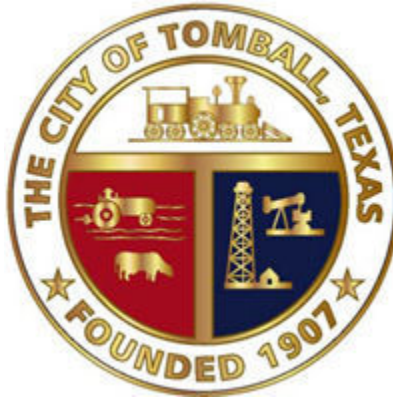


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, OCTOBER 8, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, October 8, 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 September 10, 2012.
- 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.
- 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.
- 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.
- 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.
- 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.
- Conduct a Public Hearing on **ZONING CASE P12-483**
- 5.6 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.
- Conduct a Public Hearing on **ZONING CASE P12-484**

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 4th day of October 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: October 8, 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: October 8, 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: October 8, 2012

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 10, 2012.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning Department

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

ATTACHMENTS:

P&Z Regular Meeting Minutes 09.10.12

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

MONDAY, SEPTEMBER 10, 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 Beauvais
Commissioner Chervenak
Commissioner Roquemore

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 following meetings:

- Regular Planning and Zoning Commission Meeting of August 13, 2012
- Special Joint City Council and Planning & Zoning Commission Meeting of September 4, 2012;

Second by Commissioner Beauvais.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve PARKWAY OASIS REPLAT NO. 2: A Subdivision of a 7.8613 Acre Tract of Land; being all of Lot 5, Block 1, Parkway Oasis (Film Code**

No. 622219; H.C.M.R.) and All of Lot 1 and Lot 6, Block 1, Parkway Oasis Partial Replat No. 1 (Film Code No. 635087; H.C.M.R.), in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375, City of Tomball, Harris County, Texas

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Chervenak made a motion to approve **PARKWAY OASIS REPLAT NO. 2** with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.2 Consideration to approve **POINT SOUTH BUSINESS PARK FINAL PLAT**: Being a Subdivision of 3.9078 Acres of Land out of the Claude M. Pillot Survey, Abstract No. 632, in the City of Tomball, Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Tague made a motion to approve **POINT SOUTH BUSINESS PARK FINAL PLAT** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.3 Consideration to approve **PRELIMINARY PLAT GATEWAY BUSINESS PARK**: A Subdivision of 2.9894 Acres of Land, located in Montgomery County, Texas, Situated in the Joseph House Survey, Abstract 20, and being a part of a 4.9981 Acre Tract of Land described in the Deed recorded under County Clerk's File number 8527933, Film Code 349-01-042D of the Montgomery County Official Public Records of Real Property.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Tague made a motion to approve **PRELIMINARY PLAT GATEWAY BUSINESS PARK** with contingencies; second by Commissioner Beauvais.

Motion carried unanimously.

- 5.4 Consideration to approve **ZONING CASE P12-459**: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

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

Rebeca Guerra, City Planner presented the staff report.

Applicant, Craig Schneider spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:12 p.m.

Commissioner Roquemore made a motion to approve the request for **ZONING CASE P12-459**; second by Commissioner Chervenak.

Vote was as follows:

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

Motion carried, 4-1.

- 5.5 Consideration to approve **ZONING CASE P12-468**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

The Public Hearing was opened by Chairman Wallace at 6:19 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Jeff Presnal spoke on behalf of the request.

Kelly Violette, Executive Director of the Tomball EDC spoke in support of the request.

Hearing no additional comments, the Public Hearing was closed at 6:31 p.m.

Commissioner Tague made a motion to approve the request for **ZONING CASE P12-468**; second by Commissioner Roquemore.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Nay</u>

Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried, 4-1.

- 5.6 Consideration to approve **ZONING CASE P12-469**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

The Public Hearing was opened by Chairman Wallace at 6:34 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Jeff Presnal spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:48 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-469**; 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.

- 5.7 Consideration to approve **ZONING CASE P12-481**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

The Public Hearing was opened by Chairman Wallace at 6:49 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Jeff Presnal spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:48 p.m.

Commissioner Tague made a motion to approve the request for **ZONING CASE P12-481**; second by Commissioner Roquemore.

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 Tague to adjourn; second by Commissioner Chervenak.

Motion carried unanimously.

Meeting adjourned at 6:53 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: October 8, 2012

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning Department

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

ATTACHMENTS:

Abbreviated Plat Patel Plaza

THE STATE OF TEXAS
COUNTY OF HARRIS

I, RATILAL P. PATEL, HEREINAFTER REFERRED TO AS OWNER OF THE 0.3214 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF PATEL PLAZA, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOEVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (1 3/4-DIAMETER) WITH CULVERT OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE OR WALKWAYS SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY COVENANTS AND AGREE THAT ALL OF THE PROPERTY WITH 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: _____
RATILAL P. PATEL

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, RATILAL P. PATEL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2012.

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

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

GEORGE SHACKELFORD, CITY MANAGER

LORI LAKATOS P.E., ACTING CITY ENGINEER

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF PATEL PLAZA IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2012.

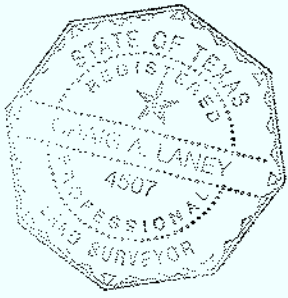
BY: _____
LORI WALLACE, CHAIRMAN

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

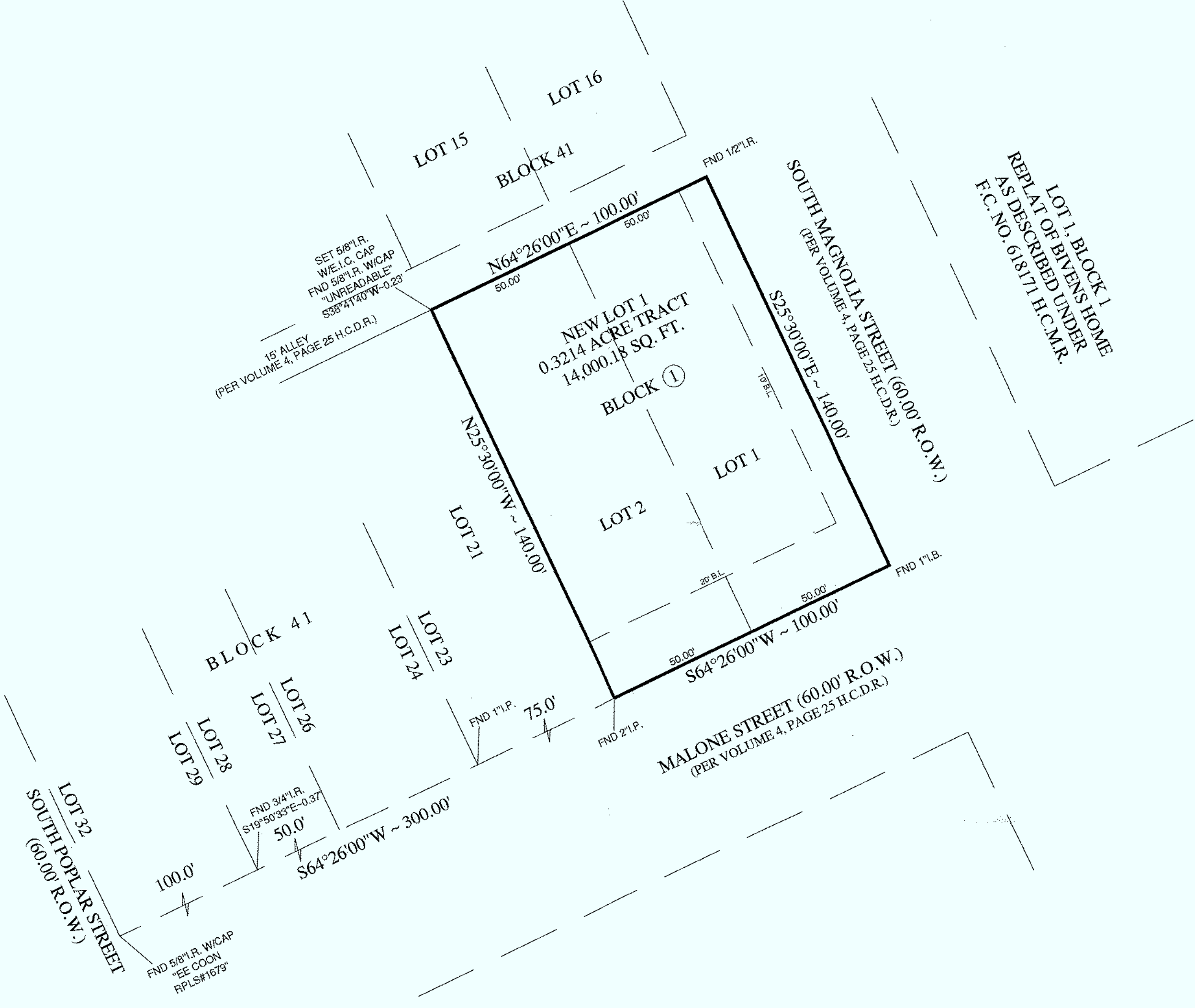
BY: _____
GRETCHEN FAGAN, MAYOR

DORRIS SPEER, CITY SECRETARY

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-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.



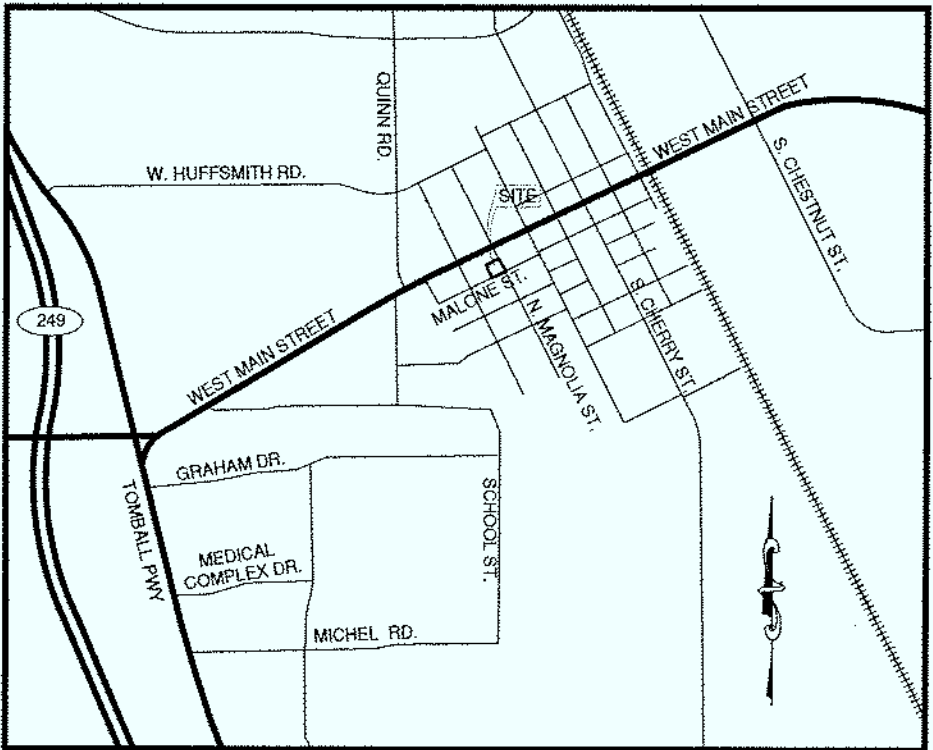
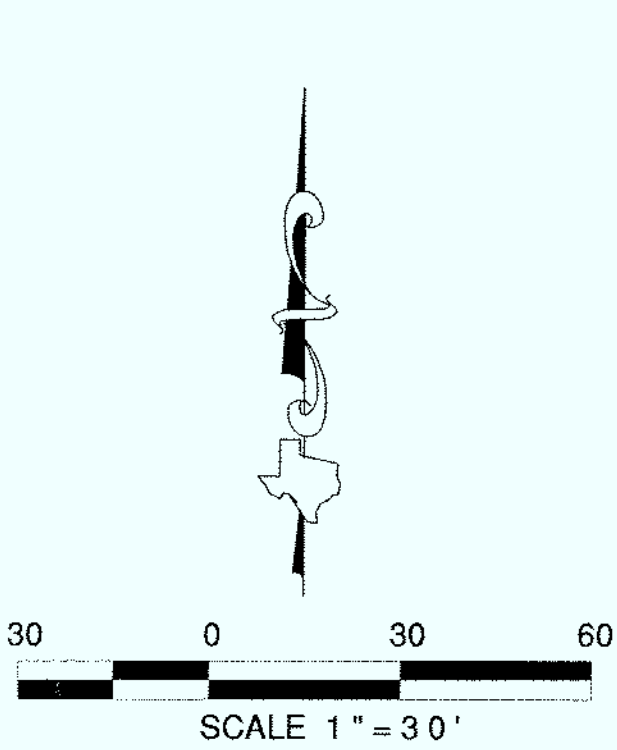
CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



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 _____, AND DULLY RECORDED ON _____, 2012, AT _____ O'CLOCK _____, AND UNDER FILM CODED NUMBER _____ OF THE MAP RECORDS 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



VICINITY MAP
NOT TO SCALE

ABBREVIATED PLAT
PATEL PLAZA
BEING A SUBDIVISION OF 0.3214 ACRE
(14,000.18 SQUARE FEET)
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.

CONTAINING
1 LOT 1 BLOCK
(REASON FOR REPLAT IS TO COMBINE TWO LOTS INTO ONE)

OCTOBER 2012

OWNER
RATILAL P. PATEL 601 WEST MAIN STREET
TOMBALL, TX 77375
(281) 797 - 5378

SURVEYOR
E.I.C.SURVEYING COMPANY 12345 JONES ROAD # 270
HOUSTON , TEXAS 77070
(281) 955 - 2772

LEGEND	
B.L.	Indicates " Building Line "
U.E.	Indicates " Utility Easement "
R.O.W.	Indicates " Right-of Way "
AC.	Indicates " Acre "
VOL.	Indicates " Volume "
PG.	Indicates " Page "
I.R.	Indicates " Iron Rod "
H.C.M.R.	Indicates " Harris County Map Records "
H.C.D.R.	Indicates " Harris County Deed Records "
SQ.FT.	Indicates " Square Feet "
C.F.#	Indicates " Clerk's File Number "
FND.	Indicates " Found "

GENERAL NOTES

- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 8, 2012

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning Department

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

ATTACHMENTS:

Grand Three Final Plat

Page 15 of 61

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 8, 2012

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

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

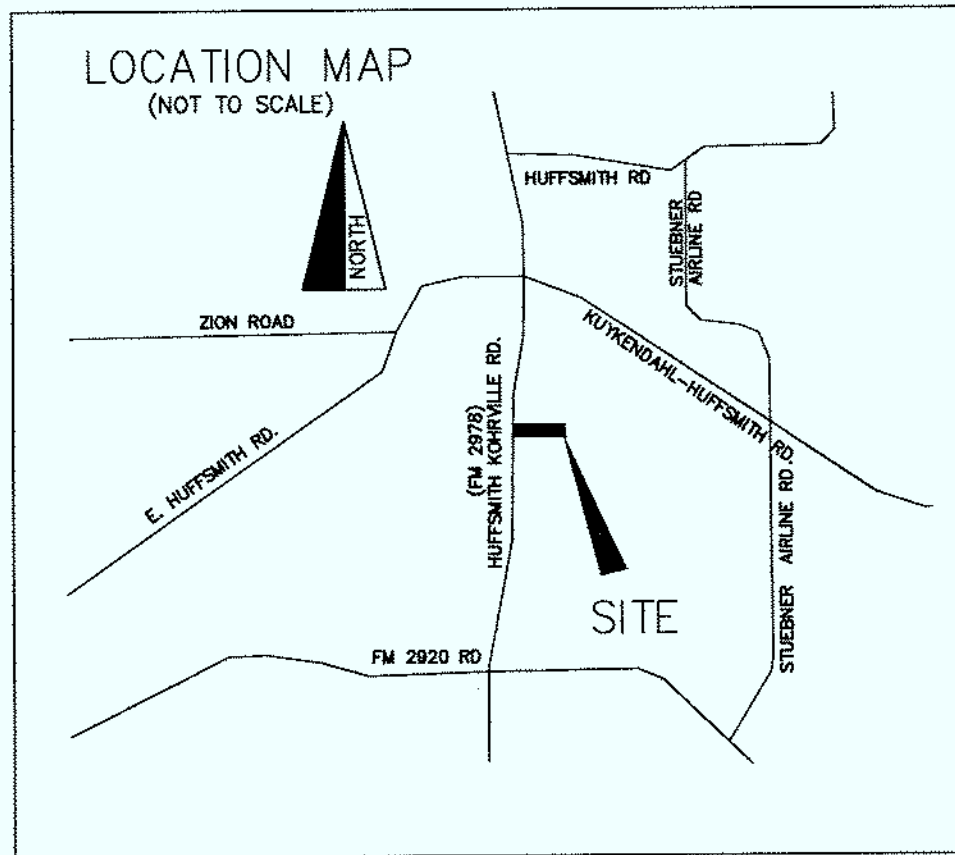
Brandy Pate, Engineering and Planning Department

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

ATTACHMENTS:

Preliminary Plat of Valley Tree Subdivision

KUYKENDAHL-HUFFSMITH ROAD (ROW)

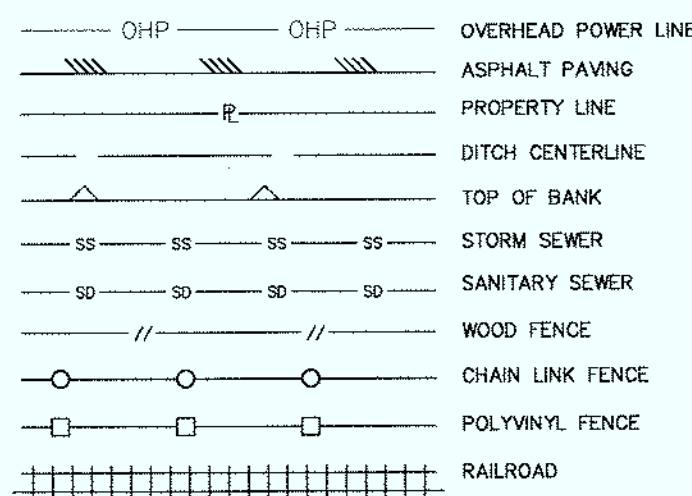


KEY MAP: 289A

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 AND 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.) THIS PROPERTY LIES WITHIN THE BOUNDS OF THE TOMBALL INDEPENDENT SCHOOL DISTRICT.
- 8.) TBM ELEV.=172.78' AT SOUTHWEST CORNER OF RESERVE "A" REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NAVD 1988, 2001 ADJUSTMENT.
- 9.) SUBJECT PROPERTY RESTRICTED TO COMMERCIAL USE ONLY.
- 10.) 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 208.64'
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. F919316 AND BEING LOCATED ON 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 DISTANCE OF 276.85 FEET PASS A 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 A 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°08'26" 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°00'48" 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 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, 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.

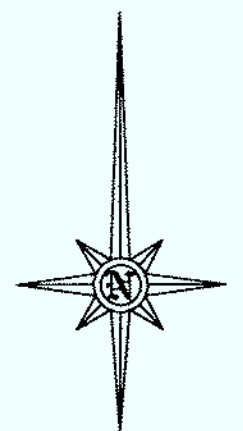
GEORGE SHACKELFORD
CITY MANAGER

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.

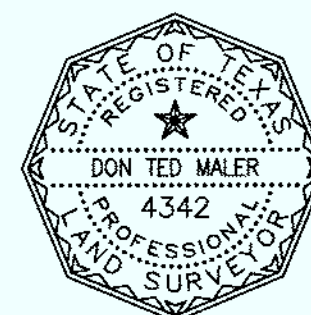
GRETCHEN FAGAN
MAYOR

DORIS SPEER
CITY SECRETARY



GRAPHIC SCALE
1 inch = 100 feet

I, DON T. MALER, 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 THREE QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'); AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.



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 COMPLIES 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

PRELIMINARY 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
11908 BEAUDREAX
TOMBALL, TEXAS 77379
PHONE: 832-435-9398

OWNER: HUMBERTO & DIAZ
11908 BEAUDREAX
TOMBALL, TEXAS 77379
PHONE: 832-435-9398

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: October 8, 2012

Data Sheet

Topic:

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.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning Department

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

ATTACHMENTS:

Dakota Pines

STATE OF TEXAS
COUNTY OF HARRIS

Shaun Lehmann, President and Carolyn Lehmann, Secretary, being officers of GDP Real Estate, LTD, owners hereinafter referred to as Owners of the 5.0005 acre tract described in the above and foregoing map of Dakota Pines, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the 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, Owners have 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 the ground level upward, located adjacent to and adjoining said public utility easements that are designated 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, Owners have 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 designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement total thirty feet (30' 0") in width.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of single family residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, Owners do hereby covenant and agree 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, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby 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 (1- 3/4) square feet (18" diameter) with culverts or bridges to be provided for all the 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, gulches, ravines, drows, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, 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 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, Owners certify and covenant that they have 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.

IN TESTIMONY WHEREOF, the GDP Real Estate, LTD has caused these presents to be signed by Shaun Lehmann, its president, thereto authorized, attested by its Secretary, Carolyn Lehmann, this _____ day of _____, 2012.

GDP Real Estate, LTD

By: _____
Shaun Lehmann, President

Attest: _____
Carolyn Lehmann, Secretary

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Shaun Lehmann, President and Carolyn Lehmann, Secretary known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

Notary Public in and for the State of Texas
Print Name _____

My Commission expires: _____

I (or we), Woodforest National Bank, owner and holder of a lien (or liens) against the property described in the plat known as Dakota Pines, said lien (or liens) being evidenced by instrument of record in the Clerk's File No. X831063 of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and I (or we) hereby confirm that I am (or we are) the present over (or owners of said lien (or liens) and have not assigned the same nor any part thereof.

By: _____
Print name _____

STATE OF TEXAS

COUNTY OF HARRIS

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

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

Notary Public in and for the State of Texas
Print Name _____

My Commission expires: _____

I, Fred W. Lawton, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods have an outside diameter of not less than three quarters (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner and the state plane coordinates (NAD83).

Fred W. Lawton
Texas Registration No. 2321



KUYKENDAHL HUFFSMITH ROAD (PUBLIC R.O.W.)

GRAPHIC SCALE

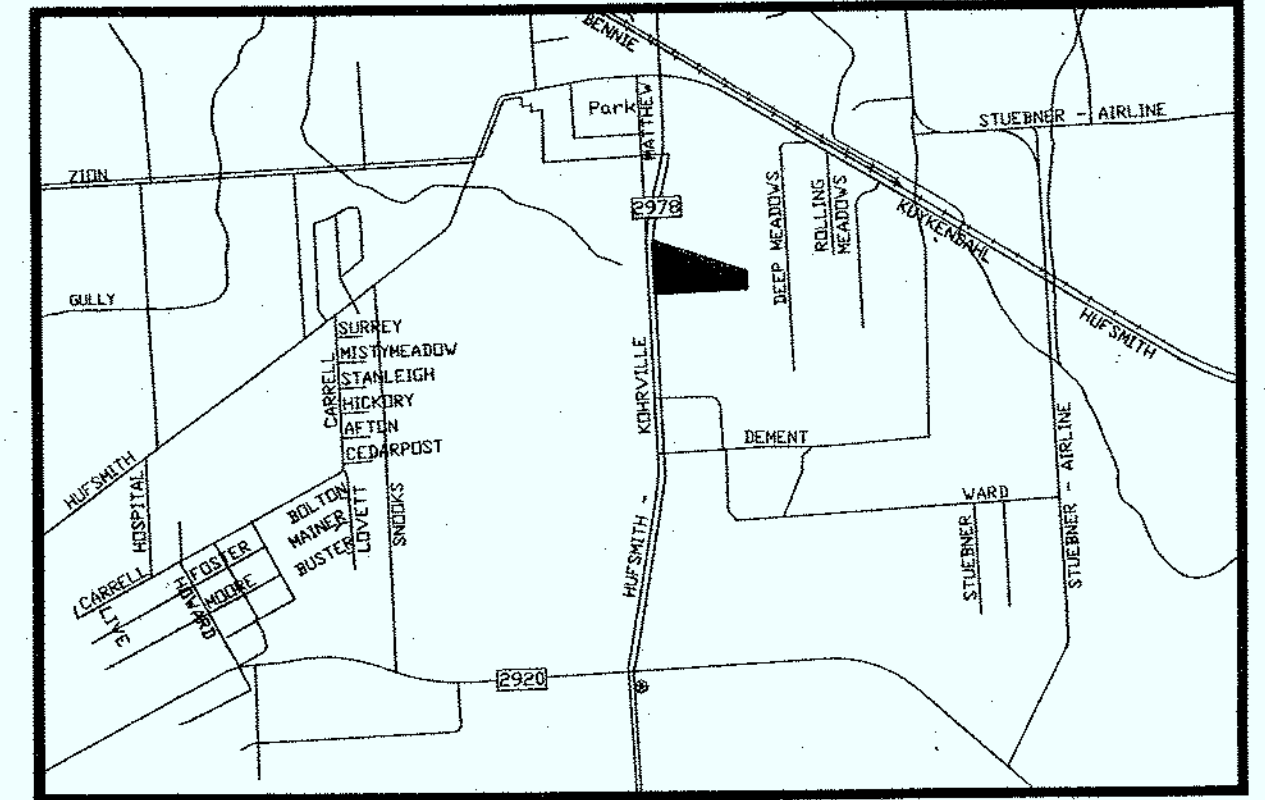


(IN FEET)
1 inch = 40 ft.

LEGEND:

SQ. FT. - SQUARE FEET
ESMT. - EASEMENT
B.L. - BUILDING LINE
G.B.L. - GARAGE BUILDING LINE
U.E. - UTILITY EASEMENT
A.E. - AERIAL EASEMENT
R.O.W. - RIGHT OF WAY
H.C.C.F. - HARRIS COUNTY CLERKS' FILE
H.C.D.R. - HARRIS COUNTY DEED RECORDS
H.C.M.R. - HARRIS COUNTY MAP RECORDS
VOL. - VOLUME
PG. - PAGE

BLOCK 1
AAA STORAGE F.M. 2978
(F.L.M. CODE NO. 623261 HCMR)



VICINITY MAP NOT TO SCALE

- Notes:
1. The coordinates shown hereon are Texas South Central No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale 0.99998187672.
 2. This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
 3. Site drainage plans for the future development of this reserve must be submitted to the Harris County Flood Control District and Engineering Division of Harris County Public Infrastructure Department.

LOT 1, BLOCK 1
(USE IS UNRESTRICTED)
5.0005 ACRES
(217,823.43 SQ. FT.)

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF DAKOTA PINES 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

THIS IS TO CERTIFY THAT THE CITY COUNCIL FOR THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF DAKOTA PINES 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: _____
GRETCHAN FAGAN
MAYOR

BY: _____
DORIS SPEER
CITY SECRETARY

WE, THE CITY MANAGER AND THE CITY ENGINEER FOR THE CITY OF TOMBALL, DO HEREBY CERTIFY THAT THIS PLAT OF DAKOTA PINES IS IN CONFORMANCE WITH THE CITY OF TOMBALL ORDINANCES.

BY: _____
GEORGE SHACKELFORD
CITY MANAGER

BY: _____
LORI LAKATOS, P.E.
ACTING CITY ENGINEERING

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 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 and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on _____, 20____ by an order entered into the minutes of the court.

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

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 _____, 20____, at _____ o'clock _____ M., and duly recorded on _____, 2012, at _____ o'clock _____ M., and at Film Code Number No. _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

DAKOTA PINES

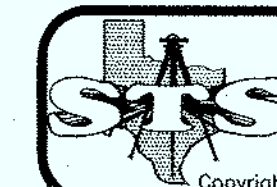
1 BLOCK, 1 LOT

A SUBDIVISION OF 5.0005 ACRES (217,823 SQUARE FEET) 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

REASON FOR PLAT:

TO CREATE ONE UNRESTRICTED LOT
SCALE: 1"= 40' DATE: 07/2012

OWNER: GDP REAL ESTATE, LTD
ADDRESS: P.O. BOX 1567
TOMBALL, TX 77377
PHONE NO: 281-357-5454



SOUTH TEXAS SURVEYING ASSOCIATES, INC.

11281 Richmond Ave. Bldg J, Suite-101 Houston, Texas 77082
281-556-6918 FAX 281-556-9331

Copyright 2012 South Texas Surveying Associates, Inc.

K:\CONRES 2012\PLATS\397-12.DWG (AO)

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 8, 2012

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P12-483**

Background:

Origination:

Tomball and Magnolia Properties, LLC

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning Department

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

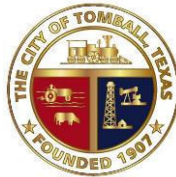
ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-483 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 8, 2012
&
CITY COUNCIL
OCTOBER 15, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 8, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 15, 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 P12-483: 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.

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CERTIFICATION

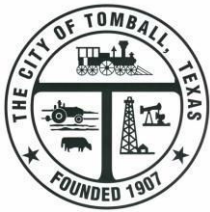
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Brandy Pate

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.



Notice of Public Hearing

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CASE NUMBER: P12-483

APPLICANT: Tomball & Magnolia Properties, LLC

LOCATION: Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue

PROPOSAL: Request 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, from the Single-Family Residential-6 District to the Commercial District.

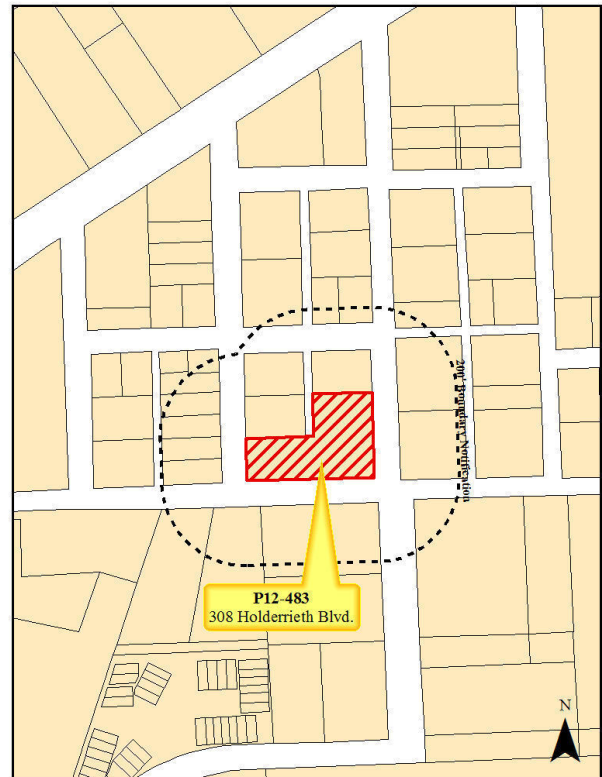
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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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.

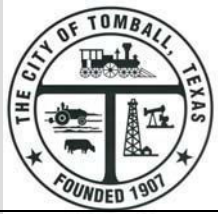


**Planning & Zoning Commission
Public Hearing:
Monday, October 8, 2012, 6:00 PM**

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*Monday, October 15, 2012, 6:00 PM**

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City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

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Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 8, 2012

Rezoning Case: P12-483
Property Owner: Tomball & Magnolia Properties, LLC
Applicant: Tomball & Magnolia Properties, LLC
Legal Description: Lot 1, Block 1, Northwest Houston Heart Center
Location: Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue
Area: 1.01 acres
Present Zoning and Use: Single-Family Residential-6 District (Exhibit "A") / Medical office (Exhibit "B")
Comp Plan Designation: Mixed Use (Exhibit "C")
Proposed Zoning and Use: Commercial District / Medical office and parking lot

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 & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Single-Family Residential-6 District and Old Town & Mixed Use District / Single-family residences, undeveloped land, Barbara Street, auto service garage, and warehouse
South: General Retail District / Alma Street and undeveloped land
West: Single-Family Residential-6 District / Lawrence Avenue and single-family residences
East: General Retail District / Holderrieth Boulevard, law office, and single-family residence

BACKGROUND

On August 7, 2012, the City of Tomball met with a representative of Tomball & Magnolia Properties, LLC to discuss the possible rezoning of the subject site from the Single-Family Residential-6 (SF-6) District to the Commercial District. The property representative indicated the rezoning request was to facilitate the expansion of the existing medical office parking lot.

City staff explained that the property is classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as "Mixed Use" which does not appear to be compatible with the

Commercial District proposed for this site. On August 14, 2012, the City of Tomball received a rezoning application from Tomball & Magnolia Properties, LLC for the subject site (Exhibit “D”).

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north are single-family residences, undeveloped land, Barbara Street, auto service garage, and a warehouse in the SF-6 and Old Town & Mixed Use (OT&MU) districts; to the south is Alma Street and undeveloped land in the General Retail District; to the west is Lawrence Avenue and single-family residences in the SF-6 District; and to the east is Holderrieth Boulevard, a law office, and a single-family residence with parking for the subject site in the General Retail District (Exhibit “E”). The uses permitted in the Commercial District do not appear to be consistent with the existing single-family residences to the north and west.

The proposed zoning classification of Commercial District “...is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractor’s shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses.” The Commercial District does not appear to be compatible with the properties zoned SF-6 and OT&MU to the north and west because both districts permit residential uses by right in Section 38.2 of the Tomball Zoning Ordinance.

The Comprehensive Plan’s FLU map identifies the 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. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development. Compatibility with surrounding neighborhoods is determined by a transition based on the scale of development using (but not limited to) articulation in building height, required setbacks, building materials, and building massing.”

The proposed rezoning to the Commercial District does not appear to be consistent with the CP. The OT&MU District appears to be more consistent with the “Mixed Use” CP FLU designation. The OT&MU District is intended for “...a mixture of retail, commercial and other nonresidential uses, along with single family homes and multiple-family uses. The City’s Comprehensive Plan (the Future Land Use Plan) endorses the continuation of the mixture of uses in this area of the City, and specifically states that retail, office, single family, Duplex (Two Family) and multifamily are the most appropriate uses in these areas. In addition, to serve existing residential areas and their successful integration with future nonresidential uses, increased pedestrian access would be beneficial. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses.”

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses permitted in the Commercial District do not appear to be consistent with the existing single-family residences to the north and west.

- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.**

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is little vacant property in the vicinity zoned Commercial District; there are numerous properties in the City zoned Commercial District.

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

There has been steady development city-wide in the Commercial District. However, there has been no development in the Commercial District in the vicinity of the subject site.

- E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.**

If the proposed zoning change were approved, few, if any affects on other areas designated for similar developments are anticipated.

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

The proposed zone change may affect the public health, safety, morals, or general welfare of the existing residential developments in the area or future residential developments permitted either in the Zoning Ordinance or planned for in the Comprehensive Plan.

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

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.”

The Comprehensive Plan’s FLU map identifies the 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. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development. Compatibility with surrounding neighborhoods is determined by a transition based on the scale of development using (but not limited to) articulation in building height, required setbacks, building materials, and building massing.”

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PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 28, 2012; one public comment was received from Cameron Steiner (206 Lawrence Street, Tomball, Texas) in opposition to the request (Exhibit “F”).

RECOMMENDATION

1. **DENIAL** of Zoning Case P12-483 based on the following:
 - a. The uses permitted in the Commercial District do not appear to be consistent with the existing single-family residences to the north and west.
 - b. The Commercial District does not appear to be compatible with the properties zoned SF-6 and OT&MU to the north and west; and
 - c. The Commercial District does not appear to be consistent with the Comprehensive Plan’s FLU classification of “Mixed Use.”

2. APPROVAL of the Staff Report as the Planning & Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan FLU Map
- D. Rezoning Application
- E. Site Photos
- F. Public Comments

Exhibit "A"
Zoning Map

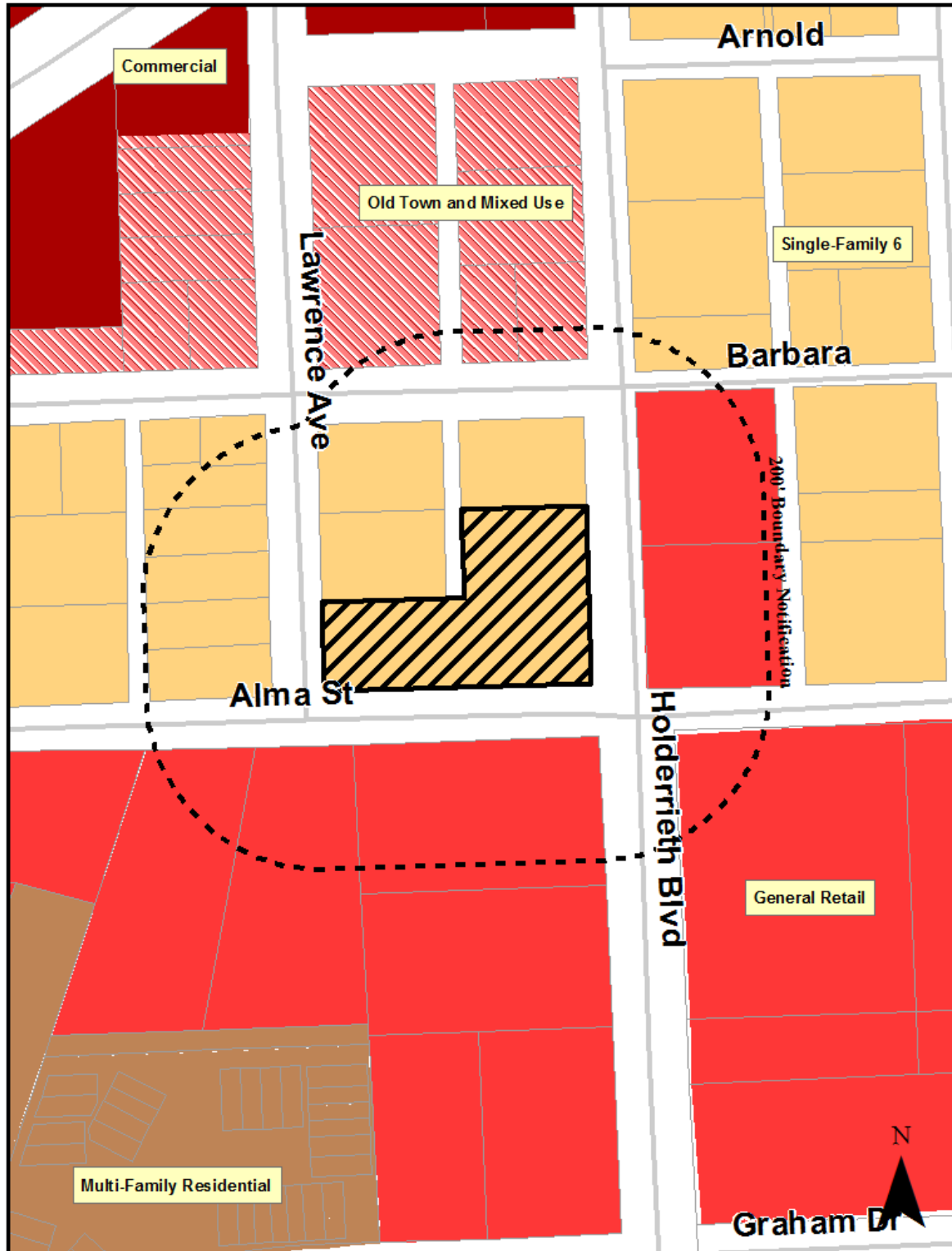


Exhibit "B"
Aerial Photo



Exhibit "C"
Comprehensive Plan FLU Map



Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: Ahmad Aslam Title: M.D.
Mailing Address: 50 Pendleton Park pt City: Spring State: Tx
Zip: 77382-1679
Phone: (281) 351-4911 Fax: (281) 351-4915 Email: houstonheartcenter@yahoo.com

Owner

Name: Ahmad Aslam Title: M.D.
Mailing Address: 50 Pendleton Park pt. City: Spring State: Tx
Zip: 77382-1679
Phone: (281) 351-4911 Fax: (281) 351-4915 Email: houstonheartcenter@yahoo.com

Engineer/Surveyor (if applicable)

Name: David Kelly Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: Tx
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dkengineering.com

Description of Proposed Project: 1.01 Acres 358 Holderness Blvd

Physical Location of Property: NW Corner of Holderness Blvd & Aling
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: LOT 1 Block 1 Northwest Houston Heart Care
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF 6

Current Use of Property: Commercial

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial Building w/ Parking Lot addition

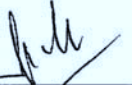
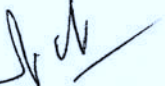
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 130-784-001-0001 Acreage: 1.0101 AC

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.

<u>X</u>		<u>08-02-2012</u>
Signature of Applicant		Date
<u>X</u>		<u>08-02-2012</u>
Signature of Owner		Date

August 02, 2012

Engineering and Planning Department
City of Tomball
Tomball.

Re: Application for Rezoning

Our company, Northwest Houston Heart Center is located at 308 Holderrieth Boulevard, Tomball, TX 77375. Due to growth in our business, we are experiencing the shortage of existing parking facility at this location.

We intend to have additional parking for our customers. We have additional space available next to our existing office but just get to know that this proposed parking space falls under residential zone. We want to request City of Tomball to rezone this place into commercial zone in order to construct additional parking facility for our patients.

In case some question, please call me directly at 281-351-4911. A considerate response to our request is highly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ahmad Aslam', with a horizontal line extending to the left.

Ahmad Aslam
Tomball & Magnolia Properties LLC
50 Pendleton Park Pt
Spring, TX, 77382-1679

Exhibit “E”
Site Photos



Figure 1: Subject site. Source: maps.google.com



Figure 2: Subject site. Source: maps.google.com



Figure 3: Single-family residence and undeveloped land to the north.
Source: maps.google.com



Figure 4: Auto service garage to the north. Source: maps.google.com



Figure 5: Single-family residence to the north. Source: maps.google.com



Figure 6: Warehouse to the north. Source: maps.google.com



Figure 7: Single-family residence to the north. Source: maps.google.com



Figure 8: Undeveloped property to the south. Source: maps.google.com



Figure 9: Single-family residences to the west. Source: maps.google.com



Figure 10: Single-family residence with parking for subject site and law office to the east. Source: maps.google.com

Exhibit "F"
Public Comments

Cameron Steiner
206 Lawrence St.
Tomball, TX 77375
281-507-1781

Normansteiner10@gmail.com

I request that this letter be read in opposition to proposed zoning amendments P12-483 & P12-484.

When zoning first came to Tomball, I attended a meeting at the community center where a company rep was answering citizens' questions. One lady remarked that the initial map was a mess, with different zones all over the place, with some areas following no apparent design. He said this was because it reflected how the town was built at that exact moment, and showed the best zoning 'fit' for that particular time. Over time, the map would evolve through zoning constraints to become much more work-able, and efficient.

I believe that the two proposed changes mentioned above do not further the efficient design zoning attempts to bring about. These changes run the opposite direction. They only serve a single business landowner, and further the checkerboard patterns that zoning attempts to fix. We have a great hospital, and there is more than sufficient land to build more medical support businesses in the immediate area. Medical Center Drive will soon be built through, and there is still a lot of vacant land on School Street if more medical businesses are needed. I fear that zoning change P12-483 will be made simply to build a parking lot for the adjacent Heart Center, while zoning change P12-484 makes no sense, as it has no direct access to the Heart Center. I fear that ultimately, in this instance, the pressure of imminent domain will be brought to bear against the homeowner in the middle.

Whatever the ultimate intentions of Tomball & Magnolia Properties, LLC, I fear that the passage of these two zoning amendments will result in a reduction of livability to me and the residents of my neighborhood.

Cameron Steiner

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 8, 2012

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P12-484**

Background:

Origination:

Tomball and Magnolia Properties, LLC

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning Department

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-484 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 8, 2012
&
CITY COUNCIL
OCTOBER 15, 2012**



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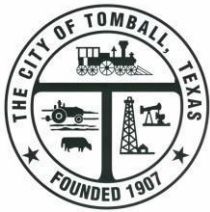
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Brandy Pate

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Senior Administrative Assistant

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APPLICANT: Tomball & Magnolia Properties, LLC

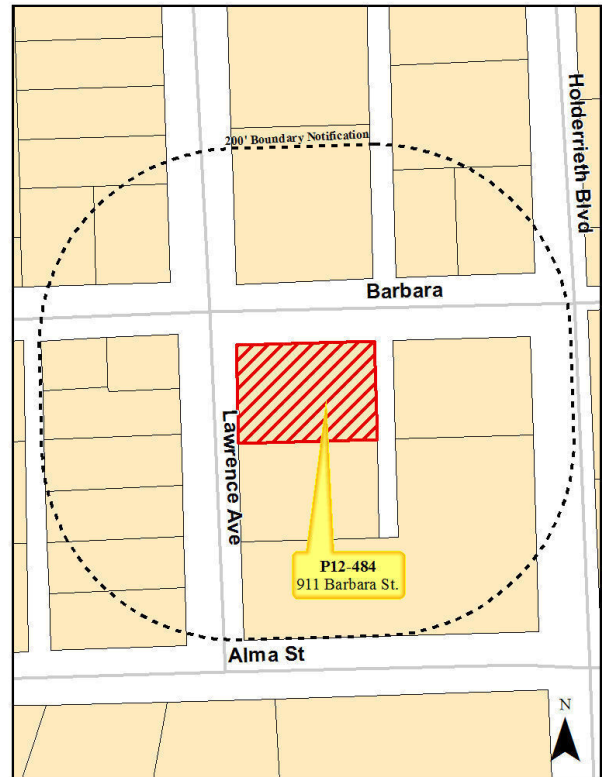
LOCATION: Southeast corner of Barbara Street and Lawrence Avenue

PROPOSAL: Request 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, from the Single-Family Residential-6 District to the Commercial District.

CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us



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 rezoning 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.

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**Planning & Zoning Commission
Public Hearing:**

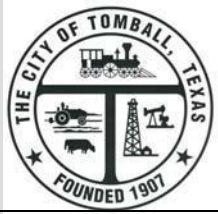
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Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 8, 2012

Rezoning Case: P12-484
Property Owner: Tomball & Magnolia Properties, LLC
Applicant: Tomball & Magnolia Properties, LLC
Legal Description: Lots 11 and 12, Block 6, Main Street-Tomball
Location: Southeast corner of Barbara Street and Lawrence Avenue
Area: 0.32 acres
Present Zoning and Use: Single-Family Residential-6 District (Exhibit "A") / Undeveloped (Exhibit "B")
Comp Plan Designation: Mixed Use (Exhibit "C")
Proposed Zoning and Use: Commercial District / Medical office and parking lot

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 & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use District / Barbara Street and auto service garage
South: SF-6 District / Single-family residence
West: SF-6 District / Lawrence Avenue and single-family residences
East: SF-6 District / Single-family residence

BACKGROUND

On August 7, 2012, the City of Tomball met with a representative of Tomball & Magnolia Properties, LLC to discuss the possible rezoning of the subject site from the Single-Family Residential-6 (SF-6) District to the Commercial District. The rezoning application indicates the rezoning request is to facilitate the construction of an additional medical building and parking lot.

City staff explained to the property representative that the property is classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as "Mixed Use" which does not appear to be compatible with the Commercial District proposed for this site. On August 14, 2012, the City of Tomball received a rezoning application from Tomball & Magnolia Properties, LLC for the subject site (Exhibit "D").

ANALYSIS

There are two main land uses in the vicinity of the subject site. To the north are Barbara Street and an auto service garage in the SF-6 District; to the south is a single-family residence in the SF-6 District; to the west is Lawrence Avenue and single-family residences in the SF-6 District; and to the east is a single-family residence in the SF-6 District (Exhibit “E”). The uses permitted in the Commercial District do not appear to be compatible with the existing single-family residences to the south, west, and east.

The proposed zoning classification of Commercial District “...is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses.” The Commercial District does not appear to be compatible with the properties zoned SF-6 and OT&MU to the north, south, west, and east because both districts permit residential uses by right in Section 38.2 of the Tomball Zoning Ordinance.

The Comprehensive Plan’s FLU map identifies the 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. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development. Compatibility with surrounding neighborhoods is determined by a transition based on the scale of development using (but not limited to) articulation in building height, required setbacks, building materials, and building massing.”

The proposed rezoning to the Commercial District does not appear to be consistent with the CP. The OT&MU District, however, appears to be more consistent with the “Mixed Use” CP FLU designation. The OT&MU District is intended for “...a mixture of retail, commercial and other nonresidential uses, along with single family homes and multiple-family uses. The City’s Comprehensive Plan (the Future Land Use Plan) endorses the continuation of the mixture of uses in this area of the City, and specifically states that retail, office, single family, Duplex (Two Family) and multifamily are the most appropriate uses in these areas. In addition, to serve existing residential areas and their successful integration with future nonresidential uses, increased pedestrian access would be beneficial. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses.”

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses permitted in the Commercial District do not appear to be compatible with the existing single-family residences to the south, west, and east.

B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is little vacant property in the vicinity zoned Commercial District; there are numerous properties in the City zoned Commercial District.

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

There has been steady development city-wide in the Commercial District. However, there has been no development in the Commercial District in the vicinity of the subject site.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

If the proposed zoning change were approved, few, if any affects on other areas designated for similar developments are anticipated.

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

The proposed zone change may affect the public health, safety, morals, or general welfare of the existing residential developments in the area or future residential developments permitted either in the Zoning Ordinance or planned for in the Comprehensive Plan.

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

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.”

The Comprehensive Plan's FLU map identifies the 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. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development. Compatibility with surrounding neighborhoods is determined by a transition based on the scale of development using (but not limited to) articulation in building height, required setbacks, building materials, and building massing."

The proposed rezoning to the Commercial District does not appear to be consistent with the CP. The OT&MU District appears to be more consistent with the "Mixed Use" CP FLU designation. The OT&MU District is intended for "...a mixture of retail, commercial and other nonresidential uses, along with single family homes and multiple-family uses. The City's Comprehensive Plan (the Future Land Use Plan) endorses the continuation of the mixture of uses in this area of the City, and specifically states that retail, office, single family, Duplex (Two Family) and multifamily are the most appropriate uses in these areas. In addition, to serve existing residential areas and their successful integration with future nonresidential uses, increased pedestrian access would be beneficial. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses."

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 28, 2012; one public comment was received from Cameron Steiner (206 Lawrence Street, Tomball, Texas) in opposition to the request (Exhibit "F").

RECOMMENDATION

1. **DENIAL** of Zoning Case P12-484 based on the following:
 - a. The uses permitted in the Commercial District do not appear to be compatible with the existing single-family residences to the south, west, and east.
 - b. The Commercial District does not appear to be compatible with the properties zoned SF-6 and OT&MU to the north, south, west, and east; and
 - c. The Commercial District does not appear to be consistent with the Comprehensive Plan's FLU classification of "Mixed Use."
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan FLU Map
- D. Rezoning Application
- E. Site Photos
- F. Public Comments

Exhibit "A"
Zoning Map

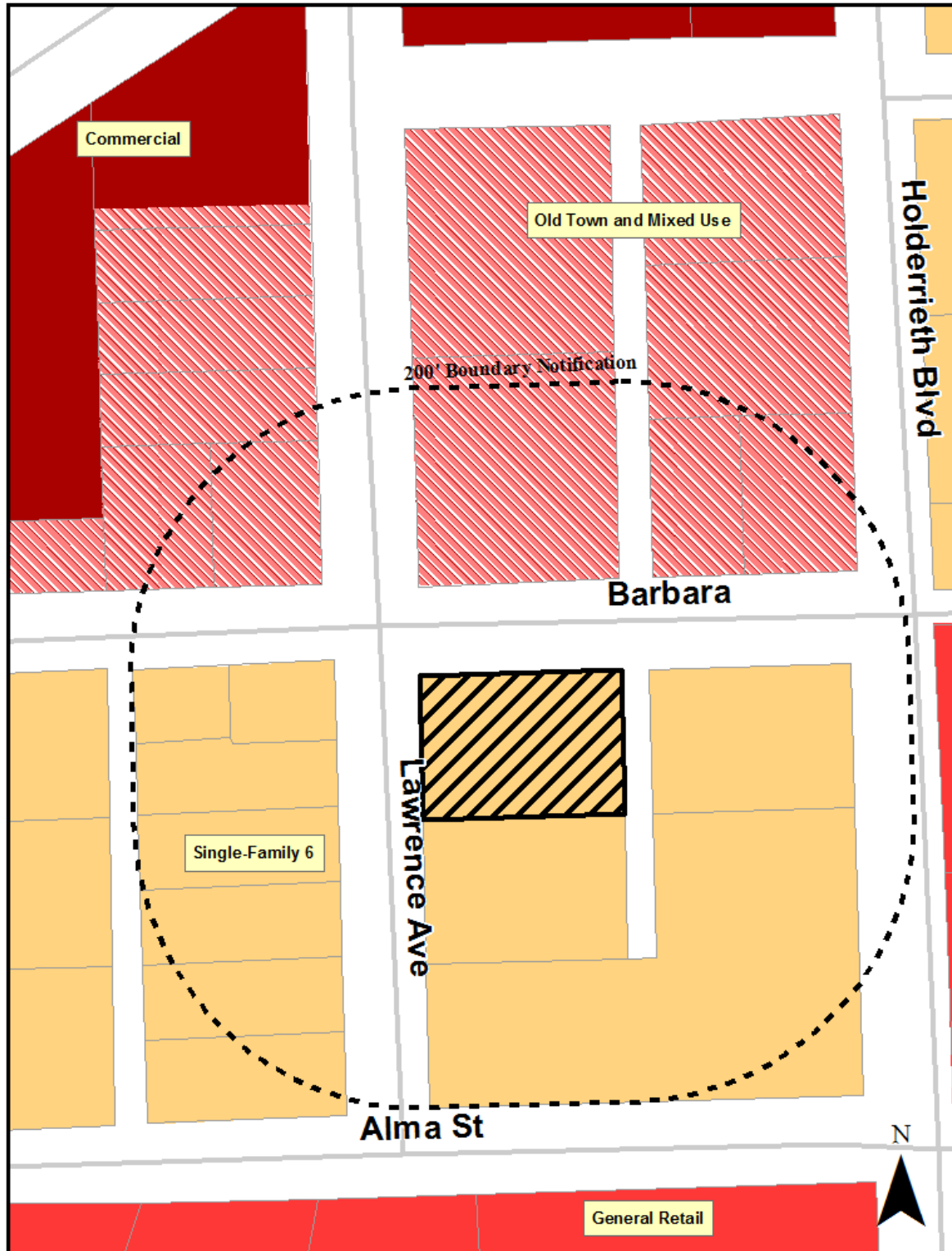


Exhibit "B"
Aerial Photo



Exhibit "C"
Comprehensive Plan FLU Map

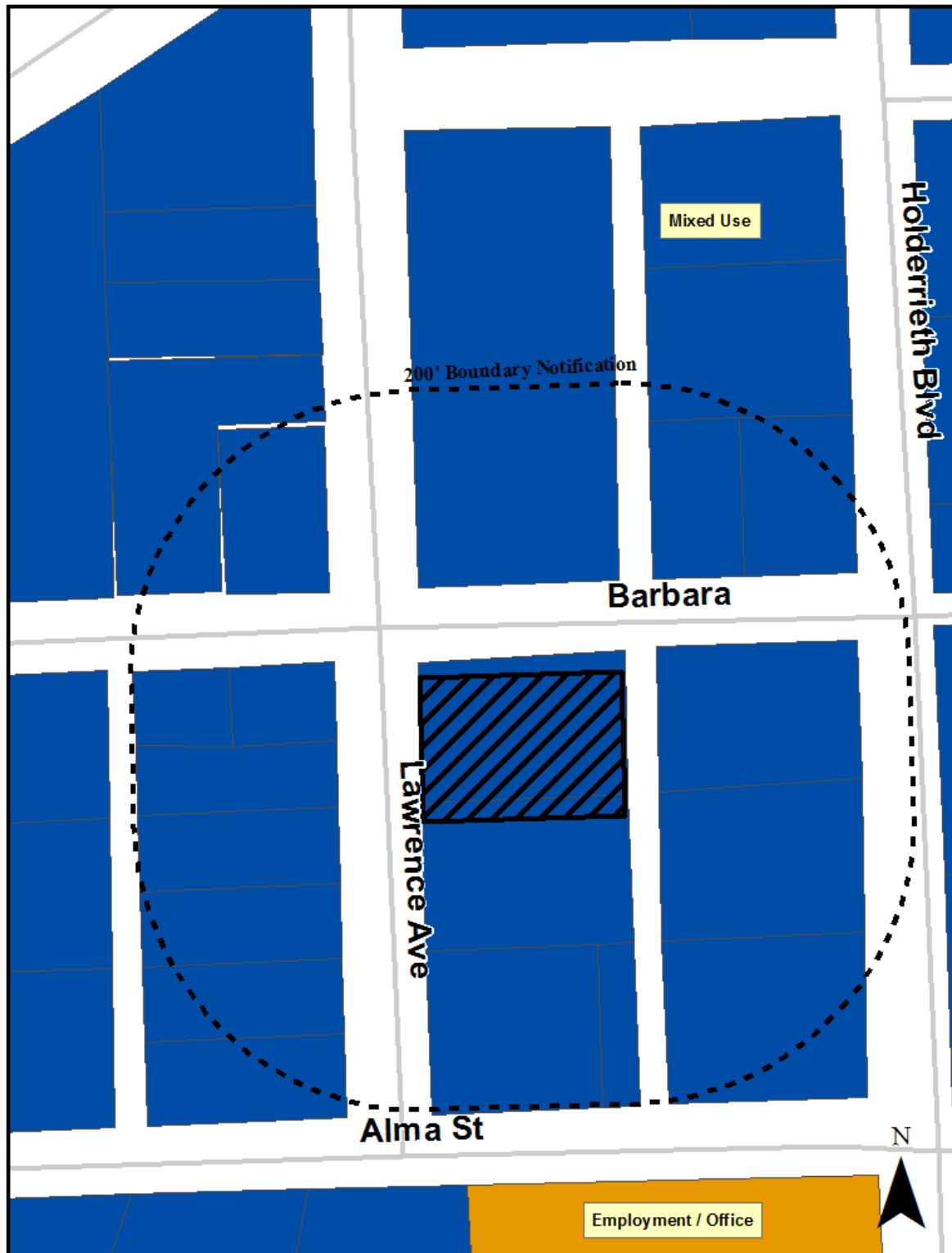
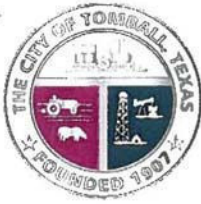


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: Ahmad Aslam Title: M.D.
Mailing Address: 50 Pendleton park pt City: Spring State: Tx
Zip: 77382-1679
Phone: (281) 351 4911 Fax: (281) 351 4915 Email: houstonheartcenter@yahoo.com

Owner

Name: Ahmad Aslam Title: M.D.
Mailing Address: 50 Pendleton park pt City: Spring State: Tx
Zip: 77382-1679
Phone: (281) 351 4911 Fax: (281) 351 4915 Email: houstonheartcenter@yahoo.com

Engineer/Surveyor (if applicable)

Name: David Kelly Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: Tx
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

Description of Proposed Project: 0.3214 AC 911 Barbara St

Physical Location of Property: CORNER OF BARBARA AND JAMES STREET
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LTS 11 & 12 BLK 6
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF 6

Current Use of Property: Commercial

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial Building with Parking Lot Addition

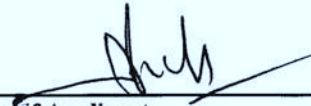
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

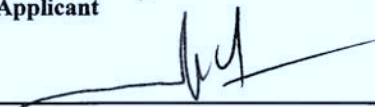
www.ci.tomball.tx.us

HCAD Identification Number: 067-099-006-008 Acreage: 0.3214

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  8/7/12
Signature of Applicant Date

X  8/7/12
Signature of Owner Date

August 07, 2012

Engineering and Planning Department
City of Tomball
Tomball.

Re: Application for Rezoning

Our company, Northwest Houston Heart Center is located at 308 Holderrieth Boulevard, Tomball, TX 77375. Due to growth in our business, we are experiencing the shortage of existing building and parking facility at this location.

We intend to add more space for building with parking for our customers. We have additional space available next to our existing office at 911 Barbara St. Tomball, TX 77375 but just get to know that this property falls under residential zone. We want to request City of Tomball to rezone this place into commercial zone in order to construct additional building with parking facility for our patients.

In case some question, please call me directly at 281-351-4911. A considerate response to our request is highly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ahmad Aslam', with a horizontal line extending to the left.

Ahmad Aslam
Tomball & Magnolia Properties LLC
50 Pendleton Park Pt
Spring, TX, 77382-1679

**Exhibit “E”
Site Photos**



Figure 1: Subject site. Source: maps.google.com



Figure 2: Auto service garage to the north. Source: maps.google.com



Figure 3: Single-family residence to the south. Source: maps.google.com

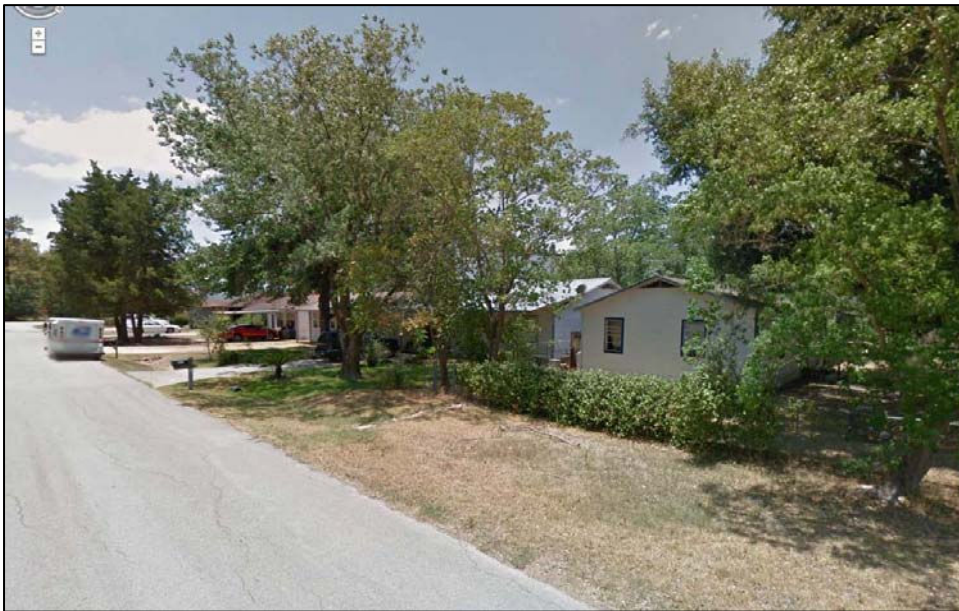


Figure 4: Single-family residences to the west. Source: maps.google.com



Figure 5: Single-family residence to the east. Source: maps.google.com

Exhibit "F"
Public Comments

Cameron Steiner
206 Lawrence St.
Tomball, TX 77375
281-507-1781

Normansteiner10@gmail.com

I request that this letter be read in opposition to proposed zoning amendments P12-483 & P12-484.

When zoning first came to Tomball, I attended a meeting at the community center where a company rep was answering citizens' questions. One lady remarked that the initial map was a mess, with different zones all over the place, with some areas following no apparent design. He said this was because it reflected how the town was built at that exact moment, and showed the best zoning 'fit' for that particular time. Over time, the map would evolve through zoning constraints to become much more work-able, and efficient.

I believe that the two proposed changes mentioned above do not further the efficient design zoning attempts to bring about. These changes run the opposite direction. They only serve a single business landowner, and further the checkerboard patterns that zoning attempts to fix. We have a great hospital, and there is more than sufficient land to build more medical support businesses in the immediate area. Medical Center Drive will soon be built through, and there is still a lot of vacant land on School Street if more medical businesses are needed. I fear that zoning change P12-483 will be made simply to build a parking lot for the adjacent Heart Center, while zoning change P12-484 makes no sense, as it has no direct access to the Heart Center. I fear that ultimately, in this instance, the pressure of imminent domain will be brought to bear against the homeowner in the middle.

Whatever the ultimate intentions of Tomball & Magnolia Properties, LLC, I fear that the passage of these two zoning amendments will result in a reduction of livability to me and the residents of my neighborhood.

Cameron Steiner