

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



MONDAY, NOVEMBER 11, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, November 11, 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 October 14, 2013.

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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- Conduct a Public Hearing on **ZONING CASE P13-157**

- 5.8 Consideration to approve **ZONING CASE P13-158**: Request by Stutts 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.

- Conduct a Public Hearing on **ZONING CASE P13-158**

- 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.

- Conduct a Public Hearing on **ZONING CASE P13-161**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of November 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: November 11, 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: November 11, 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: November 11, 2013

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 14, 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:

10.14.13 P&Z Minutes

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

MONDAY, OCTOBER 14, 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 Community Development Director, Craig Meyers provided information regarding the Texas Coastal Citizen Planner Program: October 9 – December 18, 2013; Courtyard Marriott NASA / Clear Lake, Nassau Bay, Texas.

4.0 Motion was made by Commissioner Beauvais to approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 9, 2013; second by Commissioner Walicki.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve six month plat extension request by David Broussard on behalf of Breaux Machine Works for the BREAUX MACHINE WORKS FINAL PLAT.

Motion was made by Commissioner Roquemore; second by Commissioner Beauvais to approve six month plat extension for the **BREAUX MACHINE WORKS FINAL PLAT**. 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.

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

The Public Hearing was opened by Chair Tague at 6:04 p.m.

Rebeca Guerra, City Planner presented the staff report.

Nancy Cullen of 403 Peach Street spoke in opposition.

The Public Hearing was closed at 6:07 p.m.

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

Jodi Breaux of 23025 Jane Road spoke in opposition.

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

Motion was made by Commissioner Beauvais; second by Commissioner Roquemore to approve **ZONING CASE P13-143**. Vote was as follows:

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

Motion FAILED; 2 votes Aye, 3 votes Nay.

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

The Public Hearing was opened by Chair Tague at 6:19 p.m.

Rebeca Guerra, City Planner presented the staff report.

Hearing no comments, the Public Hearing was closed at 6:21 p.m.

Motion was made by Commissioner Beauvais; second by Commissioner Walicki to approve **ZONING CASE P13-148**.

After Commission discussion, Motion was made by Chair Tague; second by Commissioner Beauvais to TABLE **ZONING CASE P13-148** until the regular Planning and Zoning Meeting of January 2014. Vote was as follows:

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

Motion carried; 3 votes Aye, 2 votes Nay.

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

Motion carried unanimously.

Meeting adjourned at 6:44 p.m.

PASSED AND APPROVED this _____ day of November 2013.

Brandy Pate
P&Z Commission Secretary

Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

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	

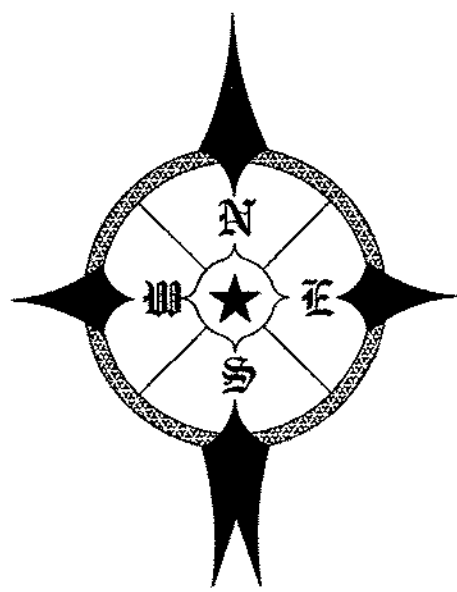
ATTACHMENTS:

Tomball South Commercial No. 2

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.

1 LOT, 1 BLOCK



Scale: 1" = 100'

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 easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball or 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.

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 restrictions or covenants.

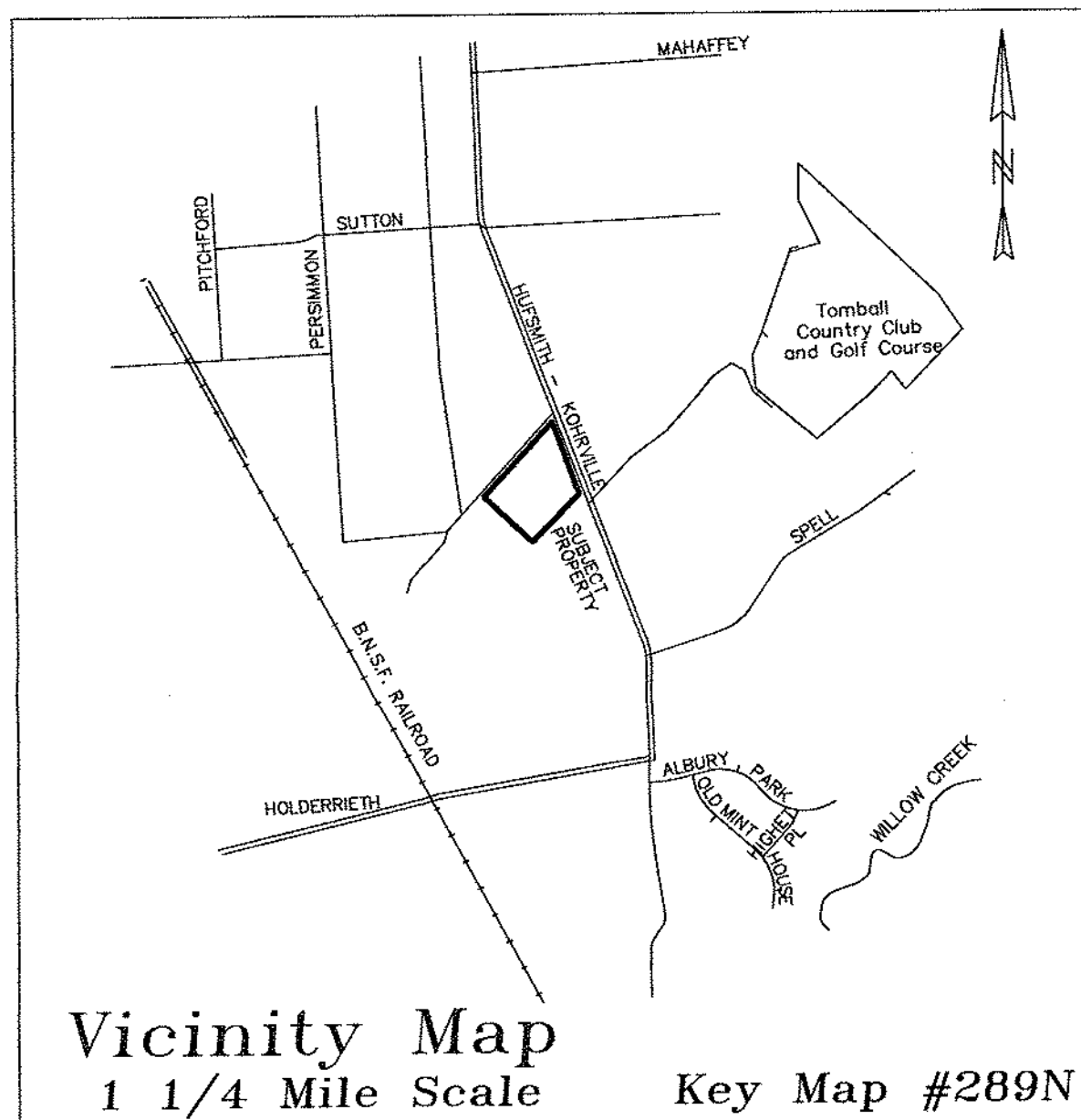
Note #5:
The Basis of Bearings for this plat is the Recorded Plat of Tomball South Commercial in Film Code Number 632199 of M.R.H.C.T.

Note #6:
The reason for this partial replat is to combine Lot 1 and Restricted Reserve "C" as part of a new subdivision.

B.L. = BUILDING LINE
C.O.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL

BL. = BUILDING LINE
VOL. = VOLUME
PG. = PAGE

H.C.C.F. = Harris County Clerk's File
H.C.D.R. = Harris County Deed Records
R.P.R.H.C.T. = Real Property Records of Harris County, Texas
H.C.M.R. = Harris County Map Records



Vicinity Map
1 1/4 Mile Scale

Key Map #289N

THE STATE OF TEXAS

COUNTY OF HARRIS

We, 2978 Industrial Properties, LLC, acting by and through JEFF PRESNAL, its Manager, being officers of 2978 Industrial Properties, LLC, owners hereinafter referred to as owners of the 14.8086 acre tract described in the above and foregoing plat of TOMBALL SOUTH COMMERCIAL NO. 2, 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 (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed 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, the 2978 Industrial Properties, LLC, has caused these presents to be signed by Jeff Presnal, its Manager, thereunto authorized,

this _____ day of _____, 2013.

2978 Industrial Properties, LLC

by: _____
Jeff Presnal, its Manager

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Jeff Presnal, Manager of 2978 Industrial Properties, 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 _____, 2013.

Notary Public in and for the State of Texas

My Commission Expires: _____

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 _____, 2013, at _____ o'clock _____ M., and duly recorded on _____, 2013, 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

Surveyor:

C & C SURVEYING INC.

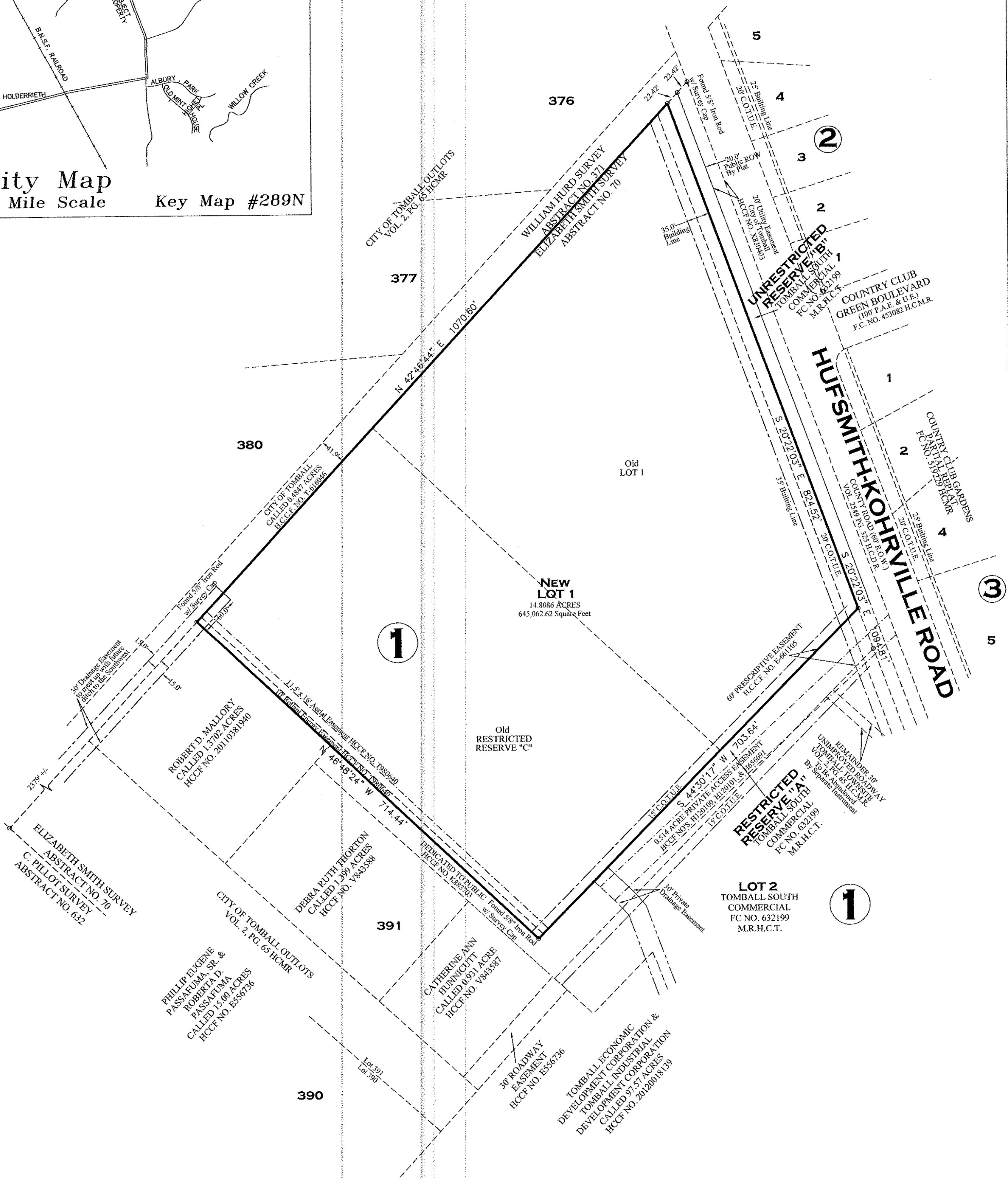
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935

Owner:

2978 Industrial Properties LLC

14405 Brown Road
Tomball, Texas 77377
281-290-8331

November 2013
Sheet 1 of 1



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of TOMBALL SOUTH COMMERCIAL NO. 2 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat

this _____ day of _____, 2013.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

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 the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2013.

By: _____
Gretchen Pagan, Mayor

Doris Speer, City Secretary

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

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:

Preliminary Plat Tucker Meadows

Page 14 of 77

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

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:

Final Plat Tucker Meadows

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, DENNIS L. PIERCE AND WIFE, PAULETTE JAWORSKI, HEREINAFTER REFERRED TO AS OWNER OF THE 4.6756 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TUCKER MEADOWS, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

FURTHER, OWNERS DO HEREBY COVENANTS 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, HAS CAUSED THESE PRESENTS TO BE SIGNED BY DENNIS L. PIERCE, THEREUNTO AUTHORIZED, AND BY PAULETTE JAWORSKI, THIS _____ DAY OF _____, 2013.

BY: _____ BY: _____
DENNIS L. PIERCE PAULETTE JAWORSKI

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DENNIS L. PIERCE AND PAULETTE JAWORSKI, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES : _____

FOR 4.3285 ACRE TRACT

WE, WOODFOREST NATIONAL BANK, OWNER AND HOLDER OF THE LIENS AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS TUCKER MEADOWS, SAID LIENS BEING EVIDENCED BY INSTRUMENT OF RECORD IN CLERK'S FILE NO. 20130256779 OF THE O.P.R.O.R.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIENS AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____
NAME: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, _____ OF WOODFOREST NATIONAL BANK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

I, CRAIG A. LANEY, 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 SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS 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.

CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



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 THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

BY: _____
GRETCHEN FAGAN, MAYOR

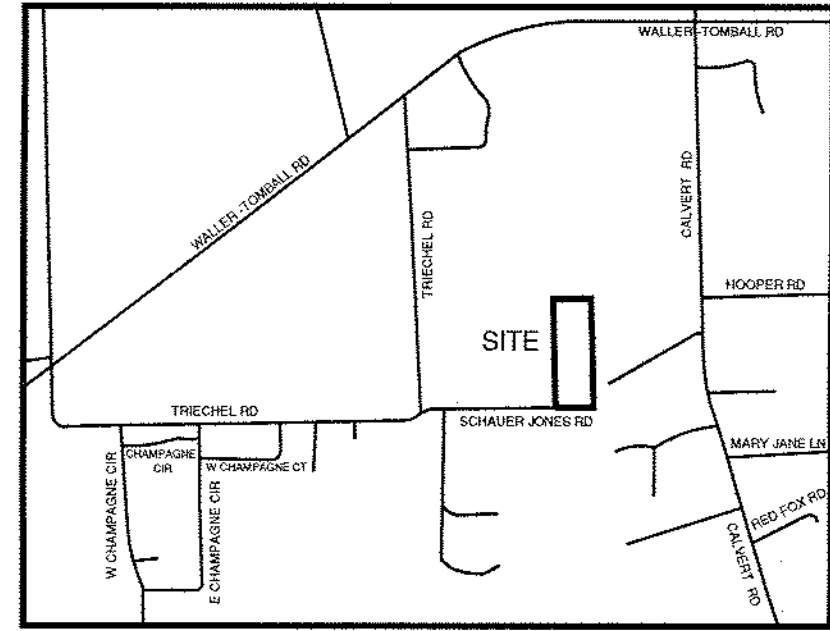
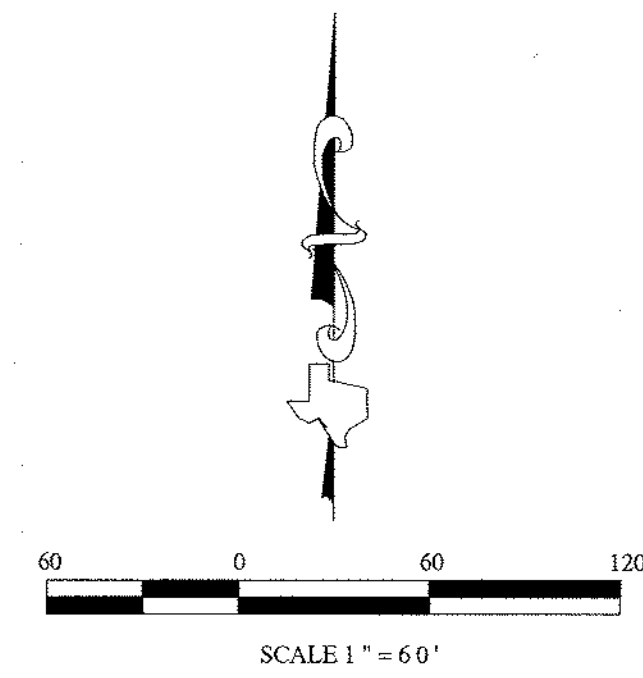
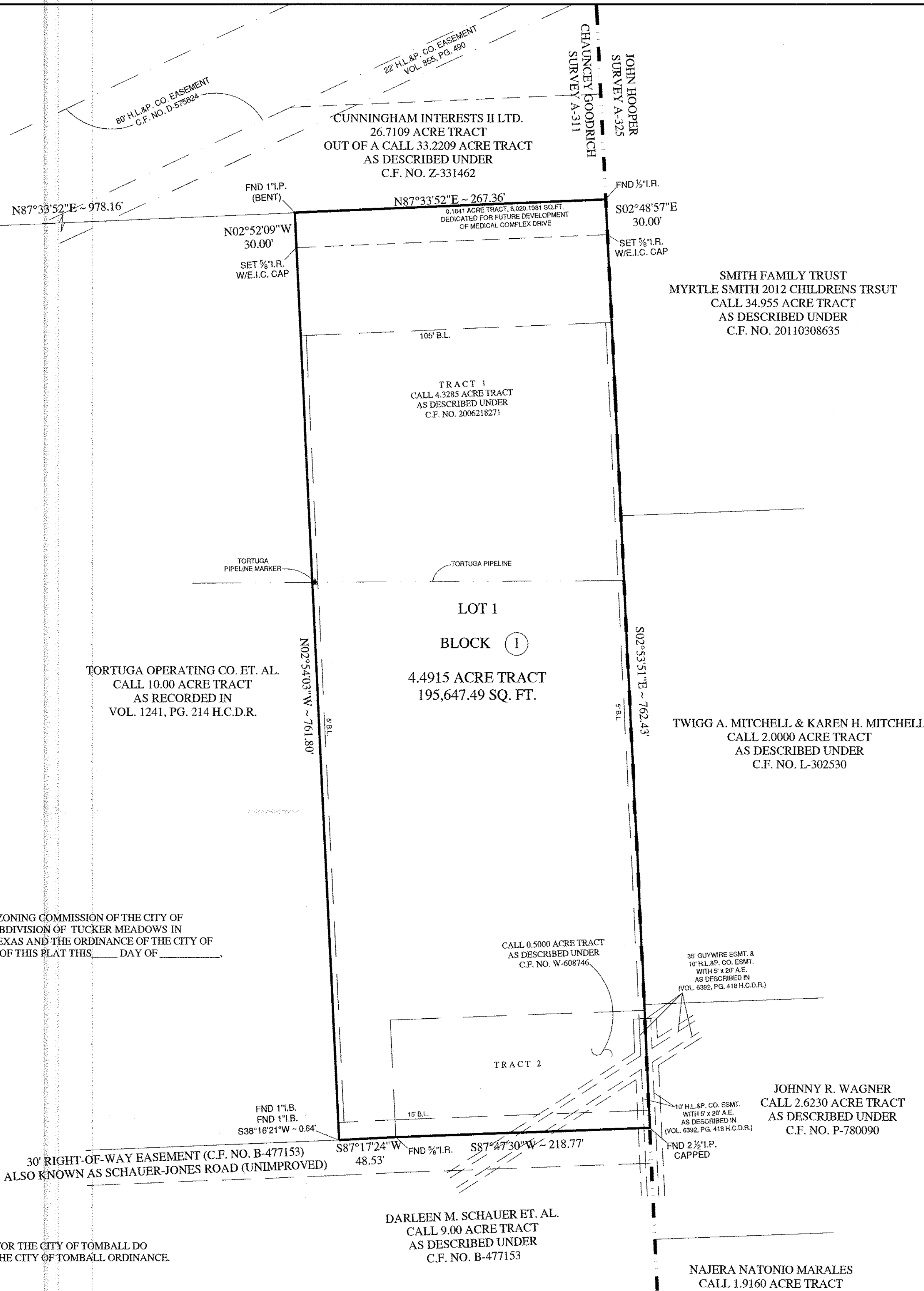
BY: _____
DORIS SPEER, CITY SECRETARY

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF TUCKER MEADOWS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

BY: _____
BARBARA TAGUE, CHAIRMAN

BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

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



FINAL PLAT
TUCKER MEADOWS
A SUBDIVISION OF 4.6756 ACRE TRACT,
203,667.69 SQUARE FEET
BEING COMPRISED OF
4.3285 ACRE TRACT AND 0.5000 ACRE TRACT
SITUATED IN
CHAUNCEY GOODRICH SURVEY, ABSTRACT 311,
HARRIS COUNTY, TEXAS
CONTAINING
1 LOT 1 BLOCK
NOVEMBER 2013

OWNER
DENNIS L. PIERCE and PAULETTE JAWORSKI 15141 TRICHELL ROAD
TOMBALL, TEXAS 77375
(281) 851-8371
SURVEYOR
E.I.C. SURVEYING COMPANY 12345 JONES ROAD#270
HOUSTON, TEXAS 77070
(281) 955-2772

- GENERAL NOTES
- B.L. INDICATES "BUILDING LINE"
 - U.E. INDICATES "UTILITY EASEMENT"
 - R.O.W. INDICATES "RIGHT-OF-WAY"
 - AC-TRACT INDICATES "ACRE TRACT"
 - VOL. INDICATES "VOLUME"
 - PG. INDICATES "PAGE"
 - I.R. INDICATES "IRON ROD"
 - D.E. INDICATES "DRAINAGE EASEMENT"
 - S.S.E. INDICATES "SANITARY SEWER EASEMENT"
 - H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
 - Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
 - According to the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
 - All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 - All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
 - No Building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
 - This plat does not attempt to amend or remove any valid covenants or restrictions.
 - The building lines shown in 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.
 - Blanket Easement of an unlocated pipeline easement and right-of-way in favor of Magnolia Pipeline Co. as set forth in instrument recorded in Volume 928, Page 602 of the Deed Records of Harris County, Texas. (As to Tract 2) No location or width given. No visible evidence Crossing subject property.
 - Blanket Easement of an unlocated pipeline easement and right-of-way in favor of Tennessee Pipeline Co. as set forth in instrument recorded in Volume 1975, Page 101 of the Deed Records of Harris County, Texas. (As to Tract 2) No location or width given. No visible evidence Crossing subject property.
 - An unlocated pipeline easement and right-of-way in favor of Humble Oil & Refining Co. as set forth in instrument recorded in Volume 6320, Page 246 of the Deed Records of Harris County, Texas. (As to Tract 2) No location or width given. No visible evidence Crossing subject property.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

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:

Raleigh Creek Section One Partial Replat Number One

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 0.2519 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER ONE, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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.

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this _____ day of _____, 20____.

By: _____ By: _____
JIM SPURLIN, President ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this _____ day of _____, 20____.

Notary Public In and For the State of Texas
My Commission Expires: _____

I, Neil M. Atkinson, 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 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.


Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER ONE 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 _____, 20____.

By: _____ By: _____
Barbara Tague Darrell Roquemore
Chairman Vice Chairman

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

By: _____ By: _____
George Shackelford Lori Lakatos, P.E.
City Manager City Engineer

This is to certify that the City accepts the Planning 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 _____, 20____.

By: _____ By: _____
Gretchen Fagan Doris Speer
Mayor City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at _____ o'clock _____, and duly recorded on _____, 20____, at _____ o'clock _____, and under film code number _____ of the map records of Harris County for said County.

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

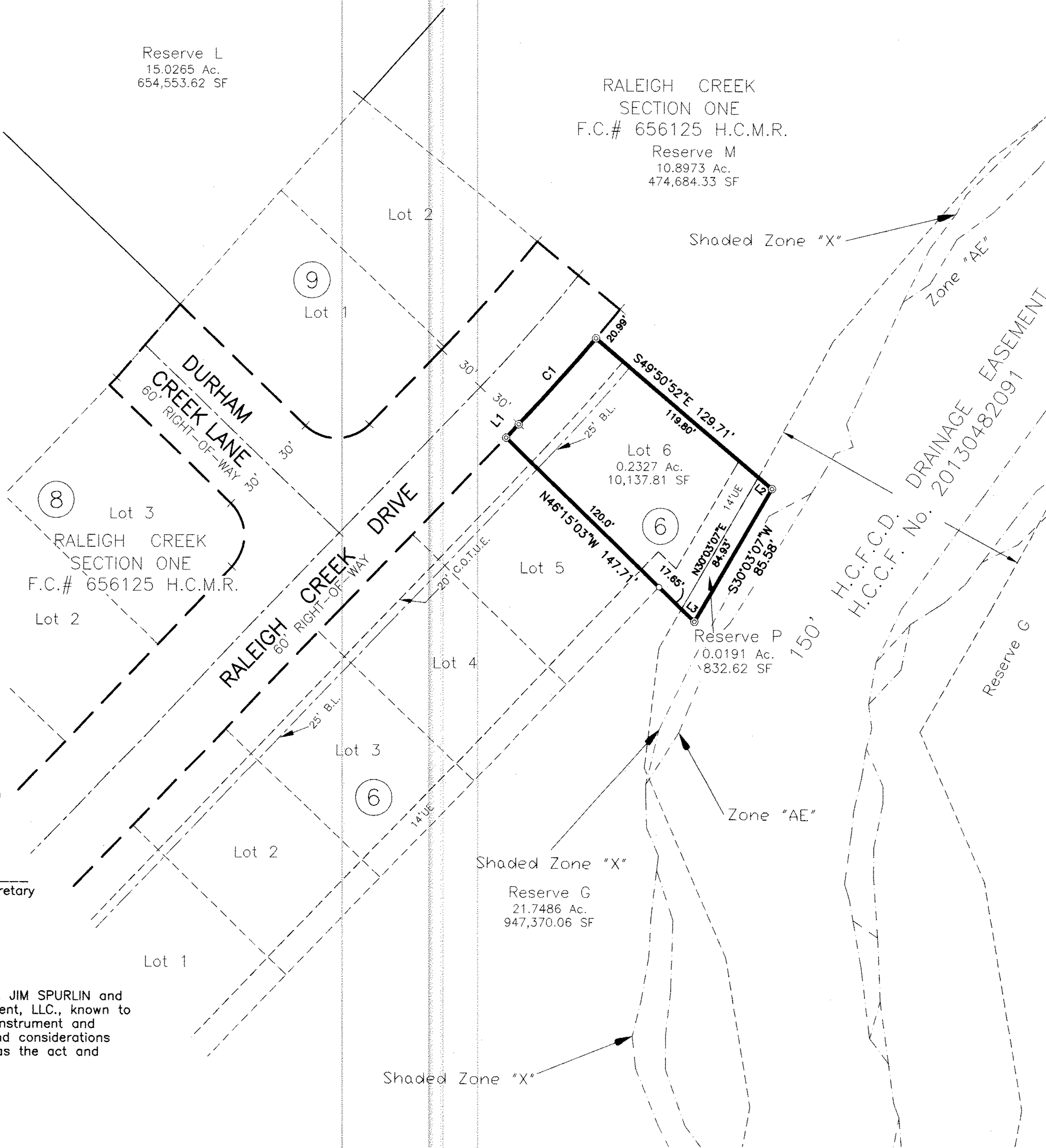
Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

Reserve L
15.0265 Ac.
654,553.62 SF

RALEIGH CREEK
SECTION ONE
F.C.# 656125 H.C.M.R.

Reserve M
10.8973 Ac.
474,684.33 SF



Public Easements:

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

Flood Information:
According to FEMA Firm Panel Nos. 48201C0065L & 48201C0230L (Effective Date 06/18/07), this property is in Zone "X" and is partially within the 0.2% Annual Chance Flood Plain and Zone "AE" within the 1% 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.

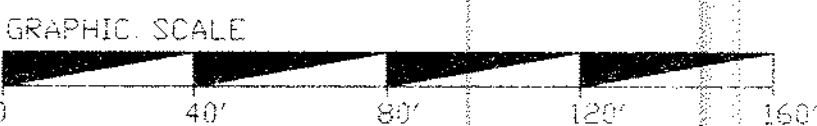
Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

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.

GENERAL NOTES

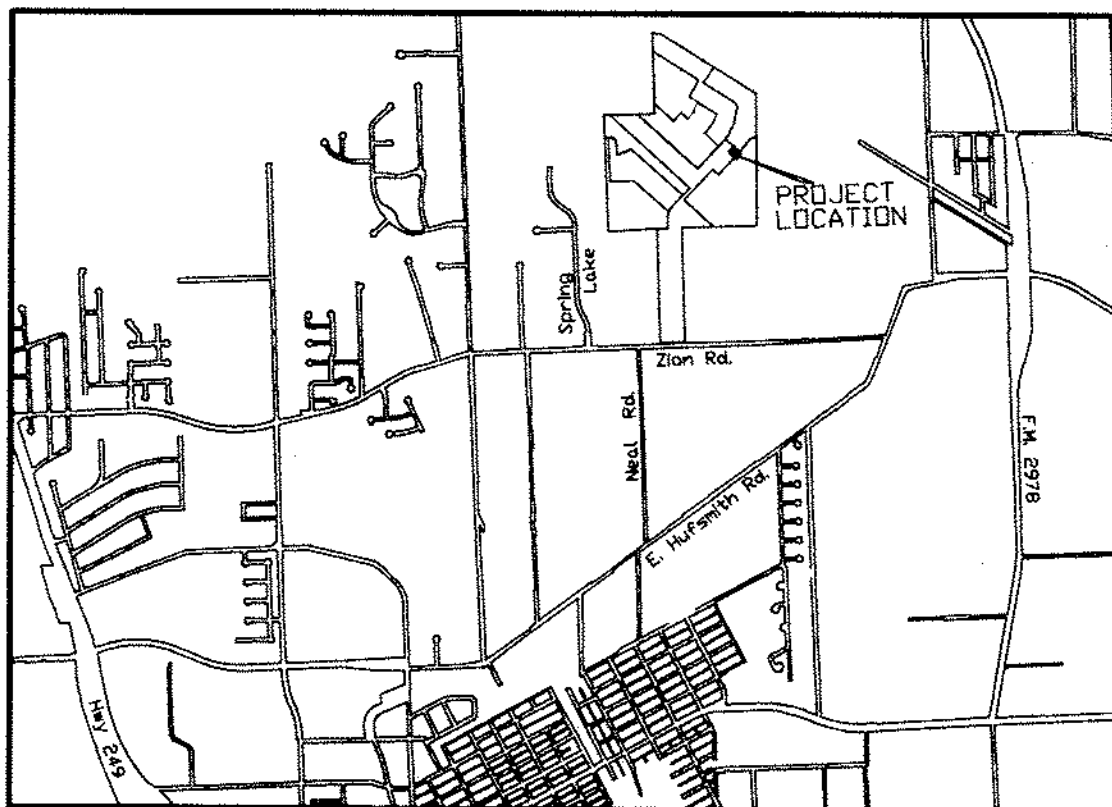
1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. "One foot reserve dedicated to the public as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the conditions of such dedication being that when adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right of way purposes (and the fee title thereto shall revert to and revert in the dedicatory, his heirs assigns, or successors)
7. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
8. H.C.M.R. Indicates Harris County Map Records.
9. Reserve "P" is hereby restricted to Drainage, and Detention.
10. No lots dedicated by this plat are within Zone "AE".
11. Building permits will not be issued for more than 30 single family homes until an approved street plat or easement is constructed in accordance to city standards on this plat and the adjacent plat, "Reserve at Spring Lake, Section One."

All bearings shown hereon are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone, NAD 1983 Datum



BENCH MARK:

FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001 ADJUSTED.



Vicinity Map
Scale: 1"= 3000'

Reserve Area Table

Reserve	Acres	Square Feet
Reserve P	0.0191	832.62

LINE	BEARING	DISTANCE
L1	S43°44'57"W	10.38'
L2	S49°50'52"E	9.91'
L3	N46°15'03"W	10.07'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1030'	64.66'	64.65'	N41°57'03"E	03°35'49"

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

REASON FOR REPLAT: TO ACCOMMODATE THE DEDICATION
OF A HARRIS COUNTY FLOOD CONTROL DISTRICT DRAINAGE
EASEMENT ALONG THE SOUTHEAST PORTION OF THE
PROJECT.

November, 2013

1 Block

Owner:
L.S. Development, LLC
10425 Huffsmith Rd.
Tomball, Texas 77375
713-201-7573

1 Lot

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77059
281-872-7800

1 Reserve

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

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:

Raleigh Creek Section One Partial Replat Number Two

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 1.2774 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER TWO, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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.

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this ____ day of _____, 20____.

By: _____ By: _____
JIM SPURLIN, President ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

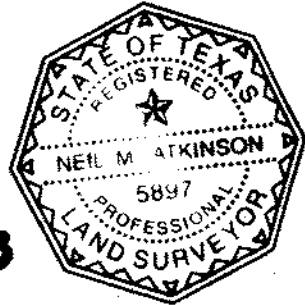
BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this ____ day of _____, 20____.

Notary Public In and For the State of Texas
My Commission Expires: _____

I, Neil M. Atkinson, 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 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.


Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER TWO 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 _____, 20____.

By: _____ By: _____
Barbara Tague Darrell Roquemore
Chairman Vice Chairman

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

By: _____ By: _____
George Shackelford Lori Lakatos, P.E.
City Manager City Engineer

This is to certify that the City accepts the Planning 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 _____, 20____.

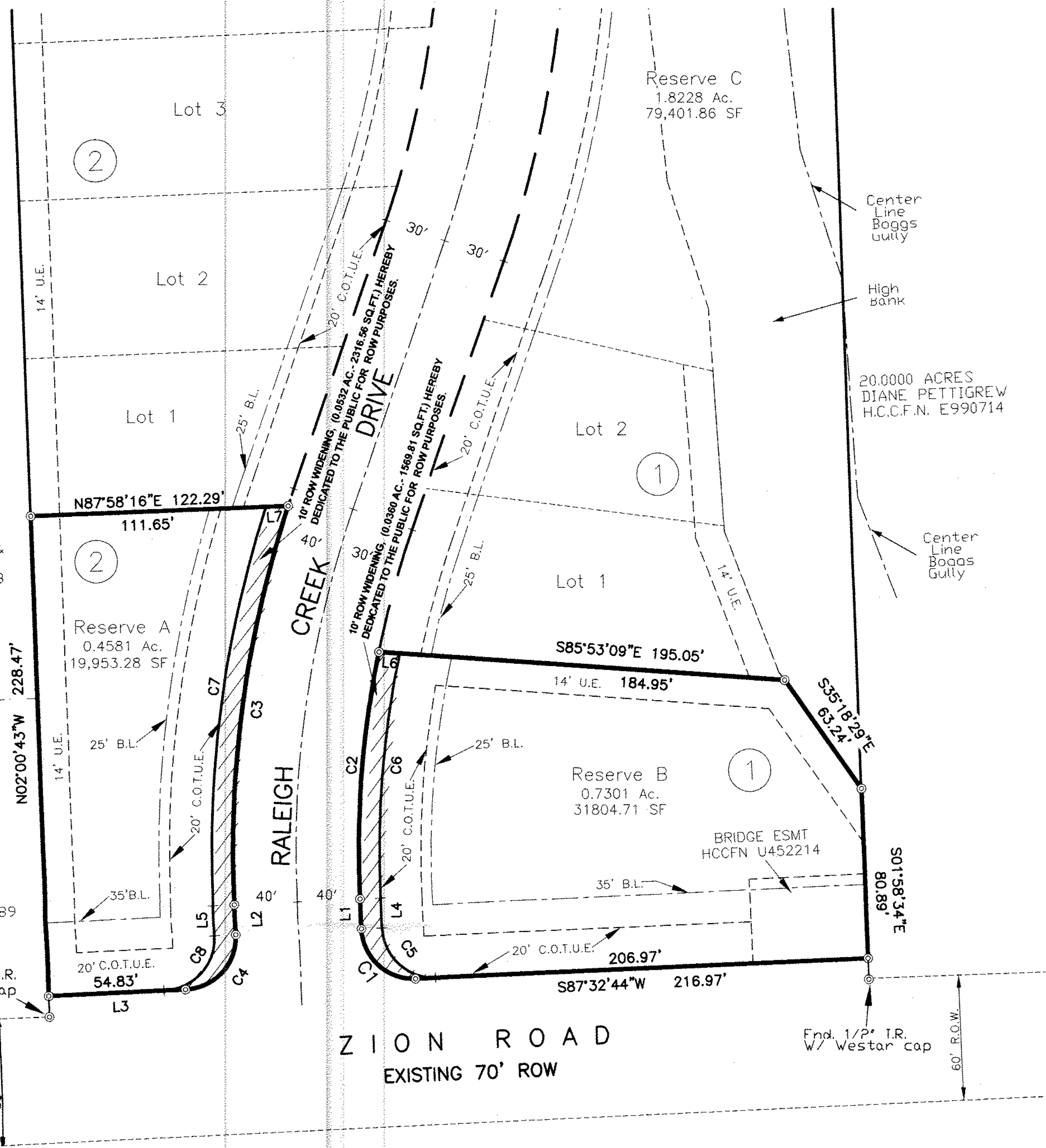
By: _____ By: _____
Gretchen Fagan Doris Speer
Mayor City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at _____ o'clock _____, and duly recorded on _____, 20____ at _____ o'clock _____, and under film code number _____ of the map records of Harris County for said County.

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

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy



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

Flood Information:
According to FEMA Panel Nos. 48201C0065L & 48201C0230L (Effective Date 06/18/07), this property is in Zone "X" and is partially within the 0.2% Annual Chance Flood Plain and Zone "AE" within the 1% 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.

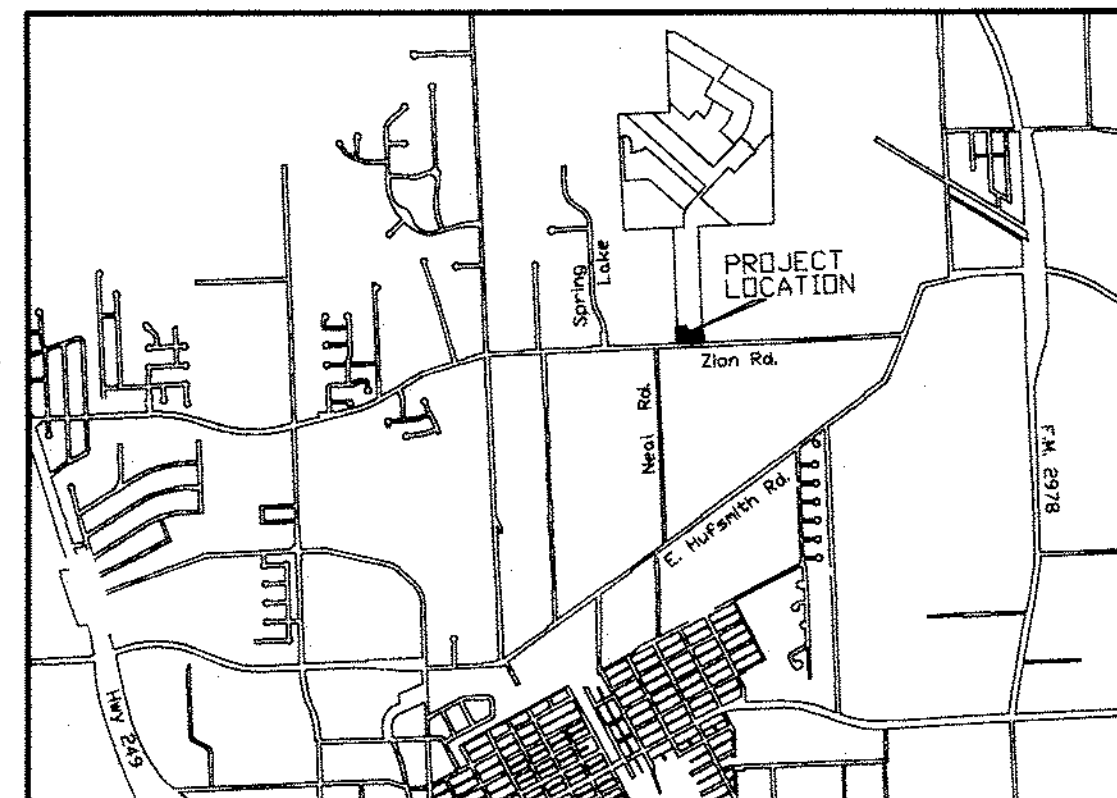
GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.F.N. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. "One foot reserve dedicated to the public as a buffer separation between the side or end of streets in subdivision plots where such streets abut adjacent acreage tracts, the conditions of such dedication being that when adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right of way purposes (and the fee title thereto shall revert to and revert in the dedicating, his heirs assigns, or successors)
7. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
8. H.C.M.R. Indicates Harris County Map Records.
9. Reserves "A", and "B" are hereby restricted to Recreation.

Reserve Area Table				
Reserve	Acres	Square Feet		
Reserve A	0.4581	19,953.28		
Reserve B	0.7301	31,804.71		

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25'	39.24'	35.34'	N47°29'10"W	89°56'13"
C2	470'	117.93'	117.62'	N04°40'14"E	14°22'33"
C3	330'	192.14'	191.09'	S07°52'05"W	20°46'16"
C4	25'	39.30'	35.37'	S42°30'50"W	90°03'47"
C5	25'	39.24'	35.34'	N47°29'10"W	89°56'13"
C6	460'	116.78'	116.46'	N04°45'19"E	14°23'43"
C7	540'	192.07'	191.06'	S07°40'20"W	20°22'46"
C8	25'	39.30'	35.37'	S42°30'50"W	90°03'47"

LINE	BEARING	DISTANCE
L1	N02°19'03"W	14.63'
L2	S02°31'03"E	14.53'
L3	S87°32'44"W	64.83'
L4	N02°31'03"W	14.66'
L5	S02°31'03"E	14.52'
L6	S85°53'09"E	10.09'
L7	N87°58'16"E	10.65'



RALEIGH CREEK SECTION ONE, 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

REASON FOR REPLAT: TO PROVIDE ADDITIONAL
RIGHT-OF-WAY WIDENING FOR RALEIGH CREEK DRIVE.

2 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77090
713-201-7573

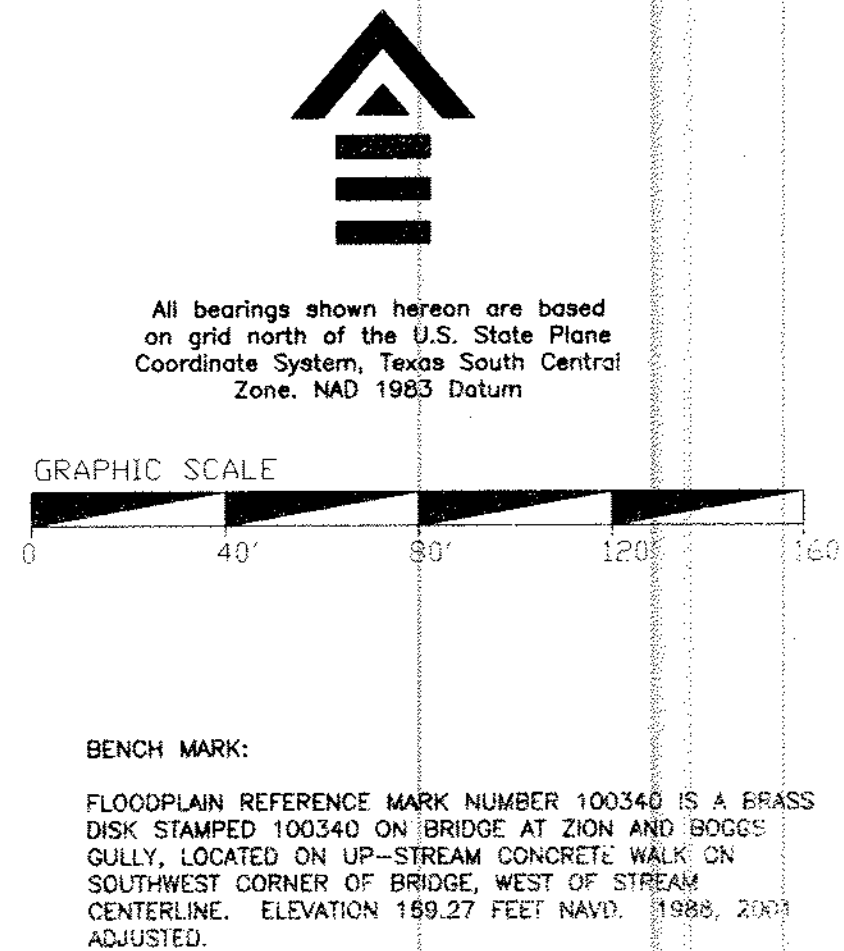
November, 2013

0 Lots

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77090
281-872-7600

2 Reserves

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2610



Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

Consideration to approve **RALEIGH CREEK SECTION TWO**; A subdivision of 26.1150 acres, being a Replat of Reserve "J" and Reserve "T" 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.

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:

Raleigh Creek Section Two

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 26.1150 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION TWO, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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.

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this ____ day of ____, 20__.

By: JIM SPURLIN, President

By: ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this ____ day of ____, 20__.

Notary Public In and For the State of Texas
My Commission Expires: ____

I, Neil M. Atkinson, 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 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.

Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION TWO 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 ____, 20__.

By: Barbara Tague
Chairman

By: Darrell Roquemore
Vice Chairman

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

By: George Shackelford
City Manager

By: Lori Lakatos, P.E.
City Engineer

This is to certify that the City accepts the Planning 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 ____, 20__.

By: Gretchen Fagan
Mayor

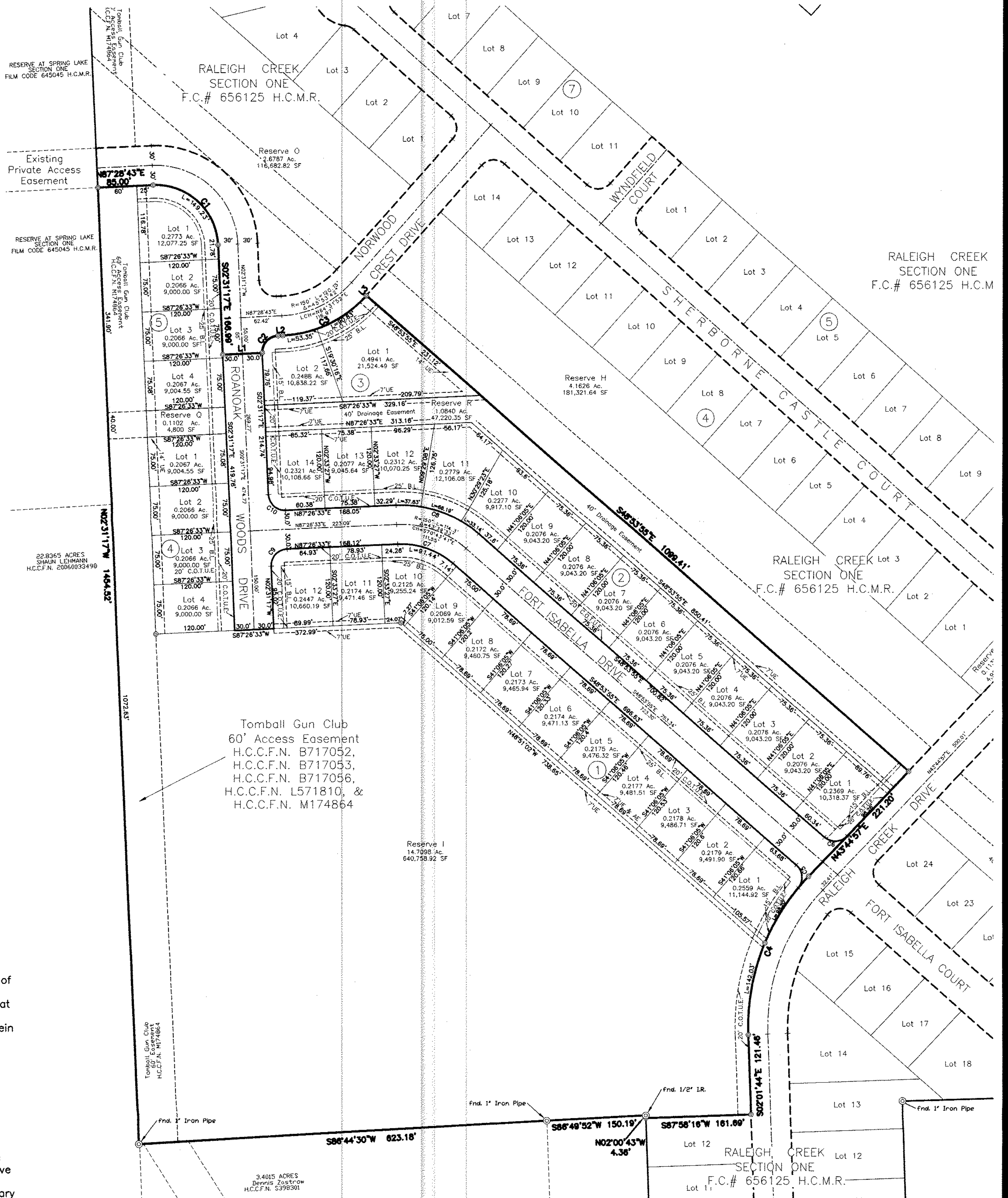
By: Doris Speer
City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on ____ at ____ o'clock ____ and duly recorded on ____ at ____ o'clock ____ and under film code number ____ of the map records of Harris County for said County.

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

Stan Stanart
County Clerk of
Harris County, Texas

By: Deputy



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

Flood Information:
According to FEMA Firm Panel Nos. 48201C0065L & 48201C0230L (Effective Date 06/18/07), this property is in Zone "X" and is partially within the 0.2% Annual Chance Flood Plain and Zone "AE" within the 1% 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.

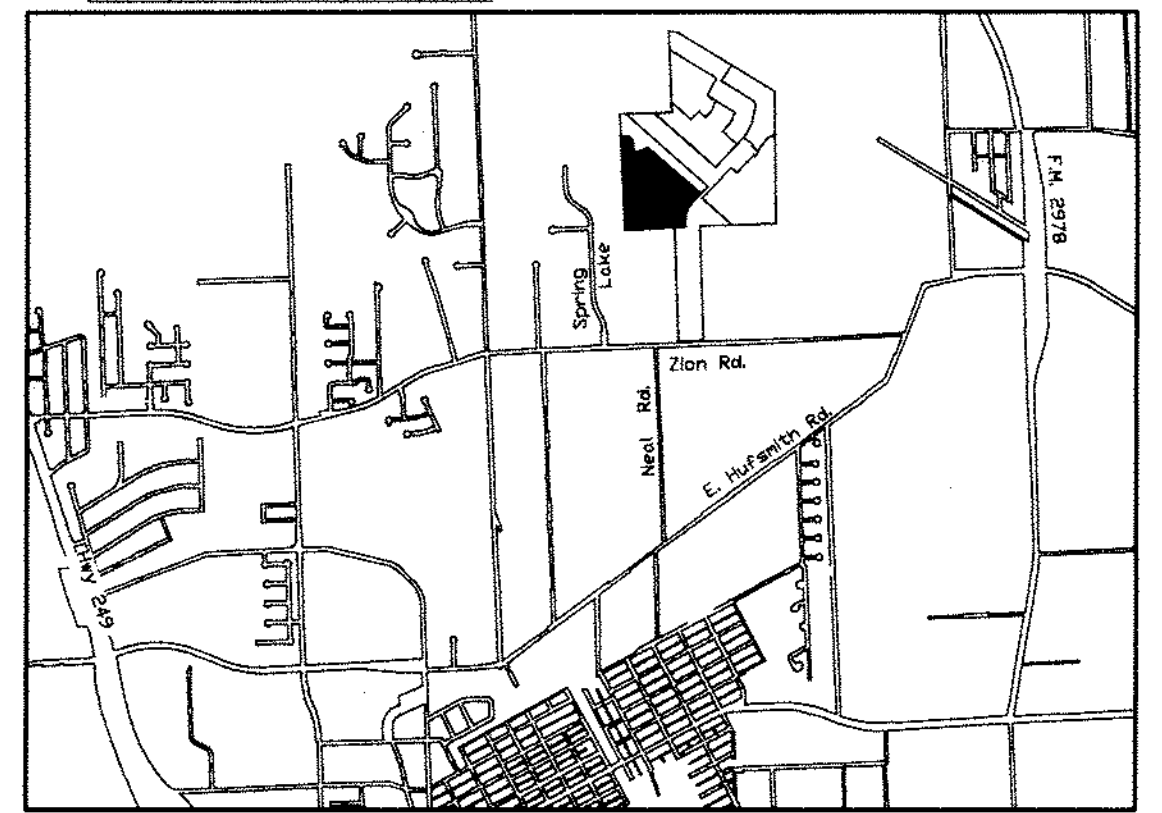
GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line.
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. "One foot reserve dedicated to the public as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the conditions of such dedication being that when adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right of way purposes (and the fee title thereto shall revert to and re-vest in the dedicating, his heirs assigns, or successors).
7. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
8. H.C.M.R. Indicates Harris County Map Records.
9. Reserves "R" and "Q" are hereby restricted to Recreation, Drainage, and Detention.
10. Reserve "I" is hereby created as an Unrestricted Reserve.
11. No lots dedicated by this plat are within Zone "AE".
12. Building permits will not be issued for more than 30 single family homes, until an approved street or easement is constructed in accordance to city standards on this plat and the adjacent plat, "Reserve at Spring Lake, Section One."

Reserve Area Table			
Reserve	Acres	Square Feet	
Reserve Q	0.1102	4,800.00	
Reserve R	1.0840	47,220.35	
Reserve I	14.7098	640,758.92	

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	95'	149.83'	134.35'	S47°31'17"E	90°00'00"
C2	25'	39.27'	35.35'	N42°28'43"E	90°00'00"
C3	180'	144.10'	140.36'	N64°31'53"E	20°53'42"
C4	330'	563.66'	556.77'	S20°51'37"W	45°46'46"
C5	25'	38.65'	34.91'	S04°36'30"E	88°34'49"
C6	15'	38.11'	34.53'	N87°25'31"E	87°25'31"
C7	180'	91.44'	89.24'	N70°43'41"W	43°59'33"
C8	180'	137.16'	133.86'	N70°43'41"W	43°59'33"
C9	25'	59.25'	55.34'	S42°07'38"W	69°57'50"
C10	25'	39.27'	35.37'	S47°32'22"E	90°02'10"

LINE	BEARING	DISTANCE
L1	N87°28'43"E	60'
L2	N87°28'43"E	7.45'
L3	N47°35'01"E	5.25'



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**

**REASON FOR REPLAT: TO CREATE AND PLAT SINGLE FAMILY
RESIDENTIAL LOTS**

November, 2013
36 Lots

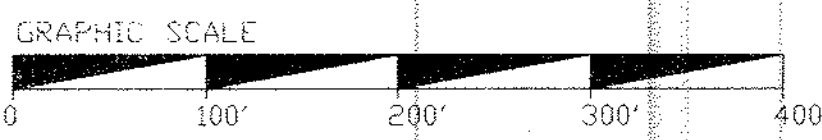
3 Reserves

5 Blocks

Owner:
L S Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77090
281-872-7900

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616



BENCH MARK:
FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-SLOPE CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001 ADJUSTED.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P13-157**

Background:

Origination:

Jackie Moon, on behalf of Breaux Properties, LTD

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

P13-157 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 11, 2013
&
CITY COUNCIL
NOVEMBER 18, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 18, 2013, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-157: 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.

ZONING CASE P13-158: Request by Stutts 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.

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.

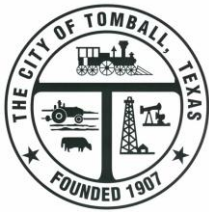
Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the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

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 7th day of **November 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: P13-157

APPLICANT: Jackie Moon, on behalf of Breaux Properties, LTD

LOCATION: Northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway

PROPOSAL: Request 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, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

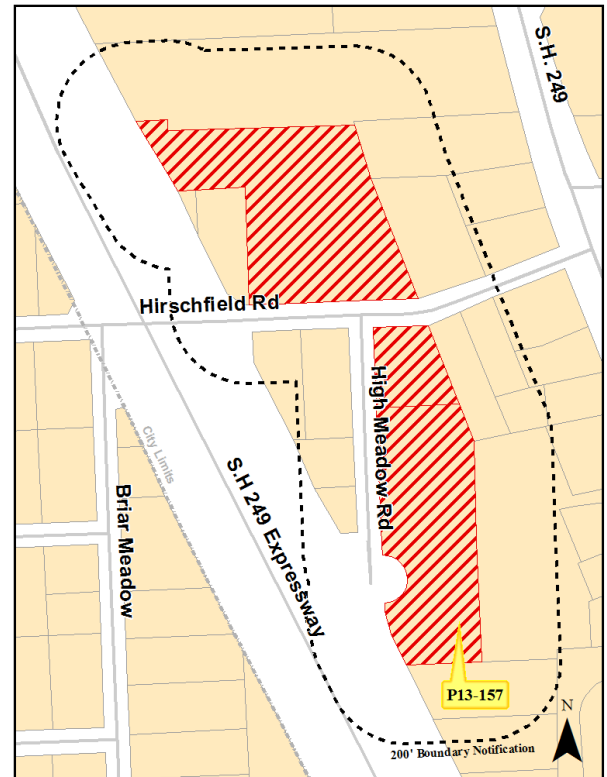
CONTACT: Rodney Schmidt

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.

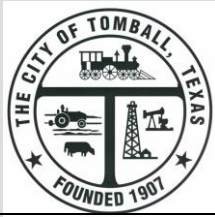


**Planning & Zoning Commission
Public Hearing:
Monday, November 11, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, November 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 11, 2013

Rezoning Case: P13-157

Property Owner(s): Breaux Properties, LTD

Applicant: Jackie Moon

Legal Description: 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-90408O; 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

Location: Northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway (Exhibit "A")

Area: 8.55 acres

Present Zoning and Use: General Retail and Agricultural Districts (Exhibit "B") / Machine Shop

Comp Plan Designation: Commercial (Exhibit "C")

Proposed Zoning and Use: Planned Development District #5 / Machine Shop

Adjacent Zoning & Land Uses:

North: General Retail District / Building materials sales

South: Agricultural District / Vacant

- West:** Agricultural District, General Retail District, and Conditional Use Permit #8 / State Highway 249 Expressway, High Meadow Road, vacant, single-family residence, office/warehouse, and feed and grain store
- East:** General Retail District / Minor auto repair, furniture and appliance store, auto parts sale, eating establishment, medical office, office/warehouse, convenience store, multi-use strip center, and drinking establishment

BACKGROUND

On May 17, 2013, City staff met with the property owner, Mr. Breaux, to discuss the expansion of his business, Breaux Machine Works, at the subject site. Mr. Breaux was informed that his property is zoned General Retail District which does not permit the expansion of a machine shop. He was informed that if he wished to expand his facility, he would be required to have the property rezoned to a district which not only permitted this particular land use, but was consistent and compatible with the Zoning districts and uses within the State Highway 249 corridor. On October 1, 2013, the City received a Planned Development District (PDD) application from the applicant, Jackie Moon, for the subject site requesting the machine shop use be expanded (Exhibit “D”). A Concept Plan was submitted with the PDD application which proposes numerous improvements including adding over 70,000 square feet of building area, providing on-site parking stalls to meet the demand of the increased building area, screening and buffering all outdoor storage areas, and bringing the entire site into conformance with the landscaping requirements of the City (Exhibit “E”).

ANALYSIS

There are several existing land uses in the area. To the north of the subject site is a building materials sales facility; to the south is vacant land; to the west is State Highway 249 Expressway, High Meadow Road, vacant land, a single-family residence, office/warehouses, and a feed and grain store; and to the east is a minor auto repair facility, furniture and appliance store, auto parts store, eating establishment, office/warehouse, medical office, convenience store, multi-use strip center, and drinking establishment (Exhibit “F”). The Rezoning to PDD appears to be compatible with the existing land uses in the area except for the single-family residence across High Meadow Road to the west. However, the 25-foot front building setback and 10-foot landscape buffer along High Meadow Road proposed on the Concept Plan appears to sufficiently buffer the machine shop use from the single-family residence.

There are a number of Zoning districts in the area. To the north of the subject site is the General Retail District; to the south is the Agricultural District; to the west are the Agricultural District, General Retail District, and Conditional Use Permit #8 permitting a feed and grain store; and to the east is the General Retail District. The proposed PDD appears to be compatible with the existing Zoning districts in the area given the provisions shown on the Concept Plan.

The Comprehensive Plan's Future Land Use (FLU) map identifies the site as Commercial. The Comprehensive Plan (CP) states, "Commercial is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops." The proposed rezoning does not appear to be consistent with the CP land use designation of Commercial. However, the CP states, "At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the CP. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the FLU but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations (City staff responses in red):

- Will the proposed development enhance the City economically?

The expansion of the facility would appear to generate higher property taxes for the City than if the property were to remain in its current configuration. Additionally, the expanded facility may generate more employees which will likely equate to more sales tax revenue from those employees eating and shopping in the City and possibly more property tax revenue from new home construction.

- Will the proposed development enhance the City aesthetically?

The Concept Plan provides numerous site improvements including new buildings and landscaping area which appear to enhance the City aesthetically.

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

The request is consistent with Goal LUD 7 which attempts to "Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs." The expansion of the facility will likely generate more employees which would appear improve the jobs-to-population ratio and provide locally available jobs.

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

The expansion of the machine shop use will likely better utilize land currently being used as such and expand the facility into undeveloped land.

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

The visual buffering and landscaping proposed for this site appear to mitigate negative impacts on the single-family residence in the area.

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

The proposed development will have adequate access and will adhere to all governmental regulations for ingress/egress. Additionally, the new shipping and receiving facility proposed on the Concept Plan is anticipated to allow the heavy trucks that currently load/unload their materials on Hirschfield Road to load/unload on private property thereby improving traffic flow.

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

The uses adjacent to the existing and proposed machine shop appear to be similar in nature. Additionally, the machine shop has been at its current location for several years without any known filed complaints from its neighbors siting incompatibility concerns.

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

The proposed development appears to positively impact the community's health, safety, or welfare by removing the loading/unloading of heavy trucks from Hirschfield Road onto private property.

Although the proposed Rezoning does not appear to be consistent with the FLU designation of Commercial, the CP does "allow City Staff the flexibility to respond to conditions and constraints inherent to specific sites and areas in Tomball." Staff recognizes the existing use of a machine shop which was created prior to the inception of Zoning in the City. A Rezoning to PDD would allow Staff to require that this development "provide proper transitions, buffers, or architectural reliefs to minimize negative impacts" as mandated in the CP. To this end, as part of the associated Concept Plan, the applicant is proposing numerous improvements to the site that are anticipated to improve the property visually and allow the existing business to function in a more efficient and safe manner.

Finally, the future development of this site will require the applicant to comply with the City's platting requirements as well as the use and area regulations outlined in the Zoning Ordinance and PDD ordinance. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

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 proposed machine shop expansion appears to be compatible with the existing land uses in the area except for the single-family residence across High Meadow Road to the west. However, the 25-foot front building setback and 10-foot landscape buffer along High Meadow Road proposed on the Concept Plan appears to sufficiently buffer the machine shop use from the single-family residence.

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 to the area.

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

There are no other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned PDD intended for the same purpose as proposed by the applicant.

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 no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

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 were approved, there should be few if any affects on other areas designated for similar developments.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

The proposed Zoning change is not anticipated to negatively affect the public health, safety, morals, or general welfare.

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

Although the proposed Rezoning does not appear to be consistent with the Comprehensive Plan Future Land Use designation of Commercial, it does appear to provide a better use of land that will benefit both the property owner and the City.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 31, 2013; no public comments have been received as of November 6, 2013.

CONCLUSION

Staff recommends **APPROVAL** of Zoning Case P13-157 based on the following:

- a. The proposed rezoning appears to be generally compatible with the surrounding land uses given the provisions shown on the concept plan;
- b. The proposed rezoning appears to be generally compatible with the surrounding zoning districts given the provisions shown on the concept plan;
- c. The proposed rezoning does not appear to be consistent with the Comprehensive Plan land use designation of Commercial but appears to provide a better use of land than what is defined in the Comprehensive Plan;
- d. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
- e. The proposed rezoning is not anticipated to negatively affect the public health, safety, morals, or general welfare.

RECOMMENDATION

APPROVAL of Zoning Case P13-157.

EXHIBITS

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

Exhibit "A"
Aerial Photo

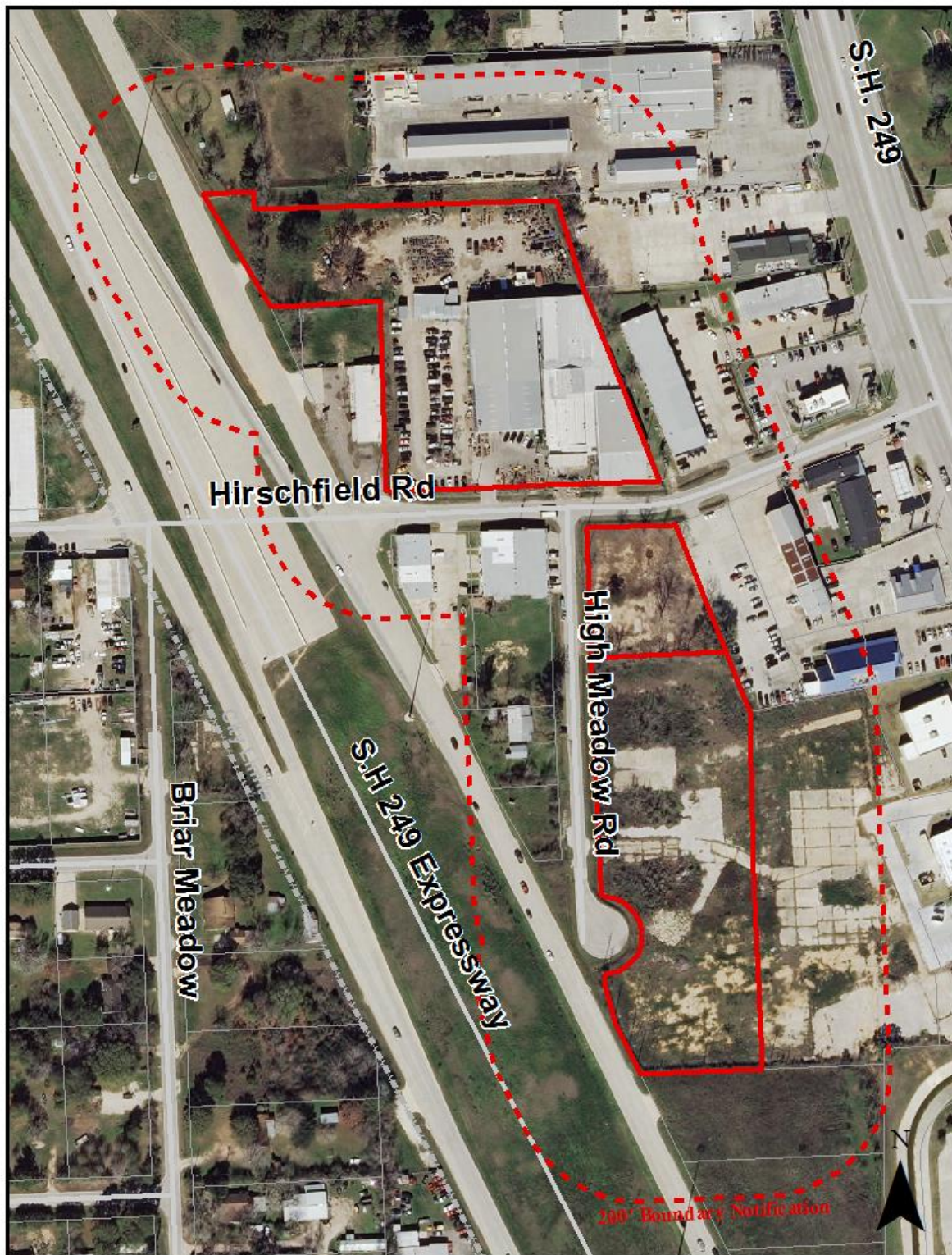


Exhibit "B"
Zoning Map

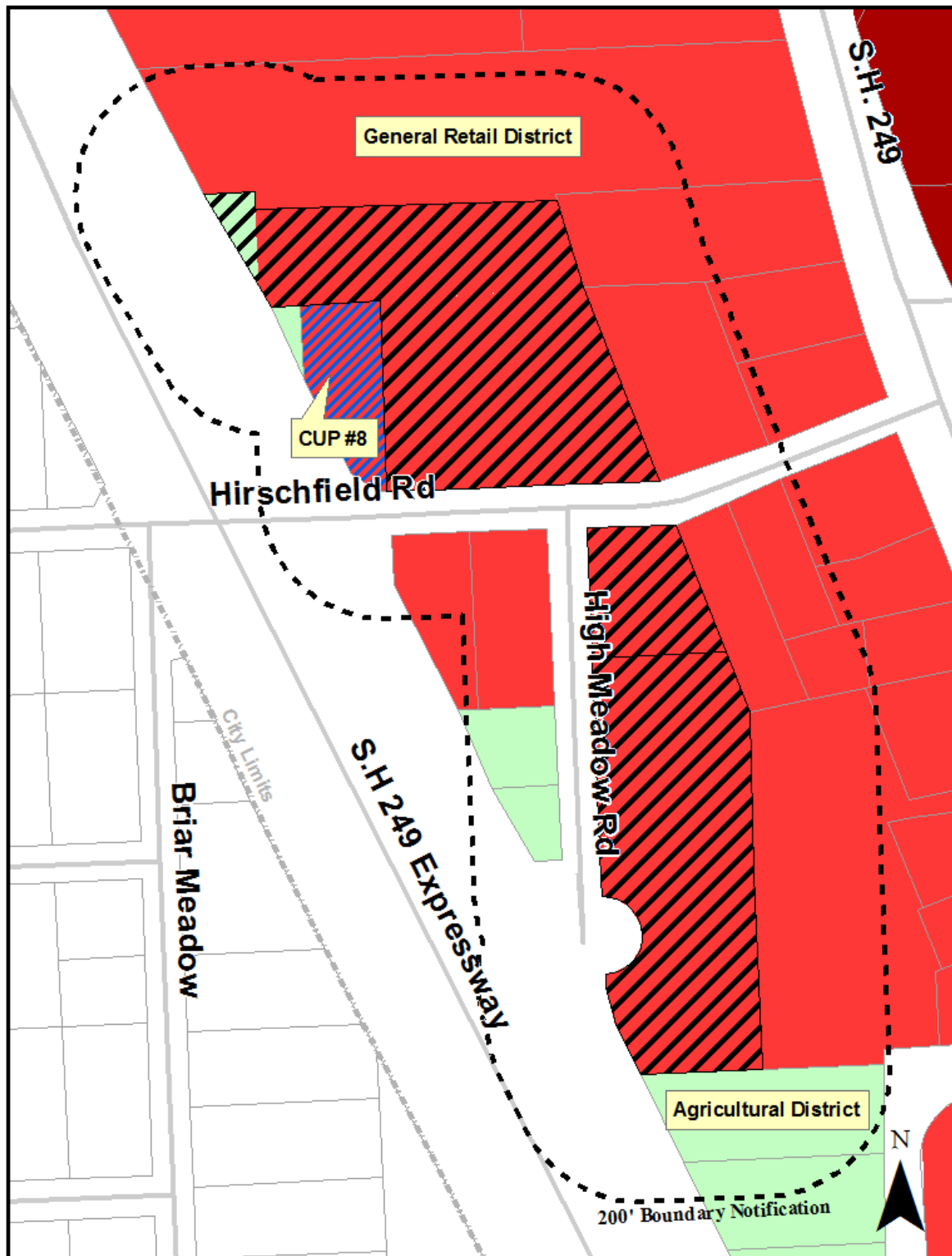


Exhibit "C"
Comprehensive Plan Future Land Use Map

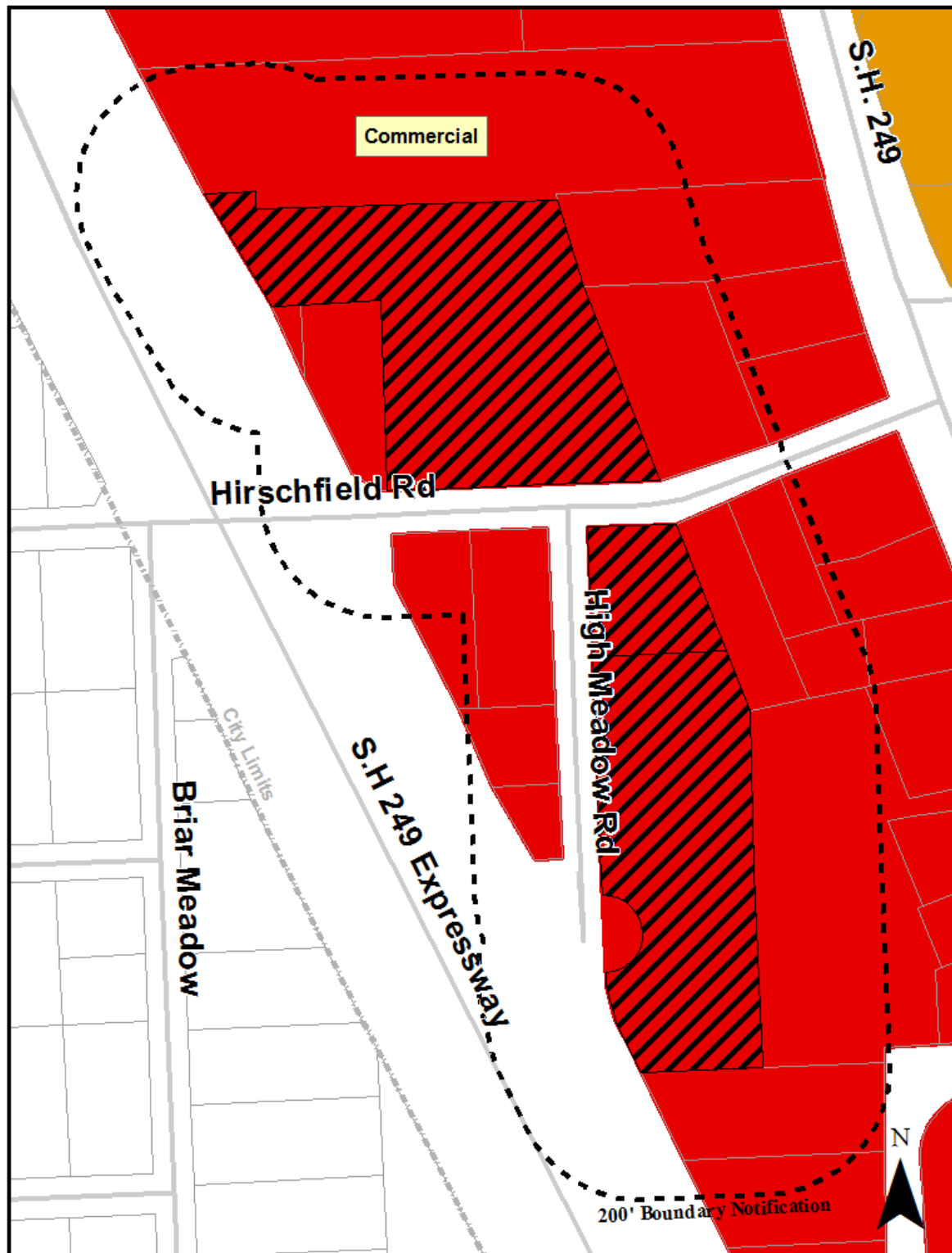


Exhibit "D"
Rezoning Application



**Application for
Planned Development**
Engineering & Planning Department

Revised 1/20/09



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: P Jackie Moon Title: Representative
Mailing Address: 22511 Walden Way City: Tomball State: TX
Zip: 77375
Phone: (281) 516-9149 Fax: () Email: jamoarc@gmail.com

Owner

Name: Breaux Properties, LTD Title: _____
Mailing Address: 13842 Hirschfield Rd City: Tomball State: TX
Zip: 77377
Phone: (281) 351-4042 Fax: (281) 351-2640 Email: _____

Engineer/Surveyor (if applicable)

Name: David Broussard, PE Title: Owner
Mailing Address: 17527 Hawkins Lane City: Tomball State: TX
Zip: 77377
Phone: (281) 732-0464 Fax: () Email: David_broussard1950@yahoo.com

Description of Proposed Project: Machine Works Complex

Physical Location of Property: 13842 Hirschfield Rd and surrounding 8.9954 acres Breaux Machine Works P.D.
[General Location – approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

Legal Description of Property: see attached 'STEWART TITLE & 'Nesvadba Letter'
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: see attached map Acreage: 8.9954

Current Use of Property: Machine Works Shop

Proposed Use of Property: same, plus Shipping and Receiving

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

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

x Jackie Moor 9-30-13
Signature of Applicant Date

x N. Z. Bryant 9-30-13
Signature of Owner Date

BREAUX MACHINE WORKS

September 27, 2013

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of the Breaux Machine Works and properties, Comprehensive Plan, Amendment Request Letter, in Tomball, Texas

City of Tomball Staff,

Breaux Machine Works and Properties request that the City of Tomball consider rezoning the 8.9954 acres (Composite of 3 individual tracts) known as Breaux Machine Works and properties from its current 'Non-Conforming use of the business to a Planned Development District. Breaux Machine works has been at its current site since 1976 and has purchased surrounding acreage in order to grow their business. Our submittal includes the current buildings and the non-developed surrounding lands owned by Mr. Tommy Breaux and Breaux Machine Works. The plats for these properties were prepared and recorded in (see attached). This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide a well planned business park but jobs and economic impact to the City of Tomball. By allowing rezoning we know that our business will grow and continue to add to the growth and prosperity of our city. This project will not have negative effects on traffic or the adjacent properties in the area. The rezoning only looks to encourage growth in a manner which reflects the growing needs of the City in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Tommy Breaux
Breux Machine Works
13842 Hirschfield Rd.
Tomball, TX 77375



BREAUX MACHINE WORKS

September 27, 2013

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of the Breaux Machine Works and properties Planned Development, in Tomball, Texas

City of Tomball Staff,

Breaux Machine Works and Properties request that the City of Tomball consider rezoning the 8.5594 Acres (Composite of three individual tracts) known as Breaux Machine Works and properties from its current 'Non-Conforming' issue of the business to a Planned Development District. Breaux Machine works has been at its current site since 1976 and has purchased surrounding acreage in order to grow their business. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. This project, when complete will not only provide a well-planned business park for our company but jobs and positive economic impact to the City of Tomball.

We are using this Planned Development to have more flexibility for our future growth and expansion while adhering to the City of Tomball's Comprehensive Plan for growth and development. We are requesting that we be allowed to expand our business per this Planned Development submission which will, in turn, help us and the City of Tomball.

This proposed Plan Development will accommodate the need usage of our property so that our business can continue to grow and it will benefit the City of Tomball as we employee more people as we grow. This Planned Development will allow for the adjustment of our changing needs as our business grows and the City of Tomball by (1) providing for a well planned expansion of our business. (2) All new buildings will meet and/or exceed the requirements of the city with the required green space and landscaping and (3) will meet and exceed the standards of this Ordinance.

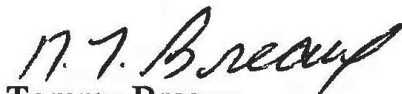
Breaux Machine Works
September 27, 2013
Page 1

Proposed Use for Breaux Machine Works Planned Development

Machine Works

These uses are allowed on the existing properties of Breaux Machine Works and we are requesting his additional land included in this Planned Development be allowed to continue the current uses the afforded the company presently. By approving this Planned Development of Breaux Machine Works you will be benefiting the City of Tomball as well as the company in that the company can continue to grow and bring in more employees and the City can benefit from their growth in new revenues for the City. We are presenting this Planned Development to be consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,



Tommy Breaux
Breaux Machine Works

Page 2

Exhibit "E"
Concept Plan

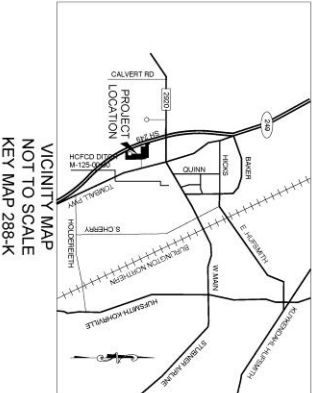
BREAUX MACHINE WORKS

PLANNED DEVELOPMENT (BMW NORTH & BMW SOUTH)

13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377

CONTACT: MR. N.T. BREAUX, PRES. 281.351.4042

HOURS OF OPERATION: 7:00 AM TO 6:00 PM
MONDAY THROUGH FRIDAY



VICINITY MAP
NOT TO SCALE
KEY MAP 288-K

- DRAWING INDEX
- C-1 COVER SHEET
 - C-2 OVERALL BREAUX MACHINE WORKS P.D.
 - C-3 BREAUX MACHINE WORKS NORTH
 - C-4 BREAUX MACHINE WORKS SOUTH

OVERALL PARKING SUMMARY	
PROPOSED DEVELOPMENT	138,422 S.F. (3.15 AC)
EXISTING DEVELOPMENT	138,422 S.F. (3.15 AC)
TOTAL DEVELOPMENT	276,844 S.F. (6.30 AC)
PROPOSED DEVELOPMENT	138,422 S.F. (3.15 AC)
EXISTING DEVELOPMENT	138,422 S.F. (3.15 AC)
TOTAL DEVELOPMENT	276,844 S.F. (6.30 AC)
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TOTAL DEVELOPMENT	276,844 S.F. (6.30 AC)

OVERALL LANDSCAPE SUMMARY	
PROPOSED DEVELOPMENT	138,422 S.F. (3.15 AC)
EXISTING DEVELOPMENT	138,422 S.F. (3.15 AC)
TOTAL DEVELOPMENT	276,844 S.F. (6.30 AC)
PROPOSED DEVELOPMENT	138,422 S.F. (3.15 AC)
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TOTAL DEVELOPMENT	276,844 S.F. (6.30 AC)

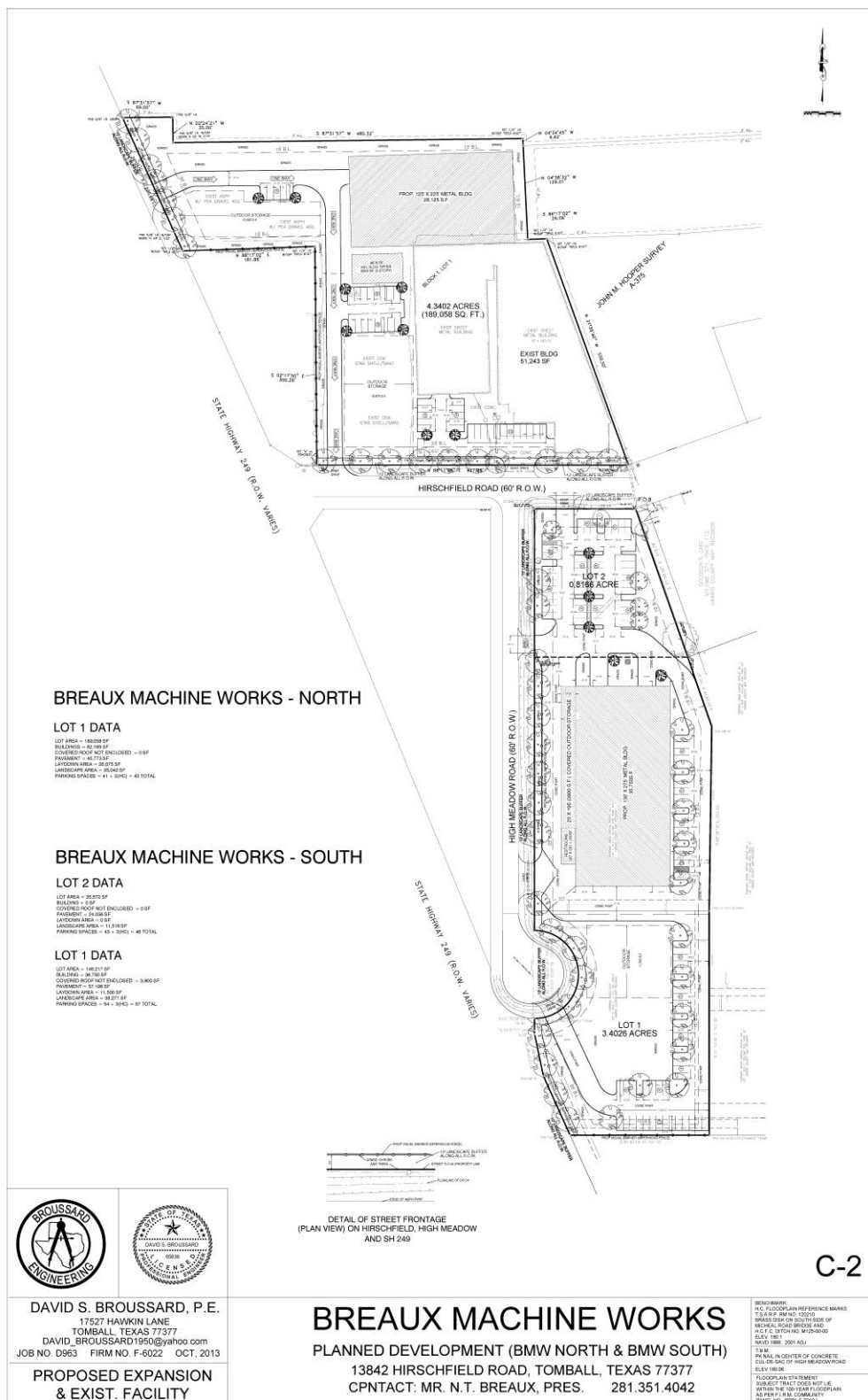
BREAUX MACHINE WORKS
PLANNED DEVELOPMENT (BMW NORTH & BMW SOUTH)
13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377
CONTACT: MR. N.T. BREAUX, PRES. 281.351.4042



DAVID S. BROUSSARD, P.E.
TITZEL HAWKLAND
DAVID.BROUSSARD@titzel.com
JOB NO. D983 FIRM NO. F-6022 AUG 2013

PROPOSED PLANNED
DEVELOPMENT

C-1





PLANNED DEVELOPMENT (BMW NORTH & BMW SOUTH)
13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377
CPNTACT: MR. N.T. BREAU, PRES. 281.351.4042

BEN-CHAM
H.C. FLOOD LAIN RESTITUTION MARK
T.A.B.R. NEW HQ 007875
BRASS BARRON SOUTH SIDE OF
H.C. FLOOD LAIN
H.C. FLOOD LAIN MID-SIDE
ELEV. 981.1
NAVED AREA 2560 A02

T.M.
P.W. HALL IN CENTER OF CONCRETE
OCCUPANCY OF HIGH MEDICINE ROOM
ELEV. 980.06

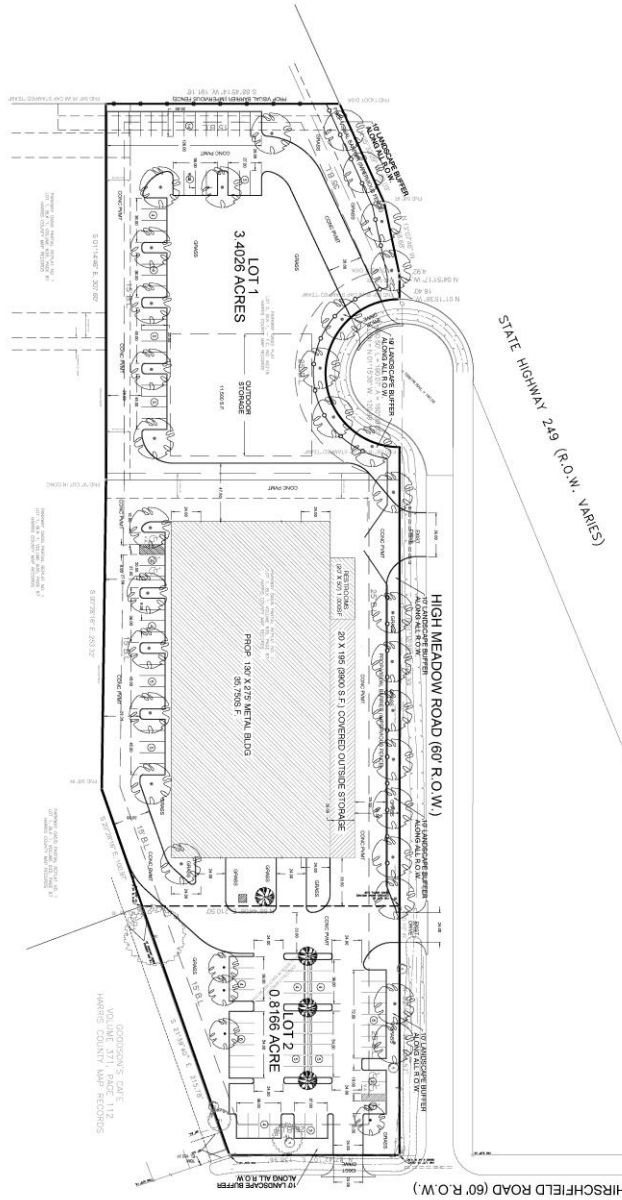
P.O. OODAN
SOUTH SIDE OF FLOOD LAIN
AS PER F.I.M. COORDINATE
PANEL NO. 4400-C-2750-L

TOMBALL, TEXAS 77317
DAVID_BROSSARD1950@yahoo.com

3-



BREAUX MACHINE WORKS - SOUTH



DAVID S. BROUSSARD, P.E.
17827 HAWKIN LANE
TOMBALL, TEXAS 77377
DAVID.BROUSSARD@GMAIL.COM
JOB NO. D968 FIRM NO. F-6022 AUG. 2013

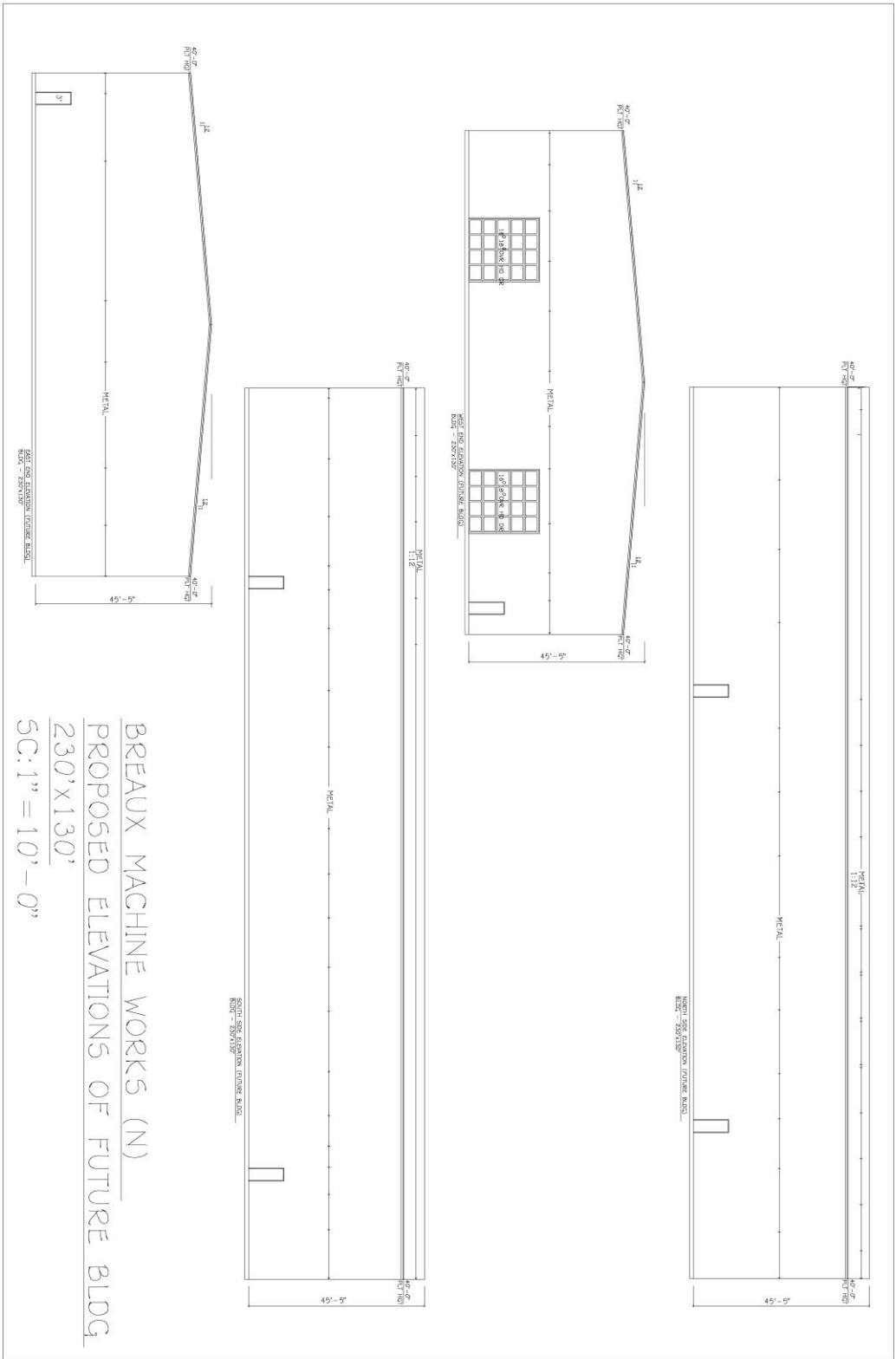
PROPOSED PLANNED
DEVELOPMENT

C-4

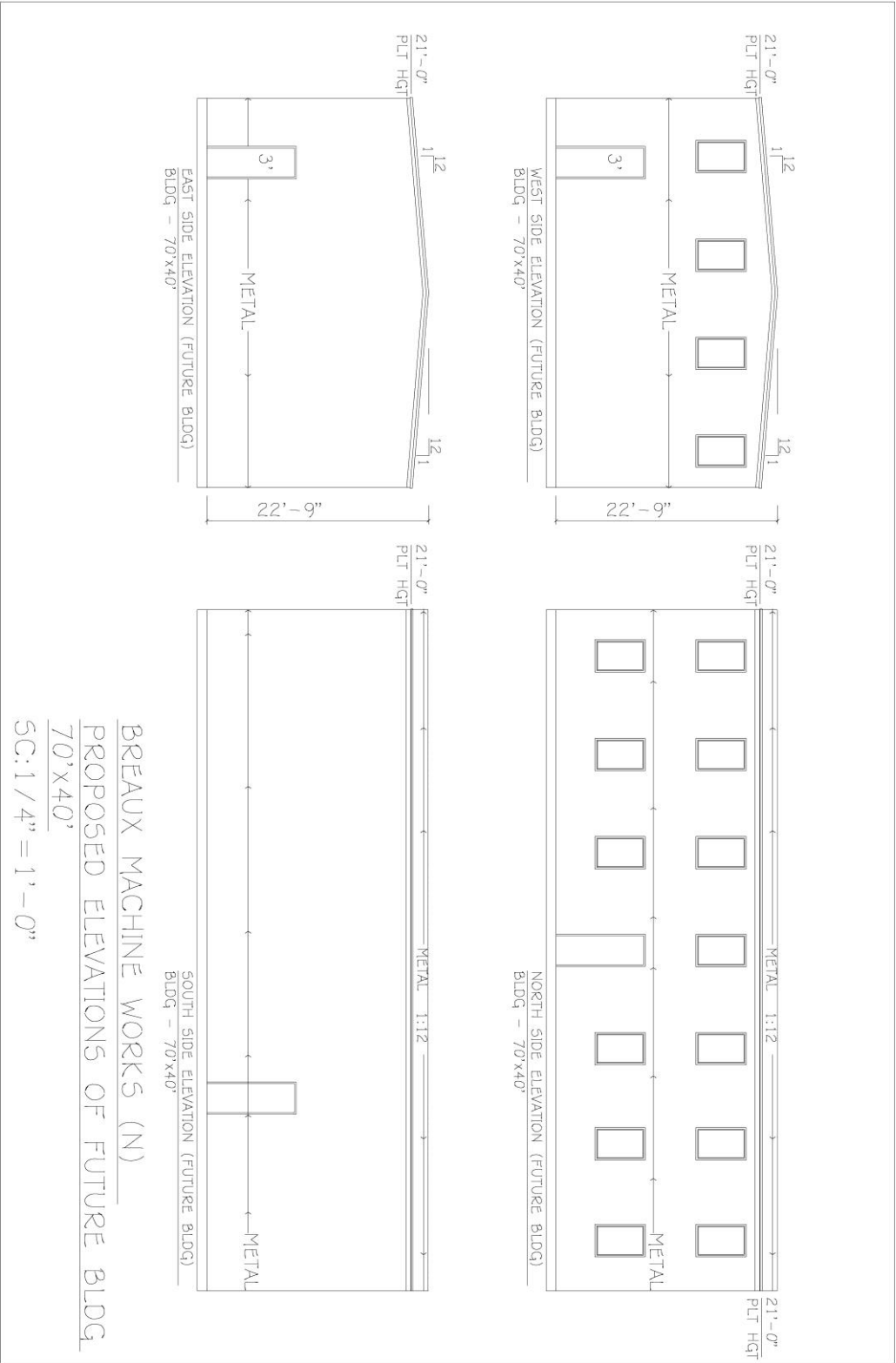
BREAUX MACHINE WORKS

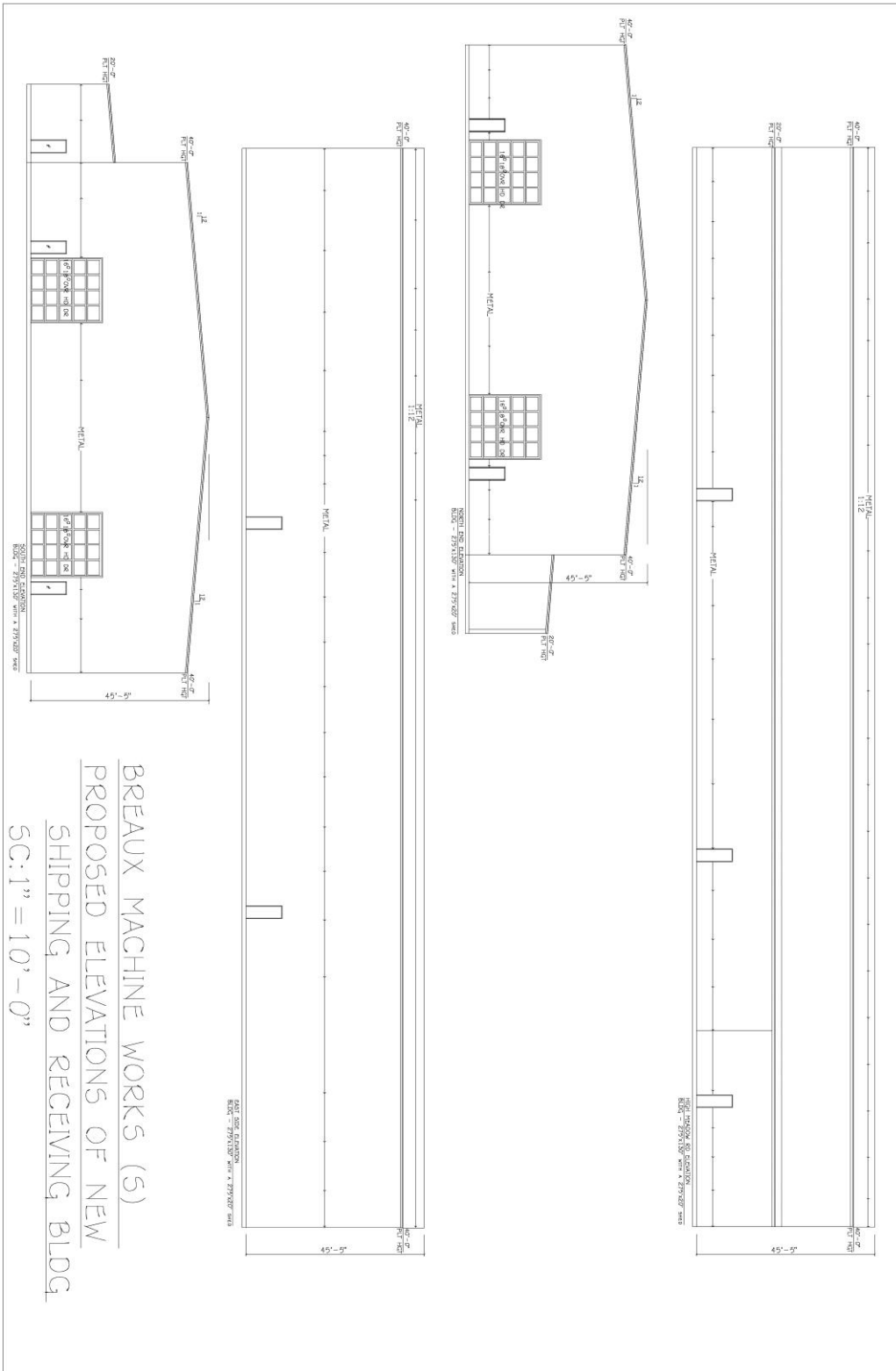
PLANNED DEVELOPMENT (BMW NORTH & BMW SOUTH)
13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377
CONTACT: MR. N.T. BREAUX, PRES. 281.351.4042

NOTES:
1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL RECORDS OF THIS PROJECT.
4. THE OWNER SHALL BE RESPONSIBLE FOR PAYING ALL FEES AND CHARGES ASSOCIATED WITH THIS PROJECT.
5. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
6. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCING.
7. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL.
8. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCOUNTING SERVICES.
9. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MARKETING SERVICES.
10. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY OPERATIONAL SERVICES.



BREAUX MACHINE WORKS (N)
 PROPOSED ELEVATIONS OF FUTURE BLDG.
 230'x130'
 SC: 1" = 10'-0"





**Exhibit “F”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Building materials sales to the north.



Figure 4: Vacant land to the south.



Figure 5: Feed and grain store to the west.



Figure 6: Single-family residence to the west.



Figure 7: Office/warehouses to the west.



Figure 8: Minor auto repair and furniture and appliance store to the east.



Figure 9: Auto parts sales to the east.



Figure 10: Eating establishment to the east.



Figure 11: Medical office to the east.



Figure 12: Office/warehouse to the east.



Figure 13: Convenience store to the east.



Figure 14: Multi-use strip center to the east.



Figure 15: Drinking establishment on the east.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-158**: Request by Stutts 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.

- Conduct a Public Hearing on **ZONING CASE P13-158**

Background:

Origination:

Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner

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

P13-158 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 11, 2013
&
CITY COUNCIL
NOVEMBER 18, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 18, 2013, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-157: 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.

ZONING CASE P13-158: Request by Stutts 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.

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.

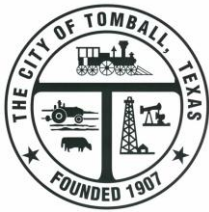
Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the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

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 7th day of **November 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: P13-158

APPLICANT: Stutt Cox Builders, Inc., on behalf of Ronald and Amy Haffner

LOCATION: Southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road

PROPOSAL: Request 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, from the Planned Development - 1 District to the Office District.

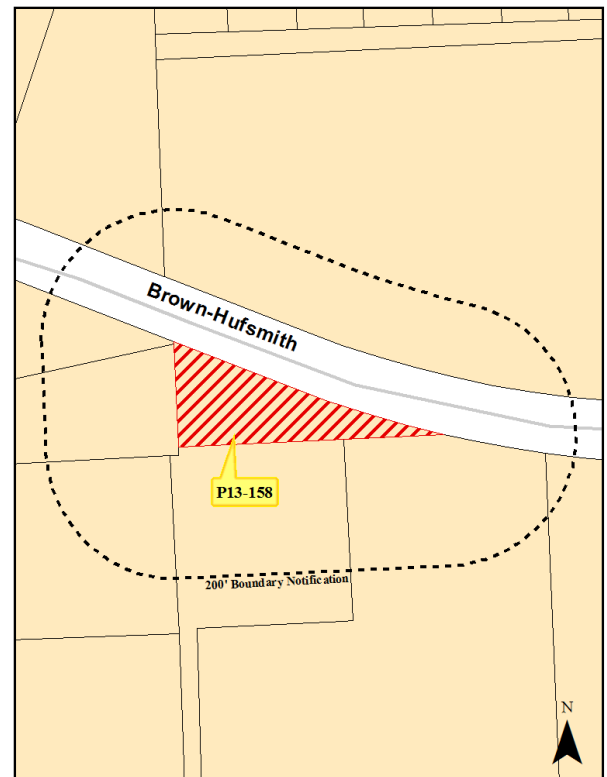
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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

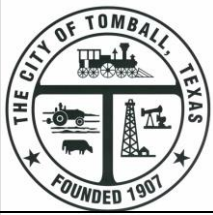


**Planning & Zoning Commission
Public Hearing:
Monday, November 11, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, November 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 11, 2013

Rezoning Case: P13-158
Property Owner: Ronald and Amy Haffner
Applicant: Stutts Cox Builders, Inc.
Legal Description: Lot 2, Block 2, Brown-Hufsmith Commercial
Location: Southerly of Brown Road between State Highway 249 and Quinn Road (Exhibit "A")
Area: 0.68 acres
Present Zoning and Use: Planned Development - 1 District (Exhibit "B") / Undeveloped
Comp Plan Designation: Employment/Office (Exhibit "C")
Proposed Zoning and Use: Office District¹ / Office with residential quarters
Adjacent Zoning & Land Uses:
North: Planned Development – 1 (PD-1) and General Retail Districts / Brown Road and undeveloped land
South: PD-1 and SF-20-E Districts / Single-family residences
West: PD-1 and General Retail Districts / Single-family residences
East: PD-1 District / Brown Road

BACKGROUND

On August 20, 2013, City staff met with the applicant, Stutts Cox Builders, Inc., to discuss the possible construction of an accountant's office with residential quarters at the subject site. City staff informed the applicant that the property is zoned PD-1 District which allows "Office w/Residential look," per the original Zoning Ordinance and Map adopted by the City on February 4, 2008. However, the Zoning Ordinance did not approve an associated Concept Plan nor establish any building standards such as building setbacks, building heights, lot coverage, parking requirements, or landscaping minimums or elaborate on the permitted uses. Because the Zoning Ordinance did not establish building standards, approve a Concept Plan, or make mention of whether or not a residential component could be allowed for an office, City staff informed the applicant that they would be required to submit a Planned Development District (PDD) application to the Planning & Zoning Commission

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.

and City Council. The applicant indicated their desire to not do this because of the number of property owners within PD-1 District, the effort it would take to create an ordinance and Concept Plan that would satisfy all of them, and because the rest PD-1 District is not ready for development. City staff then informed the applicant that they could request the property be removed from PD-1 District by requesting that it be rezoned to the Office District. City staff then informed the applicant that a “Residential Use” is not permitted in the Office District. Staff further elaborated that they felt this was a possible oversight in the original Zoning Ordinance and that they would be concurrently bringing forth a City-initiated text amendment to allow a “Residential Use” with a Conditional Use Permit (CUP) in the Office District (Zoning Case P13-161). On October 3, 2013, the City received a rezoning application requesting that the subject site be rezoned from the PD-1 District to the Office District (Exhibit “D”).

ANALYSIS

Single-family residences and undeveloped lands are the two predominant land uses within the vicinity of the subject site. To the north are Brown Road and undeveloped land; to the south and west are single-family residences; and to the east is Brown Road (Exhibit “E”). The uses permitted in the Office District appear to be compatible with the existing uses in the vicinity.

If this rezoning and the City-initiated Zoning Ordinance text amendment to allow residential uses in the Office District with a Conditional Use Permit are approved by City Council, it is the applicant’s stated intent to seek a corresponding CUP to allow for residential uses on the subject site. Because the adjacent PD-1 zoned properties have the requirement that they be developed as “Office[s] w/Residential Look,” the City may request as part of the CUP similar requirements such as the proposed office be developed to have the appearance of a single-family residence, be limited to two stories or thirty-five feet (whichever is greater), and/or limit its hours of operation from 9 AM to 6 PM so as not to disturb the adjacent residences. These conditions may help to ensure that this proposed development ultimately has a similar appearance, and functions in a similar manner, as the adjacent PD-1 District when it is finally built.

There are several zoning classifications in the vicinity of the subject site. To the north are the PD-1 and General Retail Districts; to the south are the PD-1 and SF-20-E Districts; to the west are the PD-1 and General Retail Districts; and to the east is the PD-1 District. The Office District “is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts.” The Office District appears to be compatible with the existing zoning districts in the vicinity.

The Comprehensive Plan’s Future Land Use (FLU) map identifies the site as “Employment/Office.” Employment/Office is “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The Office District appears to be consistent with the Comprehensive Plan.

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 proposed rezoning appear to be compatible with the existing uses in the vicinity.

- 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 to the area.

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

There is no vacant property in the vicinity zoned Office District; there is a limited amount of vacant property elsewhere in the City zoned Office 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 no recent development City-wide in the Office 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 were approved, few, if any affects on other areas designated for similar developments are anticipated.

- F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.**

The proposed rezoning is not anticipated to affect the public health, safety, morals, or general welfare.

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

The proposed rezoning appears to be consistent with the Comprehensive Plan

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 31, 2013; no public comments have been received as of November 7, 2013.

CONCLUSION

Staff recommends **APPROVAL** of Zoning Case P13-158 based on the following:

- a. The uses permitted in the Office District appear to be compatible with the existing uses in the vicinity;
- b. The Office District appears to be compatible with the existing zoning districts in the vicinity;
- c. The Office District appears to be consistent with the Comprehensive Plan; and
- d. The proposed rezoning is not anticipated to negatively affect the public health, safety, morals, or general welfare.

RECOMMENDATION

APPROVAL of Zoning Case P13-158.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

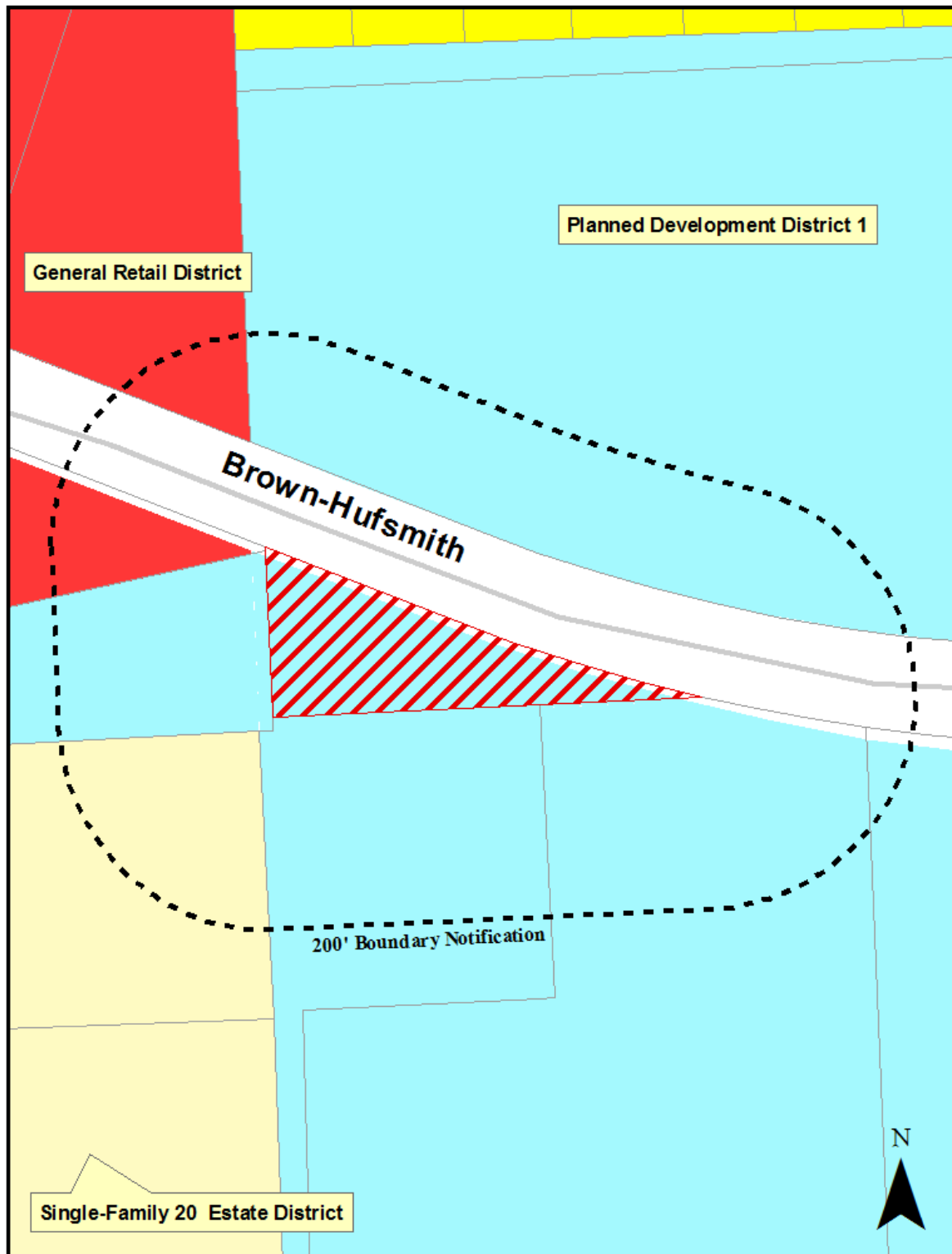


Exhibit "C"
Comprehensive Plan Future Land Use Map

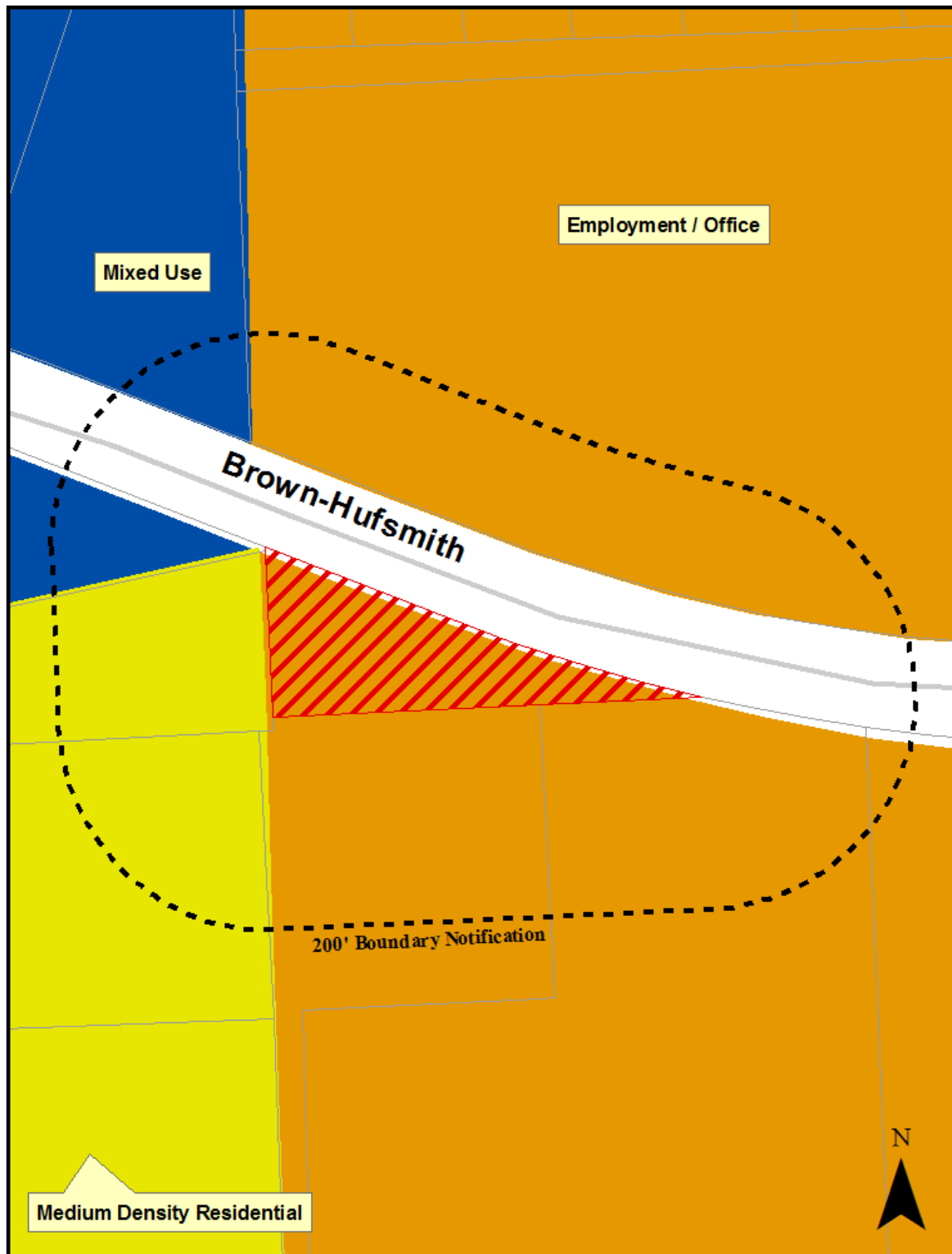


Exhibit "D"
Rezoning Application

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 STUTTS Cox Builders, Inc
Name: ALLAN COX **Title:** Sec-Treas
Mailing Address: P O Box 1026 **City:** TOMBALL **State:** TX
Zip: 77377-1026
Phone: (281) 255-8100 **Fax:** (281) 754-4661 **Email:** secox@3bco.com

Owner:
Name: Ron & Amy Haffner **Title:** OWNERS
Mailing Address: 1401 PARK DR, Suite 113 **City:** TOMBALL **State:** TX
Zip: 77377
Phone: (281) 381-5469 **Fax:** (281) 351-5370 **Email:** ron@tomballcpas.com

Engineer/Surveyor (if applicable)
Name: C & C Surveying, Inc. **Title:** _____
Mailing Address: 1424 FM 1480, Suite A **City:** Magnolia **State:** TX
Zip: 77354

Phone: (281) 356-5172 **Fax:** (281) 356-1935 **Email:** onesurveyataime@3bco.com
City: Tomball **MAZINGA-713-628-3404 **tommy@mazingaeng.com**
Description of Proposed Project: Approx 3,000 SF Office Bldg - Stone + Brick**

Physical Location of Property: 500' east of SH 249-South side of Brown Road
[General Location -- approximate distance to nearest existing street corner]

Legal Description of Property: TRACT 2-Brown-Hudson Commercial, 0.66 acres
Joseph Hulse Survey, A-34, Harris Co.
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: PLAN DEVELOPMENT 1

Current Use of Property: VACANT

Proposed Zoning District: OFFICE DISTRICT

Proposed Use of Property: CPA OFFICE

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

www.ci.tomball.tx.us

HCAD Identification Number: 130883002002 Acreage: 0.68

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.

X 
Signature of Applicant *Sec. Thayer* Oct. 2, 2013
Date

X *Gon Hoffer*
Signature of Owner Oct 2, 2013
Date

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.



STUTTS COX BUILDERS INC.
GENERAL CONTRACTORS

October 2, 2013

TO: City of Tomball
Engineering and Planning Department

Re: Haffner Property – Brown Road – Tract 2 - 0.68 acres

This 0.68 acre tract resulted from splitting the original tract by the condemnation process to acquire the property needed to construct the extension of Brown Road from SH 249 to Quinn Road. The condemned land, 1.5 acres, was valued by the City appraiser at \$24K but the commission valued the land at \$80K. The City refused to pay the higher value so the Haffner's donated the land in order to keep the project moving forward. Haffner's good will effort to accommodate the City and County cost Haffner substantially. The division produced two separate tracts, 1 and 2, as shown on recorded plat, Brown-Hufsmith Commercial, filed May 14, 2008 in the Harris County Records. This 0.68 acre pie shaped property is located on the south side of the new Brown Road extension approximately 500 yards east of the intersection of SH 249 and Brown Road.

Our intent is to construct an office building for the Haffner's CPA practice that is single story with a standing seam metal roof, large porch and stone / brick accents. The elevations and look is to be "Hill Country" style so that the building looks more like a residence than an office. The building will have offices, a kitchen / break area along with one bedroom for overnight stays during tax season. We will develop a conceptual plan pending approval of the rezoning request.

We request that the City rezone this property from Plan Development 1 (PD1) to Office District and include a text amendment allowing for over night stay. This property is located in an area that is suited for office buildings due to good visibility from through traffic and good access to SH 249. Due to the small size of the tract, any other commercial use for this property is impractical. Office hours are typically 8:00 AM to 5:00 PM Monday through Friday and most days there are no more than 5 or 6 automobiles in the parking lot. With the attractive style of the building and the quiet nature of the business, this development has no adverse impact to the neighbors.

We thank you in advance for your consideration for this rezoning request.

Ron Haffner

Allan Cox, Sec - Treas
Stutts Cox Builders, Inc.

P.O. Box 1026 • Tomball, TX 77377-1026 • 281-255-8100 • Fax 281-255-8124

**Exhibit “E”
Site Photos**



Figure 1: Subject site and single-family residence to the east and south.



Figure 2: Undeveloped land to the north.



Figure 3: Single-family residence to the west.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 11, 2013

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P13-161**

Background:

Origination:

City of Tomball

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

P13-161 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 11, 2013
&
CITY COUNCIL
NOVEMBER 18, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 18, 2013, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-157: 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.

ZONING CASE P13-158: Request by Stutts 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.

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.

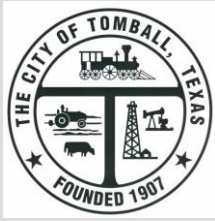
Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the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

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 7th day of **November 2013** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary’s office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: November 11, 2013

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.

PROPOSED AMENDMENTS

Section 38.2 “Use Charts”

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts							OT&MU	Parking Ratio (Also see Section 39)
	AG	SF-20-E	SF-9	SF-6		D	MF	MHP	O	GR		C	LI			
Residential																
Residential Use	P	P	P	P		P	P	P	C	C		C			P	2 spaces: dwelling

ANALYSIS

A “Residential Use” is defined in Section 45 of the Zoning Ordinance as, “A dwelling unit or group of dwelling units; includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.” Section 38.2 of the Zoning Ordinance permits this use by right in the Agricultural, SF-20-E, SF-9, SF-6, Duplex, Multi-Family, Manufactured Home Park, and Old Town & Mixed Use Districts; with a Conditional Use Permit in the General Retail and Commercial Districts; and is prohibited in the Office and Light Industrial Districts. Because this use is permitted with a Conditional Use Permit in the General Retail and Commercial Districts, which are considered less restrictive districts than the Office District, and the use appears to be consistent with the nature of the businesses permitted within the Office District, City staff is requesting that Residential Uses also be permitted in the Office District with a Conditional Use Permit.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on October 28, 2013; no public comments have been received as of November 6, 2013.

RECOMMENDATION

APPROVAL of Zoning Case P13-161.