

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



MONDAY, JANUARY 13, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, January 13, 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 December 9, 2013.

5.0 Old Business:

- 5.1 Consideration to approve **ZONING CASE P13-148**: Request by the City of Tomball to amend Section 34.4 (“Area Regulations for Residential Uses”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

6.0 New Business:

- 6.1 Consideration to approve **MINOR PLAT OF DANIELS I**; Being a subdivision of 0.161 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and being a Replat of Lots 20 and 21, in Block 63 of the Tomball Townsite, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume A, Page 25 of the Map Records of Harris County, Texas.
- 6.2 Consideration to approve **MINOR PLAT OF DANIELS II**; Being a subdivision of 0.161 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and being a Replat of Lots 41 and 42, in Block 64 of the Tomball Townsite, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume A, Page 25 of the Map Records of Harris County, Texas.
- 6.3 Consideration to approve **WELLING OWENS QUADRUPLEXES**: Being a Replat of Outlots 104, 103, and 98 of Tomball Townsite, City of Tomball, recorded under Vol. 2, Pg. 65 of the Harris County Map Records located in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas.

7.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 9th day of January 2014 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer_____

Doris Speer

City Secretary, TRMC

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of December 9, 2013.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

P&Z Regular Meeting Minutes 12.09.13

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

MONDAY, DECEMBER 9, 2013



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 Roquemore
Commissioner Beauvais

Others present:

Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Assistant City Planner – Rodney Schmidt
City Attorney – Loren Smith
Senior Administrative Assistant – Brandy Pate

Draft

2.0 No Public Comments were received.

3.0 Lori Lakatos, City Engineer announced Commissioner Walicki's resignation.

4.0 Motion was made by Commissioner Beauvais to approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 11, 2013; second by Commissioner Roquemore.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve STONE BAER SUBDIVISION; Being a subdivision of a 0.3214 acre, 0.3214 acre and 0.1607 acre of land situated in the Joseph House Survey, Abstract Number 34 of Harris County, Texas, and being a Replat of Lots 31, 32, 33, 34, 35, 36, 38, 39, 40 and 41 in Block 46 of Revised Map of Tomball, a subdivision according to the map or plat thereof recorded in Volume 4, Page 25 of the map Records of Harris County, Texas, and being the same land as described in deed recorded under Clerk's File Number 20130496699 of the Real Property Records of**

Harris County Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Torres; second by Commissioner Roquemore to approve with contingencies, **STONE BAER SUBDIVISION** Vote was as follows:

Commissioner Torres	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Tague	<u>Aye</u>

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.2 Consideration to approve **BREAUX MACHINE WORKS NORTH**; A subdivision of 4.7261 Acres composed of Lot 1, Block 1, 4.3402 Acres comprised of Lots 1, 2, and 3, Block 3 of Hirschfield Farms, Section 1, an Unrecorded Subdivision, 0.1246 Acres being the residue of a called 2.8805 Acre Tract (Tract Two) as recorded in H.C.C.F. No. J904080 and 1.5918 Acres being the residue of a called 3.5864 Acre Tract as recorded in H.C.C.F. Film Code No. 119-48-0065 and Unrestricted Reserve A 0.3859 Acres; being the westerly residue of a 0.7411 Acre Tract as recorded in H.C.C.F. No R013662 located in the John M. Hooper Survey, A-375 City of Tomball, Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Roquemore; second by Commissioner Torres to approve; with contingencies, **BREAUX MACHINE WORKS NORTH**. Vote was as follows:

Commissioner Torres	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Tague	<u>Aye</u>

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.3 Consideration to approve **REPLAT OF MCCOY'S BUILDING SUPPLY - TOMBALL**; All of that certain Tract of land being 8.5395 Acres; being comprised of a 4.9671 Acre easterly residual Tract of land hereby known as Block 1, Lot 1, and a 3.5724 Acre westerly residual Tract of land hereby known as Block 2, Lot 1; said parcels being out of and a part of a called 10.702 Acre Tract known as Block 1, Restricted Reserve A of McCoy's Building Supply – Tomball as recorded in Film No. 368124, Harris County Map Records, Harris County, Texas and being more

particularly described by metes and bounds.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Beauvais; second by Commissioner Roquemore to approve; with contingencies, **REPLAT OF MCCOY'S BUILDING SUPPLY - TOMBALL**. Vote was as follows:

Commissioner Torres	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Tague	<u>Aye</u>

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.4 Consideration to approve **COMPREHENSIVE PLAN CASE P13-181**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 25.70 acres of land, legally described as Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, generally located west of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential and Business/Industrial to Business/Industrial.

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

Rebeca Guerra, City Planner presented the staff report.

Applicant, Jeff Presnal spoke on behalf of the request.

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

Motion was made by Commissioner Torres; second by Commissioner Roquemore to approve **COMPREHENSIVE PLAN CASE P13-181**. Vote was as follows:

Commissioner Torres	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Tague	<u>Aye</u>

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.5 Consideration to approve **ZONING CASE P13-182**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC, to amend the City's Zoning Ordinance by rezoning approximately 18.77 acres of land, legally

described as Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located west of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Light Industrial District.

The Public Hearing was opened by Chair Tague at 6:24 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Jeff Presnal spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:29 p.m.

Motion was made by Commissioner Torres; second by Commissioner Beauvais to approve **ZONING CASE P13-182**.

Commissioner Torres	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Tague	<u>Aye</u>

Motion carried; 4 votes Aye, 0 votes Nay.

6.0 Motion was made by Commissioner Beauvais to adjourn; second by Commissioner Roquemore.

Motion carried unanimously.

Meeting adjourned at 6:31 p.m.

PASSED AND APPROVED this _____ day of January 2014.

Brandy Pate
P&Z Commission Secretary

Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-148:** Request by the City of Tomball to amend Section 34.4 (“Area Regulations for Residential Uses”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

Background:

On July 15, 2013, City Council discussed allowing detached single-family residences on any existing 25-foot wide platted lots in the Old Town Area bound by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion. During this meeting, City Council deliberated allowing this provided all new detached single-family residences access the property from an alleyway, if available, and that they provide at least two off-street parking stalls. Per City Council’s direction, Staff is bringing forth this proposed amendment to help accomplish the City Council’s overall vision for the Old Town Area.

The Planning & Zoning Commission heard this case on October 14, 2013. Chairperson Barbara Tague made a motion to table the case until January 13, 2014, the motioned was seconded by Commission Beauvais, and the motion passed 3-2.

Origination:

City of Tomball

Recommendation:

APPROVAL

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Original Notice of Public Hearing
City Council Notice of Public Hearing
P13-148 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 14, 2013
&
CITY COUNCIL
OCTOBER 21, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 14, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 21, 2013, 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:

ZONING CASE P13-143: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Fortune Telling and Similar Activities,” permitting it only with a Conditional Use Permit in the Light Industrial District, and assigning it a parking requirement of one parking space per three hundred (300) square feet of building area; and amending Section 45.2 (“Definitions”) by creating a definition for “Fortune Telling and Similar Activities.”

ZONING CASE P13-148: Request by the City of Tomball to amend Section 34.4 (“Area Regulations for Residential Uses”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

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.

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 October 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL**

**CITY COUNCIL
JANUARY 20, 2014**

**THE PUBLIC HEARING FOR ZONING CASE P13-148 WAS POSTPONED TO
THE REGULAR CITY COUNCIL MEETING OF JANUARY 20, 2014**

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 14, 2013
&
CITY COUNCIL
OCTOBER 21, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 14, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 21, 2013, 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:

ZONING CASE P13-148: Request by the City of Tomball to amend Section 34.4 ("Area Regulations for Residential Uses") of the City's Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

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.

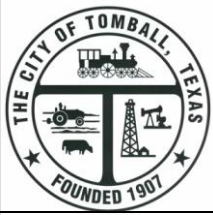
CERTIFICATION

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 **October 2013** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: January 13, 2014

ZONING CASE P13-148: Request by the City of Tomball to amend Section 34.4 (“Area Regulations for Residential Uses”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

BACKGROUND

On July 15, 2013, City Council discussed allowing detached single-family residences on any existing 25-foot wide platted lots in the Old Town Area bound by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion. During this meeting, City Council deliberated allowing this provided all new detached single-family residences access the property from an alleyway, if available, and that they provide at least two off-street parking stalls. Per City Council’s direction, Staff is bringing forth this proposed amendment to help accomplish the City Council’s overall vision for the Old Town Area.

The Planning & Zoning Commission heard this case on October 14, 2013. Chairperson Barbara Tague made a motion to table the case until January 13, 2014, the motioned was seconded by Commission Beauvais, and the motion passed 3-2.

PROPOSED AMENDMENTS

Section 34.4 (“Area Regulations for Residential Uses”)

D. Non-Conforming Lots: Except in the Old Town Area, where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of Ord. No. 2004-09, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.

E. Non-Conforming Lots in the Old Town Area: For platted, non-conforming lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, the following standards shall apply to allow for single-family detached residential uses only:

1. Size of Lots:

- a. Minimum Lot Area – Two thousand five hundred (2,500) square feet.
- b. Minimum Lot Width – Twenty-five (25) feet.
- c. Minimum Lot Depth – One hundred (100) feet.

2. Size of Yards:

- a. Minimum Front Yard – Fifteen (15) feet.
- b. Minimum Side Yard – Five (5) feet for interior lots and corner lots.
- c. Minimum Rear Yard – Ten (10) feet.
- d. Encroachment by building eaves and air conditioning compressors – Building eaves and air conditioning compressors may encroach no more than three (3) feet beyond building lines into the required rear and side yards.

3. Minimum Floor Area: Eight hundred (800) square feet of heated and/or air-conditioned floor area.

4. Maximum Heights

- a. Two (2) stories / Thirty-five (35) feet for the main building.
- b. One (1) story / Fifteen (15) feet for accessory buildings.

5. Alley Access: Lots which are adjacent to an alley shall provide vehicular access only from said alley. Alleys, in their entirety, shall meet minimum City standards or shall be improved, in their entirety, in order to meet minimum City standards.

6. Off-Street Parking: A minimum of two (2) off-street parking spaces shall be provided on the same lot as the main structure. For the purposes of this Subsection, the first two parking spaces contained in covered garages for each dwelling unit shall not be considered as off-street parking spaces. The minimum dimensions of each parking space shall be in accordance with Section 39.1; provided, however, two spaces shall not be less than twelve (12) feet by forty (40) feet, if aligned linearly. All driveways and parking areas shall be concrete or asphalt. If a lot is adjacent to an alley, all required off-street parking shall be provided within the rear of the lot and shall be accessed only from the alley.

7. Garages: A garage shall be provided on the same lot as the main structure. Those lots which are adjacent to an alley, and that have provided two off-street parking spaces which are accessible only from said alley, are exempt from this Subsection.

8. Architectural Requirements

- a. Color Variation: New single-family detached residences shall not be predominantly painted in the same color as the structures adjacent or across from the lots in which they are constructed.
- b. Roof Variation: New single-family detached residences shall not have the same roofline as the structures adjacent or across from the lots in which they are constructed.

- c. Building Façade: The architectural style and scale of new single-family detached residences within the Old Town Area, as described in this Section, shall be constructed in the Colonial, Greek Revival, Creole, Arts & Crafts, or other similar style which is historically accurate, to the greatest extent possible, in order to preserve the unique character of Tomball's downtown area. To this end, a Building Façade Plan shall be submitted as part of a Single-Family Site Plan Application consistent with requirements set forth in Section 34.6.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on September 30, 2013; no public comments have been received as of January 9, 2014.

RECOMMENDATION

Staff recommends **APPROVAL** of Zoning Case P13-148.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Consideration to approve **MINOR PLAT OF DANIELS I**; Being a subdivision of 0.161 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and being a Replat of Lots 20 and 21, in Block 63 of the Tomball Townsite, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume A, Page 25 of the Map Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Minor Plat of Daniels I

STATE OF TEXAS
COUNTY OF HARRIS

I, MICHAEL DANIELS, owner hereinafter referred to as Owner of the 0.161 acre tract described in the above and foregoing map of DANIELS I, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purpose and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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

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

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

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

By: _____
Michael Daniels

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Michael Daniel known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that he has executed the same for the purpose and consideration therein set forth.

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

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HARRIS

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

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

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

I, David E. King, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods have an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner and the state plane coordinates (NAD 83).

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

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of DANIEL I 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 _____, 2013.

By: _____
Barbara Tague, Chairman

By: _____
Darrell Raquemore, Vice Chairman

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2013.

By: _____
Gretchen Fagan, Mayor

By: _____
Doris Speer, City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify with City of Tomball ordinance.

George Shackelford, City Manager

Lori Lakatos, P.E.
Acting City Engineer

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2013, at _____ o'clock and duly recorded on _____, 2013 at _____ o'clock, and at Film Code Number _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

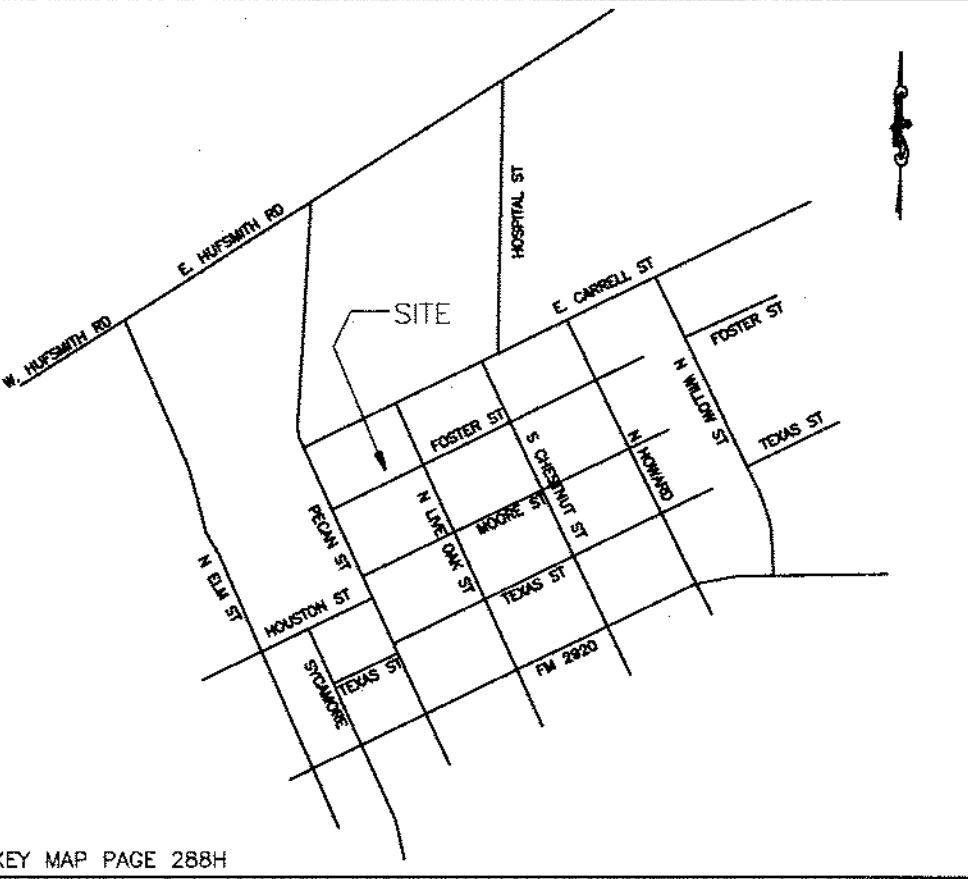
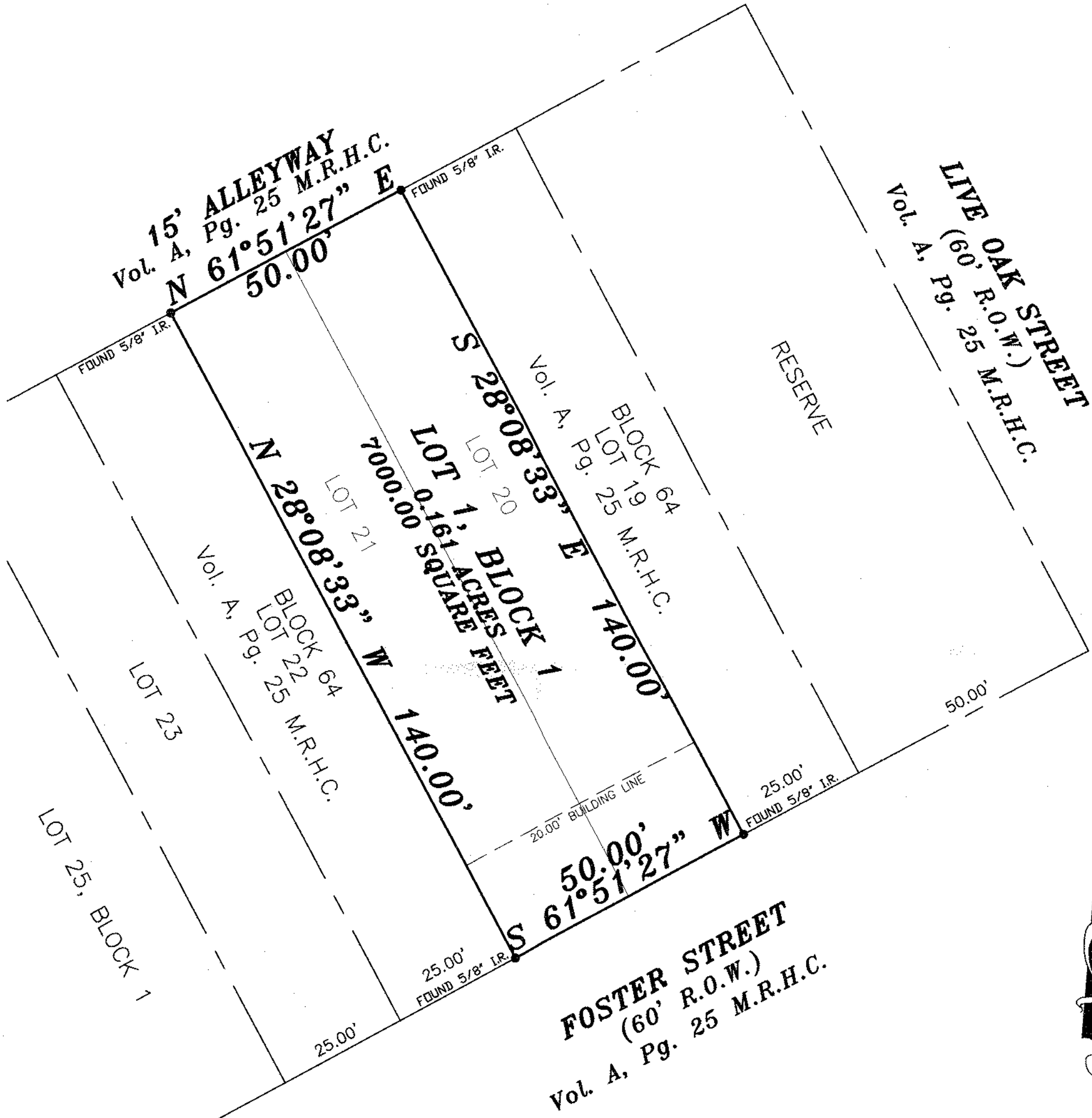
OWNER:
Micheal Daniels
226 Foster Street
Tomball, Texas 77375

SURVEYOR:
David E. King, Sr.
3411 Keygate Drive
Spring, Texas 77388
Office: 281-350-8003
FAX: 281-350-0118

GENERAL NOTES:

1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
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 minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to remove any valid covenants or restrictions.
5. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
6. According to FEMA Firm Panel No. 48201C02230L (Effective Date June 18, 2007), this property is in Zone "X" and does not appear to be in the 1% Annual Chance Flood Plain.

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



VICINITY MAP (N.T.S.)

MINOR PLAT OF
DANIELS I
1 LOT, 1 BLOCK

Being a subdivision of 0.161 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and being a replat of Lots 20 and 21, in Block 63, of the Tomball Townsite, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume A, Page 25 of the Map Records of Harris County, Texas.

JANUARY 2014

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Consideration to approve **MINOR PLAT OF DANIELS II**; Being a subdivision of 0.161 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and being a Replat of Lots 41 and 42, in Block 64 of the Tomball Townsite, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume A, Page 25 of the Map Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Minor Plat of Daniels II

STATE OF TEXAS
COUNTY OF HARRIS

I, MICHAEL DANIELS, owner hereinafter referred to as Owner of the 0.161 acre tract described in the above and foregoing map of DANIELS II, do hereby make and establish said subdivision and development plot of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purpose and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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

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

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

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

By: _____
Michael Daniels

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Michael Daniels known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that he has executed the same for the purpose and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2013

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

I, David E. King, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods have an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner and the state plane coordinates (NAD 83).

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

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of DANIEL 1 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 _____, 2013.

By: _____
Barbara Tague, Chairman

By: _____
Darrell Roquemore, Vice Chairman

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2013.

By: _____
Gretchen Fagon, Mayor

By: _____
Doris Speer, City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify with City of Tomball ordinance.

George Shackelford, City Manager

Lori Lakatos, P.E.
Acting City Engineer

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2013, at _____ o'clock and duly recorded on _____, 2013 at _____ o'clock, and at Film Code Number _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

Lienholders Statement

We, Wayne Kovar and wife, Vicki Kovar, owner and holder of a lien against the property shown on this plat, said lien being evidenced by instrument of record under Harris County Clerk's File No. W950672, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat. Further, I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Lienholder: Wayne Kovar and wife, Vicki Kovar

By: _____
Wayne Kovar

By: _____
Vicki Kovar

NOTARY'S ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Wayne Kovar and wife Vicki Kovar, known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purpose and consideration therein set forth.

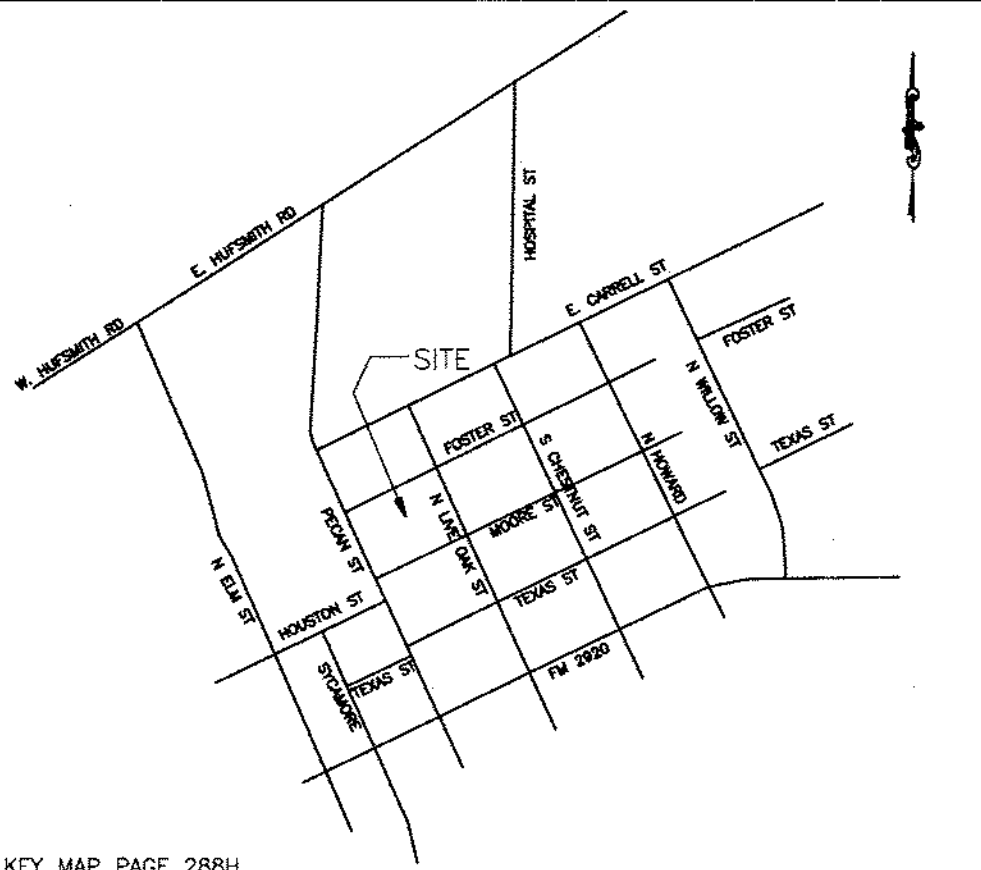
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014

NOTARY PUBLIC, STATE OF TEXAS

GENERAL NOTES:

1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
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 all minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to remove any valid covenants or restrictions.
5. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
6. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of 1.000130.
7. According to FEMA Firm Panel No. 48201C02230L (Effective Date June 18, 2007), this property is in Zone "X" and does not appear to be in the 1% Annual Chance Flood Plain.

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



VICINITY MAP (N.T.S.)

MINOR PLAT OF
DANIELS II

1 LOT, 1 BLOCK

Being a subdivision of 0.161 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and being a replat of Lots 41 and 42, in Block 64, of the Tomball Townsite, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume A, Page 25 of the Map Records of Harris County, Texas.

JANUARY 2014

OWNER:
Micheal Daniels
223 Foster Street
Tomball, Texas 77375

SURVEYOR:
David E. King, Sr.
3411 Keygate Drive
Spring, Texas 77388
Office: 281-350-8003
FAX: 281-350-0118

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 13, 2014

Data Sheet

Topic:

Consideration to approve **WELLING OWENS QUADRUPLEXES**: Being a Replat of Outlots 104, 103, and 98 of Tomball Townsite, City of Tomball, recorded under Vol. 2, Pg. 65 of the Harris County Map Records located in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

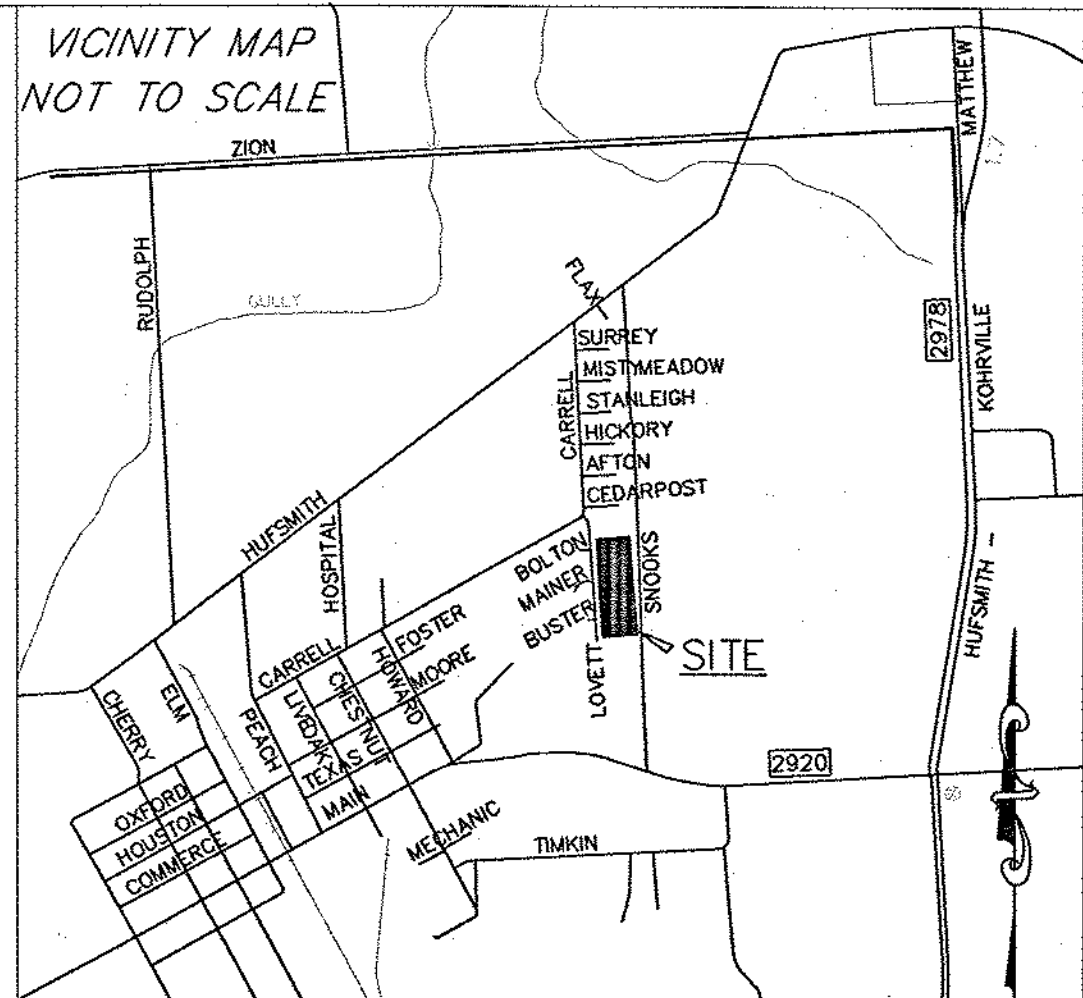
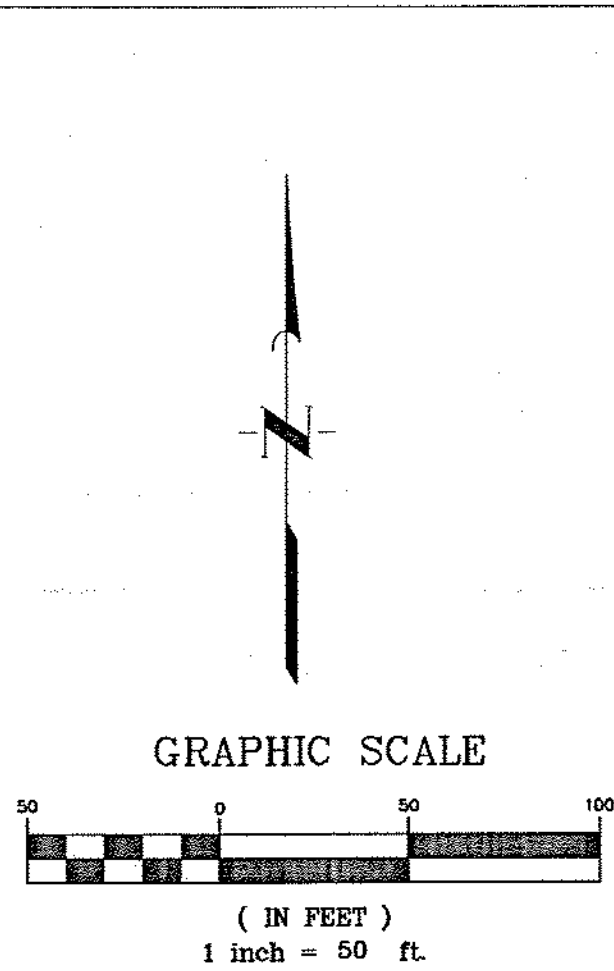
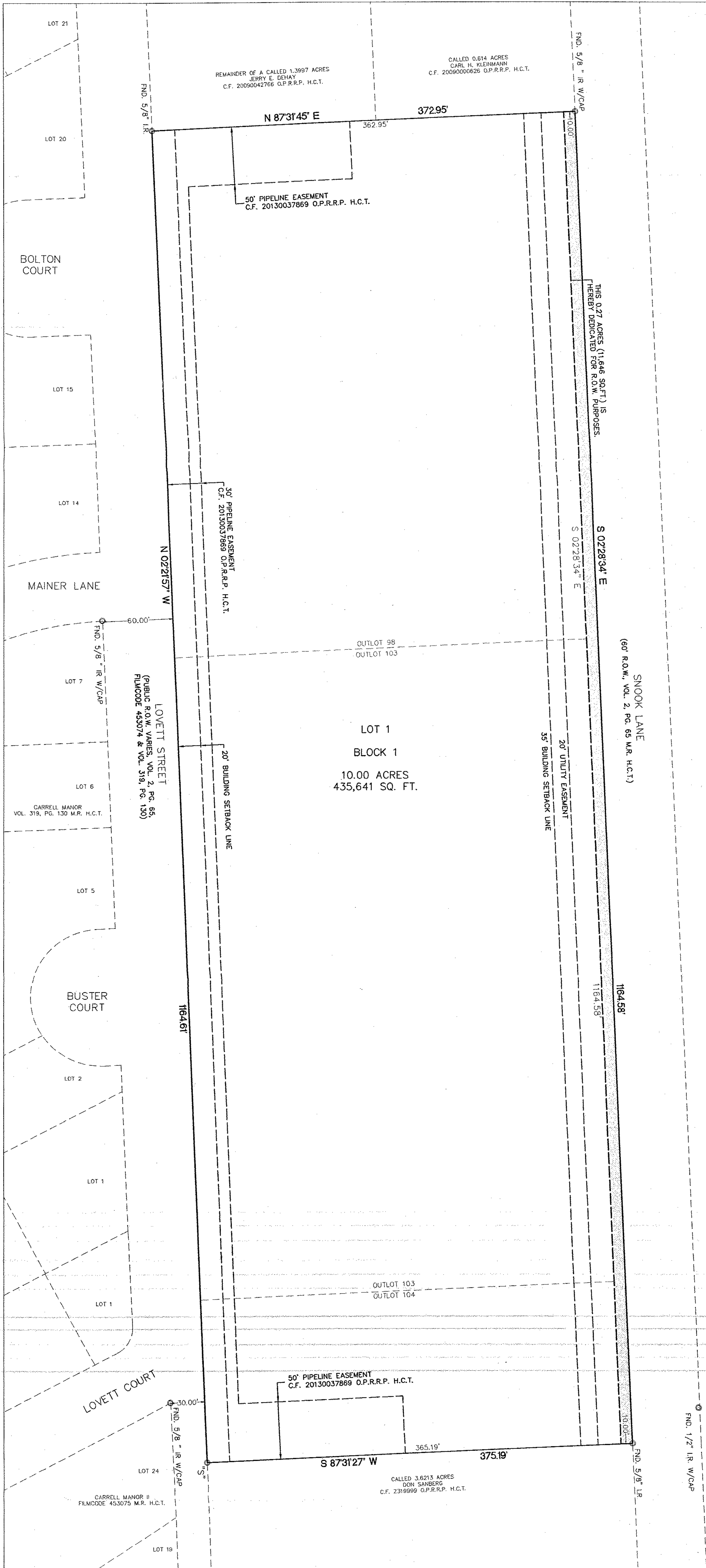
Party(ies) responsible for placing this item on agenda:

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Welling Owens Quadruplexes Plat



GENERAL NOTES:

1. All corners are shown as noted.
2. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
3. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
4. No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas line, and 30 feet off centerline of high pressure gas lines.
5. This plat does not attempt to amend or remove any valid covenants or restrictions.
6. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
7. According to FEMA Firm Panel No. 4820100230L, effective date of June 18, 2007, this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
8. Public easement denoted on this plat are hereby dedicated to the public forever. Any public utility, including 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 the property within an easement arising out of the removal or relocation of any obstruction in the public easement.
9. Pipeline right-of-way agreement modifies and replaces easement to Shell Oil Co. Inc, recorded under Volume 1352, Page 638 Deed Records of Harris County, Texas.

STATE OF TEXAS
COUNTY OF HARRIS

We, 23730 Lovett, LLC acting by and through _____ President being officer of 23730 Lovett, LLC, owner hereinafter referred to as owner of the 10.00 acre tract described in the above and foregoing plat of Welling Owens Quadruplexes, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever 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.

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 and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage 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 obutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, 23730 Lovett, LLC, has caused these presents to be signed by _____ President and its common seal hereunto affixed this _____ day of _____, 2014.

By: _____ President
23730 Lovett, LLC

Attest: _____
23730 Lovett, LLC

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

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

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

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

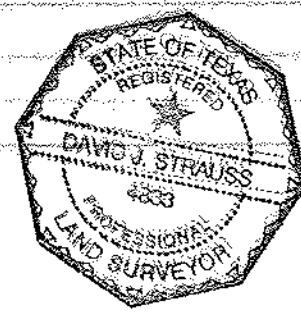
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2014

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

I, David Strauss, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct, was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods 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.



David Strauss - Registered Professional Land Surveyor
Texas Registration No. 4833

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 _____, 2014, at _____ o'clock _____ M., and duly recorded on _____, 2014, at _____ o'clock _____ M., and at Film Code Number No. _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Welling Owens Quadruplexes 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: _____
Darrell Roquemore, Vice Chairman

We, The City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with 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. 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 Fagon, Mayor

By: _____
Doris Speer, City Secretary

LEGEND:

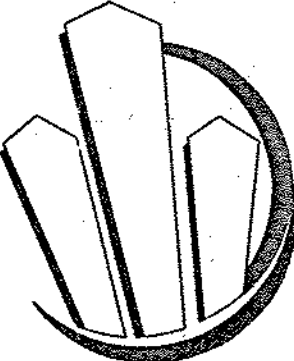
COUNTY CLERK'S FILE NUMBER
OFFICIAL PUBLIC RECORDS REAL PROPERTY
HARRIS COUNTY TEXAS
SQUARE FEET
SET 5/8 INCH IRON ROD WITH CAP

C.F.
O.P.R.R.P. H.C.T.
SQ.FT.
"S"

OWNER/DEVELOPER:
WELLING GROUP
5271 MEMORIAL DRIVE, HOUSTON, TX 77007
TELEPHONE NO. 713-869-4848

ENGINEER:
BLEYL AND ASSOCIATES
100 NUGENT STREET, CONROE, TX 77301
TELEPHONE NO. 936-441-7833

SURVEYOR:



TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731

WELLING OWENS QUADRUPLEXES
10.00 ACRES (435,641 SQ.FT.)
BEING A REPLAT OF
OUTLOTS 104,103 AND 98
OF TOMBALL TOWNSITE, CITY OF TOMBALL
RECORDED UNDER VOL. 2, PG. 65
OF THE HARRIS COUNTY MAP RECORDS
LOCATED IN THE
RALPH HUBBARD SURVEY, ABSTRACT 383
HARRIS COUNTY, TEXAS
1 BLOCK 1 LOT
JANUARY 2014
REASON FOR REPLAT: TO COMBINE LOTS
INTO ONE LOT

SHEET 1 OF 1