

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



MONDAY, NOVEMBER 12, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, November 12, 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 October 8, 2012.
- 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.
- 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.
- 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").
- Conduct a Public Hearing on **ZONING CASE P12-510**

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 8th day of November 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 12, 2012

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 12, 2012

Data Sheet

Topic:

Background:

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Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 12, 2012

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 8, 2012.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Regular P&Z Minutes 10.08.12

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

MONDAY, OCTOBER 8, 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 - Absent

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 Roquemore.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve ABBREVIATED PLAT PATEL PLAZA: Being a Subdivision of 0.3214 Acre, being comprised of Lots 1 and 2 in Block 41 of Tomball Townsite; situated in the William Hurd Survey, Abstract No. 371 according to the Map or Plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Tague made a motion to approve **ABBREVIATED PLAT PATEL PLAZA** with contingencies; second by Commissioner Chervenak.

Motion carried unanimously.

- 5.2 Consideration to approve **GRAND THREE FINAL PLAT**: Being a Subdivision of 0.4686 Acre of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being the same land called 0.4689 Acre as described in deed recorded in Clerk's File Number K893680 of the Real Property Records of Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Tague made a motion to approve **GRAND THREE FINAL PLAT** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.3 Consideration to approve **PRELIMINARY 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 **PRELIMINARY PLAT VALLEY TREE SUBDIVISION** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.4 Consideration to approve **DAKOTA PINES**: A Subdivision of 5.0005 Acres of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas; Being a Replat of a portion of a Tract of land containing a called 21.922 Acres, Being a portion of a Tract of land containing called 52 Acres as described in Deed to Park Place Assembly of God Church under Clerk's File No. E330792 of the Real Property Records of Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Chervenak made a motion to approve **DAKOTA PINES** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.5 Consideration to approve **ZONING CASE P12-483**: Request by Tomball & Magnolia Properties, LLC to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center within the City of Tomball, Harris County, Texas, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, from the Single-Family Residential-6 District to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:06 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Ahmad Aslam spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:14 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-483**; second by Commissioner Tague.

After discussion, Commissioner Chervenak amended her motion to recommend the Zoning Classification of Old Town / Mixed Use (OT/MU) District instead of Commercial; second by Commissioner Tague.

Vote was as follows:

Commissioner Tague	<u>Nay</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Absent</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried, 3-1.

- 5.5 Consideration to approve **ZONING CASE P12-484**: Request by Tomball & Magnolia Properties, LLC to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 0.32 acres of land, legally described as Lots 11 and 12, Block 6, Main Street-Tomball within the City of Tomball, Harris County, Texas, generally located at the southeast corner of Barbara Street and Lawrence Avenue, from the Single-Family Residential-6 District to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:28 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Ahmad Aslam spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:37 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-468** with the recommended Zoning Classification of Old Town / Mixed Use District; second by Commissioner Tague.

Vote was as follows:

Commissioner Tague	<u>Nay</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Absent</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Nay</u>

Motion failed, 2 votes Aye – 2 votes Nay.

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

Motion carried unanimously.

Meeting adjourned at 6:46 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: November 12, 2012

Data Sheet

Topic:

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.

Background:

The Planning and Zoning Commission approved the Preliminary Plat of Valley Tree Subdivision with contingencies on October 8, 2012. Comments have been addressed, the Preliminary Plat has been accepted and the Final is now being presented to the Planning and Zoning Commission for approval consideration and recommendation to City Council.

Origination:

Recommendation:

Funding:

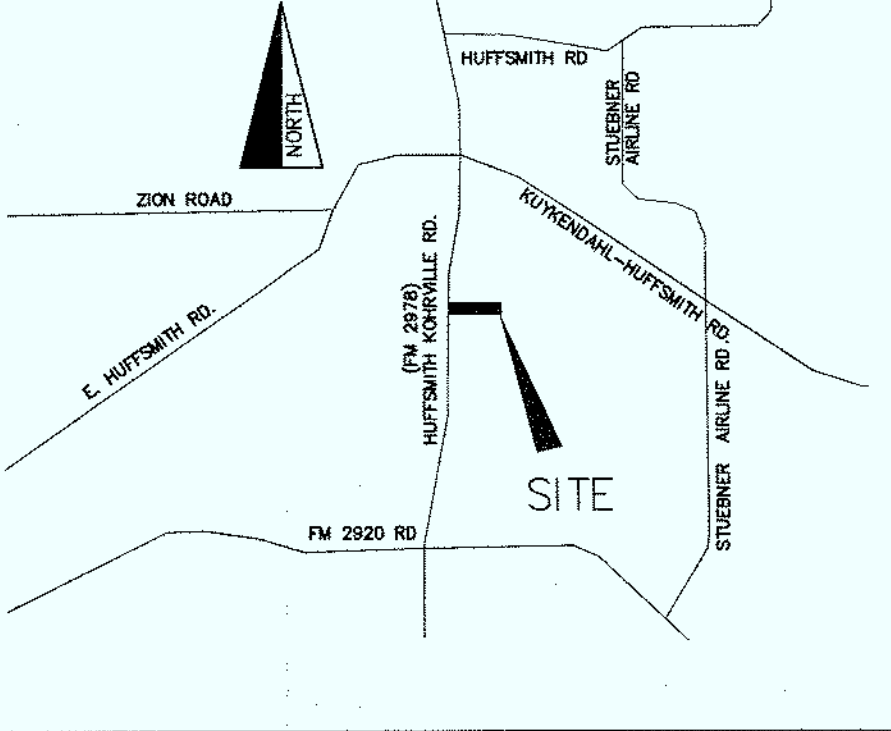
Party(ies) responsible for placing this item on agenda:

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Final Plat of Valley Tree Subdivision

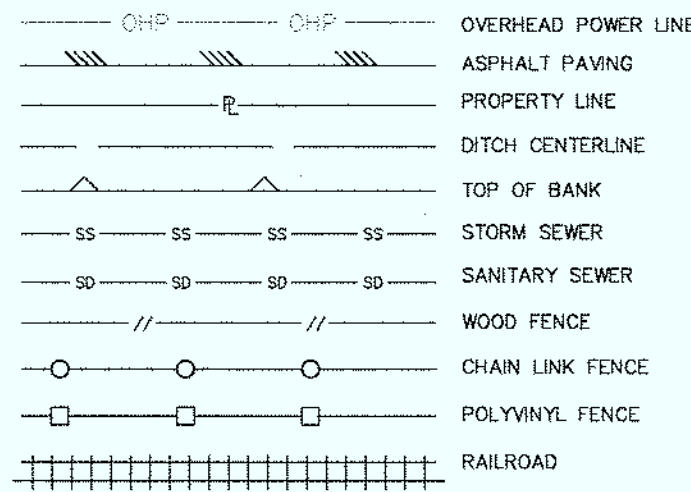
LOCATION MAP
(NOT TO SCALE)

KEY MAP: 289A

LEGEND:

- Ø POWER POLE
CLVT CULVERT
I.R. IRON ROD
FND. FOUND

LINE TYPES



NOTES:

1.) PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OTHER GROWTHS OF IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH 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.

2.) ACCORDING TO FEMA PANEL NO. 48201C0230L, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS DETERMINED BY FIRM MAP NO. 48201C0230L, PANEL 230 OF 1150, DATED 6-18-07, THIS PROPERTY LIES IN ZONE "X" AND IS NOT IN THE 0.2% ANNUAL CHANCE OF FLOOD PLAIN.

3.) ALL EXISTING OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

4.) ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH SUBDIVISION HAVE BEEN SHOWN.

5.) NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.

6.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

7.) 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.

8.) THIS PROPERTY LIES WITHIN THE BOUNDS OF THE TOMBALL INDEPENDENT SCHOOL DISTRICT.

9.) TBM ELEV.=172.78' AT SOUTHWEST CORNER OF RESERVE "A" REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NAVD 1988, 2001 ADJUSTMENT.

10.) SUBJECT PROPERTY RESTRICTED TO COMMERCIAL USE ONLY.

11.) THIS PROPERTY LIES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

BENCHMARK USED FOR ELEVATIONS:
COOPERATIVE CORPS STATION
WLA 1, ELEVATION 208.641
NAVD 1988, 2002 ADJUSTMENT

PROPERTY DESCRIPTION:

BEING A 16.9782 ACRES (739,569.61 SQUARE FEET) [CALL 16.9206] OF LAND OUT OF A CALL 21.9206-ACRE TRACT SITUATED IN THE JOHN S. SMITH SURVEY ABSTRACT 730, HARRIS COUNTY, TEXAS AND BEING A PART OF A CALL 52.0-ACRE TRACT OF LAND DESCRIBED IN DEED TO ELBERT E. ADKINS, JR. AS FOUND OF RECORD UNDER VOLUME 172, PAGE 43 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 16.9782-ACRE (739,570 SQUARE FEET) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO WIT:

COMMENCING AT AT 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF A CALL 7.2740-ACRE TRACT AND BEING THE SOUTHWEST CORNER OF A CALL 7.2871-ACRE TRACT AS DESCRIBED UNDER H.C.C.F. NO. F919318 AND BEING LOCATED ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF F.M. 2978 AS DESCRIBED IN DEED RECORDED UNDER H.C.C.F. NO. C988050, HARRIS COUNTY, TEXAS;

THENCE, SOUTH 00°03'55" EAST, WITH THE RIGHT-OF-WAY MARGIN OF F.M. 2978, AT A DISTANCE OF 276.85 FEET PASS AN IRON ROD CAPPED AND CONTINUE A TOTAL DISTANCE OF 709.20 FEET TO A 3/4-INCH IRON ROD SET FOR THE POINT OF BEGINNING OF HEREIN TRACT, FROM WHICH AN IRON ROD CAPPED BEARS SOUTH 02°17'18" WEST, 1.44 FEET;

THENCE, NORTH 89°31'17" EAST, (CALL SOUTH 89°40'25" WEST) WITH THE NORTH LINE OF 2.9206-ACRE TRACT, A DISTANCE OF 762.04 FEET TO A 3/4-INCH IRON ROD SET FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT FROM WHICH A FOUND 1/2-INCH IRON ROD BEARS SOUTH 56°49'05" WEST, 1.68 FEET;

THENCE, SOUTH 00°00'00" WEST, WITH THE EAST LINE OF SAID 2.9206-ACRE TRACT, A DISTANCE OF 167.00 FEET TO A SET 3/4-INCH IRON ROD FOR CORNER;

THENCE, SOUTH 00°03'51" EAST, WITH THE EAST LINE OF THE 14.0-ACRE RESIDUE (FOUND 14.0571 ACRES), A DISTANCE OF 800.84 FEET TO A FOUND 1-INCH IRON PIPE;

THENCE, SOUTH 89°08'28" WEST, WITH THE SOUTH LINE OF HEREIN DESCRIBED TRACT, A DISTANCE OF 762.63 FEET TO A FOUND 1-INCH IRON PIPE FOR THE SOUTHWEST CORNER OF SAID 16.9777-ACRE TRACT LYING IN THE EAST RIGHT-OF-WAY MARGIN OF F.M. 2978;

THENCE, NORTH 00°00'46" WEST, WITH THE WEST LINE OF HEREIN DESCRIBED TRACT AND WITH THE EAST RIGHT-OF-WAY MARGIN OF F.M. 2978, A DISTANCE OF 805.92 FEET (CALL 804.67) TO THE SOUTHWEST CORNER OF SAID 2.9206-ACRE TRACT;

THENCE, NORTH 00°03'55" WEST, CONTINUING WITH THE EAST RIGHT-OF-WAY MARGIN OF F.M. 2978, A DISTANCE OF 167.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.9782 ACRES (739,569.61 SQ. FT.) OF LAND.

STATE OF TEXAS)
COUNTY OF HARRIS)

HUMBERTO DIAZ, JOINED BY MANUEL DIAZ AND WIFE, TERESA DIAZ OWNERS OF THE 16.9782 ACRE (739,569.61 SQ. FT.) TRACT DESCRIBED IN THE ABOVE AND FORGOING FINAL PLAT OF DIAZ PROPERTIES DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET 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.

WITNESS MY HAND IN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, ON THIS ____ DAY OF _____, 2012.

BY:

HUMBERTO DIAZ

BY:

MANUEL DIAZ

BY:

TERESA DIAZ

STATE OF TEXAS)
COUNTY OF HARRIS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ANDRES CONTRERAS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE HAS 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:

THIS IS TO CERTIFY THAT THE PLANNING & ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS FINAL PLAT OF VALLEY TREE SUBDIVISION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS ____ DAY OF _____, 2012.

LORI WALLACE
CHAIRMAN AND/OR

EVELYN CHERVENAK
VICE CHAIRMAN

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMBALL, TEXAS, DO HEREBY CERTIFY THAT THE FINAL PLAT OF VALLEY TREE SUBDIVISIONS IN CONFORMANCE WITH THE CITY OF TOMBALL ORDINANCES.

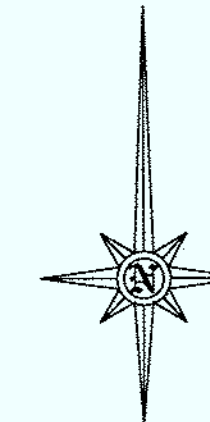
GEORGE SHACKELFORD
CITY MANAGER

LORI LAKATOS
ACTING CITY ENGINEER

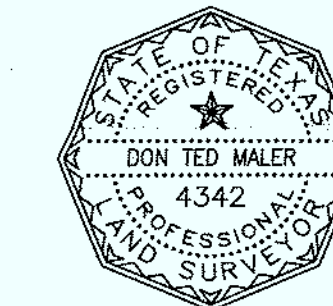
THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING & ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS AND CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS ____ DAY OF _____, 2012.

GRETCHEN FAGAN
MAYOR

DORIS SPEER
CITY SECRETARY



GRAPHIC SCALE
1 inch = 100 feet



DON T. MALER
TEXAS REGISTRATION NO. 4342

I, ARTHUR L. STOREY, JR., COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLES WITH ALL EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONER'S COURT AND THAT IT COMPLES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF 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, TEXAS, DO HEREBY CERTIFY THAT THE WRITTEN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON ____ 2012 AT ____ O'CLOCK ____ M., AND AT FILM CODE NUMBER ____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY AND DULY RECORDED ON ____ 2012 AT ____ O'CLOCK ____ M.

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

STAN STANART
COUNTY CLERK
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

FINAL PLAT OF
VALLEY TREE
SUBDIVISION

A 16.9782 ACRE (739,570 SQ. FT.) 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.

2 LOTS, 1 BLOCK

DATE: JANUARY 20, 2012

SCALE: 1"=100'

OWNER: MANUEL & WIFE, TERESA DIAZ
11806 BEAUREAX
TOMBALL, TEXAS 77379
PHONE: 832-435-93981

OWNER: HUMBERTO & DIAZ
11806 BEAUREAX
TOMBALL, TEXAS 77379
PHONE: 832-435-93981

D.T. MALER & Associates

Professional Surveyors



A Division of DTM Companies

HOME OFFICE: 605 PURDY STREET
BROOKSHIRE, TEXAS 77423 E-Mail: dtmaler@yahoo.com
PHONE: (832) 526-4720 FAX: (281) 934-3765

BRANCH OFFICE: 2500 E TC JESTER BLVD STE 140
HOUSTON, TEXAS 77008 E-Mail: plsslt@yahoo.com
PHONE: (713) 505-6417 FAX: (713) 955-0869

Surveyor: DTM	Scale: 1" = 100'	Job NO: 12-110
Drawn By: DTM	Date: 09/15/2012	Sheet 1 of 1

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 12, 2012

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

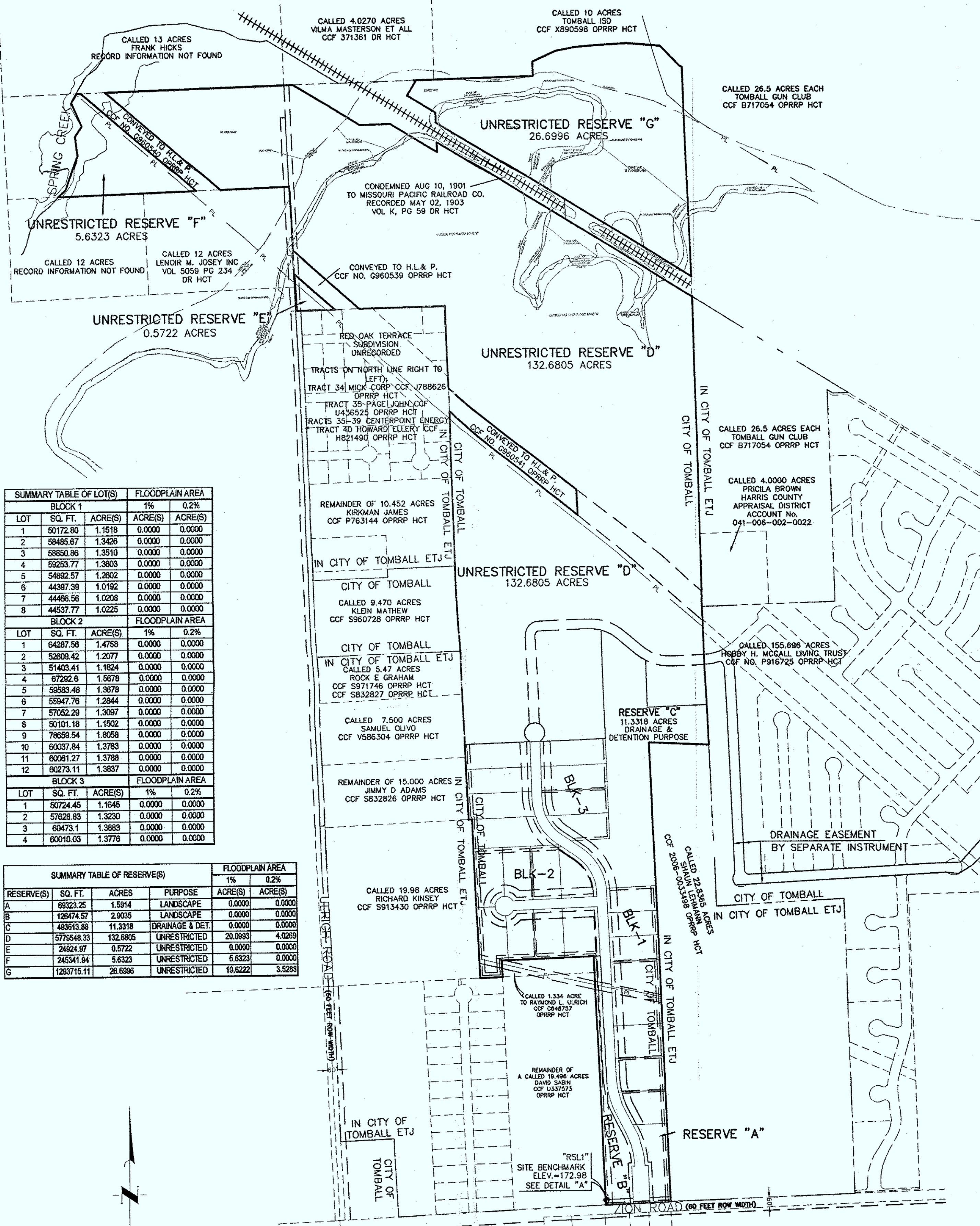
Party(ies) responsible for placing this item on agenda:

Brandy Pate, Engineering and Planning

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

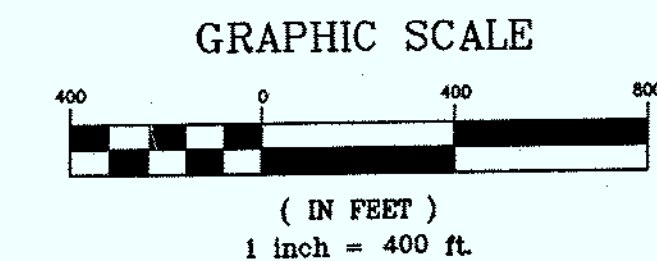
ATTACHMENTS:

Replat of the Final Plat Reserve at Spring Lake Section One Sheet 1 of 6
Replat of the Final Plat Reserve at Spring Lake Section One Sheet 2 of 6
Replat of the Final Plat Reserve at Spring Lake Section One Sheet 3 of 6
Replat of the Final Plat Reserve at Spring Lake Section One Sheet 4 of 6
Replat of the Final Plat Reserve at Spring Lake Section One Sheet 5 of 6
Replat of the Final Plat Reserve at Spring Lake Section One Sheet 6 of 6



SUMMARY TABLE OF LOTS					FLOODPLAIN AREA	
LOT	SQ. FT.	ACRE(S)	1%	0.2%	ACRE(S)	ACRE(S)
1	50172.80	1.1518	0.0000	0.0000		
2	58495.67	1.3426	0.0000	0.0000		
3	58850.86	1.3510	0.0000	0.0000		
4	59255.77	1.3805	0.0000	0.0000		
5	54892.57	1.2652	0.0000	0.0000		
6	44367.39	1.0192	0.0000	0.0000		
7	44466.56	1.0206	0.0000	0.0000		
8	44537.77	1.0225	0.0000	0.0000		
BLOCK 2					FLOODPLAIN AREA	
LOT	SQ. FT.	ACRE(S)	1%	0.2%	ACRE(S)	ACRE(S)
1	64267.56	1.4758	0.0000	0.0000		
2	52809.42	1.2077	0.0000	0.0000		
3	51403.41	1.1824	0.0000	0.0000		
4	67262.6	1.5678	0.0000	0.0000		
5	55583.48	1.2678	0.0000	0.0000		
6	55947.76	1.2844	0.0000	0.0000		
7	57652.29	1.3057	0.0000	0.0000		
8	50101.18	1.1502	0.0000	0.0000		
9	78859.54	1.8058	0.0000	0.0000		
10	60037.64	1.3783	0.0000	0.0000		
11	60061.27	1.3788	0.0000	0.0000		
12	60273.11	1.3837	0.0000	0.0000		
BLOCK 3					FLOODPLAIN AREA	
LOT	SQ. FT.	ACRE(S)	1%	0.2%	ACRE(S)	ACRE(S)
1	50724.45	1.1645	0.0000	0.0000		
2	57828.83	1.3230	0.0000	0.0000		
3	60473.1	1.3883	0.0000	0.0000		
4	60010.03	1.3776	0.0000	0.0000		

SUMMARY TABLE OF RESERVE(S)				FLOODPLAIN AREA	
RESERVE(S)	SQ. FT.	ACRES	PURPOSE	1% ACRE(S)	0.2% ACRE(S)
A	89323.25	1.9314	LANDSCAPE	0.0000	0.0000
B	126474.57	2.9035	LANDSCAPE	0.0000	0.0000
C	483613.86	11.3318	DRAINAGE & DET.	0.0000	0.0000
D	577548.43	132.6805	UNRESTRICTED	20.0693	4.0269
E	24024.97	0.5722	UNRESTRICTED	0.0000	0.0000
F	245341.84	5.6323	UNRESTRICTED	5.6323	0.0000
G	1283715.11	29.6996	UNRESTRICTED	19.6222	3.5288



GENERAL NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The 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.
- Bearings based on Texas South Central State Plane Coordinates (Nad 83).
- Unless otherwise indicated, the building line (B.L.), whether one or more, shown on this plat are established to evidence compliance with the applicable provisions of Chapter 14, Code of Ordinances, City of Tomball, Texas, in effect at the time this plat was approved, which may be amended from time to time.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (Nad83) and may be brought from surface by applying the following combined scale factor of .99992227.
- All corners are set 5/8 inch iron rods w/cap unless otherwise shown or noted.
- There is a One-foot reserve dedicated as a buffer separation between the side or end of streets where such streets abut adjacent property, the condition of this dedication being that when the adjacent property is subdivided or re-subdivided in a recorded subdivision plat, the one-foot reserve shall thereupon become vested for street right-of-way purposes.
- Private Access Easement dedicated for use as temporary road until street is extended in a recorded plat.
- Gas and Water lines are located along Ulrich Road.
- Magnolia Pipeline Company Easement recorded in Volume 1554, Page 135, Volume 1554, Page 136 and Volume 1546, Page 296, Humble Oil Refining Company Easement recorded in Volume 1663, Page 389 and Teppco Crude Pipeline, L.P. recorded in Volume 941, Page 258 of the Deed Records of Harris County, Texas are blanket easements.
- Right-of-Way and easement for pipeline purposes, as granted to Humble Oil and Refining Company, now known as Exxon Corporation by instruments recorded in Volume 2844, Page 672 and Volume 3486, Page 459, both of the Deed Records of Harris County, Texas amended and defined by instrument filed for record under Harris County Clerk's File No. K547140. It does not affect subject property.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- Subject tract and any all easements, building lines, etc., as set out by the plat recorded under Film Code No. 645045 of the Map Records of Harris County, Texas.
- Agreement for Underground Electric Service filed under Clerk's File No. 20120477324 of the Real Property Records of Harris County, Texas, is blanket in nature and affects all of Section 1.
- Short Form Blanket Easement for Certain Utilities as granted by instrument filed under Clerk's File No. 20120478547 of the Real Property Records of Harris County, Texas, is blanket in nature and affects all of Section 1.
- Memorandum of Agreement by and between Zion Road Properties, LLC and Legend Classic Homes, Ltd. d/b/a Princeton Classic Homes by instrument filed under Clerk's File No. 20120178700 of the Real Property Records of Harris County, Texas, affects Section 1.
- Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits buy outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253686.

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
32719 WINDSOR TERRACE
FULSHEAR, TX 77441
PH: 281-346-2616

OWNER/DEVELOPER:
ZION ROAD PROPERTIES
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PKWY N., #150
HOUSTON, TX 77064
PH: 281-477-8688

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
32719 WINDSOR TERRACE
FULSHEAR, TX 77441
PH: 281-346-2616

LIENHOLDER:
JSRA PROPERTY INVESTMENT
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-8688

LIENHOLDER:
PREFERRED BANK
11757 KATY FREEWAY, SUITE #100
HOUSTON TEXAS 77079
PH: 281-556-6443

LIENHOLDER:
COMMERCIAL STATE BANK
401 NORTH MECHANIC
EL CAMPO, TX 77437
PH: 979-543-6441

SURVEYOR

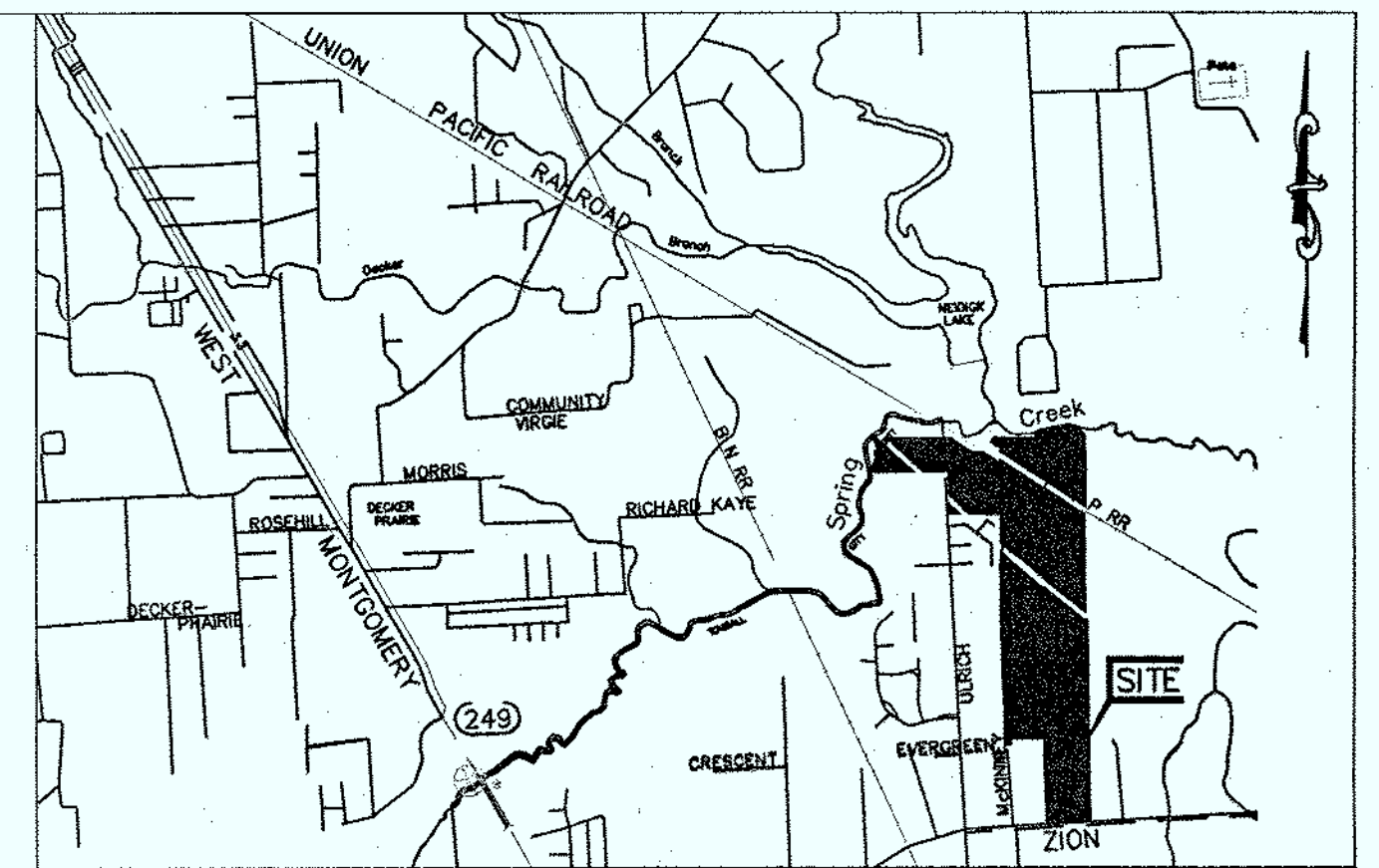


TOWN & COUNTRY SURVEYORS, LLC
28307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281) 468-8730
FAX (281) 466-8731

LEGEND:

- BUILDING LINE
- UTILITY EASEMENT
- AERIAL EASEMENT
- CITY OF TOMBALL UTILITY EASEMENT/DRAINAGE EASEMENT (PUBLIC)
- DRAINAGE EASEMENT (PRIVATE)
- FOUND 5/8 INCH IRON RODS
- BLOCK NUMBER
- SURVEY LINE

- B.L.
- U.E.
- A.E.
- C.O.T. U.E.
- D.E.
- ⑥
- ①



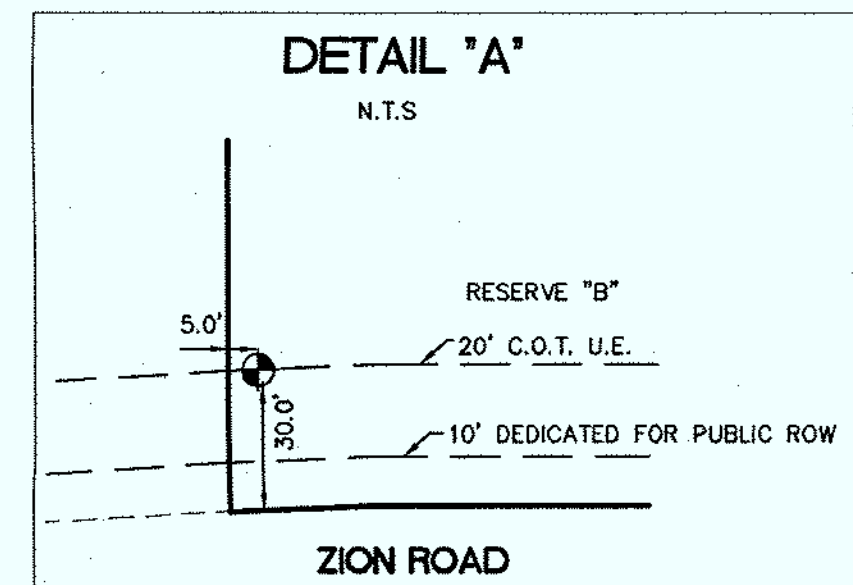
VICINITY MAP
NOT TO SCALE

FLOOD STATEMENT

According to FEMA Firm Panel No. 48201C0230L & 48201C0265L (Effective Date June 18, 2007), part of this property is in Zone "AE" and is within the 1% Annual Chance Flood Plain. The 1% annual chance flood (100-year flood), is also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Elevation is the water surface elevation of the 1% annual chance flood.

Warning: Part of this site is within an identified Special Flood Hazard Area, this statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.

Floodplain	Acres (approximate)
Floodway	27.6102 acres
1% Floodplain	24.3363 acres
0.2% Floodplain	9.4758 acres
Zone "X" Floodplain (outside 0.2%)	173.4190 acres



SITE BENCHMARK - SET BRASS DISK IN CONCRETE
STAMPED "RSL1" LOCATED NEAR THE SOUTHWEST
CORNER OF THE SUBDIVISION, 30 FEET NORTH OF ZION
ROAD, AND 5 FEET EAST OF PROPERTY LINE AS
SHOWN. ELEVATION=172.98

REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE

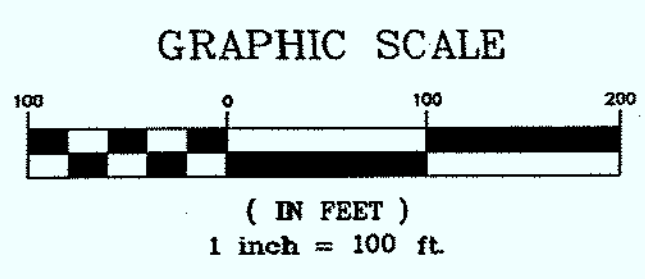
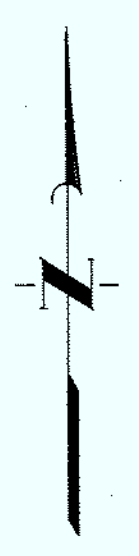
221.2020 ACRES (9,635,559.12 SQ. FT.)

LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS

3 BLOCKS 24 LOTS 7 RESERVES

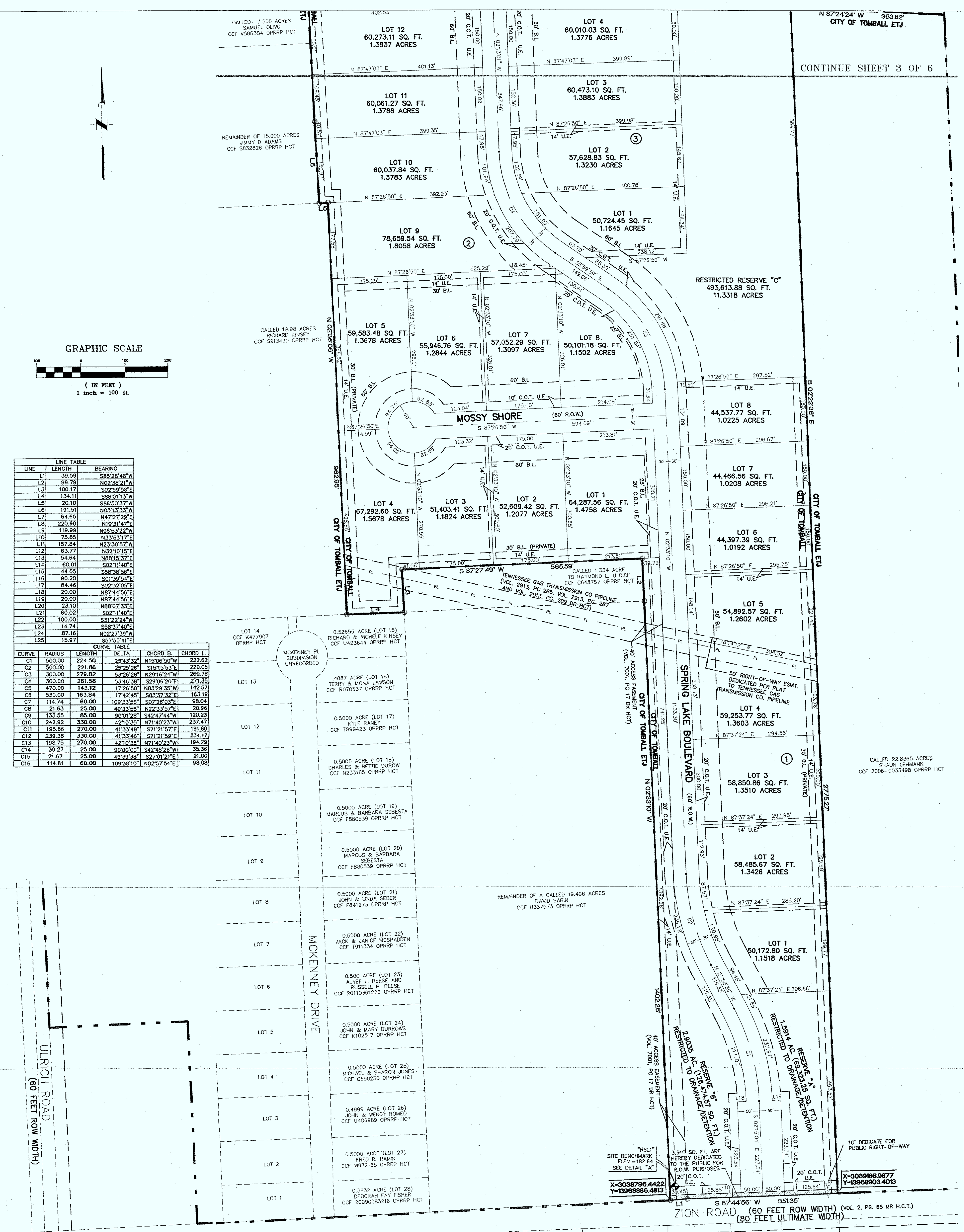
NOVEMBER 2012

REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS

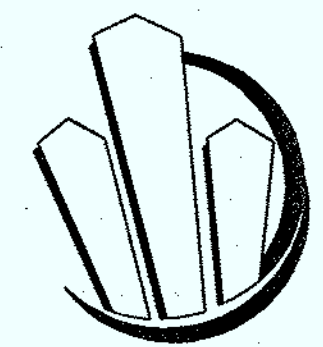


LINE TABLE		
LINE	LENGTH	BEARING
L1	39.59	S85°28'48"W
L2	99.79	N02°38'21"W
L3	100.17	S02°59'58"E
L4	134.11	S88°01'33"W
L5	20.10	S86°30'37"W
L6	191.51	N03°13'33"W
L7	64.65	N47°27'29"E
L8	220.98	N19°31'47"E
L9	119.99	N06°53'22"W
L10	75.85	N33°53'17"E
L11	157.84	N23°30'57"W
L12	63.77	N32°10'15"E
L13	54.64	N88°15'37"E
L14	60.01	S02°11'40"E
L15	44.05	S58°38'56"E
L16	90.20	S01°39'54"E
L17	84.46	S02°32'05"E
L18	20.00	N87°44'56"E
L19	20.00	N87°44'56"E
L20	23.10	N88°07'33"E
L21	60.02	S02°11'40"E
L22	100.00	S31°22'24"W
L23	14.74	S58°37'40"E
L24	87.16	N02°27'39"W
L25	15.97	S57°50'41"E

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD B.
C1	500.00	224.50	25°43'32"	N15°06'50"W
C2	500.00	221.96	25°23'28"	S15°19'53"E
C3	300.00	279.82	53°28'28"	N29°16'24"W
C4	300.00	281.58	53°46'38"	S28°06'20"E
C5	470.00	143.12	17°26'50"	N83°29'35"W
C6	530.00	163.84	17°42'45"	S83°37'32"E
C7	114.74	60.00	109°33'56"	S07°26'03"E
C8	21.63	25.00	49°33'56"	N22°33'57"E
C9	133.95	85.00	90°01'28"	S42°47'44"W
C10	242.92	330.00	42°10'35"	N71°40'23"W
C11	195.86	270.00	41°33'49"	S71°21'57"E
C12	239.38	330.00	41°33'46"	S71°21'58"E
C13	198.75	270.00	42°10'35"	N71°40'23"W
C14	39.27	25.00	90°00'00"	S42°48'28"W
C15	21.67	25.00	49°39'38"	S27°01'21"E
C16	114.81	60.00	109°38'10"	N02°57'54"E



REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES
NOVEMBER 2012
REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS



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

SHEET 2 OF 6

E RIGHT TO LEFT
CCF J788626 OPRRP HCT
POINT ENERGY
ERY CCF H821490 OPRRP HCT

UNRESTRICTED RESERVE "D"
5,779,564.71 SQ. FT.
132.6805 ACRES

S 07°15' E
CITY OF TOMBALL ETJ
CITY OF TOMBALL

CALLED 26.5 ACRES EACH
TOMBALL GUN CLUB
CCF B717054 OPRRP HCT

REMAINDER OF 10.452 ACRES
JAMES KIRKMAN
CCF P763144 OPRRP HCT

CITY OF TOMBALL
CITY OF TOMBALL ETJ

CALLED 9.470 ACRES
KLEIN MATHEW
CCF S960728 OPRRP HCT

CITY OF TOMBALL
CITY OF TOMBALL ETJ

CALLED 5.47 ACRES
ROCK E GRAHAM
CCF S971746 OPRRP HCT
CCF S832827 OPRRP HCT

10' UE, 5 X 20 AE
Sketch No. A-M-20763-R
VOL. 7245, PG. 468 DR HCT
Sketch No. A-24196
VOL. 8386, PG. 601 DR HCT

UNRESTRICTED RESERVE "D"
5,779,564.71 SQ. FT.
132.6805 ACRES

PRIVATE ACCESS EASEMENT
(SEE NOTE 11)

TEMPORARY CUL-DE-SAC
(60' RADIUS)

RESTRICTED RESERVE "C"
493,613.88 SQ. FT.
11.3318 ACRES

CALLED 155.696 ACRES
HOBBY H. McCALL LIVING TRUST
CCT NO. P816725 OPRRP HCT
PROPOSED SUBDIVISION

CALLED 7.500 ACRES
SAMUEL OLIVO
CCF V586304 OPRRP HCT

LOT 12
60,273.11 SQ. FT.
1.3837 ACRES

LOT 4
60,010.03 SQ. FT.
1.3776 ACRES

LOT 11
60,061.27 SQ. FT.
1.3788 ACRES

LOT 3
60,473.10 SQ. FT.
1.3883 ACRES

REMAINDER OF 15.000 ACRES
JIMMY D ADAMS
CCF S832826 OPRRP HCT

LOT 10

LOT 2
57,628.83 SQ. FT.
1.3270 ACRES

REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE

221.2020 ACRES (9,635,559.12 SQ. FT.)

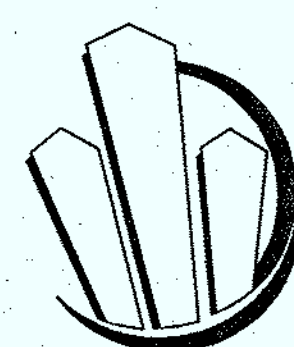
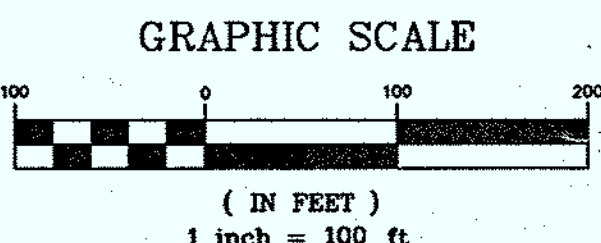
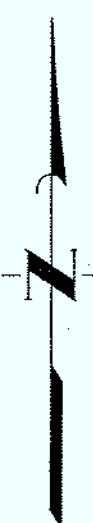
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CITY OF TOMBALL, TEXAS

3 BLOCKS 24 LOTS 7 RESERVES

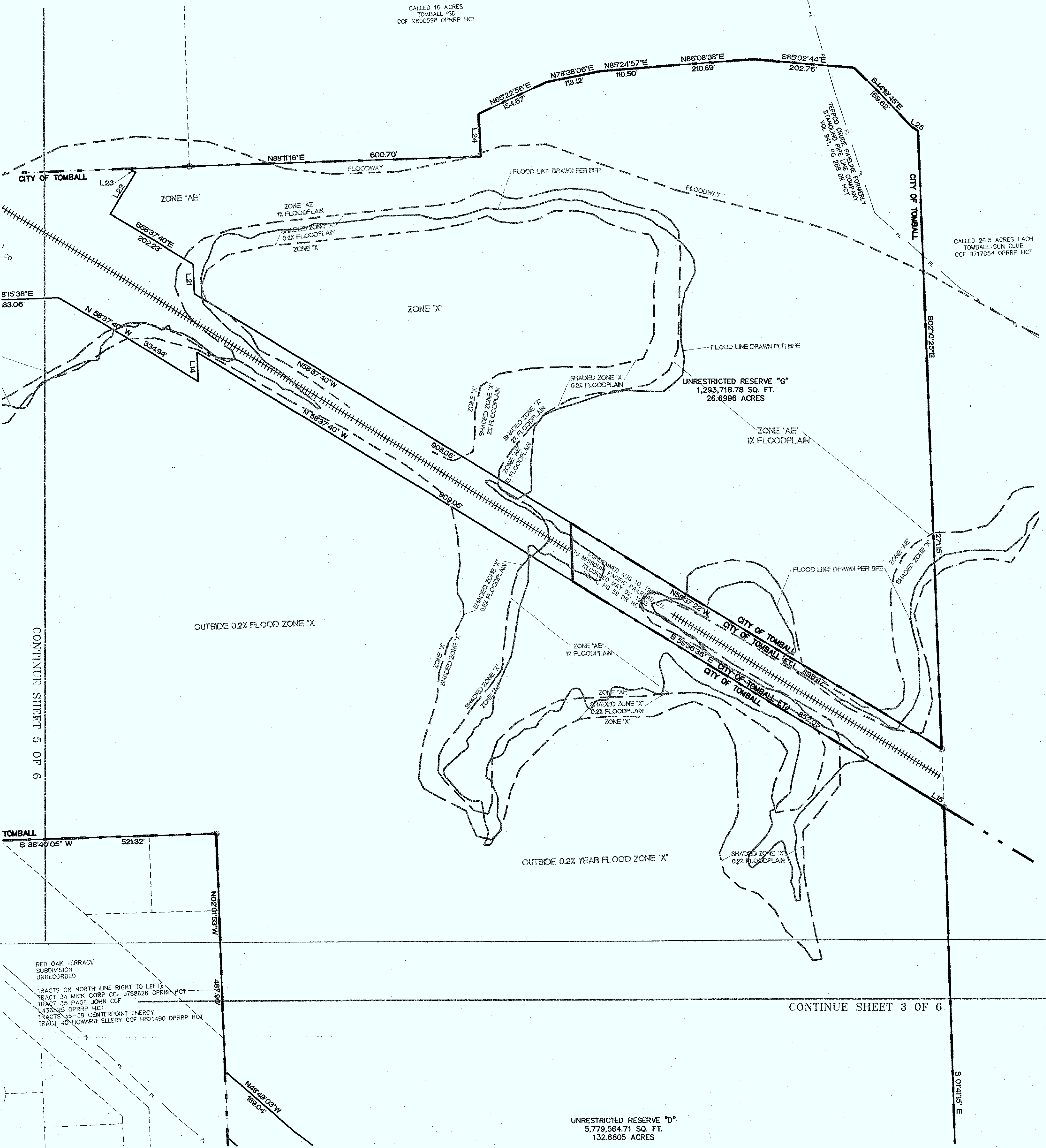
NOVEMBER 2012

REASON FOR REPLAT:

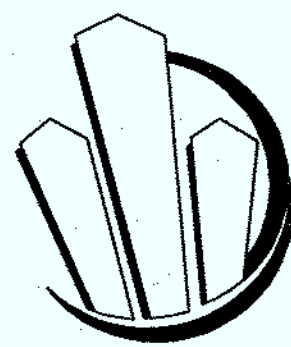
TO REMOVE DRAINAGE EASEMENTS



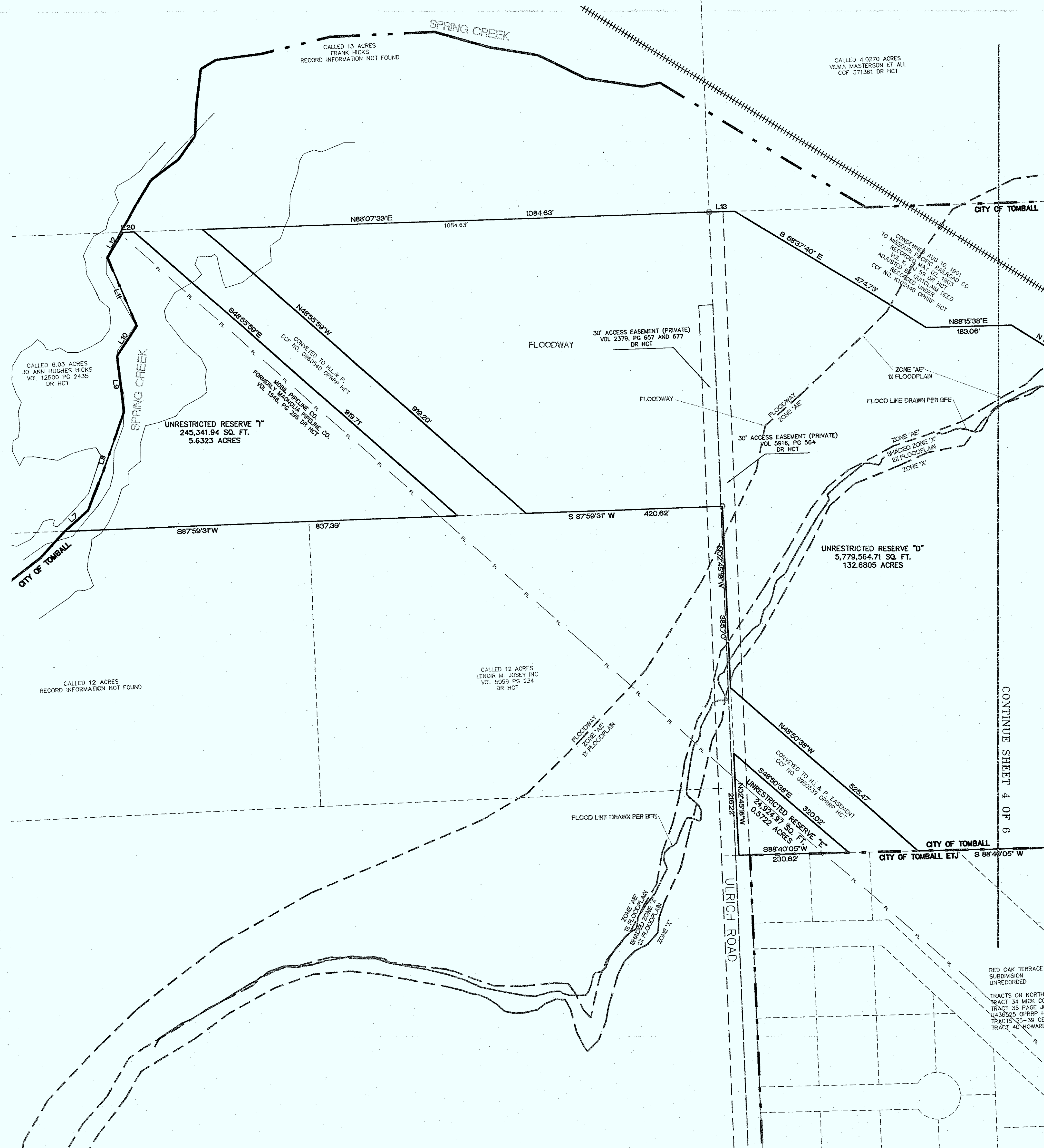
TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731



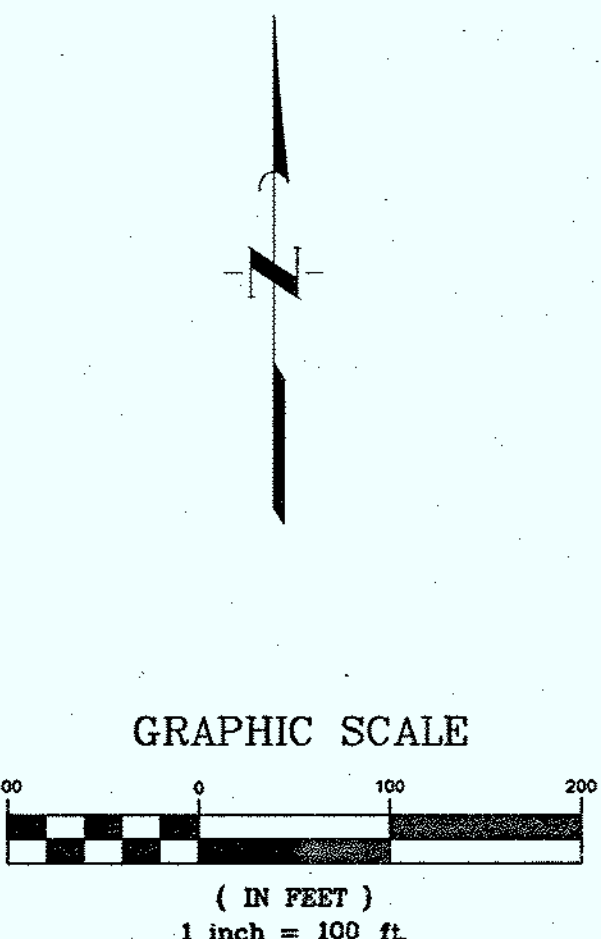
REPLAT OF THE FINAL PLAT
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 JOSEPH MILLER LEAGUE, A-50
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 HARRIS COUNTY, TEXAS
 CITY OF TOMBALL, TEXAS
 3 BLOCKS 24 LOTS 7 RESERVES
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TOWN & COUNTRY SURVEYORS, LLC
 25307 NORTH FREEWAY, SUITE 100
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REPLAT OF THE FINAL PLAT
 RESERVE AT SPRING LAKE
 SECTION ONE
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 25307 NORTH FREEWAY, SUITE 100
 THE WOODLANDS, TX 77380
 (281)465-8730
 FAX (281)465-8731

C:\2012\2012-0004
 SHEET 5 OF 6

STATE OF TEXAS

COUNTY OF HARRIS

WE, Zion Road Properties, LLC, acting by and through Robert M. Allen, General Manager, being officer of Zion Properties, LLC, hereinafter referred to as owners of the 221.2020 acre tract described in the above and foregoing plat of RESERVE AT SPRING LAKE SECTION ONE, do hereby make and establish said subdivision and development plat of said property according to all liens, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purpose and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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

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

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (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, 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 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.

IN TESTIMONY WHEREOF, Zion Road Properties, LLC. has caused these presents to be signed by Robert M. Allen, its General Manager, thereunto authorized, attested by its Secretary, _____, and its common seal hereunto affixed this _____ day of _____, 2012.

Zion Road Properties, LLC

Attest:
By: _____, Secretary
Robert M. Allen, General Manager

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

We, Preferred Bank, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File No. 2008-0535712 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

Houston, Texas
Phone: 281-556-6443

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, 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 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 _____

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

We, Commercial State Bank, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File Nos. 20120109565 and 20120109566 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

El Campo, Texas
Phone: 979-543-6441

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, 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 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 _____

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

We, JSRA Property Investments, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File No. 20090285835 of the Property Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

JSRA Property Investments

ROBERT M. ALLEN, PRESIDENT
9977 W. Sam Houston Parkway N., Suite 150
Houston Texas 77064
Ph: 281-477-8688

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT M. ALLEN, PRESIDENT, 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 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 _____

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

We, Kolkhorst and Kolkhorst, CPAs, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File Nos. 20090285835 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

Kolkhorst and Kolkhorst, CPAs
Gary Kolkhorst, Partner
9977 W. Sam Houston Parkway N., Suite 150
Houston Texas 77064
Ph: 281-477-9100

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Gary Kolkhorst, Partner, 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 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 _____

Notary Public in and for the State of Texas

My Commission Expires: _____

OWNER\DEVELOPER:
ZION ROAD PROPERTIES
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PKWY N., #150
HOUSTON, TX 77064
PH: 281-477-8688

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
32719 WINDSOR TERRACE
FULSHEAR, TX 77441
PH: 281-346-2616

LIENHOLDER:
PREFERRED BANK
11757 KATY FREEWAY, SUITE #100
HOUSTON TEXAS 77079
PH: 281-556-6443

LIENHOLDER:
COMMERCIAL STATE BANK
401 NORTH MECHANIC
EL CAMPO, TX 77437
PH: 979-543-6441

LIENHOLDER:
JSRA PROPERTY INVESTMENT
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-8688

LIENHOLDER:
KOLKHORST & KOLKHORST, CPAs
GARY KOLKHORST, PARTNER
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-9100

I, David Strauss, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron pipes or rods having an outside diameter of not less than five-eighths inch (5/8") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

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

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's Ordinances.

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

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Reserve at Spring Lake Section One in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2012.

By: _____ By: _____
Lori Wallace, Chair Evelyn Chervenak, Vice-Chair

CITY OF TOMBALL

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way 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: _____ By: _____
Gretchen Fagan, Mayor 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 _____, 2012, at _____ o'clock, and duly recorded on _____, 2012, at _____ o'clock, 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, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS

3 BLOCKS 24 LOTS 7 RESERVES

NOVEMBER 2012

REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS

SURVEYOR:



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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 12, 2012

Data Sheet

Topic:

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").

- Conduct a Public Hearing on **ZONING CASE P12-510**

Background:

Origination:

City-initiated

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

P12-510 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 12, 2012
&
CITY COUNCIL
NOVEMBER 19, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 12, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 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 P12-510: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 (“Fences in Residential Areas”).

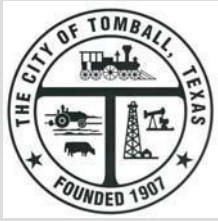
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more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

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 8th day of November 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.



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: November 12, 2012

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”).

BACKGROUND

The City has been approached by several residents during the last several years desiring to construct residential fences and vehicular access gates along their front property lines. Section 42.4 (“Fences in Residential Areas”) of the Tomball Zoning Ordinance currently prohibits the construction of residential fences within 15 feet of a public right-of-way and vehicular access gates within 25 feet of a public right-of-way. City Staff has reviewed Section 42.4 and is proposing to allow residential fences and vehicular access gates to be constructed along the front property line.

ANALYSIS

Section 42.4.A

The first sentence is being amended to make it easier to understand; the maximum residential fence height of 8 feet is not being amended. Property owners wanting to construct a fence taller than 8 feet may submit a Special Exception request to the Tomball Board of Adjustments. The second sentence is being added to ensure residential fences are constructed of materials and colors in character with the area.

Section 42.4.B

City Staff is proposing to allow residential fences on lots smaller than 5 acres to have a maximum height of 4 feet between the front property line and the closest primary or accessory structure on site (Exhibit “A”). Residential fences are currently not permitted to be constructed along the front property line (Exhibit “B”). The rationale for this prohibition may stem from concerns that fences may be constructed over utility easements where they can be damaged by utility workers or within areas set for future right-of-way expansion where they can be damaged when a roadway is widened. As the Zoning Ordinance is currently written, commercial fences are permitted to be built along the front property line where many utility easements are located and where future right-of-way expansion is most likely. City Staff is not aware of any major issues caused by this allowance for commercial properties in Tomball and does not anticipate any major issues with permitting it for residential fences. Allowing residential fences to be constructed at the front property line may increase the usable space on a residential lot thereby allowing the residents to further enjoy their land.

The second sentence is being added to allow residential fences on 5 acre sites or greater to be up to 6 feet in height between the front property line and the front building setback (Exhibit “C”). Large lots are currently required to construct their fences the same way as a small lot (i.e. No fence from

the front property line to 15 feet back, a 4 foot tall fence from 15 feet back to the front building line, and a maximum 8 foot fence behind the front building line) (Exhibit “D”). This amendment recognizes that large estate- and ranch-style residential lots often have fences and gates taller than 4 feet in height. This provision will accommodate this reality while still maintaining a reasonable transition of fence heights from the front to the rear of the site.

Section 42.4.C

Staff is proposing that vehicular access gates be set back from the edge of street or road pavement, not the property line, a minimum of 25. The City’s requirement to have vehicular access gates 25 feet from the property line appears to be overly burdensome on residents considering there is typically 16 feet of residential driveway in the public right-of-way outside of the street’s paved area. If there is 16 feet of driveway in the right-of-way, the same 25 foot vehicular access gate setback from the street can be achieved by using only 9 feet of private property to accomplish the same goal. This decreased setback may increase the developable area and front yard area of a residential lot.

The second sentence is being added to ensure fence openings are equipped with gates equal in height and characteristics to the fence. This amendment attempts to maintain visual compatibility between the fence and the gate.

Section 42.4.D

Minor wording changes are proposed for this section; the requirements which have established will not change.

Section 42.4.E

City Staff is proposing to remove this section because “special purpose fencing” is too broad a category to be left with no other design standards. If the property owner would like a special purpose fence not allowed for in Sections 42.4.A-D they may submit a Special Exception request to the Tomball Board of Adjustments.

If Staff’s recommended changes to Section 42.4 are implemented it would likely increase the overall developable area of residential lots. For example, if a single-family residence is developed on a minimum 50-foot lot width, 100-foot lot depth, 20-foot front setback, 5-foot interior side setbacks, 15-foot street side setbacks, 5-foot rear setback on a 20-foot alley, and two 9-foot by 19-foot parking stalls. Under the current wording, the 15-foot fence setback and 25-foot gate setback leave only 30.6% developable area for a corner lot and 40.8% developable area for an interior lot (Exhibits “E”). With Staff’s recommended changes, the developable area for corner and interior lots jumps to 40.2% and 53.6%, respectively, and is aesthetically what residents are accustomed to seeing within Tomball (Exhibit “F”).

PROPOSED AMENDMENTS

Section 42.4 “Fences in Residential Areas”

A. No fence in a residential district shall exceed eight (8) feet in height. Residential fences shall be constructed of materials and colors in character with the area.

B. The maximum height of a fence between the front property line and the closest primary or accessory structure on the site shall be four (4) feet for lots which are less than five (5) acres. For

lots five (5) acres or larger, the maximum height of a fence between the front property line and the front setback shall be six (6) feet.

C. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of twenty (25) feet. All fence openings shall be equipped with gates equal in height and characteristics (e.g., materials, aesthetics, etc.) to the fence.

D. All fencing shall comply with Section 66.31-34 of the adopted Code of Ordinances and Section 40.8 of this Ordinance for sight visibility requirements.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on October 29, 2012; no public comments have been received.

RECOMMENDATION

Approval of the proposed amendments.

EXHIBITS

- A. Proposed Requirements for Small Lots - Elevations
- B. Existing Requirements for Small Lots - Elevations
- C. Proposed Requirements for Large Lots - Elevations
- D. Existing Requirements for Large Lots - Elevations
- E. Existing Requirements - Developable Area
- F. Proposed Requirements - Developable Area

Exhibit "A"
Proposed Requirements for Small Lots – Elevations

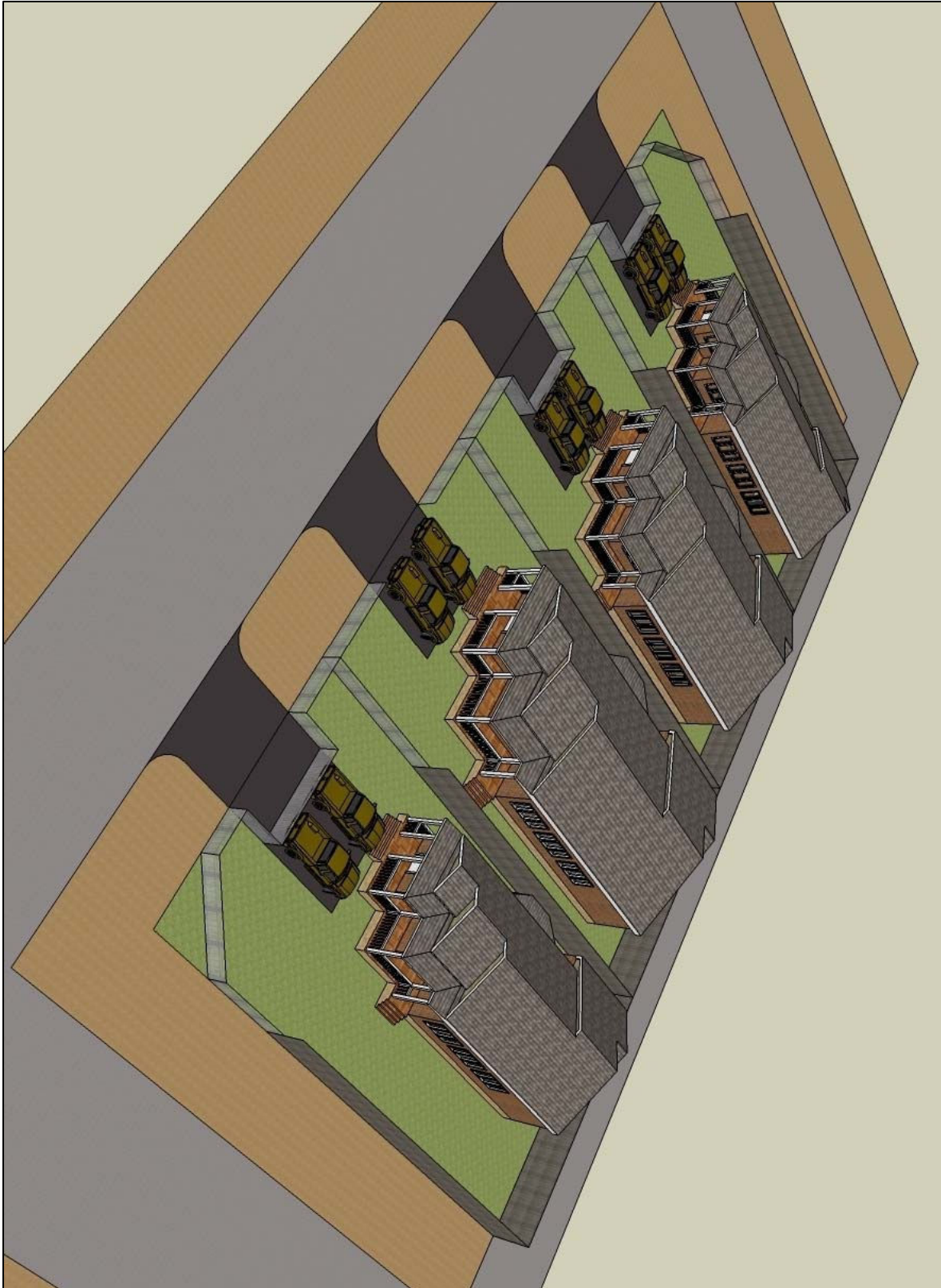


Exhibit "B"
Existing Requirements for Small Lots – Elevations

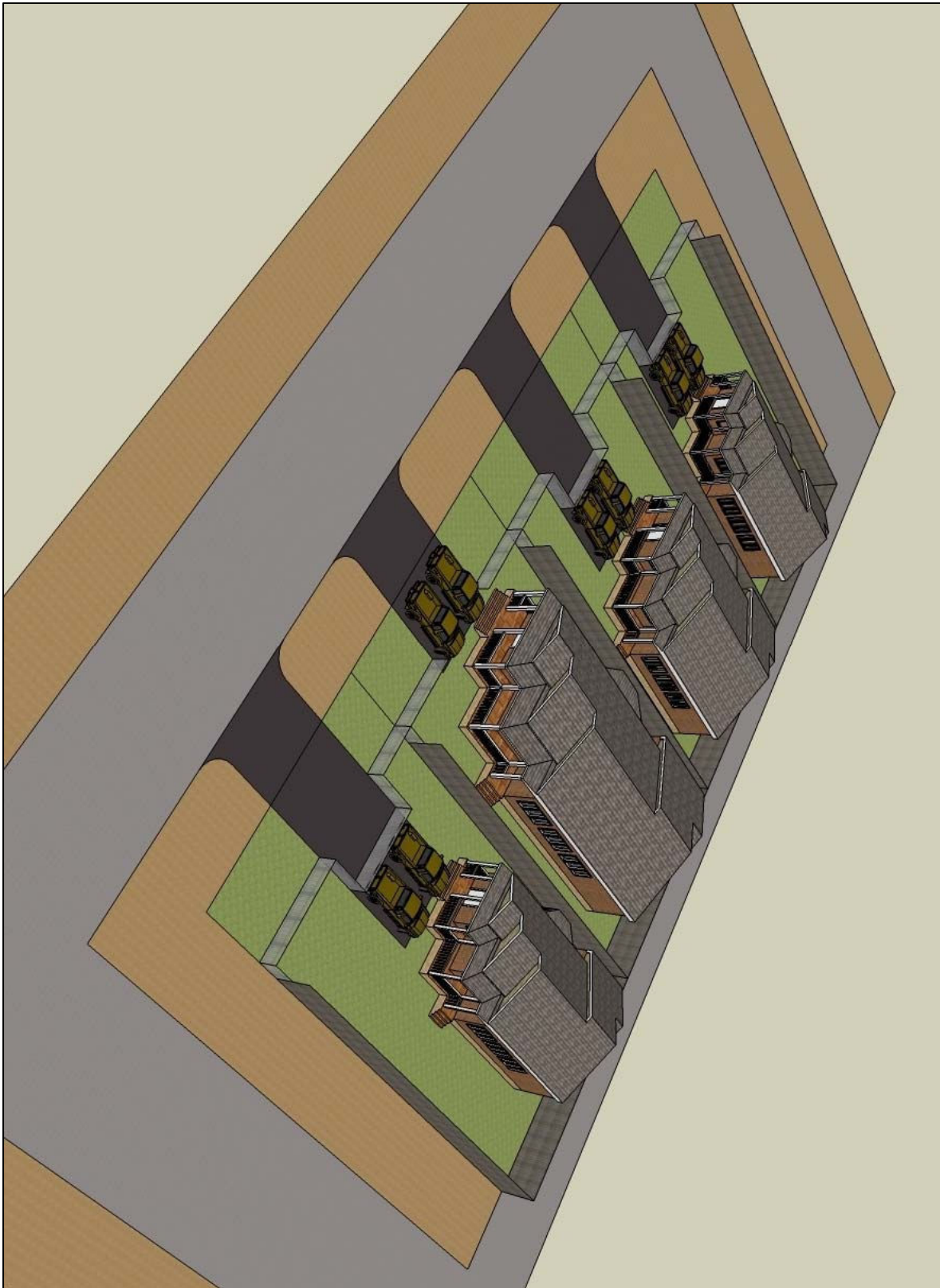


Exhibit "C"
Proposed Requirements for Large Lots – Elevations

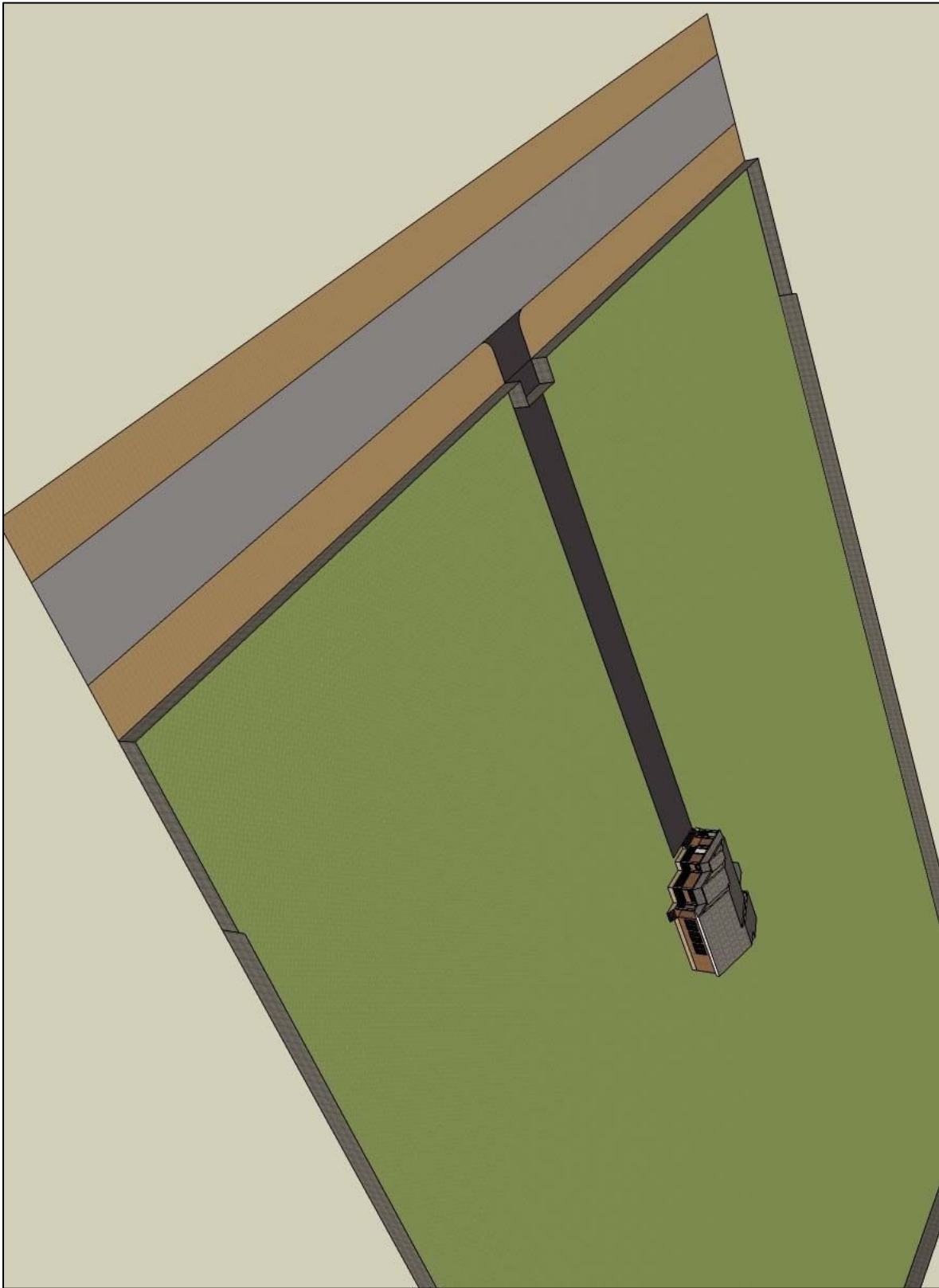


Exhibit "D"
Existing Requirements for Large Lots – Elevations

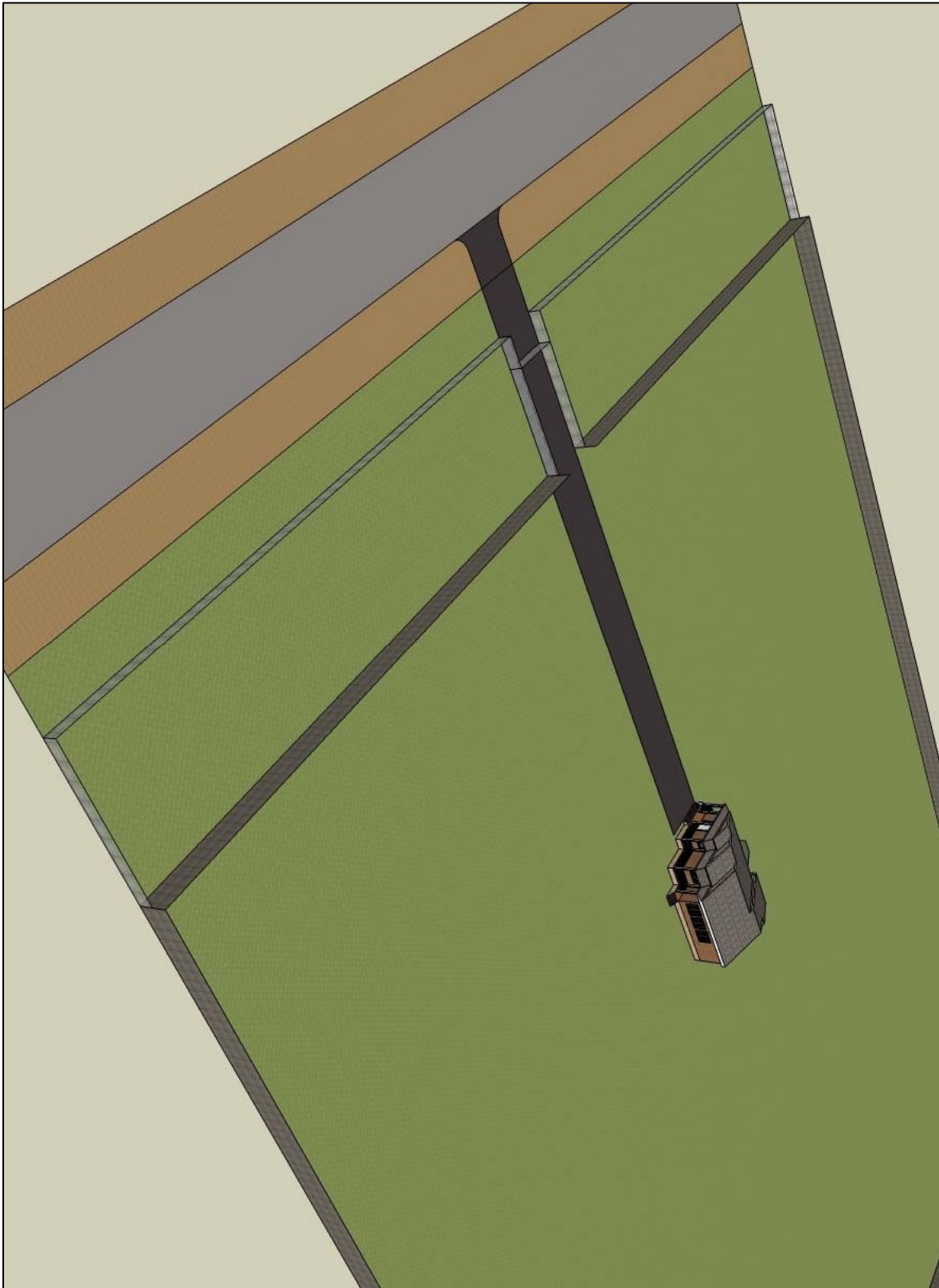


Exhibit "E"
Existing Requirements - Developable Area

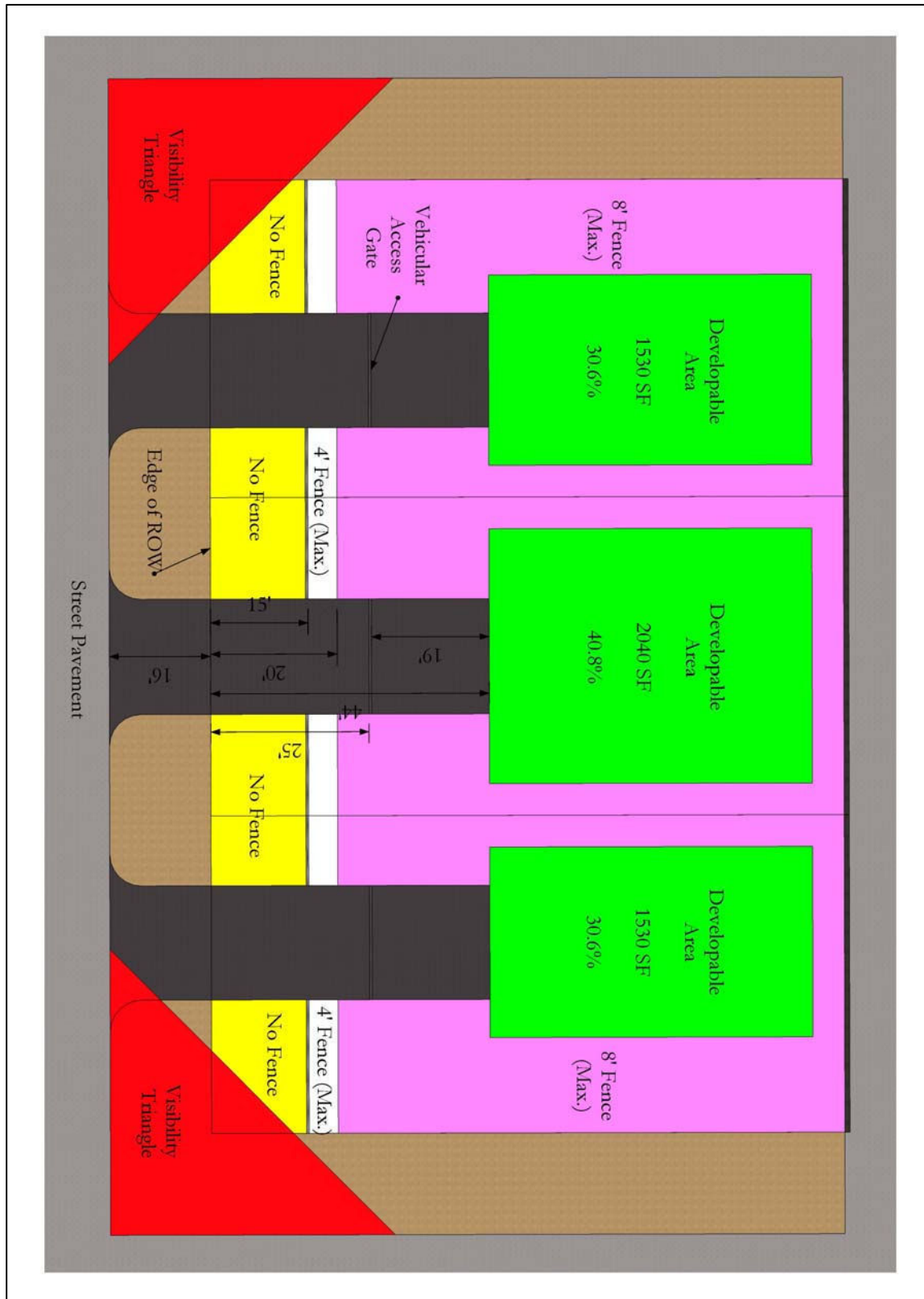


Exhibit "F"
Proposed Requirements - Developable Area

