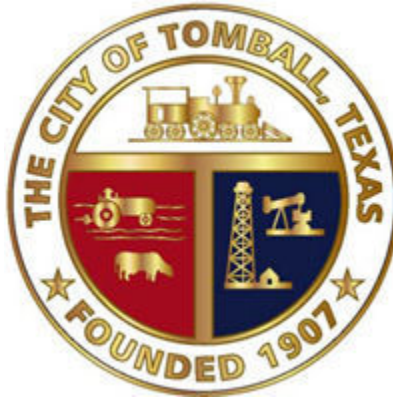


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, MAY 14, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, May 14, 2012 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 9, 2012.
- 5.0 New Business:

- 5.1 Consideration to approve **DAKOTA PINES**; Being a Subdivision of 5.0005 Acres of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas. Being a Replat of Lots 1 and 2, Block 1, of Rosemont Heights Addition Recorded in Volume 525, Page 251 of the deed records of Harris County, Texas.
- 5.2 Consideration to approve **SHEPHERD CENTER PRELIMINARY PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- 5.3 Consideration to approve **SHEPHERD CENTER FINAL PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- 5.4 Consideration to approve **ZONING CASE P12-427**: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.
- Conduct a Public Hearing on **ZONING CASE P12-427**
- 5.5 Consideration to approve **ZONING CASE P12-428**: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.
- Conduct a Public Hearing on **ZONING CASE P12-428**
- 5.6 Consideration to approve **ZONING CASE P12-429**: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.
- Conduct a Public Hearing on **ZONING CASE P12-429**
- 5.7 Consideration to approve **ZONING CASE P12-430**: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

- Conduct a Public Hearing on **ZONING CASE P12-430**

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 10th day of May 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the 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
Data Sheet

Meeting Date: May 14, 2012

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
Data Sheet

Meeting Date: May 14, 2012

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: May 14, 2012

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 9, 2012.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Regular P&Z Meeting Minutes 04.09.12

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

MONDAY, APRIL 9, 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 Kendler

Commissioner Beauvais – Excused Absence
Commissioner Chervenak – Excused Absence

Others present:

Director of Community Development – Narciso Lira
Assistant City Planner – Rodney Schmidt
Engineering & Planning Senior Administrative Assistant – Brandy Pate
City Attorney – Loren Smith

Draft

2.0 No public comments were received

3.0 Reports and Announcements

- Rodney Schmidt announced that there were four zoning cases anticipated for the next Planning and Zoning Commission meeting scheduled for Monday, May 14, 2012.

4.0 Motion was made by Commissioner Kendler to approve the Minutes of the Regular Planning & Zoning Commission meeting of March 12, 2012; second by Commissioner Tague.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **TOMBALL 2920 REPLAT NO. 1**: Being a subdivision of 26.4208 acres of land; being a Replat of Lot 1 of Tomball 2920 as recorded at Film Code Number 644123, Harris County Map Records; located in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas.

Narciso Lira, Director of Community Development presented comment recommendations.

Commissioner Tague made a motion to approve **TOMBALL 2920 REPLAT NO. 1** with contingencies; second by Commissioner Kendler.

Motion carried unanimously.

- 5.2 Consideration to approve **BJS MANUFACTURING CENTER**: Being a subdivision of 71.362 acres of land out of the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas; Being a Replat of Restricted Reserve "A" and Reserve "B" of BJ Services Tract., Film Code No. 537089, M.R.H.C.; Being a Replat of Lots 327 and 328 of Tomball Townsite, Volume 2, Page 65 M.R.H.C.; and Being a Replat of Lots 330 and 333 of Corrected Map of Tomball Outlots, Volume 4, Page 75 M.R.H.C.

Narciso Lira, Director of Community Development presented comment recommendations.

Commissioner Tague made a motion to approve **BJS MANUFACTURING CENTER** with contingencies; second by Commissioner Kendler.

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P12-421**: Request by Shintaro Yoshida, on behalf of Baker Oilfield Operations, Inc., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of South Persimmon Road, southerly of F.M. 2920, from the Agricultural District to the Light Industrial District.

The Public Hearing was opened by Chairman Wallace at 6:15 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant's representative Russell Kelly spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:22 p.m.

Commissioner Kendler made a motion to approve the rezoning request for **ZONING CASE P12-421**; second by Commissioner Tague. Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Absent</u>
Commissioner Beauvais	<u>Absent</u>
Commissioner Kendler	<u>Aye</u>

Commissioner Wallace Aye

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 6:25 p.m.

PASSED AND APPROVED this _____ day of _____ 2012.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **DAKOTA PINES**; Being a Subdivision of 5.0005 Acres of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas. Being a Replat of Lots 1 and 2, Block 1, of Rosemont Heights Addition Recorded in Volume 525, Page 251 of the deed records of Harris County, Texas.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Dakota Pines Plat

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **SHEPHERD CENTER PRELIMINARY PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Shepherd Center Preliminary Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Ralph M. Shepherd and Sandra W. Shepherd, hereinafter referred to as Owners of the 0.2871 Acre Tract described in the above and foregoing map of SHEPHERD CENTER, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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

FURTHER, owners do hereby 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 private driveways or walkways crossing such drainage facilities.

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

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

By: _____
Ralph M. Shepherd

By: _____
Sandra W. Shepherd

THE STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Ralph M. Shepherd and Sandra W. Shepherd, known to me to be the persons whose names are subscribed to the foregoing in instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

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

Notary Public in and for the State of Texas

My Commission expires : _____

We, VALUEBANK TEXAS, Owners and holders of the lien against the property described in the plat known as SHEPHERD CENTER, said lien being evidenced by instrument of record in Clerk's File Nos. 20120181194 of the deed records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purpose and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: _____

Print Name: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

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

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

Notary Public In and For the State of Texas

My Commission Expires: _____

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


EMIL HADDAD, R.P.L.S
Texas Registration No.5072

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

George Shackelford, City Manager

Narciso Iira, P.E., Director of Community Development

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of SHEPHERD CENTER 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: _____
Lori Wallace, Chairman

Evelyn Chervenak, Vice Chairman

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

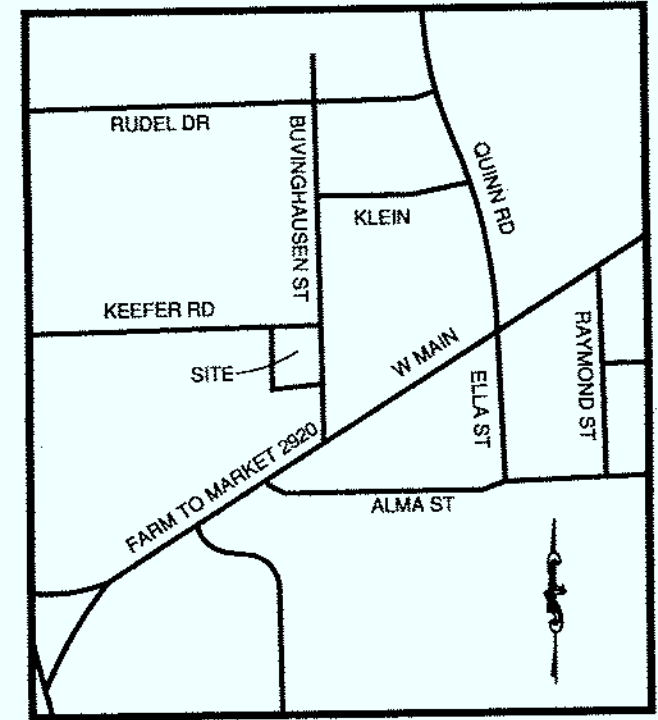
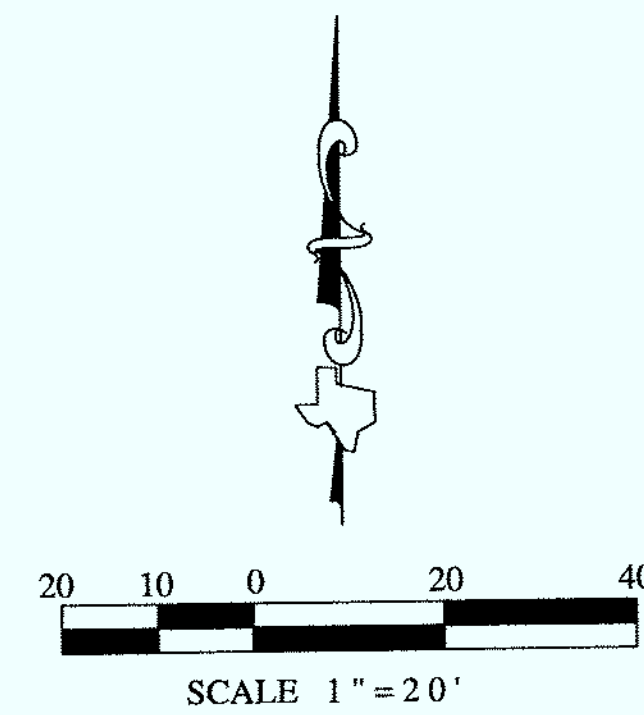
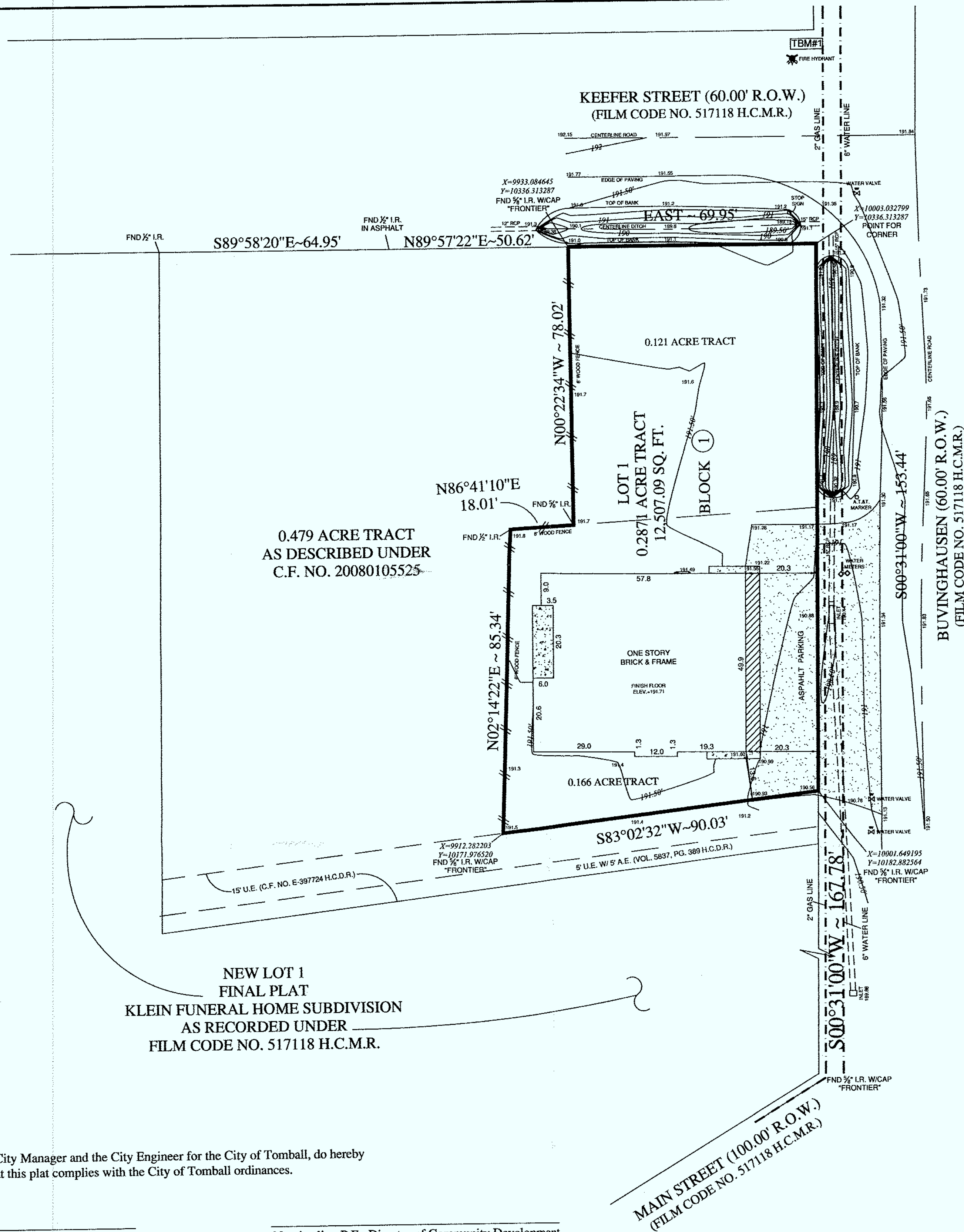
Doris Speer, City Secretary

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

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

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy



PRELIMINARY SHEPHERD CENTER

BEING A SUBDIVISION OF 0.2871 ACRE
(12,507.09 SQUARE FEET)
BEING COMPRISED OF A 0.166 ACRE TRACT
AND A 0.121 ACRE TRACT
SITUATED IN THE JOSEPH HOUSE
SURVEY, ABSTRACT 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

CONTAINING

1 LOT 1 BLOCK

MAY 2012

OWNER

RALPH M. SHEPHERD AND
SANDRA W. SHEPHERD

1302 RUDEL DRIVE
TOMBALL, TEXAS 77375
(713) 253-7353

SURVEYOR

E.I.C. SURVEYING COMPANY

12345 JONES ROAD, SUITE 270
HOUSTON, TEXAS 77070
(281) 955-2772

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **SHEPHERD CENTER FINAL PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Shepherd Center Final Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We , Ralph M. Shepherd and Sandra W. Shepherd ,
hereinafter referred to as Owners of the 0.2871 Acre Tract described
in the above and foregoing map of SHEPHERD CENTER, do hereby make
and establish said subdivision and development plan of said property according
to all lines, dedications, restrictions and notations on said maps or plat and
hereby dedicate to the use of the public forever, all streets (except those streets
designated as private streets, or permanent access easements), alleys, parks,
water courses, drains, easements and public places shown thereon for the
purposes and considerations therein expressed; and do hereby bind ourselves,
our heirs, successors and assigns to warrant and forever defend the title on the
land so dedicated.

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

FURTHER , owners do hereby 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 (3/4) square feet (18" diameter) with culverts or bridges to be provided
for all private driveways or walkways crossing such drainage facilities .

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

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

By : _____ By : _____
Ralph M. Shepherd Sandra W. Shepherd

THE STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Ralph M. Shepherd and
Sandra W. Shepherd, known to me to be the persons whose names are subscribed to the foregoing instrument
and acknowledged to me that they excuted the same for the purposes and considerations therein
expressed.

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

Notary Public in and for the State of Texas

My Commission expires : _____

We, VALUEBANK TEXAS, Owners and holders of the lien against the property described in the plat
known as SHEPHERD CENTER, said lien being evidenced by instrument of record in Clerk's File No.
20120181194 of the deed records of Harris County, Texas, do hereby in all things subordinate our interest
in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to
said subdivision plat and we hereby confirm that we are the present owners of said lien and have not
assigned the same nor any part thereof.

By: _____

Print Name: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

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

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

Notary Public In and For the State of Texas

My Commission Expires: _____

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


EMIL HADDAD , R.P.L.S
Texas Registration No.5072

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

George Shackelford , City Manager

Narciso Lira, P.E., Director of Community Development

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

By: _____
Lori Wallace , Chairman

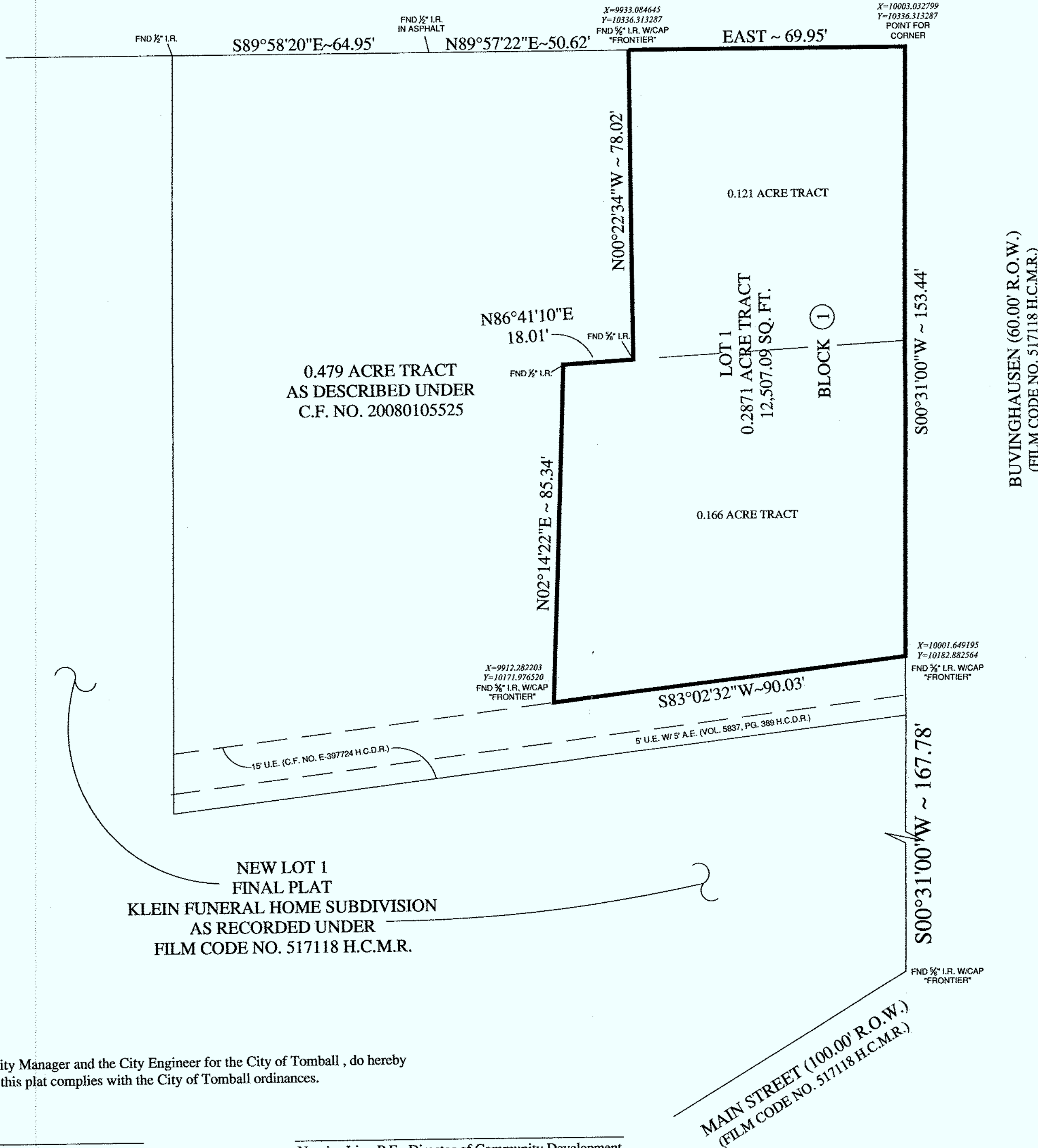
Evelyn Chervenak , Vice Chairman

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 .

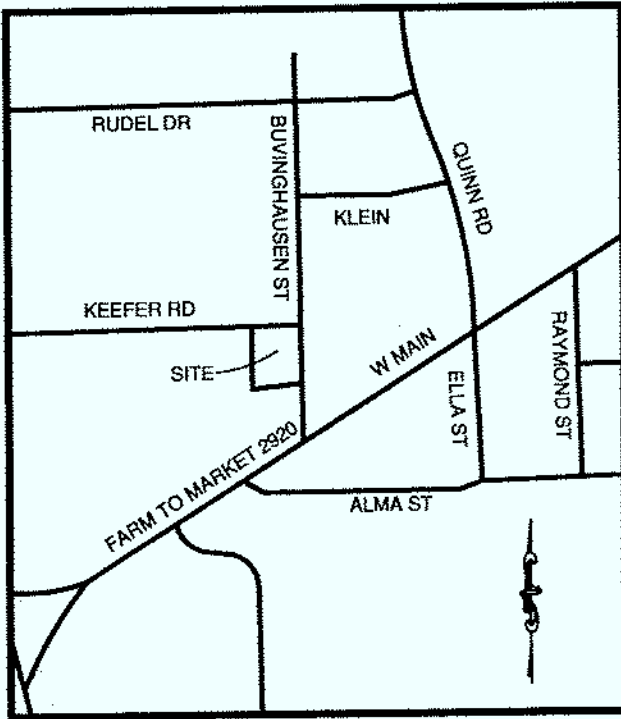
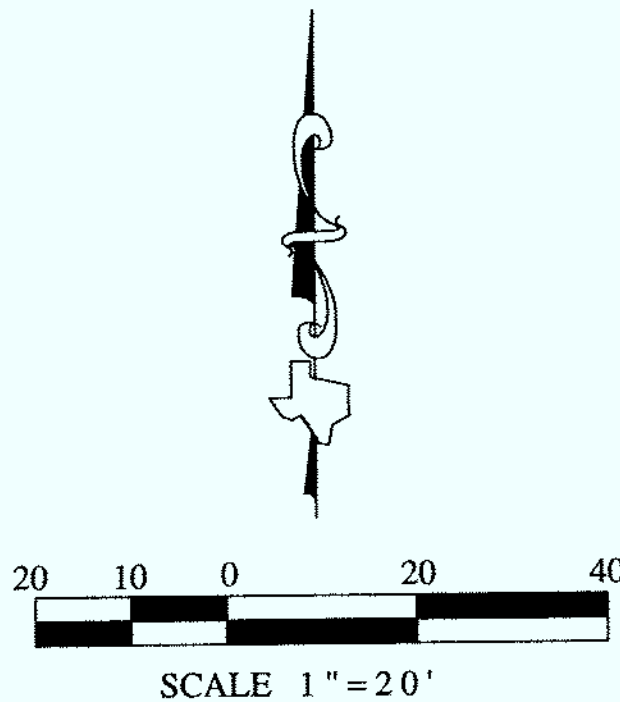
BY : _____
Gretchen Fagan , Mayor

Doris Speer , City Secretary

KEEFER STREET (60.00' R.O.W.)
(FILM CODE NO. 517118 H.C.M.R.)



MAIN STREET (100.00' R.O.W.)
(FILM CODE NO. 517118 H.C.M.R.)



VICINITY MAP
(not to scale)

SHEPHERD CENTER

BEING A SUBDIVISION OF 0.2871 ACRE
(12,507.09 SQUARE FEET)
BEING COMPRISED OF A 0.166 ACRE TRACT
AND A 0.121 ACRE TRACT
SITUATED IN THE JOSEPH HOUSE
SURVEY, ABSTRACT 34
CITY OF TOMBALL
HARRIS COUNTY , TEXAS

CONTAINING

1 LOT 1 BLOCK

MAY 2012

OWNER

RALPH M. SHEPHERD AND
SANDRA W. SHEPHERD

1302 RUDEL DRIVE
TOMBALL, TEXAS 77375
(713) 253-7353

SURVEYOR

E.I.C. SURVEYING COMPANY

12345 JONES ROAD, SUITE 270
HOUSTON, TEXAS 77070
(281) 955-2772

LEGEND NOTES

B.L.	Indicates " Building Line "
U.E.	Indicates " Utility Easement "
R.O.W.	Indicates " Right-of Way "
Ac.	Indicates " Acre "
Vol.	Indicates " Volume "
Pg.	Indicates " Page "
I.R.	Indicates " Iron Rod "
H.C.M.R.	Indicates " Harris County Map Records "
H.C.D.R.	Indicates " Harris County Deed Records "

GENERAL NOTES

- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is NOT in the 0.2% Annual Chance Flood Plain.
- All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Lot depth of 69.95 feet was permitted per boa case P-12-420.

Stan Stanart
County Clerk
of Harris County , Texas

By: _____
Deputy

I, Stan Stanart , County Clerk of Harris County , Texas do hereby certify that the within
instrument with its certificate of a authentication was filed for registration in my office on _____,
2012 at _____ o'clock ____M., and dully recorded on _____, 2012, at _____ o'clock ____M.,
and under film code number _____ of the Map Records of Harris County for said county .

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-427**: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P12-427**

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-427 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
CITY COUNCIL
MAY 21, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 14, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-428: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office 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 **10th** day of **May** 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 AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P12-427

APPLICANT: Paula Rodriguez

LOCATION: Easterly of Johnson Road, southerly of Michel Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District.

* * *

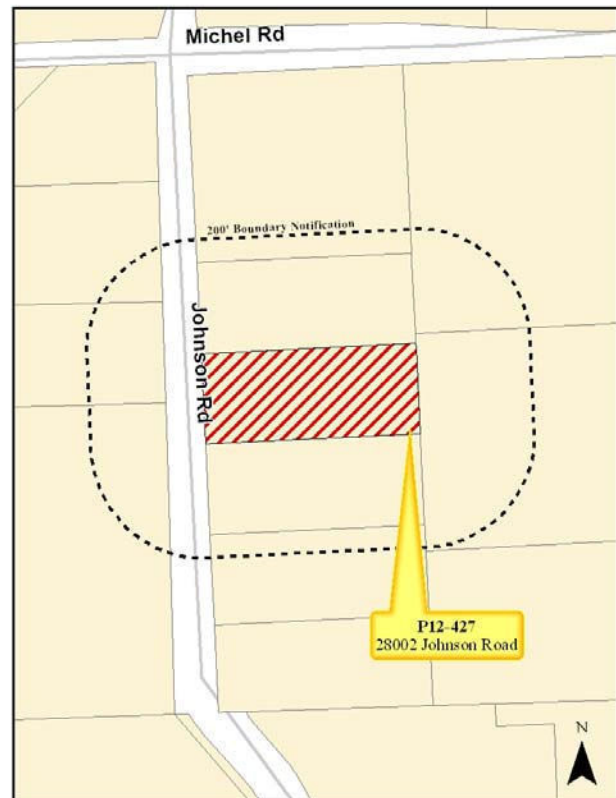
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner 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 Engineering and Planning 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 and Zoning Commission
Public Hearing:**

Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

***Monday, May 21, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: May 14, 2012

Rezoning Case: P12-427
Property Owner(s): Paula Rodriguez
Applicant(s): Paula Rodriguez
Legal Description: Tract 10, Meadow Lark Hill (Unrecorded)
Location: Generally located easterly of Johnson Road, southerly of Michel Road
Area: 1.36 acres
Present Zoning and Use: Duplex Residential District / Single-Family Residence
Comp Plan Designation: Employment / Office
Proposed Zoning and Use: Commercial District / Commercial

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: Duplex Residential District / Single-Family Residence
South: Commercial District / Undeveloped
East: Light Industrial District / Manufacturing
West: Duplex Residential District / Johnson Road, Townhomes, and Assisted Living Facility

BACKGROUND

The subject site is legally described as Tract 10, Meadow Lark Hill (Unrecorded) within the City of Tomball, Harris County, Texas totaling approximately 1.36 acres. The site is generally located easterly of Johnson Road, southerly of Michel Road, is developed with a single-family residence (Exhibit "A"), and is zoned Duplex Residential District (Exhibit "B").

On April 3, 2012, the City of Tomball received a rezoning application and letter for the subject site (Exhibits "C" and "D") from the applicant and property owner, Paula Rodriguez. According to her letter, "We are looking at changing the Zoning status of the land to reflect the surrounding area(s) on Johnson Road."

Additionally, the applicant's brother, Ronald Rodriguez, is requesting his property directly to the north be rezoned from the Duplex Residential District to the Commercial District in Zoning Case P12-428.

ANALYSIS

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a single-family residence in the Duplex Residential District; to the south is undeveloped land in the Commercial District; to the east is a manufacturing facility in the Light Industrial District; and to the west is Johnson Road, townhomes, and an assisted living facility in the Duplex Residential District.

The proposed zoning classification of Commercial District "is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration."

The Comprehensive Plan's future land use map identifies the site as "Employment/Office" (Exhibit "F"). The Comp Plan states, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and 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 is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a single-family residence in the Duplex Residential District; to the south is undeveloped land in the Commercial District; to the east is a manufacturing facility in the Light Industrial District; and to the west is Johnson Road, townhomes, and an assisted living facility in the Duplex Residential District. See the attached site photos (Exhibit "G").

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 three undeveloped tracts along Johnson Road in the Commercial District.

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

There has been steady development city-wide and within the vicinity in the Commercial District. A medical building is currently being constructed at the southeast corner of Michel and Johnson Roads in the Commercial District.

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

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

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

The proposed zone change is not anticipated to adversely affect 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 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 future land use map identifies the site as “Employment/Office” (Exhibit “F”). The Comp Plan states, “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed

manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, public comment forms were received from Southern Knights, Inc. and Muhammad Shaikh in support of the request (Exhibit “H”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-427 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a commercial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Property Survey
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos
- H. Public Comment Form(s)

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

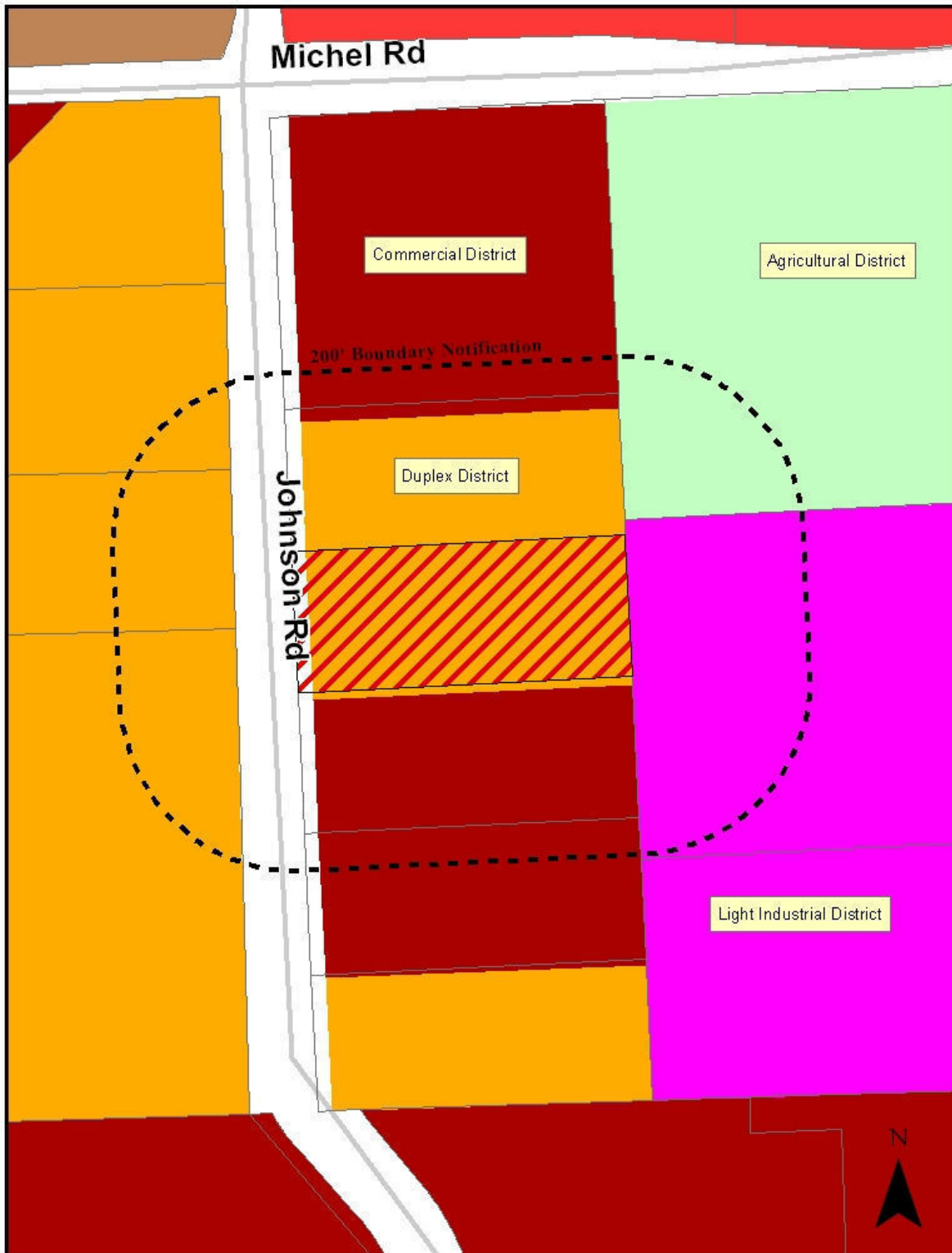
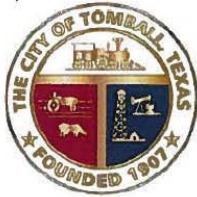


Exhibit "C"
Rezoning Application

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: Paula RODRIGUEZ Title: _____
Mailing Address: 28002 Johnson City: Tomball State: Tx
Zip: 77375
Phone: (281) 546-0574 Fax: () _____ Email: Maxlover1961@gmail.com

Owner

Name: Paula RODRIGUEZ Title: _____
Mailing Address: 28002 Johnson City: Tomball State: Tx
Zip: 77375
Phone: (281) 546-0574 Fax: () _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial rezoning

Physical Location of Property: 28002 Johnson
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tract Lot 10 meadowlake Hill 4/R
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Duplex

Current Use of Property: Residential

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial

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

www.ci.tomball.tx.us

HCAD Identification Number: 104804 0000010 Acreage: 59,242 Sg. Pl.

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 Paula Rodriguez 4-1-12
Signature of Applicant Date

x Paula Rodriguez 4-1-12
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter

To Whom It May Concern,

We are looking at changing the Zoning status of the land to reflect the surrounding area (s) on Johnson Road.

Regards,

Paula Rodriguez



Exhibit "E" Property Survey

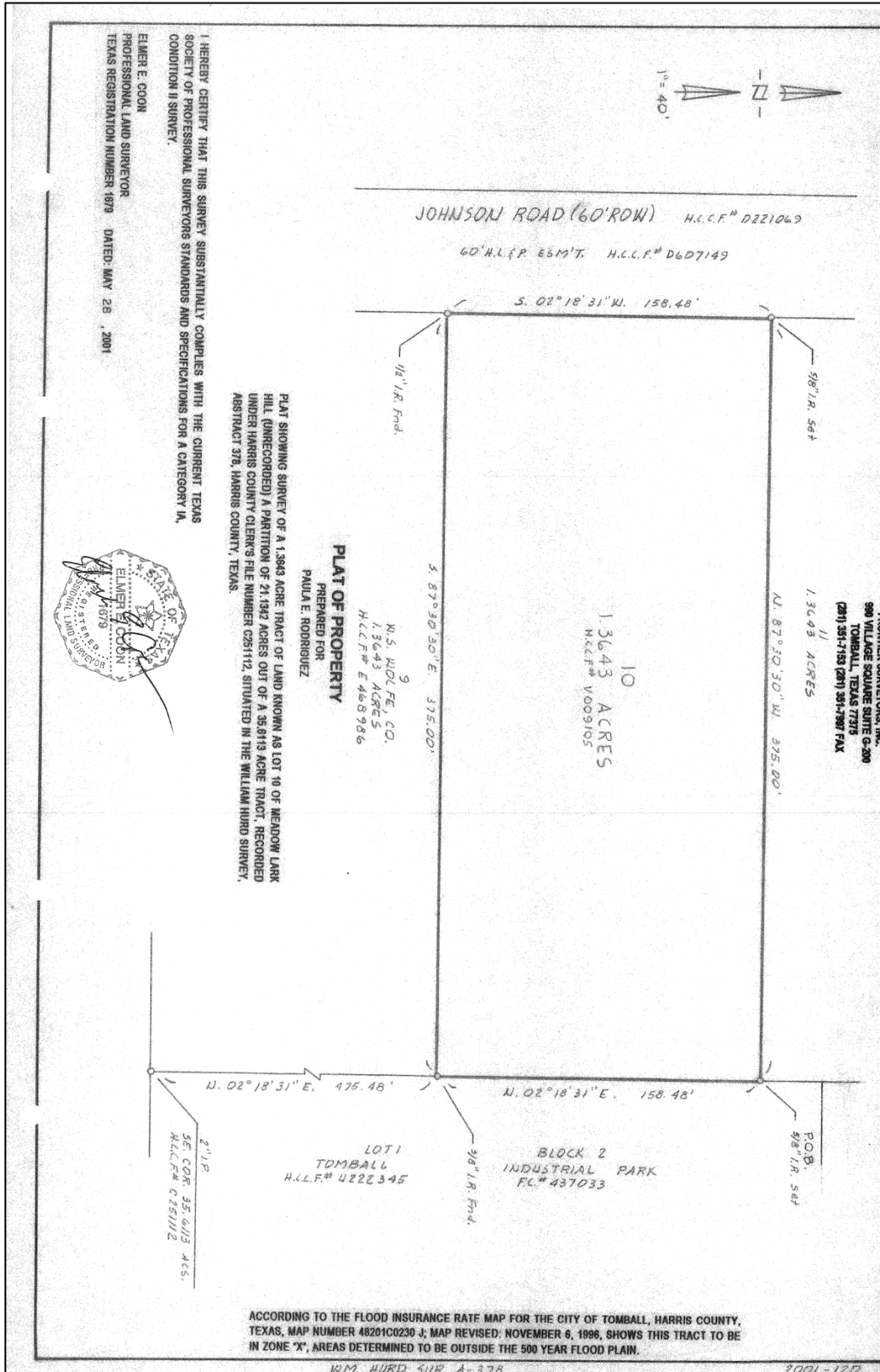
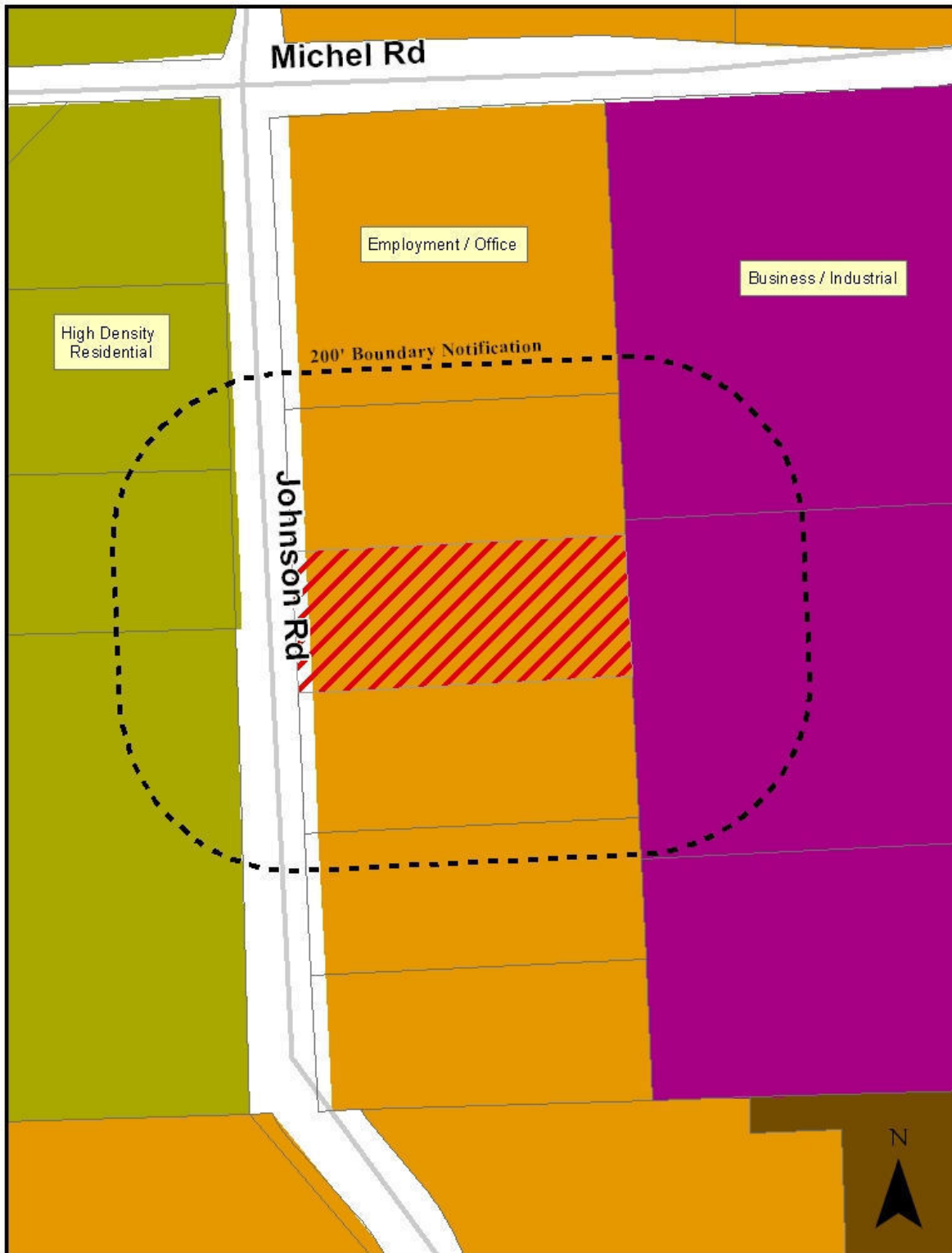


Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Subject site.



Figure 2: Single-family residence to the north.



Figure 3: Townhomes to the west.



Figure 4: Assisted living facility to the west.



Figure 5: Undeveloped land to the south.



Figure 6: Manufacturing facility to the east.

Exhibit "H"
Public Comment Form(s)

	Engineering and Planning Department Public Comment Form (Please type or use black ink)
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All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Southern Knights, Inc.
(please print) Elizabeth L. Howe
Address: 27919 Johnson Road
Tomball
Signature: Elizabeth L. Howe, President
Date: 5-7-12

☒ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.
For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

MUHAMMAD A. SHAIKH

(please print)

Address:

82 MANOR LAKE ESTATES CIRCLE

SPRING, TX 77379

Signature:

Date:

5/6/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427. (Please state reasons below)**

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427. (Please state reasons below)**

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Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

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City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

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For questions regarding this request please call 281-290-1410.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-428**: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P12-428**

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-428 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
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ZONING CASE P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

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ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office 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

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Brandy Pate
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Senior Administrative Assistant

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Notice of Public Hearing

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

CASE NUMBER: P12-428

APPLICANT: Paula Rodriguez on behalf of Ronald Rodriguez

LOCATION: Easterly of Johnson Road, southerly of Michel Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District.

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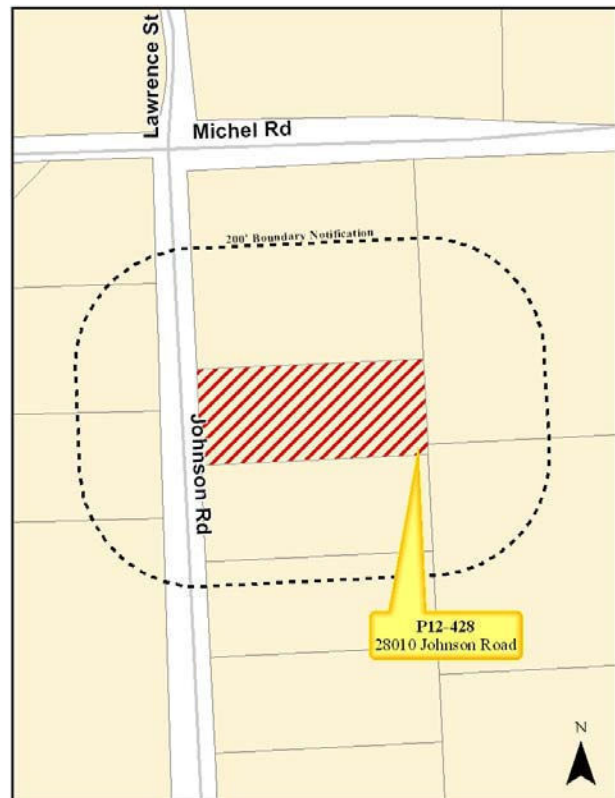
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner 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 Engineering and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

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**Planning and Zoning Commission
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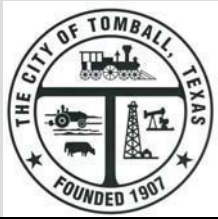
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Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: May 14, 2012

Rezoning Case: P12-428
Property Owner(s): Ronald Rodriguez
Applicant(s): Paula Rodriguez
Legal Description: Tract 11, Meadow Lark Hill (Unrecorded)
Location: Generally located easterly of Johnson Road, southerly of Michel Road
Area: 1.36 acres
Present Zoning and Use: Duplex Residential District / Single-Family Residence
Comp Plan Designation: Employment / Office
Proposed Zoning and Use: Commercial District / Commercial

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: Commercial District / Medical Office (Under Construction)
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West: Duplex Residential District / Johnson Road, Townhomes, and Apartments

BACKGROUND

The subject site is legally described as Tract 11, Meadow Lark Hill (Unrecorded) within the City of Tomball, Harris County, Texas totaling approximately 1.36 acres. The site is generally located easterly of Johnson Road, southerly of Michel Road, is developed with a single-family residence (Exhibit “A”), and is zoned Duplex Residential District (Exhibit “B”).

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Additionally, the property owner's sister, Paula Rodriguez, is requesting her property directly to the south be rezoned from the Duplex Residential District to the Commercial District in Zoning Case P12-427.

ANALYSIS

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a medical office building currently being constructed in the Commercial District; to the south is a single-family residence in the Duplex Residential District; to the east is undeveloped land and a manufacturing facility in the Agricultural and Light Industrial Districts, respectively; and to the west is Johnson Road, townhomes, and an apartment complex in the Duplex Residential District.

The proposed zoning classification of Commercial District "is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration."

The Comprehensive Plan's future land use map identifies the site as "Employment/Office" (Exhibit "F"). The Comp Plan states, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and 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 is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a medical office building currently being constructed in the Commercial District; to the south is a single-family residence in the Duplex Residential District; to the east is undeveloped land and a manufacturing facility in the Agricultural and Light

Industrial Districts, respectively; and to the west is Johnson Road, townhomes, and an apartment complex in the Duplex Residential District. See the attached site photos (Exhibit “G”).

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 three undeveloped tracts along Johnson Road in the Commercial District.

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

There has been steady development city-wide and within the vicinity in the Commercial District. A medical building is currently being constructed at the southeast corner of Michel and Johnson Roads in the Commercial District.

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

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

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

The proposed zone change is not anticipated to adversely affect 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 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 future land use map identifies the site as "Employment/Office" (Exhibit "F"). The Comp Plan states, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, public comment forms were received from Southern Knights, Inc. and Muhammad Shaikh in support of the request (Exhibit "H").

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-428 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a commercial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Property Metes & Bounds
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos
- H. Public Comment Form(s)

Exhibit "A"
Aerial Photo



**Exhibit “B”
Zoning Map**

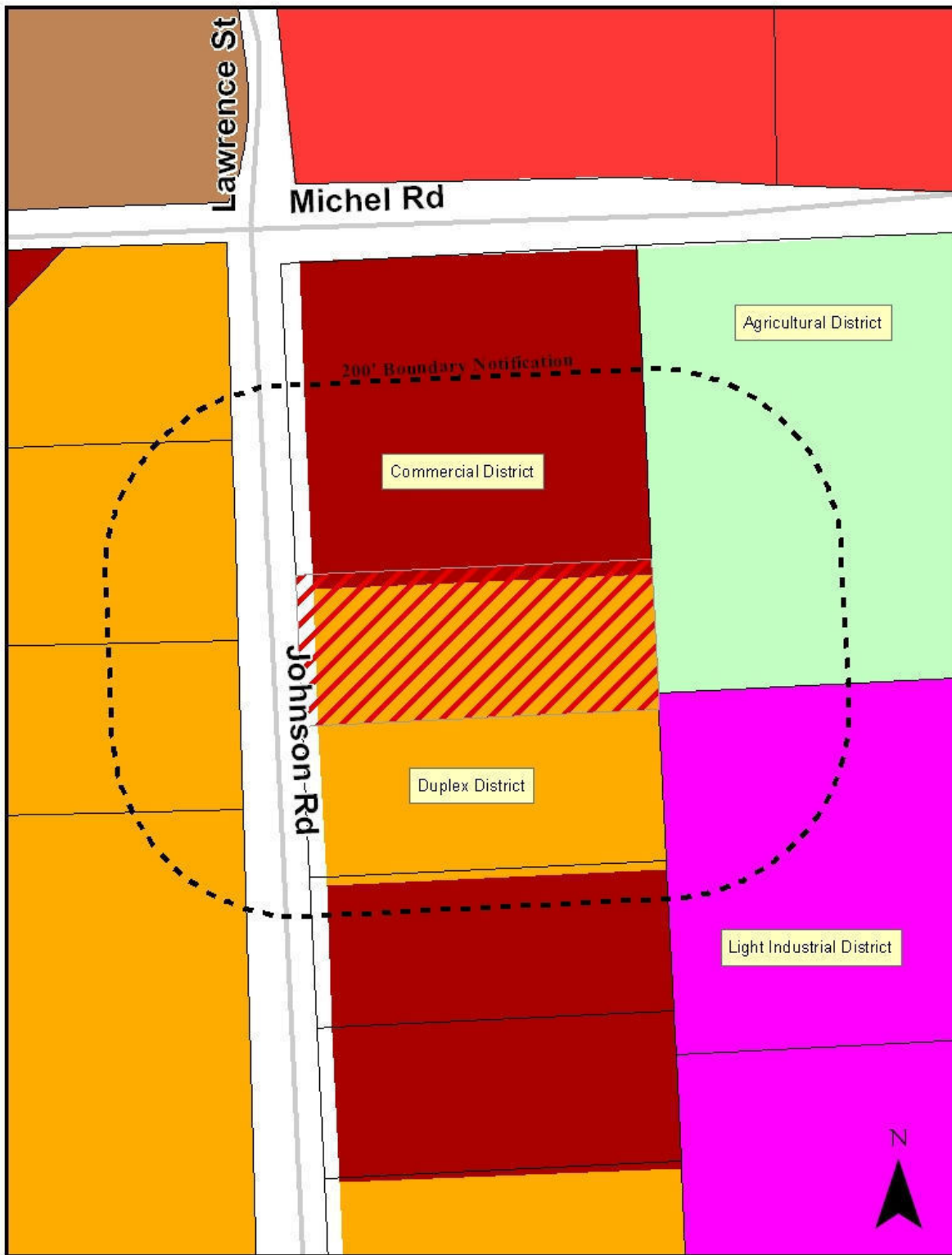


Exhibit "C"
Rezoning Application

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: Paula RODRIGUEZ Title: _____
Mailing Address: 28002 Johnson City: Tomball State: TX
Zip: 77375
Phone: (281) 546-0574 Fax: () _____ Email: _____

Owner

Name: Ron RODRIGUEZ Title: _____
Mailing Address: 28010 Johnson City: Tomball State: TX
Zip: 77375
Phone: (281) 794-1802 Fax: () _____ Email: ROR1488@CS.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial Rezoning

Physical Location of Property: 28010 Johnson

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tract 11 meadow Lark Hill u/r

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Duplex

Current Use of Property: Residential

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial

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

www.ci.tomball.tx.us

HCAD Identification Number: 1048040000011 Acreage: 59,242 sq. ft.

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

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

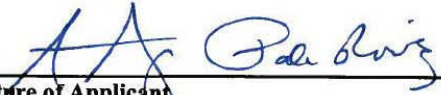
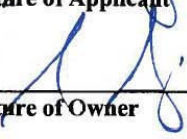
☒	<u></u>	<u>04/03/2012</u>
	Signature of Applicant	Date
☒	<u></u>	<u>04/03/2012</u>
	Signature of Owner	Date

Exhibit "D"
Rezoning Request Letter

To Whom It May Concern,

We are looking at changing the Zoning status of the land to reflect the surrounding area (s) on Johnson Road.

Regards,

Ron Rodriguez

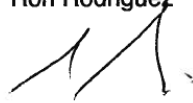
A handwritten signature in black ink, appearing to be 'Ron Rodriguez', written over the printed name.

Exhibit "E"
Property Metes & Bounds

CONTRACT FOR DEED

Date: *March 31, 1989*
Seller: ELIZA RODRIGUEZ
Seller's Mailing Address: 28002 Johnson
Tomball, Texas 77375
Buyer: RONALD O. RODRIGUEZ
Buyer's Mailing Address: 1100 Gatesden #1308
Tomball, Texas 77375
Property:

The surface only of a tract of land containing 1.3643 acres, more or less, and being part of and out of that 35.6113 acre tract, William Hurd Survey, Abstract 378, Harris County, Texas, conveyed by Lydia Michel and Wilbert D. Michel to D. R. Callender, Trustee, by General Warranty Deed filed for record in the Deed Records of Harris County, Texas, and said 1.3643 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron set for Northeasterly corner in the Easterly boundary of the said 35.6113 acre tract of land N. 02° 18' 31" E. a distance of 792.44 feet from a 2-inch iron pipe marking the Southeasterly corner of the said 35.6113 acre tract;

THENCE N. 87° 30' 30" W. a distance of 375.0 feet to a 5/8 inch iron rod set for Northwestern corner in the Easterly right of way line of Johnson Road, sixty feet wide;

THENCE S. 02° 18' 31" W. along the said Easterly right of way line a distance of 158.48 feet to a 5/8 inch iron rod set for Southwesterly corner;

THENCE S. 87° 30' 30" E. a distance of 375.0 feet to a 5/8 inch iron rod set in the said Easterly boundary line for Southeasterly corner;

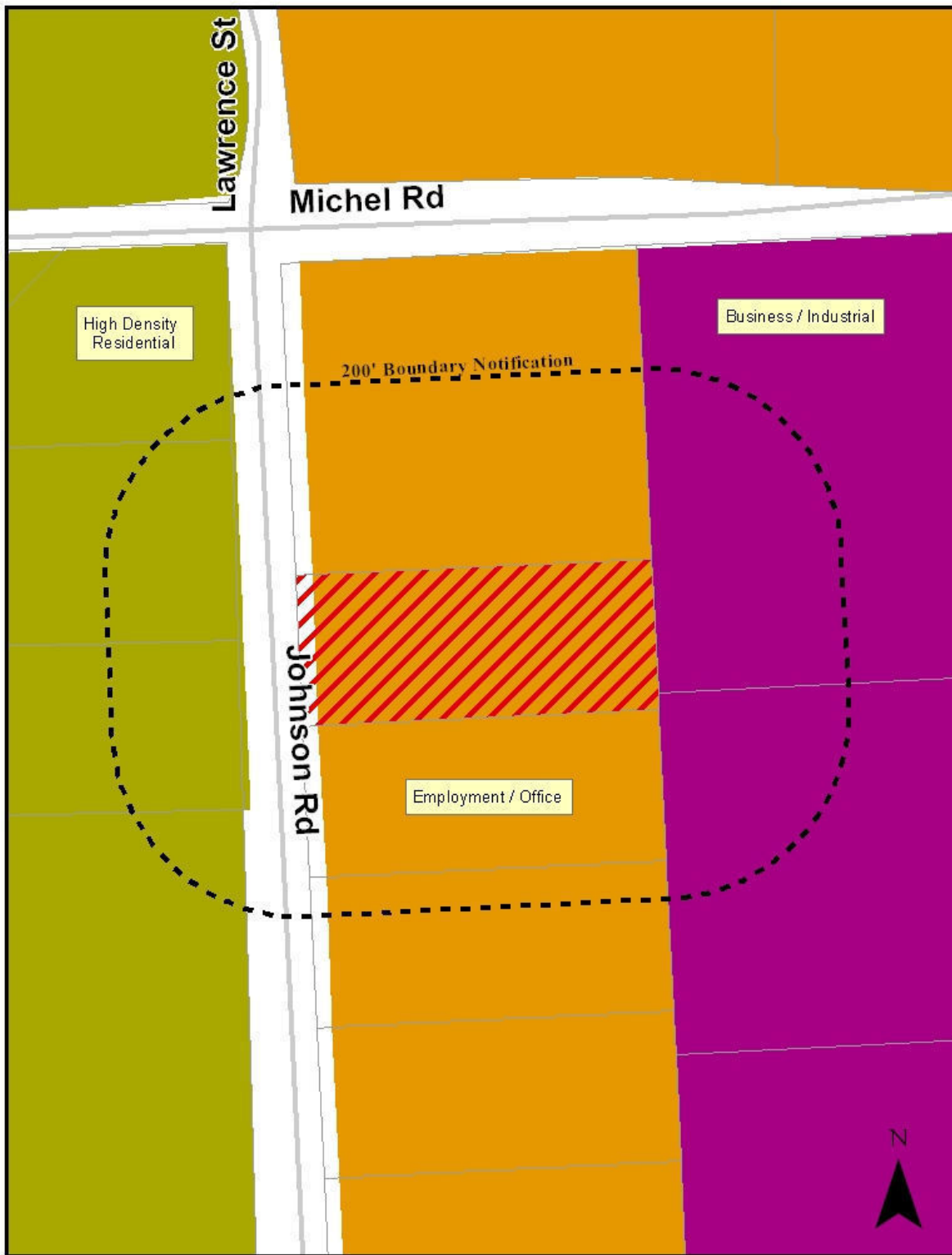
THENCE N. 02° 18' 31" E. a distance of 158.48 feet to the PLACE OF BEGINNING

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to such restrictions, mineral reservations, covenants, conditions, and easements, if any of record at this time.

Page 1 of 9 pages

Exhibit “F”
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Subject site.



Figure 2: Medical office building being constructed to the north.



Figure 3: Single-family residence to the south.



Figure 4: Undeveloped land to the east.



Figure 5: Manufacturing facility to the east.



Figure 6: Townhomes to the west.



Figure 7: Apartments to the west.

Exhibit "H"
Public Comment Form(s)

	Engineering and Planning Department Public Comment Form (Please type or use black ink)
---	---

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Southern Knights, Inc.

Name: Elizabeth L. Howe

(please print)
Address: 27919 Johnson Road
Tomball, Tx 77375

Signature: *Elizabeth L. Howe, President*

Date: 5-7-12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: MUHAMMAD A. SHAIKH
(please print)
Address: 82 MANOR LAKE ESTATES CIRCLE
SPRING, TX 77379

Signature: 
Date: 5/6/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-429**: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P12-429**

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-429 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
CITY COUNCIL
MAY 21, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 14, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-428: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office 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 **10th** day of **May** 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 AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P12-429

APPLICANT: City of Tomball

LOCATION: Easterly of Johnson Road,
northerly of Theiss Lane

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District.

* * *

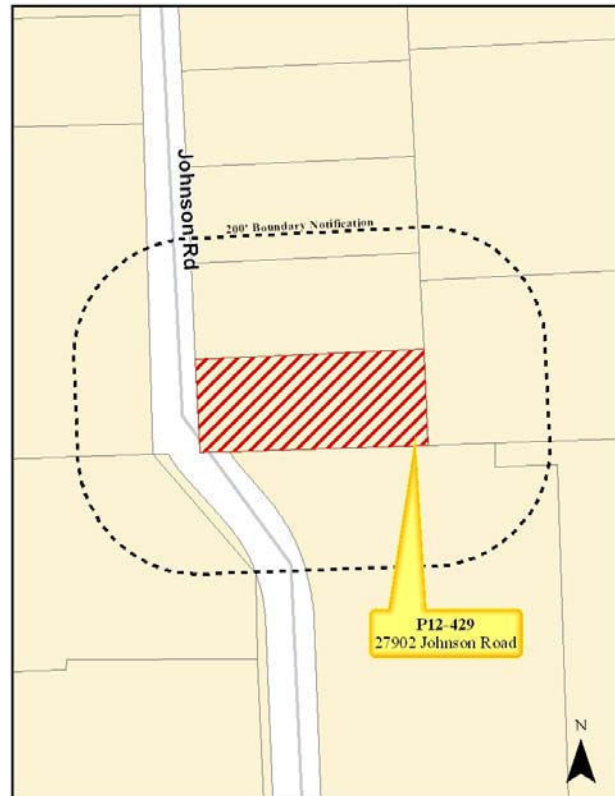
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner 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 Engineering and Planning 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 and Zoning Commission
Public Hearing:**

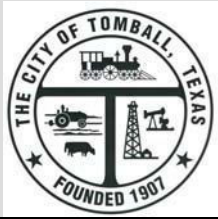
Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

***Monday, May 21, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: May 14, 2012

Rezoning Case: P12-429
Property Owner(s): City of Tomball
Applicant(s): City of Tomball
Legal Description: Tract 7, Meadow Lark Hill (Unrecorded)
Location: Generally located easterly of Johnson Road, northerly of Theiss Lane
Area: 1.36 acres
Present Zoning and Use: Duplex Residential District / Johnson Road Detention Pond
Comp Plan Designation: Employment / Office
Proposed Zoning and Use: Commercial District / Johnson Road Detention Pond

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: Commercial District / Undeveloped
South: Commercial District / Undeveloped
East: Light Industrial Districts / Undeveloped
West: Duplex Residential District / Johnson Road and Assisted Living Facility

BACKGROUND

The subject site is legally described as Tract 7, Meadow Lark Hill (Unrecorded) within the City of Tomball, Harris County, Texas totaling approximately 1.36 acres. The site is generally located easterly of Johnson Road, northerly of Theiss Lane, is developed with a City of Tomball detention pond for Johnson Road (Exhibit "A"), and is zoned Duplex Residential District (Exhibit "B").

On April 3, 2012, the City of Tomball received two applications to rezone Tracts 10 and 11, Meadow Lark Hill (Unrecorded) to the north of the subject site. Tract 10 is being requested for rezoning under zoning case P12-427 and Tract 11 is being requested for rezoning under zoning case P12-428. If both P12-427 and P12-428 are rezoned to the Commercial District, Tract 7 will be the only remaining tract on the east side of Johnson Road without a zoning classification of

Commercial District. As such, P12-429 is a potential zoning map clean up item for the east side of Johnson Road. At this time, the City of Tomball has no plans to develop Tract 7 beyond the existing detention pond.

ANALYSIS

To the north and south of the subject site is undeveloped land in the Commercial District; to the east is undeveloped land in the Light Industrial District; and to the west is Johnson Road and an assisted living facility in the Duplex Residential District.

The proposed zoning classification of Commercial District “is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.”

The Comprehensive Plan’s future land use map identifies the site as “Employment/Office” (Exhibit “D”). The Comp Plan states, “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and 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.**

To the north and south of the subject site is undeveloped land in the Commercial District; to the east is undeveloped land in the Light Industrial District; and to the west is Johnson Road and an assisted living facility in the Duplex Residential District. See the attached site photos (Exhibit “E”).

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 three undeveloped tracts along Johnson Road in the Commercial District.

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

There has been steady development city-wide and within the vicinity in the Commercial District. A medical building is currently being constructed at the southeast corner of Michel and Johnson Roads in the Commercial District.

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

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

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

The proposed zone change is not anticipated to adversely affect 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 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 future land use map identifies the site as “Employment/Office” (Exhibit “D”). The Comp Plan states, “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed

manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, public comment forms were received from Southern Knights, Inc. and Muhammad Shaikh in support of the request (Exhibit “F”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-429 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a commercial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Property Metes & Bounds
- D. Comprehensive Plan Future Land Use Map
- E. Site Photos
- F. Public Comment Form(s)

Exhibit “A”
Aerial Photo



**Exhibit “B”
Zoning Map**

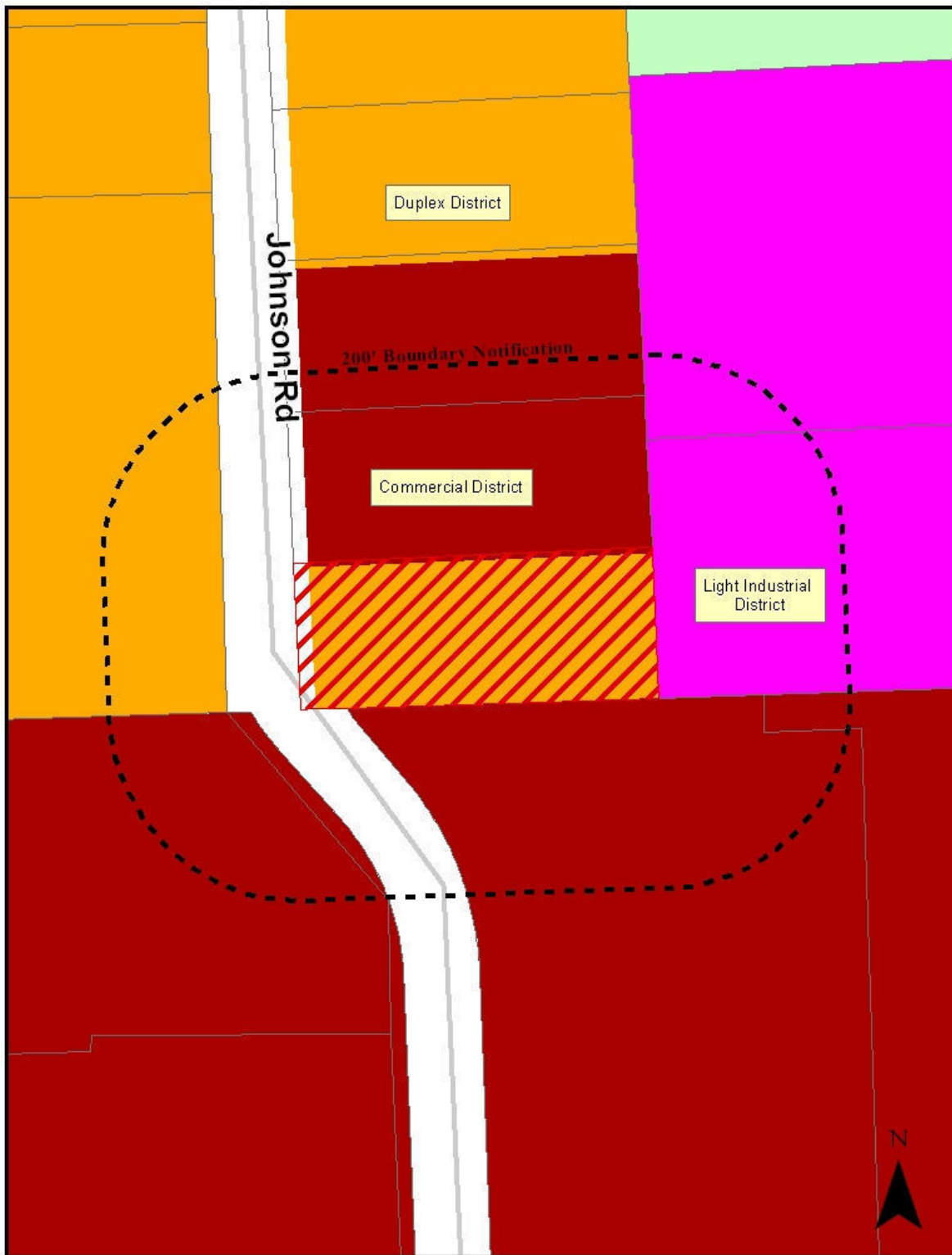


Exhibit "C"
Property Metes & Bounds

Meadowlark Hill Subdivision, Lot 7
1.3581 Acre Tract

FN 01-043
PBS&J Job No. 460675
August 8, 2001

Metes and Bounds Description
1.3581 Acres
William Hurd Survey, A-378
Meadowlark Hill Subdivision, Lot 7
Harris County, Texas

Being 1.3581 acres (59,158 sq.ft.) of land, out of Meadowlark Hill, an unrecorded subdivision out of the William Hurd Survey, Abstract No.378, Harris County, Texas, also being all of called "Tract 1" in a deed dated June 13,1975 from Rayford L.Stokes, et al to W.S. Wolfe, Co., recorded under Harris County Clerk's File (H.C.C.F.) No. E468986; said 1.3581 acres of land being more particularly described as follows:

BEGINNING at the southeasterly corner of said "Tract 1" from which a found 2" iron pipe bears South 0.50 feet for the most southeasterly corner of said Meadowlark Hill (unrecorded) subdivision and the herein described tract, said corner being in the North line of the Fritz Theiss Survey, Abstract No. 1705 and the south line of said William Hurd Survey;

THENCE South 87° 24' 50" West, along said common lines of the Fritz Theiss Survey and the William Hurd Survey and along a boundary line agreement recorded under Harris County Clerk's File No. C251104, a distance of 326.24 feet pass a found 5/8" iron rod, located on a non tangent curve to the right in the proposed east right-of-way of Johnson Road and continuing for a total distance of 374.56 feet to a point in the existing east right-of-way of Johnson Road from which a found 3/8" iron rod bears South 19° 53' 07" East 0.43 feet;

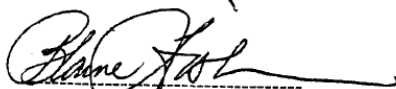
THENCE North 02° 29' 48" West, along the existing east right-of-way line of Johnson Road, at 155.19 feet pass a set 5/8" iron rod with a cap stamped PBS&J set for the end of a curve in the proposed right-of-way of Johnson Road and continuing for a total distance of 157.79 feet to a 5/8" iron rod with a cap stamped PBS&J set for the most northwesterly corner of the herein described 1.3581 acre tract;

THENCE North 87° 22' 42" East, a distance of 374.72 feet to a point for corner, from which a found 1/2" iron rod which bears South 57°17' 53" East, a distance of 0.42 feet, located in the most easterly line of said Meadowlark Hill subdivision and being the northeast corner of the herein described tract;

THENCE South 02° 26' 19" East, along the east line of said Meadowlark Hill Subdivision, a distance of 158.02 feet to the **POINT OF BEGINNING** and containing 1.3581 acres (59,158 sq. ft.) of land.

Notes

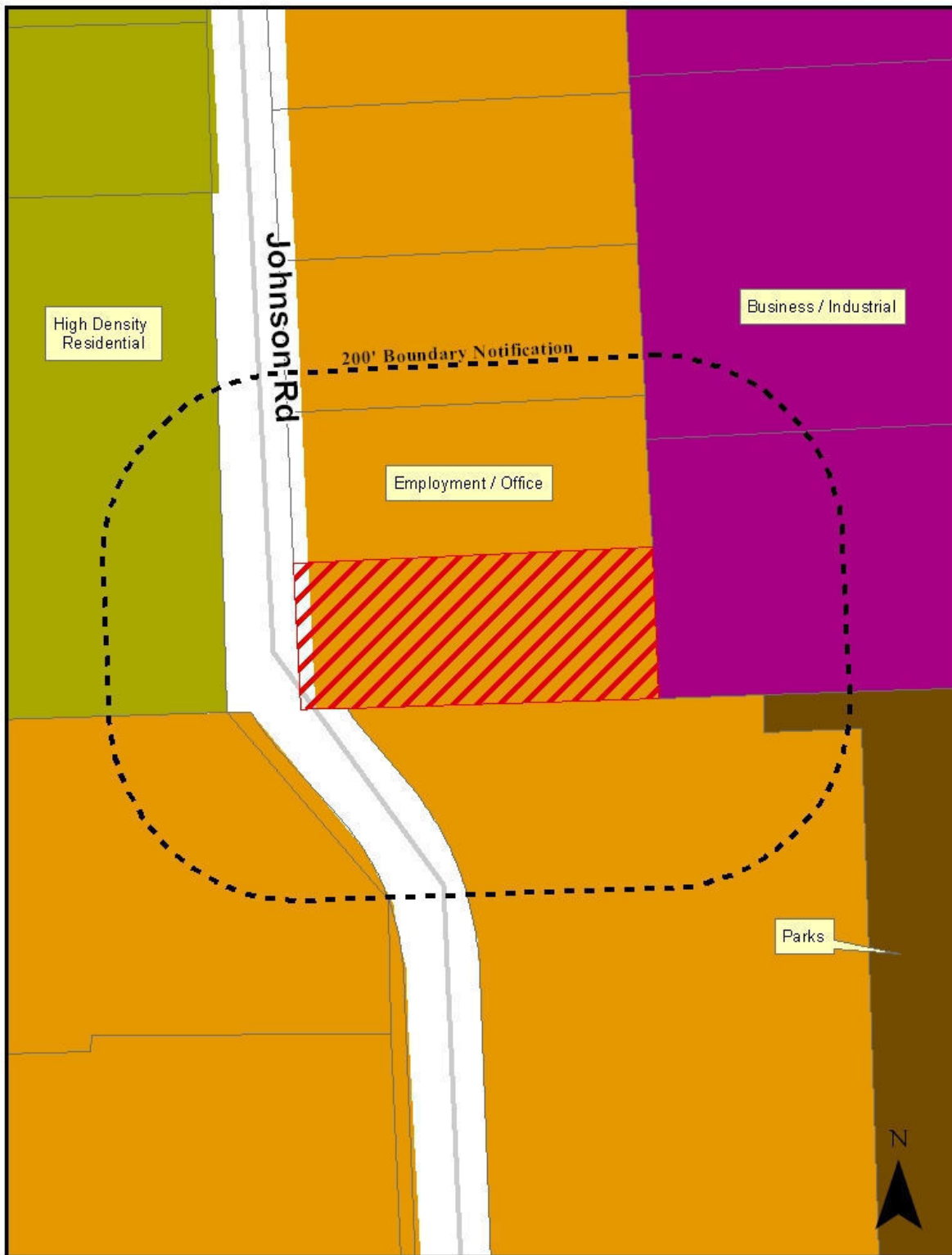
1. A drawing of even survey date herewith accompanies this metes and bounds description.
2. All bearings are based on the south line of Lot 7 monumented by a 3/8" iron rod found in the west line of Johnson Road and a reference to a 2" iron pipe found for the southeast corner of the herein described tract.



Blaine Fisher
R.P.L.S. No. 2500



Exhibit “D”
Comprehensive Plan Future Land Use Map



**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: Undeveloped land to the south.
Source: maps.google.com



Figure 4: Assisted living facility to the west.



Figure 5: Undeveloped land to the east.
Source: maps.google.com

Exhibit "F"
Public Comment Form(s)

	Engineering and Planning Department Public Comment Form (Please type or use black ink)
---	---

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)

Address:

Signature:

Date:

Southern Knights, Inc.

Elizabeth L. Howe

27919 Johnson Road
Tomball, TX 77375

Elizabeth L. Howe, President

5-7-12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429. (Please state reasons below)**

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

RECEIVED

MAY 09 2012

Name:

MUHAMMAD A. SHAIKH

(please print)

Address:

82 MANOR LAKE ESTATES CIRCLE

SPRING, TX 77379

Signature:

Date:

5/6/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: May 14, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-430**: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a “Barber/Beauty Shop (No Related School/College).” The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

- Conduct a Public Hearing on **ZONING CASE P12-430**

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P12-430 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
CITY COUNCIL
MAY 21, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 14, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-428: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office 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 **10th** day of **May** 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 AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P12-430

APPLICANT: David Quinn, on behalf of Tomball Tomahawk Properties, LLC

LOCATION: Easterly side of Baker Drive, southerly of Inwood Street

PROPOSAL: Request for a Conditional Use Permit to operate a “Barber/Beauty Shop (No Related School/College).” The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

* * *

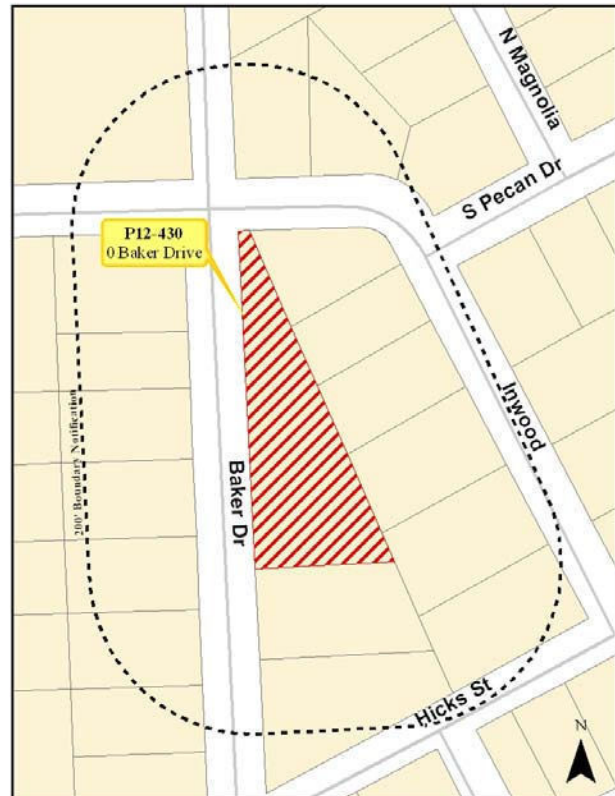
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The CUP 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 and Planning 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 and Zoning Commission
Public Hearing:**

Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

***Monday, May 21, 2012, 6:00 PM**

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

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



Conditional Use Permit Staff Report

Planning and Zoning Commission Hearing Date: May 14, 2012

Rezoning Case:	P12-430
Property Owner(s):	Tomball Tomahawk Properties, LLC
Applicant(s):	David Quinn
Legal Description:	Lot 1, Block 1, Tomahawk Properties
Location:	Generally located on the easterly side of Baker Drive, southerly of Inwood Street
Area:	0.85 acres
Present Zoning and Use:	Single-Family Residential-6 (SF-6) District with a vested rights classification of Office District / Undeveloped
Comp Plan Designation:	Medium Density Residential
Proposed Use:	Barber/Beauty Shop (No Related School/College)
Request:	Conditional Use Permit (CUP) to allow a “Barber/Beauty Shop (No Related School/College)”
Adjacent Zoning and Land Uses:	
North:	SF-6 and Commercial Districts / Inwood Street, single-family residences, and assisted living facility
South:	SF-6 District with a vested rights classification of Office District / Undeveloped
East:	SF-6 District / Single-family residences
West:	SF-6 District / Baker Drive and single-family residences

BACKGROUND

The subject site is legally described as Lot 1, Block 1, Tomahawk Properties within the City of Tomball, Harris County, Texas totaling approximately 0.85 acres. The site is generally located on the easterly side of Baker Drive, southerly of Inwood Street, is undeveloped (Exhibit “A”), and is zoned Single-Family Residential-6 District (Exhibit “B”) with a vested rights classification of Office District (Exhibit “C”).

On April 4, 2012, the City of Tomball received a CUP application (Exhibit “D”), request letter (Exhibit “E”), and concept plan (Exhibit “F”) from David Quinn on behalf of Tomball Tomahawk Properties, LLC requesting a “Barber/Beauty Shop (No Related School/College)” land use be permitted at the subject site.

The subject site, along with Lots 2 and 3, Tomahawk Properties were issued a vested rights determination by the City of Tomball on March 25, 2009. The vested rights letter describes the original project as “An office plat development consisting of three individual lots each containing a single story office building and related parking...” with “...a prior classification of O-Office District under the City’s Zoning Ordinance...” A “Barber/Beauty Shop (No Related School/College)” land use is only permitted in the Office District with a CUP.

A site plan for a 2,880 square foot office building was approved by the City of Tomball on August 18, 2010 for the subject site per the design standards outlined in the 2009 vested rights letter. No construction was started on this project.

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.” Additionally, the Ordinance requires all CUP applications include a concept plan. The concept plan indicates the site will include a 2,400 square foot building, 400 square foot covered porch, 12 parking stalls, landscaping, and other site improvements.

ANALYSIS

When considering applications for a conditional use permit, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as “Medium Density Residential” (Exhibit “G”). It states the “Medium Density Residential” land use classification “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City. A full range of urban services and infrastructure is required. These areas must have an adequate street network to support the amount of residential density.”

The “Barber/Beauty Shop (No Related School/College)” will provide a neighborhood shop and service.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

The property’s vested rights land use classification of Office District is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential

areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.

The proposed development will be consistent with the Office District in the following ways:

- The scale of the project shown on the concept plan appears to be low intensity and facilitating a professional use;
- The land use is proposed to be buffered from the residential uses to the east with a 60 foot building setback and an undeveloped open space created by an existing gas pipeline easement;
- The building is proposed to be one story;
- Access to the site is proposed off Baker Drive which is not anticipated to encourage vehicular traffic through Tomball Terrace; and
- The design of the building has a residential appearance thereby reducing its impact on the surrounding residential uses.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the zoning ordinance;

Should the CUP application be approved, the applicant will be required to submit a full set of civil plans to the City of Tomball for review and approval. The plans must exhibit compliance with all applicable ordinances, including but not limited to paving, detention, curbing, landscaping, fire access, etc.

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;

To the north of the subject site is Inwood Street, single-family residences, and an assisted living facility in the SF-6 and Commercial Districts, respectively; to the south is undeveloped land in the SF-6 District with a vested rights classification of Office District; to the east are single-family residences in the SF-6 District; and to the west is Baker Drive and single-family residences in the SF-6 District. See site photos below (Exhibit “H”).

Although there are numerous residences in the immediate vicinity of the subject site, the design of the site attempts to ensure compatibility with the character and integrity of adjacent developments. The concept plans calls for a low intensity, single-story development with an open space buffer, large setbacks, landscaping, and vehicle access from Baker Drive.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed use of the site as a “Barber/Beauty Shop (No Related School/College)” is not anticipated to be detrimental to the public health, safety, convenience, and welfare, or result in material damage or prejudice to other properties in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, 5 public comments were received in opposition to the request (Exhibit “I”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-430, with conditions, based on the following:
 - a. The proposal is consistent with the general purpose and intent of the applicable zoning district regulations and Comprehensive Plan;
 - b. The proposed use of the site as a “Barber/Beauty Shop (No Related School/College)” is not anticipated to be detrimental to the public health, safety, convenience, and welfare, or result in material damage or prejudice to other properties in the vicinity.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

RECOMMENDED CONDITIONS OF APPROVAL

Section 37.1.A of the Zoning Ordinance allows the City to impose certain conditions on a CUP request in order to mitigate “external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood.” As such, the following conditions of approval are recommended:

1. The “Barber/Beauty Shop (No Related School/College)” use shall not be enlarged or extended beyond what is shown on the approved concept plan without the approval of a revised concept plan or new CUP.
2. The use of the site will be limited to “Barber/Beauty Shop (No Related School/College).”
3. The site will be required to adhere to Section 42 (“Screening, Buffering and Fencing Requirements”) of the Tomball Zoning Ordinance.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Vested Rights Letter
- D. CUP Application
- E. CUP Request Letter
- F. Concept Plan
- G. Comprehensive Plan Future Land Use Map
- H. Site Photos
- I. Public Comment Form(s)

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

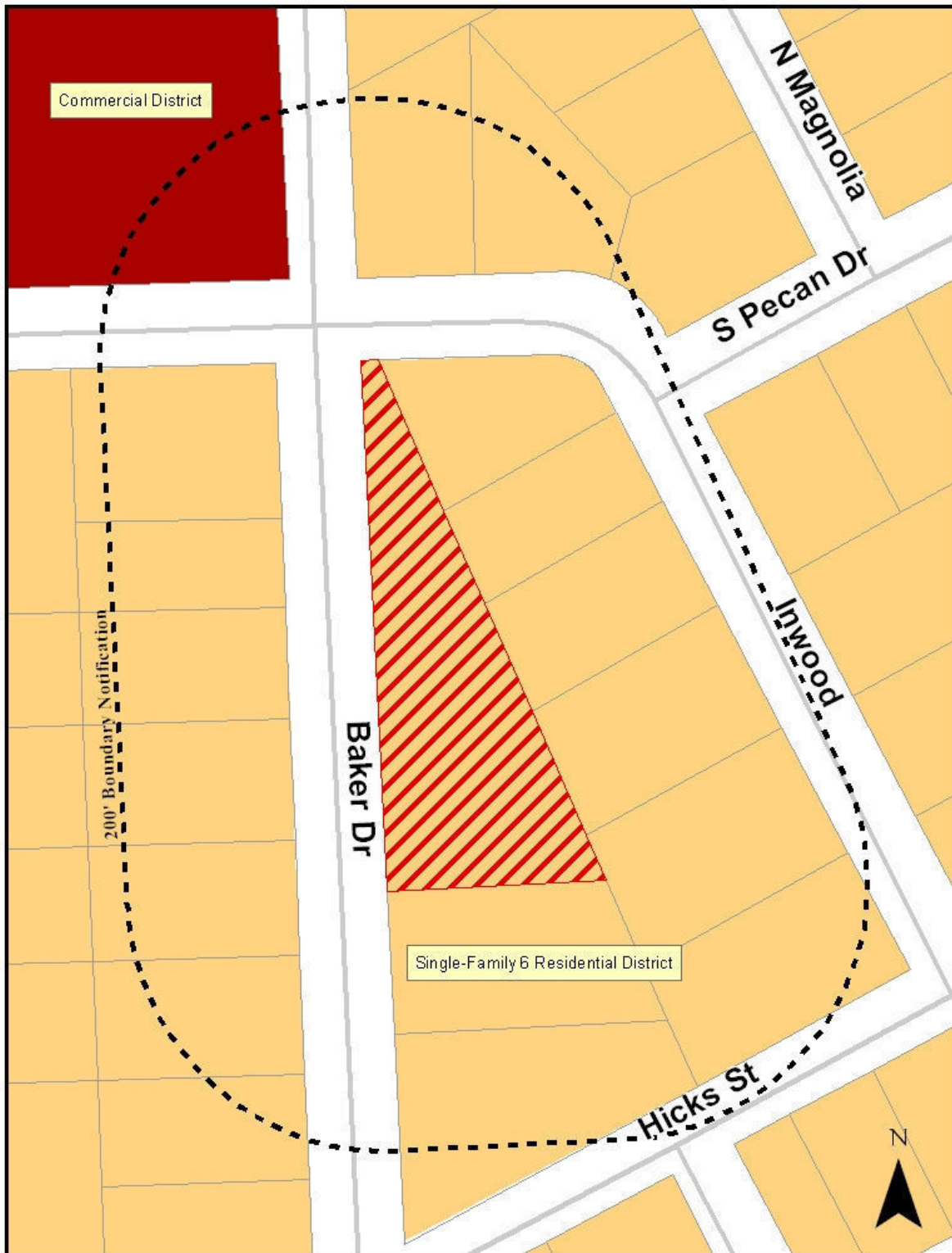


Exhibit "C"
Vested Rights Letter



City of Tomball

*Gretchen Fagan
Mayor*

*Jan Belcher
City Manager*

March 25, 2009

David R. Quinn
10330-A Lake Road
Houston, TX 77070

Re: Vested Rights Determination Letter
Tomball Arrowhead/Tomahawk Properties, Lots 1, 2 and 3, Block 1

Dear Mr. Quinn,

By letter dated February 3, 2009, you have asserted a vested right under Chapter 245 of the Texas Local Government Code with respect to a proposed development of approximately 1.7854 acres of property known as Tomball Tomahawk Properties, LLC Proposed Office Building and Parking Lot- Lot One, Tomball Arrowhead Properties, LLC Proposed Office Building and Parking Lot – Lot Two and Spencer, Stutts, and Cox, LP, Proposed Office Building and Parking Lot- Lot Three. After reviewing your vested rights request, the City's records, and consultation with the City's Attorney, I issue this vested rights determination in accordance with Section 48.5 of the City of Tomball's Zoning Ordinance.

Property Owner:

Spencer, Stutts and Cox, LP
Merritt Spencer
P.O. Box 176
Tomball, TX 77377

Tomball Arrowhead Properties, LLC
P.O. Box 176
Tomball, TX 77377

Tomball Tomahawk Properties, LLC
10330-A Lake Road
Houston, TX 77070

The Property: Three lots totaling approximately 1.7854 acres of land, situated in the Joseph House Survey, Abstract 34, Harris County, Texas, generally located on the easterly side of Baker Drive, northerly of Hicks Street, being described as Lots One, Two and Three on the Recorded Plat of Tomahawk Properties dated August 2007. See Exhibit A, attached.

The Project: An office plat development consisting of three individual lots each containing a single story office building and related parking lot to be configured in substantially the same layout as shown on the site plans submitted February 15, 2008. (See Exhibit B, attached).

1

Date of First Permit: September 10, 2007.

Regulations Applicable to Property Owner, the Property, and the Project:

All of the City's current Ordinances, including the City's Zoning Ordinance adopted February 4, 2008, are applicable to the Property Owner, the Property and the Project EXCEPT as follows:

1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of O-Office District under the City's Zoning Ordinance for development of the Project.

2. The lot size and lot dimension requirements of the City's Zoning Ordinance. The Property shall comply with the City's lot size and lot dimension requirements that existed prior to the City's Zoning Ordinance for development of the Project.

3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project.

4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project.

Any permit vested under this letter shall expire two years from the date of that permit unless progress is made towards completion of the project, or the permit expressly provides an expiration date of more than two years. Provided, further, a permit may expire in less than two years if the applicant fails to provide documents or information necessary to comply with the City's regulations after receiving written notice from the City as provided by Section 245.005(e)(2) of the Texas Local Government Code.

This letter has certain legal consequences. A property owner and/or the City Council have the right to appeal this determination to the City's Board of Adjustments if the property owner and/or the City Council believes that this vested rights determination is in error. Zoning Ordinance, 48.6. Any appeal of my determination must be filed with the Board of Adjustments within 15 calendar days. Zoning Ordinance, 9.8 C. If my determination is not timely appealed to the Board of Adjustments, then my determination shall be considered binding upon the City and the property owners for the duration of the Project. Id. 48.8.

Sincerely,



Jan Belcher
City Manager
City of Tomball, Texas

cc: Mayor and City Council
Scott Bounds, Olson & Olson, LLP

Exhibit "D"
CUP Application

Lot 1

Revised 1/20/09



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department



- A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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: DAVID R. QUINN Title: ARCHITECT
Mailing Address: 1427 KEEFER RD City: TOMBALL State: TX
Zip: 77375
Phone: (713) 254 45 21 Fax: (281) 370 2568 Email: dquinn@dquinnarchitect.com

Owner
Name: DAVID & LORI KLEIN QUINN Title: _____
Mailing Address: 1427 KEEFER RD City: TOMBALL State: TX
Zip: 77375
Phone: (281) 370 0300 Fax: (281) 370 2568 Email: _____

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

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

www.ci.tomball.tx.us

Description of Proposed Project: 405 BAKER DR, TOMPALL, TX 77375
Physical Location of Property: ON BAKER BETWEEN HICKS ST. AND INDIWOOD ST.
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 1.7854 AC Tract, 81,955.34 SF OF LOT 7, Bk 1 OF
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

— TOMPALL TERRACE CORRECT, IN HOUSE SURVEY ABSTRACT 34, VOL 114 PG 67,
— HCAD Identification Number: 130511-0010001 Acreage: 0.8493 AC HARRIS CTY,
LOT 1

Current Use of Property: VACANT

—
Proposed Use of Property: OFFICE / GENERAL RETAIL

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  4-4-2012
Signature of Applicant Date

x  4-4-2012
Signature of Owner Date

Exhibit "E"
CUP Request Letter

DAVID R. QUINN ARCHITECT
1427 Keefer Road Tomball, Texas 77375
713 254 4521

April 4, 2012
Planning and Zoning Board
City of Tomball
Attention: Ms. Lori Wallace, Chairman

Dear Ms. Wallace,

This letter is to request a modification of our Vested Rights letter dated March 25, 2009, with building type classification "Office", to the property known as Tomahawk Properties, Lot 1, Block 1, 405 Baker Drive, Tomball, TX 77375. Legal Description of the property is noted in the Vested Rights letter.

The owner requests the above mentioned property be allowed to include "Beauty/Barber Shop and Spa" designation as allowed through the "Conditional Use Permit" as noted from the charts on page 90 of the Zoning Ordinance for the City of Tomball.

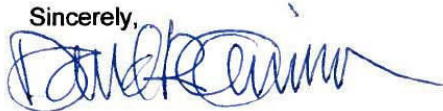
This business will complement the neighborhood along Baker Dr. and fit into the cities concept of "Planned Diversity" Section 36.1 of the Zoning Ordinances pg.72. and will conform to and enhance the neighborhood as described in Section 36.1A 1 through 7 page 73.

Enclosed for you review are; Site Plans, Elevations, HCAD documents, and Vested Rights Letter.

Meetings with the City Manager, Director of Community Development, Assistant City Engineer and Assistant City Planner were conducted the week of March 26th, 2012.

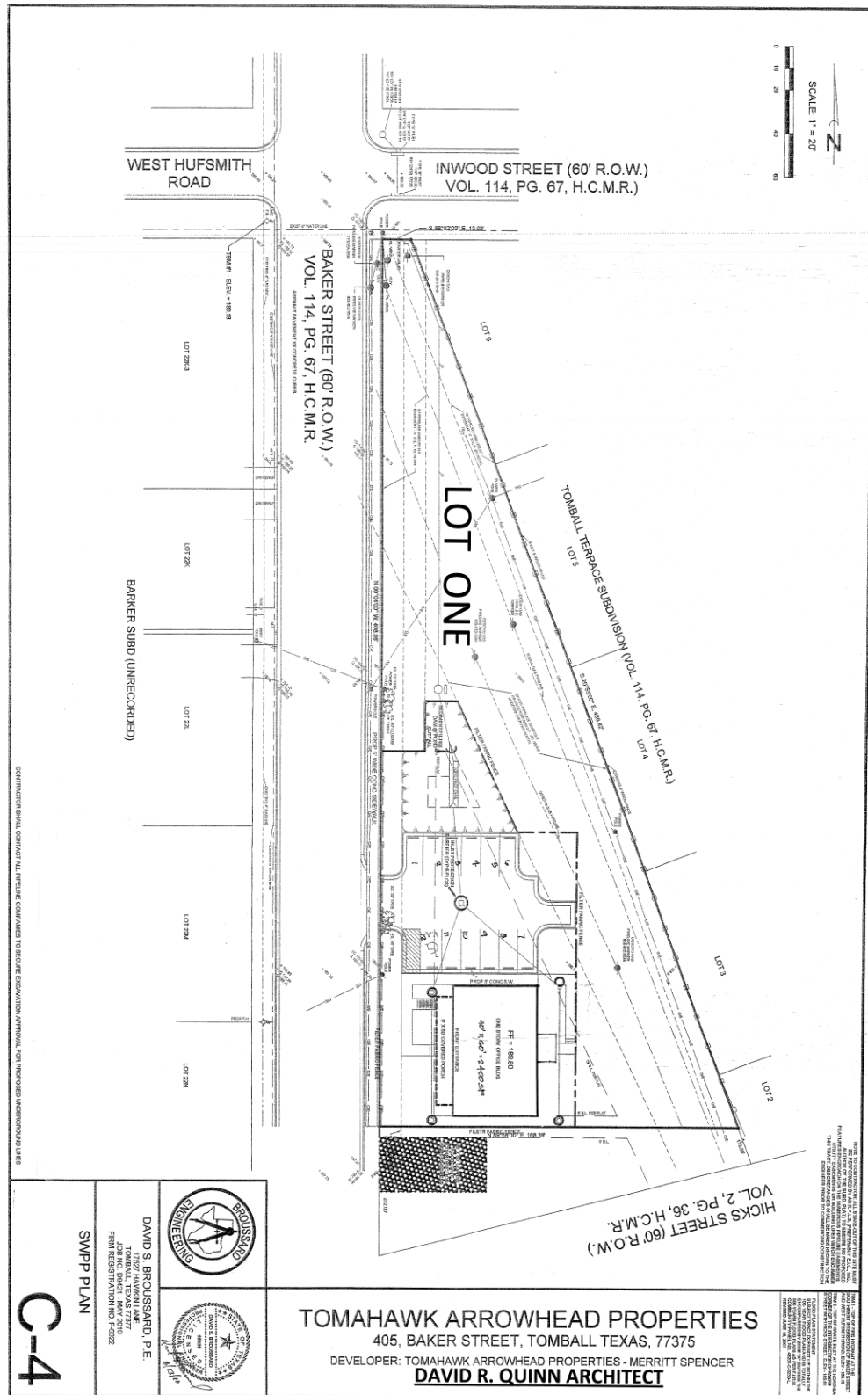
Thank you for this opportunity to present our case and I await your decision.

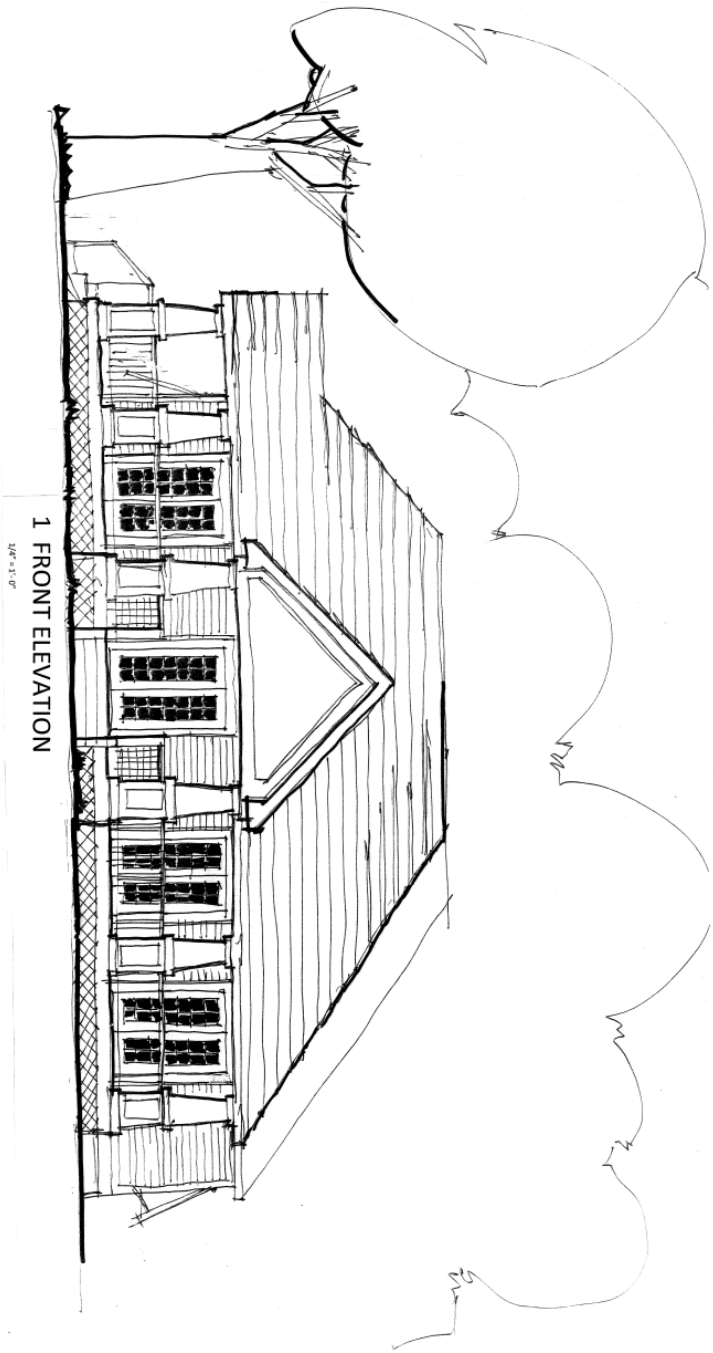
Sincerely,



David R. Quinn, Architect
cc. Ms. Lori Klein Quinn, Mr. Merritt Spencer, Mr. Tom Condon

Exhibit "F" Concept Plan





1 FRONT ELEVATION

1/8" = 1'-0"



2 SIDE ELEVATION

1/8" = 1'-0"

A-1

LOT ONE

DAVID R. QUINN ARCHITECT
 1427 KEEFER ROAD TOMBALL, TX 77375
 713 . 254 . 4521

Exhibit "G"
Comprehensive Plan Future Land Use Map

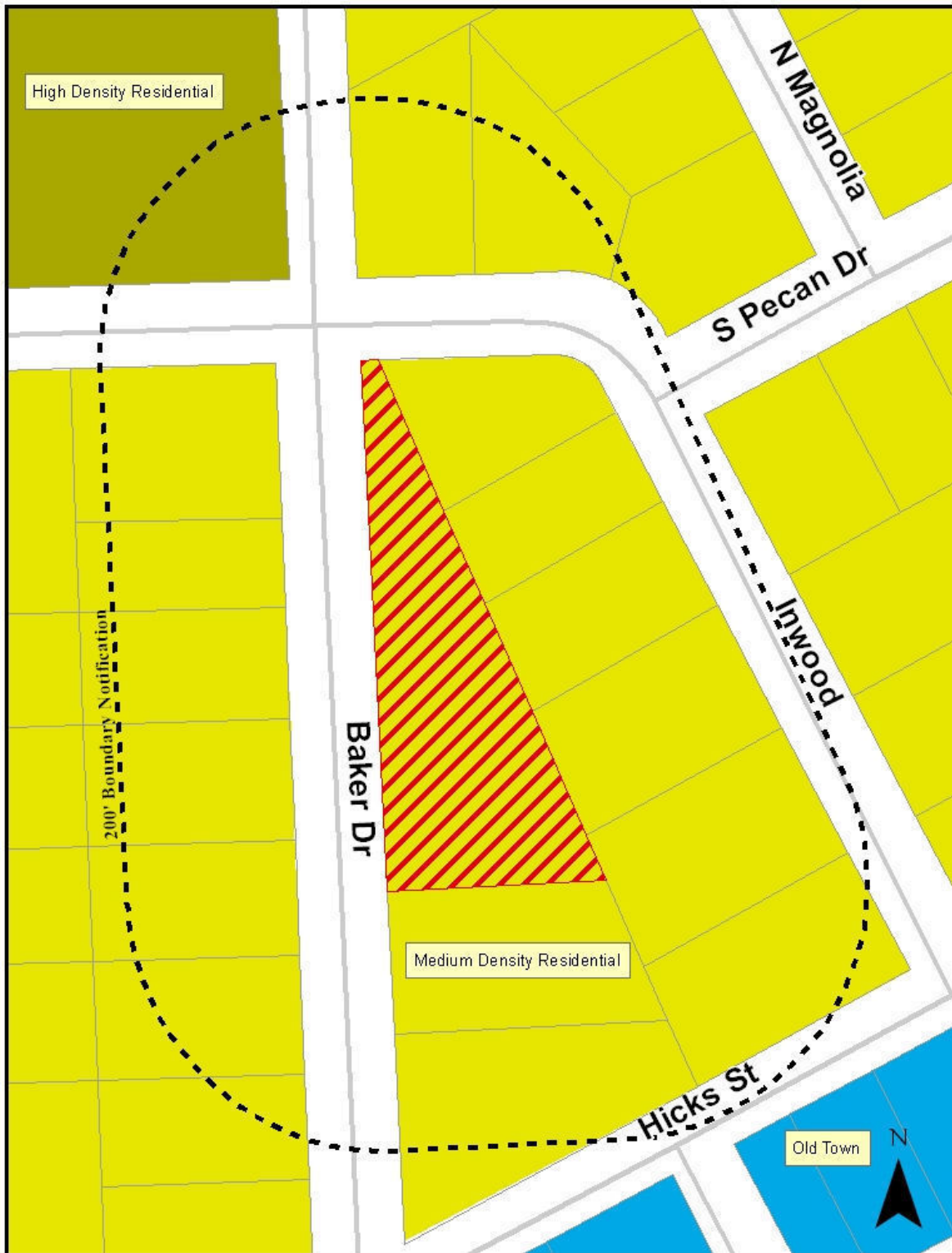


Exhibit “H” Site Photos



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



Figure 2: Assisted living facility to the north.
Source: maps.google.com



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



Figure 4: Undeveloped land to the south.
Source: maps.google.com



Figure 5: Single-family residences to the west.
Source: maps.google.com



Figure 6: Single-family residences to the east.
Source: maps.google.com

Exhibit "I"
Public Comment Form(s)

From: [Brenda Williams \(105\)](#)
To: [Rodney Schmidt](#)
Subject: Zoning Case P-12-430
Date: Monday, May 07, 2012 9:55:45 AM

I would like to respectfully submit my comments pertaining to the above Zoning Case.

*Ours is a quiet, residential subdivision and **ANY** commercial project on this site - which is basically across the street from my home – will jeopardize the very purpose of living in this type of subdivision. It would have an adverse effect on the value and/or resale of any of our properties. SURELY, with the many new commercial developments **INTENDED** for new businesses in the Tomball area, any prospective businesses could locate their ventures in a like area. Any commercial venture will destroy the hominess of Tomball Terrace and other residential areas in this area. We should not have to deal with any more increased traffic, related noise, and then just the fact of having a commercial building right in our front yards. **PLEASE DO NOT** allow this to happen to the long-standing residents of Tomball Terrace and the other homes along Baker Drive. Most of the residents in Tomball Terrace have been there in excess of 30 years – to do this to their homes now would be a true injustice. Let this potential business put their business in any of the new centers around town which are BEGGING for tenants.*

Thank you for your time and consideration.

Brenda Williams
606 Inwood Drive
Tomball, TX 77375
713-201-4755

This transmission may contain information that is privileged, confidential and or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

Name:
(please print)
Address:

Christine Roquemore
614 N. Hickory
Tomball, TX 77375

Signature:

Christine Roquemore

Date:

5-9-2012

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, May 21, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Besides the fact that the present owners misrepresented themselves by saying they would never put and/or sell commercial businesses on the 3 plots, our family is against this because
(1) it is against our deed restrictions;
(2) it would destroy our property values.
(3) the property is zoned Residential to the best of my knowledge.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: EARLE D. OLDHAM, SR.
(please print)
Address: 610 INWOOD
TOMBALL, TX 77375
Signature: Earle D. Oldham
Date: May 9, 2012

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P12-430**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P12-430**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

This property was originally platted as a part of Timber Terrace, approved by the City on July 1, 1963 and filed with the Harris County Clerk on Sept. 19, 1963. Much controversy has surrounded it through the years. After being regulated by the current owner it was declared a residential use when zoning came into effect. It seems to me to reverse that action would send a message to Tomball citizens that commercial ventures take priority over existing deed restrictions and zoning dedication. The 7 Timber Terrace would like to push the integrity and quality of life we have without.
You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.

Commercial intrusion.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Jean Solomon
(please print)
Address: 607 Hicks
Tomball
Signature: Jean Solomon
Date: May 7, 2012

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P12-430**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P12-430**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

The property is zoned residential. It should remain so.
There is an abundance of vacant commercial properties
available within the city limits that could appropriately
accommodate this business. Further, granting this variance
would open the floodgates for request that would negate
the intent of our zoning ordinances.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Shirley Hrobar
(please print)
Address: 519 Inwood
Tomball, Tx 77375
Signature: Shirley Hrobar
Date: 5-8-12

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P12-430. (Please state reasons below)**

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P12-430. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.