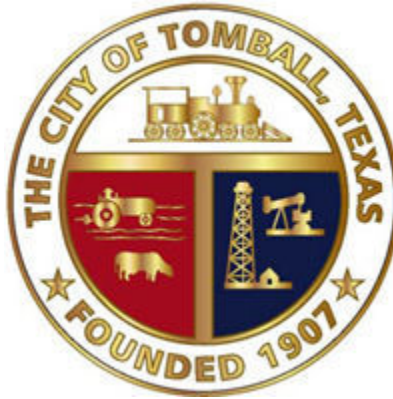


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, SEPTEMBER 10, 2012

6:00 P.M.

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

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

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.
- 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.
- 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.
- 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.
- Conduct a Public Hearing on **ZONING CASE P12-459**
- 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.
- Conduct a Public Hearing on **ZONING CASE P12-468**
- 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.
- Conduct a Public Hearing on **ZONING CASE P12-469**

- 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.

- Conduct a Public Hearing on **ZONING CASE P12-481**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of September 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: September 10, 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: September 10, 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: September 10, 2012

Data Sheet

Topic:

Consideration 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

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 Planning and Zoning Commission Meeting Minutes 08.13.12

Special Joint City Council / Planning and Zoning Commission Meeting Minutes 09.04.12

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

MONDAY, AUGUST 13, 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
Assistant City Manager – Christal Weber
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 July 9, 2012, with correction; second by Commissioner Beauvais.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve COMPREHENSIVE PLAN CASE P12-456:** Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from High Density Residential to Employment /

Office.

The Public Hearing was opened by Chairman Wallace at 6:02 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Joel English spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:08 p.m.

Commissioner Chervenak made a motion to approve the request for **COMPREHENSIVE PLAN CASE P12-456**; 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.

- 5.3 Consideration to approve **ZONING CASE P12-457**: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from the Duplex Residential District to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:12 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

No Public comments were received and the Public Hearing was closed at 6:15 p.m.

Commissioner Beauvais made a motion to approve the request for **ZONING CASE P12-457**; second by Commissioner Roquemore.

After discussion, Commissioner Beauvais amended her motion to recommend approval of **ZONING CASE P12-457** from the Commercial District to the Office District; 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 6:28 p.m.

PASSED AND APPROVED this _____ day of _____ 2012.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

**MINUTES OF THE SPECIAL CITY COUNCIL AND
PLANNING AND ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS**

TUESDAY, SEPTEMBER 4, 2012



4:00 P.M.

1.0 Call to Order

Mayor Fagan announced that no quorum of Council was present.

The Planning and Zoning Commission meeting was called to order by Evelyn Torres-Chervenak, Vice Chair. Other Planning and Zoning Commissioners present:

Michelle Beauvais, Commissioner
Darrell Roquemore, Commissioner

Lori Wallace, Chairman – Excused Absence
Barbara Tague, Commissioner – Excused Absence

Others present:

Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt

2.0 No public comments were received.

3.0 New Business:

- 3.1 Consideration was given by the Planning and Zoning Commission to **ZONING CASE P12-477**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

Draft

- Vice Chair Torres-Chervenak called the Public Hearing on **ZONING CASE P12-477** to order at 4:01 p.m; no public comments being received, Vice Chair Torres-Chervenak closed the Public Hearing at 4:04 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Beauvais, to approve **ZONING CASE P12-477**; City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

Motion carried unanimously.

- 3.2 Motion was made by Commissioner Beauvais, second by Commissioner Roquemore, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2012.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

draft

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

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:

Parkway Oasis Replat No. 2

STATE OF _____ :
COUNTY OF _____ :

We, TTS-Tomball Holdings, LLC, a Texas limited liability company, acting by and through Patrick B. O'Leary, Managing Member, owners of **LOT 1** shown hereon, and Breaux Properties, LTD., a Texas limited partnership, acting by and through Neil T. Breaux and Dorothy Breaux, Managers of Breaux Holdings, LLC, a limited liability company, its general partner, owners of **LOT 5** shown hereon, hereinafter referred to as **Owners** of the 6.7997 acre tract subdivided in the above and foregoing map of **PARKWAY OASIS REPLAT NO. 2**, do hereby make subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, ditches, drains, watercourses, easements, and public places shown thereon for the purposes and considerations therein expressed, and do hereby bind ourselves, our successors and assigns to the same, and to the same to be observed and 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 dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bays, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such obstructions shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, TTS-Tomball Holdings, LLC, has caused these presents to be signed by

Patrick B. O'Leary, Managing Member, thereunto authorized, this _____ day of _____, 2012.

TTS-Tomball Holdings, LLC

By: _____
Patrick B. O'Leary, Managing Member

BEFORE ME, the undersigned authority, on this day personally appeared Patrick B. O'Leary, Managing Member of TTS-Tomball Holdings, LLC, a Texas limited liability company, 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 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 _____

My Commission Expires _____

IN TESTIMONY WHEREOF, Breaux Properties, LTD., a Texas limited partnership, has caused these presents to be signed by Neil T. Breaux and Dorothy Breaux, Managers of Breaux Holdings, LLC, a limited liability company, its general partner, thereunto authorized, this _____ day of _____, 2012.

Breaux Properties, LTD., a Texas limited partnership

By: Breaux Holdings, LLC, a limited liability company
its general partner

By: _____
Neil T. Breaux, Manager

By: _____
Dorothy Breaux, Manager

BEFORE ME, the undersigned authority, on this day personally appeared Neil T. Breaux and Dorothy Breaux, Managers of Breaux Holdings, LLC, a limited liability company, general partner of Breaux Properties, LTD., a Texas limited partnership, known to me to be the persons whose name 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 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 _____

My Commission Expires _____

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

By: _____
George Shackelford, City Manager

By: _____
Lori Lakatos, P.E.
Acting City Engineer

This is to certify that the City Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of **PARKWAY OASIS REPLAT NO. 2**, in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2012.

By: _____
Lori Wallace
Chairman

By: _____
Evelyn Chervenak
Vice Chairman

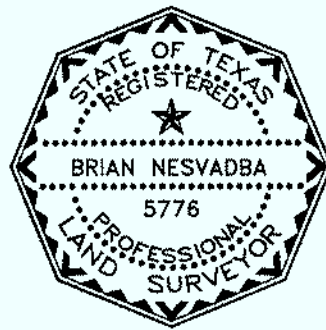
This is to certify that the City Council of the City of Tomball, Texas, has approved this plat and subdivision of **PARKWAY OASIS REPLAT NO. 2**, in accordance with the laws of the State of Texas and the ordinances of the City of Tomball, as shown thereon and authorize the recording of this plat this _____ day of _____, 2012.

By: _____
Gretchen Fagan
Mayor

By: _____
Doris Speer
City Secretary

I, Brian Nesvada, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above 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 (5/8) inch unless otherwise noted hereon; and that the plat boundary corners have been tied to the nearest street intersection.

Brian Nesvada, R.P.L.S.
Texas Registration No. 5776



I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2012, at _____ O'clock, _____ M., and duly recorded on _____, 2012, at _____ O'clock, _____ M., and at _____ Film Code No. _____ of the Map Records of Harris County, for said county.

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

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

HIRSCHFIELD ROAD

HIGH MEADOW ROAD (60' R.O.W.)

STATE HIGHWAY NO. 249
(H.C.C.F. NO. 5845207)
(H.C.C.F. NO. 5155881)
(H.C.C.F. NO. 1137110)

ROBERT W. WALKER AND WIFE,
GOBBY JEAN WALKER
(H.C.C.F. NO. E945177)

GOODSON'S CAFE
(FILM CODE NO. 371122; H.C.M.R.)

PARKWAY OASIS
(FILM CODE NO. 622219; H.C.M.R.)

LOT 5
3.4026 ACRES
(148,215.20 SQ. FT.)

LOT 1
4.4588 ACRES
(194,223.66 SQ. FT.)

PARKWAY OASIS PARTIAL REPLAT NO. 1
(FILM CODE NO. 635087; H.C.M.R.)

STATE HIGHWAY NO. 249
(180' R.O.W.)

ALICE ROAD
(60' R.O.W.)

HARDIAL MANGAT
REMAINDER OF 4.2416 ACRES
(H.C.C.F. NO. P056901)

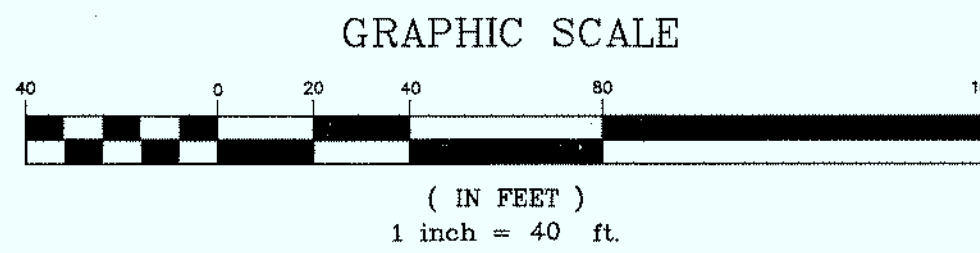
LEGEND

-P- OVERHEAD POWER LINE
-FND- FOUND
-H.C.C.F.- HARRIS COUNTY CLERK'S FILE
-H.C.M.R.- HARRIS COUNTY MAP RECORDS
-IP- IRON PIPE
-IR- IRON ROD
-N.F.V.- NOT FIELD VERIFIED
-P.O.B.- POINT OF BEGINNING
-R.O.W.- RIGHT OF WAY
-TBM- TEMPORARY BENCHMARK
-W- WITH

REASON FOR REPLAT
TO RECONFIGURE INTO 2 LOTS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 69°07'50" W	33.50'
L2	S 79°35'08" E	68.67'
L3	S 83°52'32" W	106.84'
L4	S 79°35'08" W	49.82'
L5	S 69°07'50" W	8.00'
L6	S 01°01'29" E	23.95'

CURVE TABLE			
CURVE	DELTA	RADIUS	CHORD
C1	90°00'00"	5.00'	7.65'
C2	45°29'23"	15.00'	11.91'



NOTES:

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LINE OF LOT 1, PARKWAY OASIS PARTIAL REPLAT NO. 1 (FILM CODE NO. 635087; H.C.M.R.), THE BEARING BEING NORTH 01°15' 38" WEST.
- 2.) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY CHARTER TITLE COMPANY.
- 3.) THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE CITY PLANNING SEARCH REPORT ISSUED BY CHARTER TITLE COMPANY ON JULY 24, 2012, EFFECTIVELY DATED JULY 17, 2012, ORDER NO. 1038020231 AND IS RELEI UPON FOR PURPOSES THEREOF.
- 4.) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48201-C-02101 EFFECTIVELY DATED JUNE 18, 2007, THIS PROPERTY LIES IN ZONE "X", AN AREA NOT CONSIDERED IN THE 500-YR. FLOOD PLAIN.
- 5.) PUBLIC EASEMENTS DEVOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSES 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.
- 6.) ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 7.) ALL OIL/GAS WELLS WITH THE OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 8.) 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.
- 9.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 10.) 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 OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
- 11.) UPON INSPECTION, NO VISIBLE PIPELINES OR WELLS ARE ON THIS TRACT. UPON FURTHER INVESTIGATION THE WCM GROUP, INC., RESEARCHED THE TEXAS RAILROAD COMMISSION DATABASE AND ALSO CONDUCTED AN ASTM "507-05 PHASE I" ENVIRONMENTAL SITE ASSESSMENT, BOTH OF WHICH HAVE CONCLUDED THAT NO OIL/GAS WELLS OR PIPELINES ARE LOCATED ON THIS TRACT, AS PER LETTER FROM DONNA S. McMILLAN, SENIOR ENVIRONMENTAL SPECIALIST, DATED FEBRUARY 11, 2008.
- 12.) SUBJECT TO RESTRICTIVE COVENANTS AS RECORDED IN FILM CODE NO. 622219 OF THE HARRIS COUNTY MAP RECORDS AND IN HARRIS COUNTY CLERK'S FILE NO. 20080264936.
- 13.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN SANITARY SEWER AND STORM SEWER EASEMENT AND RECORDED IN HARRIS COUNTY CLERK'S FILE NOS. 20100372330 AND 20100372331.
- 14.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN ACCESS EASEMENT AGREEMENTS AND RECORDED IN HARRIS COUNTY CLERK'S FILE NOS. 20080264935, 20100372328, 20110047342, AND 20110047343.
- 15.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN RECIPROCAL ACCESS EASEMENT AGREEMENT AND RECORDED IN HARRIS COUNTY CLERK'S FILE NO. 20120217755.
- 16.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN STORM SEWER CONSTRUCTION ACCESS AND INDEMNITY AGREEMENT AND RECORDED IN HARRIS COUNTY CLERK'S FILE NO. 20120217755.
- 17.) * - INDICATES A SET 5/8" IRON ROD WITH CAP STAMPED: T.E.A.M. - 281-491-2525, UNLESS OTHERWISE NOTED.

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
(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

2 LOTS 1 BLOCK

~ OWNER ~

~ OWNER ~

TTS-TOMBALL HOLDINGS, LLC
10 South Riverside Plaza, Suite 1830
Chicago, Illinois 60606
Patrick B. O'Leary, Managing Member
PHONE: 312.780.1942

BREAUX PROPERTIES, LTD.
1502 Rudolph Road
Tomball, Texas 77375
Neil T. Breaux
PHONE: 281.851.4042

~ SURVEYOR ~



TEXAS ENGINEERING AND MAPPING CO.
12810 Century Drive
Stafford, Texas 77477
Brian Nesvada, R.P.L.S.
PHONE: 281.491.2555 FAX: 281.491.2535
Job No. 024-2
AUGUST 06, 2012

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

Background:

The Planning and Zoning Commission approved the Point South Business Park Preliminary Plat with contingencies on June 13, 2011. Corrections were made and the Preliminary Plat was accepted on September 8, 2011. The Planning and Zoning Commission approved the Point South Business Park Final Plat with contingencies on September 12, 2011. The Final Plat expired after six months, therefore, it is being presented to the Planning and Zoning Commission for reconsideration of approval.

Origination:

Recommendation:

Funding:

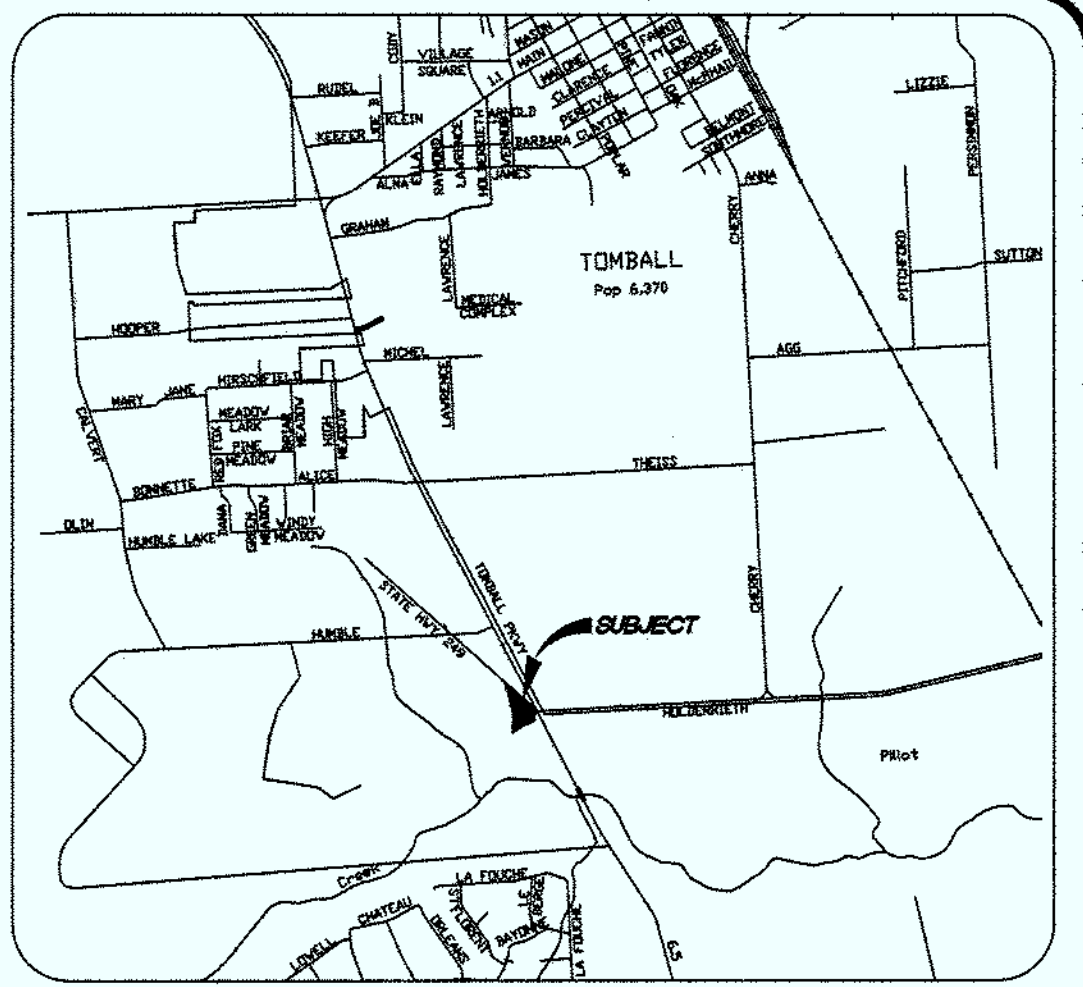
Party(ies) responsible for placing this item on agenda:

Brandy Pate, Engineering and Planning

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

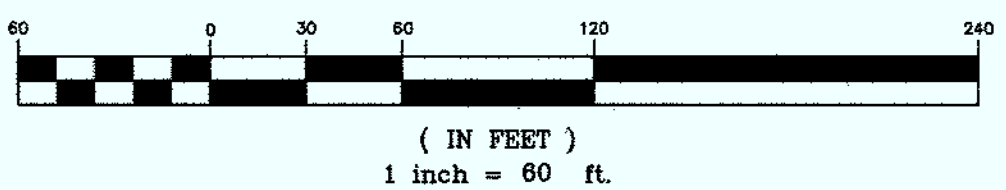
ATTACHMENTS:

Point South Business Park Final Plat



HOLDERREITH ROAD

GRAPHIC SCALE



LEGEND	
CL	CLEAN OUT
PM	PIPELINE MARKER
PP	POWER POLE
MP	MANHOLE
FH	FIRE HYDRANT
PL VENT	PIPELINE VENT
WM	WATER METER
GM	GAS METER
WV	WATER VALVE
GV	GAS VALVE
SP	SERVICE POLE
BF	BOARD FENCE (UNLESS OTHERWISE NOTED)
XB	BARBED WIRE FENCE (UNLESS OTHERWISE NOTED)
WL	WATER LINE
SSL	STORM SEWER LINE
SL	SANITARY SEWER LINE
GL	GAS LINE
SL	SURVEY BOUNDARY LINE

M.R.C.	MAP RECORDS OF HARRIS COUNTY
R.P.H.C.	REAL PROPERTY RECORDS OF HARRIS COUNTY
D.R.H.C.	DEED RECORDS OF HARRIS COUNTY
C.C.F.	COUNTY CLERK'S FILE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME
PAGE	PAGE
H.C.F.C.D.	HARRIS COUNTY FLOOD CONTROL DISTRICT

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	10°17'59"	1050.00	188.75	S 57°43'21" W	188.50
C2	9°06'54"	1050.00	167.04	S 67°25'47" W	166.86

RK MCGAUGHY, TRUSTEE
REMAINDER 15.6118 ACRES
TRACT III
(C.C.F. NO. Z273961 R.P.R.H.C.)

C. M. PILOT SURVEY
A-632

STATE OF TEXAS
COUNTY OF HARRIS

WE, R.K. McGaughey, Trustee, owners, hereinafter referred to as Owners of the 3.9078 acre tract described in the above and foregoing plot of POINT SOUTH BUSINESS PARK, do hereby make and establish said subdivision and development plan of said property according to all liens, dedications, restrictions and notations on said map 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 to the land so dedicated.

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

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plot 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 obstructions shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

Witness our hand in the City of Tomball, Texas, this _____ day of _____, 2012

By: _____
R.K. McGaughey, Trustee

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared RK McGaughey, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

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

Notary Public, State of Texas
My Commission Expires: _____

I, Stan Stanort, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2012, at _____ o'clock _____ M., and duly recorded on _____ of the Map Records of Harris County for said county.

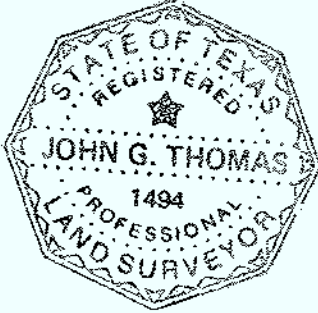
WITNESS my hand and seal of office, at Houston, the day and date last above written.

Stan Stanort
County Clerk
of Harris County, Texas

By: _____
Deputy

I, John G. Thomas, am authorized (or registered) under the laws of the State of Texas to practice the profession of civil engineering (or surveying) and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three quarter 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 street intersection.

John G. Thomas, RPLS #1494



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of POINT SOUTH BUSINESS PARK in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2012.

By: _____
Lori Wallace, Chair

By: _____
Evelyn Chervenak, Vice Chair

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

George Shackelford, City Manager
Lori Lakatos, P.E.—Acting City Engineer
Engineering & Planning

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

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

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 restrictions or covenants.
- 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.
- All existing Pipe Lines that affect the subject tract are located within a proposed 30 foot Easement located adjacent to the West line of the Subject property. The 30 foot Easement will be recorded by separate instrument prior to recordation of this plat and will be plotted on this plat with recording information.

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball or any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.

Flood Information:

According to FEMA Firm Panel No. 4803160230L (Effective Date June 18, 2007), a small portion of this property is in Zone "AE" and is in the 1% Annual Chance Flood Plain, the balance of the property is in Zone X and is outside the 100 year flood plain and in the 0.2 % annual chance Flood Plain.

POINT SOUTH BUSINESS PARK FINAL PLAT

BEING A SUBDIVISION OF 3.9078 ACRES OF
LAND OUT OF THE CLAUDE M. PILOT
SURVEY, ABSTRACT NO. 632, IN THE CITY OF
TOMBALL, HARRIS COUNTY, TEXAS.

3 LOTS 1 BLOCK

DATE: 08/31/2012 SCALE: 1" = 60'

OWNER/DEVELOPER: R.K. MCGAUGHY, TRUSTEE

14343-B TORREY CHASE
HOUSTON, TEXAS 77014
PHONE : (281) 580-4855
FAX : (281) 580-3808

SURVEYOR: THOMAS LAND SURVEYING

14340 Torrey Chase, Suite 270
Houston, Texas 77014
PHONE : (281) 440-7730
FAX : (281) 440-7737
thomas@thomaslandsurveying.com

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

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:

Gateway Business Park Preliminary Plat

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

We, Sohail Syed and Mohsin Rasheed, President and Vice President respectively of Gateway Development LLC, owner of the property subdivided in the above and foregoing map of Gateway Business Park, do hereby make subdivision of said property for and on behalf of said Gateway Development LLC, according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as Gateway Business Park, located in the Survey, Montgomery County, Texas, and on behalf of said Gateway Development LLC, and dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. That drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. 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 shall be a minimum of one and three quarters (1 3/4) square feet (18" diameter pipe culvert).

FURTHER, we do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of 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, unless otherwise noted.

FURTHER, owners have dedicated and by these presents do dedicate to 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 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, gullies, ravines, draws, 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 Gateway Development LLC has caused these presents to be signed by Sohail Syed, its President, thereunto authorized, attested by its Vice President, and Mohsin Rasheed, and its common seal hereunto affixed this _____ day of _____, 2012.

Gateway Development LLC

By: _____
Sohail Syed, President

ATTEST:
Mohsin Rasheed, Vice President

We, Golden Bank, owner and holder (or owners and holders) of a lien(s) against the property described in the plat known as Gateway Business Park said lien(s) being evidenced by instrument of record in Volume _____, Page _____, of the Real Property Records of Montgomery County, Texas, do hereby in all things subordinate to said plat said lien(s), and we hereby confirm that we are the present owner(s) of said lien(s) and have not assigned the same nor any part thereof.

By: _____
Printed Name: _____

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me they executed the same for purposes and consideration therein set forth.

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

Printed Name: _____
Notary Public in and for State of Texas

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

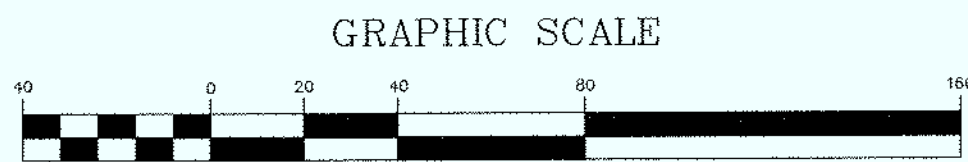
BEFORE ME, the undersigned authority, on this day personally appeared Sohail Syed and Mohsin Rasheed, President and Vice President of the Gateway Development LLC known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

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

Printed Name: _____
Notary Public in and for State of Texas

This is to certify that I, Fred W. Lawton, a licensed Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; and that all block corners, angle points, and points of curve properly marked with iron rods of minimum 5/8" diameter and 3' long, and that this plat correctly represents that survey made by me.

Fred W. Lawton, Registered Professional Land Surveyor
Texas Registration No. 2321



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
M.C.C.F. - MONTGOMERY COUNTY CLERK'S FILE
M.C.D.R. - MONTGOMERY COUNTY DEED RECORDS
M.C.M.R. - MONTGOMERY COUNTY MAP RECORDS
VOL. - VOLUME
PG. - PAGE

This is to certify that the City Planning and Zoning Commission (or City Council) of the City of Tomball, Texas, has approved this plat and subdivision of Gateway Business Park as shown hereon.

IN TESTIMONY WHEREOF, witness the official signature of the Chairman (or Mayor) and Secretary of the City planning Commission (or City Council) of the City of _____, Texas, this _____ day of _____, 2012.

Secretary _____ Chairman (or Mayor) _____
Name _____ Name _____

County Engineer

APPROVED by the Commissioners Court of Montgomery County, Texas, this _____ day of _____, 2012.

Mike Meador, Commissioner, Precinct 1 Craig Doyal, Commissioner, Precinct 2

Alan B. Sadler, County Judge

Ed Chance, Commissioner, Precinct 3 Ed Rinehart, Commissioner, Precinct 4

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

I, Mark Turnbull, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2012, at _____ o'clock, _____ M., and duly recorded on _____, 2012, at _____ o'clock, _____ M., in cabinet _____, sheet _____, of record of for said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

Mark Turnbull, Clerk, County Court,
Montgomery County, Texas

By: _____
Lori Wallace, Deputy

This is to certify that the Planning and Zoning commission of the City of Tomball, Texas has approved this plat and subdivision of Gateway Business Park in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2012.

By: _____ Evelyn Chervenak, Vice Chairman
Lori Wallace, Chairman

This is to certify that the City Council for the City of Tomball, Texas has approved this plat and subdivision of Gateway Business Park in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2012.

By: _____ Gretchen Faga, Mayor
Doris Speer, City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat of Gateway Business Park is in conformance with the City of Tomball ordinances.

By: _____ George Shackelford, City Manager
Lori Lakatos, P.E., C.F.M., Acting City Engineer

BLOCK 1
DECKER PRAIRIE COMMERCIAL PARK
(CABINET Z, SLIDE 34 MCPR)

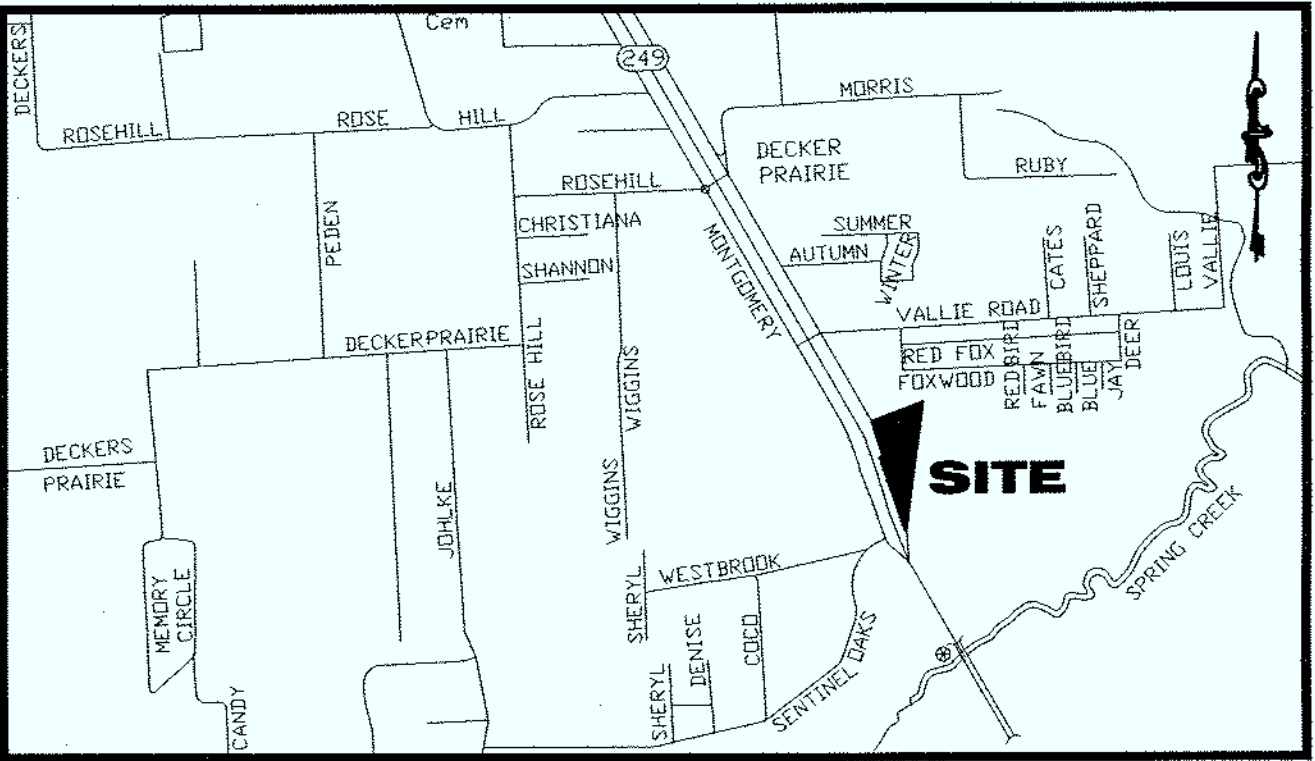
LOT 1
SHANNON AND DENISE LAUVE
MCCF NO. 2005115975

UNRESTRICTED RESERVE "A"
1.9894 ACRES
(86,659 SQ. FT.)

BLOCK 1

UNRESTRICTED RESERVE "B"
1.0000 ACRE
(43,560 SQ. FT.)

(PUBLIC STATE R.O.W. WIDTH VARIES)
(MCCF No. 95-45700)



VICINITY MAP
NOT TO SCALE

NOTES:

1. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the city of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purposes of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective system 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 system 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 on easement arising out of removal or relocation of any obstruction in the public easement.

2. The Coordinates shown hereon are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale 0.99995790816.

3. According to FEMA Firm Panel No. 48339C0660F dated December 19, 1996, this property is located in Zone "AE" designated as areas within the 100-year flood plain.

4. All oil/gas pipelines or pipeline easements with ownership through the 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 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.

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 this property.

CALLED 18.10 ACRES
PIT 249, LLC
MCCF NO. 2008070535

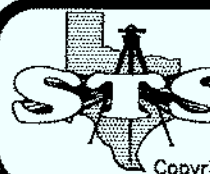
PRELIMINARY PLAT GATEWAY BUSINESS PARK

1 BLOCK, 2 RESERVES

A SUBDIVISION OF 2.9894 ACRES (130,219 SQUARE FEET) 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 (M.C.O.P.R.R.P.)

SCALE: 1"= 40' DATE: 07/2012

OWNER: GATEWAY DEVELOPMENT, LLC
ADDRESS: 5608 HIGHWAY 6 NORTH
HOUSTON, TX 77084
PHONE NO: 832-287-9681
PRESIDENT: SOHAIL SYED



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:\COMRES 2012\PLATS\718-12.DWG (A0)

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P12-459**

Background:

Origination:

Craig and Sindija Schneider

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-459 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: 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.

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.

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.

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.

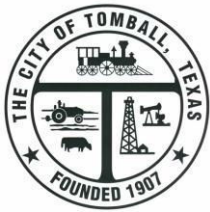
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more 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 6th day of September 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.



Notice of Public Hearing

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

CASE NUMBER: P12-459

APPLICANT: Craig and Sindija Schneider

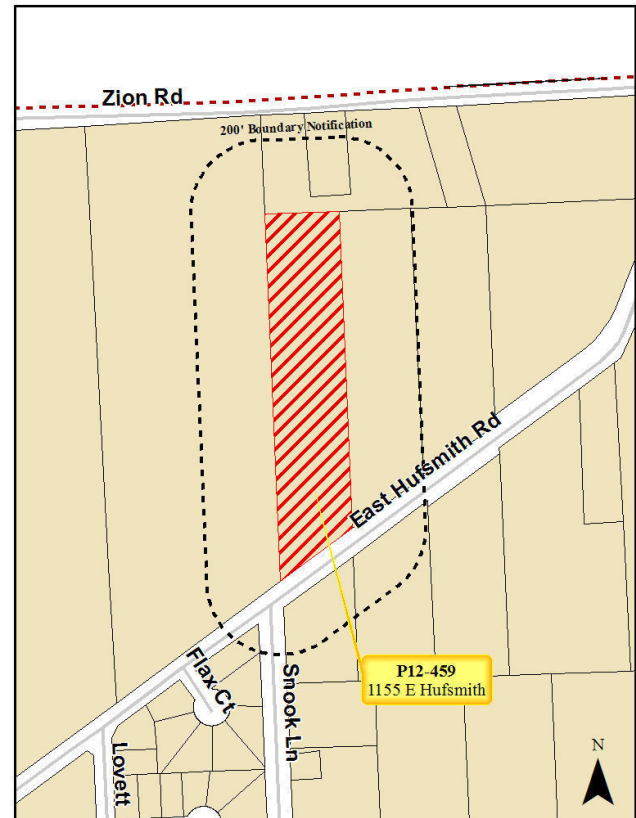
LOCATION: Northerly of East Hufsmith Road, easterly of Snook Lane

PROPOSAL: Request 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, from the Single-Family Estate Residential-20 District to the Agricultural 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.

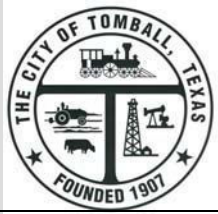
This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also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

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

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

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

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



Rezoning Staff Report

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

Rezoning Case: P12-459
Property Owner: Craig & Sindija Schneider
Applicant: Craig & Sindija Schneider
Legal Description: Tract 1 R/S 10, Abstract 730, J.S. Smith Survey
Location: Northerly of East Hufsmith Road, easterly of Snook Lane
Area: 4.24 acres
Present Zoning and Use: Single-Family Estate Residential-20 District (Exhibit "A") / Single-family residence (Exhibit "B")
Comp Plan Designation: Rural Residential (Exhibit "C")
Proposed Zoning and Use: Agricultural District / Single-family residence & kennel

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: SF-20-E District / Undeveloped and single-family residences
South: SF-9 District / East Hufsmith Road, agricultural land, and single-family residences
West: SF-20-E & Commercial Districts / Contractor's office and single-family residence
East: SF-20-E District / Agricultural land

BACKGROUND

In June 2012, the City of Tomball received notice of a possible dog kennel being run out of the subject site. On June 26th, the City sent the property owner, Craig Schneider, a letter informing him of the matter and gave him ten days to contact the City to address the issue.

On July 6th, Mr. Schneider met with City staff where he stated that he was not operating a dog kennel out of the subject property. He also indicated that he had no more than four animals outside in a covered, fenced area. Mr. Schneider then asked staff if there was a problem with having more than four animals, belonging only to his family, within the enclosed fenced area. Staff informed Mr. Schneider that according to Section 10-176 of the Code of Ordinances, a "kennel" is "...the keeping, harboring or boarding of five or more animals over six months of age, and the place or premises where the same are kept."

Therefore, if he were to have five or more animals, he would be considered a “Kennel.” Kennels are not a permitted land use in the SF-20-E District. He was then informed that if he would like to have five or more animals, he would be required to have the property rezoned and bring the site into conformance with the applicable City codes for an “Animal Kennel.” On July 10, 2012, the City received a Rezoning Application from Mr. Schneider requesting the subject site be rezoned to the Agricultural District (Exhibit “D”).

For additional reference, an “Animal Kennel” is defined in Section 45 of the Zoning Ordinance as “a commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.”

ANALYSIS

There are a number of land uses in the vicinity. To the north is undeveloped land and single-family residences in the SF-20-E District; to the south is agricultural land and single-family residences in the SF-9 District; to the west are a contractor’s office and a single-family residence in the Commercial and SF-20-E Districts, respectively; and to the east is agricultural land in the SF-20-E District (Exhibit “E”).

The Zoning Ordinance states that the proposed zoning classification of Agricultural District “is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district.” The single-family residence and kennel proposed for this site appear to be consistent with the intent of the Agricultural District.

The Comprehensive Plan’s Future Land Use (FLU) map identifies the site as “Rural Residential.” The Comprehensive Plan (CP) states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features...Typically, the keeping of a limited number of horses or other livestock is permitted...No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed rezoning to the Agricultural District and proposed incidental animal kennel land use appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There are a number of land uses in the vicinity. To the north is undeveloped land and single-family residences in the SF-20-E District; to the south is agricultural land

and single-family residences in the SF-9 District; to the west is a contractor's office and a single-family residence in the Commercial and SF-20-E Districts, respectively; and to the east is agricultural land in the SF-20-E District.

Provided the City's development standards and nuisance ordinances are adhered to, the rezoning to the Agricultural District and the proposed animal kennel land use appear to be appropriate for the area.

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.

Abandoned Animal Rescue has expressed interest in constructing a new facility approximately .7 miles west of the subject site.

There are numerous vacant tracts in the vicinity and elsewhere in the City zoned Agricultural 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 Agricultural District, particularly in the Pine Country of Tomball subdivision. However, development has been slow in the Agricultural District in the vicinity of the proposed change except for the development of the Reserves at Spring Lakes subdivision on Zion Road.

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 is not anticipated to substantially affect the public health, safety, morals, or general welfare.

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 “Rural Residential.” The CP states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features...Typically, the keeping of a limited number of horses or other livestock is permitted...No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed Rezoning to the Agricultural District and proposed incidental animal kennel land use appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. APPROVAL of Zoning Case P12-459 based on the following:
 - a. The proposed zoning of Agricultural District appears to be compatible with the Comprehensive Plan;
 - b. The proposed zoning of Agricultural District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
 - c. The proposed zoning of Agricultural District is not anticipated to substantially affect the public health, safety, morals, or general welfare.
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

Exhibit "A"
Zoning Map

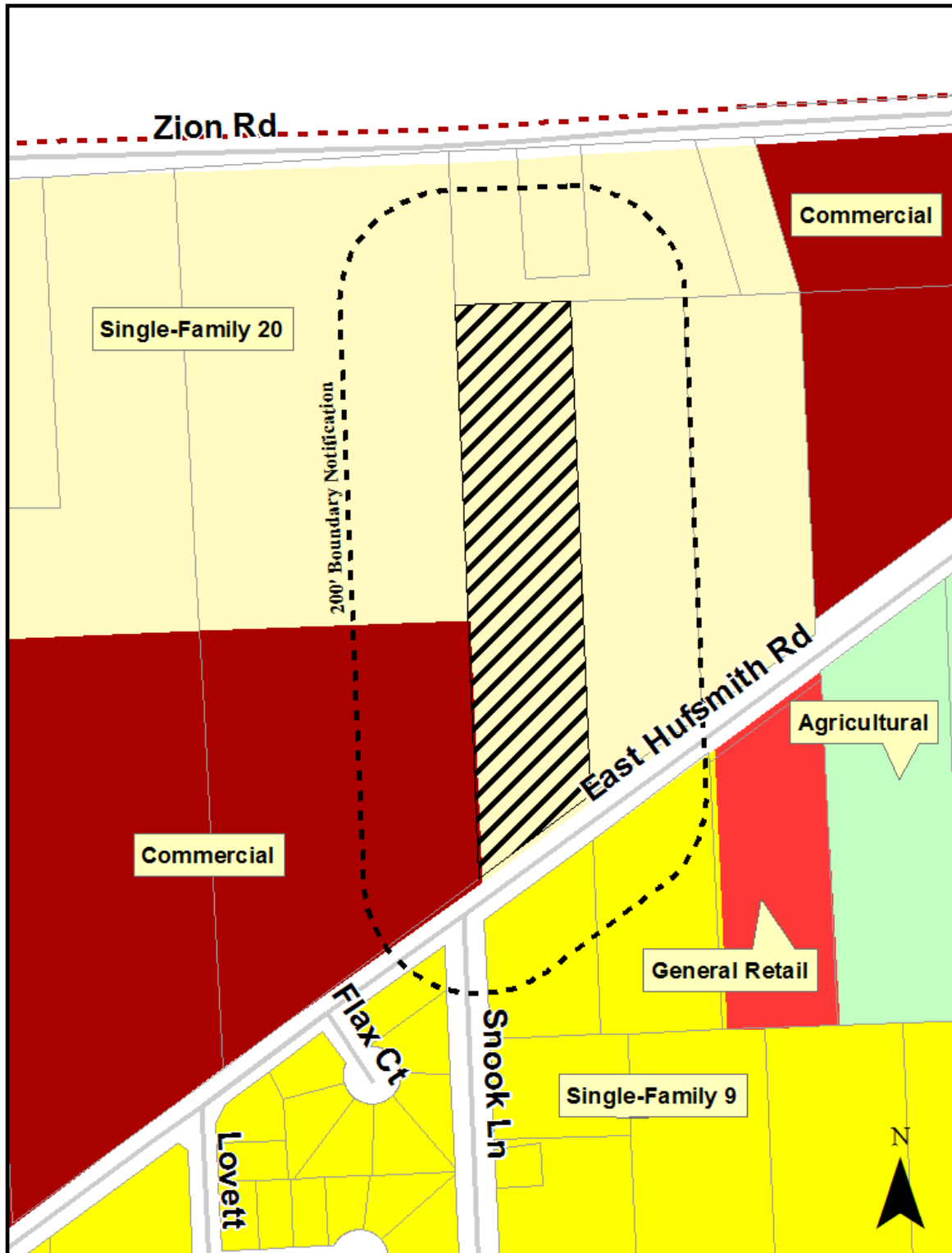


Exhibit "B"
Aerial Photo

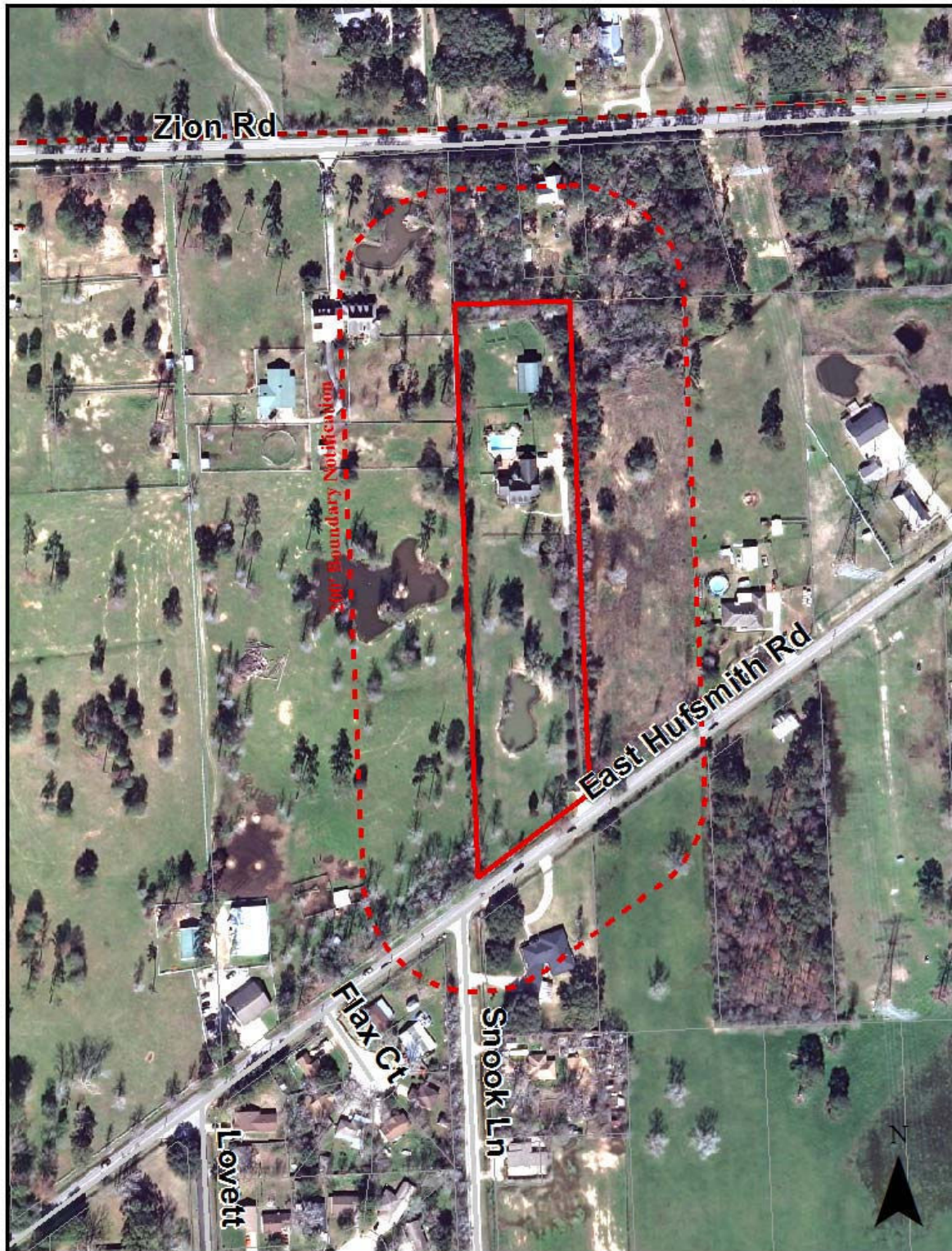


Exhibit "C"
Comprehensive Plan FLU Map

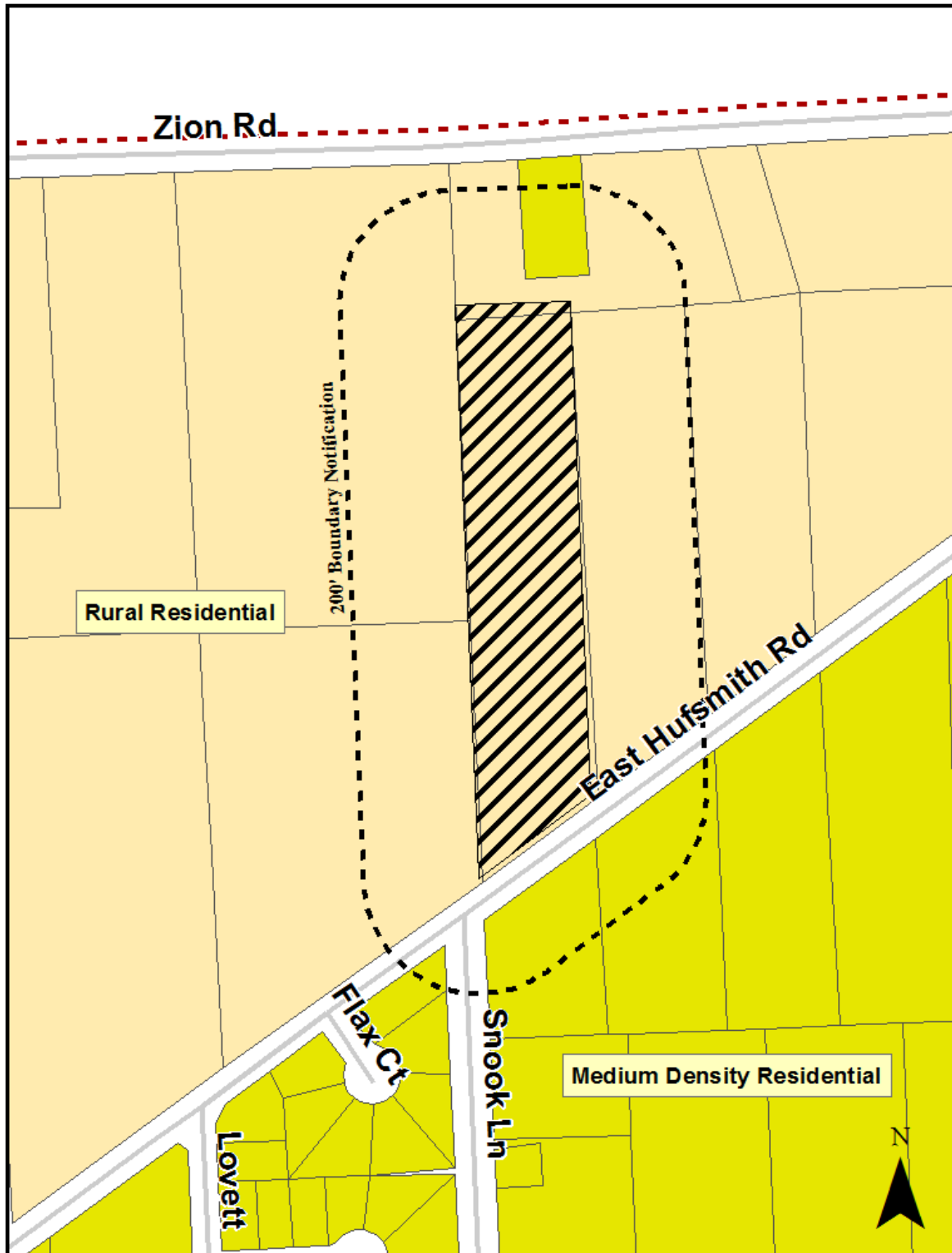
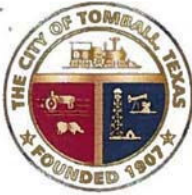


Exhibit "D"
Rezoning Application

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: Craig A. Schneider Title: _____
Mailing Address: 1155 E. Hufsmith City: Tomball State: TX
Zip: 77375
Phone: (281) 253-1741 Fax: (281) 582-5792 Email: craigsch29@yahoo.com

Owner

Name: Craig & Sindija Schneider Title: _____
Mailing Address: 1155 E. Hufsmith City: Tomball State: TX
Zip: 77375
Phone: (281) 253-1741 Fax: (281) 582-5792 Email: craigsch29@yahoo.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: REZONE

Physical Location of Property: N. side of E. Hufsmith East of Snook
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 1 R/S 10 ABST 730 IS SMITH
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E

Current Use of Property: Residential Homestead & Kennel in existing barn for personnel dogs

Proposed Zoning District: AG - Agricultural District

Proposed Use of Property: Residential Homestead & Kennel in existing barn for personnel dogs

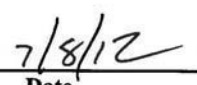
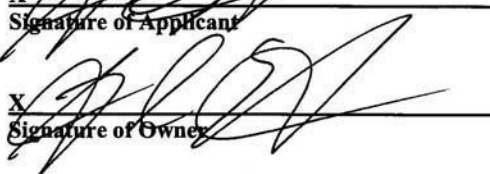
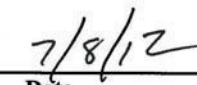
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 0450340610640 Acreage: 4.2394

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.

☒  Signature of Applicant	 Date
☒  Signature of Owner	 Date

July 8, 2012

City of Tomball Planning and Zoning Commission,

I am writing to you today regarding our request to have our acreage rezoned to Agricultural use. My wife and children recently move to Tomball. The reason for our move to Tomball was to move to a place that we believed to have a strong sense of community and to provide a safe environment to raise our children. My wife, Sindija, lived in Tomball with Warren and Jean Driver for many years while she was attending Sam Houston State. We were married in their backyard by Greg Sipe who along with his family lived with the Drivers and my wife while they transitioned to Tomball. Not having traditional family in the Houston area being close to where my wife lived for many years and being close to the Sipe family was extremely important to us. Our primary focus was to have a home that we can raise our children and accommodate our love for animals. We have horses, dogs and chickens that we absolutely love. We have turned the existing barn on the property into a kennel area for our dogs. We have Labrador Retrievers and do occasionally breed them. We are involved in hunting and showing our dogs in AKC events and will be keeping a couple of puppies for our daughters to raise and show. It is due to this that we are requesting to have our property rezoned to Agriculture use. We have no desire or intent to expand the existing facility nor do we have any desire or intent to board, train or deal with dogs that we do not own. We also breed Quarter Horses for Reining. Our goal is to have the flexibility to maintain and care for our personal animals who we consider family members. All of our dogs are trained, indoor/outdoor dogs. We feed them only the best foods and provide the best veterinary care possible. Having lived in the city of Houston we are extremely conscious of them barking and keep Tri Tronics bark collars on them.

Thank you for your time and consideration in this matter.

Respectfully,

Craig A. Schneider

**Exhibit “E”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



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



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



Figure 5: Contractor's office to the west. Source: maps.google.com

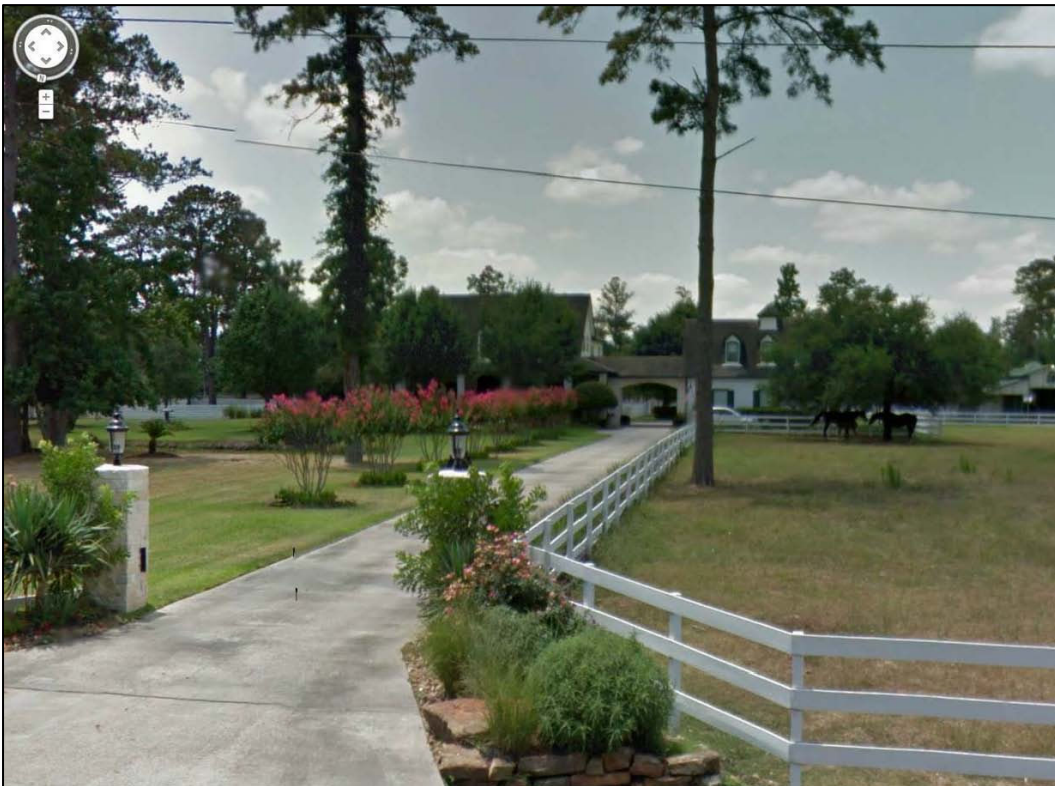


Figure 6: Single-family residence to the west. Source: maps.google.com



Figure 7: Agricultural land to the east. Source: maps.google.com

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P12-468**

Background:

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties LLC

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-468 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: 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.

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.

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.

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.

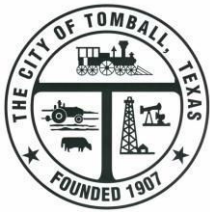
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more 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 6th day of September 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.



Notice of Public Hearing

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

CASE NUMBER: P12-468

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

LOCATION: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road

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

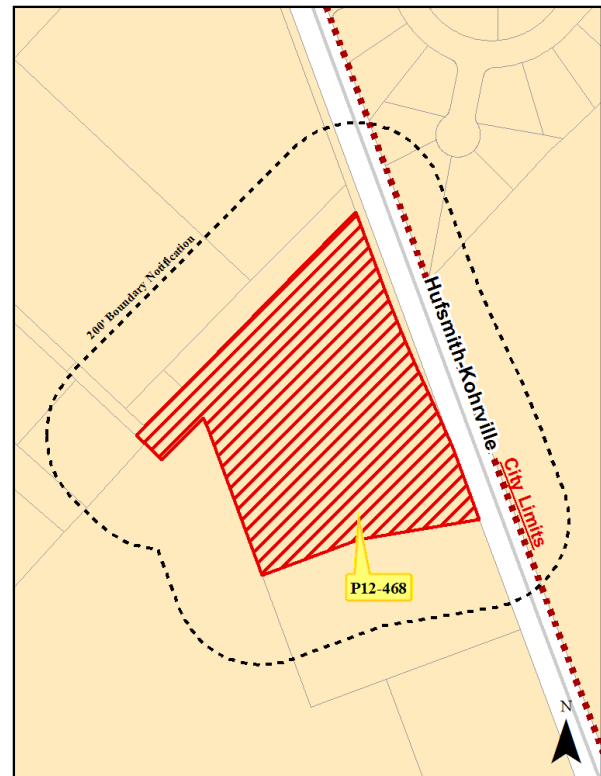
CONTACT: Rodney Schmidt

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.

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.

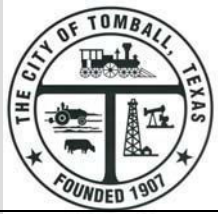


**Planning & Zoning Commission
Public Hearing:
Monday, September 10, 2012, 6:00 PM**

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

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

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



Rezoning Staff Report

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

Rezoning Case: P12-468
Property Owner: 2978 Industrial Properties, LLC
Applicant: Jeff Presnal
Legal Description: Lot 2, Block 1, Tomball South Commercial
Location: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road
Area: 6.93 acres
Present Zoning and Use: Agricultural District (Exhibit "A") / Undeveloped (Exhibit "B")
Comp Plan Designation: Rural Residential & Business/Industrial (Exhibit "C")
Proposed Zoning and Use: Light Industrial District / Any use permitted in Light Industrial District

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: Agricultural District / Undeveloped
South: Agricultural & Light Industrial Districts / Commercial (CREACOM, Inc.) & undeveloped
West: SF-20-E & Light Industrial Districts / Undeveloped & single-family residences
East: Unzoned / Hufsmith-Kohrville Road, single-family residences, & former horse training facility

BACKGROUND

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural District to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is predominantly classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as "Rural Residential" which does not appear to be compatible with the Light Industrial District proposed for this site. Mr. Presnal was also

informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his Rezoning request. On June 27, 2012, the City of Tomball received a Rezoning application from Mr. Presnal for the subject site (Exhibit “D”).

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is undeveloped land in the Agricultural District; to the south is a commercial development (CREACOM, Inc.) and undeveloped land in the Agricultural and Light Industrial Districts, respectively; to the west is undeveloped land and single-family residences in the Light Industrial and SF-20-E Districts, respectively; and to the east is Hufsmith-Kohrville Road, single-family residences, and a former horse training facility in unzoned City of Tomball extraterritorial jurisdiction (Exhibit “E”). The uses permitted in the Light Industrial District do not appear to be consistent with the existing single-family residences to the west and northeast.

The proposed zoning classification of Light Industrial District “...is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” The Light Industrial District appears to be incompatible with the properties zoned Agricultural to the north and the single-family residences zoned SF-20-E to the west.

The Comprehensive Plan’s FLU map identifies the site as predominantly “Rural Residential” with a small portion being “Business/Industrial.” The CP states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features. The basic character of development is rural with most natural features of the land retained. Typically, the keeping of a limited number of horses or other livestock is permitted. Public services are not required at a level as great as those required in higher density development. No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed rezoning to the Light Industrial District does not appear to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A site plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Light Industrial District appear to be inconsistent and incompatible with the existing single-family residences to the west and northeast.

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

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

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

There are multiple vacant properties in the City zoned Light Industrial District. To the south of the subject site, the Tomball Economic Development Corporation recently had 97.48 acres rezoned to the Light Industrial District.

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

There has been steady development city-wide in the Light Industrial District. However, there has been no development in the Light Industrial 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, Rezoning 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 predominantly “Rural Residential” with a small portion being “Business/Industrial.” The CP states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features. The basic character of development is rural with most natural features of the land retained. Typically, the keeping of a limited number of horses or other livestock is permitted. Public services are not required at a level as great as those required in higher density development. No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed rezoning to the Light Industrial District does not appear to be consistent or compatible with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. **DENIAL** of Zoning Case P12-468 based on the following:
 - a. The uses permitted in the Light Industrial District do not appear to be consistent with the existing single-family residences to the west and northeast;
 - b. The Light Industrial District appears to be incompatible with the properties zoned Agricultural to the north and the single-family residences zoned SF-20-E to the west; and
 - c. The proposed rezoning to the Light Industrial District does not appear to be consistent with the Comprehensive Plan’s FLU classification of “Rural Residential.”
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

Exhibit "A"
Zoning Map

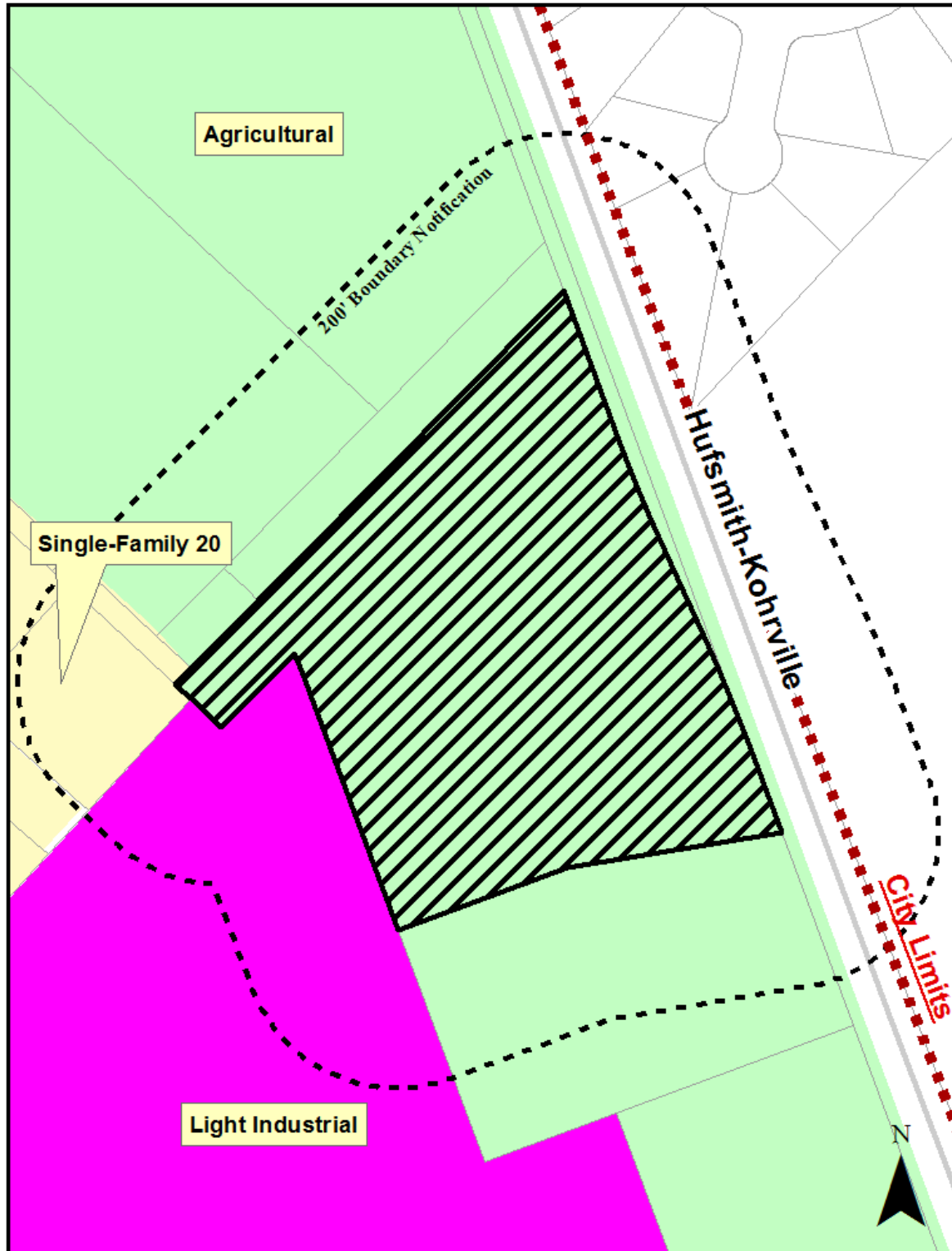


Exhibit "B"
Aerial Photo

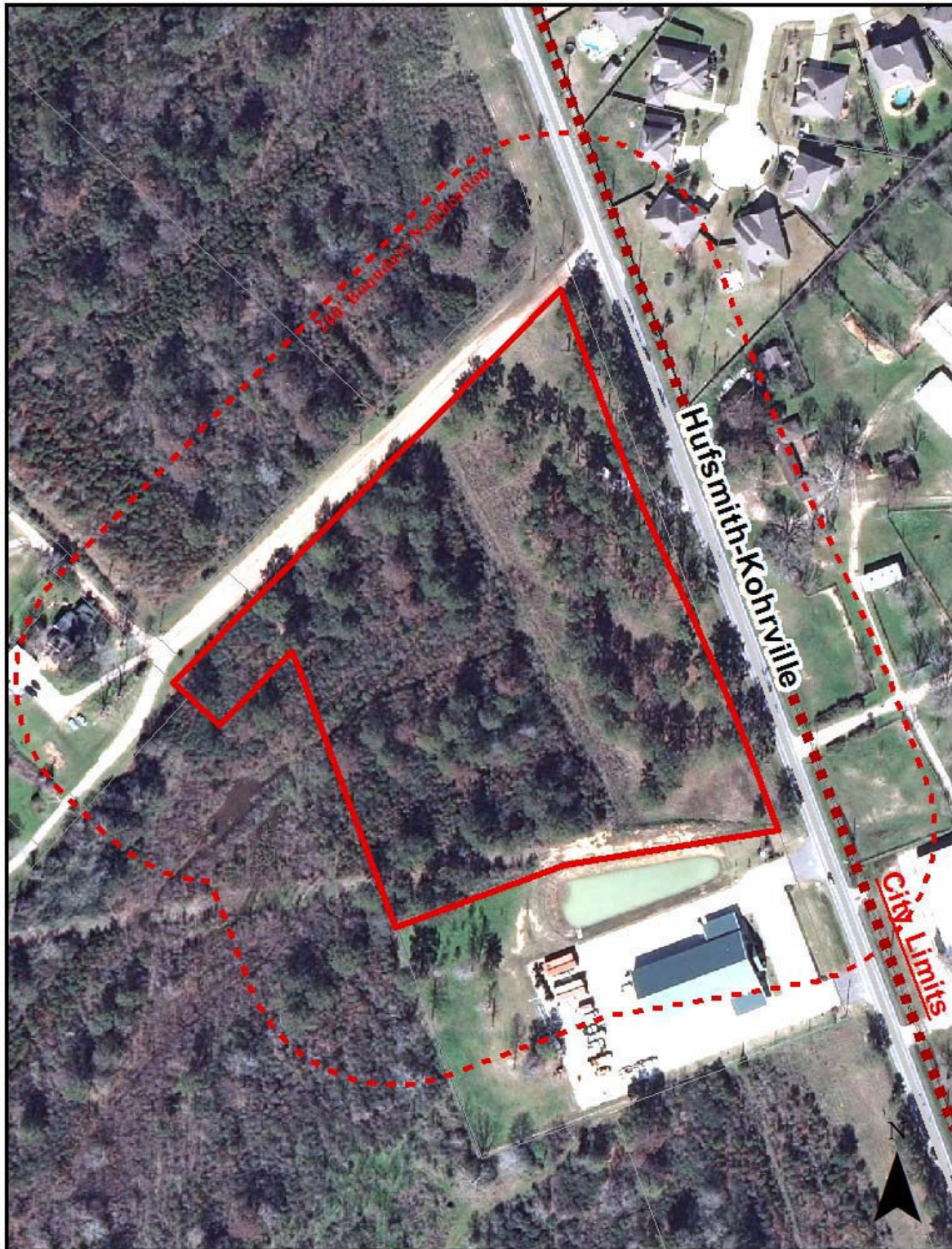


Exhibit "C"
Comprehensive Plan FLU Map

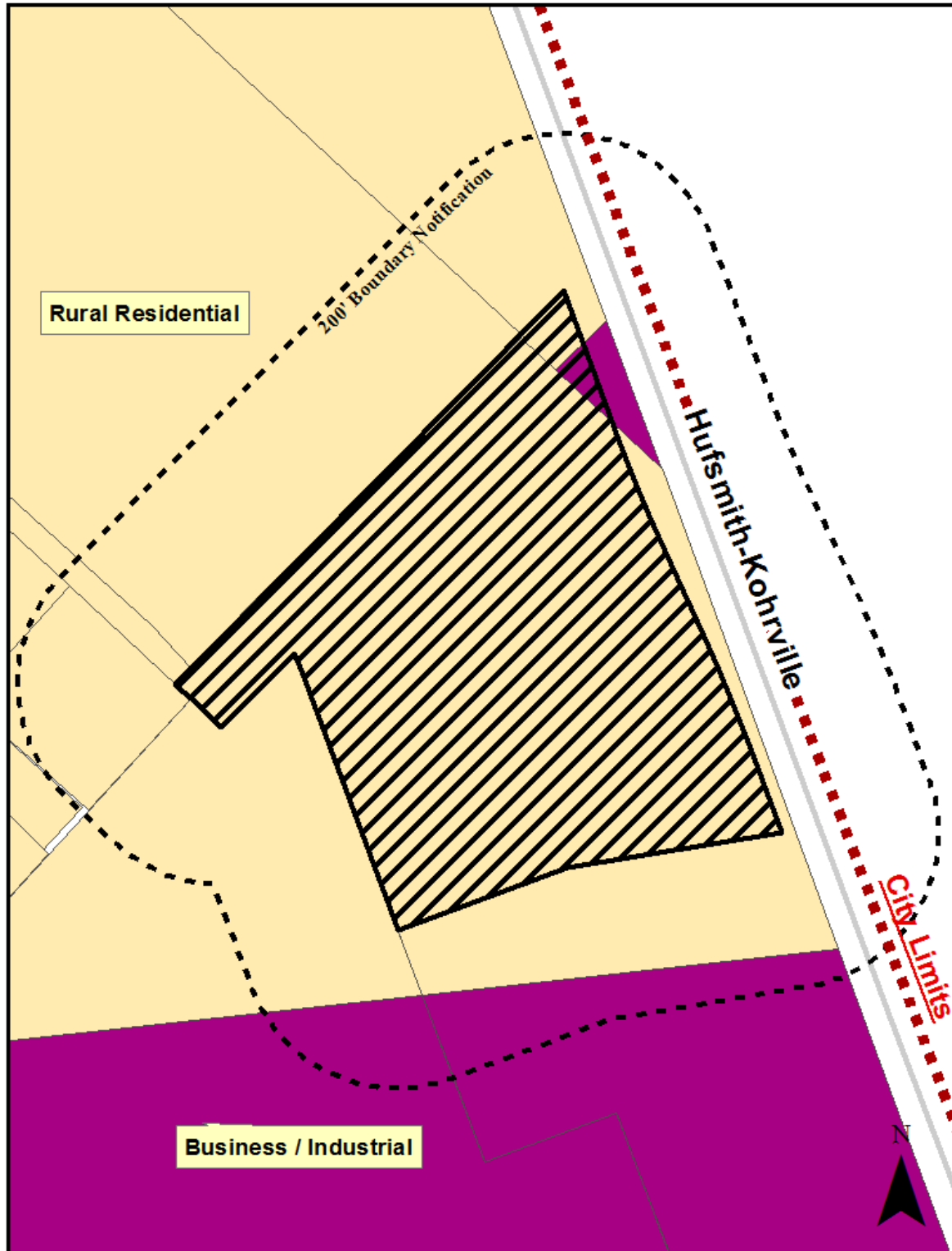
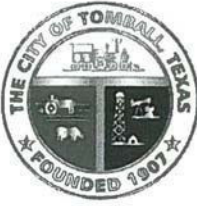


Exhibit "D"
Rezoning Application

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: Jeff Presnal Title: Manager
Mailing Address: 25614 Bridle Creek Dr. N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None Email: jpresnal@sbcglobal.net

Owner

Name: 2970 Industrial Properties, LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr. N. City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Rezone Lot 2 - Tomball South Commercial

Physical Location of Property: Hufsmith Kohville approx. 1/2 mile N of Holdenville
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball South Commercial, Block 1, Lot 2
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG with Vested Rights Letter allowing Commercial uses

Current Use of Property: Vacant land

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: All uses allowed within LI District

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

www.ci.tomball.tx.us

HCAD Identification Number: 132-003-001-0002 Acreage: 6.93

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 Jeff Purrell Asset mgr for 2978 27 Jul 2012
Signature of Applicant Date

X Jeff Purrell Manager for 2978 27 Jul 2012
Signature of Owner Date

2978 INDUSTRIAL PROPERTIES, LLC

25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

July 27, 2012

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

RE: Application to Rezone Lot 2, Block 1, Tomball South Commercial

Please allow this letter to serve as our request to rezone the property referenced above.

We request that the zoning be supported by staff and ultimately approved by the Planning and Zoning Commission and City Council as requested for several reasons. First, it is consistent with the City of Tomball Comprehensive Plan to be developed as a light industrial use. Second, it is adjacent to a large parcel currently owned by the Tomball EDC which is being developed for light industrial use and a small portion of Lot 4 is being traded to the EDC to facilitate their business park entrance from Hufsmith_Kohrville Road so that it aligns with Spell Road. Additionally, a Vested Rights Determination Letter was issued by the City of Tomball on July 15, 2009 regarding the property giving it a land use classification of C- Commercial District and also including uses as (a) construction contractors with storage yard and (b) traffic advisory and signaling systems/street lighting fixtures manufacturing. I enclose a copy of that letter as an attachment to this correspondence.

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

Sincerely,



Jeff Presnal
Manager

Attachment: Vested Rights Determination Letter dated July 15, 2009

**Exhibit “E”
Site Photos**



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



Figure 2: Undeveloped land to the north.
Source: maps.google.com



Figure 3: CREACOM, Inc. to the south.
Source: maps.google.com



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



Figure 5: Former horse training facility to the east.
Source: maps.google.com

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P12-469**

Background:

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties LLC

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-469 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: 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.

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.

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.

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.

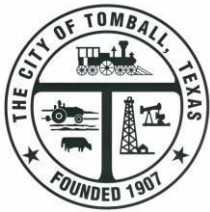
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more 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 6th day of September 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.



Notice of Public Hearing

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

CASE NUMBER: P12-469

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

LOCATION: Northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road

PROPOSAL: Request 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, from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

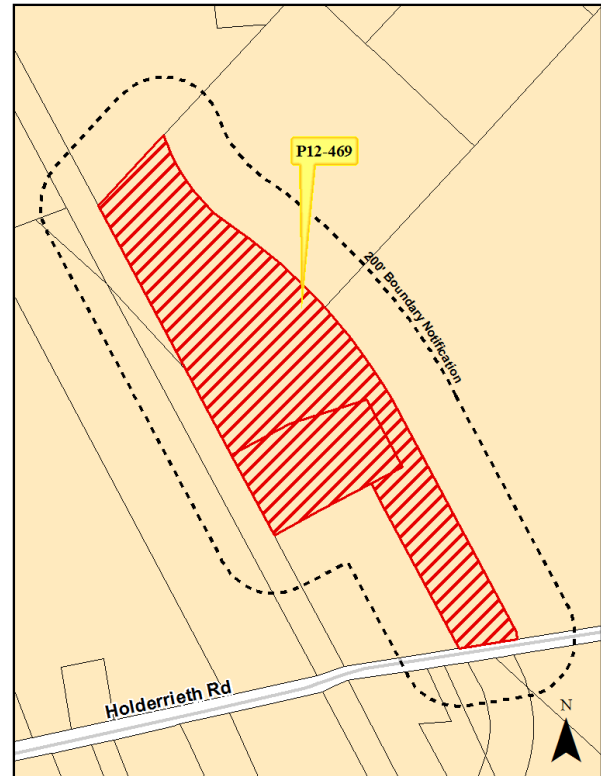
CONTACT: Rodney Schmidt

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.

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, September 10, 2012, 6:00 PM

City Council Public Hearing:

***Monday, September 17, 2012, 6:00 PM**

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

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



Rezoning Staff Report

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

Rezoning Case: P12-469

Property Owner: 2978 Industrial Properties, LLC

Applicant: Jeff Presnal

Legal Description: 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

Location: Northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road

Area: 17.63 acres

Present Zoning and Use: Agricultural, Single-Family Estate Residential-20 (SF-20-E), and Light Industrial Districts (Exhibit "A") / Undeveloped (Exhibit "B")

Comp Plan Designation: Business/Industrial (Exhibit "C")

Proposed Zoning and Use: Light Industrial District / Any use permitted in Light Industrial District

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: SF-20-E District / Agricultural

South: Agricultural District and Unincorporated Harris County (unzoned) / Holderrieth Road, City of Tomball (CoT) fire station, CoT M118 stormwater detention facility, and commercial property

West: Light Industrial and SF-20-E Districts / BNSF railway, manufacturing facility (Houston Poly Bag), and undeveloped

East: Light Industrial / Undeveloped

BACKGROUND

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural, SF-20-E, and Light Industrial Districts to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is classified on the Comprehensive Plan Future Land Use (FLU) map as “Business/Industrial.” On July 27, 2012, the City of Tomball received a rezoning application from Mr. Presnal for the subject site (Exhibit “D”). A FLU classification of “Business/Industrial” appears to be compatible with the Light Industrial District rezoning proposed for this site.

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is agricultural land in the SF-20-E District; to the south is Holderrieth Road, a CoT fire station, and the CoT’s M118 stormwater detention facility in the Agricultural District as well as commercial property in unzoned CoT extraterritorial jurisdiction; to the west is a BNSF railway, manufacturing facility (Houston Poly Bag), and undeveloped land in the Light Industrial and SF-20-E Districts; and to the east is undeveloped property owned by the Tomball Economic Development Corporation (TEDC) proposed as an business park in the Light Industrial District (Exhibit “E”). The uses permitted in the Light Industrial District appear to be consistent with the manufacturing facility (Houston Poly Bag), the CoT’s fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC’s proposed business park to the east.

The proposed zoning classification of Light Industrial District “...is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” The Light Industrial District appears to be compatible with the manufacturing facility (Houston Poly Bag), the CoT’s fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC’s proposed business park to the east.

The Comprehensive Plan’s FLU map identifies the site as “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.” The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Light Industrial District appear to be consistent with the manufacturing facility (Houston Poly Bag), the CoT's fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC's proposed business park to the 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 are multiple vacant properties in the City zoned Light Industrial District. To the east of the subject site, the TEDC recently had 97.48 acres rezoned to the Light Industrial District.

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

There has been steady development city-wide in the Light Industrial District. However, there has been no development in the Light Industrial 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 is not anticipated to substantially affect the public health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, 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 “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.”

The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. APPROVAL of Zoning Case P12-469 based on the following:
 - a. The uses permitted in the Light Industrial District appear to be consistent with the manufacturing facility (Houston Poly Bag), the CoT’s fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC’s proposed business park to the east.
 - b. The proposed rezoning to the Light Industrial District appears to be consistent with the Comprehensive Plan; and
 - c. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
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

Exhibit "A"
Zoning Map

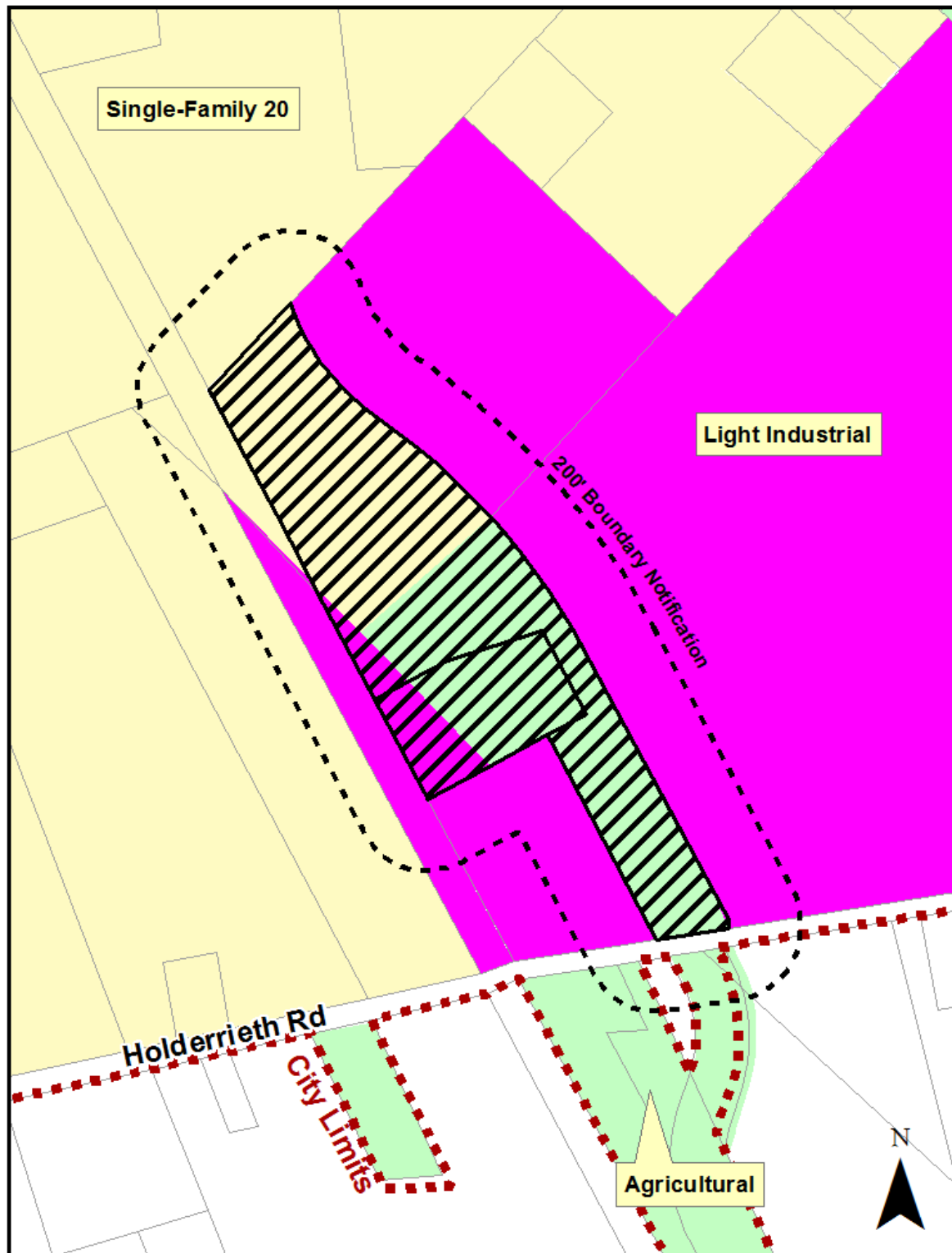


Exhibit "B"
Aerial Photo

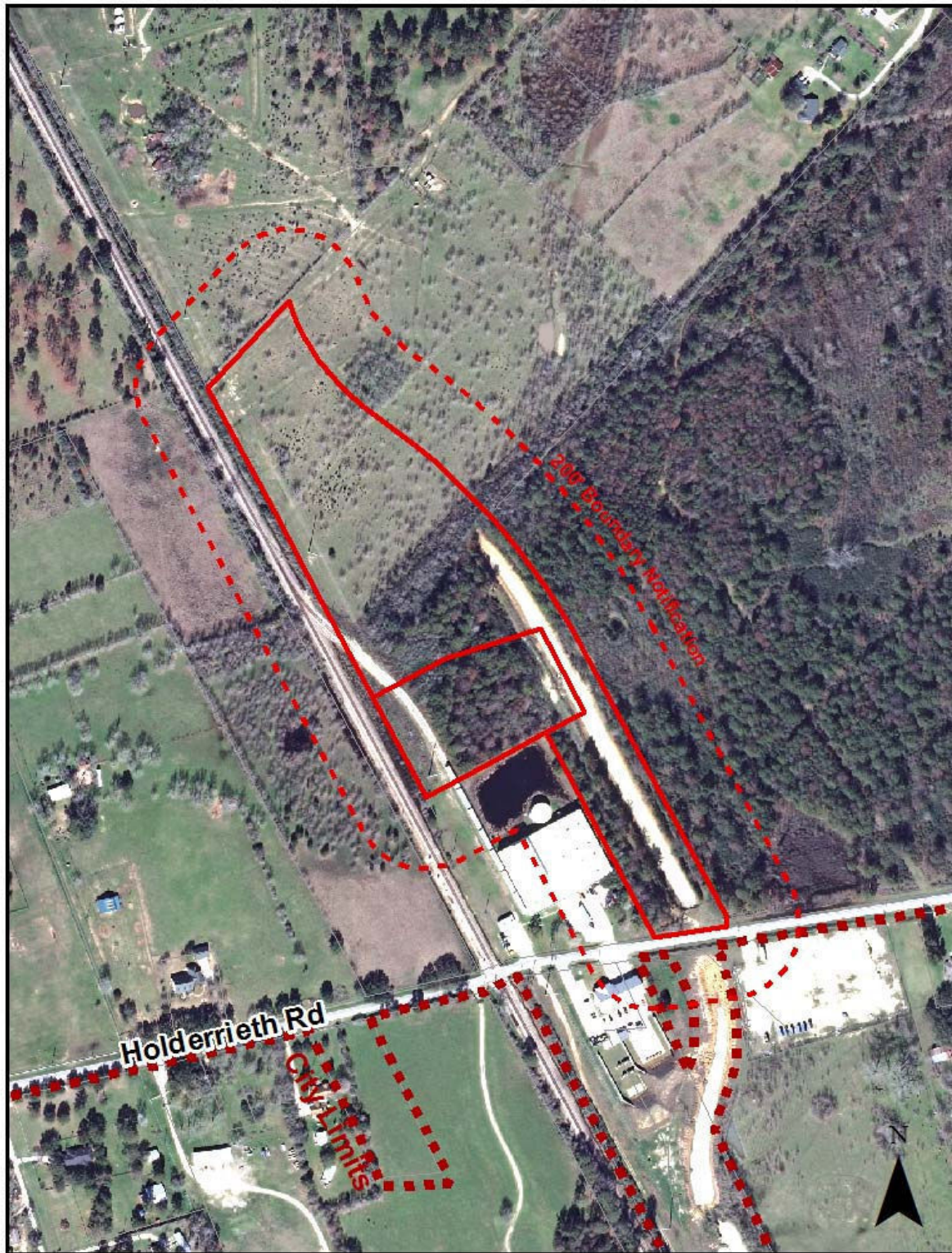


Exhibit "C"
Comprehensive Plan FLU Map

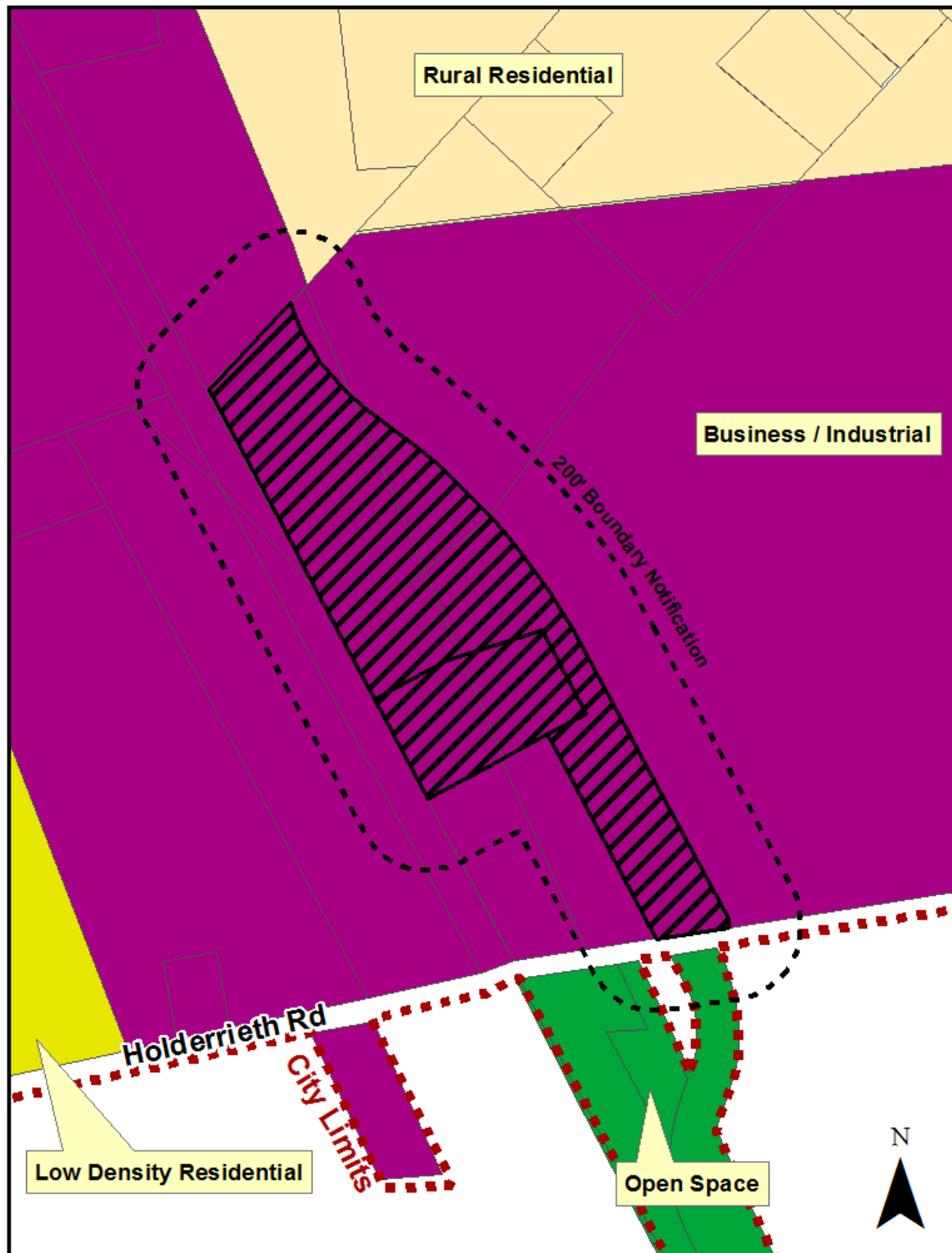


Exhibit "D"
Rezoning Application

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: Jeff Presnal Title: Manager
Mailing Address: 25614 Bridle Creek Dr. N. City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None Email: jpresnal@stcglobal.net

Owner
Name: 2978 Industrial Properties, LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () _____ Email: _____

Engineer/Surveyor (if applicable)
Name: None Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Rezone 17.63 acres on Holderwith

Physical Location of Property: Holderwith approximately 1/2 mile W of Huffman/Kdrville
[General Location - approximate distance to nearest existing street corner]

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

Current Zoning District: AG and SF-20

Current Use of Property: Vacant Land

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: ~~Office warehouse~~ for All uses allowed within LI district.

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

www.ci.tomball.tx.us

HCAD Identification Number: 041-026-000-0297 Acreage: 17.63

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 Jeff Russell, Asset Mgr for 2978 27 Jul 2012
Signature of Applicant Date

X Jeff Russell, Manager for 2978 27 Jul 2012
Signature of Owner Date

2978 INDUSTRIAL PROPERTIES, LLC

25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

July 27, 2012

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

RE: Application to Rezone Lot 2, Block 1, Tomball South Commercial

Please allow this letter to serve as our request to rezone the property referenced above.

We request that the zoning be supported by staff and ultimately approved by the Planning and Zoning Commission and City Council as requested for several reasons. First, it is consistent with the City of Tomball Comprehensive Plan to be developed as a light industrial use. Second, it is adjacent to a large parcel currently owned by the Tomball EDC which is being developed for light industrial use and a small portion of Lot 4 is being traded to the EDC to facilitate their business park entrance from Hufsmith_Kohrville Road so that it aligns with Spell Road. Additionally, a Vested Rights Determination Letter was issued by the City of Tomball on July 15, 2009 regarding the property giving it a land use classification of C- Commercial District and also including uses as (a) construction contractors with storage yard and (b) traffic advisory and signaling systems/street lighting fixtures manufacturing. I enclose a copy of that letter as an attachment to this correspondence.

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

Sincerely,



Jeff Presnal
Manager

Attachment: Vested Rights Determination Letter dated July 15, 2009

**Exhibit “E”
Site Photos**



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



Figure 2: CoT fire station to the south. Source: maps.google.com



Figure 1: Commercial use to the south. Source: maps.google.com



Figure 2: Houston Poly Bag to the west. Source: maps.google.com



Figure 3: Undeveloped property to the west. Source: maps.google.com



Figure 4: Undeveloped property to the east. Source: maps.google.com

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 10, 2012

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P12-481**

Background:

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties LLC

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-481 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: 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.

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.

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.

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.

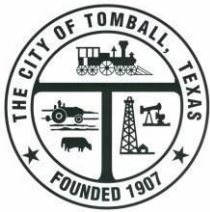
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more 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 **6th** day of **September** 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.



Notice of Public Hearing

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

CASE NUMBER: P12-481

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

LOCATION: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road

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

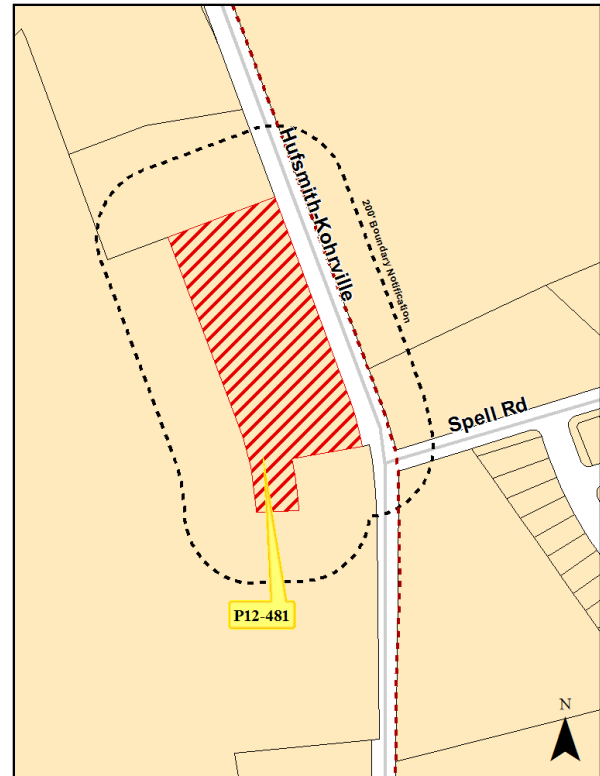
CONTACT: Rodney Schmidt

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.

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, September 10, 2012, 6:00 PM**

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

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

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



Rezoning Staff Report

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

Rezoning Case: P12-481
Property Owner: 2978 Industrial Properties, LLC
Applicant: Jeff Presnal
Legal Description: Lot 4, Block 1, Tomball South Commercial
Location: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road
Area: 5.61 acres
Present Zoning and Use: Agricultural District (Exhibit "A") / Undeveloped (Exhibit "B")
Comp Plan Designation: Business/Industrial (Exhibit "C")
Proposed Zoning and Use: Light Industrial District / Any use permitted in Light Industrial District

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: Agricultural District / Commercial (CREACOM, Inc.)
South: Light Industrial Districts / Undeveloped
West: Light Industrial Districts / Undeveloped
East: Hufsmith-Kohrville Road, Unincorporated Harris County (unzoned) / a former horse training facility & one single-family residence

BACKGROUND

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural District to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is classified on the Comprehensive Plan's Future Land Use (FLU) map as "Business/Industrial." On July 27, 2012, the City of Tomball received a rezoning application from Mr. Presnal for the subject site (Exhibit "D"). A FLU

classification of “Business/Industrial” appears to be compatible with the Light Industrial District rezoning proposed for this site.

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is a commercial development (CREACOM, Inc.) in the Agricultural District; to the south and west is undeveloped property owned by the Tomball Economic Development Corporation (TEDC) proposed as an business park zoned Light Industrial District; and to the east is Hufsmith-Kohrville Road, a former horse training facility, and a single-family residence in the unzoned City of Tomball Extraterritorial Jurisdiction (Exhibit “E”). The uses permitted in the Light Industrial District appear to be consistent with the commercial land use to the north and the TEDC’s proposed business park to the south and west.

The proposed zoning classification of Light Industrial District “...is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” The Light Industrial District appears to be compatible with the commercial land use to the north and the TEDC’s proposed business park to the south and west.

The Comprehensive Plan’s FLU map identifies the site as “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.” The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Light Industrial District appear to be consistent with the commercial land use to the north and the TEDC’s proposed business park to the south 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 are multiple vacant properties in the City zoned Light Industrial District. To the south and west of the subject site, the Tomball Economic Development Corporation recently had 97.48 acres rezoned to the Light Industrial District.

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

There has been steady development city-wide in the Light Industrial District. However, there has been no development in the Light Industrial 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 is not anticipated to substantially affect the public health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, 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 “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation

indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.”

The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. APPROVAL of Zoning Case P12-481 based on the following:
 - a. The uses permitted in the Light Industrial District appear to be consistent with the commercial land use to the north and the TEDC’s proposed business park to the south and west.
 - b. The proposed rezoning to the Light Industrial District appears to be consistent with the Comprehensive Plan; and
 - c. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
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

Exhibit "A"
Zoning Map

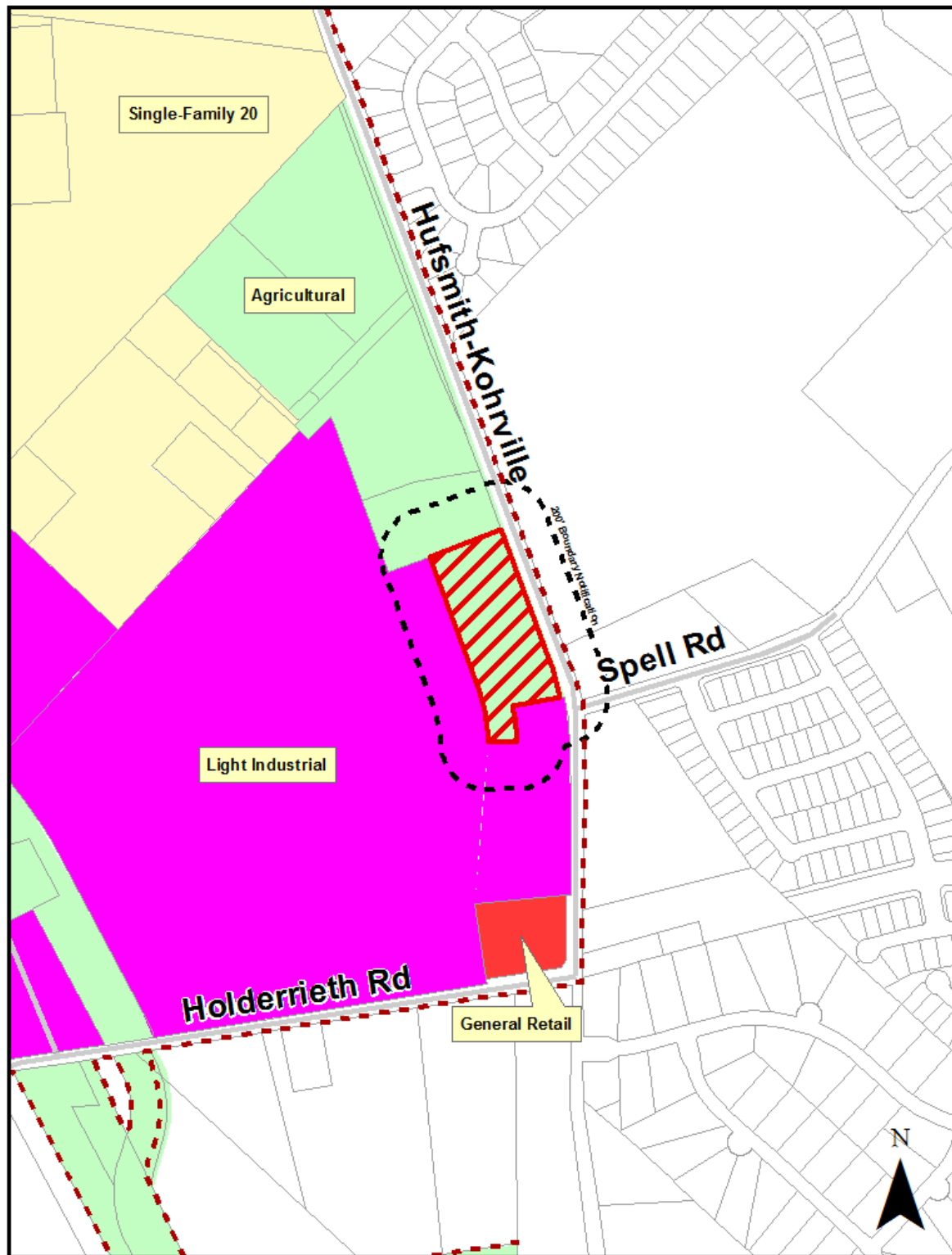


Exhibit "B"
Aerial Photo

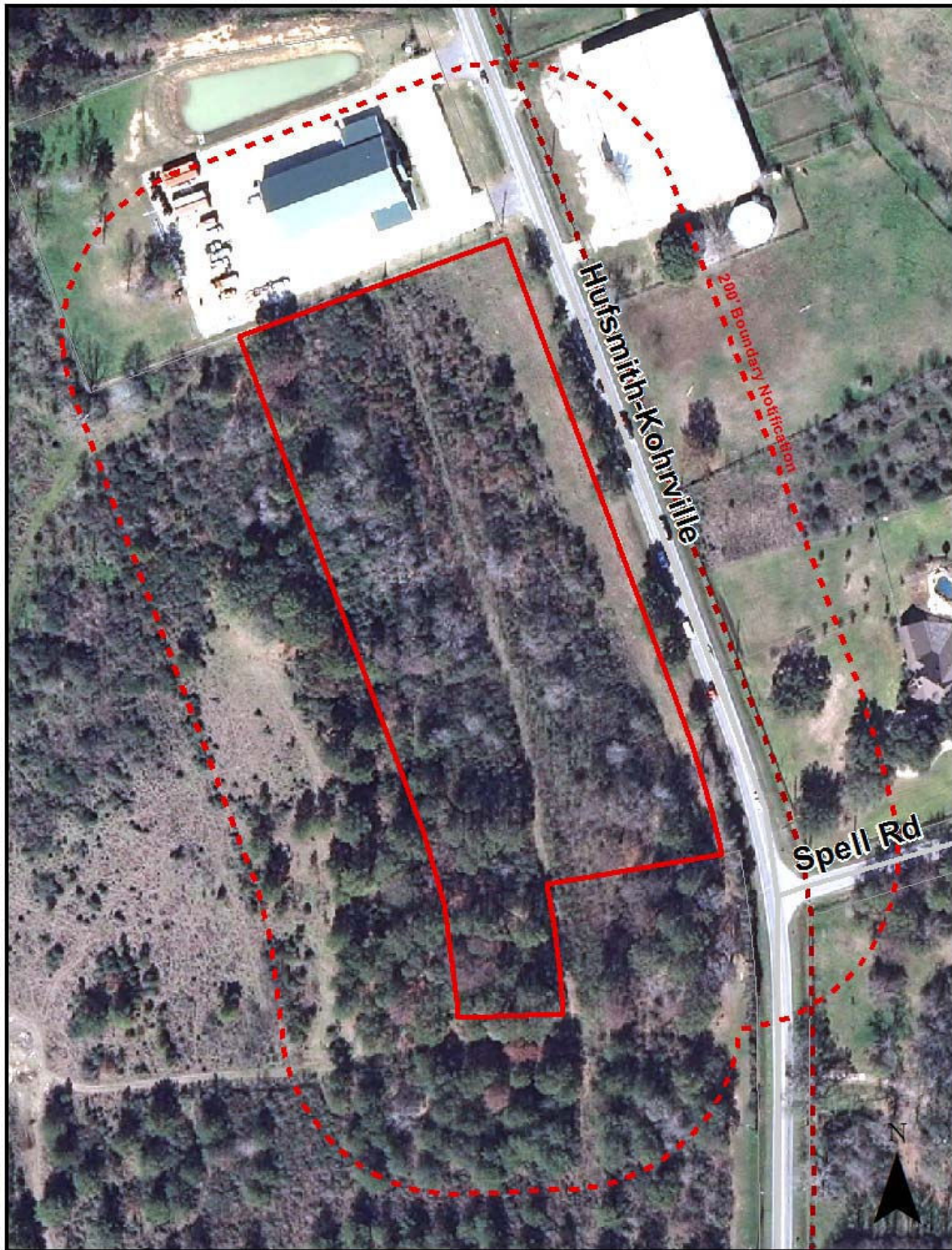


Exhibit "C"
Comprehensive Plan FLU Map

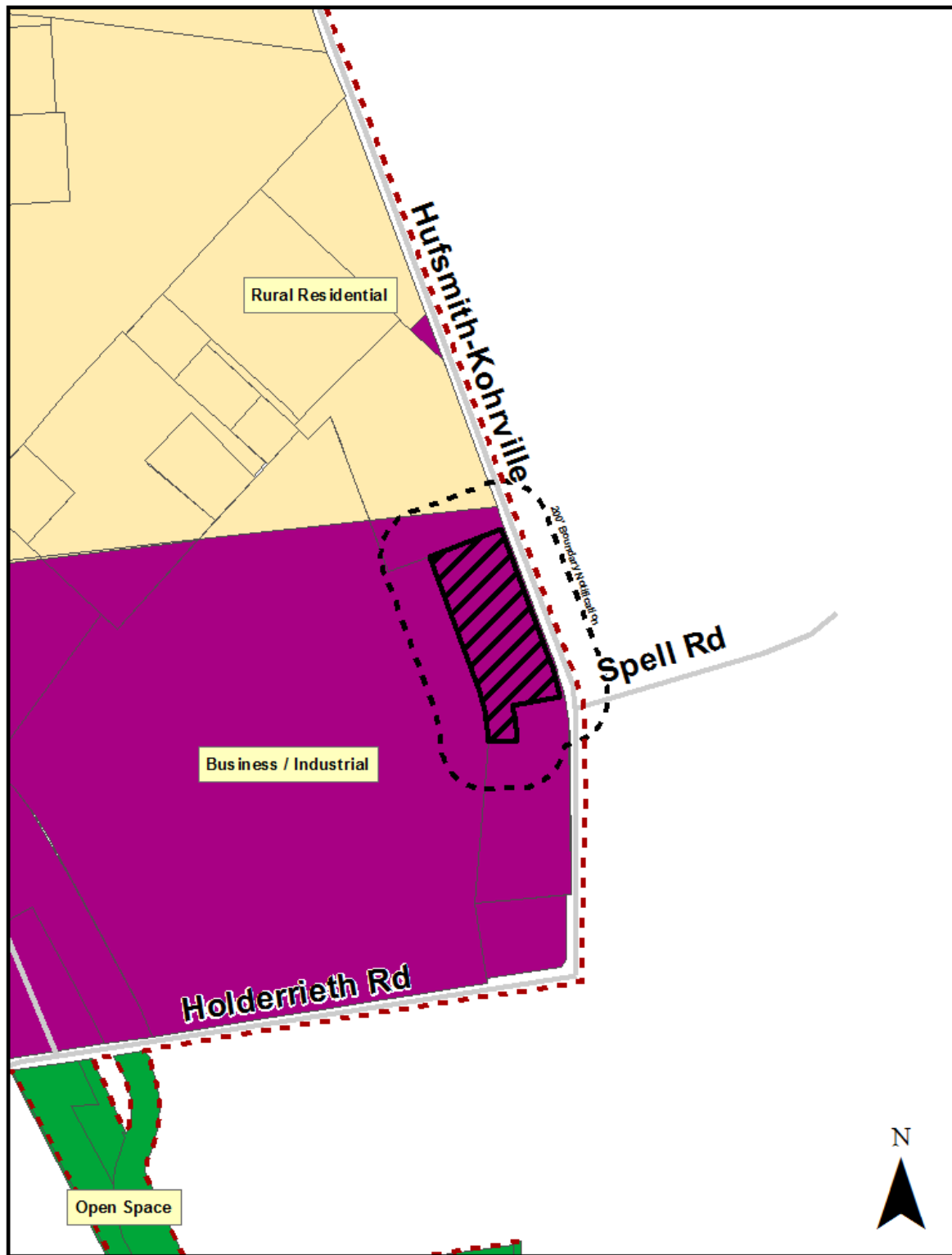
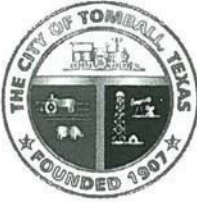


Exhibit "D"
Rezoning Application

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: Jeff Presnal Title: Manager
Mailing Address: 25614 Bridle Creek Dr N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () NONE Email: jpresnal@sbcglobal.net

Owner

Name: 2978 Industrial Properties, LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Rezone lot 4 - Tomball South Commercial

Physical Location of Property: Hufsmith Kohrville approx. 1/2 mile N. of Holdenville
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball South Commercial, Block 1, Lot 4
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG with Vested Rights letter allowing Commercial Uses

Current Use of Property: Vacant Land

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: All uses allowed within LI District

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

www.ci.tomball.tx.us

HCAD Identification Number: 132-003-001-0004 Acreage: 5.61

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 Jeff Parrish Asset Mgr for 2978 27 Jul 2012
Signature of Applicant Date

X Jeff Parrish mgr for 2978 27 Jul 2012
Signature of Owner Date

**Exhibit “E”
Site Photos**



Figure 1: Subject site (maps.google.com).



**Figure 2: Commercial use (CREACOM, Inc.) to the north
(maps.google.com).**



Figure 3: Undeveloped property to the south (maps.google.com).



Figure 4: Former horse training facility to the east (maps.google.com).



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