residence                                                                                   |
| <b>East:</b>                                      | Business/Industrial / Vacant (Exhibit "D")                                                                                                                                                                               |

### **BACKGROUND**

On April 16, 2014, the City of Tomball held a pre-plat meeting with Doug Eibsen and representatives from Jones and Carter, an Engineering, Planning, and Surveying firm, to discuss a proposed 128-unit, detached single-family subdivision known as Alexander Estates. The subdivision is generally located at the northeast corner of Hufsmith-Kohrville and Spell Roads and is approximately 70 acres in size. During the pre-plat meeting, Mr. Eibsen and Jones and Carter inquired into the process of annexing into the City limits. City staff informed those in attendance of the following:

---

<sup>1</sup> The property owner is currently in the process of requesting annexation. If the property is annexed, it will be given a zoning classification of Agricultural District per Section 6.1 of the Zoning Ordinance. Additionally, the property owner is requesting the property be rezoned from the Agricultural District to the SF-9 District in Zoning Case P14-102.

- Annexation requests are handled through the City Secretary's office and if they wished to pursue annexation they would need to make their request directly to the City Secretary's office.
- If they were annexed, their zoning classification would automatically be established as Agricultural District per Section 6.1 of the Zoning Ordinance.
- Their proposed plat did not appear to meet the minimum requirements of the Agricultural District in regards to minimum lot size and building setbacks and they may want to consider changing to the plat to reflect Agricultural District standards or request a Rezoning at the time of annexation to a district which reflects the intent of their development.

On June 2, 2014, the City received a request for annexation for the subject site. On June 16, 2014, City Council approved a resolution declaring its intent to annex. Public hearings for the annexation are scheduled before City Council for July 7 and July 14, 2014 and the first and second readings of the ordinance to annex are scheduled for August 4 and August 18, 2014, respectively.

Upon possible annexation on August 18, 2014, the subject site will be assigned a zoning classification of Agricultural District per Section 6.1 of the Zoning Ordinance. Because the proposed subdivision will require the site to be zoned Single-Family Residential-9 (SF-9) District to be able to construct the subdivision as desired, the property owners have submitted a Rezoning application requesting the property be rezoned from the Agricultural District to the SF-9 District. The Rezoning request will be heard as Zoning Case P14-102. Additionally, the applicant was informed that the SF-9 District would not be compatible with the property's current FLU designations of Rural Residential and Business/Industrial and that he could request the CP be amended. On June 9, 2014, the applicant submitted a request to change the FLU designation of the subject site from Rural Residential and Business/Industrial to Medium Density Residential to make the SF-9 rezoning request consistent with the CP (Exhibit "E").

## **ANALYSIS**

The proposed FLU designation for this site is Medium Density Residential. The CP states, "Medium Density Residential...includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City. A full range of urban services and infrastructure is required. These areas must have an adequate street network to support the amount of residential density."

There are several land uses in the vicinity of the subject site. To the north are single-family residences in Country Club Greens subdivision; to the south are Spell Road and single-family residences; to the west are Hufsmith-Kohrville Road, vacant land, a commercial use (CREACOM, Inc.), and a single-family residence; and to the east is vacant land. The Medium Density Residential FLU designation appears to be consistent and compatible with the existing land uses to the east of Hufsmith-Kohrville Road. The prima facie inconsistency and incompatibility of the request with the existing commercial use to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road which is designated as a Major Arterial in the City's Major Thoroughfare Plan.

The majority of the properties in the vicinity of the subject site are unzoned because they are either in the City's ETJ or not in the City limits/ETJ. However, the properties to the west are zoned Light Industrial District. According to Section 31.1 of the Zoning Ordinance, the Light Industrial District "is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad." The prima facie inconsistency and incompatibility of the request with the Light Industrial District to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road.

The predominant FLU designations in the vicinity are Rural Residential and Business/Industrial. To the north is Rural Residential; to the south is undesignated land because it is not in the City limits/ETJ; to the west are Rural Residential and Business/Industrial; and to the east is Business/Industrial. According to the CP:

- Rural Residential includes residential developments on minimum 1-acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.
- Business/Industrial indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.

The Medium Density Residential FLU designation appears to be consistent and compatible with the Rural Residential FLU designations to the north and west. Again, the prima facie inconsistency and incompatibility of the request with the Business/Industrial FLU designation west of Hufsmith-Kohrville Road appears to be minimized because of their separation by a major thoroughfare. The Business/Industrial FLU designation to the southwest and east may be compatible with Medium Density Residential if the Business/Industrial land uses are developed with the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.).

City staff recommends **APPROVAL** of this requested based on the following:

1. The request appears to be consistent and compatible with many of the surrounding land uses, zoning districts, and FLU designations as explained above.
2. The request appears to enhance the City economically by adding 128 residential lots to the tax rolls.
3. The request appears to be consistent with the following CP goals, objectives, and actions:
  - a. Objective LUD 1.2: Promote a cohesive land use pattern by minimizing incompatible land uses.
    - i. The request appears to be consistent and compatible with the existing residential land uses to the north, east, south, and southwest.
  - b. Action LUD 1.1.5: Ensure that new developments invest in and contribute to the community's quality of life and amenities.

- i. Approximately 15% of the development has been restricted to landscape, open space, drainage, detention, access, or utility purposes. These areas are anticipated to contribute to the community's quality of life and amenities.
- c. Action LUD 3.1.2: Partner with the development community to provide a wide variety of housing products that are compatible with existing neighborhoods and meet existing and future residential needs.
  - i. The request appears to allow for the creation of a more diverse housing stock in the area while protecting the general character of the area.
  - ii. With the City's growing population, there is a demand for single-family homes. This request appears to assist in meeting existing and future residential need.
- 4. The request appears to be a better use of land than what is recommended by the CP.
  - a. The existing Business/Industrial classification appears to be inconsistent and incompatible with the existing uses to the east of Hufsmith-Kohrville Road. The request appears to ensure that many of the existing land uses will be protected from incompatible and inconsistent Business/Industrial type uses.
- 5. As described above, the request appears to positively impact adjacent residential areas.
- 6. The request appears to have adequate access and roadway capacity.
- 7. The uses adjacent to the proposed development are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on July 3, 2014; one public comment was received in support of the request (Exhibit "F") as of July 8, 2014.

## **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Comprehensive Plan Amendment Case P14-118.

## **EXHIBITS**

- A. Aerial Photo
- B. Future Land Use Map
- C. Zoning Map
- D. Site Photos
- E. Comprehensive Plan Amendment Application
- F. Public Comment Form(s)

Exhibit "A"  
Aerial Photo

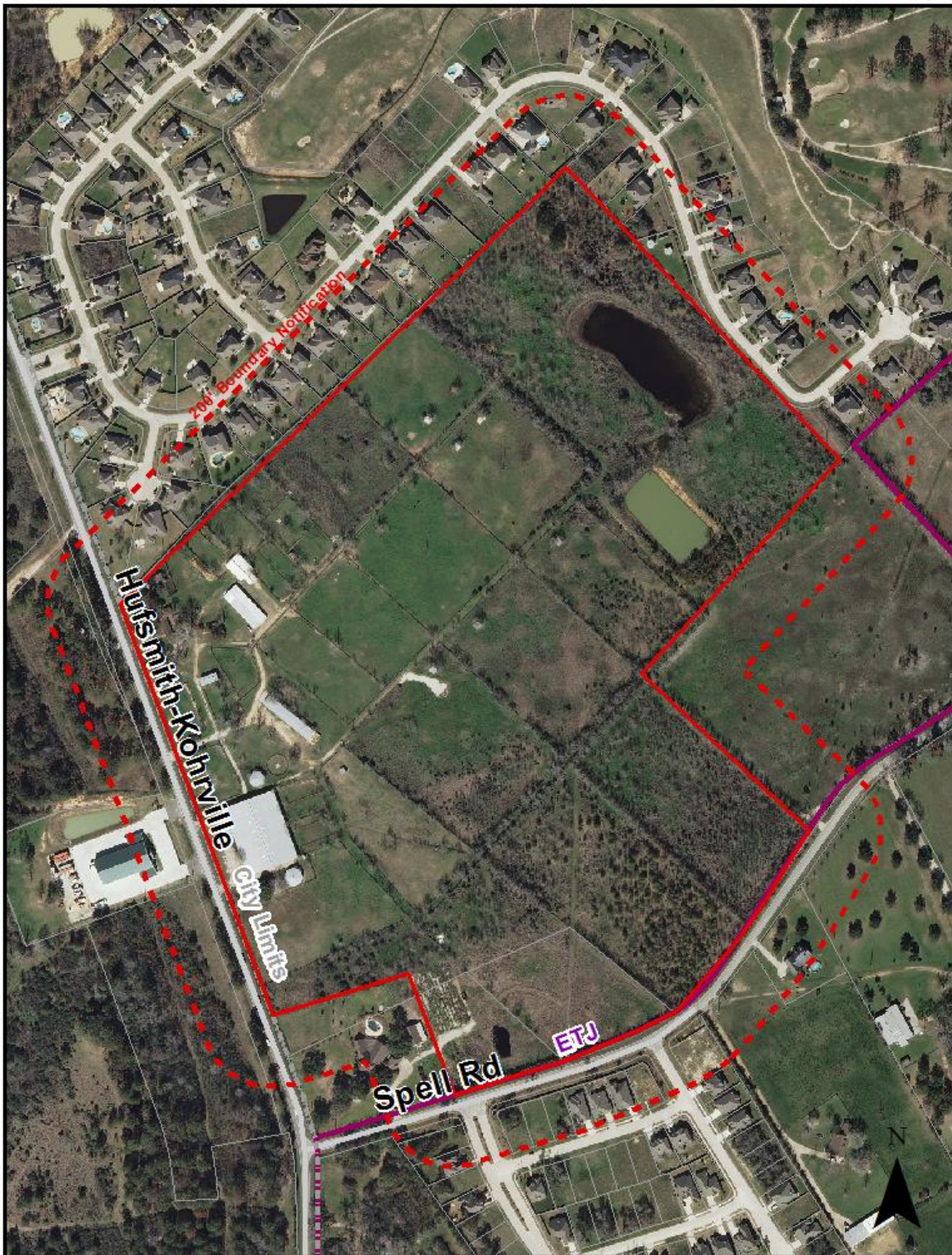


Exhibit "B"  
Future Land Use Map

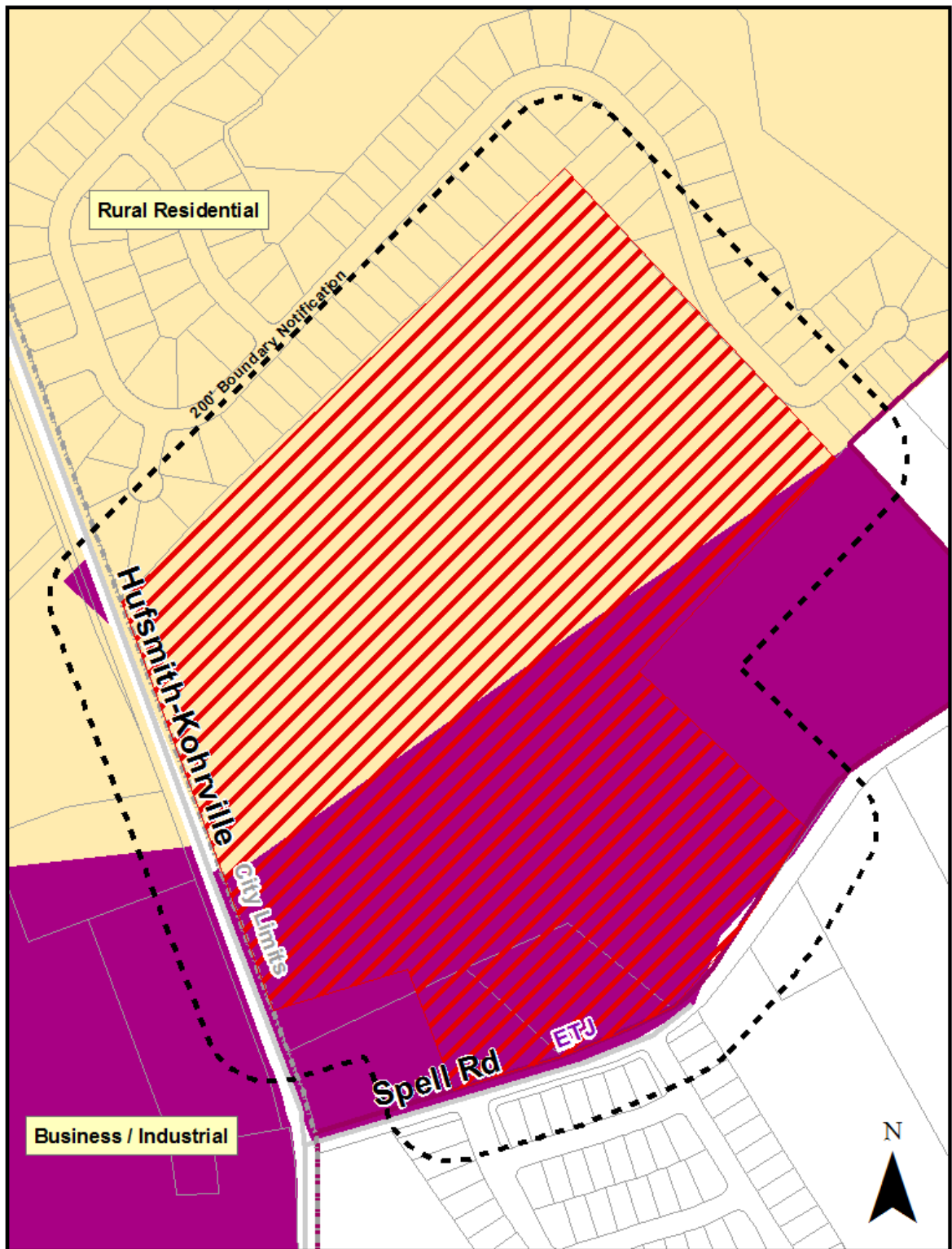
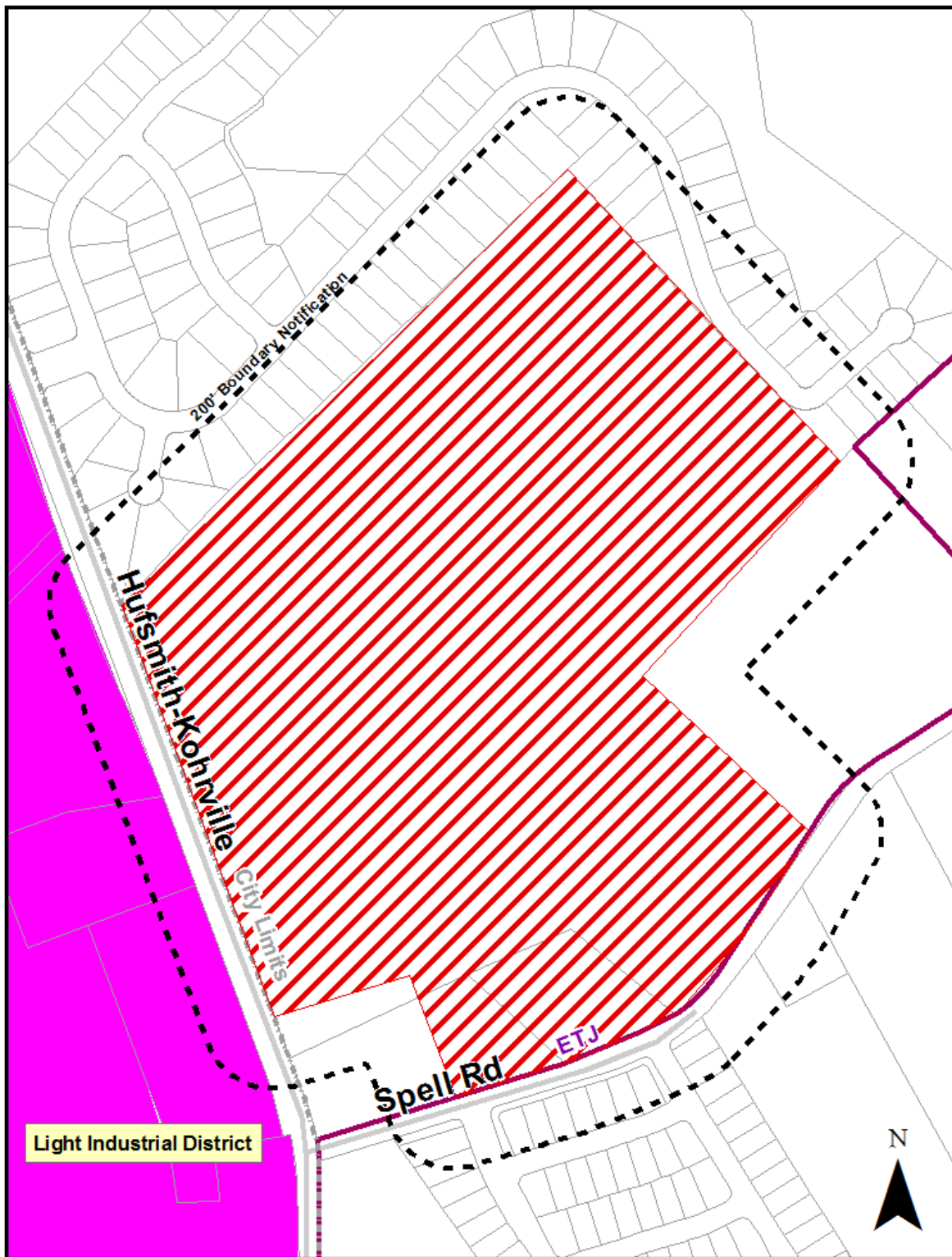


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: North**



**Figure 3: South**



**Figure 4: West**



**Figure 5: East**

Exhibit "E"  
Comprehensive Plan Amendment Application

214-113

Revised 1/26/10



**COMPREHENSIVE PLAN  
AMENDMENT APPLICATION**  
Engineering & Planning Department



**APPLICATION SUBMITTAL**

The Comprehensive Plan serves as the City's long-range development guide. Local Government Code Section 213.003 authorizes and specifies procedures for amendments and modifications to the City's Comprehensive Plan. The process requires a public hearing and review by the City's Planning and Zoning Commission and final review and approval by the City Council.

Plan amendments for parcels of real property within Tomball may be initiated by property owners or by agents of property owners by written consent. Plan amendment(s) involving textual changes may be initiated by any interested party including the Tomball City Council, Planning & Zoning Commission, staff, or private citizens. It shall be the burden of the party requesting the amendment, not the City of Tomball, to prove that the change constitutes an improvement to the Tomball Comprehensive Plan.

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 request may be delayed until corrections or additions are received.

**CONTACT INFORMATION:**

**Applicant**

Name: Harold Ellis, Jones & Carter, Inc. Title: Planner  
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX  
Zip: 77381  
Phone: (281) 363-4039 Fax: (281) 363-3459  
Email: HEllis@jonescarter.com

**Owner**

Name: Doug Eibsen, BCDE/Eibsen & Assoc. Title: General Partner/President  
Mailing Address: 24522 Creekview Dr City: Spring State: TX  
Zip: 77389  
Phone: (281) 628-3628 Fax: ( ) \_\_\_\_\_  
Email: dougeibsen@att.net

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

**COMPREHENSIVE PLAN AMENDMENT REQUEST:**

Amendment Type (check all that apply): Text ☐ Map ☒

Text Amendment(s)

Text to be modified:

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---

Proposed Text Amendment (exact wording):

---

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Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

Map Amendment(s)

Current Comprehensive Plan Designation: Rural Residential and Business/Industrial

Proposed Comprehensive Plan Designation: Medium Density Residential

Proposed Use of Property: Single Family Residential, typical lot size of 13,500 sq. ft.

Physical Location of Property: Northeast corner of Huffsmith-Kohrville Road and Spell Road

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

Legal Description of Property: Being a partial replat of Tomball Greens, Unrestricted Res. C

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

Current Zoning District: N/A - property is located within Tomball's ETJ

Current Use of Property: 1 single family home/undeveloped

HCAD Identification Number: 1207880000004, 1207880000005, 1207880000006, 1207880000008

Property Acreage: 70.3574 acres

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?
- Is the proposed map amendment a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed map amendment impact adjacent residential areas in a positive or negative manner?
- Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed map amendment similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed map amendment present a significant benefit to the public health, safety and welfare of the community?

*\* Corrected at applicant's request on 6-10-14.*

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

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  6/6/2014  
Signature of Applicant Date

X  6/6/2014  
Signature of Owner Date

June 25, 2014

Texas Board of Professional Engineers Registration No. F-439

Ms. Rebecca Guerra  
City Planner  
City of Tomball  
501 James Street  
Tomball, TX 77375

Re: Request for Comprehensive Plan Amendment

Ms. Guerra:

This letter serves as a formal request to amend the City of Tomball's Comprehensive plan from Rural Residential and Business/Industrial to Medium Density Residential. This request is associated with a request for annexation, rezoning, and preliminary plat application for proposed Alexander Estates.

The basis for the request is to allow for a residential development located at the northeast corner of Hufsmith-Kohrville Road and Spell Road. The property consists of 70.35 acres and is largely undeveloped. The proposed development, Alexander Estates, consists of 128 single family residential lots, with a typical lot size of 13,500 sq ft.

Below I have addressed the City's prerequisite questions for a proposed map amendment to the Comprehensive Plan:

- Will the proposed map amendment enhance the City economically?

*The proposed 128 single-family residential lots, with a typical size of 13,500 square feet will add to the City's inventory of mid to large lot residential subdivisions. The new lots will add to the City's tax base, thus generating revenue for the City of Tomball.*

- Will the proposed map amendment enhance the City aesthetically?

*The proposed subdivision, with lots significantly larger than the abutting subdivision to the north of the tract, will be an aesthetically pleasing addition to the City of Tomball. In addition to the large lot sizes, the homes proposed for the development will be superior in construction materials and design.*

- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?

*The proposed development will represent an efficient land use philosophy that is fiscally sustainable, and enhance quality of life. It will promote a cohesive land use pattern, encourage rural heritage and lifestyle, ensure high quality, safe, cohesive, and will be an attractive neighborhood which will meet the needs of present and future resident. The development will*

Ms. Rebecca Guerra

Page 2

June 25, 2014

*also be a distinctive, attractive neighborhood with a strong sense of place, and emphasize smart growth principles, and preserve and enhance the quality and character of Tomball*

- Is the proposed map amendment a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?

*As the property is generally located in a residential area, the Business/Industrial land use classification would not be a compatible land use. With regards to the residential land use designation of the property, the proposed lot sizes are larger than the lots north of the subject tract but smaller than the minimum 1 acre lot size called for by the Comprehensive Plan. Therefore, the proposed lot sizes of 13,500 square feet will be both compatible and a better land use than the current Rural Residential land use designation for the property.*

- Will the proposed map amendment impact adjacent residential areas in a positive or negative manner?

*The proposed map amendment will impact adjacent residential areas in a positive manner. As mentioned above, the lot sizes will be larger than nearby newly developed subdivisions. Additionally, the development plans for the property will result in a product which is not only of superior quality, but will also be an aesthetically pleasing development for the area.*

- Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

*Appropriate considerations have been taken in the design of the proposed subdivision to ensure the minimal impact on nearby roadways. Specifics of the access points and traffic impact considerations will be further detailed at the time of subdivision platting.*

- Are uses adjacent to the proposed map amendment similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

*The property is located in a generally residential area. The property to the south of the tract (outside Tomball's ETJ) is a residential subdivision, and the property to the east and west is undeveloped. The property to the north is also platted as residential.*

- Does the proposed map amendment present a significant benefit to the public health, safety and welfare of the community?

*The proposed map amendment will result in residential development of undeveloped property which will blend well with nearby uses. As previously mentioned, the lot sizes will be larger than recently approved residential developments in the area and the residential home product will be superior in quality and design.*

Ms. Rebecca Guerra

Page 3

June 25, 2014

Attached to this request for reference is the current recorded plat for the property, as well as a vicinity map and a copy of the proposed plat of Alexander Estates.

Please feel free to contact me if you have any questions or would like any additional information.

Regards,



Harold Ellis  
Planner



**Exhibit "F"**  
**Public Comment Form(s)**

**Rodney Schmidt**

---

**From:** Raymond Taylor <raymond.g.taylorjr@gmail.com>  
**Sent:** Tuesday, July 08, 2014 10:53 AM  
**To:** Rodney Schmidt  
**Subject:** Fwd: Zoning Case P14-102 and P14-118

City of Tomball,

Correction to my last email. I am in favor of the proposal to have the land rezoned as single family resident only!

Raymond Taylor

----- Forwarded message -----

**From:** **Raymond Taylor** <[raymond.g.taylorjr@gmail.com](mailto:raymond.g.taylorjr@gmail.com)>  
**Date:** Mon, Jul 7, 2014 at 10:54 AM  
**Subject:** Zoning Case P14-102 and P14-118  
**To:** [rschmidt@tomballtx.gov](mailto:rschmidt@tomballtx.gov)

City of Tomball (Rodney),

I am writing this email and in reference to Zoning Case P14-102 and P14-118. I live at 10930 S Country Club Green Drive, Tomball, Texas, 77375, which is within the 200 feet zone of the property that is in question. I would like to express that I am 100 percent AGAINST the requested rezoning. The waste management company that purchased the land is going to cause the property value and quality of life for the surrounding residence to diminish. The desirability of the neighborhood will diminish as well.

Please let me know what I need to do in order to ensure that I get a vote in this matter.

Raymond Taylor  
[816-889-8166](tel:816-889-8166)

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 14, 2014

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P14-102**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Zoning Ordinance by rezoning approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Single-Family Residential-9 District.

- Conduct a Public Hearing on **ZONING CASE P14-102**

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Harbolt, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P14-102 Staff Report

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JULY 14, 2014  
&  
CITY COUNCIL  
AUGUST 4, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, July 14, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 4, 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 Planning & Zoning Commission and City Council will consider the following:

**COMPREHENSIVE PLAN CASE P14-118:** Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential & Business/Industrial to Medium Density Residential.

**ZONING CASE P14-102:** Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Zoning Ordinance by rezoning approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Single-Family Residential-9 District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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](mailto:rschmidt@tomballtx.gov).

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> of July 2014 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Harbolt

Brandy Harbolt

Senior Administrative Assistant

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](http://www.ci.tomball.tx.us).



## 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:** P14-102

**APPLICANT:** Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC.

**LOCATION:** East of Hufsmith-Kohrville Road, north of Spell Road

**PROPOSAL:** Request to amend the City's Zoning Ordinance by rezoning approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family Residential-9 District.

\*\*\*

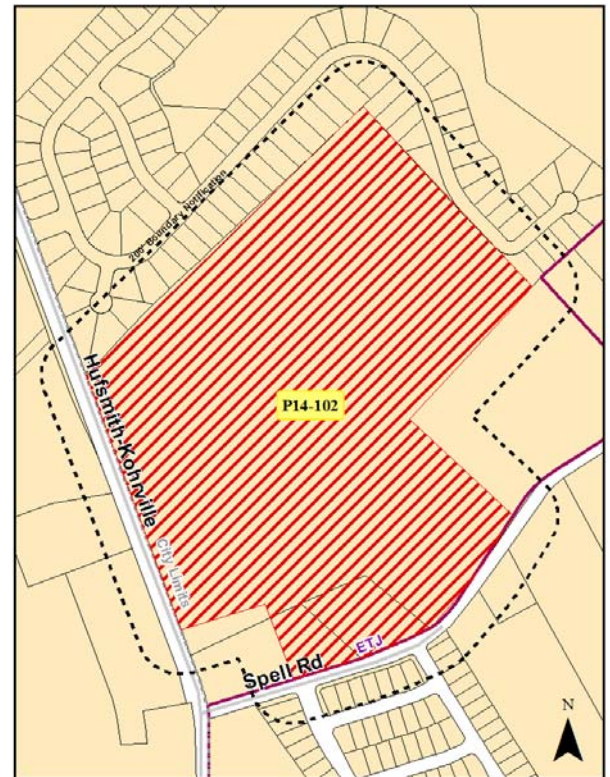
**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@tomballtx.gov](mailto: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:**

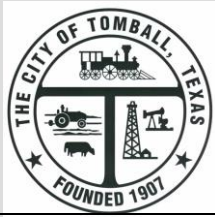
**Monday, July 14, 2014, 6:00 PM**

**City Council Public Hearing:**

**\*Monday, August 4, 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.



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 14, 2014

|                                   |                                                                                                                                                                                                                                                                            |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Rezoning Case:</b>             | P14-102                                                                                                                                                                                                                                                                    |
| <b>Property Owner(s):</b>         | BCDE, LTD. and Eibsen & Associates, INC.                                                                                                                                                                                                                                   |
| <b>Applicant(s):</b>              | Harold Ellis                                                                                                                                                                                                                                                               |
| <b>Legal Description:</b>         | All of proposed Alexander Estates Subdivision and being a partial replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas |
| <b>Location:</b>                  | East of Hufsmith-Kohrville Road, north of Spell Road (Exhibit "A")                                                                                                                                                                                                         |
| <b>Area:</b>                      | 70.36 acres                                                                                                                                                                                                                                                                |
| <b>Present Zoning &amp; Use:</b>  | UNZONED City of Tomball Extraterritorial Jurisdiction (ETJ) (Exhibit "C") <sup>1</sup> / Former horse training facility and vacant land                                                                                                                                    |
| <b>Future Land Use (FLU):</b>     | Rural Residential and Business/Industrial (Exhibit "B") <sup>2</sup>                                                                                                                                                                                                       |
| <b>Proposed Zoning and Use:</b>   | Single-Family Residential-9 (SF-9) District <sup>3</sup> / Detached single-family subdivision                                                                                                                                                                              |
| <b>Adjacent Zoning &amp; Use:</b> |                                                                                                                                                                                                                                                                            |
| <b>North:</b>                     | Unzoned / Single-family residences (Country Club Greens subdivision)                                                                                                                                                                                                       |
| <b>South:</b>                     | Unzoned / Spell Road and single-family residences                                                                                                                                                                                                                          |
| <b>West:</b>                      | Unzoned and Light Industrial District / Hufsmith-Kohrville Road, vacant, commercial (CREACOM, Inc.), and a single-family residence                                                                                                                                         |
| <b>East:</b>                      | Unzoned / Vacant (Exhibit "D")                                                                                                                                                                                                                                             |

---

<sup>1</sup> The property owner is currently in the process of requesting annexation. If the property is annexed, it will be given a zoning classification of Agricultural District per Section 6.1 of the Zoning Ordinance.

<sup>2</sup> The applicant is requesting the FLU be changed to Medium Density Residential in Comprehensive Plan Amendment Case P14-118.

<sup>3</sup> Any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

## **BACKGROUND**

On April 16, 2014, the City of Tomball held a pre-plat meeting with Doug Eibsen and representatives from Jones and Carter, an Engineering, Planning, and Surveying firm, to discuss a proposed 128-unit, detached single-family subdivision known as Alexander Estates. The subdivision is generally located at the northeast corner of Hufsmith-Kohrville and Spell Roads and is approximately 70 acres in size. During the pre-plat meeting, Mr. Eibsen and Jones and Carter inquired into the process of annexing into the City limits. City staff informed those in attendance of the following:

- Annexation requests are handled through the City Secretary's office and if they wished to pursue annexation they would need to make their request directly to the City Secretary's office.
- If they were annexed, their zoning classification would automatically be established as Agricultural District per Section 6.1 of the Zoning Ordinance.
- Their proposed plat did not appear to meet the minimum requirements of the Agricultural District in regards to minimum lot size and building setbacks and they may want to consider changing to the plat to reflect Agricultural District standards or request a rezoning at the time of annexation to a district which reflects the intent of their development.

On June 2, 2014, the City received a request for annexation for the subject site. On June 16, 2014, City Council approved a resolution declaring its intent to annex. Public hearings for the annexation are scheduled before City Council for July 7 and July 14, 2014 and the first and second readings of the ordinance to annex are scheduled for August 4 and August 18, 2014, respectively.

Upon possible annexation on August 18, 2014, the subject site will be assigned a zoning classification of Agricultural District per Section 6.1 of the Zoning Ordinance. Because the proposed subdivision will require the site to be zoned Single-Family Residential-9 (SF-9) District to be able to construct the subdivision as desired, the property owners have submitted a Rezoning application requesting the property be rezoned from the Agricultural District to the SF-9 District (Exhibit "E"). Additionally, the applicant was informed that the SF-9 District would not be compatible with the property's current Comprehensive Plan's (CP) Future Land Use (FLU) designations of Rural Residential and Business/Industrial and that he could request that the CP be amended. On June 9, 2014, the applicant submitted a request to change the FLU designation of the subject site from Rural Residential and Business/Industrial to Medium Density Residential to make the SF-9 rezoning request consistent with the CP. The CP amendment request will be heard as Comprehensive Plan Case P14-118.

## **ANALYSIS**

The applicant is requesting that the property be rezoned from the Agricultural District to the SF-9 District. According to Section 16.1 of the Zoning Ordinance, the SF-9 District "is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 9,000 square feet in size, churches, schools and public parks in logical neighborhood units."

There are several land uses in the vicinity of the subject site. To the north are single-family residences in the Country Club Greens subdivision; to the south are Spell Road and single-family residences; to the west are Hufsmith-Kohrville Road, vacant land, a commercial use (CREACOM, Inc.), and a single-family residence; and to the east is vacant land. The SF-9 District appears to be consistent and compatible with the existing single-family residences and vacant land in the vicinity. The prima facie inconsistency and incompatibility of the request with the existing commercial use to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road which is designated as a Major Arterial in the City's Major Thoroughfare Plan.

The subject site and the majority of the properties in the vicinity of the subject site are unzoned because they are either in the City's ETJ or not in the City limits/ETJ. However, the properties to the west are zoned Light Industrial District. According to Section 31.1 of the Zoning Ordinance, the Light Industrial District "is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad." The prima facie inconsistency and incompatibility of the request with the Light Industrial District to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road.

The FLU map identifies the subject site as Rural Residential and Business/Industrial. The predominant FLU designations in the vicinity are also Rural Residential and Business/Industrial. To the north is Rural Residential; to the south is undesignated land because it is not in the City limits/ETJ; to the west are Rural Residential and Business/Industrial; and to the east is Business/Industrial. According to the CP:

- Rural Residential includes residential developments on minimum 1-acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.
- Business/Industrial indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.

The SF-9 District appears to be consistent and compatible with the Rural Residential FLU designations to the north and west. Again, the prima facie inconsistency and incompatibility of the request with the Business/Industrial FLU designation west of Hufsmith-Kohrville Road appears to be minimized because of their separation by a major thoroughfare. The Business/Industrial FLU designation to the southwest and east may be compatible with SF-9 District if the Business/Industrial land uses are developed with the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.). Additionally, if the FLU designation of the property is changed to Medium Density Residential as requested in Comprehensive Plan Case P14-118 and per City staff's recommendation, the rezoning request will not be inconsistent with the CP.

## **ZONING CONSIDERATIONS**

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission 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 in the SF-9 District appear to be compatible with the single-family residences and vacant land in the vicinity. The prima facie inconsistency and incompatibility of the request with the existing commercial use to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road which is designated as a Major Arterial in the City's Major Thoroughfare Plan.

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

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

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There are numerous vacant properties elsewhere in the City zoned SF-9 District. There are no vacant properties in the vicinity zoned SF-9 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 SF-9 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 proposed Rezoning appears to be consistent and compatible with the Rural Residential FLU designations to the north and west. The prima facie inconsistency and incompatibility of the request with the Business/Industrial FLU designation west of Hufsmith-Kohrville Road appears to be minimized because of their separation by a major thoroughfare. The Business/Industrial CP designation to the southwest and east may be compatible with SF-9 District if the Business/Industrial land uses are developed with the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.). Additionally, if the FLU designation of the property is changed to Medium Density Residential, as requested in Comprehensive Plan Case P14-118 and per City staff's recommendation, the Rezoning request will be consistent with the CP.

### **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on July 3, 2014; one public comment was received in support of the request (Exhibit "F") as of July 8, 2014.

### **RECOMMENDATION**

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Rezoning Case P14-102.

### **EXHIBITS**

- A. Aerial Photo
- B. Future Land Use Map
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application
- F. Public Comment Form(s)

Exhibit "A"  
Aerial Photo

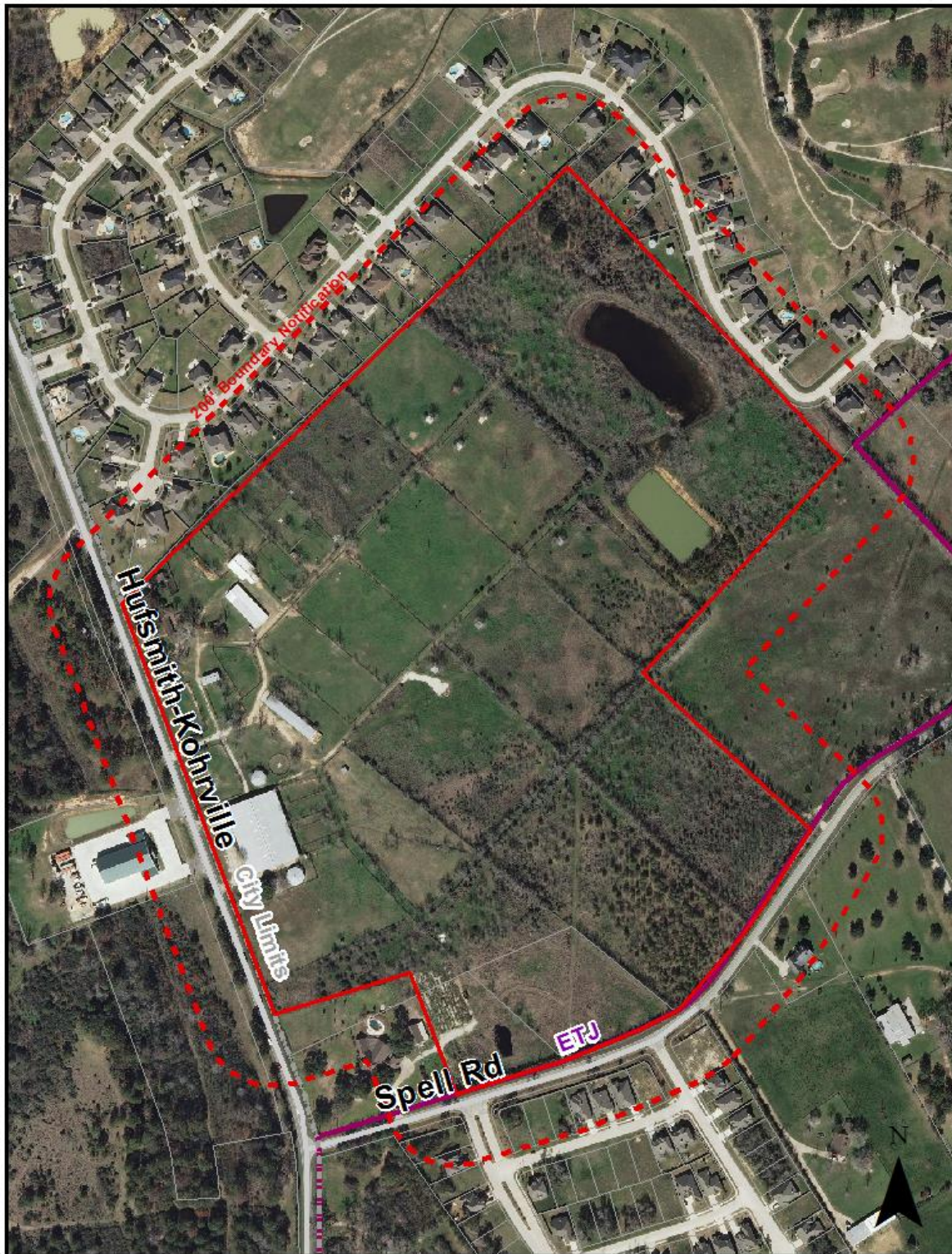


Exhibit "B"  
Future Land Use Map

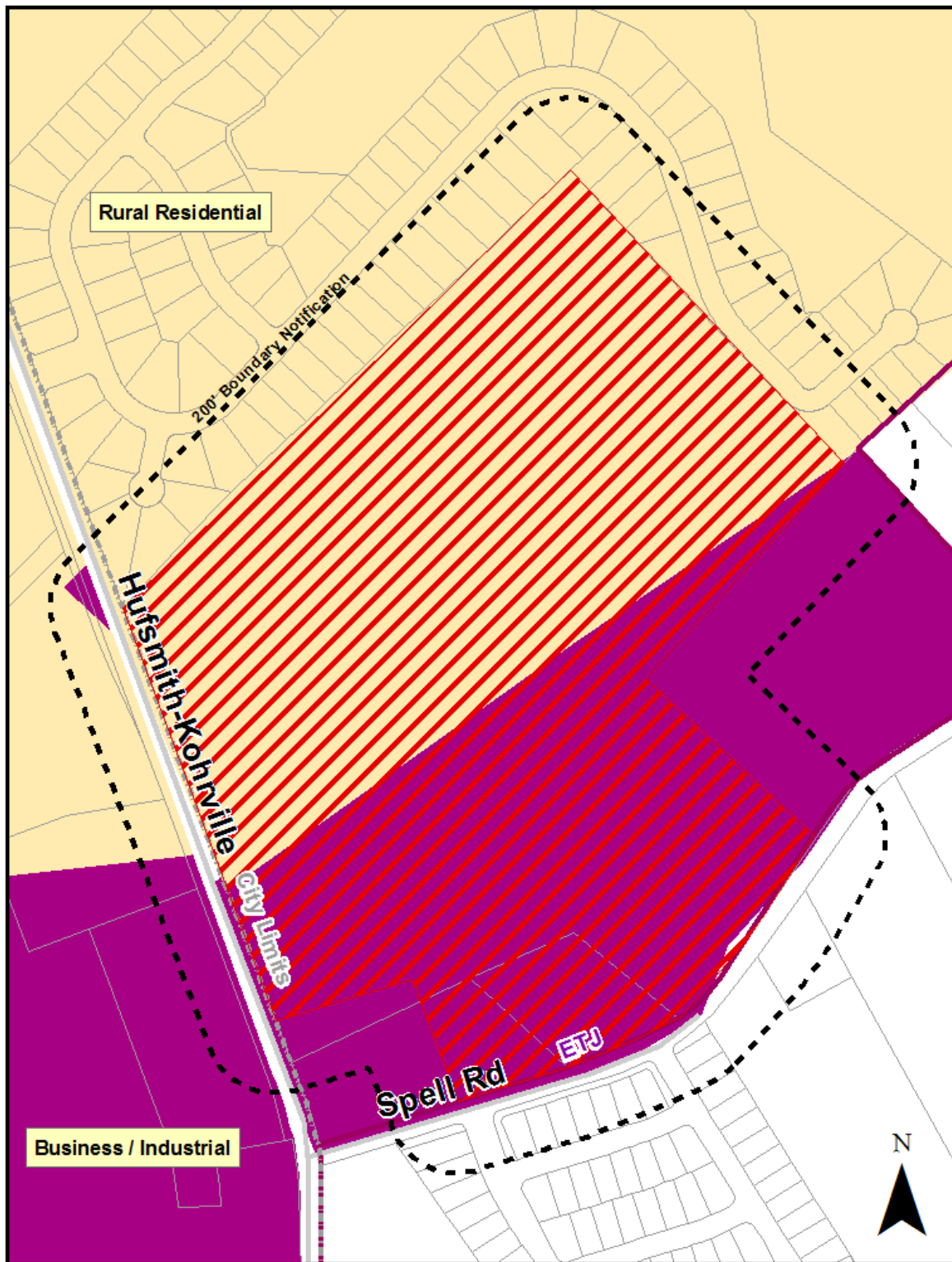
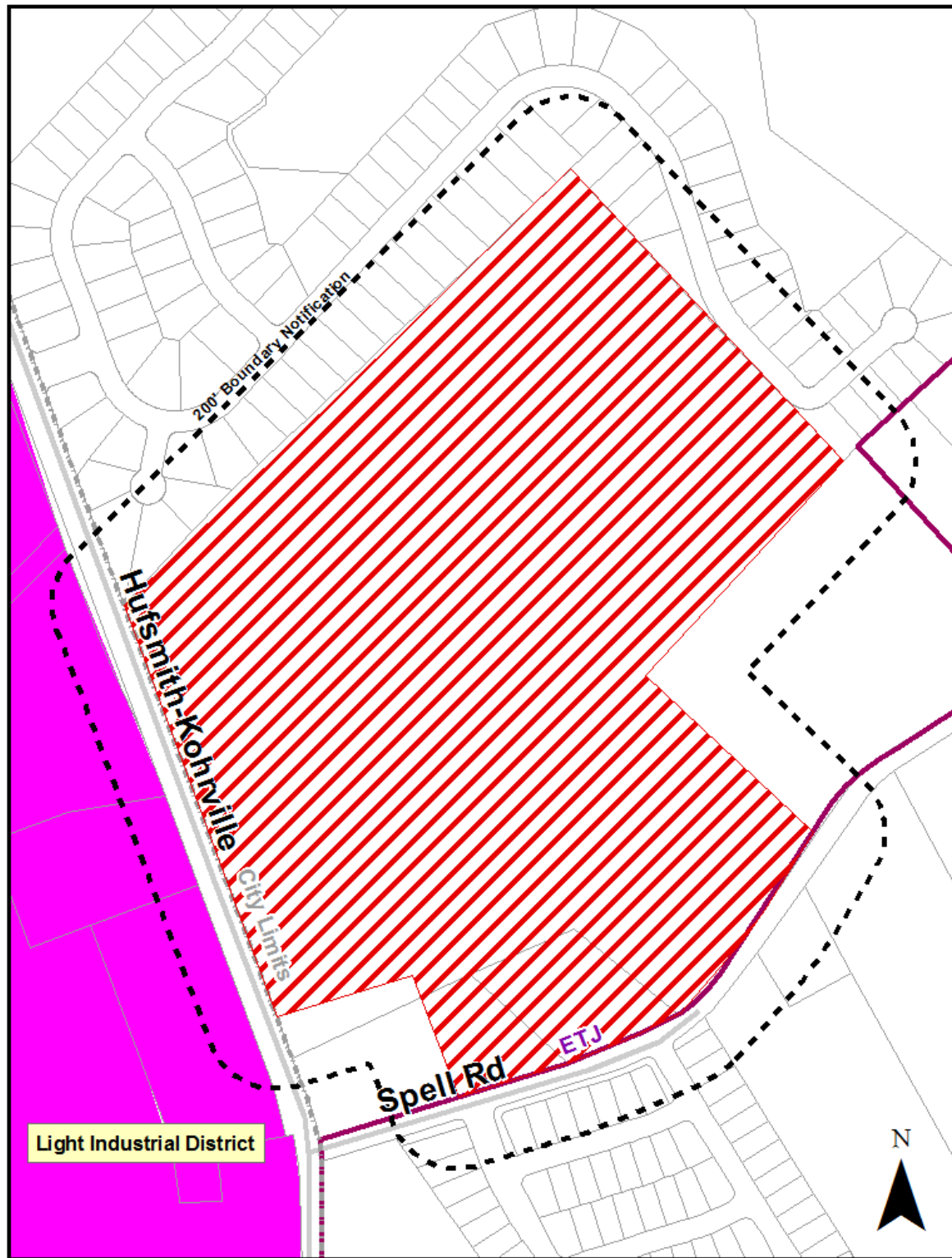


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: North**



**Figure 3: South**



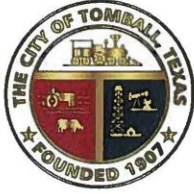
**Figure 4: West**



**Figure 5: East**

**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: Harold Ellis, Jones & Carter, Inc. Title: Planner  
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX  
Zip: 77381  
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: HEllis@jonescarter.com

**Owner**

Name: Doug Eibsen, BCDE, LTD/Eibsen & Assoc. Title: General Partner/President  
Mailing Address: 24522 Creekview Dr City: Spring State: TX  
Zip: 77389  
Phone: (713) 628-3628 Fax: ( ) Email: dougeibsen@att.net

**Engineer/Surveyor (if applicable)**

Name: Ryan Wade, Jones & Carter, Inc. Title: RWade@jonescarter.com  
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX  
Zip: 77381  
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: RWade@jonescarter.com

**Description of Proposed Project:** Alexander Estates, 128 Single Family Lot Subdivision

Physical Location of Property: Northeast corner of Huffsmith-Kohrville Road and Spell Road  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Being a partial replat of Tomball Greens, Unrestricted Reserve C  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Outside City Limits/AG

Current Use of  
Property: Vacant/Undeveloped

Proposed Zoning District: SF-9

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

Proposed Use of Property: Single Family Residential

HCAD Identification Number: 1207880000004 Acreage: 70.3574

1207880000005

1207880000007

1207880000008

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  5/30/14  
Signature of Applicant Date

X  6/2/2014  
Signature of Owner Date

June 2, 2014

*Texas Board of Professional Engineers Registration No. F-439*

Ms. Rebecca Guerra  
City Planner  
City of Tomball  
401 Market Street  
Tomball, TX 77375

Re: Request for Rezoning

Ms. Guerra:

This letter serves as a formal rezoning request. The property in question is undeveloped and is not currently zoned as it is within the City's Extraterritorial Jurisdiction (ETJ). We are requesting the property be annexed into the corporate limits of Tomball (see associated Annexation Request) and be subsequently zoned Single Family 9 District (SF-9).

The property is located at the northeast intersection of Hufsmith-Kohrville Road and Spell Road, and consists of 70.3574 acres. The property is currently platted as Tomball Greens, and the portion proposed for annexation and development is part of Unrestricted Reserve "C". The proposed development, Alexander Estates, consists of 128 single family residential lots, with a typical lot size of 13,500 sq ft. The proposed lot size exceeds the requested zoning districts minimum lot size of 9,000 sq. ft. The typical lot dimensions are 90' X 150', also exceeding the City's minimum requirements of 75' X 100' for the requested zoning district. Access to the site will be from Spell Road and site detention will be in the form of an amenity lake and associated pedestrian trails. It is not anticipated that the proposed development will adversely impact vehicular or pedestrian access in the area, traffic or roadway capacity.

This zone change request will be consistent with surrounding properties and developments in the area, as the property is surrounded on three sides with existing single family residential properties.

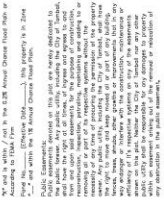
Attached to this request for reference is the current recorded plat for the property, as well as a vicinity map and the proposed subdivision plat of Alexander Estates.

Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully zoning the referenced property.

Regards,



Harold Ellis, Planner



**Exhibit "F"**  
**Public Comment Form(s)**

**Rodney Schmidt**

---

**From:** Raymond Taylor <raymond.g.taylorjr@gmail.com>  
**Sent:** Tuesday, July 08, 2014 10:53 AM  
**To:** Rodney Schmidt  
**Subject:** Fwd: Zoning Case P14-102 and P14-118

City of Tomball,

Correction to my last email. I am in favor of the proposal to have the land rezoned as single family resident only!

Raymond Taylor

----- Forwarded message -----

**From:** Raymond Taylor <[raymond.g.taylorjr@gmail.com](mailto:raymond.g.taylorjr@gmail.com)>  
**Date:** Mon, Jul 7, 2014 at 10:54 AM  
**Subject:** Zoning Case P14-102 and P14-118  
**To:** [rschmidt@tomballtx.gov](mailto:rschmidt@tomballtx.gov)

City of Tomball (Rodney),

I am writing this email and in reference to Zoning Case P14-102 and P14-118. I live at 10930 S Country Club Green Drive, Tomball, Texas, 77375, which is within the 200 feet zone of the property that is in question. I would like to express that I am 100 percent AGAINST the requested rezoning. The waste management company that purchased the land is going to cause the property value and quality of life for the surrounding residence to diminish. The desirability of the neighborhood will diminish as well.

Please let me know what I need to do in order to ensure that I get a vote in this matter.

Raymond Taylor  
[816-889-8166](tel:816-889-8166)