

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



**MONDAY, DECEMBER 10, 2012**

**6:00 P.M.**

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, December 10, 2012 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 12, 2012.
- 5.0 New Business:

- 5.1 Consideration to approve **TOMBALL BUSINESS AND TECHNOLOGY PARK PRELIMINARY PLAT**: A subdivision of 120.8081 Acres, A portion of which is a partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and Being a Replat of Lot 4 of Tomball South Commercial as Recorded in Film Code No. 632199 of the Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.
- 5.2 Consideration to approve **BREAUX MACHINE WORKS PRELIMINARY PLAT**: A subdivision of 4.3402 Acres, being comprised of Lots 1, 2, and 3, Block 3 of Hirschfield Farms an Unrecorded Subdivision and 0.1246 Acre Residue of a call 2.8805 Acre Tract as recorded in H.C.C.F. No. J-904080 and 1.5918 Acres Residue of a call 3.5864 Acre Tract as recorded in Film Code 119-48-0065, H.C.C.F located in the John M. Hooper Survey, A-375 City of Tomball, Harris County, Texas.
- 5.3 Consideration to approve **SHAW COMMERCIAL PRELIMINARY PLAT**: Being a subdivision of 4.0130 Acres of land situated in the John S. Smith Survey, Abstract Number 730, of Harris County, Texas, and being the same land as described in deed recorded in Clerk's File Number R265465, of the Real Property Records of Harris County, Texas.
- 5.4 Consideration to approve **BAKER HUGHES EDUCATION CENTER**: A subdivision of 96.9420 Acres, being a partial Replat of Lots 447, 448, 449, 459, 460, 461, 462, 463, 464, 465, and 466 of the Tomball Townsite Vol. 2 Page 65 out of the Jesse Pruitt Survey, A-629 Harris County, Texas.
- 5.5 Consideration to approve **ZONING CASE P12-513**: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 ("Use Charts") of the City's Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called "Training Well," permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 ("Training Wells and Training Well Sites") to regulate Training Wells and Training Well Sites; and amending Section 45.2 ("Definitions") by creating a definition for "Training Well" and "Training Well Site."
- Conduct a Public Hearing on **ZONING CASE P12-513**
- 5.6 Consideration to approve **COMPREHENSIVE PLAN CASE P12-515**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a

portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P12-515**

- 5.7 Consideration to approve **ZONING CASE P12-514**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

- Conduct a Public Hearing on **ZONING CASE P12-514**

- 5.8 Consideration to approve **COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P12-517**

- 5.9 Consideration to approve **ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 (“Chestnut Business Park”) to facilitate

Chestnut Business Park.

- Conduct a Public Hearing on **ZONING CASE P12-516**

5.10 Consideration to approve **ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”

- Conduct a Public Hearing on **ZONING CASE P12-518**

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 6th day of December 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer  
Doris Speer  
City Secretary, TRMC

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

AGENDAS MAY ALSO BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

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

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

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

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 12, 2012.

### Background:

### Origination:

### Recommendation:

### Funding:

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

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

### ATTACHMENTS:

P&Z Minutes 11.12.12

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

**MONDAY, NOVEMBER 12, 2012**



**6:00 P.M.**

**1.0 Call to Order**

The meeting was called to order by Chairman Wallace at 6:00 p.m. Other members present were:

Commissioner Tague  
Commissioner Chervenak  
Commissioner Roquemore  
Commissioner Beauvais

Others present:

City Engineer – Lori Lakatos  
City Planner – Rebeca Guerra  
Assistant City Planner – Rodney Schmidt  
Engineering & Planning Senior Administrative Assistant – Brandy Pate  
City Attorney – Loren Smith

**Draft**

**2.0 No public comments were received**

**3.0 No reports or announcements were heard.**

**4.0 Motion was made by Commissioner Tague to approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 8, 2012; second by Commissioner Beauvais.**

Motion carried unanimously.

**5.0 New Business:**

- 5.1 Consideration to approve FINAL PLAT OF VALLEY TREE SUBDIVISION: A 16.9782 acre Tract of Land Situated in the John S. Smith Survey, Abstract No. 730, in Harris County, Texas, Being out of a certain 21.9206 Acre Tract; Being part of a 52.0 Acre Tract described in Volume 1720, Page 43 of the Harris County Deed Records, Harris County, Texas.**

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Chervenak made a motion to approve **FINAL PLAT OF VALLEY TREE SUBDIVISION**; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.2 Consideration to approve **REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE**: Being 221.2020 Acres located in the Joseph Miller League, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas City of Tomball, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Chervenak made a motion to approve **REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE** with contingencies; second by Commissioner Beauvais.

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P12-510**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 ("Fences in Residential Areas").

The Public Hearing was opened by Chairman Wallace at 6:04 p.m.

Rebeca Guerra, City Planner presented the staff report.

Jerald Till, resident of 13302 Wildwood spoke.

Hearing no additional comments, the Public Hearing was closed at 6:19 p.m.

Commissioner Roquemore made a motion to approve the request for **ZONING CASE P12-510**; second by Commissioner Tague.

Vote was as follows:

|                        |            |
|------------------------|------------|
| Commissioner Tague     | <u>Aye</u> |
| Commissioner Chervenak | <u>Aye</u> |
| Commissioner Beauvais  | <u>Aye</u> |
| Commissioner Roquemore | <u>Aye</u> |
| Commissioner Wallace   | <u>Aye</u> |

Motion carried unanimously, 5-0.

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

Motion carried unanimously.

Meeting adjourned at 6:24 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Brandy Pate  
P&Z Commission Secretary

\_\_\_\_\_  
Lori Wallace  
Chairman

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **TOMBALL BUSINESS AND TECHNOLOGY PARK PRELIMINARY PLAT**: A subdivision of 120.8081 Acres, A portion of which is a partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and Being a Replat of Lot 4 of Tomball South Commercial as Recorded in Film Code No. 632199 of the Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

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

### ATTACHMENTS:

Tomball Business and Technology Park Plat 1 of 3

Tomball Business and Technology Park Plat 2 of 3

Tomball Business and Technology Park Plat 3 of 3

THE STATE OF TEXAS  
COUNTY OF HARRIS

WE, TOMBALL ECONOMIC DEVELOPMENT CORPORATION, ACTING BY AND THROUGH GRETCHEN FAGAN, PRESIDENT OF THE BOARD OF DIRECTORS, AND 2978 INDUSTRIAL PROPERTIES, LLC, ACTING BY AND THROUGH JEFF PRESNAL, MANAGER, BEING OFFICERS OF TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND 2978 INDUSTRIAL PROPERTIES, LLC, RESPECTIVELY, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE 120.8081 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TOMBALL BUSINESS AND TECHNOLOGY PARK, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

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

THE STATE OF TEXAS  
COUNTY OF HARRIS

IN TESTIMONY WHEREOF, THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY GRETCHEN FAGAN, PRESIDENT OF THE BOARD OF DIRECTORS, THEREUNTO AUTHORIZED, ATTESTED BY THE SECRETARY OF THE BOARD OF DIRECTORS, W. E. (BILL) SUMNER, JR., AND ITS COMMON SEAL HEREUNTO AFFIXED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

BY: \_\_\_\_\_  
GRETCHEN FAGAN  
PRESIDENT OF THE BOARD OF DIRECTORS

ATTEST:

BY: \_\_\_\_\_  
W. E. (BILL) SUMNER, JR.  
SECRETARY OF THE BOARD OF DIRECTORS

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GRETCHEN FAGAN AND W. E. (BILL) SUMNER, JR., PRESIDENT AND SECRETARY RESPECTIVELY OF THE BOARD OF DIRECTORS OF TOMBALL ECONOMIC DEVELOPMENT CORPORATION, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE 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 STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

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

IN TESTIMONY WHEREOF, THE 2978 INDUSTRIAL PROPERTIES, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JEFF PRESNAL, MANAGER, THEREUNTO AUTHORIZED, ATTESTED BY \_\_\_\_\_, 2012, HE COORDINATOR, \_\_\_\_\_, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

2978 INDUSTRIAL PROPERTIES, LLC

BY: \_\_\_\_\_  
JEFF PRESNAL  
MANAGER

ATTEST:

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

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEFF PRESNAL AND \_\_\_\_\_, MANAGER AND \_\_\_\_\_, SECRETARY OF 2978 INDUSTRIAL PROPERTIES, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

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

I, ROBERT W. TERRY, 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 ACCURATE; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN, ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'); AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN DIMENSIONED TO THE NEAREST SURVEY CORNER.

ROBERT W. TERRY  
TEXAS REGISTRATION NO. 4420

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF TOMBALL BUSINESS AND TECHNOLOGY PARK 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 \_\_\_\_\_, 2012.

BY: \_\_\_\_\_  
LORI WALLACE, CHAIRMAN

BY: \_\_\_\_\_  
EVELYN CHERVENAK, SECRETARY

WE, THE CITY MANAGER AND THE DIRECTOR OF ENGINEERING & PLANNING FOR THE CITY OF TOMBALL, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL ORDINANCE.

GEORGE SHACKELFORD  
CITY MANAGER

LORI LAKATOS, P.E.  
ACTING CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY OF TOMBALL ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES 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

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 IN FILM CODE NUMBER \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

STAN STANART, CLERK OF  
HARRIS COUNTY, TEXAS

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

I, ROBERT W. TERRY, DO HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL EXISTING ENCUMBRANCES, SUCH AS VARIOUS TYPES OF EASEMENTS BOTH PUBLIC AND PRIVATE, FEE STRIPS, AND ALL SIGNIFICANT TOPOGRAPHICAL FEATURES WHICH WOULD AFFECT THE PHYSICAL DEVELOPMENT OF THE PROPERTY ILLUSTRATED ON THIS PLAT ARE ACCURATELY IDENTIFIED AND LOCATED AND FURTHER CERTIFY THAT THIS PLAT REPRESENTS ALL OF THE CONTIGUOUS LAND WHICH THE SUBDIVIDERS OWN OR HAVE A LEGAL INTEREST IN.



NOTES:

- PUBLIC EASEMENTS DEVOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. 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.
- ACCORDING TO FLOOD INSURANCE RATE MAP NO. 48021C0230 L, EFFECTIVE DATE JUNE 18, 2007, THE SUBJECT PROPERTY LIES WITHIN ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THIS INFORMATION IS AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND SURVEYOR MAKES NO WARRANTY AS TO ITS ACCURACY.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- 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.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
- THE AREAS SHOWN HEREON HAVE BEEN CARRIED TO THE NUMBER OF DECIMAL PLACES REQUIRED BY THE CITY OF TOMBALL, WHICH EXCEEDS THE PRECISION PRESCRIBED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.
- ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE DISTANCES AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED AVERAGE ADJUSTMENT FACTOR OF 0.999942131.
- WITH RESPECT TO RECORDED INSTRUMENTS WITHIN THIS PLAT, THE SURVEYOR RELIED ON TITLE RECORDS ISSUED BY STEWART TITLE GUARANTY COMPANY, DATED JULY 14, 2011, OF NO. 1120137433, AND AUGUST 11, 2011, OF NO. 1120135353.

METES AND BOUNDS DESCRIPTION  
120.8081 ACRES (5,262,399.08 SQUARE FEET)  
ELIZABETH SMITH SURVEY, ABSTRACT NO. 70  
C. N. PILLOT SURVEY, ABSTRACT NO. 632  
HARRIS COUNTY, TEXAS

DESCRIPTION OF A 120.8081 ACRE (5,262,399.08 SQUARE FEET) TRACT OF LAND BEING ALL OF A CALLED 17.6301 ACRE TRACT DESCRIBED IN A DEED TO 2978 INDUSTRIAL PROPERTIES, LLC AS RECORDED UNDER FILE NO. 20070269548 OF THE HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (H.C.O.P.R.R.P.), 2 ALL OF A CALLED 97.57 ACRE TRACT DESCRIBED IN A DEED TO TOMBALL INDUSTRIAL DEVELOPMENT CORPORATION AS RECORDED UNDER FILE NO. 20120018139 OF SAID H.C.O.P.R.R.P., ALL OF LOTS 384, 385, 386, 387 AND 394 OF THE TOM BALL TOWNSITE AS RECORDED IN VOLUME 2, PAGE 65 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), AND ALL OF LOT 4 OF THE PLAT OF TOMBALL SOUTH COMMERCIAL AS RECORDED IN FILM CODE NO. 632199 OF SAID H.C.M.R., IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, AND THE C. N. PILLOT SURVEY, ABSTRACT NO. 632, IN HARRIS COUNTY, TEXAS, SAID 120.8081 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (WITH BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE):

BEGINNING AT A 5/8-INCH IRON ROD FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN, INC. RAILROAD WHICH MARKS THE NORTHWESTERLY CORNER OF THE PLAT OF HOUSTON POLYBAG AS RECORDED IN VOLUME 335, PAGE 108, OF THE HARRIS COUNTY MAP RECORDS, SAID POINT ALSO MARKS THE MOST WESTERLY SOUTHWEST CORNER OF SAID 17.6301 ACRE TRACT AND THIS HEREIN DESCRIBED TRACT;

THENCE, NORTH 28° 04' 44" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF SAID 17.6301 ACRE TRACT, A DISTANCE OF 644.18 FEET TO A 5/8-INCH IRON ROD FOUND FOR AN ANGLE POINT;

THENCE, NORTH 28° 00' 47" WEST, CONTINUING ALONG THE AFORESAID LINES, A DISTANCE OF 641.50 FEET TO A COPPERWELD FOUND FOR THE NORTHWESTERLY CORNER OF SAID 17.6301 ACRE TRACT IN THE SOUTHERLY LINE OF A 30-FOOT WIDE ROADWAY AS REFLECTED ON THE PLAT OF TOM BALL TOWNSITE AS RECORDED IN VOLUME 2, PAGE 65, OF THE HARRIS COUNTY MAP RECORDS;

THENCE, NORTH 42° 47' 16" EAST, ALONG THE NORTHWESTERLY LINE OF SAID 17.6301 ACRE TRACT, PASSING AT A DISTANCE OF 329.64 FEET A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE MOST NORTHERLY CORNER OF SAID 17.6301 ACRE TRACT AND THE MOST WESTERLY CORNER OF SAID 97.57 ACRE TRACT, AND CONTINUING ALONG THE MOST NORTHWESTERLY LINE OF SAID 97.57 ACRE TRACT FOR A TOTAL DISTANCE OF 1,036.05 FEET TO A COPPERWELD FOUND FOR A NORTHWESTERLY CORNER OF SAID 97.57 ACRE TRACT;

THENCE, SOUTH 46° 42' 29" EAST, ALONG A NORTHEASTERLY LINE OF SAID 97.57 ACRE TRACT, A DISTANCE OF 809.80 FEET TO A COPPERWELD FOUND FOR AN INTERIOR CORNER OF SAID 97.57 ACRE TRACT;

THENCE, NORTH 42° 46' 13" EAST, ALONG A NORTHWESTERLY LINE OF SAID 97.57 ACRE TRACT, A DISTANCE OF 1,122.13 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "AECOM" SET IN A SOUTHWESTERLY LINE OF LOT OF THE SAID PLAT OF TOMBALL SOUTH COMMERCIAL;

THENCE, SOUTH 47° 13' 47" EAST, ALONG THE COMMON LINE BETWEEN SAID 97.57 ACRE TRACT AND SAID LOT 2, A DISTANCE OF 54.06 FEET TO A POINT FOR CORNER, FROM WHICH A SAID 5/8-INCH IRON ROD WITH CAP STAMPED "GS" BEARS SOUTH 80° 05' WEST, 0.22 FOOT;

THENCE, NORTH 44° 30' 33" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 130.94 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR A NORTHERLY CORNER OF SAID 97.57 ACRE TRACT AND AN INTERIOR CORNER OF SAID LOT 2, SAID POINT MARKS THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE, SOUTHEASTERLY, 23.81 FEET ALONG SAID COMMON LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT (CENTRAL ANGLE = 05° 03' 09"; RADIUS = 270.00 FEET; CHORD BEARING AND DISTANCE = SOUTH 22° 53' 22" EAST, 23.80 FEET) TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR A POINT OF TANGENCY;

THENCE, SOUTH 20° 21' 47" EAST, CONTINUING ALONG SAID COMMON LINE, AT 352.52 FEET PASS A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 2 AND THE NORTHWESTERLY CORNER OF LOT 3 OF SAID TOMBALL SOUTH COMMERCIAL, AND CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 3 FOR A TOTAL DISTANCE OF 666.52 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 3 AND AN INTERIOR CORNER OF SAID 97.57 ACRE TRACT;

THENCE, NORTH 69° 38' 13" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 3 AND A NORTHERLY LINE OF SAID 97.57 ACRE TRACT, AT 180.00 FEET A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE NORTHWESTERLY CORNER OF LOT 4 OF SAID TOMBALL SOUTH COMMERCIAL, AND CONTINUING ALONG THE COMMON LINE BETWEEN SAID LOTS 3 AND 4 FOR A TOTAL DISTANCE OF 600.00 FEET TO A 5/8-INCH IRON ROD FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF HUFSMITH-KORHVILLE ROAD (WIDTH VARIES) WHICH MARKS THE MOST NORTHERLY CORNER OF SAID LOT 4;

THENCE, SOUTH 20° 21' 47" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HUFSMITH-KORHVILLE ROAD AND THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 568.74 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE, SOUTHEASTERLY, 171.11 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT (CENTRAL ANGLE = 08° 56' 46"; RADIUS = 1,095.92 FEET; CHORD BEARING AND DISTANCE = SOUTH 15° 54' 10" EAST, 170.94 FEET) TO A 5/8-INCH IRON ROD WITH CAP STAMPED "CBC" FOUND ON A NORTHERLY LINE OF SAID 97.57 ACRE TRACT FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT 4;

THENCE, NORTH 80° 08' 10" EAST, ALONG A NORTHERLY LINE OF SAID 97.57 ACRE TRACT, A DISTANCE OF 20.01 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HUFSMITH-KORHVILLE ROAD WHICH MARKS THE MOST EASTERLY NORTHEAST CORNER OF SAID 97.57 ACRE TRACT, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE, SOUTHEASTERLY, 224.16 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HUFSMITH-KORHVILLE ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT (CENTRAL ANGLE = 11° 30' 33"; RADIUS = 1,115.92 FEET; CHORD BEARING AND DISTANCE = SOUTH 05° 38' 59" EAST, 223.78 FEET TO A 1-INCH IRON ROD FOUND FOR END OF CURVE;

THENCE, SOUTH 00° 07' 01" WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 604.28 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID 97.57 ACRE TRACT AND THE NORTHWESTERLY CORNER OF A CALLED 2.6318 ACRE TRACT DESCRIBED IN A DEED TO YAM DEVELOPMENT, INC. AS RECORDED UNDER FILE NO. Y546849 OF THE HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY;

THENCE, SOUTH 84° 40' 07" WEST, ALONG A SOUTHERLY LINE OF SAID 42.6757 ACRE TRACT AND THE NORTHERLY LINE OF SAID 2.6318 ACRE TRACT, A PORTION OF SAID LINE ALSO BEING THE NORTHERLY LINE OF UNRESTRICTED RESERVE "A" OF THE PLAT OF YAM PLAZA AS RECORDED IN FILM CODE NO. 594151 OF THE HARRIS COUNTY MAP RECORDS, A DISTANCE OF 406.60 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID RESTRICTED RESERVE "A", FROM WHICH A FOUND 5/8-INCH IRON ROD WITH CAP BEARS NORTH 00° 07' WEST, 0.31 FOOT;

THENCE, SOUTH 08° 49' 53" EAST, IN PART ALONG THE WESTERLY LINE OF SAID RESTRICTED RESERVE "A" AND ALONG THE COMMON LINE BETWEEN SAID 97.57 ACRE TRACT AND THE WESTERLY LINE OF SAID 2.6318 ACRE TRACT, A DISTANCE OF 335.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERRIETH ROAD WHICH MARKS THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 97.57 ACRE TRACT;

THENCE, SOUTH 81° 10' 07" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERRIETH ROAD AND THE MOST SOUTHERLY LINE OF SAID 97.57 ACRE TRACT, AT 1,405.41 FEET PASS A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE SOUTHWESTERLY CORNER OF SAID 97.57 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF SAID 17.6301 ACRE TRACT, AND CONTINUING FOR A TOTAL DISTANCE OF 1,607.34 FEET TO A POINT FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 17.6301 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF SAID HOUSTON POLYBAG, FROM WHICH A FOUND 5/8-INCH IRON ROD WITH CAP BEARS NORTH 43° 41' WEST, 0.33 FOOT;

THENCE, NORTH 28° 04' 02" WEST, ALONG A WESTERLY LINE OF SAID 17.6301 ACRE TRACT AND THE EASTERLY LINE OF SAID HOUSTON POLYBAG, A DISTANCE OF 642.79 FEET TO A 5/8-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF SAID 17.6301 ACRE TRACT AND THE NORTHEASTERLY CORNER OF SAID HOUSTON POLYBAG;

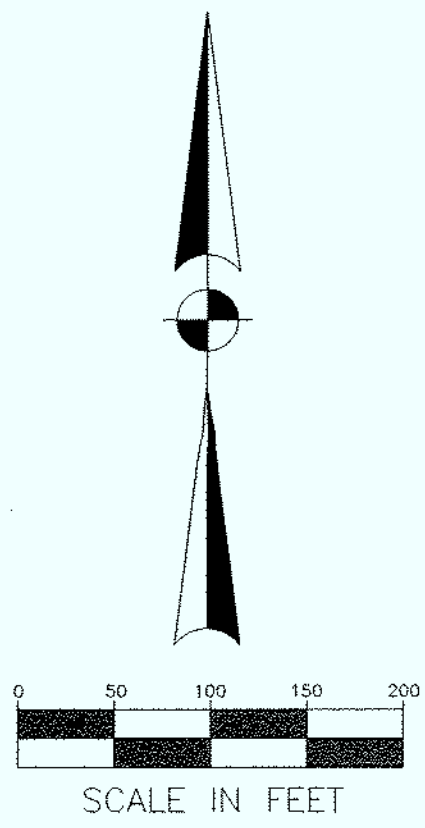
THENCE, SOUTH 61° 54' 59" WEST, ALONG A SOUTHERLY LINE OF SAID 17.6301 ACRE TRACT AND THE NORTHERLY LINE OF SAID HOUSTON POLYBAG, A DISTANCE OF 377.71 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 120.8081 ACRES (5,262,399.08 SQUARE FEET) OF LAND.

|     |          | CURVE TABLE |          |             |            |  |  |
|-----|----------|-------------|----------|-------------|------------|--|--|
| NO. | ARC      | DELTA       | RADIUS   | CHORD BRG   | CHORD DIST |  |  |
| C1  | 23.81'   | 05°03'09"   | 270.00'  | S22°53'22"E | 23.80'     |  |  |
| C2  | 171.11'  | 08°56'46"   | 1095.92' | S15°54'19"E | 170.94'    |  |  |
| C3  | 224.16'  | 11°30'33"   | 1115.92' | S05°38'59"E | 223.78'    |  |  |
| C4  | 427.50'  | 24°29'38"   | 1000.00' | N69°38'51"E | 424.25'    |  |  |
| C5  | 1183.16' | 67°47'23"   | 1000.00' | N42°43'35"W | 1115.34'   |  |  |
| C6  | 485.84'  | 27°50'13"   | 1000.00' | N62°42'10"W | 481.08'    |  |  |
| C7  | 768.33'  | 44°01'19"   | 1000.00' | S54°36'37"E | 749.57'    |  |  |
| C8  | 414.83'  | 23°46'05"   | 1000.00' | S20°42'55"E | 411.86'    |  |  |
| C9  | 484.66'  | 41°26'46"   | 670.00'  | N07°20'39"W | 474.18'    |  |  |
| C10 | 361.68'  | 41°26'46"   | 500.00'  | S07°20'39"E | 353.85'    |  |  |
| C11 | 103.12'  | 11°08'52"   | 530.00'  | N03°15'27"W | 102.96'    |  |  |
| C12 | 103.12'  | 11°08'52"   | 530.00'  | N03°15'27"W | 102.96'    |  |  |
| C13 | 1135.83' | 67°47'23"   | 960.00'  | N42°43'35"W | 1070.73'   |  |  |
| C14 | 506.38'  | 27°53'50"   | 1040.00' | N62°40'21"W | 501.39'    |  |  |
| C15 | 465.31'  | 27°46'17"   | 960.00'  | S62°44'08"E | 460.77'    |  |  |
| C16 | 734.05'  | 40°26'25"   | 1040.00' | S56°24'04"E | 718.91'    |  |  |
| C17 | 444.60'  | 24°29'38"   | 1040.00' | N69°38'51"E | 441.22'    |  |  |
| C18 | 103.12'  | 11°08'52"   | 530.00'  | N76°19'14"E | 102.96'    |  |  |
| C19 | 103.12'  | 11°08'52"   | 530.00'  | N76°19'14"E | 102.96'    |  |  |
| C20 | 85.06'   | 02°29'57"   | 1950.00' | S10°08'52"E | 85.05'     |  |  |
| C21 | 85.01'   | 02°29'52"   | 1950.00' | S07°39'02"E | 85.00'     |  |  |
| C22 | 103.12'  | 11°08'52"   | 530.00'  | S87°28'06"W | 102.96'    |  |  |
| C23 | 103.12'  | 11°08'52"   | 530.00'  | S87°28'06"W | 102.96'    |  |  |
| C24 | 410.40'  | 24°29'38"   | 960.00'  | S69°38'51"W | 407.28'    |  |  |
| C25 | 366.41'  | 20°11'11"   | 1040.00' | S18°55'28"E | 364.52'    |  |  |
| C26 | 103.12'  | 11°08'52"   | 530.00'  | S14°24'19"E | 102.96'    |  |  |
| C27 | 103.12'  | 11°08'52"   | 530.00'  | S14°24'19"E | 102.96'    |  |  |
| C28 | 235.04'  | 06°54'22"   | 1950.00' | N14°51'05"W | 234.90'    |  |  |
| C29 | 221.83'  | 06°31'05"   | 1950.00' | N03°08'32"W | 221.71'    |  |  |
| C30 | 7.54'    | 00°48'53"   | 530.00'  | S71°09'15"W | 7.54'      |  |  |
| C31 | 95.58'   | 10°19'59"   | 530.00'  | S76°43'41"W | 95.45'     |  |  |

|     |             | LINE TABLE |  |
|-----|-------------|------------|--|
| NO. | BEARING     | DISTANCE   |  |
| L1  | S47°13'47"E | 54.06'     |  |
| L2  | N44°30'33"E | 130.94'    |  |
| L3  | N80°08'10"E | 20.01'     |  |
| L4  | N35°10'07"E | 35.36'     |  |
| L5  | S79°02'45"E | 36.24'     |  |
| L6  | N35°25'24"E | 31.02'     |  |
| L7  | N52°25'57"W | 34.95'     |  |
| L8  | S13°50'50"W | 36.24'     |  |
| L9  | S53°49'53"E | 35.36'     |  |
| L10 | N07°16'45"W | 2.40'      |  |
| L11 | N15°24'46"W | 83.08'     |  |
| L12 | N13°22'44"E | 98.92'     |  |
| L13 | S13°22'44"W | 98.92'     |  |

## PRELIMINARY PLAT TOMBALL BUSINESS AND TECHNOLOGY PARK

A SUBDIVISION OF 120.8081 ACRES (5,262,399.08 SQ.FT.), A PORTION OF WHICH IS A PARTIAL REPLAT OF LOTS 384, 385, 386, 387 AND 394, OF THE TOM BALL TOWNSITE AS RECORDED IN VOL. 2, PG. 65 OF THE HARRIS COUNTY MAP RECORDS, AND BEING A REPLAT OF LOT 4 OF TOMBALL SOUTH COMMERCIAL AS RECORDED IN FILM CODE NO. 632199 OF THE HARRIS COUNTY MAP RECORDS, IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, AND THE C. N. PILLOT SURVEY, ABSTRACT NO. 632, CITY OF TOMBALL, HARRIS COUNTY, TEXAS



CORRECTED MAP OF  
TOMBALL OUTLOTS  
VOL. 4, PG. 75  
H.C.M.R.

MELVIN E. MICHEL AND  
TRACY A. MICHEL  
CALLED 56.8803 ACRES  
FILE NO. S954259  
H.C.O.P.R.R.P.

TOMBALL TOWNSITE  
VOL. 2, PG. 65  
H.C.M.R.

PHILLIP EUGENE PASSAFUMA, SR.,  
AND WIFE, ROBERTA D. PASSAFUMA  
CALLED 15.000 ACRES  
FILE NO. E556736  
H.C.O.P.R.R.P.

ROBERTA PASSAFUMA  
CALLED 2.0 ACRES  
FILE NO. 20100443954  
H.C.O.P.R.R.P.

LORIE P. RABALAIS, JR.  
(0.125 INTEREST)  
FILE NO. N526005  
H.C.O.P.R.R.P.

LOT 3  
4.8226 ACRES  
210,073.74 SQ.FT.

TEMPORARY CUL-DE-SAC  
(SEE NOTE 2 BELOW)

LOT 7  
3.5986 ACRES  
156,755.89 SQ.FT.

LOT 6  
11.2917 ACRES  
491,864.63 SQ.FT.

LOT 5  
21.5547 ACRES  
938,924.62 SQ.FT.

HOUSTON POLYBAG  
VOL. 335, PG. 109  
H.C.M.R.

HOUSTON POLY BAG, INC.  
CALLED 5 ACRES  
FILE NO. M626023  
H.C.O.P.R.R.P.

## PRELIMINARY PLAT TOMBALL BUSINESS AND TECHNOLOGY PARK

A SUBDIVISION OF 120.8081 ACRES (5,262,399.08 SQ.FT.), A PORTION OF WHICH IS A PARTIAL REPLAT OF LOTS 384, 385, 386, 387 AND 394, OF THE TOMBALL TOWNSITE AS RECORDED IN VOL. 2, PG. 65 OF THE HARRIS COUNTY MAP RECORDS, AND BEING A REPLAT OF LOT 4 OF TOMBALL SOUTH COMMERCIAL AS RECORDED IN FILM CODE NO. 632199 OF THE HARRIS COUNTY MAP RECORDS, IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, AND THE C. N. PILLOT SURVEY, ABSTRACT NO. 632, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

### OWNERS:

Tomball Economic  
Development Corporation  
29201 Quinn Road  
Tomball TX 77375  
281-401-4086

### SURVEYOR / ENGINEER:

**CLR, Inc.**

Engineers • Surveyors • GIS  
19530 FM-362, Waller, Texas 77484  
Phone: (713) 462-0993 Fax: (713) 462-2732

**SURVCON**  
A DIVISION OF  
**McKIM & CREED**  
ENGINEERS, SURVEYORS, PLANNERS  
3057 Woodway Drive, Suite 101 West  
Houston, TX 77057  
713-691-9001  
www.mckimcreed.com

7 LOTS

SCALE: 1"=100'

DECEMBER, 2012

### NOTES (SHEET 2 ONLY):

- ONE-FOOT RESERVE DEDICATED FOR BUFFER PURPOSES TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREET WHERE SUCH STREETS ADJACENT PROPERTY. THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, THEIR HEIRS, ASSIGNS OR SUCCESSORS.
- TEMPORARY CUL-DE-SAC IS PROVIDED AS A TURN-AROUND AT THE END OF A DEAD END STREET. THE TEMPORARY CUL-DE-SAC SHALL BE AUTOMATICALLY TERMINATED UPON THE EXTENSION OF SOUTH PERSIMMON STREET INTO THE ADJACENT PROPERTY.
- SEE SHEET 1 OF 3 FOR LINE AND CURVE TABLES.

MATCH LINE - SEE SHEET 3 OF 3

MATCH LINE -- SEE SHEET 2 OF 3



# PRELIMINARY PLAT TOMBALL BUSINESS AND TECHNOLOGY PARK

A SUBDIVISION OF 120.8081 ACRES (5,262,399.08 SQ.FT.), A PORTION OF WHICH IS A PARTIAL REPLAT OF LOTS 384, 385, 386, 387 AND 394, OF THE TOM BALL TOWNSITE AS RECORDED IN VOL. 2, PG. 65 OF THE HARRIS COUNTY MAP RECORDS, AND BEING A REPLAT OF LOT 4 OF TOMBALL SOUTH COMMERCIAL AS RECORDED IN FILM CODE NO. 632199 OF THE HARRIS COUNTY MAP RECORDS, IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, AND THE C. N. PILLOT SURVEY, ABSTRACT NO. 632, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNERS:  
Tomball Economic  
Development Corporation  
29201 Quinn Road  
Tomball TX 77375  
281-401-4086

2978 Industrial Properties, LLC  
25614 Bridle Creek Drive North  
Magnolia TX 77355-5876

SURVEYOR / ENGINEER:

**CLR, Inc.**

Engineers • Surveyors • GIS  
19530 FM-362, Waller, Texas 77484  
Phone: (713) 462-0993 Fax: (713) 462-2732

**SURVCON**  
A DIVISION OF  
**McKIM & CREED**  
ENGINEERS, SURVEYORS, PLANNERS  
5757 Woodway Drive, Suite 101 West  
Houston, TX 77057  
713.697.0021  
www.mckimcreed.com

7 LOTS

SCALE: 1"=100'

DECEMBER, 2012

SHEET 3 OF 3

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **BREAUX MACHINE WORKS PRELIMINARY PLAT**: A subdivision of 4.3402 Acres, being comprised of Lots 1, 2, and 3, Block 3 of Hirschfield Farms an Unrecorded Subdivision and 0.1246 Acre Residue of a call 2.8805 Acre Tract as recorded in H.C.C.F. No. J-904080 and 1.5918 Acres Residue of a call 3.5864 Acre Tract as recorded in Film Code 119-48-0065, H.C.C.F located in the John M. Hooper Survey, A-375 City of Tomball, Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

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

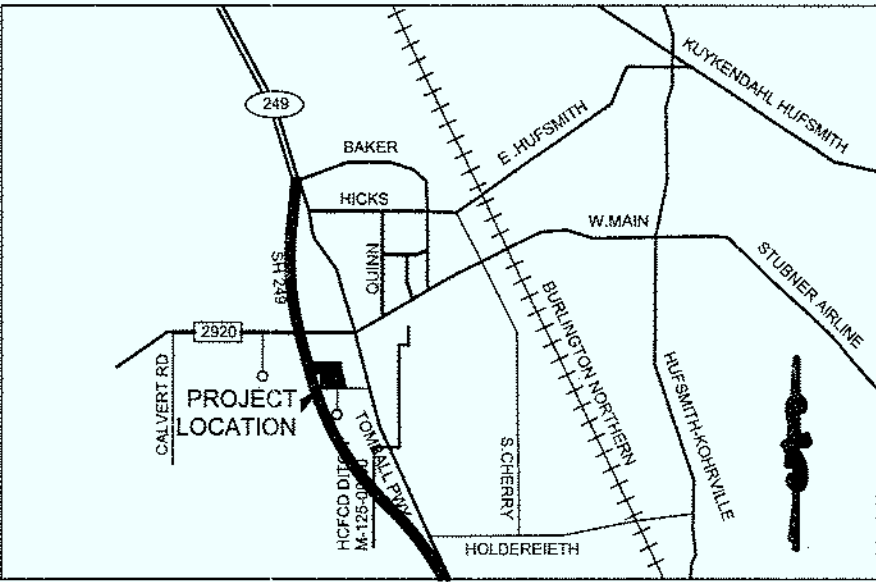
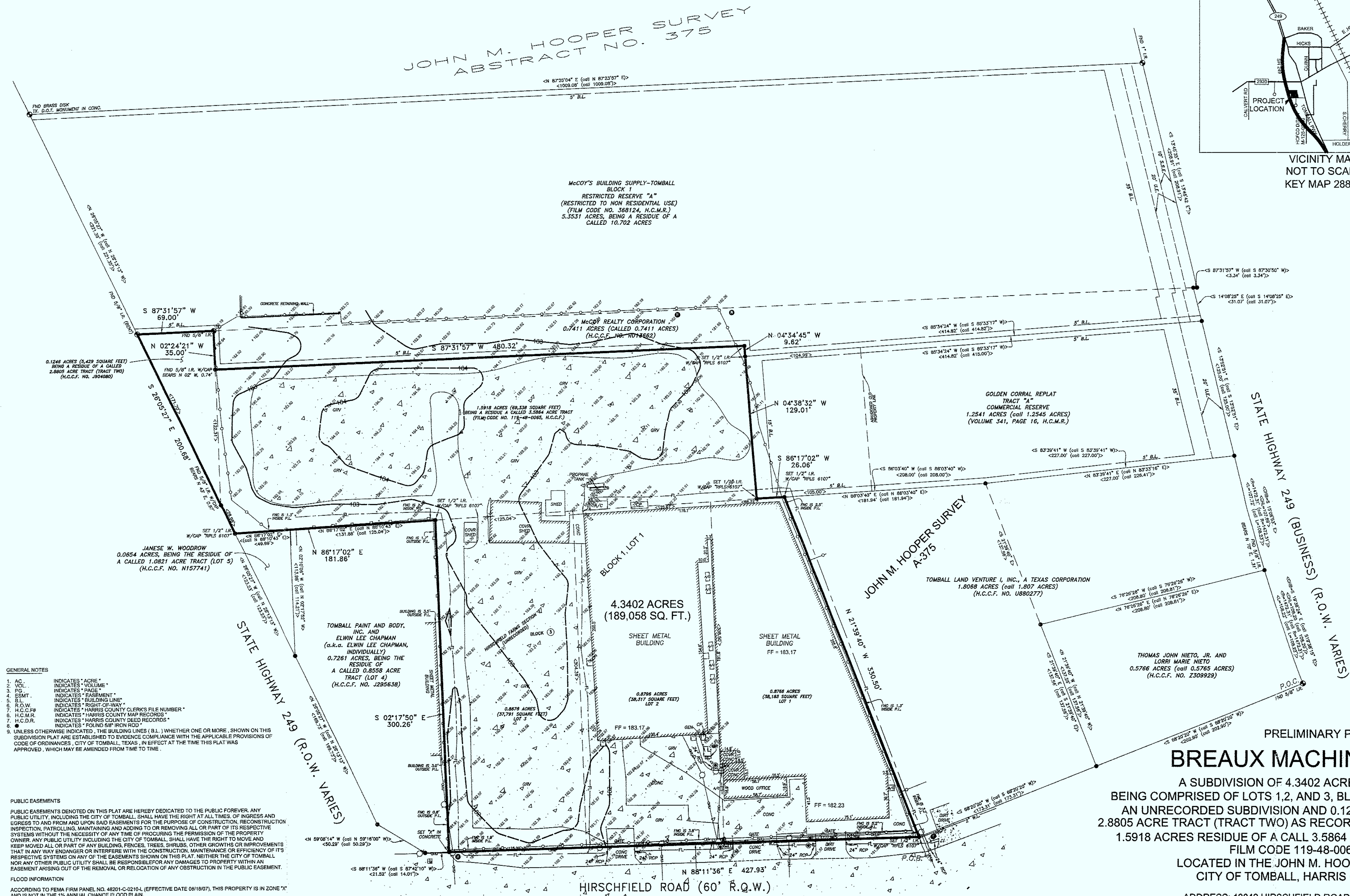
Brandy Pate, Engineering and Planning

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

### ATTACHMENTS:

Breaux Machine Works Preliminary Plat 1 of 2

Breaux Machine Works Preliminary Plat 2 of 2



VICINITY MAP  
NOT TO SCALE  
KEY MAP 288-K

BENCHMARK:  
H.C. FLOODPLAIN REFERENCE MARKS  
T.S.A.P. RM NO. 120210  
BRASS DISK ON SOUTH SIDE OF  
MICHAEL ROAD BRIDGE AND  
H.C.F.C. DITCH NO. M125-00-00  
ELEV. 180.1  
NAVD 1988, 2001 ADJ.

T.B.M.  
NAIL IN EXPANSION JOINT IN CONC.  
DRIVE, SOUTH SIDE OF HIRSCHFIELD  
ROAD, APPROX. 24.65 FT. EASTWARD  
ALONG THE SOUTH R.O.W. LINE FROM  
THE SUBJECT TRACT'S NORTHEAST  
CORNER.  
ELEV 182.31

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

PRELIMINARY PLAT OF  
**BREAUX MACHINE WORKS**

A SUBDIVISION OF 4.3402 ACRES (1 BLOCK, 1 LOT)  
BEING COMPRISED OF LOTS 1, 2, AND 3, BLOCK 3 OF HIRSCHFIELD FARMS  
AN UNRECORDED SUBDIVISION AND 0.1246 ACRE RESIDUE OF A CALL  
2.8805 ACRE TRACT (TRACT TWO) AS RECORDED IN H.C.C.F. NO. J-904080 AND  
1.5918 ACRES RESIDUE OF A CALL 3.5864 ACRETRACT AS RECORDED IN  
FILM CODE 119-48-0065, H.C.C.F.  
LOCATED IN THE JOHN M. HOOPER SURVEY, A-375  
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

ADDRESS: 13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377

OWNER:  
BREAUX PROPERTIES LTD  
1502 RUDOLPH ROAD  
TOMBALL, TEXAS 77375

BROUSSARD LAND SURVEYING, LLC  
17811 GABLES BEND TOMBALL TX 77377  
(281) 832-0859 [www.blsurveyingco.com](http://www.blsurveyingco.com)

DAVID S. BROUSSARD, P.E.  
17827 HAWKIN LANE  
TOMBALL, TEXAS 77377  
JOB NO. D983 DEC. 2012

JOB NO.: BLS-858

STATE OF TEXAS  
COUNTY OF HARRIS

WE, BREAUX PROPERTY, LTD., REPRESENTED BY N.T. BREAUX, PRESIDENT, HEREINAFTER REFERED TO AS OWNER OF THE 4.3402 ACRE TRACT DESCRIBED IN ABOVE AND FOREGOING MAP OF THE PLAT OF BREAUX MACHINE WORKS COMMERCIAL SUBDIVISION, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'0") IN WIDTH.

FURTHER, OWNER HEREBY COVENANTS AND AGREES THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNER HEREBY DEDICATES TO THE PUBLIC A STRIP OF LAND FIFTEEN (15') FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

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

FURTHER, OWNER CERTIFIES AND COVENANTS THAT HE HAS COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63rd LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

WITNESS OUR HAND IN THE CITY OF HOUSTON, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

BY: \_\_\_\_\_  
N.T. BREAUX

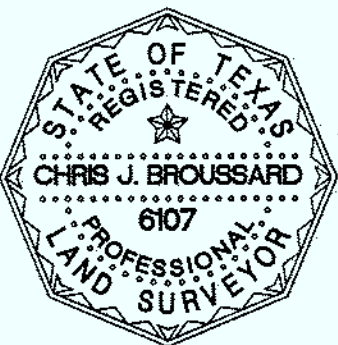
STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED N.T. BREAUX KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGMENT TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY AS HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

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

I, CHRISTOPHER J. BROUSSARD, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4") INCH AND A LENGTH OF NOT LESS THAN THREE FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED IN TO THE NEAREST INTERSECTION OF PUBLIC STREET RIGHT-OF-WAY.



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

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND THE SUBDIVISION OF HILLTOP TOOL RENTAL 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 \_\_\_\_\_, 2012.

LORI WALLACE  
CHAIRMAN

TOM CROFOOT  
VICE-CHAIRMAN

WE, THE CITY OF TOMBALL AND THE CITY ENGINEER OF THE CITY OF TOMBALL DO HEREBY CERTIFY THAT THIS PLAT OF HILLTOP TOOL RENTAL IS IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF TOMBALL.

GEORGE SHACKELFORD  
CITY MANAGER

LORI LAKATOS, P.E.  
ACTING CITY ENGINEER

I, ARTHUR L. STOREY, JR., COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

\_\_\_\_\_  
ARTHUR L. STOREY JR., P.E.  
COUNTY ENGINEER

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 2012, AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M. AND DULY RECORDED ON \_\_\_\_\_ 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

PRELIMINARY PLAT OF  
**BREAUX MACHINE WORKS**

A SUBDIVISION OF 4.3402 ACRES (1 BLOCK, 1 LOT)  
BEING COMPRISED OF LOTS 1,2, AND 3, BLOCK 3 OF HIRSCHFIELD FARMS  
AN UNRECORDED SUBDIVISION AND 0.1246 ACRE RESIDUE OF A CALL  
2.8805 ACRE TRACT (TRACT TWO) AS RECORDED IN H.C.C.F. NO. J-904080 AND  
1.5918 ACRES RESIDUE OF A CALL 3.5864 ACRETRACT AS RECORDED IN  
FILM CODE 119-48-0065, H.C.C.F.  
LOCATED IN THE JOHN M. HOOPER SURVEY, A-375  
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER:  
BREAUX PROPERTIES LTD  
1502 RUDOLPH ROAD  
TOMBALL, TEXAS 77375

**BROUSSARD LAND SURVEYING, LLC**  
17811 GABLES BEND TOMBALL TX 77377  
(281) 832-0859 [www.blsurveyingco.com](http://www.blsurveyingco.com)

DAVID S. BROUSSARD, P.E.  
17527 HAWKIN LANE  
TOMBALL, TEXAS 77377  
JOB NO. D963 DEC., 2012

SHEET 2 OF 2

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **SHAW COMMERCIAL PRELIMINARY PLAT**: Being a subdivision of 4.0130 Acres of land situated in the John S. Smith Survey, Abstract Number 730, of Harris County, Texas, and being the same land as described in deed recorded in Clerk's File Number R265465, of the Real Property Records of Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

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

### ATTACHMENTS:

Shaw Commercial Preliminary Plat

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 \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and at File 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

Scale: 1" = 50'

Legend

- POWER POLE
- STORM SEWER MANHOLE
- PIPELINE MARKER
- SOUTHWESTERN BELL BOX
- SEWER LID

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

Steven L. Crews  
Texas Registration Number 4141

This plat is for Review Purposes only.  
NOT FOR RECORDING

Vicinity Map  
Not to Scale

Key Map 289A

HUFSMITH  
KUYKENDAHL ROAD

RONALD G &  
LAURA J MCCracken  
CALLED 2.915 ACRES  
CF NO. V183080  
R.P.R.H.C.T.

DEWEY ADKINSON JR.  
CALLED 2.915 ACRES  
CF NO. T776193  
R.P.R.H.C.T.

DEWEY ADKINSON JR.  
CALLED 6.383 ACRES  
CF NO. V18316  
R.P.R.H.C.T.

RMDMG, LTD.  
CALLED 43.52 ACRES  
CF NO. 20100169651  
R.P.R.H.C.T.

Notes:  
Public Easements:  
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing oil or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:  
According to FEMA Firm Panel No. 48201C0230-L (Effective Date June 18, 2007), this property is in Zone "X" and is within the 0.2% Annual Chance Flood Plain.

Note #1:  
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.  
Note #2:  
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.  
Note #3:  
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.  
Note #4:  
This plat does not attempt to amend or remove any valid covenants or restrictions.  
Note #5:  
The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.  
Note #6:  
The Basis of Bearings for this plat is the Recorded Deed.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS  
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS  
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS  
FC NO. = FLM CODE NUMBER  
CF NO. = CLERK'S FILE NUMBER  
B.L. = BUILDING LINE  
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL

HOUSTON COMMUNITY  
BANK, N.A.  
CALLED 1.919 ACRES  
CF NO. 20090354507  
R.P.R.H.C.T.

JOHN SMITH SURVEY  
A-730

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of SHAW COMMERCIAL 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 \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Lori Wallace  
Chairman

By: \_\_\_\_\_  
Evelyn Chervenak  
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.,  
Acting City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Gretchen Fagan, Mayor

Doris Speer, City Secretary

THE STATE OF TEXAS  
COUNTY OF HARRIS

I, Stephen Caldwell Shaw, owner hereinafter referred to as owner of the 4.0130 acre tract described in the above and foregoing plat of SHAW COMMERCIAL, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

WITNESS my hand in the City of Tomball, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Stephen Caldwell Shaw

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Stephen Caldwell Shaw, 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 \_\_\_\_\_, 2012.

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

Surveyor:  
**C & C SURVEYING, INC.**

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

Owner:  
Stephen Caldwell Shaw  
24219 FM 2978  
Tomball, Texas 77375  
713-557-4860

2 RESERVES, 1 BLOCK

December 2012  
Sheet 1 of 1

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **BAKER HUGHES EDUCATION CENTER**: A subdivision of 96.9420 Acres, being a partial Replat of Lots 447, 448, 449, 459, 460, 461, 462, 463, 464, 465, and 466 of the Tomball Townsite Vol. 2 Page 65 out of the Jesse Pruitt Survey, A-629 Harris County, Texas.

### Background:

### Origination:

### Recommendation:

### Funding:

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

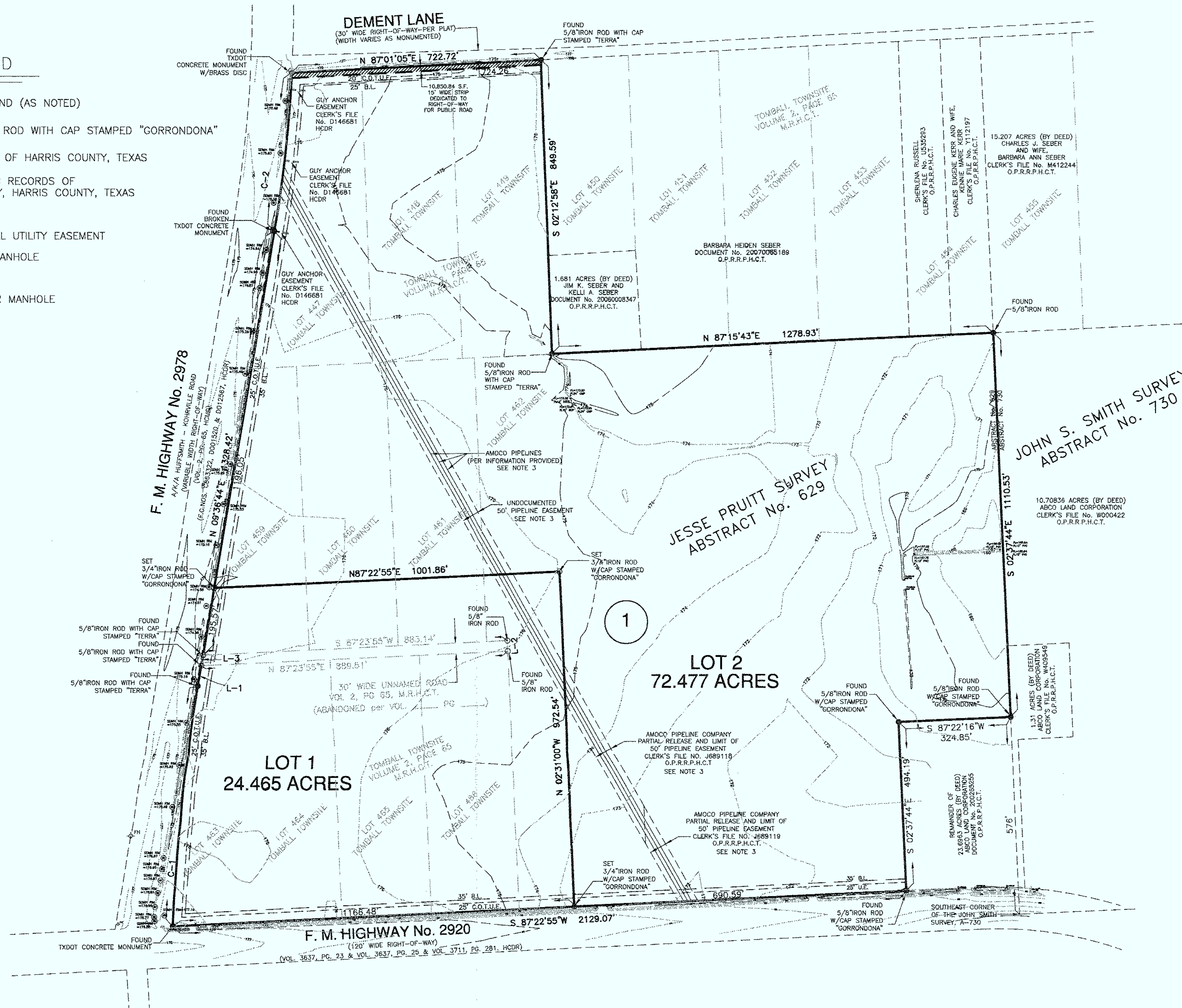
Brandy Pate, Engineering and Planning

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

### ATTACHMENTS:

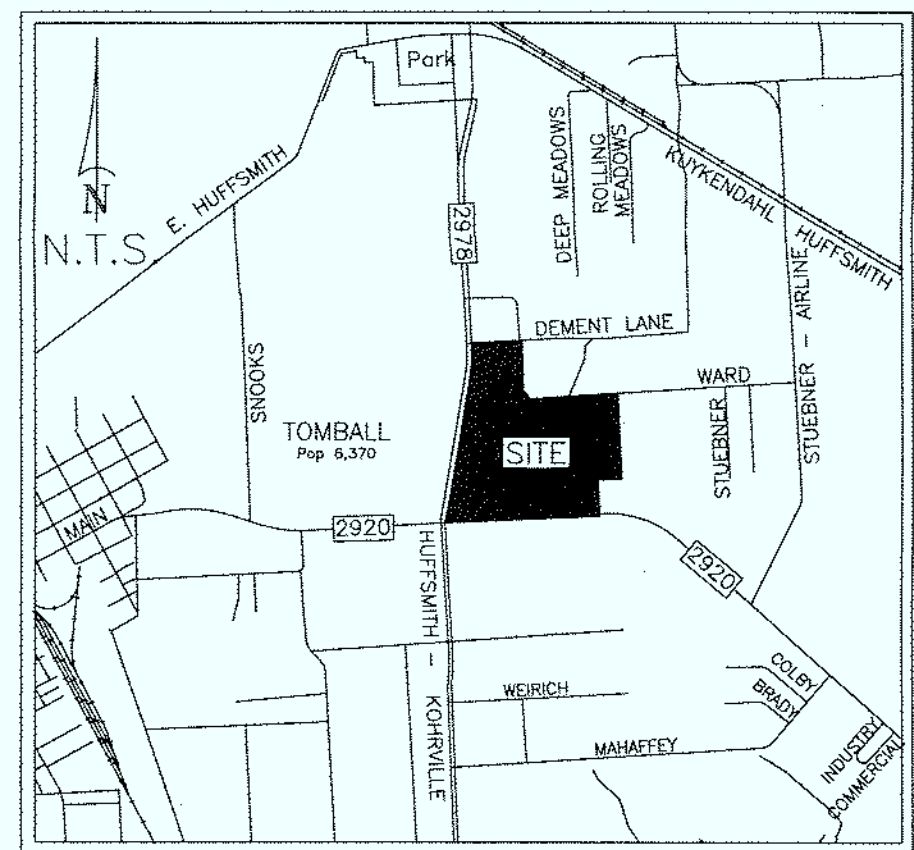
Baker Hughes Education Center Plat

|                |                                                                   |                         |
|----------------|-------------------------------------------------------------------|-------------------------|
| ●              | MONUMENT FOUND (AS NOTED)                                         |                         |
| ○              | SET 3/4" IRON ROD WITH CAP STAMPED "GORRONDONA"                   |                         |
| HCDR           | DEED RECORDS OF HARRIS COUNTY, TEXAS                              |                         |
| P.R.R.P.H.C.T. | OFFICIAL PUBLIC RECORDS OF<br>REAL PROPERTY, HARRIS COUNTY, TEXAS |                         |
| B.L.           | BUILDING LINE                                                     | FOR<br>BRIEF            |
| C.T.U.E.       | CITY OF TOMBALL UTILITY EASEMENT                                  | TOOBT<br>CONGR<br>MONUM |
| SD             | STORM DRAIN MANHOLE                                               |                         |
| ■              | STORM INLET                                                       |                         |
| SS             | SANITARY SEWER MANHOLE                                            |                         |
| △ FH           | FIRE HYDRANT                                                      |                         |



ATTESTS: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

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

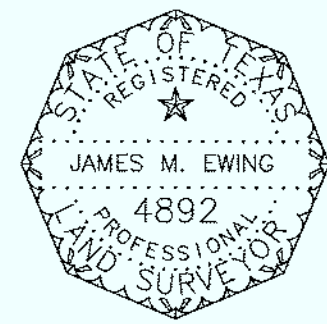


VICINITY MAP  
NOT TO SCALE

GENERAL NOTES:

1. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
2. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
3. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES, THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
4. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
5. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
6. 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 TYPE OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE OR 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.
7. THE HORIZONTAL DATUM IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE--NAD83. ALL DISTANCES AND AREAS SHOWN ARE SURFACE.
8. NO PORTION OF THE SUBJECT SITE IS LOCATED WITHIN THE 100 YEAR SPECIAL FLOOD HAZARD AREA ACCORDING TO THE MOST RECENT OFFICIAL INSURANCE RATE MAP, DATED JUNE 18, 2007, MAP NO. 48001C02303L, ZONE "X", DEMULGATED BY THE ADMINISTRATOR OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF THE UNITED NATIONS DEVELOPMENT OF THE UNITED STATES. ANY REFERENCE TO THE 100 YEAR FLOOD PLAIN OR FLOOD HAZARD ZONES, ARE AN ESTIMATE BASED ON DATA PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP AND SHOULD NOT BE INTERPRETED AS A STUDY OR DETERMINATION OF THE FLOODING PROPENSITIES OF THIS PROPERTY.

I, JAMES M. EWING, 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 BY ME OR PERSONS UNDER MY CLOSE PERSONAL SUPERVISION; THAT THE CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL PIPES OR RODS) HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4) AND LENGTH OF NOT LESS THAN TWO FEET; THAT THE CORNERS WERE FOUND, AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES. (NADB83).



James M. Ewing  
Registered Professional Land Surveyor  
Texas Registration No. 4892

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

LORI WALLACE  
CHAIRMAN

EVELYN CHERVENAK  
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 ORDINANCES.

-----  
GEORGE SHACKELFORD  
CITY MANAGER

LORI LAKATOS, P.E.  
ACTING CITY ENGINEER

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 2012, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_M., AND DULY RECORDED ON \_\_\_\_\_, 2012, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_M., AND IN 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

1 BLOCK 2 LOTS

A SUBDIVISION OF 96.9420 ACRES (4,222,793.52 S.F.) BEING A PARTIAL  
REPLAT OF LOTS 447, 448, 449, 459, 460, 461, 462, 463, 464,  
465, AND 466 OF THE TOMBALL TOWNSITE VOL. 2 PAGE 65  
OUT OF THE JESSE PRUITT SURVEY, A-629  
HARRIS COUNTY, TEXAS

THE PURPOSE OF THE REPLAT IS CREATE 2 LOTS

OWNER / DEVELOPER  
BAKER HUGHES OILFIELD OPERATIONS INC.  
2929 ALLEN PARKWAY  
SUITE 2100  
HOUSTON, TX 77019  
TEL (713)439 8061  
George Bernhardt

SURVEYOR  
GORRONDONA & ASSOCIATES, INC.  
11710 NORTH FREEWAY, SUITE 700  
Houston, TX 77060  
TEL (281)469 3347  
FAX (281)419 2506  
Matt Ewing

PLANNER  
M2L ASSOCIATES, INC.  
8955 Katy Freeway  
Suite 300  
Houston, TX  
TEL (713)722 8897  
FAX (713)722 8048  
Karen Rogers

DATE: NOVEMBER 30, 2012

SHEET 1 OF 1

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P12-513**: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 ("Use Charts") of the City's Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called "Training Well," permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 ("Training Wells and Training Well Sites") to regulate Training Wells and Training Well Sites; and amending Section 45.2 ("Definitions") by creating a definition for "Training Well" and "Training Well Site."

- Conduct a Public Hearing on **ZONING CASE P12-513**

### Background:

### Origination:

Request by Baker Hughes Oilfield Operations, Inc.

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

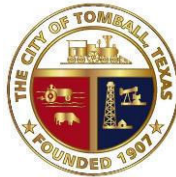
| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|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

### ATTACHMENTS:

Notice of Public Hearing

P12-513 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
DECEMBER 10, 2012  
&  
CITY COUNCIL  
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

**ZONING CASE P12-514:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**COMPREHENSIVE PLAN CASE P12-515:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

**COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

**ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 one or more of the above cases, the date and time of

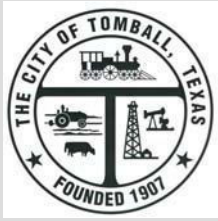
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 6th day of December 2012 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

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



## Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: December 10, 2012

**ZONING CASE P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

### BACKGROUND

Baker Hughes Oilfield Operations is in the process of developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as an education center, Training Well Site, and light manufacturing facility. However, Section 38.2 (“Use Charts”) of the Zoning Ordinance does not list “Training Wells” or a “Training Well Site” as land use classifications. Section 38.1.B states, “If a use is not listed (or is blank) in the Use Charts, it is not allowed in any zoning district....” Consequently, Baker Hughes has submitted a Zoning Ordinance text amendment which requests that Training Wells and Training Wells Sites be allowed in the Light Industrial District with regulations placed on their operations.

The majority of the proposed Zoning Ordinance text amendments are taken from the revised version of Chapter 30 (“Environment”) of the Tomball Code of Ordinances. On October 1, 2012, City Council heard and approved on first reading a request (Ordinance 2012-41) to amend Chapter 30 to allow for Training Wells and Training Well Sites and to place regulations on them. Ordinance 2012-41 was then approved on second reading on October 15<sup>th</sup> and took effect on October 29<sup>th</sup>.

### PROPOSED AMENDMENTS

Section 38.2 “Use Charts”

| Types of Land Uses                     | Residential Zoning Districts |         |      |      |  |   |    |     | Non-Residential Zoning Districts |    |  |   |    | OT&MU | Parking Ratio<br>(Also see Section 39) |
|----------------------------------------|------------------------------|---------|------|------|--|---|----|-----|----------------------------------|----|--|---|----|-------|----------------------------------------|
|                                        | AG                           | SF-20-E | SF-9 | SF-6 |  | D | MF | MHP | O                                | GR |  | C | LI |       |                                        |
| Light & Heavy Manufacturing/Industrial |                              |         |      |      |  |   |    |     |                                  |    |  |   |    |       |                                        |
| Training Well                          |                              |         |      |      |  |   |    |     |                                  |    |  |   | P  |       | 1 space: per acre                      |

Section 43.9 “Training Wells and Training Well Sites”

A. All Training Wells shall be located in a defined area designated as a “Training Well Site.”

- B. A Training Well Site shall not be located closer than 500 feet from any existing or proposed residence, church, public or private school, school, hospital, nursing home, or daycare center.
- C. A Training Well Site shall not be located closer than 150 feet from any barn, building, cabana, garage, shack, shed, or other enclosed structure, or any publicly dedicated right-of-way.
- D. A Training Well Site shall not be located closer than 350 feet from any public park or public athletic field.
- E. No Training Well shall be drilled, deepened or operated, or seismic activities conducted within any existing or proposed roadway right-of-way.
- F. A Training Well Site may include classrooms and offices as part of or adjacent to the rig structure.
- G. Distances from the Training Well Site to any building (not identified as being part of the rig structure), right-of-way, or activity used in this Section shall be measured in a straight line from the nearest point of the building, right-of-way, or activity to the nearest point of the training well site.
- H. Training Wells and Training Well Site shall adhere to Chapter 30 (“Environment”) of the Tomball Code of Ordinances.

#### Section 45.2 “Definitions”

**TRAINING WELL** - Any hole or bore otherwise meeting the definition of “Well” but intended for the sole purpose of educating personnel and not for the purpose of extracting, exploring for, or ascertaining the existence of any oil, gas, liquid hydrocarbon or other mineral.

**TRAINING WELL SITE** - Any hole or bore otherwise meeting the definition of “Well” but intended for the sole purpose of educating personnel and not for the purpose of extracting, exploring for, or ascertaining the existence of any oil, gas, liquid hydrocarbon or other mineral, and shall include all structures appurtenant thereto.

#### **ANALYSIS**

The only substantive changes being proposed in this request not currently in affect from Ordinance 2012-41 are the changes to Section 38.2 “Use Charts.” Section 38.2 will be updated to include Training Wells as a permitted use in the Light Industrial District with a parking requirement of one space per acre. City staff recommended approval of Ordinance 2012-41 and subsequently recommends approval of the above listed Zoning Ordinance text amendments.

#### **PUBLIC COMMENT**

A public hearing notice was published in the Tomball Tribune on November 26, 2012; no public comments have been received.

#### **RECOMMENDATION**

Approval of the proposed amendments.

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **COMPREHENSIVE PLAN CASE P12-515**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P12-515**

### Background:

### Origination:

Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

**Recommendation:**

**Funding:**

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

Brandy Pate, Engineering and Planning

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

**ATTACHMENTS:**

Notice of Public Hearing  
Property Owner Notification Letter  
P12-515 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
DECEMBER 10, 2012  
&  
CITY COUNCIL  
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

**ZONING CASE P12-514:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**COMPREHENSIVE PLAN CASE P12-515:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 (“Chestnut Business Park”) to facilitate Chestnut Business Park.

**COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

**ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 one or more of the above cases, the date and time of

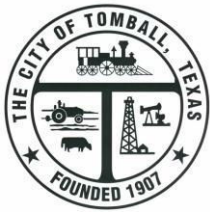
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 6th day of December 2012 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

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



## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P12-515

**APPLICANT:** Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

**LOCATION:** Northeast corner of F.M. 2920 and F.M. 2978

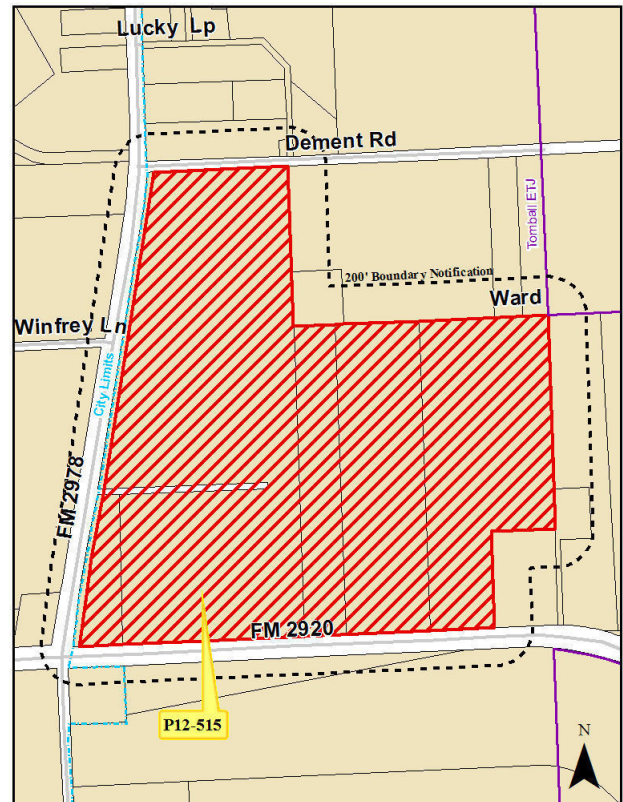
**PROPOSAL:** See Attached

\*\*\*

**CONTACT:** Rodney Schmidt  
**PHONE:** (281) 290-1410  
**E-MAIL:** [rschmidt@tomballtx.gov](mailto:rschmidt@tomballtx.gov)

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

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

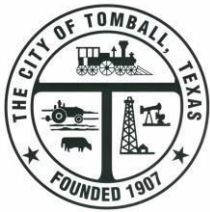


**Planning & Zoning Commission  
Public Hearing:  
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 17, 2012, 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.



## *Notice of Public Hearing*

**CASE NUMBER:** P12-515

**PROPOSAL:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

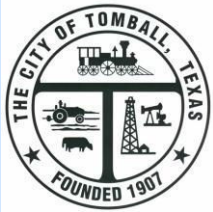
Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.



## Comprehensive Plan Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2012

**Comp Plan Amend Case:** P12-515

**Property Owner(s):** Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

**Applicant(s):** Baker Hughes Oilfield Operations, Inc.

**Legal Description:** Tract 1  
Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 1 (B)  
Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 2  
Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 3  
Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to

Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Tract 4

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**Location:** Northeast corner of F.M. 2920 and F.M. 2978 (Exhibit “A”)

**Area:** 96.94 acres

**Present Zoning & Usage:** Unzoned extraterritorial jurisdiction (Exhibit “B”) / Agricultural, collision center, and salvage yard

**FLU Designation:** Mixed Use (Exhibit “C”)

**Proposed FLU:** Business/Industrial

**Adjacent Future Land Use Designation & Land Usage:**

**North:** Mixed Use / Commercial, single-family residences, & agricultural

**South:** Business/Industrial / F.M. 2920 right-of-way, convenience store, & agricultural

**East:** Mixed Use / F.M. 2978 right-of-way, convenience store, undeveloped land, & commercial

**West:** Mixed Use & Commercial / Automotive shop & salvage yard (Exhibit “D”)

**BACKGROUND**

Baker Hughes Oilfield Operations is in the process of developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as their new “Western Hemisphere Education Center.” According to the Tomball Economic Development Corporation, “The proposed project involves the development of a 72,445 square foot 3-story education building, a 36,000 square foot workshop, a 16,730 square foot canteen, lab & auditorium, and a 156,000 square foot yard with two training rigs. The project will be an integrated facility to enhance the educational opportunities for Baker Hughes personnel and customers. The facility expects to have an average headcount of 5,500 trainee-days per month or 66,000 per year.” It is estimated that Baker Hughes will be investing \$54 million into this project (Exhibit “E”).

The City is currently in the process of annexing the subject site. On October 1, and October 8, 2012. City Council approved resolutions declaring the intent of the City to annex the subject site and on November 5. and November 19, 2012. public hearings for the annexation were held. The annexation ordinances for the subject site are anticipated to be heard by City Council on December 10<sup>th</sup> for a first reading and December 17<sup>th</sup> for a second reading.

Upon successful annexation on December 17<sup>th</sup>, the subject site will be assigned a zoning classification of “Agricultural District” per Section 6.1 of the Zoning Ordinance. Because Baker Hughes will require the site to be zoned “Light Industrial District” to operate as they intend, they have submitted a Rezoning application requesting the property be zoned “Light Industrial District.”

The Rezoning request will be heard as Zoning Case P12-514. Additionally, the applicant was informed that the “Light Industrial District” would not be compatible with the Comprehensive Plan’s Future Land Use (FLU) map designation of “Mixed Use” for this property. They were informed of the Comprehensive Plan amendment process and on October 30<sup>th</sup> they submitted a request to change the Comprehensive Plan’s FLU designation from “Mixed Use” to “Business Industrial” (Exhibit “F”).

## **ANALYSIS**

There are several land uses in the vicinity of the subject site. To the north are commercial, single-family residential, and agricultural land uses; to the south is F.M. 2920, a Shell convenience store, and agricultural land; to the west is F.M. 2978, a Stripes convenience store, undeveloped land, and the Crow Corporation; and to the east is Charlie’s Auto & Truck Salvage.

The City’s FLU map designates this site as “Mixed Use.” The CP states, “Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner.” The proposed uses for this site do not appear to be consistent with the “Mixed Use” FLU designation. The “Business/Industrial” FLU designation appears to be more appropriate designation for these intended uses. The CP states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.”

The CP allows for amendments to the FLU map if relevant information affecting the use of a parcel is presented. The proposed CP amendment may facilitate the accomplishment of the following CP goals, objectives, and actions:

### **Action LUD 1.1.5**

*Ensure that new developments invest in and contribute to the community’s quality of life and amenities.*

Based on the “Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas” prepared by Impact DataSource for the Tomball Economic Development Corporation, the proposed facility will cost the City of Tomball \$607,118 over the next ten years but will bring in \$8,441,587 in tax/fee revenue yielding a net benefit of \$7,834,469. The net revenue received from this project may help contribute to the community’s quality of life and amenities.

### **Goal LUD 7**

*Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.*

The proposed development is anticipated to create 79 permanent direct and indirect jobs, 18 of which will be moving to the City. It is projected to bring 54 new residents to the City and 12 new students to Tomball ISD. There is currently sufficient residential capacity to handle the four new residential properties anticipated to be built in the City from this project.

### **Action LUD 9.1.2**

*Work with businesses, developers, and the community to improve appropriate redevelopment sites.*

The proposed project is proposed to develop a site currently used for agricultural purposes and an automotive salvage yard. The “Western Hemisphere Education Center” is anticipated to be a positive redevelopment opportunity at the City’s easternmost gateway (*Objective LUD 8.1*).

### *Action LUD 1.2.1*

*Maintain and strengthen effective buffering policies between land uses to ensure compatibility.*

Although there may be some impact on the single-family residences to the north, the proposed Business/Industrial CP designation is not anticipated to be any more incompatible with the area than the existing agricultural and salvage yard land uses and not any more incompatible than the highest uses permitted on this now unzoned and largely unregulated property. The City's building setback and screening/buffering requirements will be enforced on this project to safeguard compatibility with the existing uses.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

## **RECOMMENDATION**

That the Planning & Zoning Commission recommend:

1. APPROVAL of Comprehensive Plan Amendment Case P12-515 based on the following:
  - a. Consistency with Comprehensive Plan Action LUD 1.1.5;
  - b. Consistency with Comprehensive Plan Goal LUD 7;
  - c. Consistency with Comprehensive Plan Action LUD 9.1.2; and
  - d. Consistency with Comprehensive Plan Action LUD 1.2.1
2. APPROVAL of the Staff Report as the Planning and Zoning Commission's final recommendation to the City Council.

## **EXHIBITS**

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. TEDC Baker Hughes Oilfield Operations, Inc. Agreement
- F. Comp Plan Amendment Application
- G. An Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas
- H. Public Comment Form(s)

Exhibit "A"  
Aerial Photo

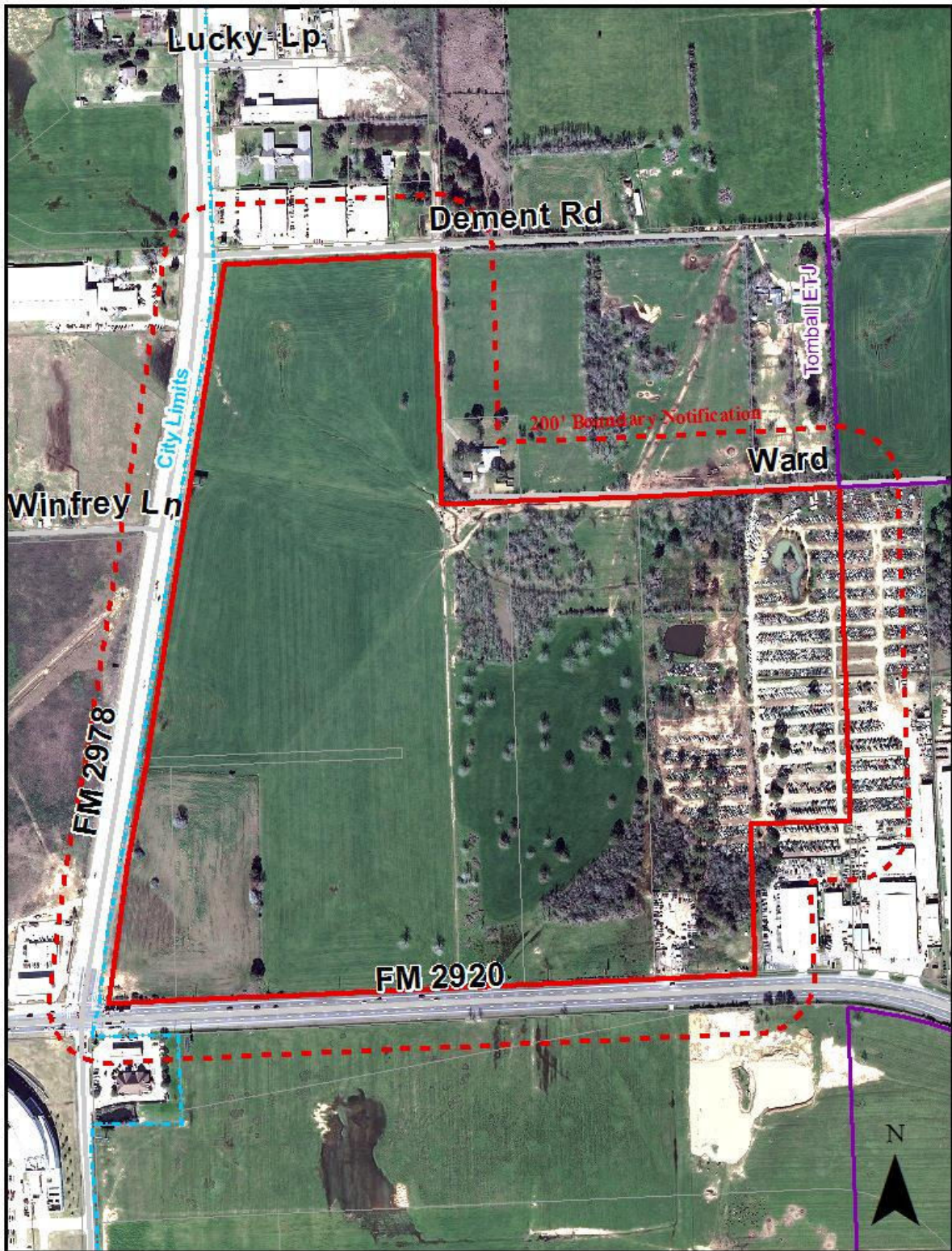


Exhibit "B"  
Zoning Map

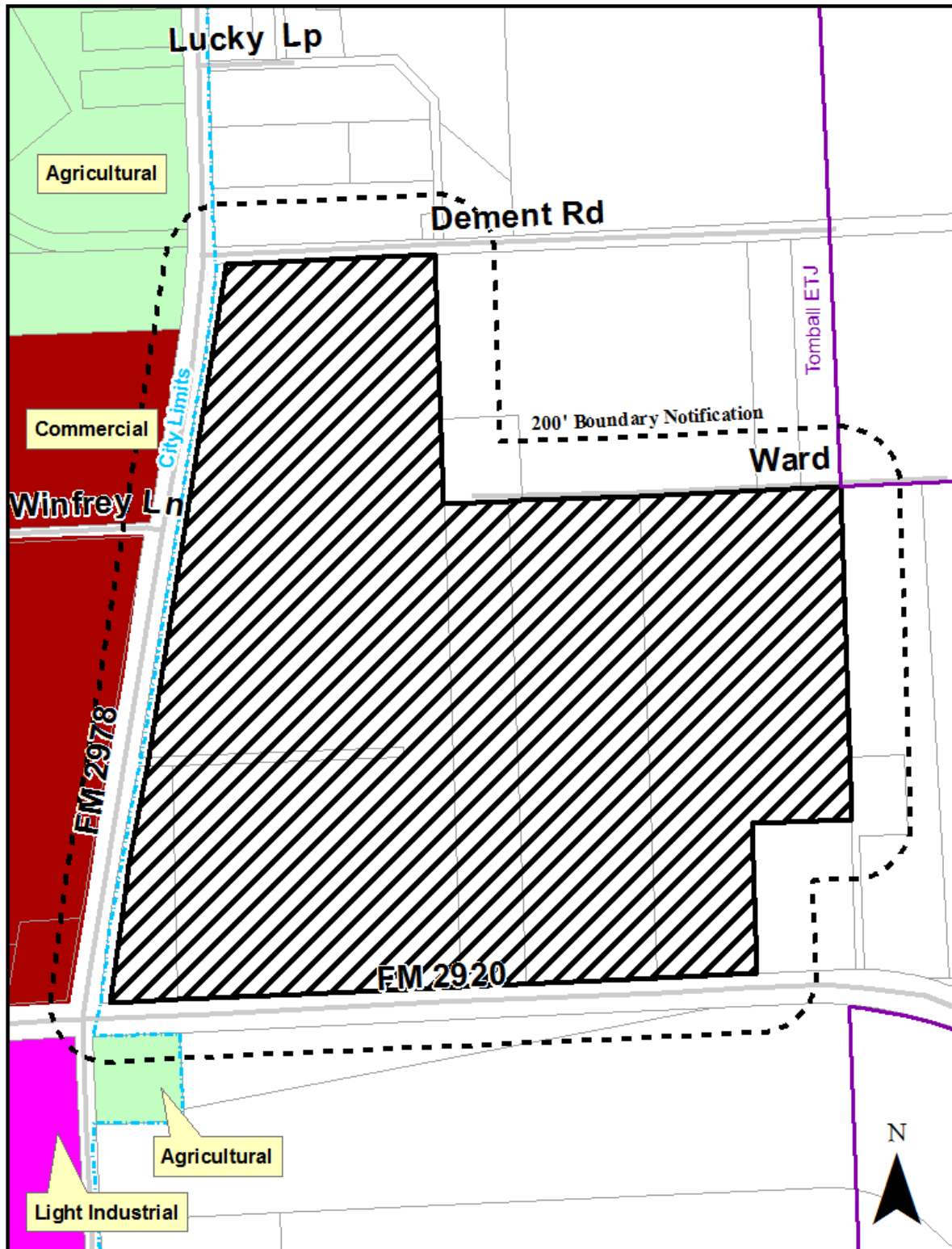
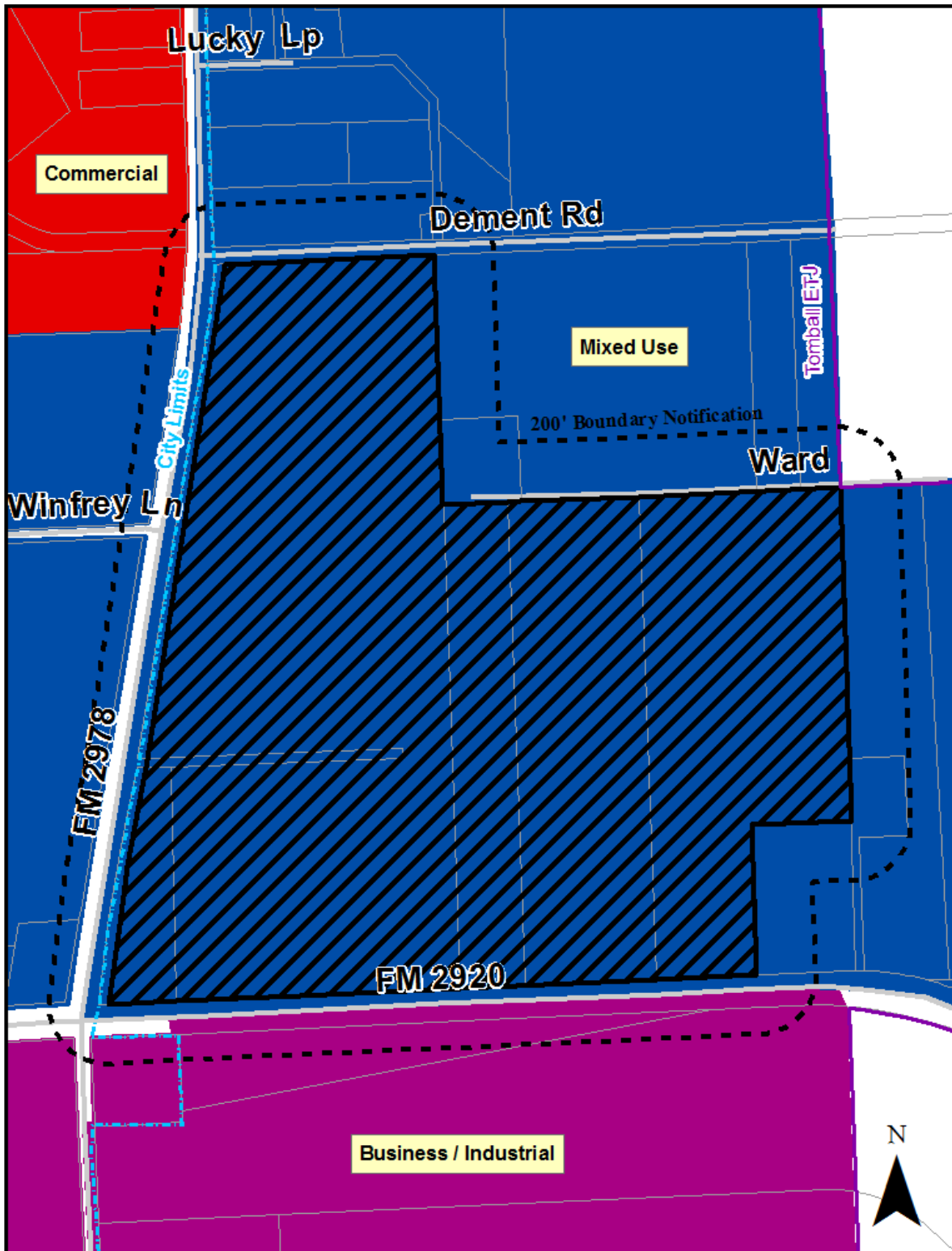


Exhibit "C"  
Comprehensive Plan Future Land Use Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: Subject site.**



Figure 3: North of subject site.



Figure 4: North of subject site.



**Figure 5: South of subject site.**



**Figure 6: West of subject site.**



**Figure 7: West of subject site.**



**Figure 8: East of subject site.**

**Exhibit “E”**  
**TEDC Baker Hughes Oilfield Operations, Inc. Agreement**



**TO:** Honorable Mayor and City Council

**FROM:** Kelly Violette  
Executive Director

**MEETING DATE:** September 4, 2012

**SUBJECT:** Baker Hughes Oilfield Operations, Inc. Agreement

---

On August 8, 2012, the Tomball Economic Development Corporation (TEDC) received a request from George Bernhardt, Managing Counsel – Global Real Estate, Baker Hughes Oilfield Operations, Inc., for grant funding assistance related to infrastructure improvements associated with a new Western Hemisphere Education Center proposed for a 50 acre site located at the northeast corner of FM 2920 and FM 2978 in the City’s Extraterritorial Jurisdiction (ETJ).

The proposed project involves the development of a 72,445 square foot 3-story education building, a 36,000 square foot workshop, a 16,730 square foot canteen, lab & auditorium, and a 156,000 square foot yard with two training rigs. The project will be an integrated facility to enhance the educational opportunities for Baker Hughes personnel and customers. The facility expects to have an average headcount of 5,500 trainee-days per month or 66,000 per year.

The estimated capital investment for this project is \$54 million. Baker Hughes is currently negotiating the purchase of the site, which is located outside the City limits, and will submit a request for annexation upon completion of the property acquisition. Baker Hughes has also indicated that it will request a ten-year tax abatement from the City of Tomball.

Baker Hughes is requesting grant funding assistance from the TEDC for infrastructure costs associated with the development of this site. The eligible infrastructure and site improvements for this project total \$3,635,406.

The attached agreement proposes grant funding in an amount not to exceed \$912,889, to be paid annually in increments of \$182,578 for a period of five years. The incentive was calculated based upon 30 percent of the project’s net benefit to the City (over a five year term. The estimated annual rate of return on the incentive is 86% with a payback period

of 1.3 years. This grant amount is consistent with economic development incentives offered by regional organizations for this scale of project.

An economic impact analysis was prepared, on behalf of the Tomball Economic Development Corporation, by Impact DataSource and is attached for review.

Exhibit "F"  
Comp Plan Amendment Application

Revised 1/26/10



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



**APPLICATION SUBMITTAL**

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

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

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

**CONTACT INFORMATION:**

**Applicant** EMER HUGHES OUTFIELD OPERATIONS, INC

Name: GEORGE P. BERNHARDT

Title: REAL ESTATE COUNSEL

Mailing Address: 2129 ALLEN POINT DRIVE 200

City: HOUSTON State: TX

Zip: 77019

Phone: (713) 437-8061 Fax: ( ) N/A

Email: GEORGE.BERNHARDT@EMERHUGHES.COM

**Owner**

Name: SEE ATTACHMENT 1

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

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

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

**COMPREHENSIVE PLAN AMENDMENT REQUEST:**

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

**Text Amendment(s)**

Text to be modified:

N/A

Proposed Text Amendment (exact wording):

N/A

**Questions to be answered in Comprehensive Plan Amendment Request Letter:**

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

**Map Amendment(s)**

Current Comprehensive Plan Designation: MIXED USE

Proposed Comprehensive Plan Designation: BUSINESS/INDUSTRIAL

Proposed Use of Property: EDUCATION CENTER, TRAINING WELL SITE, LIGHT MANUFACTURING

Physical Location of Property: N/E CORNER FM 2978 & FM 2920  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: SEE ATTACHED SURVEY & METES & BOUNDS ATTACHMENT 2 & 3  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: UNZONED

Current Use of Property: AGRICULTURAL

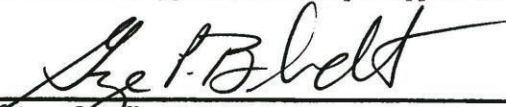
HCAD Identification Number: SEE ATTACHMENT 4

Property Acreage: 96.942

**Questions to be answered in Comprehensive Plan Amendment Request Letter:**

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

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

X  10/29/12  
Signature of Applicant Date

X SEE ATTACHED SIGNATURE PAGE  
Signature of Owner Date

CURRENT OWNER SIGNATURES:

*Mary McGill Criner Adickes*

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

\_\_\_\_\_  
**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

\_\_\_\_\_  
**RONALD J. COLLINS**

\_\_\_\_\_  
**DONALD CLAUDE CHILDRESS**

\_\_\_\_\_  
**SUSAN D. VARSEL**

\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CURRENT OWNER SIGNATURES:**

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

 *Trustee*

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

\_\_\_\_\_  
**RONALD J. COLLINS**

\_\_\_\_\_  
**DONALD CLAUDE CHILDRESS**

\_\_\_\_\_  
**SUSAN D. VARSEL**

\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CURRENT OWNER SIGNATURES:**

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

*Mark C. Johlke for Ronald J. Collins*  
**RONALD J. COLLINS**

*Mark C. Johlke for Donald Claude Childress*  
**DONALD CLAUDE CHILDRESS**

**SUSAN D. VARSEL**

*Mark C. Johlke*  
**MARK C. JOHLKE** Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CURRENT OWNER SIGNATURES:**

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

**RONALD J. COLLINS**

**DONALD CLAUDE CHILDRESS**

*Susan D. Varsel*  
**SUSAN D. VARSEL**

\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CURRENT OWNER SIGNATURES:

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: Michael E. Novelli

Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CURRENT OWNER SIGNATURES:**

**MARY MCGILL CRINER ADICKES**, individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

**RONALD J. COLLINS**

**DONALD CLAUDE CHILDRESS**

**SUSAN D. VARSEL**

\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: *Charles L. Gilmore*  
Name: Charles L. Gilmore  
Title: Pres



---

**Baker Hughes Incorporated**

**George P. Bernhardt**  
Managing Counsel – Global Real Estate

October 23, 2012

City of Tomball, Texas  
Planning & Zoning Department  
401 Market Street  
Tomball, Texas 77375

Re: Comprehensive Plan Amendment Request Letter for Proposed Baker Hughes Oilfield Operations, Inc. Training Center Site at FM 2920 and Hufsmith-Kohrville Road, Tomball

Dear Ladies & Gentlemen:

This letter is in support of Baker Hughes Oilfield Operations, Inc.'s request for a map amendment of the City of Tomball Comprehensive Plan with respect to approximately 100 acres of land at the northeast corner of FM 2920 and Hufsmith-Kohrville Road. The property is currently located outside of the City of Tomball city limits and is being considered by the city for annexation. The current comprehensive plan shows this property as Mixed Use and Baker Hughes Oilfield Operations, Inc. ("Baker Hughes") has proposed designating the property as Business/Industrial Use. The specific use of the property will be a training center including a classroom building, training workshop and training well site. Eventually light manufacturing use may be added to the property.

This change in comprehensive plan is essential to permit the use of this property for the proposed new Baker Hughes Education Center. This will be a state of the art training facility that will add employment, visibility and property tax revenues to the city. The proposed new facility will greatly enhance the city aesthetically as we expect the classroom building to be one of the most attractive, if not the most attractive, building in the city.

Based on numerous discussions with city leadership we believe that the proposed text amendment will be consistent with the city's goals, objectives and actions. The property is currently planned as mixed use and the change will permit a far

Baker Hughes Incorporated  
2929 Allen Parkway, Suite 2100, Houston, Texas 77019  
Telephone 713/439-8061; Facsimile 713/439-8558  
Internet: george.bernhardt@bakerhughes.com

BH\GPBY\Texas\Tomball\Training Center\Incentives\Ltr to Tomball re BHOO Comprehensive Plan Amendmt 10.23.12.docx 10/23/12

City of Tomball, Texas

October 23, 2012

Page 2

more intense and desirable use of the property than is currently permitted. The surrounding area is principally agricultural and the development that will be made as a result of the proposed text amendment will have a positive impact on the surrounding residences. Due to the size of the property, the industrial areas will be reasonably removed from residential areas and the proposed offices will be an attractive addition to the area.

The proposed amendment will not have a significant impact on vehicular and pedestrian access, roadway capacity, ingress, egress or traffic. A mixed use development under the current plan would have as higher or higher an impact on traffic as the proposed industrial use. The proposed amendment will also complement the existing Baker Hughes facility located across the street. By significantly increasing the taxable value of the property, the new facility that would be built following approval of the text amendment will provide added revenues to the city that the city could use to benefit public health, safety and welfare. The change in land use under the text amendment; however, does not have a significant impact, positive or negative, on the public health, safety and welfare.

For the foregoing reasons we believe that the City of Tomball should grant the requested comprehensive plan amendment.

Very truly yours,

A handwritten signature in blue ink that reads "George P. Bernhardt". The signature is fluid and cursive, with the first name "George" and last name "Bernhardt" clearly legible.

George P. Bernhardt  
Managing Counsel – Global Real Estate

# An Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas

August 18, 2012

Prepared for:

Tomball Economic Development Corporation  
P.O. Box 820  
Tomball, TX 77377

Prepared by:

Impact DataSource  
4709 Cap Rock Drive  
Austin, Texas 78735  
(512) 892-0205  
Fax (512) 892-2569  
[www.impactdatasource.com](http://www.impactdatasource.com)



## **An Executive Summary of the Projected Economic Impact from Baker Hughes**

### **Introduction**

This report presents the results of an economic impact analysis performed by Impact DataSource, Austin, Texas. The analysis was to determine the impact that a Baker Hughes expansion in Tomball, Texas, will have on the economy of the Tomball area and the costs and benefits for local taxing districts over the first ten years.

### **Description of the Facility**

Baker Hughes plans an education center on a 50 acre site for its Tomball facility.

The firm will invest about \$43 million in the center: \$3.3 million for land, \$28 million for buildings and other real property improvements, and \$11.7 million in business personal property.

The facility expects to have numerous out-of-town visitors -- about 50,000 annual visitor days.

The facility expects to have up to 50 workers with average annual salaries of \$40,000 for support personnel and \$80,000 for trainers.

### **The Estimated Economic Impact of the Facility over the Next Ten Years**

The facility will have the following economic impact on the Tomball area over the next ten years:

| <b>Economic Impact over the Next Ten Years</b>                                                     |               |
|----------------------------------------------------------------------------------------------------|---------------|
| Total number of permanent direct and indirect jobs to be created                                   | 79            |
| Number of direct and indirect workers who move to the city                                         | 18            |
| Number of residents that the facility will bring to the city                                       | 54            |
| Number of new residential properties to be built in the city                                       | 4             |
| Number of new students for Tomball ISD                                                             | 12            |
| Salaries to be created for direct and indirect workers                                             | \$49,267,970  |
| Taxable sales and purchases created in the City                                                    | \$100,285,018 |
| The value of residential property to be built for direct and indirect workers who move to the city | \$716,450     |
| The facility's assets that will be added to local tax rolls                                        | \$43,250,000  |

### Costs and Benefits for Local Taxing Districts over the Next Ten Years

Local taxing districts can expect costs and benefits over the next ten years from the facility, as scheduled below, beginning with the additional revenues to be received.

#### *Additional Revenues for Local Taxing Districts*

Local taxing districts can expect to receive the following revenues over the next 10 years from the facility, its employees and workers in indirect jobs created in the community.

| Additional Revenues For Local Taxing Districts Over the Next Ten Years of the Facility's Operation |                    |                    |                  |                        |                           |
|----------------------------------------------------------------------------------------------------|--------------------|--------------------|------------------|------------------------|---------------------------|
|                                                                                                    | Sales Taxes        | Property Taxes     | Utilities        | Utility Franchise Fees | Building Permits and Fees |
| City of Tomball                                                                                    | \$2,005,700        | \$145,796          | \$576,831        | \$91,152               | \$50,000                  |
| Harris County                                                                                      | \$0                | \$167,023          |                  |                        |                           |
| Tomball ISD                                                                                        |                    | \$5,467,371        |                  |                        |                           |
| Lone Star College System                                                                           |                    | \$486,435          |                  |                        |                           |
| <b>Total</b>                                                                                       | <b>\$2,005,700</b> | <b>\$6,266,625</b> | <b>\$576,831</b> | <b>\$91,152</b>        | <b>\$50,000</b>           |

|                          | Hotel Occupancy Taxes | Other Taxes and User Fees | Additional State and Federal School Funding | Total Additional Revenues |
|--------------------------|-----------------------|---------------------------|---------------------------------------------|---------------------------|
| City of Tomball          | \$5,560,282           | \$11,826                  |                                             | \$8,441,587               |
| Harris County            |                       | \$9,855                   |                                             | \$176,878                 |
| Tomball ISD              |                       |                           | \$603,573                                   | \$6,070,944               |
| Lone Star College System |                       |                           |                                             | \$486,435                 |
| <b>Total</b>             | <b>\$5,560,282</b>    | <b>\$21,680</b>           | <b>\$603,573</b>                            | <b>\$15,175,844</b>       |

#### *Additional Costs for Local Taxing Districts*

Local taxing districts will incur the following costs over the next 10 years, as a result of the facility and direct and indirect employees.

| Costs for Local Taxing Districts Over the Next 10 Years<br>of the Facility's Operation |                                             |                                                         |                                          |                                                                                                                  |                    |
|----------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------|
|                                                                                        | Costs of<br>Services to<br>New<br>Residents | Costs of<br>Providing<br>Monthly<br>Utility<br>Services | Costs of<br>Educating<br>New<br>Students | Reduction<br>in State<br>School<br>Funding as a<br>Result of<br>Property<br>being Added<br>to Local<br>Tax Rolls | Total              |
| City of Tomball                                                                        | \$59,128                                    | \$547,990                                               |                                          |                                                                                                                  | \$607,118          |
| Harris County                                                                          | \$19,709                                    |                                                         |                                          |                                                                                                                  | \$19,709           |
| Tomball ISD                                                                            |                                             |                                                         | \$570,041                                | \$4,060,327                                                                                                      | \$4,630,368        |
| Lone Star College System                                                               |                                             |                                                         |                                          |                                                                                                                  | \$0                |
| <b>Total</b>                                                                           | <b>\$78,838</b>                             | <b>\$547,990</b>                                        | <b>\$570,041</b>                         | <b>\$4,060,327</b>                                                                                               | <b>\$5,257,196</b> |

#### *Additional Net Benefits*

The additional public benefits less additional public costs will result in the following net benefits for the City, County and other local taxing districts over the next ten years of the facility's operation:

| Net Benefits for Local Taxing Districts Over the<br>Next 10 Years of the Facility's Operation |                     |                    |                    |
|-----------------------------------------------------------------------------------------------|---------------------|--------------------|--------------------|
|                                                                                               | Benefits            | Costs              | Net Benefits       |
| City of Tomball                                                                               | \$8,441,587         | \$607,118          | \$7,834,469        |
| Harris County                                                                                 | \$176,878           | \$19,709           | \$157,168          |
| Tomball ISD                                                                                   | \$6,070,944         | \$4,630,368        | \$1,440,576        |
| Lone Star College System                                                                      | \$486,435           | \$0                | \$486,435          |
| <b>Total</b>                                                                                  | <b>\$15,175,844</b> | <b>\$5,257,196</b> | <b>\$9,918,648</b> |

**Exhibit “H”**  
**Public Comment Form(s)**

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P12-514**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

- Conduct a Public Hearing on **ZONING CASE P12-514**

### Background:

### Origination:

Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

**Recommendation:**

**Funding:**

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

Brandy Pate, Engineering and Planning

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

**ATTACHMENTS:**

Notice of Public Hearing  
Property Owner Notification Letter  
P12-514 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
DECEMBER 10, 2012  
&  
CITY COUNCIL  
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

**ZONING CASE P12-514:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**COMPREHENSIVE PLAN CASE P12-515:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

**COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

**ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 one or more of the above cases, the date and time of

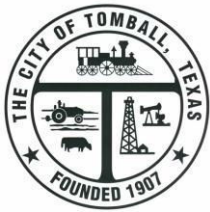
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 6th day of December 2012 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

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



## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P12-514

**APPLICANT:** Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

**LOCATION:** Northeast corner of F.M. 2920 and F.M. 2978

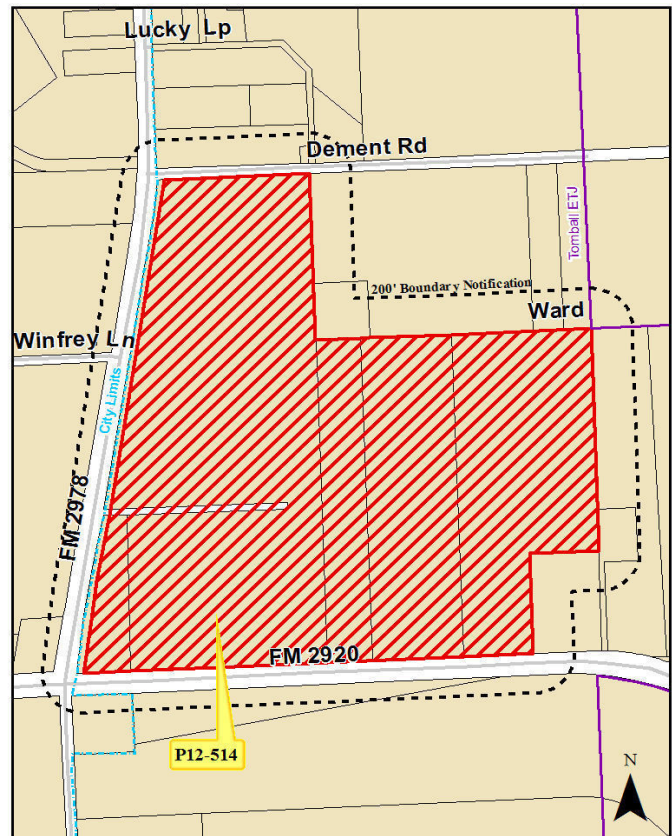
**PROPOSAL:** See Attached

\*\*\*

**CONTACT:** Rodney Schmidt  
**PHONE:** (281) 290-1410  
**E-MAIL:** [rschmidt@tomballtx.gov](mailto:rschmidt@tomballtx.gov)

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

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

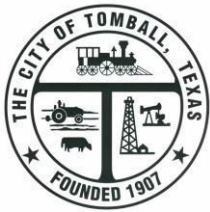


**Planning & Zoning Commission  
Public Hearing:  
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 17, 2012, 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.



## *Notice of Public Hearing*

**CASE NUMBER:** P12-514

**PROPOSAL:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.



## ***Rezoning Staff Report***

Planning & Zoning Commission Public Hearing Date: December 10, 2012

**Rezoning Case:** P12-514

**Property Owner(s):** Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

**Applicant:** Baker Hughes Oilfield Operations, Inc.

**Legal Description:** Tract 1  
Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 1 (B)  
Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 2  
Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the

remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 3

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Tract 4

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location:</b>                           | Northeast corner of F.M. 2920 and F.M. 2978 (Exhibit “A”)                                                                                                                                                                                                                                                                                                                                                            |
| <b>Area:</b>                               | 96.94 acres                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Present Zoning and Use:</b>             | Unzoned Extraterritorial Jurisdiction (Exhibit “B”) /<br>Agricultural, Collision Center, and Salvage Yard                                                                                                                                                                                                                                                                                                            |
| <b>Comprehensive<br/>Plan Designation:</b> | Mixed Use (Exhibit “C”)<br><br><b>** A Comprehensive Plan Amendment to<br/>“Business/Industrial” is proposed as part of Zoning<br/>Case P12-515 **</b>                                                                                                                                                                                                                                                               |
| <b>Proposed Zoning and Use:</b>            | Light Industrial District / Education Center, Training Well<br>Site, and Light Manufacturing Facility<br><br><b>It should be noted, that any use permitted in the<br/>proposed district would be allowed at this location if the<br/>zoning is changed. Furthermore, the Planning &amp;<br/>Zoning Commission may consider zoning classifications<br/>other than that sought by the applicant for this property.</b> |

### **Adjacent Zoning & Land Uses:**

- North:** Unzoned Extraterritorial Jurisdiction / Commercial, single-family residences, & agricultural
- South:** Agricultural District and Unzoned Extraterritorial Jurisdiction / F.M. 2920 right-of-way, convenience store, & agricultural
- West:** Commercial & Agricultural Districts / F.M. 2978 right-of-way, convenience store, undeveloped land, & commercial
- East:** Unzoned Extraterritorial Jurisdiction / Automotive shop & salvage yard

### **BACKGROUND**

Baker Hughes Oilfield Operations is in the process of developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as an education center, Training Well Site, and light manufacturing facility (Exhibit “D”). The City is currently in the process of annexing the subject site. On October 1 and October 8, 2012, City Council approved resolutions declaring the intent of the City to annex the subject site and on November 5 and November 19, 2012, public hearings for the annexation were held. The annexation ordinances for the subject site are anticipated to be heard by City Council on December 10<sup>th</sup> for a first reading and December 17<sup>th</sup> for a second reading.

Upon possible annexation on December 17<sup>th</sup>, the subject site will be assigned a zoning classification of “Agricultural District” per Section 6.1 of the Zoning Ordinance. Because Baker Hughes will require the site to be zoned “Light Industrial District” to operate as they intend, they have submitted a Rezoning application requesting the property be zoned “Light Industrial District” (Exhibit “E”). They have additionally requested a change in the Comprehensive Plan’s Future Land Use (FLU) designation of the property from “Mixed Use” to “Business/Industrial” (to be heard as part of Zoning Case P12-515).

### **ANALYSIS**

There are several land uses in the area. To the north of the subject site are commercial, single-family residential, and agricultural land uses in the City’s unzoned Extraterritorial Jurisdiction; to the south is F.M. 2920, a Shell convenience store, and agricultural land in the City’s unzoned Extraterritorial Jurisdiction and Agricultural District; to the west is F.M. 2978, a Stripes convenience store, undeveloped land, and the Crow Corporation in the Commercial and Agricultural Districts; and to the east is Charlie’s Auto & Truck Salvage in the City’s unzoned Extraterritorial Jurisdiction (Exhibit “F”).

The proposed zoning classification of Light Industrial “is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” Although City Staff does have concerns about the impact that the Light Industrial District may have on the single-family residences to the north, the Light Industrial District and the proposed use of the site are not anticipated to be any more incompatible with the area than the existing agricultural and salvage yard land uses and are not anticipated to be any more incompatible than the highest uses permitted on this now unzoned property. Further, some agricultural land uses and a salvage yard land use are only permitted with a conditional use permit in the

Light Industrial District leading staff to surmise that the Light Industrial District may serve to eschew incompatible land uses more than the its current unzoned and unregulated status.

The Comprehensive Plan's FLU map identifies the site as "Mixed Use." The Comprehensive Plan (CP) states, "Mixed Use is intended to include a mix of office, retail/commercial and high density residential uses in a master planned, integrated manner." The proposed Rezoning to the Light Industrial District does not appear to be consistent with the CP. However, if case P12-515 is approved and the Comprehensive Plan's FLU designation for the property is changed from "Mixed Use" to "Business/Industrial," the Rezoning request to Light Industrial would then appear to be consistent with the CP.

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. 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.**

Although City Staff does have concerns about the impact that the Light Industrial District may have on the single-family residences to the north, the Light Industrial District and the proposed use of the site are not anticipated to be any more incompatible with the area than the existing agricultural and salvage yard land uses and are not anticipated to be any more incompatible than the highest uses permitted on this now unzoned property. Further, some agricultural land uses and a salvage yard land use are only permitted with a conditional use permit in the Light Industrial District leading staff to surmise that the Light Industrial District may serve to eschew incompatible land uses more than the its current unzoned and unregulated status.

**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 numerous vacant tracts in the vicinity and elsewhere in the City zoned Light Industrial District.

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

There has been steady development City-wide and within the vicinity in the Light Industrial. Baker Hughes has recently constructed several improvements to their existing site at the southwest corner of F.M. 2920 and F.M. 2978 in the Light Industrial 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, 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 zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

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

According to the CP, Rezoning is “to conform to the intended future land use pattern shown on the Future Land Use [FLU] Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

On its face, the proposed Rezoning to the Light Industrial does not appear to be consistent with the CP. However, if case P12-515 is approved and the Comprehensive Plan’s FLU designation for the property is changed from “Mixed Use” to “Business/Industrial,” the Rezoning request to Light Industrial would appear to be consistent with the CP.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

## **RECOMMENDATION**

1. **APPROVAL** of Zoning Case P12-514 based on the following:

- a. If P12-515 is approved, the proposed zoning of Light Industrial District would appear to be generally compatible with the Comprehensive Plan;
  - b. The proposed zoning of Light Industrial District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
  - c. There is sufficient utility capacity to service a light industrial use on this site.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission's final recommendation to the City Council.

### **EXHIBITS**

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

Exhibit "A"  
Aerial Photo

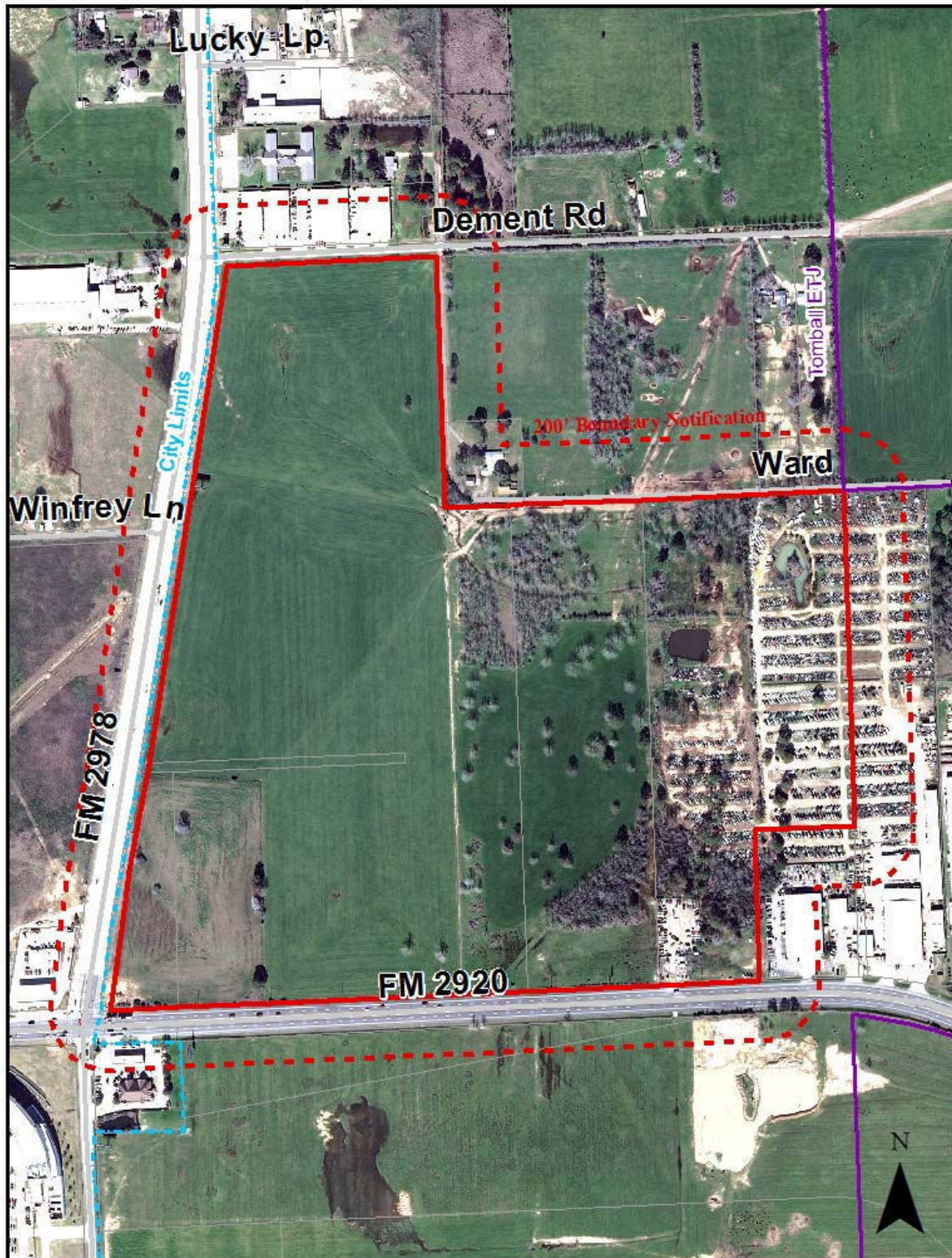


Exhibit "B"  
Zoning Map

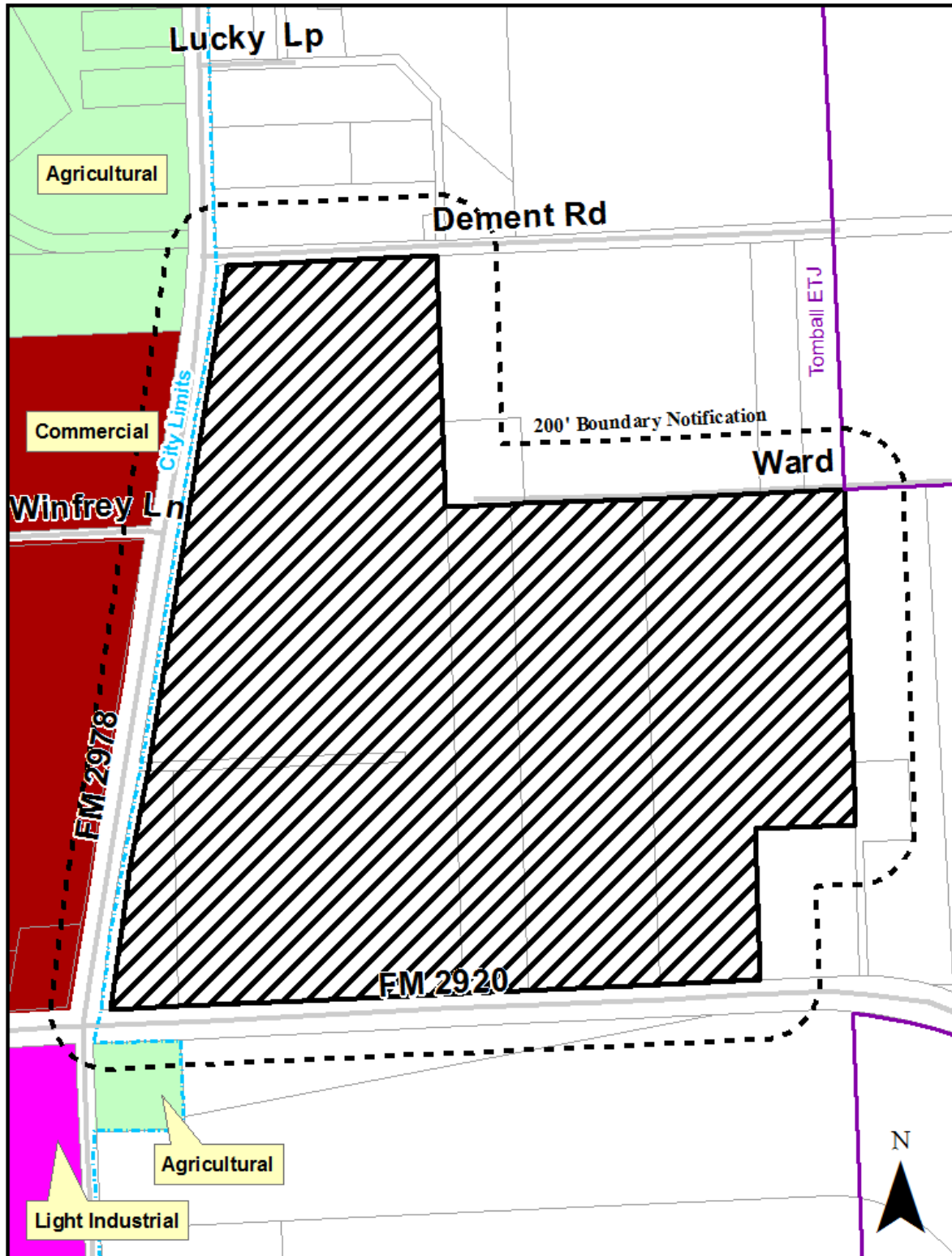


Exhibit "C"  
Comprehensive Plan Future Land Use Map

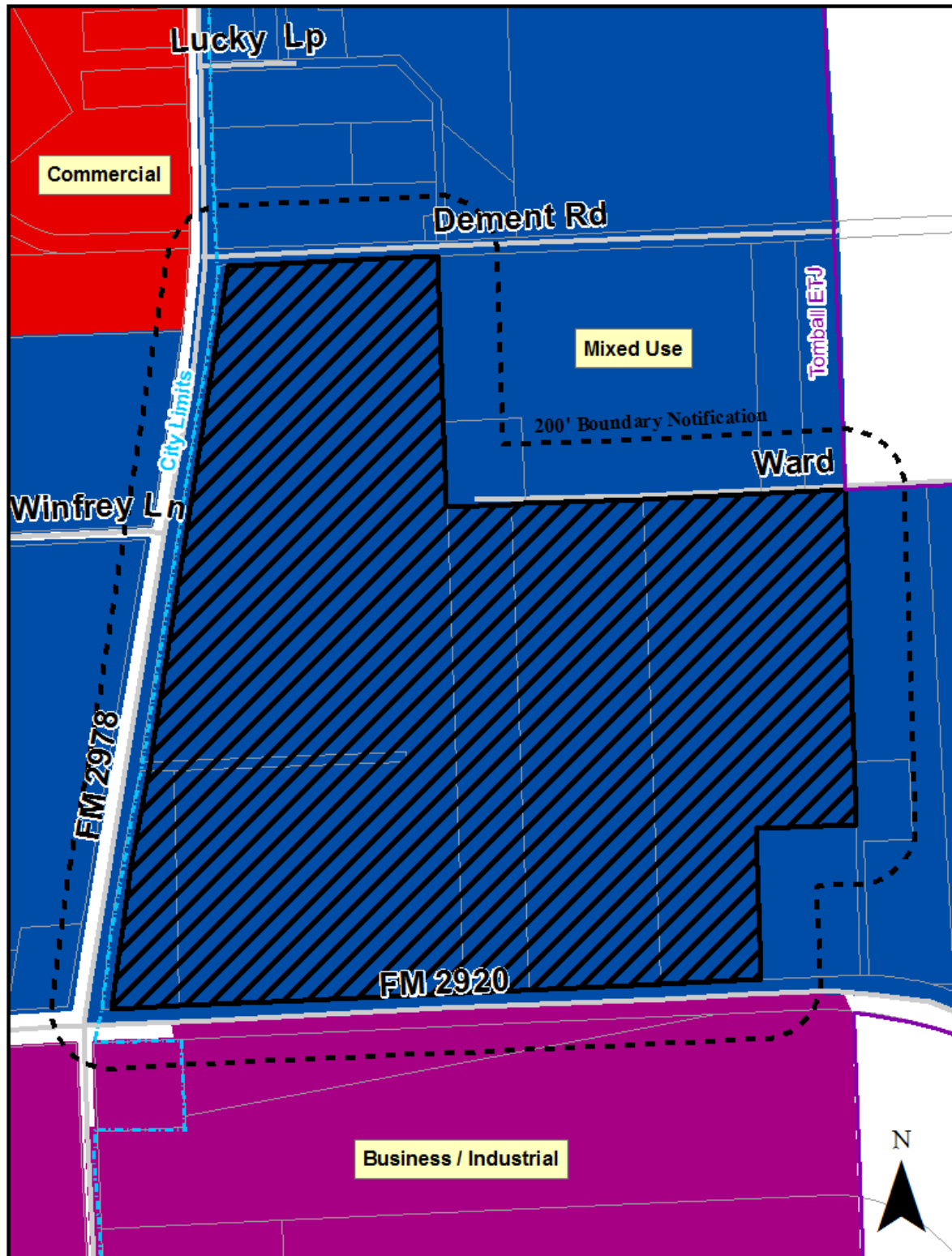


Exhibit "D"  
Conceptual Site Plan

**energy**  
ARCHITECTURE  
2777 Allen Parkway, Suite 450  
Houston, Texas  
77019  
713.487.3400 PH  
713.664.3077 FX

**BAKER  
HUGHES**  
Western Hemisphere  
Education Center

SD Site Plan  
10/21/12  
12049

NOT FOR REGULATORY APPROVAL  
PERMITTING OR CONSTRUCTION

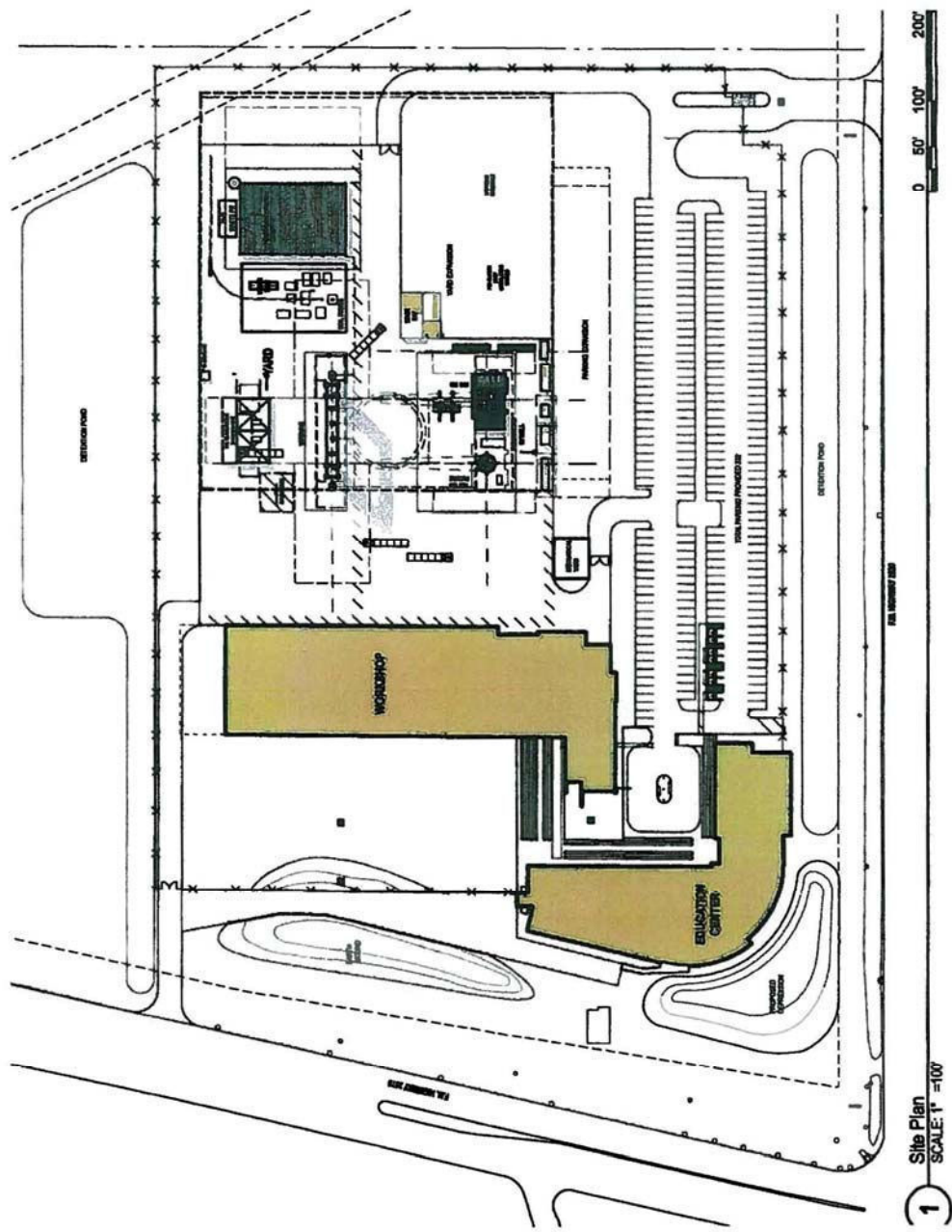


Exhibit "E"  
Rezoning Application

Revised 1/20/09



**APPLICATION FOR REZONING**  
Engineering & Planning Department



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

**Applicant** GEORGE P. BERNHARDT  
Name: BAKER HUGHES OILFIELD OPERATIONS, INC. Title: REAL ESTATE COUNSEL  
Mailing Address: 2727 ALLEN PKWY SUITE 2100 City: HOUSTON State: TX  
Zip: 77019  
Phone: (713) 439-8061 Fax: ( ) Email: GEORGE.BERNHARDT@BAKERHUGHES.COM

**Owner**  
Name: SEE ATTACHMENT 1 Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

**Description of Proposed Project:** CLASSROOM BLDG, TRAINING WORKSHOP, TRAINING WELL-SITE

**Physical Location of Property:** N/E CORNER FM 2978 & FM 2920  
[General Location – approximate distance to nearest existing street corner]

**Legal Description of Property:** SEE ATTACHED SURVEY & METES & BOUNDS - ATTACHMENTS 2 & 3  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** UNZONED

**Current Use of Property:** AGRICULTURAL

**Proposed Zoning District:** LIGHT INDUSTRIAL

**Proposed Use of Property:** EDUCATION CENTER, TRAINING WELL-SITE, LIGHT MANUFACTURING

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 Lee P. Bellet 10/29/12  
Signature of Applicant Date

X SEE ATTACHED SIGNATURE PAGE  
Signature of Owner Date

CURRENT OWNER SIGNATURES:

*Mary McGill Criner Adickes*

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

\_\_\_\_\_  
**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

\_\_\_\_\_  
**RONALD J. COLLINS**

\_\_\_\_\_  
**DONALD CLAUDE CHILDRESS**

\_\_\_\_\_  
**SUSAN D. VARSEL**

\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CURRENT OWNER SIGNATURES:

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

 *Trustee*

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

\_\_\_\_\_  
**RONALD J. COLLINS**

\_\_\_\_\_  
**DONALD CLAUDE CHILDRESS**

\_\_\_\_\_  
**SUSAN D. VARSEL**

\_\_\_\_\_  
\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CURRENT OWNER SIGNATURES:**

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

Mark C. Johlke for Ronald J. Collins  
**RONALD J. COLLINS**

Mark C. Johlke for Donald Claude Childress  
**DONALD CLAUDE CHILDRESS**

**SUSAN D. VARSEL**

Mark C. Johlke  
**MARK C. JOHLKE** Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: \_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CURRENT OWNER SIGNATURES:

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

Susan D. Varsel  
SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

By: Michael E. Novelli  
President

ABCO LAND CORPORATION

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CURRENT OWNER SIGNATURES:

**MARY MCGILL CRINER ADICKES**, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

**BILL PATTERSON**, Trustee of the Thomas Walter Blake Trust

**RONALD J. COLLINS**

**DONALD CLAUDE CHILDRESS**

**SUSAN D. VARSEL**

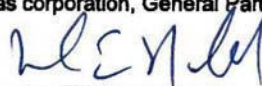
\_\_\_\_\_  
Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY**,  
a Texas corporation, General Partner

AN

By:

  
\_\_\_\_\_  
Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CURRENT OWNER SIGNATURES:**

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

**CYPRESSBROOK 2920, L.P.**

By: **THE ESTERBROOK COMPANY,**  
a Texas corporation, General Partner

By: Michael E. Novelli  
President

**ABCO LAND CORPORATION**

By: Charles L. Gilmore  
Name: Charles L. Gilmore  
Title: Pres



---

**Baker Hughes Incorporated**

**George P. Bernhardt**  
Managing Counsel – Global Real Estate

October 23, 2012

City of Tomball, Texas  
Planning & Zoning Department  
401 Market Street  
Tomball, Texas 77375

Re: Zoning Application for Baker Hughes Oilfield Operations, Inc. Training Center Site  
at FM 2920 and Hufsmith Kohrville Road, Tomball

Dear Ladies & Gentlemen:

This letter is in support of Baker Hughes Oilfield Operations, Inc.'s request to rezone approximately 100 acres of land at the northeast corner of FM 2920 and Hufsmith-Kohrville Road. The property is currently located outside of the City of Tomball city limits and is being considered by the city for annexation. It is our understanding that upon annexation the property will automatically be zoned agricultural and that we will need to rezone the property if we want to use it for any other purpose.

The property will initially be used as the site for an oilfield services training center. The training center will include a classroom building and a workshop building to provide both academic and hands-on training to Baker Hughes employees and customers from throughout the Western Hemisphere. The property will also include one or more training wells and wireline training wells together with associated support buildings and storage yard. The complex will be used for training all manner of oilfield services activities from theoretical training of engineers to basic well services, including, without limitation, training related to drilling, directional drilling, pressure pumping, hydraulic fracturing, well logging, and other downhole measurement and analysis. In the future we may add light manufacturing to the property.

Baker Hughes Incorporated  
2929 Allen Parkway, Suite 2100, Houston, Texas 77019  
Telephone 713/439-8061; Facsimile 713/439-8558  
Internet: george.bernhardt@bakerhughes.com

BH\GPBY:\Texas\Tomball\Training Center\Incentives\Ltr to Tomball re BHOO Rezoning 10.18.12.docx 10/23/12

City of Tomball, Texas  
October 23, 2012  
Page 2

In light of the proposed use of the property, we request that the land be rezoned upon completion of annexation to light industrial to accommodate the development of our proposed Western Hemisphere Education Center.

Very truly yours,

A handwritten signature in blue ink that reads "George P. Bernhardt". The signature is fluid and cursive, with the first name "George" and last name "Bernhardt" clearly legible.

George P. Bernhardt  
Managing Counsel – Global Real Estate

**Exhibit “F”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: Subject site.**



Figure 3: North of subject site.



Figure 4: North of subject site.



Figure 5: South of subject site.



Figure 6: West of subject site.



**Figure 7: West of subject site.**



**Figure 8: East of subject site.**

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **COMPREHENSIVE PLAN CASE P12-517**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

- Conduct a Public Hearing on **COMPREHENSIVE PLAN CASE P12-517**

### Background:

### Origination:

Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

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

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-517 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
DECEMBER 10, 2012  
&  
CITY COUNCIL  
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

**ZONING CASE P12-514:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**COMPREHENSIVE PLAN CASE P12-515:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

**COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

**ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 one or more of the above cases, the date and time of

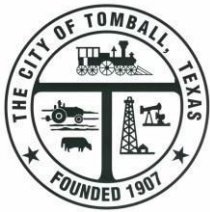
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 6th day of December 2012 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

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



## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P12-517

**APPLICANT:** Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

**LOCATION:** Easterly of South Chestnut Street, southerly of Timkin Road

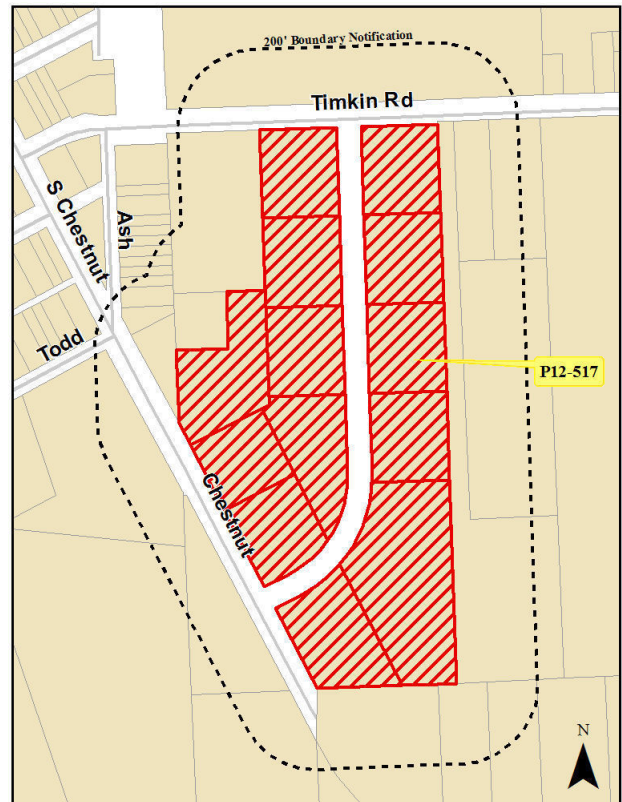
**PROPOSAL:** Request to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from Medium Density Residential to Business/Industrial.

\*\*\*

**CONTACT:** Rodney Schmidt

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

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



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

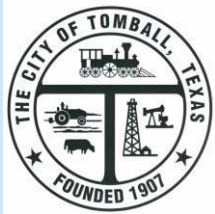
This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also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

**Planning & Zoning Commission  
Public Hearing:  
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 17, 2012, 6:00 PM**

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

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



## ***Comprehensive Plan Amendment Staff Report***

Planning & Zoning Commission Public Hearing Date: December 10, 2012

**Comp Plan Amend Case:** P12-517

**Property Owner(s):** Albers Properties, L.P. and 5 B Ventures, L.L.C.

**Applicant(s):** Dan Schaub

**Legal Description:** Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park

**Location:** Easterly of South Chestnut Street, southerly of Timkin Road (Exhibit "A")

**Area:** 16.1 acres

**Present Zoning & Usage:** Single-Family Residential-6 (SF-6) District (Exhibit "B") / Chestnut Business Park

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

**Proposed FLU:** Business/Industrial

**Adjacent Future Land Use Designation & Land Usage:**

- North:** Employment/Office / Timkin Road and Concordia Lutheran High School
- South:** Medium Density Residential and Mixed Use / Undeveloped land
- East:** Medium Density Residential / South Chestnut Street, residences, and undeveloped land
- West:** Medium Density Residential, High Density Residential, and Mixed Use / Concordia Lutheran High School athletic facilities and mini-warehouse (Exhibit "D")

### **BACKGROUND**

Chestnut Business Park is a 16.1 acre development located easterly of South Chestnut Street, southerly of Timkin Road. Four of the business park's 13 tracts are currently developed; three with buildings and one with a storm-water detention facility. Chestnut Business Park's first permit was pulled on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project." Vesting gives a project certain rights to develop according to standards applying to that project at the time of its first permit. The Vested Rights Letter given to Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District.

Over time, the City has been approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, and October 14, 2011.

On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was informed that he could request a rezoning of the property from SF-6 to Planned Development District (PDD) and request all the proposed uses in the PDD application which could eliminate the need for his Vested Rights Letter.

City staff explained to Mr. Schaub that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of “Medium Density Residential” which does not appear to be compatible with a business park. Mr. Schaub was informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his rezoning request.

On October 30, 2012, the City of Tomball received a CP amendment (Exhibit “E”) and rezoning application from Mr. Schaub for the subject site. Case P12-516 is the request to change the zoning of the property from SF-6 to Planned Development District; case P12-517 is the request to change the CP FLU designation of the property from “Medium Density Residential” to “Business/Industrial.”

## **ANALYSIS**

The Comprehensive Plan’s FLU map identifies the subject site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The applicant is requesting the property be given a CF FLU designation of “Business/Industrial.” The CP states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.”

There are several CP FLU designations in the vicinity of the subject site. To the north is Employment/Office; to the south are Medium Density Residential and Mixed Use; to the west are Medium Density Residential, High Density Residential, and Mixed Use; and to the east is Medium Density Residential. The proposed Business/Industrial CP FLU appears to be compatible and complimentary with the Employment/Office CP FLU designation to the north. On the surface, the proximity of the proposed Business/Industrial CP FLU to the nearby residences may cause land use compatibility concerns. However, the business park has existed for several years without any known filed complaints from its neighbors siting incompatibility concerns.

The CP allows for amendments to the FLU map if relevant information affecting the use of a parcel is presented. The proposed CP amendment may facilitate the accomplishment of the following CP goals, objectives, and actions:

### **Action LUD 1.1.2**

*Discourage the development of land that cannot demonstrate the existing or planned adequacy of public facilities and services and/or logical extension of public infrastructure improvements.*

Chestnut Business Park already has public facilities (streets, water, sewer, and gas) extended to it.

### **Action LUD 1.2.1**

*Maintain and strengthen effective buffering policies between land uses to ensure compatibility.*

The applicant is proposing the following controls to minimize land use incompatibility:

- All new structures will be built with a rear setback requirement of 5 feet in horizontal setback distance for every 3 feet of building height or 60 feet, whichever is greater. This is the same standard applied in the Light Industrial District for new developments adjacent to residences.
- All applicable land uses and outdoor storage will be screened and buffered per Section 42 (“Screening, Buffering and Fencing Requirements”) of the Zoning Ordinance.
- There will be no outdoor displays.
- There will be no outdoor sales.
- The operations of all businesses will be conducted indoors with the exception of outdoor storage.

Goal LUD 7

*Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.*

The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.

**PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

**RECOMMENDATION**

That the Planning & Zoning Commission recommend:

1. APPROVAL of Comprehensive Plan Amendment Case P12-517 based on the following:
  - a. Consistency with Comprehensive Plan Action LUD 1.1.2
  - b. Consistency with Comprehensive Plan Action LUD 1.2.1; and
  - c. Consistency with Comprehensive Plan Goal LUD 7.
2. APPROVAL of the Staff Report as the Planning and Zoning Commission’s final recommendation to the City Council.

**EXHIBITS**

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

Exhibit "A"  
Aerial Photo

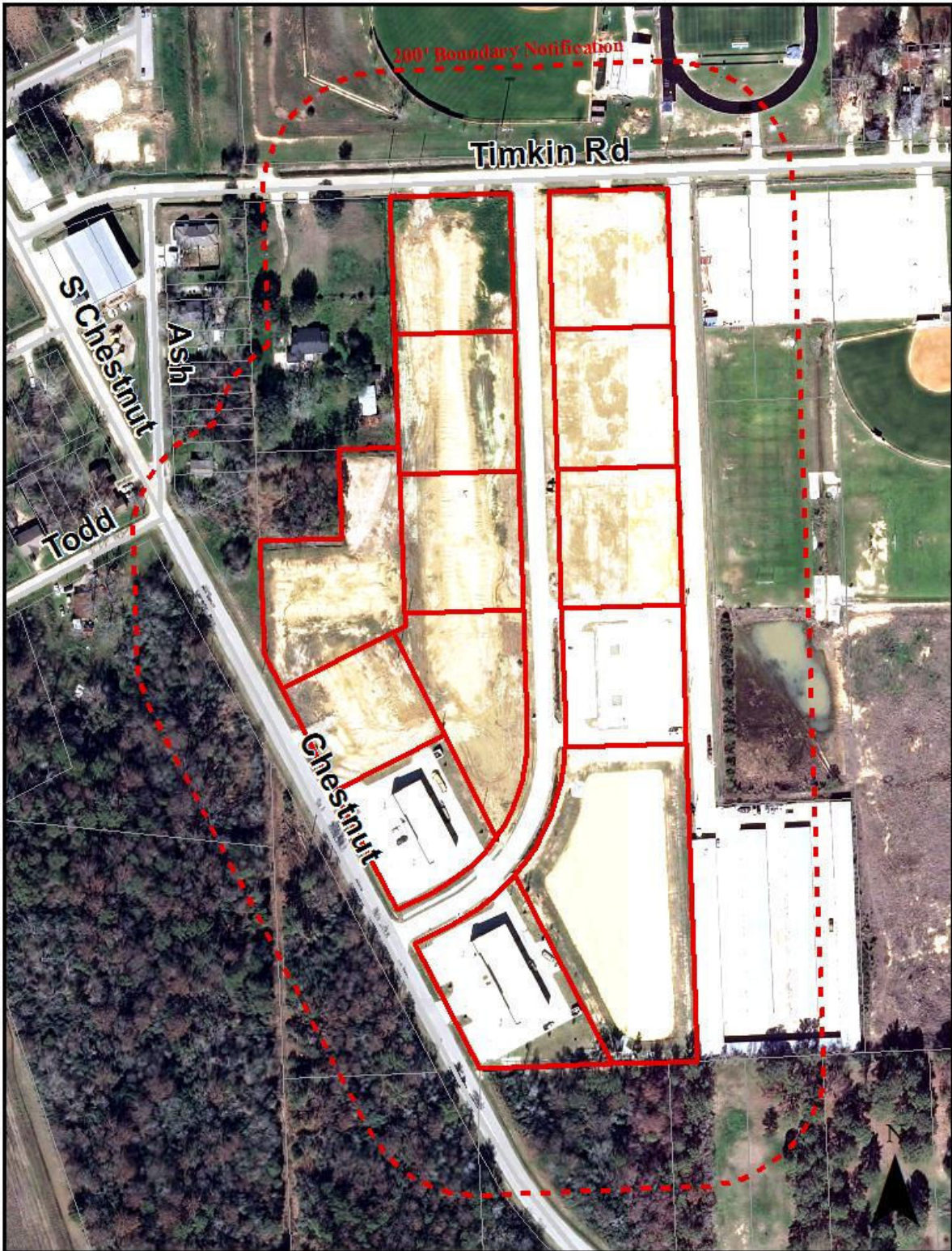


Exhibit "B"  
Zoning Map

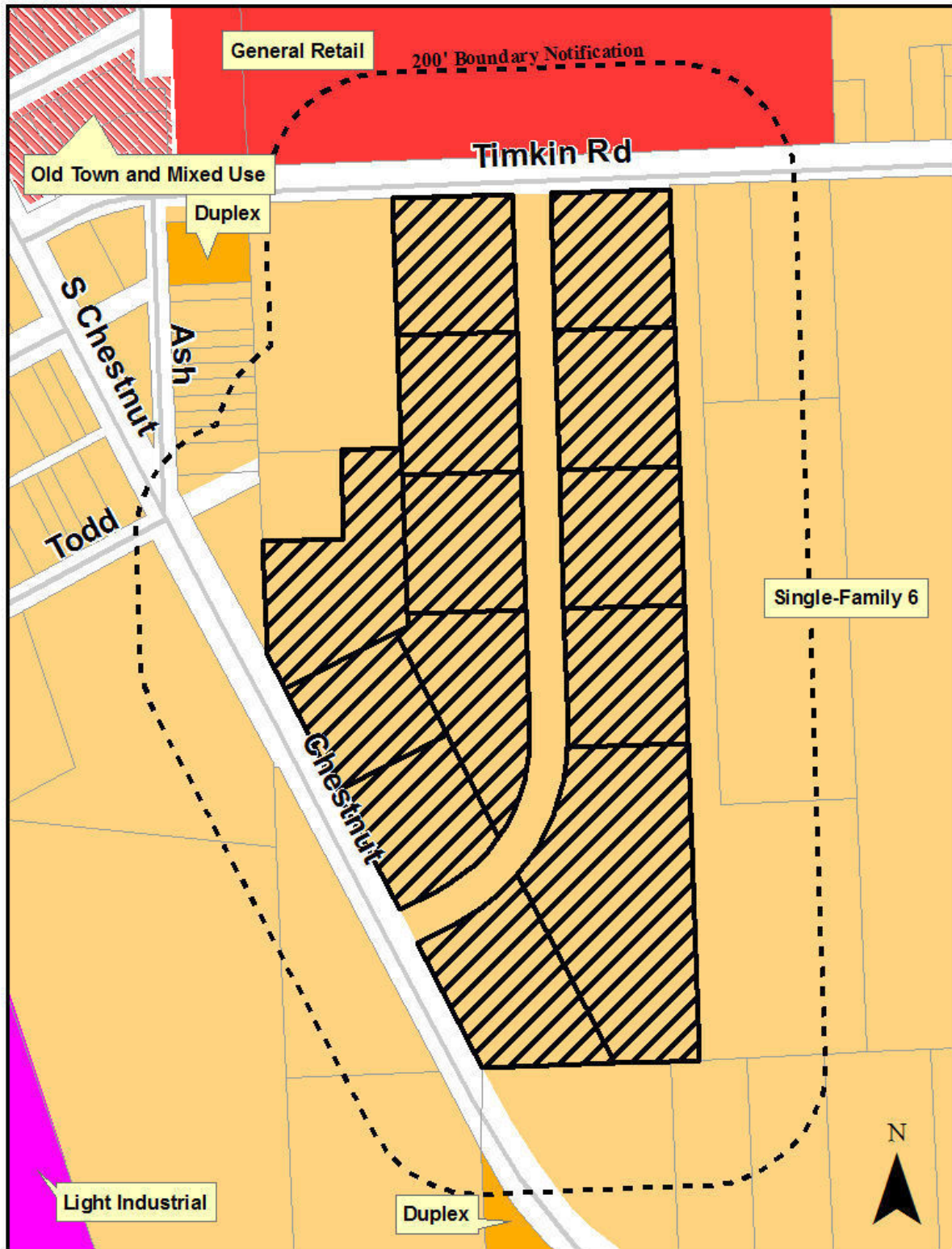
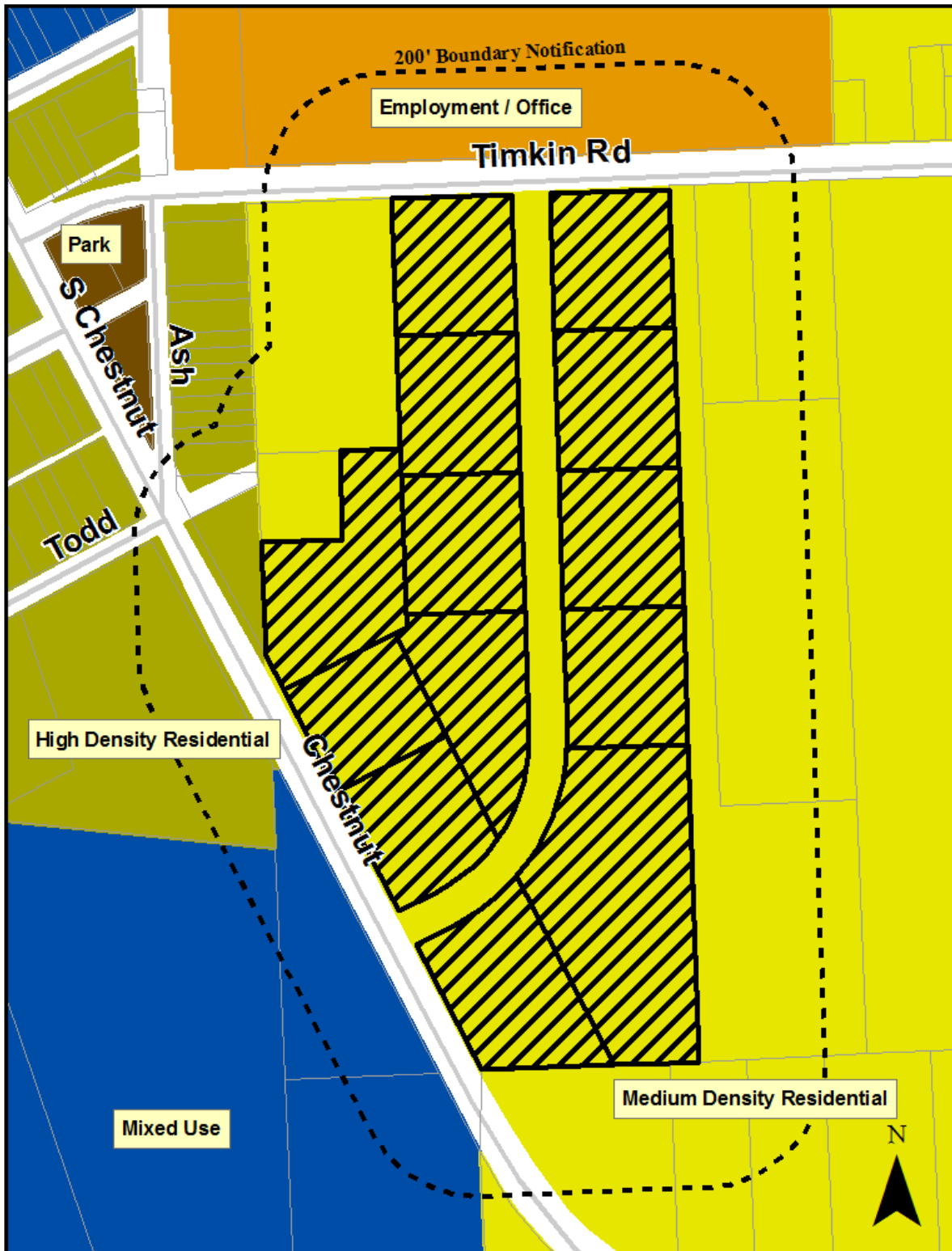


Exhibit "C"  
Comprehensive Plan Future Land Use Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: Subject site.**



**Figure 3: Subject site.**



**Figure 4: Subject site.**



**Figure 5: North of subject site.**



**Figure 6: South of subject site.**



**Figure 7: West of subject site.**



**Figure 8: West of subject site.**



**Figure 9: East of subject site.**

Exhibit "E"  
Comp Plan Amendment Application

Revised 1/26/10



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

**APPLICATION SUBMITTAL**

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

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

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

**CONTACT INFORMATION:**

**Applicant**

Name: DAN SCHAUER Title: Project Manager  
Mailing Address: 21514 FOWES RD. City: TOMBALL State: TX  
Zip: 77377  
Phone: (713) 822-8095 Fax: ( )  
Email: DKSCHAUER@ATT.NET

**Owner**

Name: Albers Properties LP Title: Owner  
Mailing Address: P.O. Box 2563 City: Alpine State: CA  
Zip: 91903  
Phone: (619) 884-2276 Fax: ( )  
Email: ALBERSPROPERTIES@cox.net

OWNER OF 711 S. Chestnut  
M. Bladon Title 10/25/12  
Address: 711 S. Chestnut, Tomball TX 77375

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

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

Phone: 713-775-1835 Email: MAURICE@TAMMARECOMPANIES.COM

Map Amendment(s)

Current Comprehensive Plan Designation: Medium Density Residential

Proposed Comprehensive Plan Designation: Business / Industrial

Proposed Use of Property: PD Planned Development / OFF. Warehouse

Physical Location of Property: South side of Timken Rd, east side of Chestnut St.  
[General Location – approximate distance to nearest existing street corner] KM 288-H

Legal Description of Property: Chestnut Business Park  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF6 - Single Family Zoning District

Current Use of Property: ~~Office District~~ Office Warehouse

HCAD Identification Number: 2137

Property Acreage: App. 16 acres

Questions to be answered in Comprehensive Plan Amendment Request Letter:

Letter for questions

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

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

x *Alan Schaub* 9-11-12  
Signature of Applicant Date

x *Alan Schaub by Alan Schaub* 9-11-12  
Signature of Owner Date

*M. Blase Jr.* DATE 10/25/12  
OWNER - 711 S. CHESTNUT ST.  
TOMBALL, TX 77375

## **Albers Properties, L.P.**

October 25, 2012

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

**Reference: The Rezoning of Chestnut Business Park, Comprehensive Plan  
Admendment Request Letter, in Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. 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 an aesthetically pleasing commercial park but jobs and economic impact to the City. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area. This project will not have negative effects on either 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,

Dean Albers  
Albers Properties LP  
P.O. Box 2563  
Alpine California 91903

Maurice Bledsoe  
711 S. Chestnut St  
Tomball, Texas 77375

**Exhibit “F”**  
**Public Comment Form(s)**

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P12-516**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

- Conduct a Public Hearing on **ZONING CASE P12-516**

### Background:

### Origination:

Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

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

### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-516 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
DECEMBER 10, 2012  
&  
CITY COUNCIL  
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

**ZONING CASE P12-514:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**COMPREHENSIVE PLAN CASE P12-515:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

**COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

**ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 one or more of the above cases, the date and time of

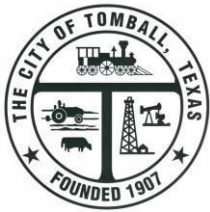
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 6th day of December 2012 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

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



## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P12-516

**APPLICANT:** Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

**LOCATION:** Easterly of South Chestnut Street, southerly of Timkin Road

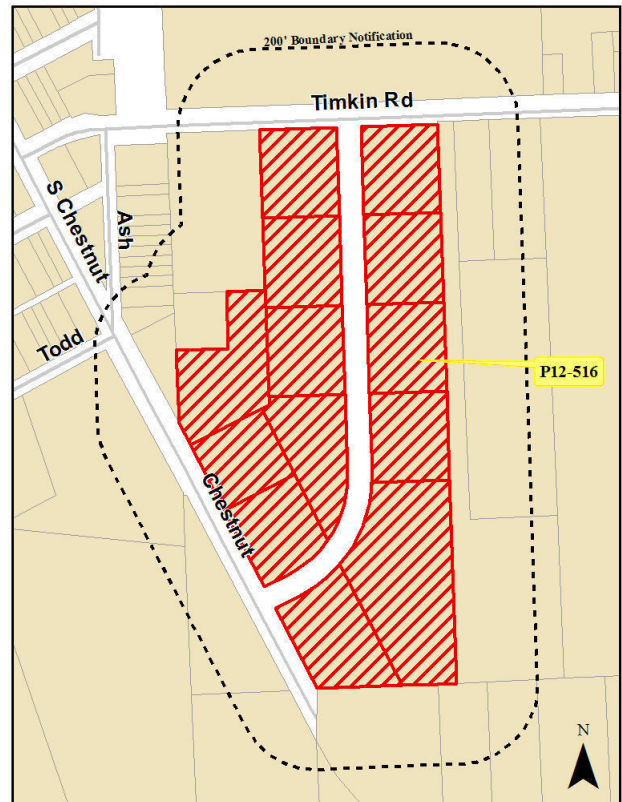
**PROPOSAL:** Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

\*\*\*

**CONTACT:** Rodney Schmidt

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

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



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

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

**Planning & Zoning Commission  
Public Hearing:  
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 17, 2012, 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: December 10, 2012

|                                         |                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Rezoning Case:</b>                   | P12-516                                                                                                                                                                                                                                                                                                                                             |
| <b>Property Owner(s):</b>               | Albers Properties, L.P. and 5 B Ventures, L.L.C.                                                                                                                                                                                                                                                                                                    |
| <b>Applicant:</b>                       | Dan Schaub                                                                                                                                                                                                                                                                                                                                          |
| <b>Legal Description:</b>               | Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park                                                                                                                                                                                                                                                |
| <b>Location:</b>                        | Easterly of South Chestnut Street, southerly of Timkin Road (Exhibit "A")                                                                                                                                                                                                                                                                           |
| <b>Area:</b>                            | 16.1 acres                                                                                                                                                                                                                                                                                                                                          |
| <b>Present Zoning and Use:</b>          | Single-Family Residential-6 (SF-6) District (Exhibit "B") / Chestnut Business Park                                                                                                                                                                                                                                                                  |
| <b>Comp Plan Designation:</b>           | Medium Density Residential (Exhibit "C")<br><b>** A Comprehensive Plan Amendment to "Business/Industrial" is proposed as part of Zoning Case P12-517 **</b>                                                                                                                                                                                         |
| <b>Proposed Zoning and Use:</b>         | Planned Development District #3 / Chestnut Business Park<br><b>It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning &amp; Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.</b> |
| <b>Adjacent Zoning &amp; Land Uses:</b> |                                                                                                                                                                                                                                                                                                                                                     |
| <b>North:</b>                           | General Retail District / Timkin Road and Concordia Lutheran High School                                                                                                                                                                                                                                                                            |
| <b>South:</b>                           | SF-6 & Duplex Districts / Undeveloped land                                                                                                                                                                                                                                                                                                          |
| <b>West:</b>                            | SF-6 District / South Chestnut Street, residences, and undeveloped land                                                                                                                                                                                                                                                                             |
| <b>East:</b>                            | SF-6 District / Concordia Lutheran High School athletic facilities and mini-warehouse                                                                                                                                                                                                                                                               |

### **BACKGROUND**

Chestnut Business Park is a 16.1-acre development located easterly of South Chestnut Street, southerly of Timkin Road. Four of the business park's 13 tracts are currently developed; three with buildings and one with a storm-water detention facility. Chestnut Business Park's first permit was pulled on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project." Vesting gives a project

certain rights to develop according to standards applying to that project at the time of its first permit. The Vested Rights Letter given to Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District.

Over time, the City has been approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, and October 14, 2011. On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was informed that he could request a rezoning of the property from SF-6 to Planned Development District (PDD) and request all the proposed uses in the PDD application which could eliminate the need for his Vested Rights Letter.

City staff explained to Mr. Schaub that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of “Medium Density Residential” which does not appear to be compatible with a business park. Mr. Schaub was informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his rezoning request.

On October 30, 2012, the City of Tomball received a rezoning (Exhibit “D”) and CP amendment application from Mr. Schaub for the subject site. Case P12-516 is the request to change the zoning of the property from SF-6 to the Planned Development District; case P12-517 is the request to change the CP FLU designation of the property from “Medium Density Residential” to “Business/Industrial.”

## **ANALYSIS**

There are several land uses in the area. To the north of the subject site are Timkin Road and Concordia Lutheran High School; to the south is undeveloped land; to the west is South Chestnut Street, residences, and undeveloped land; and to the east are Concordia Lutheran High School athletic facilities and a mini-warehouse (Exhibit “E”). The business park land appears to be consistent with Concordia Lutheran High School’s facilities to the north and east and the mini-warehouse to the east. On the surface, the business park’s proximity to nearby residences may cause land use compatibility concerns. However, the business park has existed for several years now without any known filed complaints from its neighbors citing incompatibility concerns. Additionally, the Planned Development District is proposing the following controls to minimize land use incompatibility (Exhibit “F”):

- All new structures will be built with a rear setback requirement of five feet in horizontal setback distance for every three feet of building height or 60 feet, whichever is greater. This is the same standard applied in the Light Industrial District for new developments adjacent to residences.
- All applicable land uses and outdoor storage will be screened and buffered per Section 42 (“Screening, Buffering and Fencing Requirements”) of the Zoning Ordinance.
- There will be no outdoor displays.

- There will be no outdoor sales.
- The operations of all businesses will be conducted indoors with the exception of outdoor storage.

There are three zoning districts in the area. To the north of the subject site is the General Retail District; to the south are the SF-6 and Duplex Districts; and to the west and east is the SF-6 District. A 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.” Although there are residential districts to the south, west, and east, the proposed land use controls and development standards listed above may minimize land use incompatibilities.

The Comprehensive Plan’s FLU map identifies the site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The proposed rezoning to the Planned Development District #3 (Chestnut Business Park) does not appear to be consistent with the CP. However, if case P12-517 is approved and the Comprehensive Plan’s FLU designation for the property is changed from Medium Density Residential to Business/Industrial as requested, the rezoning request would appear to be consistent with the CP.

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. 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 a 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 business park land appears to be consistent with Concordia Lutheran High School’s facilities to the north and east and the mini-warehouse to the east. On the surface, the business park’s proximity to nearby residences may cause land use compatibility concerns. However, the Planned Development District is proposing numerous land use and development standards to minimize incompatibility with its neighbors. Additionally, the business park has existed for several years now without any known filed complaints from its neighbors citing incompatibility concerns.

- 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 Planned Development District 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 Planned Development 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, 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 zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

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

According to the CP, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use [FLU] Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

Without a CP Amendment, the proposed rezoning to Planned Development District #3 does not appear to be consistent with the CP. However, if case P12-517 is approved and the Comprehensive Plan’s FLU designation for the property is

changed from “Medium Density Residential” to “Business/Industrial,” the rezoning request would appear to be consistent with the CP.

### **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

### **RECOMMENDATION**

1. **APPROVAL** of Zoning Case P12-516 based on the following:
  - a. If P12-517 is approved, the proposed zoning of Planned Development District would appear to be generally compatible with the Comprehensive Plan;
  - b. The proposed zoning of Planned Development District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
  - c. There is sufficient utility capacity to service a business park use on this site.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission’s final recommendation to the City Council.

### **EXHIBITS**

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

Exhibit "A"  
Aerial Photo

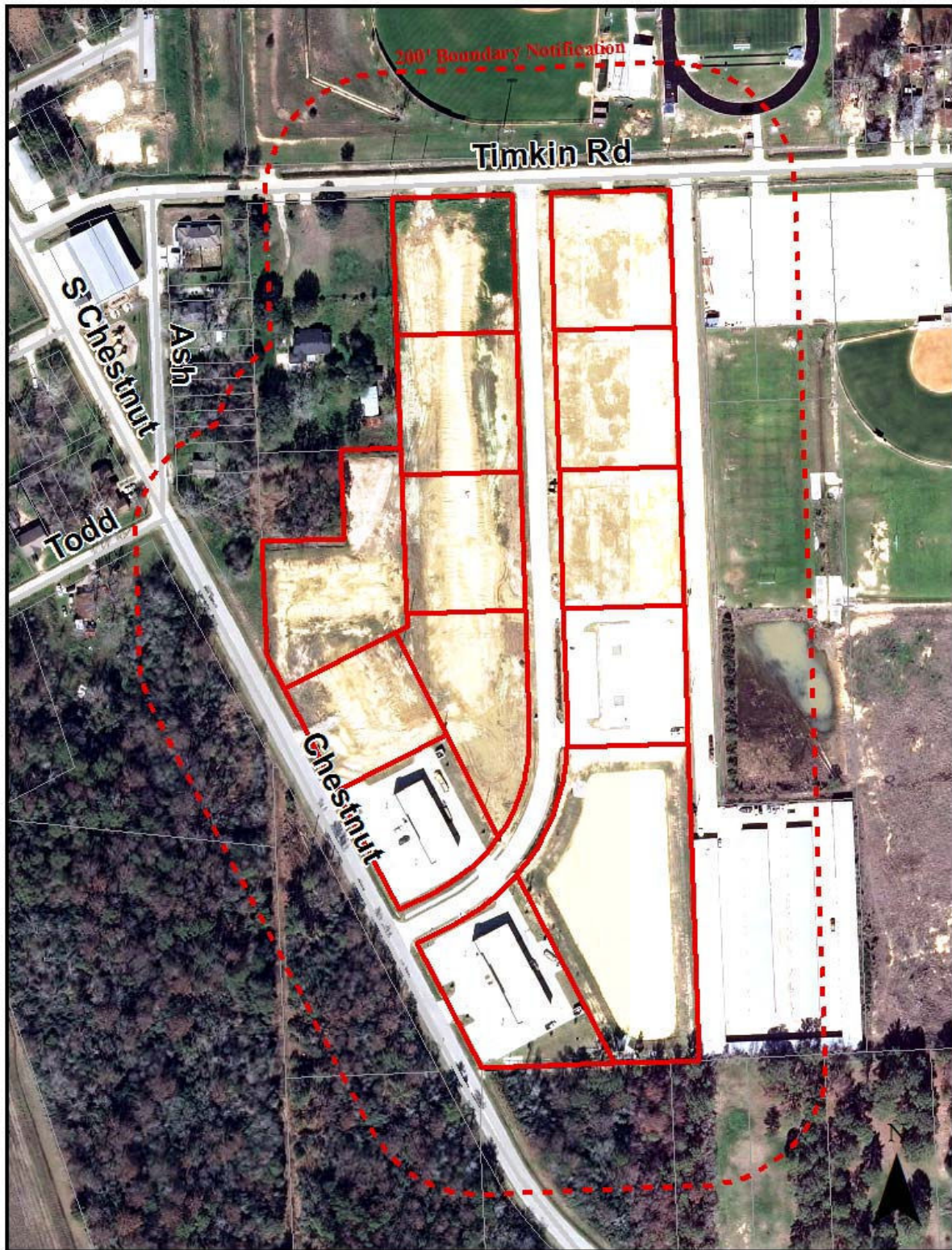


Exhibit "B"  
Zoning Map

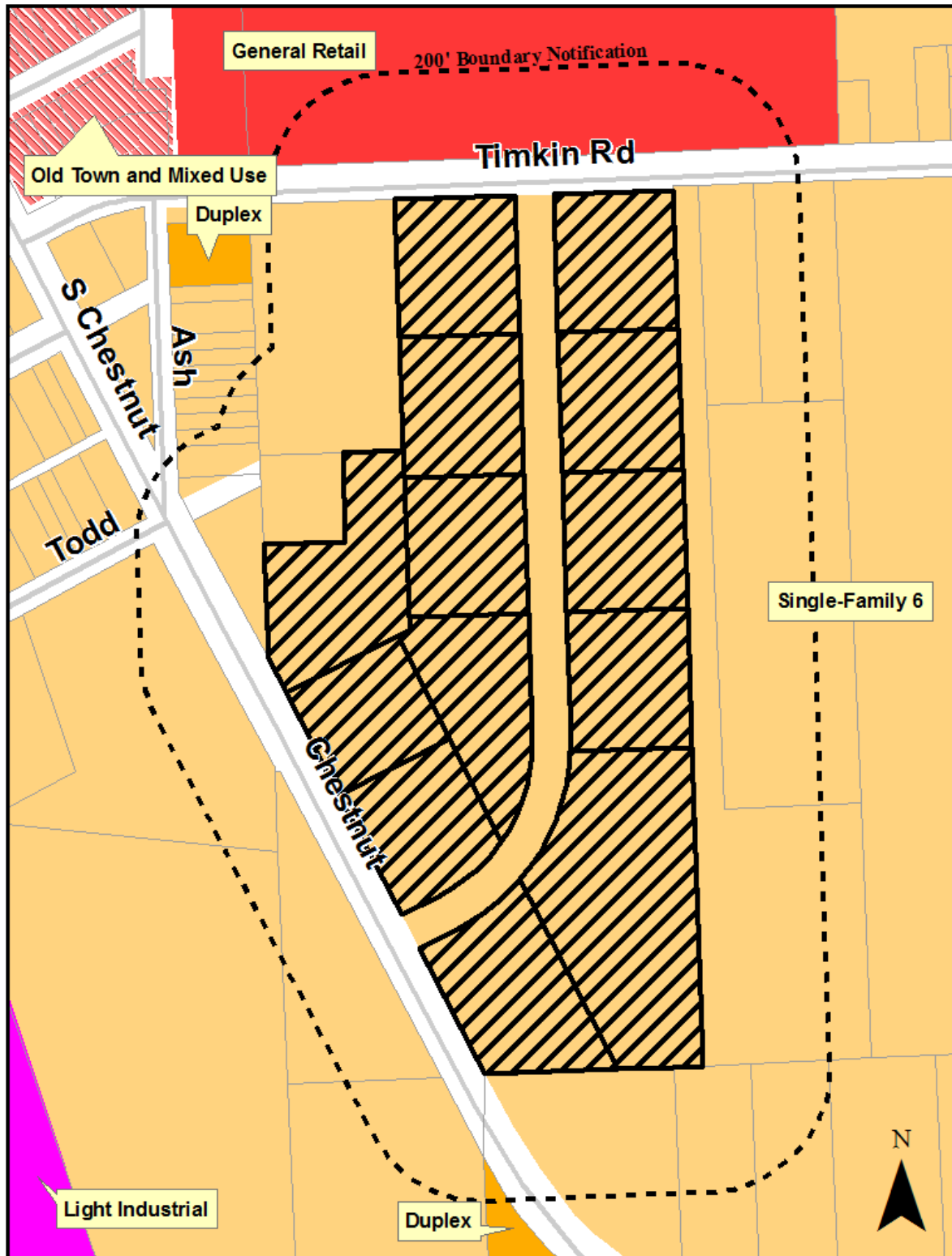


Exhibit "C"  
Comprehensive Plan Future Land Use Map

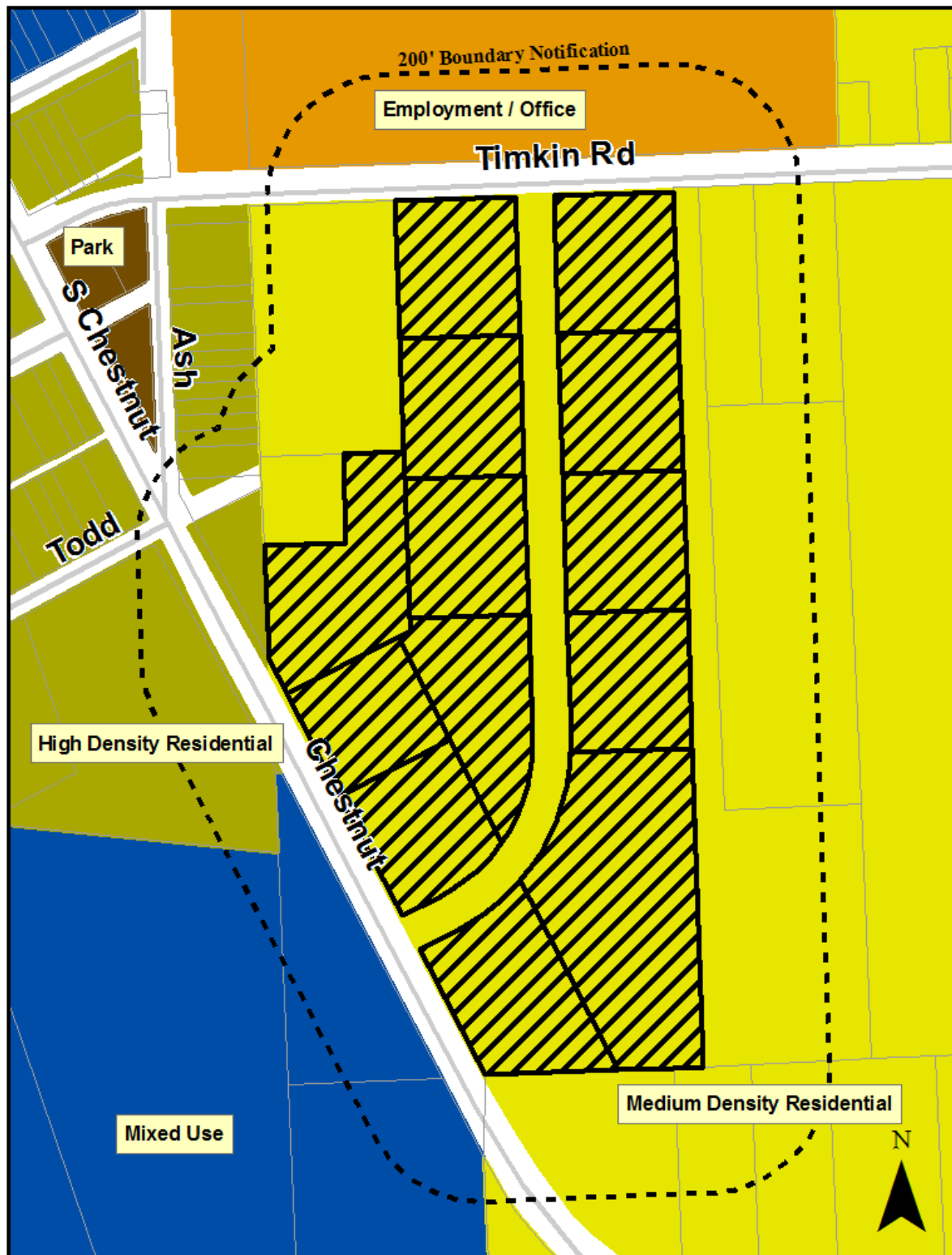


Exhibit "D"  
Rezoning Application



Revised 1/20/09

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



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: DAN SCHAUER Title: PROJECT MANAGER  
Mailing Address: 21514 FOWLER Rd. City: TOMBALL State: TX  
Zip: 77377  
Phone: (281) 822-5025 Fax: ( ) Email: DSCHAUER@ATT.NET

**Owner**

Name: ALBORS PROPERTIES LP Title: OWNER  
Mailing Address: P.O. Box 2563 City: ALPINE State: CA  
Zip: 91903  
Phone: (619) 884-2276 Fax: ( ) Email: ALBORS PROPERTIES@GMAIL.COM

**Engineer/Surveyor (if applicable)**

Name: DAVID KELLY/DK Engineering LLC Title: ENGINEER  
Mailing Address: 32719 WINDSOR TERRACE City: FULBEAR State: TX  
Zip: 77441  
Phone: (281) 346-2616 Fax: ( ) SAME Email: DAVID.KELLY@DKENGINEERING.COM

**Description of Proposed Project:** 16.1 ACRES - CHESTNUT BUSINESS PARK

**Physical Location of Property:** SOUTH SIDE OF TIMKIN RD, EAST SIDE OF SOUTH CHESTNUT ST. KM 2884

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

**OWNER OF 711 S. CHESTNUT NAME:** M. Bodroeg  
**Address:** 711 S. CHESTNUT, Tomball, TX 77375  
**Phone:** 713-775-1835 **Email:** MAURICEB@TANMARCOMPANIES.COM

Legal Description of Property: CHESTNUT BUSINESS PARK  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: \_\_\_\_\_ Acreage: 16.1 ACRES

Current Use of Property: OFFICE DISTRICT

Proposed Use of Property: PLANNED DEVELOPMENT

**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 Alvin Schaul 9-11-12  
Signature of Applicant Date

X Alvin Schaul by Alvin Schaul 9-11-12  
Signature of Owner Date

X M. Badroe J. DATE 10/22/12  
OWNER 711 S. CHOSTNUT ST.  
TOMBALL, TX 77375

## **Albers Properties, L.P.**

October 25, 2012

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

**Reference: The Rezoning of Chestnut Business Park, Comprehensive Plan  
Admendment Request Letter, in Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Single Family 6 with vested rights for Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. 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 an aesthetically pleasing commercial park but jobs and economic impact to the City. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area. This project will not have negative effects on either 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,

Dean Albers  
Albers Properties LP  
P.O. Box 2563  
Alpine California 91903

Maurice Bledsoe  
711 S. Chestnut St

NORTHWEST HOUSTON HEART CENTER  
11/12/2012  
Page 2  
Tomball, Texas 77375

## **Albers Properties, L.P.**

October 25, 2012

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

**Reference: The Rezoning of Chestnut Business Park, Planned Development, in Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Single Family 6 with vested rights for Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. 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 an aesthetically pleasing commercial park but jobs and economic impact to the City.

We look to have more flexibility for our future tenants in a manner which still adheres to the City of Tomball's Comprehensive Plan. In difficult economic times it is important to be able to offer a variety of products for the clients that look to establish businesses in Tomball. We are requesting that we are allowed to offer these types of businesses an opportunity to relocate their interests to the City.

This proposed Planned Development, will accommodate will provide much needed integral land use units such as office parks, retail/commercial or service centers, by its combination of owners. This Planned Development will allow for the adjustment of changing demands to meet the current needs of the community by (1) Provide for a superior design on lots or buildings; (2) Provide amenities or features that would be of special benefit to the property users or to the overall community such as the regional detention/amenity pond and quality assurance (3) Provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services with the newly constructed infrastructure along Chestnut Business park drive; and (4) Will meet and exceed the standards of this Ordinance.

**Proposed Uses for Chestnut Business Park, Tomball, Texas**

Sign Shop retail  
Upholstery Shop Non-Auto  
Auto Interior Shop/Upholstery  
Auto Glass Repair/Tinting  
Auto Muffler Shop  
Auto Repair (Major)  
Auto Repair (Minor)  
Appliance Repair  
Electronic Assembly  
Fix it Shops  
Heating and Air Conditioning  
Lawnmower Repair and Sales  
Locksmith  
Maintenance and Repair Service  
Moving and Storage  
News Printing  
Pawn Shop  
Plumbing Shop  
Printing Equipment, Supplies, Repairs  
Quick Lube/oil-change/inspection  
Scientific Research Lab  
Security System Installation  
Sheet Metal Shop  
Tool and Machinery Rental Inside  
Vacuum Cleaner Sales Repair  
Vet Clinic  
Contractor Office/ Sales  
Office Showroom/Warehouse  
Assembly of finished products or parts  
Commercial & Wholesale Trade:  
    Communication Equipment sales/Service (Installation and/or Repair)  
    Distribution Center  
    Electric Repair (Domestic Equipment and Autos)  
    Exterminator Service  
    Iron Works (Ornamental)  
    Machine Shop  
    Pet and Animal Grooming Shop  
    Publishing and Printing Company  
    Warehouse (defined under storage or wholesale warehouse)  
    Welding Shop

Chestnut Business Park Rezoning

11/12/2012

Page 3

Wholesale Trade-Nondurable Goods

Woodworking Shop

**Amusement & Recreation**

Amusement,commercial (indoor)

Playfield or stadium (private)

**Office**

Clinic,Emergency Care

Clinic,Medical and/or Dental

Office, Professional and General Business

Office Showroom/Warehouse

Security Monitoring Company (No Outside Storage)

Telemarketing Agency

Telephone Exchange/Switching Station

**Personal & Business**

Ambulance Service

Automobile Driving School (Including Defensive Driving)

Dance/Drama/Music Schools (Performing Arts,Martial Arts)

Health Club (Indoor)

**Retail**

Artist or Photography Studio

Bakery (Wholesale)

Carpenter Shop

Catering Service

Copy Shop

Electronic Goods (Retail Only)

Furniture Store (New and Used)

Painting and Refinishing Shop

Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)

Trophy Engraving

Upholstery Shop (Non-Auto)

**Transportation & Auto Services**

Auto Accessories (Retail Sales Only)

Auto Body Repair/Painting

Auto Dealer, Primarily Used Auto Sales w/ outdoor sales (no outdoor display)

Auto Interior Shop/Upholstery

Chestnut Business Park Rezoning

11/12/2012

Page 4

Auto Paint Shop

Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repair)

Automobile Assembly

Automobile Wash (Full service/detail Shop)

**Institutional/Governmental**

Child Day Care Center (Business)

Church/Temple/Place of Worship

Governmental Building or Use (County, State or Federal)

School- College or University

School-Commercial Trade (Vocational)

School- Other than Public or Denominational

Studio for Radio and/or Television (No Towers)

**Commercial & Wholesale Trade**

Appliance Repair

Carpet and Rug Cleaning Plant

Cleaning Plant (Commercial Laundry)

Communication Equipment Sales/Service (Installation and/or Repair- No outdoor sales or storage or towers/antennae)

Contractor's Office/Sales, No Outside Storage including Vehicles

Distribution Center

Electric Repair- (Domestic Equipment and Autos)

Electronic Assembly

Electro-plating/Electro-typing

Exterminator Service/Company (No Outdoor Sales or Storage)

Fix-it-Shops- Small Engine, Saw Filing, Mower Sharpening

Heating & Air-Conditioning Sales/Services

Iron Works (Ornamental)

Lawnmower Repair and/or Sales

Locksmith

Machine Shop

Maintenance & Repair Service for Buildings/Janitorial

Mattress- making and renovating

Moving and Storage Company

News Printing

Plumbing Shop

Printing Equipment, Supplies and Repairs

Publishing and Printing Company

Scientific and Industrial Research Laboratories (Non-Hazardous)

Security Systems Installation Company

Sheet Metal Shop

Taxidermist

Chestnut Business Park Rezoning

11/12/2012

Page 5

Tool and Machinery Rental (Indoor Storage only)

Warehouse (Defined under storage or wholesale warehouse)

Welding Shop

Wholesale Trade- Nondurable Goods

Wood Working Shops

**Light & Heavy Manufacturing/Industrial**

Artificial Flower Manufacture

Awning Manufacture-Cloth, Metal and Wood

Bag Manufacturing

Bottling Works

Broom Manufacture

Candy and Other Confectionary Products Manufacture

Canvas and related products manufacture

Ceramic Products Manufacture

Cutlery, Handtools and General Hardware Manufacture

Electric lamp manufacture

Elevator manufacture

Enameling and Painting

Engraving Plant

Envelope Manufacture

Farm/garden machinery equipment manufacture

Fixtures Manufacture

Food Processing

Footwear manufacture

Furnace manufacture

Furniture Manufacture

Hair Products Factory {Other than Human}

Ice cream/ ice manufacture

Laboratory Equipment Manufacturing

Leather Products Manufacture

Marble Working and Finishing

Metal Products, Stamping and Manufacture

Mirror resilvering

Office equipment manufacture

Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture

Paper Products and Paper Box Manufacture

Plastic Products- Molding,Casting,and Shaping

Sign Manufacturing (No Outside Storage)

Stone Cutting or Crushing

Textile Products Manufacture

Wood Products Manufacture

Chestnut Business Park Rezoning

11/12/2012

Page 6

Many of these businesses are currently allowed by the vested rights which are in place for this development, but ensuring the long term security has been difficult. Many potential tenants have expressed concern over the limitations placed on the properties. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers  
Albers Properties LP  
P.O. Box 2563  
Alpine California 91903

Maurice Bledsoe  
711 S. Chestnut St  
Tomball, Texas 77375

**Exhibit “E”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: Subject site.**



**Figure 3: Subject site.**



**Figure 4: Subject site.**



**Figure 5: North of subject site.**



**Figure 6: South of subject site.**



**Figure 7: West of subject site.**

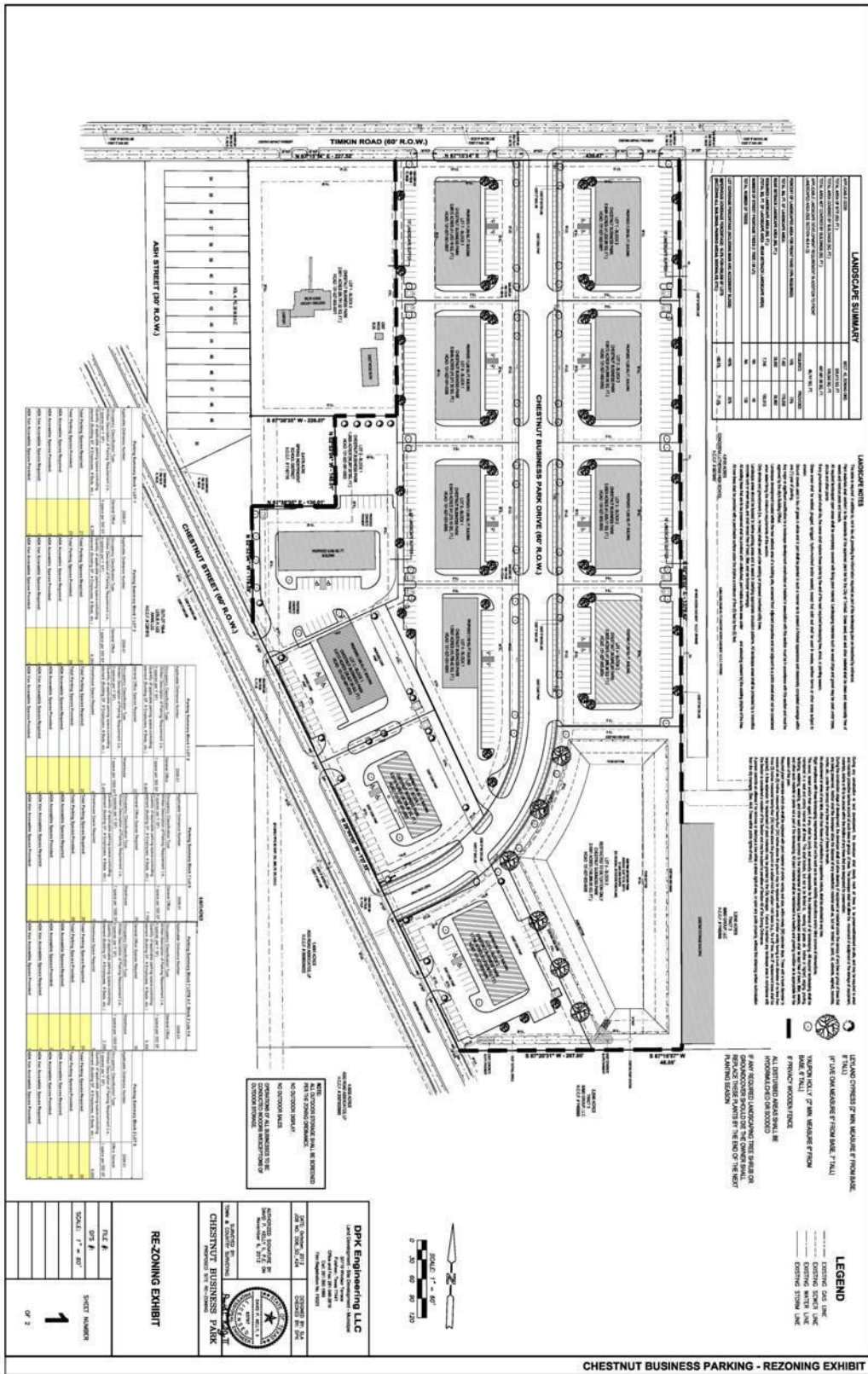


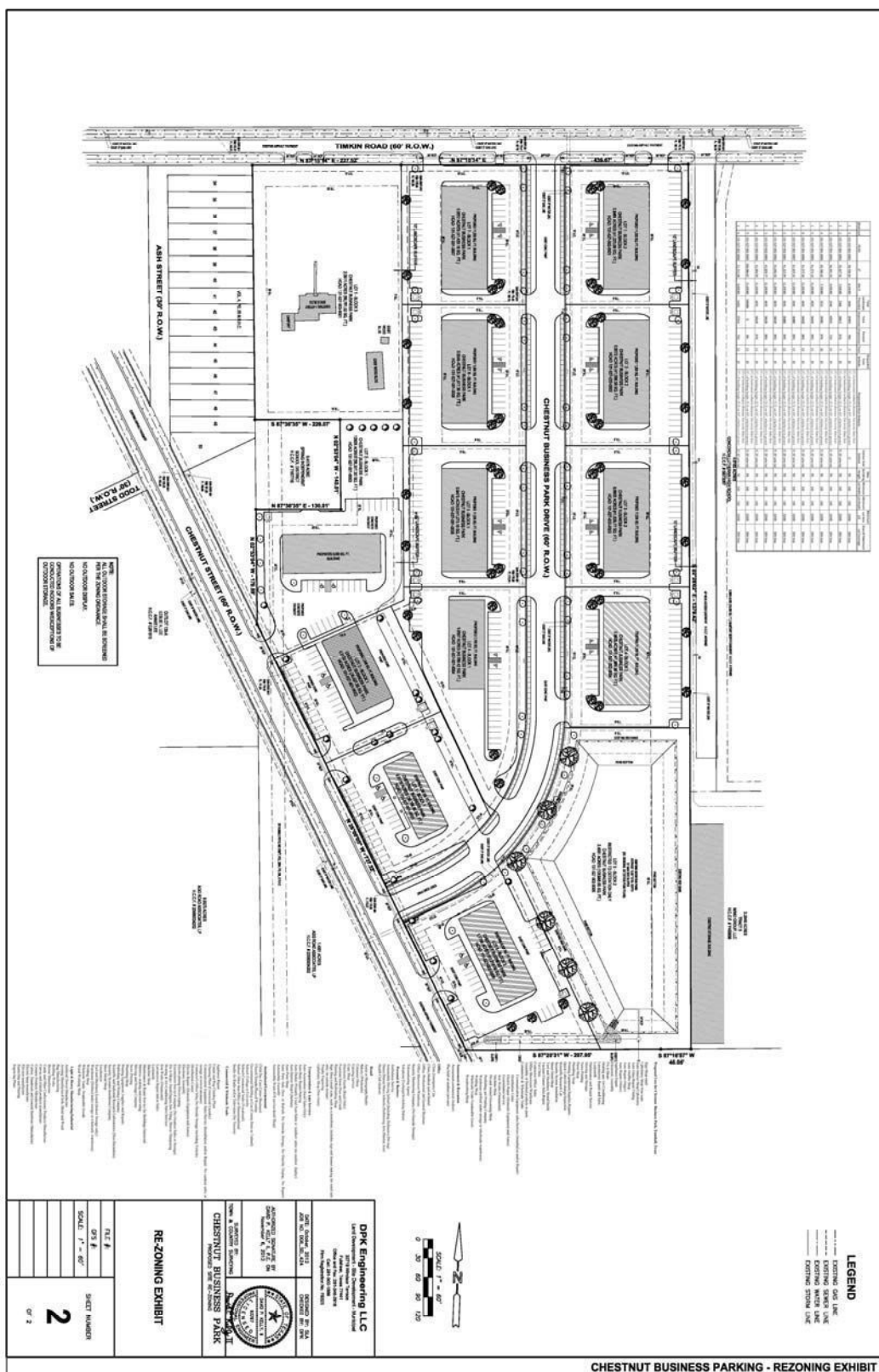
**Figure 8: West of subject site.**



**Figure 9: East of subject site.**

## Exhibit “F” Concept Plan





# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: December 10, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P12-518**: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”

- Conduct a Public Hearing on **ZONING CASE P12-518**

### 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 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

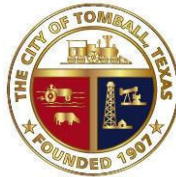
### ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-518 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
DECEMBER 10, 2012  
&  
CITY COUNCIL  
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513:** Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

**ZONING CASE P12-514:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**COMPREHENSIVE PLAN CASE P12-515:** Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

**ZONING CASE P12-516:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

**COMPREHENSIVE PLAN CASE P12-517:** Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

**ZONING CASE P12-518:** Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 one or more of the above cases, the date and time of

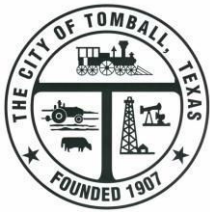
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 6th day of December 2012 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

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



## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P12-518

**APPLICANT:** City of Tomball

**LOCATION:** 13918 Hirschfield Road

**PROPOSAL:** Request to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

\* \* \*

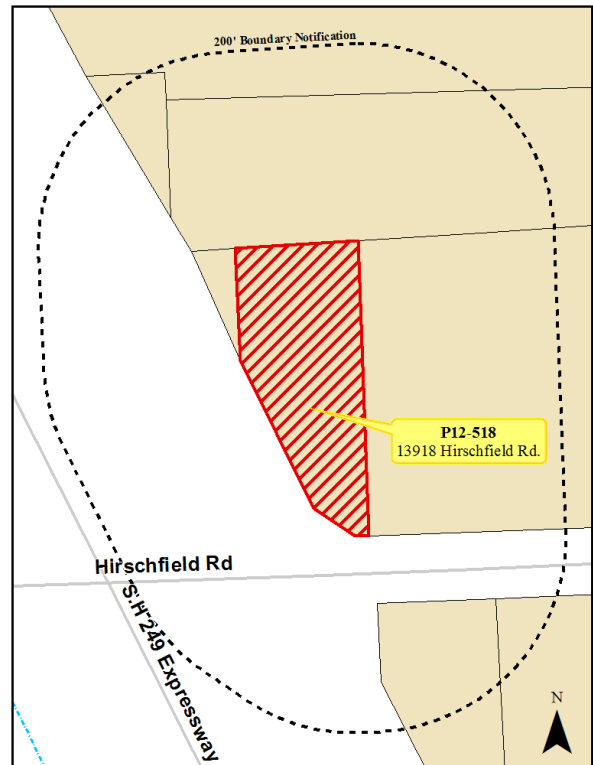
**CONTACT PLANNER:** Rodney Schmidt

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

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

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

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

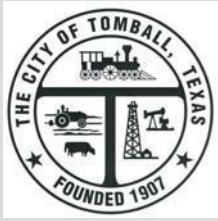


**Planning and Zoning Commission  
Public Hearing:  
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 17, 2012, 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 and Zoning Commission.



## ***Conditional Use Permit Staff Report***

Planning & Zoning Commission Hearing Date: December 10, 2012

**Rezoning Case:** P12-518  
**Property Owner(s):** E.L. Chapman  
**Applicant(s):** City of Tomball  
**Legal Description:** Tract 4, Block 3, Hirschfield Farms, Section 1 (Unrecorded)  
**Location:** 13918 Hirschfield Road (Generally located on the easterly side of State Highway 249 Expressway, northerly of Hirschfield Road) (Exhibit "A")  
**Area:** 0.71 acre  
**Present Zoning and Use:** General Retail District and Conditional Use Permit #8 (Exhibit "B") / Auto Paint & Body Shop  
**Comp Plan Designation:** Commercial (Exhibit "C")  
**Proposed Use:** Feed & Grain Store  
**Request:** Amending Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

**Adjacent Zoning & Land Uses:**

**North:** General Retail District / Machine Shop  
**South:** General Retail District / Hirschfield Road & Warehouse  
**East:** General Retail District / Machine Shop  
**West:** General Retail and Agricultural Districts / Undeveloped & SH 249 Expressway (Exhibit "D")

### **BACKGROUND**

On July 9, 2012, E.L. Chapman brought a Conditional Use Permit (CUP) before the Planning & Zoning Commission requesting a "Feed & Grain Store" be permitted at 13918 Hirschfield Road. The Planning & Zoning Commission recommended approval of the request, subject to the following conditions:

1. The "Feed & Grain Store" use shall not be enlarged or extended beyond what is shown on the approved Concept Plan without the approval of the City of Tomball of a revised Concept Plan or new CUP.

2. The subject site shall not be utilized by the “Feed & Grain Store” until all the proposed site improvements are completed as shown on the Concept Plan.
3. The six (6) trees proposed on the Concept Plan shall be four (4) inches in caliper and seven (7) feet tall at the time of planting per Section 40 of the Zoning Ordinance.
4. Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.

City Council voted on July 16 and August 6, 2012, to approve the CUP with the same conditions listed above.

On August 28, 2012, a Site Plan was submitted to the City to modify the site per the approved concept plan of the CUP. Several iterations of the plans were submitted between August 28<sup>th</sup> and November 9<sup>th</sup> with staff commenting that the overall outside storage area exceeded five percent of the total lot area or 1,546 square feet per the approved CUP. The applicant indicated that it was their intention to request a greater amount of outside storage area than permitted under the Zoning Ordinance and the CUP. Staff informed the applicant the only way to increase the outside storage area would be to have the Condition of Approval removed from the CUP and then successfully receive a Variance from the Board of Adjustments (BOA).

Because the nature of this request is an administrative procedure to allow the applicant the right to due process before the BOA, this item is being presented as City-initiated.

### **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comment forms have been received.

### **RECOMMENDATION**

The action requested is to APPROVE Zoning Case P12-518 and modify Ordinance 2012-21 by removing condition of approval #4 (“Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”)

### **EXHIBITS**

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. Approved Site Plan and Letter

Exhibit "A"  
Zoning Map



Exhibit "B"  
Aerial Photo

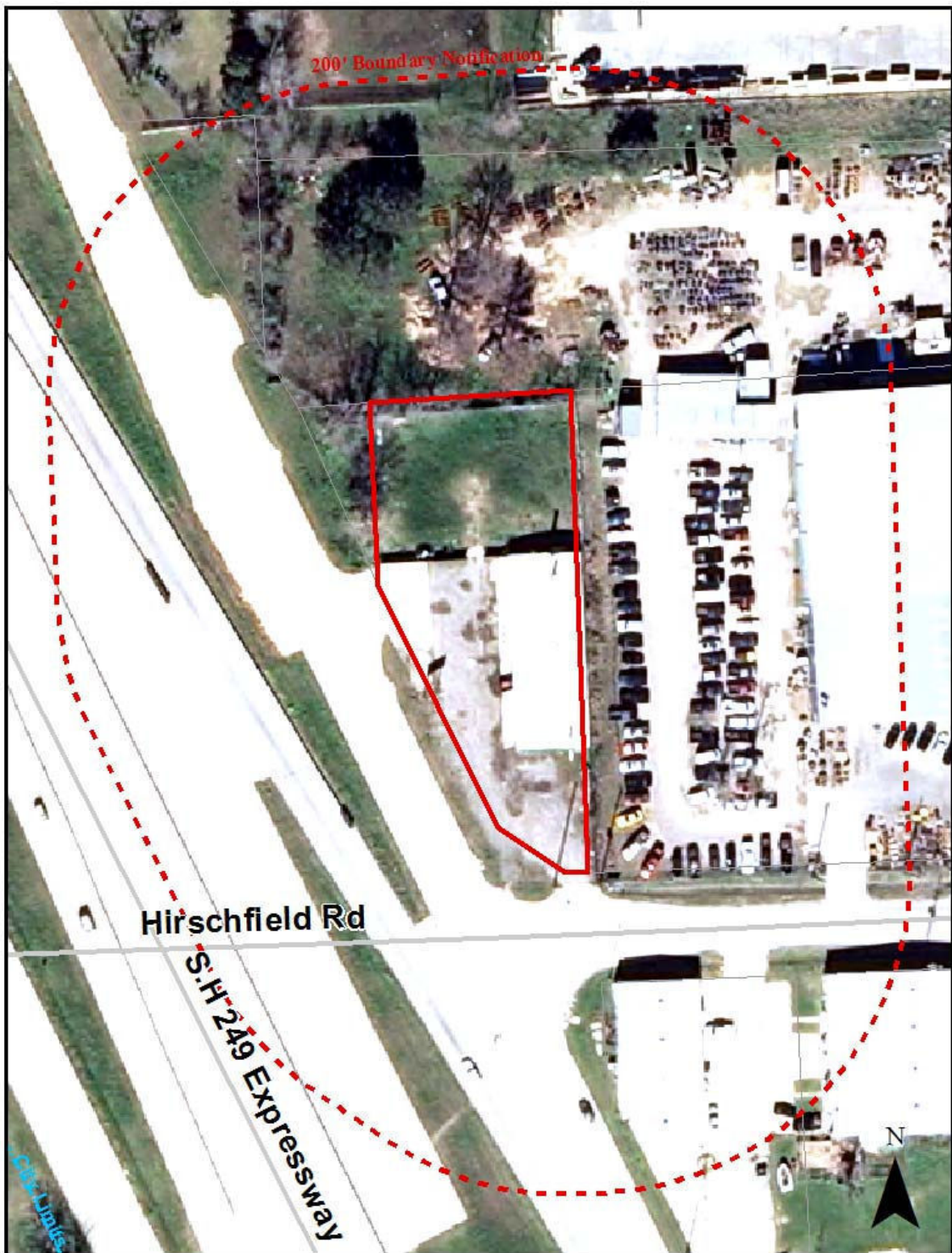
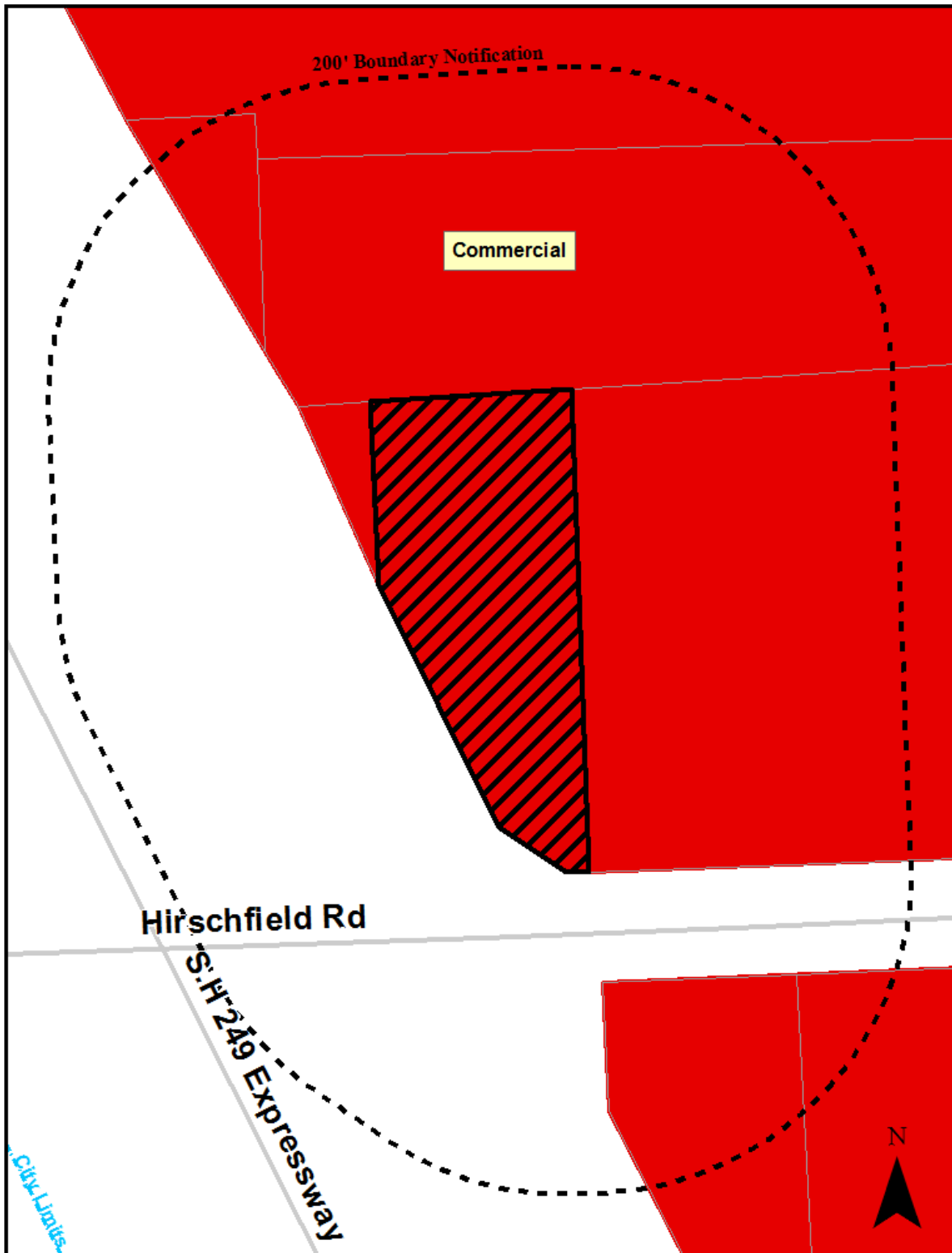


Exhibit "C"  
Comprehensive Plan Future Land Use Map



**Exhibit “D”  
Site Photos**



**Figure 1: Subject site.**



**Figure 2: Subject site.**

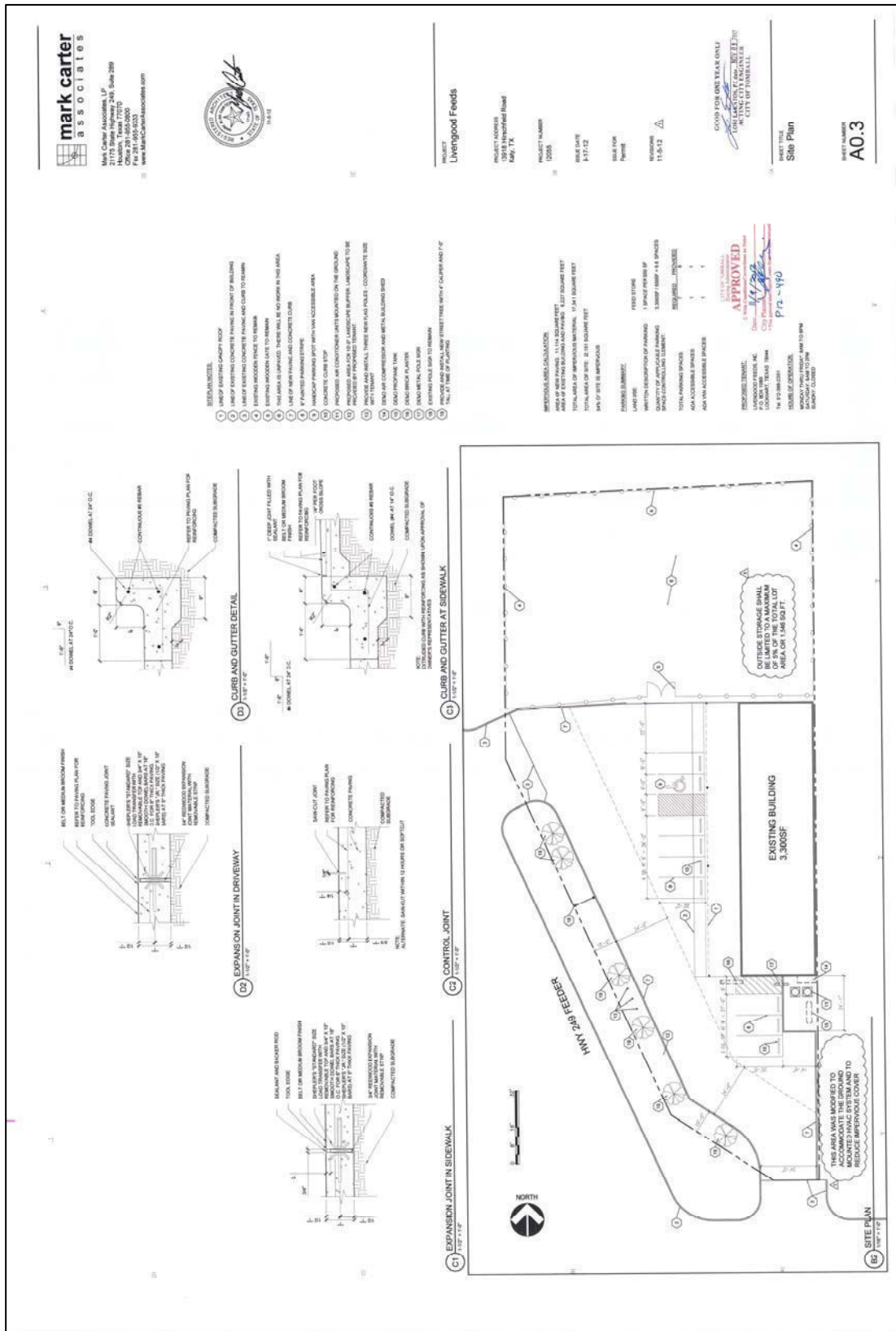


Figure 3: Breaux Machine Works to the north and east.



Figure 4: Warehouse building to the south.

# Exhibit "E" Approved Site Plan and Letter





# City of Tomball

Gretchen Fagan  
Mayor

George Shackelford  
City Manager

November 9, 2012

Mr. E.L. Chapman  
411 W. Rollingwood  
Pinehurst, TX 77362

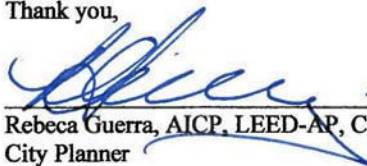
Re: Planning Case P12-490, Livengood, Feed & Grain Store

Dear Mr. Chapman,

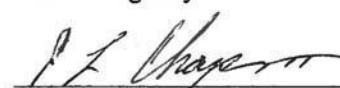
The Planning Division has reviewed the Site Plan for the proposed Feed & Grain Store (Livengood) located at 13918 Hirschfield Road and has no objections. However, the comments listed below shall be applicable to this project. By receipt of this document, the applicant and/or his designee understands and acknowledges the following requirements set forth:

- The outdoor storage area shall be limited to a maximum of 1,546 square feet total for the entire subject site unless a Variance is granted through the Board of Adjustment.
- If a dumpster is ever proposed to be located on the subject site, it shall be required to comply with Section 42 of the Zoning Ordinance for screening and buffering, as well as other applicable sections of the Ordinance.

Thank you,

  
Rebeca Guerra, AICP, LEED-AP, CCP  
City Planner

Acknowledged by:

  
Applicant / Designee  
E.L. CHAPMAN  
Print Name

Cc:

Christal Weber, Assistant City Manager  
Planning Case File P12-490