

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



MONDAY, DECEMBER 9, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, December 9, 2013 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 November 11, 2013.

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.
- 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.
- 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.
- 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.
- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P13-181**
- 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.

- Conduct a Public Hearing on **ZONING CASE P13-182**

6.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of December 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer_____

Doris Speer

City Secretary, TRMC

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 11, 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 11.11.13

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

MONDAY, NOVEMBER 11, 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 Walicki
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 No Reports or Announcements were received.

4.0 Motion was made by Commissioner Beauvais to approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 14, 2013; second by Commissioner Walicki.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve TOMBALL SOUTH COMMERCIAL NO. 2; Being a subdivision of a 14.8086 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, of Harris County, Texas, out of and a part of a tract described in deed recorded in Clerk's File Number 20070269548 of the Real Property Records of Harris County, Texas; said 14.8086 acre subdivision being a Replat of all of Lot 1 and Restricted Reserve C, both in Block One of Tomball South Commercial, a**

subdivision according to the map or plat thereof recorded in Volume 632, Page 199 of the Map Records of Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Roquemore; second by Commissioner Beauvais to approve with contingencies, **TOMBALL SOUTH COMMERCIAL NO. 2**. Vote was as follows:

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

Motion carried; 4 votes Aye, 1 vote Nay.

- 5.2 Consideration to approve **PRELIMINARY PLAT TUCKER MEADOWS**; A subdivision of 4.6756 acre tract, being comprised of 4.3285 acre tract and 0.5000 acre tract situated in Chauncey Goodrich Survey, Abstract 311, Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Roquemore; second by Commissioner Walicki to approve **PRELIMINARY PLAT TUCKER MEADOWS**. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.3 Consideration to approve **FINAL PLAT TUCKER MEADOWS**; A subdivision of 4.6756 acre tract, being comprised of 4.3285 acre tract and 0.5000 acre tract situated in Chauncey Goodrich Survey, Abstract 311, Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Walicki; second by Commissioner Roquemore to approve **FINAL PLAT TUCKER MEADOWS**. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.4 Consideration to approve **RALEIGH CREEK SECTION ONE PARTIAL REPLAT NUMBER ONE**; A subdivision of 0.2519 acres, being a Replat of Lot 6, Block 6 of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Torres; second by Commissioner Beauvais to approve with contingencies; **RALEIGH CREEK SECTION ONE PARTIAL REPLAT NUMBER ONE**. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.5 Consideration to approve **RALEIGH CREEK SECTION ONE REPLAT PARTIAL REPLAT NUMBER TWO**; A subdivision of 1.2774 acres, being a Replat of Reserve "A", Block 2 and Reserve "B", Block 1, of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Torres; second by Commissioner Walicki to approve with contingencies; **RALEIGH CREEK SECTION ONE PARTIAL REPLAT NUMBER TWO**. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.6 Consideration to approve **RALEIGH CREEK SECTION TWO**; A subdivision of 26.1150 acres, being a Replat of Reserve "J" and Reserve "I" of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.

Lori Lakatos, City Engineer presented comment recommendations.

Motion was made by Commissioner Roquemore; second by Commissioner Torres to approve with contingencies; **RALEIGH CREEK SECTION ONE PARTIAL REPLAT NUMBER TWO**. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.7 Consideration to approve **ZONING CASE P13-157**: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

The Public Hearing was opened by Chair Tague at 6:13 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Jackie Moon and Engineer, David Broussard spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:24 p.m.

Motion was made by Commissioner Torres; second by Commissioner Walicki to approve **ZONING CASE P13-157**. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.8 Consideration to approve **ZONING CASE P13-158**: Request by Stutt Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

The Public Hearing was opened by Chair Tague at 6:25 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Allan Cox spoke on behalf of the request.

John Purse, resident of 29614 Liberty Lane requested clarification regarding buffering requirements for the property.

Hearing no additional comments, the Public Hearing was closed at 6:37 p.m.

Motion was made by Commissioner Roquemore; second by Commissioner Torres to approve **ZONING CASE P13-158**.

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.9 Consideration to approve **ZONING CASE P13-161**: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance by allowing a “Residential Use” with a Conditional Use Permit in the Office District.

The Public Hearing was opened by Chair Tague at 6:44 p.m.

Rebeca Guerra, City Planner presented the staff report.

Hearing no comments, the Public Hearing was closed at 6:46 p.m.

Motion was made by Commissioner Walicki; second by Commissioner Roquemore to approve **ZONING CASE P13-161**.

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

Motion carried; 5 votes Aye, 0 votes Nay.

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

Motion carried unanimously.

Meeting adjourned at 6:50 p.m.

PASSED AND APPROVED this _____ day of December 2013.

Brandy Pate
P&Z Commission Secretary

Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

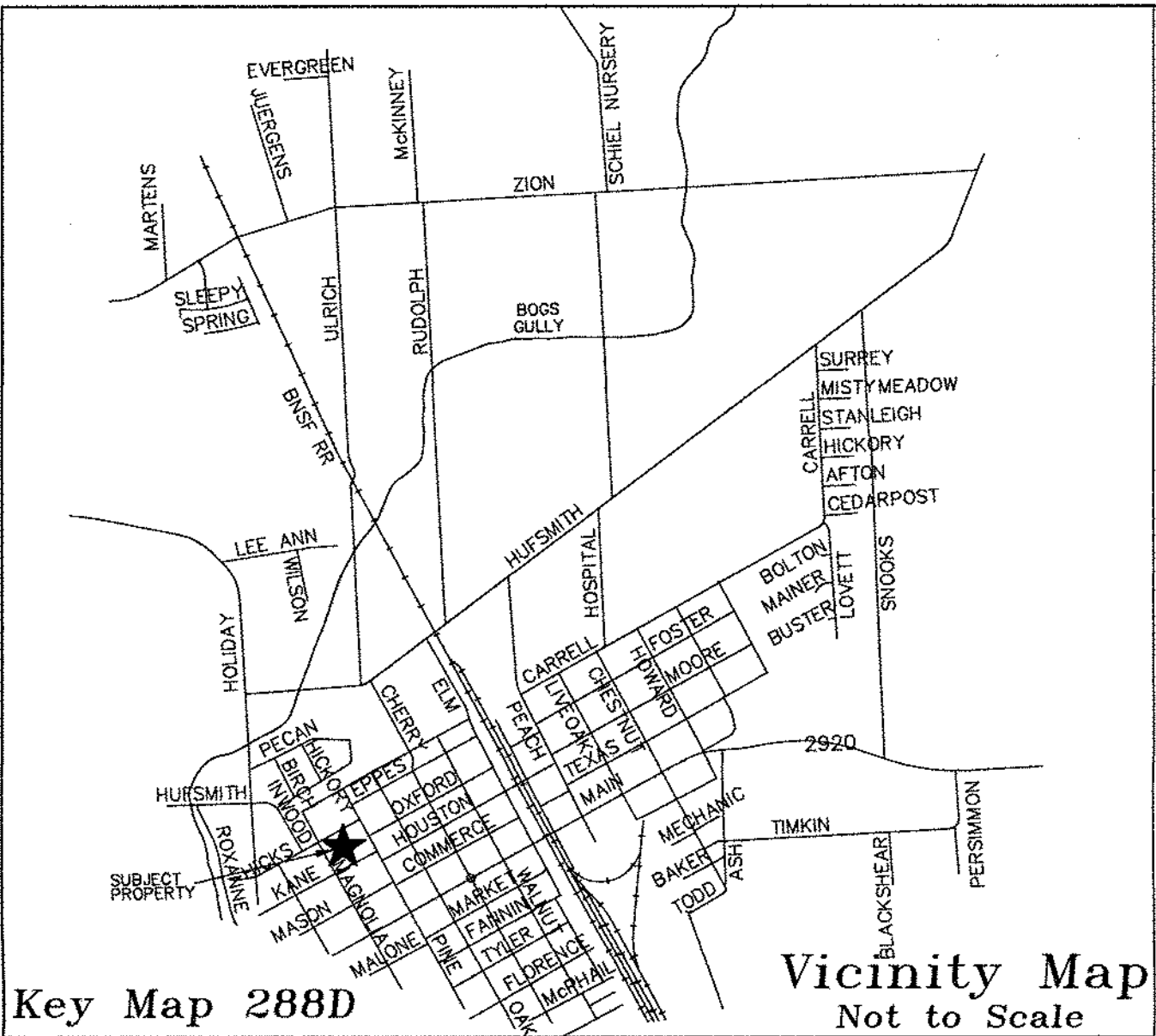
Party(ies) responsible for placing this item on agenda:

Brandy Pate, Engineering and Planning

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

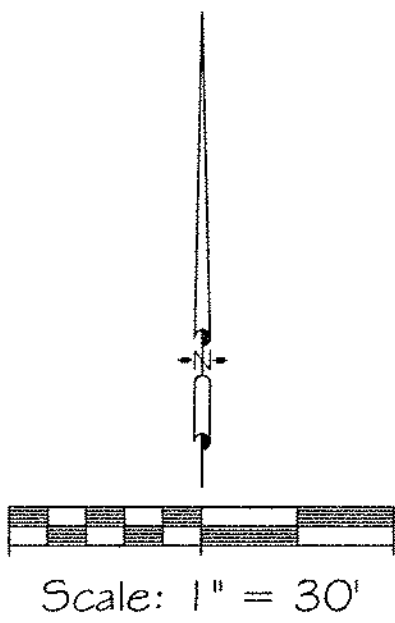
ATTACHMENTS:

Stone Baer Subdivision Plat



I, Steven L. Crews, am authorized under the laws of the State 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 not found have been marked with iron 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.

Steven L. Crews
Texas Registration Number 4141



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 right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing oil 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. 48201C0230-L (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.

Note #6:
The Basis of Bearings for this plat is Southwest line of the "Abbreviated Plat" for 7A and 8A, recorded under Film Code Number 598155, M.R.H.C.T.

Note #7:

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
FC NO. = FILM CODE NUMBER
CF NO. = CLERK'S FILE NUMBER
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL
R.O.W. = RIGHT OF WAY

THE STATE OF TEXAS
COUNTY OF HARRIS

JOSEPH HOUSE
A-34
JOHN M. HOOPER A-375
WILLIAM HURD A-378

We, Stone Baer/Market Village, LLC, acting by and through MONTY R. STONE, its manager, being officer of Stone Baer/Market Village, LLC, owners hereinafter referred to as owners of the 0.3214 acre, the 0.3214 acre and the 0.1607 acre tracts described in the above and foregoing plat of STONE BAER SUBDIVISION, 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 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, 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 abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, Stone Baer/Market Village, LLC, has caused these presents to be signed by Monty R. Stone, its manager, thereunto authorized, this _____ day of _____, 201____.

Stone Baer/Market Village, LLC

By:
Monty R. Stone, its Manager

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Monty R. Stone, Manager of Stone Baer/Market Village, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 201____.

Notary Public in and for the State of Texas

My Commission Expires: _____

By:
Barbara Tague
Chairman

By:
Darrell Roquemore
Vice Chairman

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

George Shackelford, City Manager

Lori Lakatos, P.E.,
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements 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:
Gretchen Fagan, Mayor

Doris Speer, City Secretary

Harris County Clerk Certificate of Filing:

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 _____, 201____, at _____ o'clock ____ M., and duly recorded on _____, 201____, 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

FINAL PLAT

STONE BAER SUBDIVISION

Being a subdivision of 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.

4 LOTS, 1 BLOCK

DECEMBER 2013
Sheet 1 of 1

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

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

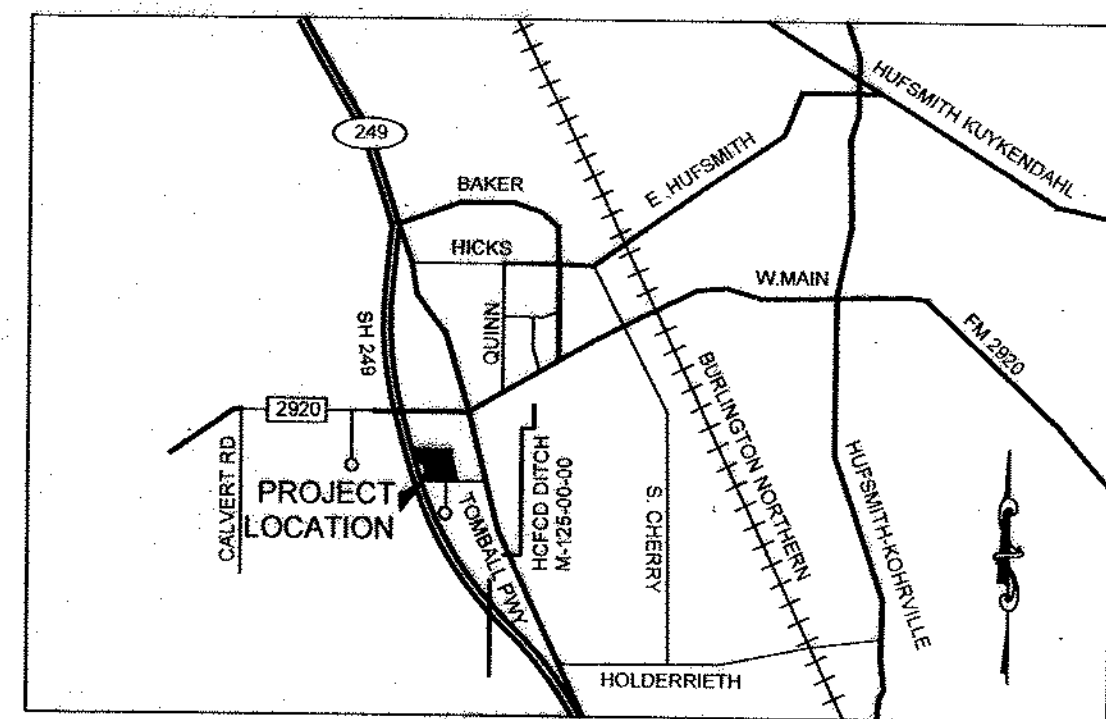
Brandy Pate, Engineering and Planning

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

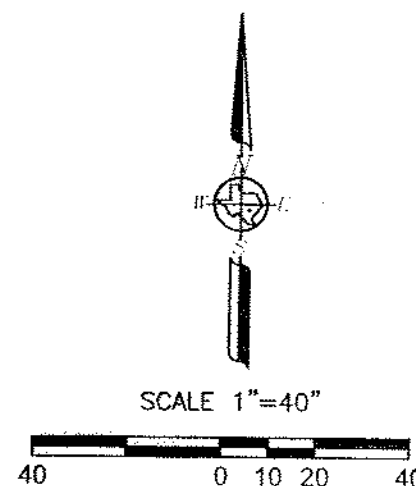
ATTACHMENTS:

Breaux Machine Works North Final Plat 1 of 2

Breaux Machine Works North Final Plat 2 of 2



VICINITY MAP
NOT TO SCALE
KEY MAP 288-K



JOHN M. HOOPER SURVEY, A-375

McCOY'S BUILDING SUPPLY-TOMBALL
BLOCK 1
RESTRICTED RESERVE "A"
(RESTRICTED TO NON RESIDENTIAL USE)
(FILM CODE NO. 368124, H.C.M.R.)
4.9672 ACRES, BEING A RESIDUE OF A
CALLED 10.702 ACRES

McCOY REALTY CORPORATION
0.3952 ACRES, BEING THE EASTERLY RESIDUE
OF A 0.7411 ACRE TRACT
(H.C.C.F. NO. R013662)

GOLDEN CORRAL REPLAT
TRACT "A"
COMMERCIAL RESERVE
1.2541 ACRES (call 1.2545 ACRES)
(VOLUME 341, PAGE 16, H.C.M.R.)

TOMBALL LAND VENTURE I, INC., A TEXAS CORPORATION
1.8068 ACRES (call 1.807 ACRES)
(H.C.C.F. NO. U880277)

THOMAS JOHN NIETO, JR. AND
LORRI MARIE NIETO
0.5766 ACRES (call 0.5765 ACRES)
(H.C.C.F. NO. Z309929)

BENCHMARK:
HARRIS COUNTY FLOODPLAIN
REFERENCE MARK 120210
BRASS DISK ON SOUTH SIDE OF
MICHEL ROAD BRIDGE AND
H.C.F.C. DITCH NO. M125-00-00
ELEV. 180.10
NAVD 1988, 2001 ADJ.

TEMPORARY BENCHMARK:
NAIL IN EXPANSION JOINT IN CONCRETE
DRIVE, SOUTH R.O.W. LINE OF HIRSCHFIELD
ROAD, APPROXIMATELY 75 FEET SOUTHEASTERLY
FROM THE SOUTHEAST CORNER OF SUBJECT TRACT
ELEVATION = 182.31

FLOODPLAIN STATEMENT:
SUBJECT TRACT DOES NOT LIE
WITHIN THE 100-YEAR FLOODPLAIN
AS PER F.I.R.M. COMMUNITY
PANEL NO. 48201-C-0210-L

GENERAL NOTES:
1. AC. INDICATES "ACRE"
2. VOL. INDICATES "VOLUME"
3. PG. INDICATES "PAGE"
4. ESM. INDICATES "EASEMENT"
5. B.L. INDICATES "BUILDING LINE"
6. R.O.W. INDICATES "RIGHT-OF-WAY"
7. H.C.C.F. NO. INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
8. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
9. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORDS"
10. INDICATES "FOUND CONTROLLING MONUMENT FOR PROPERTY CORNER"
11. UNLESS OTHERWISE INDICATED, THE BUILDING LINES (B.L.) WHETHER ONE OR MORE, SHOWN ON THIS
SUBDIVISION PLAT ARE ESTABLISHED TO EVIDENCE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF
CODE OF ORDINANCES, CITY OF TOMBALL, TEXAS, IN EFFECT AT THE TIME THIS PLAT WAS
APPROVED, WHICH MAY BE AMENDED FROM TIME TO TIME.

FLOOD INFORMATION:
ACCORDING TO FEMA FIRM PANEL NO. 48201-C-0210-L (EFFECTIVE DATE 06/18/07), THIS PROPERTY IS IN ZONE "X"
AND IS NOT IN THE 1% ANNUAL CHANCE FLOOD PLAIN.

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 PURPOSES OF CONSTRUCTION, RECONSTRUCTION, INSPECTION,
PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE
NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER, SUBJECT TO THE
EXCEPTIONS IN THE DEDICATION, 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, OR OTHER GROWTHS OR
IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR
EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY PART OF THE EASEMENTS SHOWN ON THIS PLAT, AND NEITHER THE
CITY OF TOMBALL NOR ANY PUBLIC UTILITY SHALL BE RESPONSIBLE FOR THE REPLACING OR REIMBURSING THE
PROPERTY OWNER DUE TO REMOVAL OR RELOCATION OF ANY OBSTRUCTION ON THE PUBLIC EASEMENTS.

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 SET BACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE
SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES AND
30 FEET OFF THE 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 LINE REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE
DEVELOPMENT OF THE PROPERTY.

NOTE 6: THE BASIS OF BEARINGS IS THE UNRECORDED PLAT OF HIRSCHFIELD FARMS SECTION 1.

BREAUX MACHINE WORKS NORTH
4.7261 ACRES
(205,869.07 SQ. FT.)

LOT 1
4.3402 ACRES (189,058.04 SQUARE FEET)

BREAUX MACHINE WORKS NORTH

A SUBDIVISION OF 4.7261 ACRES (205,869.07 SQUARE FEET) COMPOSED OF LOT 1, BLOCK 1
4.3402 ACRES (189,058.04 SQUARE FEET) 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
AND

UNRESTRICTED RESERVE "A" 0.3859 ACRES (16,8110.04 SQUARE FEET)
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
1 LOT 1 RESERVE 1 BLOCK

BROUSSARD LAND SURVEYING, LLC
1001 HERKIMER STREET HOUSTON TX 77008
832-409-6727 www.broussardlandsurveying.com
JOB NO.: BLS-1608

DAVID S. BROUSSARD, P.E.
17527 HAWKIN LANE
TOMBALL, TEXAS 77377
JOB NO. D963

ADDRESS: 13842 HIRSCHFIELD ROAD TOMBALL TX 77377
OWNER:
BREAUX PROPERTIES LTD., A TEXAS LIMITED PARTNERSHIP
1502 RUDOLPH ROAD
TOMBALL, TEXAS 77375

BREAUX PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP
METES AND BOUNDS DESCRIPTION
4.7261 ACRES (205,869 SQUARE FEET)
JOHN M. HOOPER SURVEY, A-375
HARRIS COUNTY, TEXAS

ALL OF THAT CERTAIN TRACT OF LAND BEING 4.7261 ACRES (205,869 SQUARE FEET) BEING OUT THE JOHN M. HOOPER SURVEY, ABSTRACT-375, AND BEING COMPRISED OF THE FOLLOWING TRACTS: ALL OF LOT 1, BLOCK 3, HIRSCHFIELD FARMS SECTION 1 (UNRECORDED), 0.8766 ACRES (38,183 SQUARE FEET); ALL OF LOT 2, BLOCK 3 OF SAID HIRSCHFIELD FARMS, 0.8796 ACRES (38,317 SQUARE FEET); ALL OF LOT 3, BLOCK 3 OF SAID HIRSCHFIELD FARMS, 0.8676 ACRES (37,791 SQUARE FEET); 0.1246 ACRES (5,429 SQUARE FEET) BEING A RESIDUE OF A CALLED 2.8805 ACRE TRACT (TRACT TWO) AS DESCRIBED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) J904080; 1.5918 ACRES (69,338 SQUARE FEET) BEING A RESIDUE OF A CALLED 3.5864 ACRE TRACT AS DESCRIBED IN FILM CODE NUMBER 119-48-0065, H.C.C.F., AND 0.3859 ACRES (16,811 SQUARE FEET) BEING THE WESTERLY RESIDUE OF A 0.7411 ACRE TRACT DESCRIBED IN DEED TO MCCOY REALTY CORPORATION AS RECORDED IN H.C.C.F. NO. R013662; SAID 4.7261 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A FOUND 5/8" IRON ROD BEING THE SOUTHEAST CORNER OF A 0.5766 ACRE (CALLED 0.5765 ACRE) TRACT DESCRIBED IN DEED TO THOMAS JOHN NIETO, JR. AND LORRI MARIE NIETO AS RECORDED IN H.C.C.F. NO. Z309929, SAID ROD ALSO MARKING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF HIRSCHFIELD ROAD (60 FEET WIDE) AND THE WEST R.O.W. LINE OF STATE HIGHWAY 249 (BUSINESS) (VARYING WIDTH);

THENCE SOUTH 68°20'20" WEST (CALL SOUTH 68°20'20" WEST), LEAVING SAID WEST R.O.W. LINE OF STATE HIGHWAY 249 (BUSINESS), ALONG THE SOUTH LINE OF SAID 0.5766 ACRE TRACT, IN COMMON WITH SAID NORTH R.O.W. LINE OF HIRSCHFIELD ROAD, A DISTANCE OF 202.90 FEET (CALL 202.90 FEET) TO THE CALCULATED SOUTHWEST CORNER OF SAID 0.5766 ACRE TRACT, SAME BEING THE EASTERNMOST SOUTHERLY CORNER OF A 1.8068 ACRE (CALL 1.807 ACRE) TRACT DESCRIBED IN DEED TO TOMBALL LAND VENTURE I, INC., A TEXAS CORPORATION AS RECORDED IN H.C.C.F. NO. U880277;

THENCE SOUTH 68°20'20" WEST (CALL SOUTH 68°20'20" WEST), ALONG THE SOUTH LINE OF SAID 1.8068 ACRE TRACT, IN COMMON WITH SAID NORTH R.O.W. LINE OF HIRSCHFIELD ROAD, A DISTANCE OF 173.31 FEET (CALL 173.31 FEET) TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" BEING THE **POINT OF BEGINNING**, SAID ROD ALSO BEING THE WESTERNMOST SOUTHERLY CORNER OF SAID 1.8068 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF SAID LOT 1, SAME BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 21°39'40" WEST, LEAVING SAID NORTH R.O.W. LINE OF HIRSCHFIELD ROAD, ALONG THE WESTERLY LINE OF SAID 1.8068 ACRE TRACT, IN COMMON WITH THE EAST LINE OF SAID LOT 1, IN COMMON WITH AN EASTERLY LINE OF THE HEREIN DESCRIBED TRACT, A DISTANCE OF 330.50 FEET TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" LYING IN A SOUTHERLY LINE OF A 1.2541 ACRE (CALLED 1.2545 ACRE) TRACT KNOWN AS GOLDEN CORRAL REPLAT, TRACT "A", COMMERCIAL RESERVE, AS DESCRIBED IN VOLUME 341, PAGE 16, HARRIS COUNTY MAP RECORDS (H.C.M.R.), SAID ROD BEING THE NORTHWEST CORNER OF SAID 1.8068 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID LOT 1, SAME BEING AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 86°17'02" WEST, ALONG A SOUTHERLY LINE OF SAID 1.2541 ACRE TRACT, IN COMMON WITH THE NORTH LINE OF SAID LOT 1, IN COMMON WITH AN INTERIOR LINE OF THE HEREIN DESCRIBED TRACT, A DISTANCE OF 26.06 FEET TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" BEING THE SOUTHWEST CORNER OF SAID 1.2541 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF SAID 1.5918 ACRE TRACT, SAME BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 04°38'32" WEST, LEAVING THE NORTH LINE OF SAID LOT 1, ALONG THE WEST LINE OF SAID 1.2541 ACRE TRACT, IN COMMON WITH THE EAST LINE OF SAID 1.5918 ACRE TRACT, IN COMMON WITH AN EASTERLY LINE OF THE HEREIN DESCRIBED TRACT, A DISTANCE OF 129.01 FEET TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" BEING THE NORTHWEST CORNER OF SAID 1.2541 ACRE TRACT, SAME BEING THE SOUTHERLY CORNER OF SAID 0.7411 ACRE TRACT AND A 5.3531 ACRE TRACT, BEING A RESIDUE OF A CALLED 10.702 ACRE TRACT KNOWN AS MCCOY'S BUILDING SUPPLY-TOMBALL, BLOCK 1, RESTRICTED RESERVE "A" (RESTRICTED TO NON RESIDENTIAL USE) AS RECORDED IN FILM CODE NO. 368124, H.C.M.R., SAME BEING AN EASTERLY CORNER OF SAID 1.5918 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 04°34'45" WEST, ALONG A SOUTHERLY LINE OF SAID 0.7411 ACRE AND SAID 5.3531 ACRE TRACTS, IN COMMON WITH AN EASTERLY LINE OF SAID 1.5918 ACRE AND OF THE HEREIN DESCRIBED TRACT, A DISTANCE OF 9.62 FEET TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" BEING THE SOUTHEAST CORNER OF SAID 0.3859 ACRE TRACT AND A SOUTHERLY CORNER OF SAID 0.7411 ACRE AND SAID 5.3531 ACRE TRACTS, SAME BEING THE NORTHEAST CORNER OF SAID 1.5918 ACRE AND AN EASTERLY CORNER OF THE HEREIN TRACT;

THENCE NORTH 02°24'21" WEST, OVER AND ACROSS OF SAID 0.7411 ACRE AND SAID 5.3531 ACRE TRACTS AND ALONG THE EAST LINE OF SAID 0.3859 ACRE TRACT, IN COMMON WITH AN EASTERLY LINE OF THE HEREIN DESCRIBED TRACT A DISTANCE OF 35.00 FEET TO A POINT BEING THE NORTHEAST CORNER OF SAID 0.3859 ACRE TRACT AND OF THE HEREIN TRACT, FROM WHICH A FOUND CHAIN LINK FENCE POST BEARS NORTH 88°16'12" WEST A DISTANCE OF 23.08 FEET;

THENCE SOUTH 87°31'57" WEST, OVER AND ACROSS SAID 5.3531 ACRE TRACT AND ALONG THE NORTH LINE OF SAID 0.7411 ACRE TRACT, SAID 0.3859 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT PASSING AT A DISTANCE OF 480.32 FEET A FOUND 5/8" IRON ROD BEING A SOUTHWESTERLY CORNER OF SAID 5.3531 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 0.1246 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 0.3859 ACRE TRACT AND SAID 0.7411 ACRE TRACT, FROM WHICH A POINT BEING THE SOUTHWEST CORNER OF SAID 0.3859 ACRE TRACT, SAID 0.7411 ACRE TRACT AND SAID 5.3531 ACRE TRACT BEARS SOUTH 02°24'21" EAST A DISTANCE OF 35.00 FEET, FROM SAID POINT A FOUND 5/8" IRON ROD WITH CAP BEARS NORTH 02°07'13" WEST A DISTANCE OF 0.74 FEET AND CONTINUING ALONG A SOUTHERLY LINE OF SAID 5.3531 ACRE TRACT AND THE NORTH LINE OF SAID 0.1246 ACRE TRACT, IN COMMON WITH THE NORTH LINE OF THE HEREIN DESCRIBED TRACT FOR A TOTAL DISTANCE OF 549.32 FEET TO A FOUND 5/8" IRON ROD (BENT) LYING ON THE EASTERLY R.O.W. LINE OF STATE HIGHWAY 249 (VARYING WIDTH), SAID ROD BEING THE SOUTHWEST CORNER OF SAID 5.3531 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 0.1246 ACRE AND THE HEREIN DESCRIBED TRACT; A FOUND TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT (BRASS DISK IN CONCRETE) LYING ON SAID R.O.W. LINE, SAME BEING THE NORTHWEST CORNER OF SAID 5.3531 ACRE TRACT BEARS NORTH 26°05'27" WEST (CALL NORTH 26°13'13" WEST) A DISTANCE OF 221.39 FEET (CALL 221.35 FEET), FROM WHICH A FOUND 1" IRON ROD LYING IN SAID WEST R.O.W. LINE OF STATE HIGHWAY 249 (BUSINESS), SAME BEING THE NORTHEAST CORNER OF SAID 5.3531 ACRE TRACT BEARS NORTH 87°25'04" EAST (CALL NORTH 87°23'57" EAST), A DISTANCE OF 1009.08 FEET (CALL 1009.08 FEET);

THENCE SOUTH 26°05'27" EAST, ALONG SAID WEST R.O.W. LINE OF STATE HIGHWAY 249, IN COMMON WITH THE WEST LINE OF SAID 0.1246 ACRE TRACT, IN COMMON WITH A WESTERLY LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT A DISTANCE OF 171.70 FEET A POINT BEING A SOUTHWESTERLY CORNER OF SAID 1.5918 ACRE TRACT, SAME BEING THE SOUTH CORNER OF SAID 0.1246 ACRE TRACT, A FOUND 5/8" IRON ROD WITH CAP BEARS NORTH 43° EAST, A DISTANCE OF 0.97 FEET, AND CONTINUING ALONG SAID R.O.W. LINE, IN COMMON WITH A WESTERLY LINE OF SAID 1.5918 ACRE AND OF THE HEREIN DESCRIBED TRACT, A TOTAL DISTANCE OF 200.68 FEET TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" BEING A SOUTHWESTERLY CORNER OF SAID 1.5918 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF A 0.0654 ACRE TRACT, BEING THE RESIDUE OF A CALLED 1.0821 ACRE TRACT AS DESCRIBED IN DEED TO JANESE W. WOODROW AS RECORDED IN H.C.C.F. NO. N157741, ALSO KNOWN AS LOT 5 OF SAID HIRSCHFIELD FARMS, SAME BEING A WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 86°17'02" EAST (CALL NORTH 86°10'43" EAST), LEAVING SAID R.O.W. LINE, ALONG THE NORTH LINE OF SAID 0.0654 ACRE TRACT, IN COMMON WITH THE SOUTH LINE OF SAID 1.5918 ACRE TRACT, IN COMMON WITH AN INTERIOR LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT A DISTANCE OF 49.99 FEET A POINT BEING THE NORTHEAST CORNER OF SAID 0.0654 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF A 0.7261 ACRE TRACT, BEING THE RESIDUE OF A CALLED 0.8558 ACRE TRACT, KNOWN AS LOT 4 OF SAID HIRSCHFIELD FARMS, DESCRIBED IN DEED TO TOMBALL PAINT AND BODY, INC. AND ELWIN LEE CHAPMAN (A.K.A. ELWIN LEE CHAPMAN, INDIVIDUALLY) AS DESCRIBED IN H.C.C.F. NO. J295638, AND CONTINUING ALONG THE SOUTH LINE OF SAID 1.5918 ACRE TRACT, IN COMMON WITH THE NORTH LINE OF SAID 0.7261 ACRE TRACT, IN COMMON WITH AN INTERIOR LINE OF THE HEREIN DESCRIBED TRACT, FOR A TOTAL DISTANCE OF 181.86 FEET TO A FOUND 1/2" IRON ROD WITH CAP "RPLS 6107" BEING THE NORTHEAST CORNER OF SAID 0.7261 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID LOT 3, SAME BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02°17'50" EAST, LEAVING THE SOUTH LINE OF SAID 1.5918 ACRE TRACT, ALONG THE EAST LINE OF SAID 0.7261 ACRE TRACT, IN COMMON WITH THE WEST LINE OF SAID LOT 3, IN COMMON WITH A WESTERLY LINE OF THE HEREIN DESCRIBED TRACT, A DISTANCE OF 300.26 FEET TO A CHISELED "X" FOUND IN CONCRETE LYING ON THE NORTH R.O.W. LINE OF SAID HIRSCHFIELD ROAD, SAID ROD BEING THE SOUTHEAST CORNER OF SAID 0.7261 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 3 AND OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 88°11'36" EAST, ALONG SAID R.O.W. LINE, IN COMMON WITH SOUTH LINE OF SAID LOT 3 AND OF THE HEREIN DESCRIBED TRACT, PASSING AT A DISTANCE OF 125.00 FEET A POINT BEING THE SOUTHEAST CORNER OF SAID LOT 3, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 2, AND CONTINUING ALONG SAID R.O.W. LINE, IN COMMON WITH SOUTH LINE OF SAID LOT 2 AND OF THE HEREIN DESCRIBED TRACT, PASSING AT A DISTANCE OF 250.04 FEET A POINT BEING THE SOUTHEAST CORNER OF SAID LOT 2, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 1, AND CONTINUING ALONG SAID R.O.W. LINE, IN COMMON WITH SOUTH LINE OF SAID LOT 1 AND OF THE HEREIN DESCRIBED TRACT, A TOTAL DISTANCE OF 427.93 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 4.7261 ACRES (205,869 SQUARE FEET) OF LAND.

STATE OF TEXAS
COUNTY OF HARRIS

WE, N.T. BREAUX AND DOT BREAUX, ACTING BY AND THROUGH BREAUX HOLDINGS, LLC, BEING SOLE OWNERS OF BREAUX HOLDINGS, LLC, SAME BEING THE MANAGING PARTNER OF BREAUX PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP HEREIN AFTER REFERRED TO AS OWNERS OF THE 4.3402 ACRE TRACT, KNOWN AS LOT 1, BLOCK 1 AS SHOWN ON THE ABOVE AND FOREGOING PLAT OF BREAUX MACHINE WORKS NORTH, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO THE 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 HEIR, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNER HAS 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.

THIS DEDICATION IS MADE AND ACCEPTED SUBJECT TO THE FOLLOWING EXCEPTIONS:

- ALL PRESENTLY RECORDED AND VALIDLY EXISTING OIL/GAS PIPELINE EASEMENTS; AND
- ALL RIGHTS OF PARTIES GRANTED PURSUANT TO DOCUMENTES PRESENTLY RECORDED IN THE REAL PROPERTY RECORDS OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, BREAUX PROPERTIES, LLP HAS CAUSED THESE PRESENTS TO BE SIGNED BY N.T. BREAUX AND DOT BREAUX.

WITNESS OUR HAND IN THE CITY OF TOMBALL, TEXAS THIS _____ DAY OF _____, 2013

N.T. Breaux
N.T. BREAUX

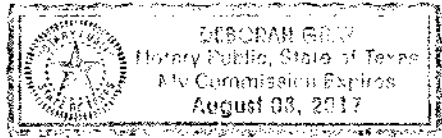
D. Breaux
DOT BREAUX

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED N.T. BREAUX AND DOT BREAUX KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE 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 BREAUX PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 2 DAY OF December, 2013.

Deborah May
NOTARY PUBLIC IN AND THE FOR
STATE OF TEXAS
MY COMMISSION EXPIRES: 08/08/17



STATE OF TEXAS
COUNTY OF HARRIS

I, MICHAEL E. MCCOY, ON BEHALF OF MRH GP, LC, GENERAL PARTNER OF MRHE, LP, A TEXAS LIMITED PARTNERSHIP HEREIN REFERRED TO AS OWNER, OF THAT CERTAIN 0.3859 ACRE TRACT REFERRED TO AS UNRESTRICTED RESERVE "A" AS SHOWN ON THE ABOVE AND AND FOREGOING PLAT OF BREAUX MACHINE WORKS NORTH, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO THE 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 HEIR, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNER HAS 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.

THIS DEDICATION IS MADE AND ACCEPTED SUBJECT TO THE FOLLOWING EXCEPTIONS:

- ALL PRESENTLY RECORDED AND VALIDLY EXISTING OIL/GAS PIPELINE EASEMENTS; AND
- ALL RIGHTS OF PARTIES GRANTED PURSUANT TO DOCUMENTES PRESENTLY RECORDED IN THE REAL PROPERTY RECORDS OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, MRHE LP, A TEXAS LIMITED PARTNERSHIP HAS CAUSED THESE PRESENTS TO BE SIGNED BY MICHAEL E. MCCOY, ON BEHALF OF MRH GP, LC, GENERAL PARTNER OF MRHE, LP, A TEXAS LIMITED PARTNERSHIP

WITNESS OUR HAND IN THE CITY OF SAN MARCOS, TEXAS THIS 27 DAY OF Nov, 2013

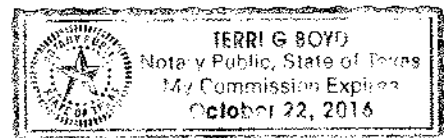
Michael E. McCoy
MICHAEL E. MCCOY
ON BEHALF OF MRH GP, LC
GENERAL PARTNER OF MRHE, LP

STATE OF TEXAS
COUNTY OF HARRIS

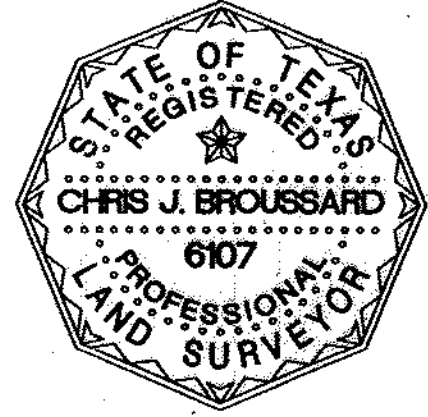
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MICHAEL E. MCCOY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGMENT TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF MRH GP, LC, GENERAL PARTNER OF MRHE, LP, A TEXAS PARTNERSHIP.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27th DAY OF November, 2013.

Jeri Boyd
NOTARY PUBLIC IN AND THE FOR
STATE OF TEXAS
MY COMMISSION EXPIRES: 10-22-2016



I, CHRISTOPHER J. BROUSSARD, 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 (3/4") INCH AND A LENGTH OF NOT LESS THAN THREE FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED IN TO THE NEAREST INTERSECTION OF PUBLIC STREET RIGHT-OF-WAY.



Chris J. Broussard
CHRISTOPHER J. BROUSSARD, R.P.L.S.
TEXAS REGISTRATION NO. 6107

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF BREAUX MACHINE WORKS NORTH 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.

BARBARA TAGUE
CHAIRMAN

DARRELL ROCQUEMORE
VICE-CHAIRMAN

WE, THE CITY OF TOMBALL AND THE CITY ENGINEER OF THE CITY OF TOMBALL DO HEREBY CERTIFY THAT THIS PLAT OF BREAUX MACHINE WORKS NORTH IS IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF TOMBALL.

GEORGE SHACKELFORD
CITY MANAGER

LORI LAKATOS, 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 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 FAGAN, MAYOR

DORIS SPEER, CITY SECRETARY

PLAT OF

BREAUX MACHINE WORKS NORTH

A SUBDIVISION OF 4.7261 ACRES (205,869.07 SQUARE FEET) COMPOSED OF LOT 1, BLOCK 1
4.3402 ACRES (189,058.04 SQUARE FEET) 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
AND
UNRESTRICTED RESERVE "A" 0.3859 ACRES (16,8110.04 SQUARE FEET)
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
1 LOT 1 RESERVE 1 BLOCK
ADDRESS: 13842 HIRSCHFIELD ROAD TOMBALL TX 77377

OWNER:
DAVID S. BROUSSARD, P.E. BREAUX PROPERTIES LTD., A TEXAS LIMITED PARTNERSHIP
17527 HAWKIN LANE
TOMBALL, TEXAS 77377
JOB NO. D963
1502 RUDOLPH ROAD
TOMBALL, TEXAS 77375
SHEET 2 OF 2

BROUSSARD LAND SURVEYING, LLC
1001 HERKIMER STREET HOUSTON TX 77008
832-409-6727 www.broussardlandsurveying.com
JOB NO.: BLS-1608

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

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.

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:

Replat of McCoy's Building Supply - Tomball 1 of 2

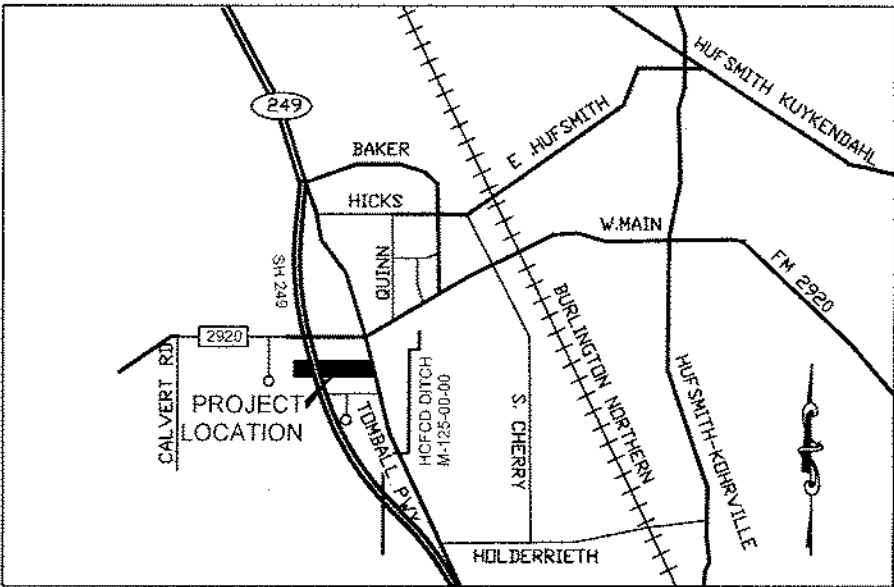
Replat of McCoy's Building Supply - Tomball 2 of 2

LINE TABLE			
L1	N 04°34'45" W	9.62' (call N 04°35'52" W 9.62')	
L2	N 02°24'21" W	35.00' (no record call)	
L3	S 87°31'57" W	3.34' (call S 87°30'50" W 3.34')	
L4	S 14°08'25" E	31.07' (call S 14°09'32" E 31.07')	

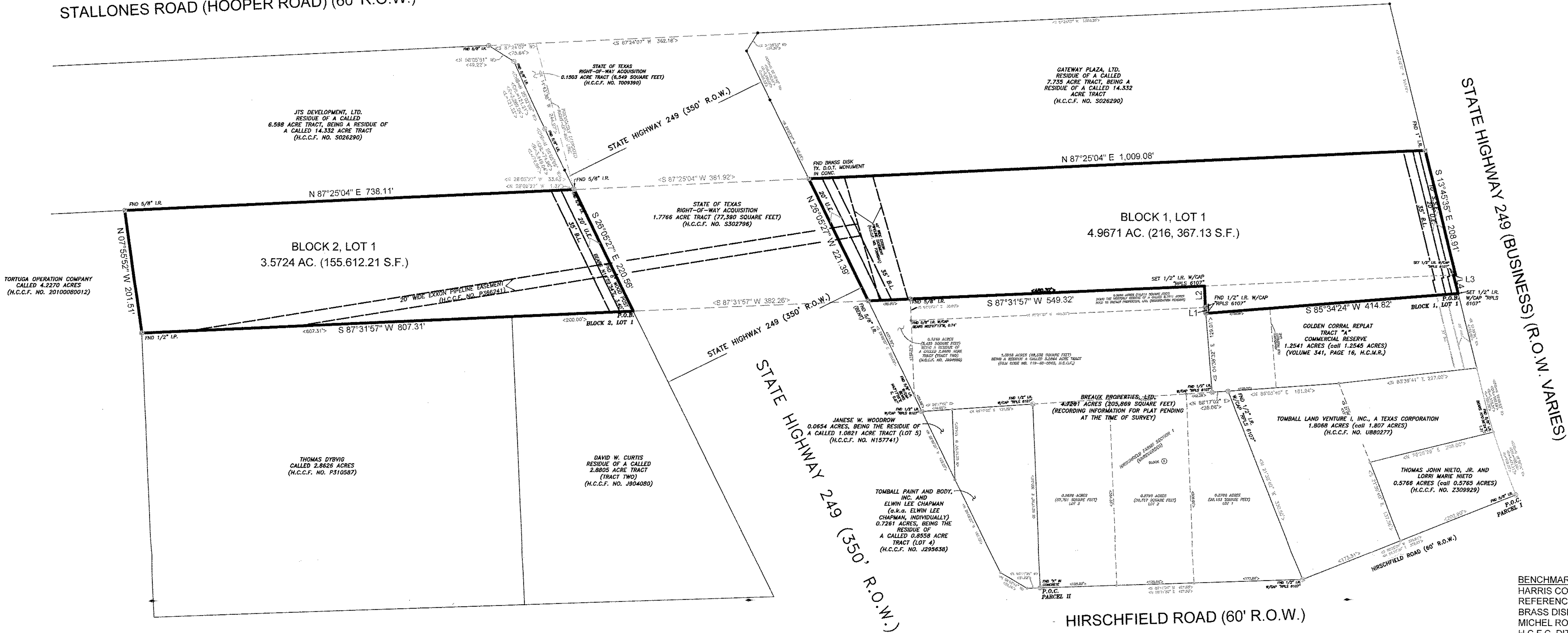
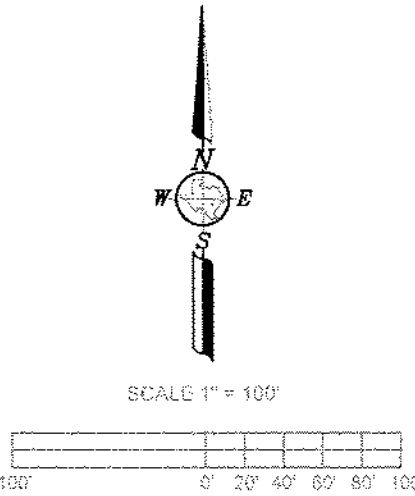
JOHN M. HOOPER SURVEY
ABSTRACT-375

STALLONES ROAD (HOOPER ROAD) (60' R.O.W.)

STALLONES ROAD (HOOPER ROAD) (60' R.O.W.)



VICINITY MAP
NOT TO SCALE
KEY MAP 288-K



GENERAL NOTES:

- AC. INDICATES ACRE
- VOL. INDICATES VOLUME
- PG. INDICATES PAGE
- ESMT. INDICATES EASEMENT
- BL. INDICATES BUILDING LINE
- R.O.W. INDICATES RIGHT-OF-WAY
- H.C.C.F. NO. INDICATES HARRIS COUNTY CLERK'S FILE NUMBER
- H.C.M.R. INDICATES HARRIS COUNTY MAP RECORDS
- H.C.D.R. INDICATES HARRIS COUNTY DEED RECORDS
- D. INDICATES FOUND CONTROLLING MONUMENT FOR PROPERTY CORNER
- UNLESS OTHERWISE INDICATED, THE BUILDING LINES (BL) WHETHER ONE OR MORE, SHOWN ON THIS SUBDIVISION PLAT ARE ESTABLISHED TO EVIDENCE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF CODE OF ORDINANCES, CITY OF TOMBALL, TEXAS, IN EFFECT AT THE TIME THIS PLAT WAS APPROVED, WHICH MAY BE AMENDED FROM TIME TO TIME.

FLOOD INFORMATION:

ACCORDING TO FEMA FIRM PANEL NO. 48201-C-0210-L (EFFECTIVE DATE 06/18/07), THIS PROPERTY IS IN ZONE "X" AND IS NOT IN THE 1% ANNUAL CHANCE FLOOD PLAIN.

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 AT ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER, SUBJECT TO THE EXCEPTIONS IN THE DEDICATION, 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, OR OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY PART OF THE EASEMENTS SHOWN ON THIS PLAT, AND NEITHER THE CITY OF TOMBALL NOR ANY PUBLIC UTILITY SHALL BE RESPONSIBLE FOR THE REPLACING OR REIMBURSING THE PROPERTY OWNER DUE TO REMOVAL OR RELOCATION OF ANY OBSTRUCTION ON THE PUBLIC EASEMENTS.

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 SET BACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES AND 30 FEET OFF THE 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 LINE REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

NOTE 6: THE BASIS OF BEARINGS IS THE UNRECORDED PLAT OF HIRSCHFIELD FARMS SECTION 1.

REPLAT OF

McCOY'S BUILDING SUPPLY - TOMBALL

8.5395 ACRES (371.979.34 S.F.) CONSISTING OF

2 LOTS 2 BLOCKS

ALL OF THAT CERTAIN TRACT OF LAND BEING 8.5395 ACRES (371.979.34 SQUARE FEET) BEING COMPRISED OF A 4.9671 ACRE (216,367.13 SQUARE FEET) EASTERLY RESIDUAL TRACT OF LAND HEREBY KNOWN AS BLOCK 1, LOT 1, AND A 3.5724 (155,612.21 SQUARE FEET) ACRE WESTERLY RESIDUAL TRACT OF LAND HEREBY KNOWN AS BLOCK 2, LOT 1, (TRACTS SEPARATED BY A 360 FOOT WIDE RIGHT-OF-WAY ACQUISITION FOR STATE HIGHWAY 249), SAID PARCELS BEING OUT OF AND A PART OF A CALLED 10.702 ACRE TRACT KNOWN AS BLOCK 1, RESTRICTED RESERVE "A" (RESTRICTED TO NON RESIDENTIAL USE) OF MCCOY'S BUILDING SUPPLY-TOMBALL AS RECORDED IN FILM CODE NO. 368124, HARRIS COUNTY MAP RECORDS (H.C.M.R.), HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. (BEARINGS BASED ON SAID RECORDED PLAT AND TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS: PART 4, SHEETS 8 AND 9, PERFORMED BY CRSS COMMERCIAL GROUP, INC.)

OWNER:
MRH GP, LC GENERAL PARTNER OF MRHE, LP A TEXAS PARTNERSHIP
1350 IH 35 NORTH
SAN MARCOS, TEXAS 78666

BROUSSARD LAND SURVEYING, LLC
1001 HERKIMER STREET HOUSTON TX 77008
www.broussardlandsurveying.com
JOB NO.: BLS-1608
632-489-8727

DAVID S. BROUSSARD, P.E.
17527 HAYKIN LAKE
TOMBALL, TEXAS 77577
JOB NO. 1265

THENCE SOUTH 26°05'27" EAST (CALL SOUTH 26°13'13" EAST), ALONG SAID WEST RIGHT-OF-WAY LINE, IN COMMON WITH THE EAST LINE OF THE HEREIN DESCRIBED TRACT A DISTANCE OF 220.56 FEET (CALL 220.14 FEET) TO THE POINT OF BEGINNING AND CONTAINING 3.5724 ACRES (155,612 SQUARE FEET) OF LAND.



DORIS SPEER, CITY SECRETARY

SHEET 2 OF 2

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P13-181**

Background:

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC

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:

Notice of Public Hearing

Property Owner Notification Letter

P13-181 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 9, 2013
&
CITY COUNCIL
DECEMBER 16, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 9, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 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:

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.

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.

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.

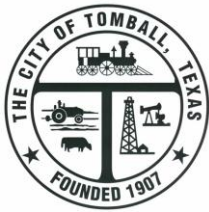
CERTIFICATION

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 5th day of December 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

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: P13-181

APPLICANT: Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC

LOCATION: West 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 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, from Rural Residential and Business/Industrial to Business/Industrial.

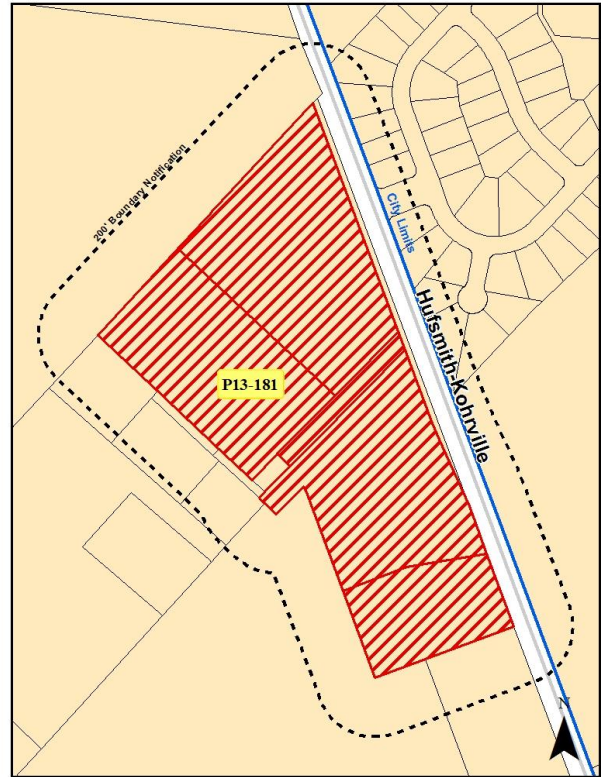
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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

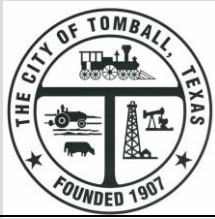


**Planning & Zoning Commission
Public Hearing:
Monday, December 9, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, December 16, 2013, 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 Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2013

CP Amendment Case: P13-181

Property Owner: 2978 Industrial Properties, LLC and KTC Holding, LLC

Applicant: Jeff Presnal

Legal Description: Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial

Location: West of Hufsmith-Kohrville Road, north of Spell Road (Exhibit “A”)

Area: 25.7 acres

Present Zoning & Usage: Agricultural and Light Industrial Districts (Exhibit “C”) / Undeveloped and commercial (CREACOM, Inc.)

Future Land Use (FLU): Rural Residential and Business/Industrial (Exhibit “B”)

Proposed FLU: Business/Industrial

Adjacent FLU & Usage:

- North:** Rural Residential / Single-family residences
- South:** Business/Industrial / Undeveloped and future Tomball Economic Development Corporation (TEDC) Business and Technology Park
- West:** Rural Residential and Business/Industrial / Single-family residences and future TEDC Business and Technology Park
- East:** Undesignated Extraterritorial Jurisdiction (ETJ) / Hufsmith-Kohrville Road, single-family residences, and a former horse training facility (Exhibit “D”)

BACKGROUND

On October 18, 2013, City staff met with the applicant, Jeff Presnal, regarding the possible rezoning of Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial from the Agricultural District to the Light Industrial District. City staff informed Mr. Presnal that the properties have Future Land Use (FLU) designations of Rural Residential and Business/Industrial. Additionally, Mr. Presnal was informed that in order to have City staff support for the rezoning, these properties would need to have a Comprehensive Plan (CP) Amendment in order to have the FLU designations changed from Rural Residential and Business/Industrial to entirely Business/Industrial.

On October 30, 2013, the City received CP amendment (Exhibit “E”) and rezoning applications from Mr. Presnal. Case P13-181 is the request to change the FLU of Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial from Rural Residential and Business/Industrial to entirely Business/Industrial. Case P13-182 is the request to change the zoning classification of

Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial from Agricultural District to the Light Industrial District.

ANALYSIS

According to the CP, the Business/Industrial FLU is “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.”

There are two FLUs in the vicinity of the subject site: Rural Residential and Business/Industrial. To the north is Rural Residential; to the south is Business/Industrial; to the west is Rural Residential and Business/Industrial; and to the east is undesignated ETJ. The proposed Business/Industrial FLU appears to be compatible the Business/Industrial FLU to the south and west. On the surface, this request appears to be incompatible with the Rural Residential FLU and nearby residences. However, the CP allows for amendments to the FLU map if relevant information is presented. According to the CP, “Over time, conditions and expectations may change necessitating that the Comprehensive Plan be amended.”

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

- The Business/Industrial FLU appears to better reflect the subject site’s original intent. The subject sites are part of the Tomball South Commercial plat which was never intended for rural residential development. According to their vested rights letter, filed July 15, 2009, these commercial properties were issued their first permit on January 14, 2008, almost two years before the CP designated the subject site as Rural Residential.
- Reclassifying the subject sites as Business/Industrial appears to be compatible with the TEDC’s Business and Technology Park to the south and will create an unbroken, contiguous Business/Industrial FLU block from Holderrieth Road to Country Club Greens subdivision.
- The subject site is adjacent to Hufsmith-Kohrville which is classified on the Major Thoroughfare Plan as a major arterial with a future right-of-way width of between 100 and 120 feet. The frontage of this major north-south road does not appear to be conducive to residential development, especially when viewed in the context of the future commercial developments in the Tomball South Commercial plat and TEDC Business and Technology Park.
- The request appears to be consistent with Comprehensive Plan Goal LUD 7 which requires “Maintain[ing] a sustainable jobs-to-population ratio and a mix of locally available jobs.” Reclassifying these properties as Business/Industrial appears to facilitate this goal.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 27, 2013; no public comments have been received as of December 4, 2013.

ACTION REQUESTED

That the Planning & Zoning Commission recommend **APPROVAL** of Comprehensive Plan Amendment Case P13-181.

EXHIBITS

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

Exhibit "A"
Aerial Photo

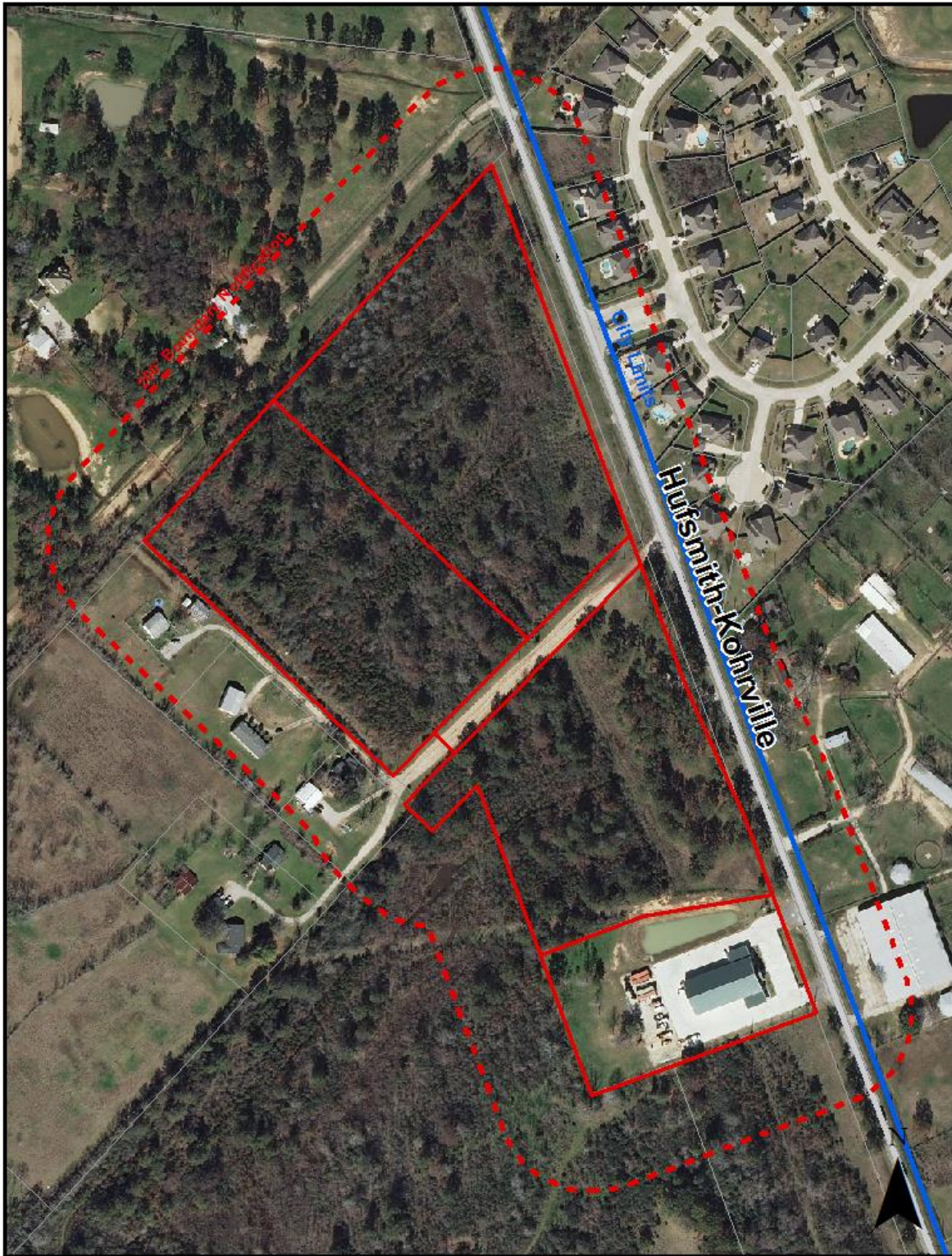


Exhibit "B"
Comprehensive Plan's Future Land Use Map

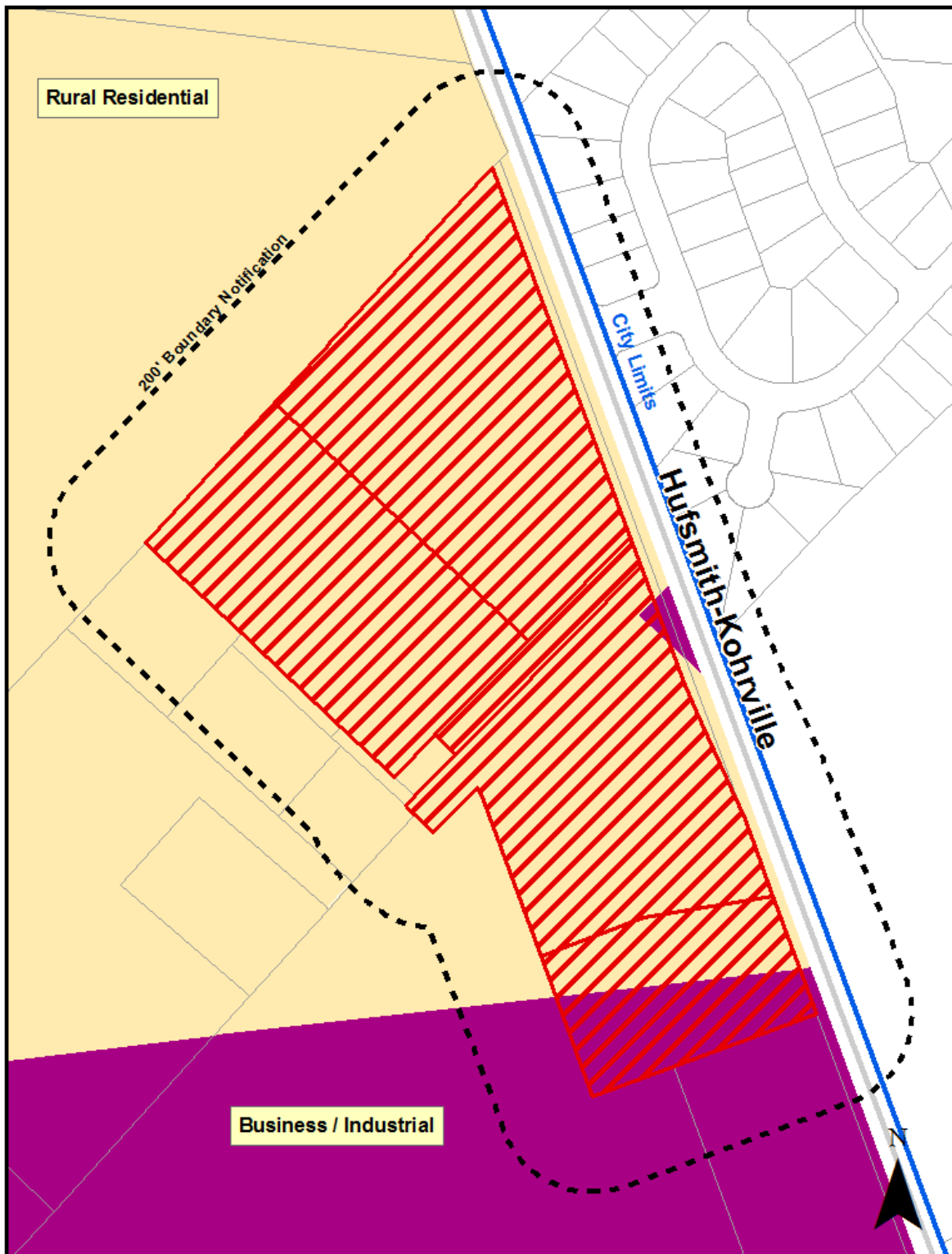
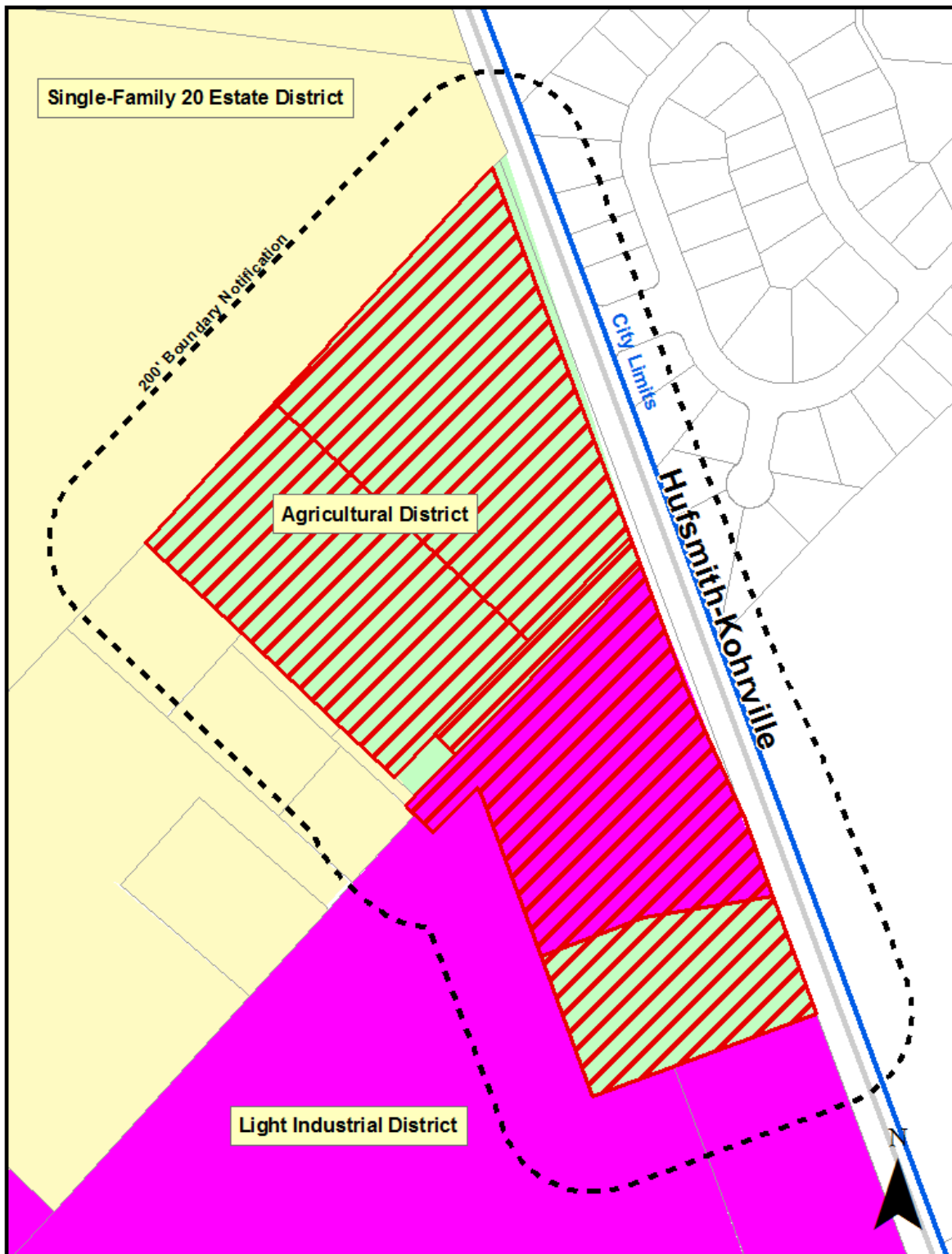


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Single-family residences to the north and west.



Figure 4: Undeveloped land and future TEDC Business and Technology Park to the west and south.



Figure 5: Hufsmith-Kohrville Road, single-family residences, and a former horse training facility.

Exhibit "E"
Comp Plan Amendment Application



**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: Jeff Presnal Title: Asset Manager
Mailing Address: 25614 Bridle Creek Dr. N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None
Email: jeff.presnal@gmail.com

Owner
Name: 2978 Industrial Properties, LLC & KTC Holdings LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr. N. City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None
Email: jeff.presnal@gmail.com

Map Amendment(s)

Current Comprehensive Plan Designation: Rural Residential & Business/Industrial *

Proposed Comprehensive Plan Designation: Business/Industrial

Proposed Use of Property: Light Industrial/Manufacturing as permitted by zoning

Physical Location of Property: 1/2 mile North of Holderith on West side of Hudsmith-Kohville

Legal Description of Property: Lot 3, Restricted Reserve A and Restricted Reserve C of the Tomball South Commercial Plat

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

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

Current Zoning District: A6 - Agriculture

Current Use of Property: Vacant Land

HCAD Identification Number: See chart with letter

132-003-001-0001 132-003-001-0005

132-003-001-0003 132-003-001-0007

Property Acreage: 25.70 Acres Combined

132-003-001-0002

Questions to be answered in Comprehensive Plan Amendment Request Letter: (See attached 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?

* clouded changes per applicant's permission granted on 11-13-13.

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 *Jeff Pullen* 10/29/13
Signature of Applicant Date

X *Jeff Pullen* 10/29/13
Signature of Owner #1 Date
2978 Industrial Properties, LLC

X *Thomas Crea Pantner* 10/29/13
Signature of Owner #2 Date
KTC Holdings LLC

2978 INDUSTRIAL PROPERTIES, LLC
25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

October 30, 2013

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

RE: Application to Change Comprehensive Plan, Lot 1-Block 1, Lot 3-Block 1, Lot 2-Block 1, Restricted Reserve A and Restricted Reserve C of the Tomball South Commercial plat

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 change will enhance the City economically by providing industrial uses that command higher appraised values and corresponding property tax revenue.

Second, the adjacent properties have recently been rezoned LI so this change would be consistent with what the future adjacent uses are expected to be based on current zoning. Consequently the City will be enhanced aesthetically by homogenizing the land use in the immediate surrounding area.

Third, this change would establish an area that is both consistent in zoning but also in future land use resulting in overall consistency in the City of Tomball's land use plans thereby also making it consistent with the City's Goals, Objectives and Actions.

The proposed change also encourages better use of the property as it is adjacent to the future Tomball Business and Technology Park and is, consequently, emerging as the industrial area of Tomball instead of the existing residential use.

The change will not adversely impact adjacent residential uses due to the existing roads and therefore separations being currently provided.

The change will not adversely affect vehicular or pedestrian access, roadway capacity, ingress and egress or traffic.

The proposed change utilizes existing barriers to separate varying land uses thereby improving the land use compatibility.

2978 INDUSTRIAL PROPERTIES, LLC

25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

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

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

Sincerely,



Jeff Presnal
Manager

2978 Industrial Properties, LLC
Owners of Lot1, Restricted Reserve A and Restricted Reserve C



Tom Crea
Manager
TK Holdings, LLC
Owner of Lot 3

Encl: Tomball South Commercial Plat
Parcel Delineation

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 9, 2013

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P13-182**

Background:

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC

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:

Notice of Public Hearing

Property Owner Notification Letter

P13-182 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 9, 2013
&
CITY COUNCIL
DECEMBER 16, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 9, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 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:

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.

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.

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.

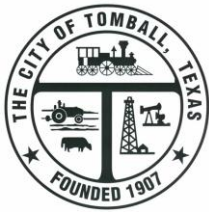
CERTIFICATION

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 5th day of December 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

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: P13-182

APPLICANT: Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC

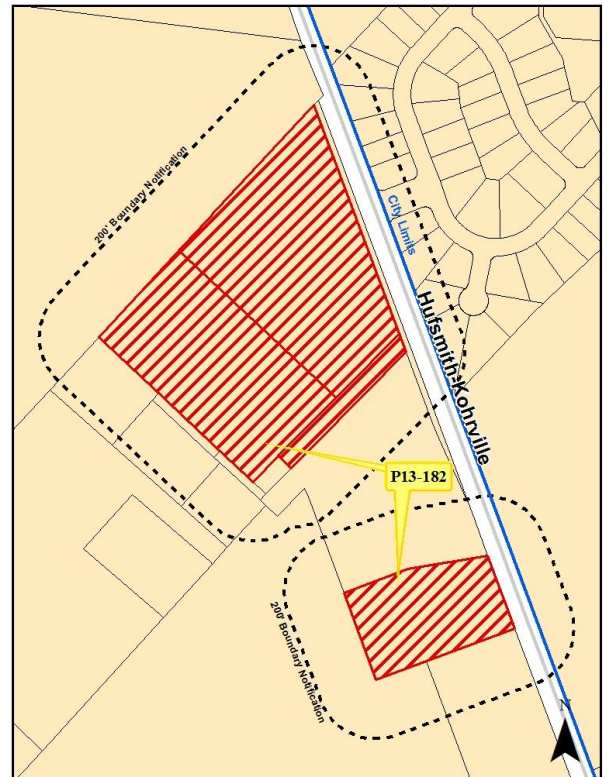
LOCATION: West of Hufsmith-Kohrville Road, north of Spell Road

PROPOSAL: Request 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, from the Agricultural District to the Light Industrial District.

CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, December 9, 2013, 6:00 PM**

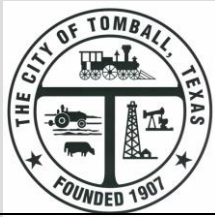
**City Council Public Hearing:
*Monday, December 16, 2013, 6:00 PM**

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

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

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

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2013

Rezoning Case:	P13-182
Property Owner:	2978 Industrial Properties, LLC and KTC Holding, LLC
Applicant:	Jeff Presnal
Legal Description:	Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial
Location:	West of Hufsmith-Kohrville Road, north of Spell Road (Exhibit "A")
Area:	18.77 acres
Present Zoning & Use:	Agricultural District (Exhibit "C") / Undeveloped and commercial (CREACOM, Inc.)
Future Land Use (FLU):	Rural Residential and Business/Industrial (Exhibit "B")
Proposed Zoning and Use:	Light Industrial ¹ / Any use permitted in the Light Industrial (LI) District
Adjacent Zoning & Use:	
North:	Single-Family Estate Residential-20 (SF-20-E) District / Single-family residences
South:	LI District / Undeveloped and future Tomball Economic Development Corporation (TEDC) Business and Technology Park
West:	SF-20-E and LI Districts / Single-family residences and future TEDC Business and Technology Park
East:	Unzoned Extraterritorial Jurisdiction (ETJ) / Hufsmith-Kohrville Road, single-family residences, and a former horse training facility

BACKGROUND

On October 18, 2013, City staff met with the applicant, Jeff Presnal, regarding the possible rezoning of Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial from the Agricultural District to the Light Industrial District. City staff informed Mr. Presnal that the properties have Future Land Use (FLU) designations of Rural Residential and Business/Industrial. Additionally, Mr. Presnal was informed that in order to have consistent uses and design standards throughout the development, these properties would need to have their FLU designations changed from Rural Residential and

¹ 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.

Business/Industrial to entirely Business/Industrial, as well as rezone the properties to Light Industrial.

On October 30, 2013, the City received Comprehensive Plan (CP) amendment and rezoning (Exhibit “D”) applications from Mr. Presnal. Case P13-181 is the request to change the FLU of Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial from Rural Residential and Business/Industrial to entirely Business/Industrial. Case P13-182 is the request to change the zoning classification of Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial from Agricultural District to the Light Industrial District.

ANALYSIS

There are two dominant land uses in the vicinity of the subject site: single-family residential and undeveloped land (Exhibit “E”). To the north are single-family residences; to the south is undeveloped land and the TEDC’s future Business and Technology Park; to the west are single-family residences and the TEDC’s Business and Technology Park; and to the east is Hufsmith-Kohrville Road, single-family residences, and a former horse training facility. The uses permitted in the LI District appear to be compatible with the TEDC’s Business and Technology Park to the west and the former horse training facility to the east. With the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.), the uses permitted in the LI District may be compatible with the single-family residences to the north, west, and east.

There are two zoning classifications in the vicinity of the subject site: SF-20-E and LI Districts. To the north is the SF-20-E District; to the south is the LI District; to the west are the SF-20-E and LI Districts; and to the east is unzoned ETJ. The proposed LI 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 LI District appears to be compatible with the existing LI Districts to the south and west. With the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.), the LI District may be compatible with the SF-20-E District to the north and west. Additionally, this request will create an unbroken, contiguous LI District from Holderrieth Road to Country Club Greens subdivision that is consistent with the possible construction of both the TEDC’s Business and Technology Park and Tomball South Commercial.

The FLU map identifies the subject site as Rural Residential and Business/Industrial. Rural Residential is intended for “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 is “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 proposed LI District appears to be consistent with Business/Industrial but not Rural Residential. However, if case P13-181 is approved and the FLU for the subject site is changed from Rural Residential and Business/Industrial to entirely Business/Industrial as requested, the rezoning request would appear to be consistent 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 LI District appear to be compatible with the TEDC's future Business and Technology Park to the south and west and the former horse training facility to the east. With the appropriate design standards (i.e. building setbacks, fencing, landscaping, etc.), the uses permitted in the LI District may be compatible with the single-family residences to the north, west, and east.

- 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 public schools, streets, water supply, sanitary sewers, or other utilities.

- 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 over 100 acres of vacant land in the vicinity zoned LI District. However, the majority of this is in the process of being developed for the TEDC's future Business and Technology Park. There are numerous other vacant properties elsewhere in the City-zoned LI District.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

There has been steady development City-wide in the LI 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 LI District appears to be consistent with the FLU designation of Business/Industrial but not Rural Residential. However, if case P13-181 is approved and the FLU for the subject site is changed from Rural Residential and Business/Industrial to entirely Business/Industrial as requested, the rezoning request would appear to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 27, 2013; no public comments have been received as of December 4, 2013.

RECOMMENDATION

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

- If P13-181 is approved, the proposed rezoning would appear to be compatible with the Comprehensive Plan;
- The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities.
- The proposed rezoning is not anticipated to affect the public health, safety, morals, or general welfare.

ACTION REQUESTED

That the Planning & Zoning Commission recommend **APPROVAL** of Rezoning Case P13-182.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan's Future Land Use Map

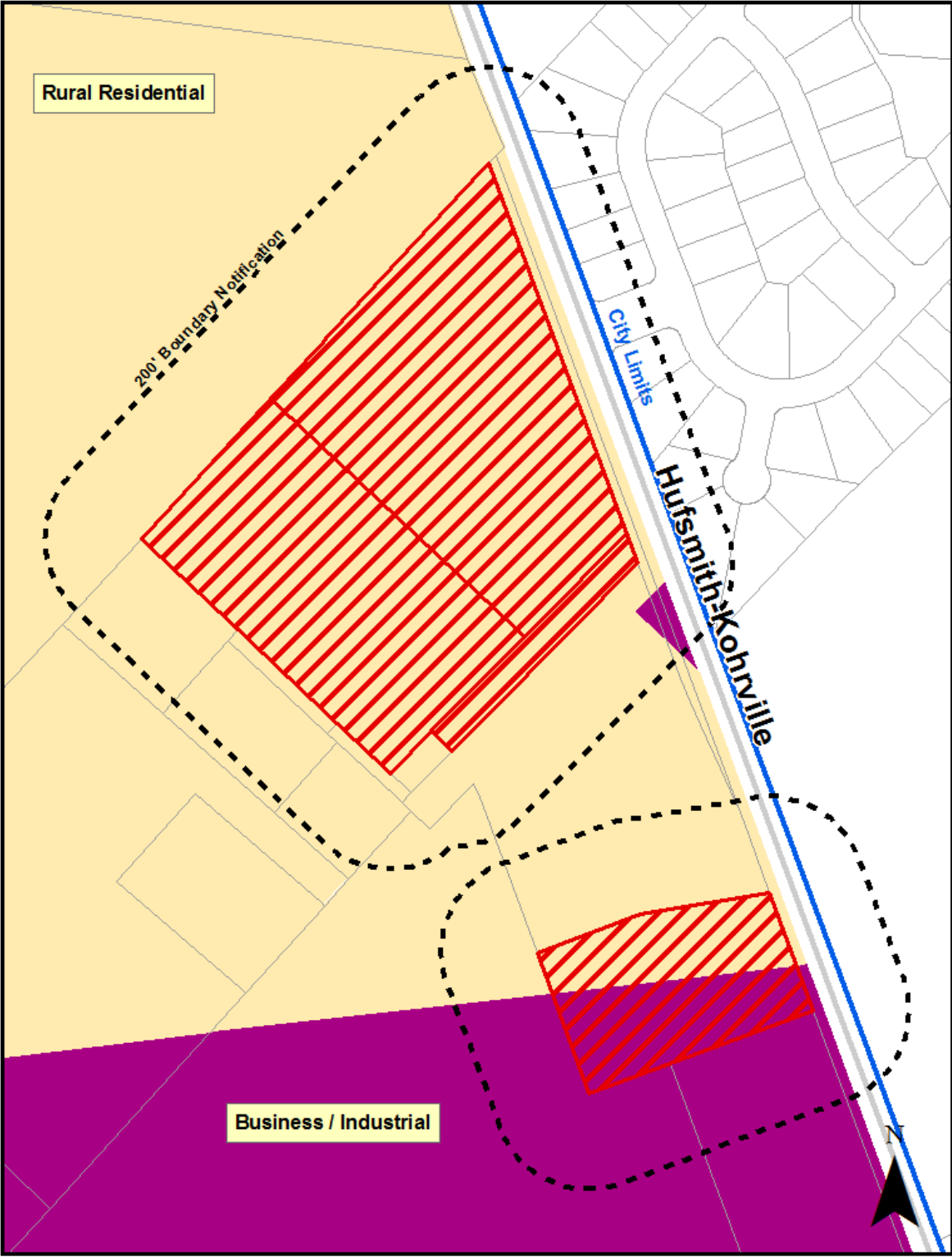


Exhibit "C"
Zoning Map

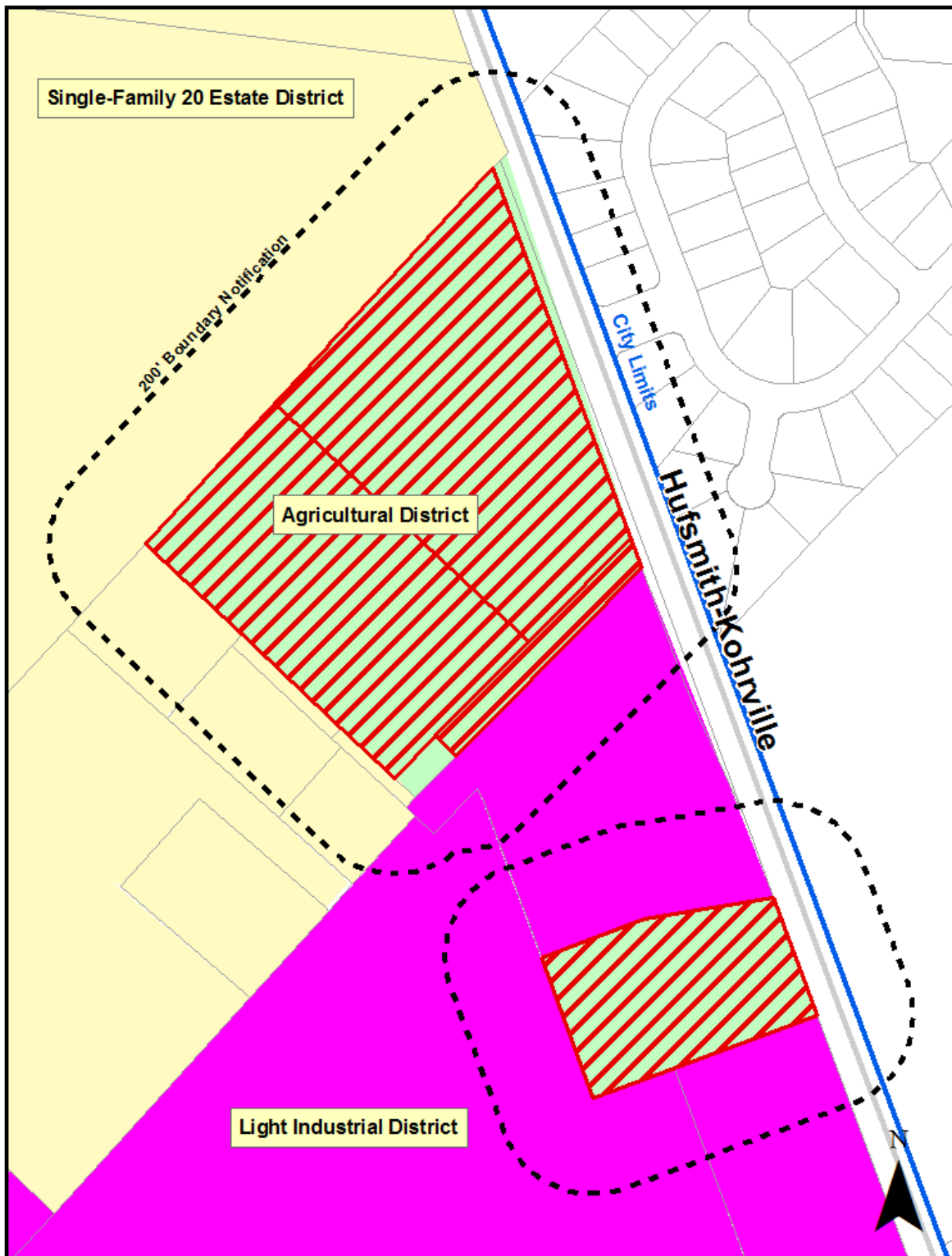


Exhibit "D"
Rezoning Application

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: Jeff Presnal Title: Asset Manager
Mailing Address: 25614 Bridle Creek Dr. N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None Email: jeff.presnal@gmail.com

Owner

Name: 2978 Industrial Properties, LLC ^{§ KTC Holdings LLC} Title: _____
Mailing Address: 25614 Bridle Creek Dr. N. City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None Email: jeff.presnal@gmail.com

Engineer/Surveyor (if applicable)

Name: None Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Rezone Lot 1, Lot 3, Restricted Reserve A and Restricted Reserve C to Commercial plat
from AG to LI.

Physical Location of Property: Approx 1/2 mile North of Holderith on west side of Holderith - Kohrville
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lot 1, Lot 3, Rest. Res. A and Rest. Res C - Tomball South Commercial plat
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG (Agriculture)

Current Use of Property: vacant land

Proposed Zoning District: LI (Light Industrial)

Proposed Use of Property: Not determined yet but assumed to be anything permitted by right or CUP within the LI zoning district.

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

www.ci.tomball.tx.us

HCAD Identification Number: See below Acreage: _____

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

Lot 1	132-003-001-0001	8.1928 Acres
Lot 3	132-003-001-0003	3.4434 Acres
Rest. Res A	132-003-001-0005	0.5140 Acres
Rest. Res C	132-003-001-0007	6.6158 Acres

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 Jeff Purrell 10/29/13
Signature of Applicant Date

X Jeff Purrell, Manager 10/29/13
Signature of Owner #1 Date
2978 Industrial Properties, LLC

Thomas Crea Partner 10/29/13
*Signature of Owner #2 Date
KTC Holdings LLC

2978 INDUSTRIAL PROPERTIES, LLC
25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

October 23, 2013

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

**RE: Application to Rezone Lot 1-Block 1, Lot 3-Block 1, Restricted Reserve A and
Restricted Reserve C of the Tomball South Commercial plat**

Please allow this letter to serve as our request to rezone the property referenced above
from AG (Agricultural District) to LI (Light Industrial District).

We request that the zoning 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 have recently been rezoned LI so this rezoning would be
consistent with adjacent uses.

Second, this rezoning would establish an area that is both consistent in zoning but also in
future land use resulting in overall consistency in the City of Tomball's land use plans.

For these reasons the property should be rezoned from AG- Agricultural District to LI-
Light Industrial District.

Sincerely,



Jeff Presnal
Manager
2978 Industrial Properties, LLC
Owners of Lot1, Restricted Reserve A and Restricted Reserve C



Tom Crea
Manager
TK Holdings, LLC
Owner of Lot 3

Encl: Tomball South Commercial Plat
Replat Parcel Delineation

**Exhibit “E”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Single-family residences to the north and west.



Figure 4: Undeveloped land and future TEDC Business and Technology Park to the west and south.



Figure 5: Hufsmith-Kohrville Road, single-family residences, and a former horse training facility.