

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



MONDAY, DECEMBER 12, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, December 12, 2011 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 14, 2011.
- 5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P11-375**: Request by Drachman Interest on behalf of FNR, LLC to amend the City's Comprehensive Zoning Ordinance to rezone approximately 11.09 acres of land, legally described as Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Cherry Street, southerly of Agg Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P11-375**

- 5.2 Consideration to approve **REPLAT BARAJAS TRACT NO. 2**: Being a Subdivision of 0.4821 Acre Tract, 21,000.00 square feet, in the Joseph House Survey A-34 in Harris County, Texas, Being a Replat of Lots 23, 24, 25, 26, 27 and 28, Block 69 in the Revised Map of Tomball according to the Map Records in Volume 4, Page 25 of the Map Records of Harris County, Texas.

- 5.3 Consideration to approve **FINAL PLAT OF DRACHMAN INTERESTS**: Partial Replat of all of Outlot 183 and part of Outlots 179, 180 and 184 of Tomball Townsite; Containing 11.09 Acres; located in the J. Pruitt Survey, A-629.

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of December 2011 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

Doris Speer

City Secretary, TRMC

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

FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 12, 2011

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 12, 2011

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 12, 2011

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 14, 2011.

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:

P&Z Minutes 11.14.11

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

MONDAY, NOVEMBER 8, 2011



6:00 P.M.

1.0 Call to Order

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

Commissioner Tague
Commissioner Chervenak (Arrived at 6:25)
Commissioner Beauvais
Commissioner Kendler

Others present:

Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
City Attorney – Scott Bounds
Engineering & Planning Senior Administrative Assistant – Brandy Pate

Draft

2.0 No public comments were received

3.0 No Reports and Announcements were received

4.0 Motion was made by Commissioner Tague to approve the Minutes of the following meetings:

- Regular Planning and Zoning Commission Meeting of October 10, 2011.
- Special Joint City Council and Planning & Zoning Commission Meeting of October 24, 2011;

Second by Commissioner Kendler

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P11-360**: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First

Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:03 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Terry Johnson, spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:10 p.m.

Commissioner Kendler made a motion to approve the rezoning request for **ZONING CASE P11-360**; second by Commissioner Tague. Vote was as follows:

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

Motion carried unanimously.

- 5.2 Consideration to approve **ZONING CASE P11-362**: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

The Public Hearing was opened by Chairman Wallace at 6:11 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Leslie Lagerquist, spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:17 p.m.

Commissioner Kendler made a motion to approve the rezoning request for **ZONING CASE P11-362**; second by Commissioner Tague. Vote was as follows:

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

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P11-371**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

The Public Hearing was opened by Chairman Wallace at 6:18 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Otis Bakke, Attorney for Applicant spoke on behalf of the request.

The following residents spoke in opposition of the request:

Brad Hallmark of 28231 Camille Dr.
David Wood of 28227 Camille Dr.
Craig Gracey of 31303 Antonia Ln.
Marilyn Tobola of 31307 Stella Ln.
Dennis Bell of 31215 Antonia Ln.
Matt Michna of 28110 Chris Ln.
Nelson Cleaner of 31207 Antonia Ln.
Pat Bailey of 1319 Dove Trails

The following residents wished to have their opposition recorded:

James Wrentz of 31203 Antonia Ln.
Linda Wrentz of 21203 Antonia Ln.

Hearing no additional comments, the Public Hearing was closed at 6:51 p.m.

Commissioner Tague made a motion to DENY the rezoning request for **ZONING CASE P11-371**; second by Commissioner Beauvais. Vote was as follows:

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

Motion to DENY carried 4-1.

- 5.4 Consideration to approve **ZONING CASE P11-372**: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

The Public Hearing was opened by Chairman Wallace at 7:04 p.m.

No Public comments were received and the Public Hearing was closed at 7:06

Commissioner Tague made a motion to DENY the Conditional Use Permit request, based on the denial of the Rezoning request for **ZONING CASE P11-372**; second by Commissioner Chervenak. Vote was as follows:

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

Motion to DENY carried unanimously.

- 5.5 Consideration to approve **PRELIMINARY PLAT HILLTOP TOOL RENTAL**: A 6.9280 acre tract of land being comprised of Lots 36, 43 44, and 45 of Tomball Hills Addition Replat as recorded in Vol. 279, Page 111, H.C.M.R. and the 0.49 acre remainder of a call 1.00 acre tract as recorded in File No. N-905252, H.C.O.P.R.R.P. and the 0.92 acre remainder of Unrestricted Reserve “D” Block 4 of Tomball Hills Addition Replat in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

The Public Hearing was opened by Chairman Wallace at 7:07 p.m.

Lori Lakatos, Acting City Engineer presented comment recommendations.

David Wood of 28227 Camille Dr. spoke in opposition

Otis Bakke, Attorney for Applicant spoke on behalf of the request

Dennis Bell of 31215 Antonio Ln. spoke in opposition

Hearing no additional comments, the Public Hearing was closed at 7:16 p.m.

Commissioner Tague made a motion to DENY **PRELIMINARY PLAT HILLTOP TOOL RENTAL**; second by Commissioner Beauvais. Vote was as follows:

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

Motion to DENY carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 7:19 p.m.

PASSED AND APPROVED this _____ day of _____ 2011.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 12, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-375**: Request by Drachman Interest on behalf of FNR, LLC to amend the City's Comprehensive Zoning Ordinance to rezone approximately 11.09 acres of land, legally described as Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Cherry Street, southerly of Agg Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P11-375**

Background:

Origination:

Drachman Interest on behalf of FNR, LLC

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

P11-375 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 12, 2011
&
CITY COUNCIL
DECEMBER 19, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 12, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2011, 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 P11-375: Request by Drachman Interest on behalf of FNR, LLC to amend the City's Comprehensive Zoning Ordinance to rezone approximately 11.09 acres of land, legally described as Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Cherry Street, southerly of Agg Road, from the Agricultural District to the Light Industrial District.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of December 2011 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: P11-375

APPLICANT: Drachman Interest on behalf of FNR, LLC

LOCATION: Westerly side of South Cherry Street, southerly of Agg Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 11.09 acres of land, legally described as Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

* * *

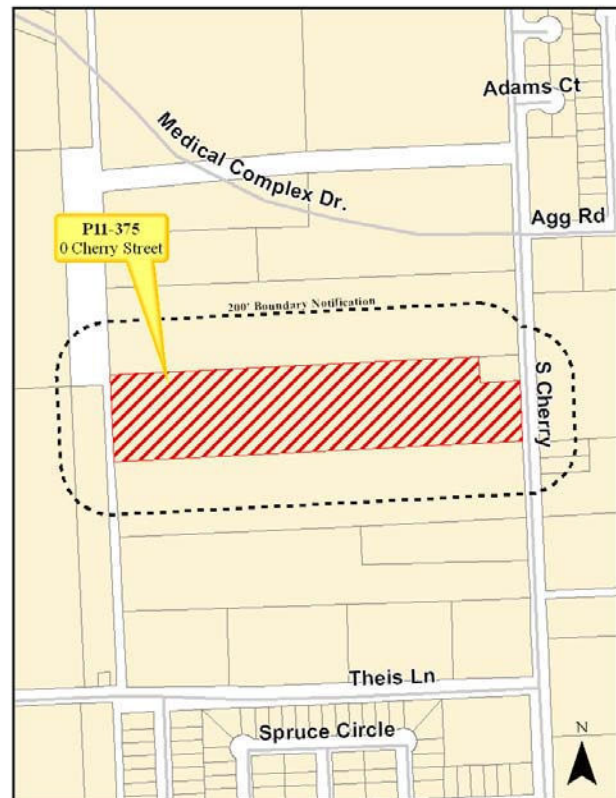
CONTACT PLANNER: Rodney Schmidt

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.

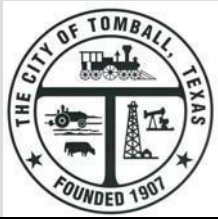


**Planning and Zoning Commission
Public Hearing:
Monday, December 12, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2011, 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: December 12, 2011

Rezoning Case: P11-375
Property Owner(s): FNR, LLC
Applicant(s): Drachman Interest
Legal Description: Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots
Location: Generally located westerly of South Cherry Street, southerly of Agg Road
Area: 11.09 acres
Present Zoning and Use: Agricultural District / Undeveloped
Comp Plan Designation: Business / Industrial
Proposed Zoning and Use: Light Industrial District / Steel Fabrication ("Metal Products, Stamping, and Manufacture")

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: Light Industrial and Single-Family 9 Districts / Devasco International and Single-Family Residence
South: Commercial District / BL Technology
East: SF-20-E District / South Cherry Street, Agricultural, and Residential
West: Agricultural District / M-121 West Drainage Channel

BACKGROUND

The subject site is legally described as Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots within the City of Tomball, Harris County, Texas totaling approximately 11.09 acres. The site is generally located westerly of South Cherry Street, southerly of Agg Road, is undeveloped (Exhibit "A"), and is currently zoned Agricultural District (Exhibit "B").

On October 28, 2011, the Engineering & Planning Department received a rezoning application and letter for the subject site (Exhibits "C" and "D") from the applicant, Drachman Interest. According to their rezoning request letter:

We are currently under contract for the property on S. Cherry Street north of Theiss Lane (LT 183 & TRS 179A 180A & 184A).

It is our intent to relocate our steel fabrication facility from its current location in the Brittmoore Tanner Business Park to this location.

To achieve this, we request your consideration in rezoning this property from its current designation as agricultural to light/heavy industrial, for the use as a structural steel fabrication facility. It is our intent to erect a building to house our steel fabrication facility in addition to our executive offices.

We have been active in the Texas area for over 10 years as a supplier for TX Dot, in addition we produce steel fabrication work for the construction, oil and petrochemical industries. If you visit our website at www.associatedsteelfab.com you will see a sample of the range of projects we perform and have completed.

As a matter of information, the Zoning Ordinance's "Metal Products, Stamping, and Manufacture" land use is permitted by right in the Light Industrial District and not permitted in the Agricultural District.

ANALYSIS

According to the Tomball Zoning Ordinance, "The LI, Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad."

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is Devasco International and a single-family residence within the Light Industrial and Single-Family 9 Districts, respectively; to the south is BL Technology in the Commercial District; to the east is South Cherry Street and agricultural and residential land uses in the SF-20-E District; and to the west is the City of Tomball's M-121 West drainage channel in the Agricultural District.

The Comprehensive Plan's future land use map identifies the site as "Business/Industrial" (Exhibit "E"). It states the "Business/Industrial" land use classification is "where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms." The proposed rezoning to the Light Industrial District and "Metal Products, Stamping, and Manufacture" land use are generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Light Industrial District would be allowed at this location if the zoning is changed.**

As a matter of information, 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 Engineering & Planning Department and Fire Marshal's Office 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 Devasco International and a single-family residence within the Light Industrial and Single-Family 9 Districts, respectively; to the south is BL Technology in the Commercial District; to the east is South Cherry Street and agricultural and residential land uses in the SF-20-E District; and to the west is the City of Tomball's M-121 West drainage channel in the Agricultural District. See the attached site photos (Exhibit "F").

- 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.**

In the immediate vicinity, there are two vacant tracts along Commercial Park Drive zoned Light Industrial.

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

There has been steady development city-wide and within the vicinity in the Light Industrial 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 “Business/Industrial” (Exhibit “E”). It states the “Business/Industrial” land use classification is “where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.” The proposed rezoning to the Light Industrial District and “Metal Products, Stamping, and Manufacture” land use are generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on December 1, 2011 and, as of the writing of this report, no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P11-375 based on the following:
 - a. The proposed zoning of Light Industrial District is compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Light Industrial 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 light industrial 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. Comprehensive Plan Future Land Use Map
- F. Site Photos

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

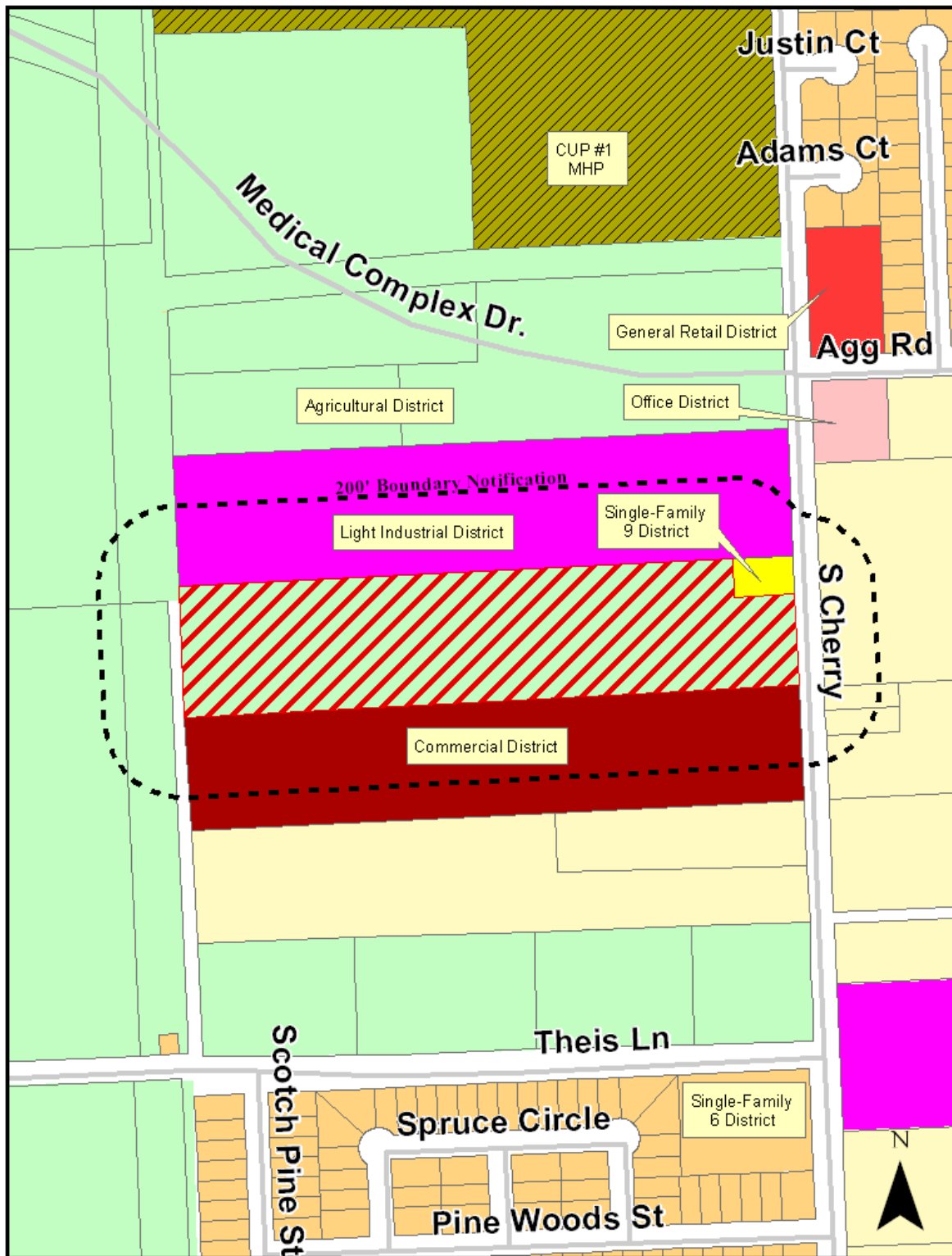
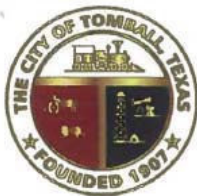


Exhibit "C"
Rezoning Application

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: Drachman Interest Title: _____
Mailing Address: 5100 Ashley Ct. City: Houston State: TX
Zip: 77041
Phone: (713) 296 1400 Fax: () Email: craig@associatesteelfab.com

Owner

Name: FNR, LLC c/o Wade Houghton Title: _____
Mailing Address: 7020 Portwest Dr. Suite 100 City: Houston State: TX
Zip: 77024 - 1024
Phone: () Fax: () Email: wade.ha@scaly.net.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Steel fabrication shop - Industrial office/Warehouse

Physical Location of Property: S. Cherry St. @ Theirs Ln.
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: LT 183 1/2 TRS M9A 180A 1/2 184A TOMBALL OUTLOTS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG

Current Use of Property: N/A

Proposed Zoning District: Light Industrial

Proposed Use of Property: Steel Fabrication / Metal Products Manufacture
Structural Steel Fabrication

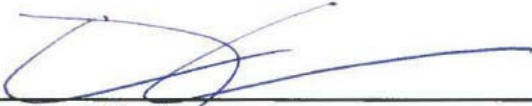
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 635 286 006 0183 Acreage: 11.08

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  10-25-11
Signature of Applicant Date

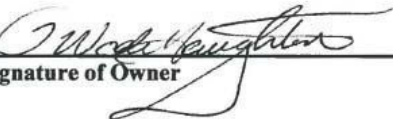
X  10-25-11
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter



ASSOCIATED STEEL FABRICATORS, INC.

5100 Ashley Court
Houston, Texas 77041
(713) 896-1400 FAX (713) 896-1411

We are currently under contract for the property on S. Cherry Street north of Theiss Lane (LT 183 & TRS 179A 180A & 184A).

It is our intent to relocate our steel fabrication facility from its current location in the Brittmoore Tanner Business Park to this location.

To achieve this, we request your consideration in rezoning this property from its current designation as agricultural to light/heavy industrial, for the use as a structural steel fabrication facility. It is our intent to erect a building to house our steel fabrication facility in addition to our executive offices.

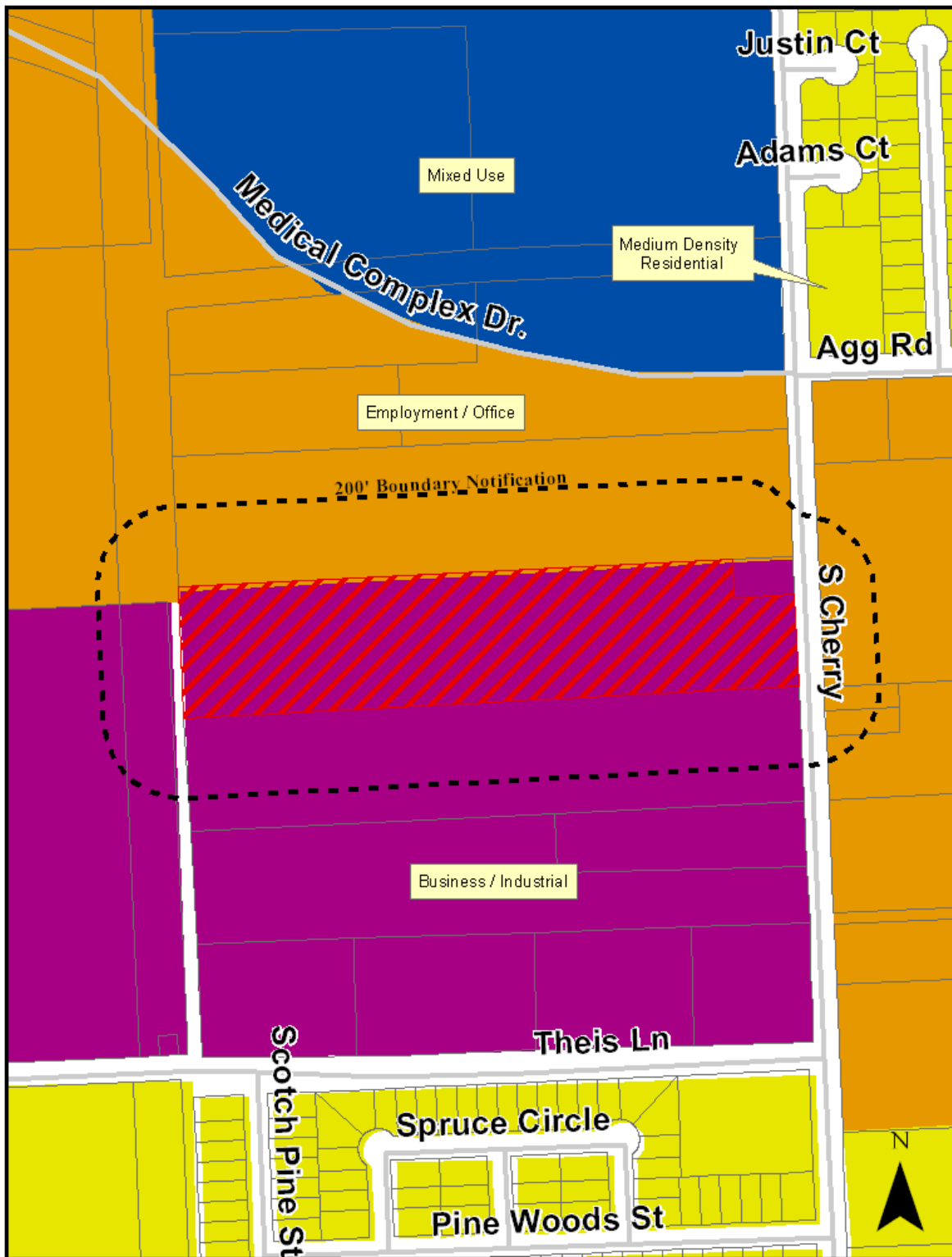
We have been active in the Texas area for over 10 years as a supplier for TX Dot, in addition we produce steel fabrication work for the construction, oil and petrochemical industries. If you visit our website at www.associatedsteelfab.com you will see a sample of the range of projects we perform and have completed.

We ask for your approval at the earliest possible date in this re-zoning so we may proceed with our purchase and development of the site.

Thank you for your attention to this matter.

Craig Drachman

Exhibit "E"
Comprehensive Plan Future Land Use Map



**Exhibit “F”
Site Photos**



Figure 1: Westerly view of subject site.



Figure 2: Devasco International to the north of subject site.



Figure 3: Single-family residence adjacent to subject site.



Figure 4: Agricultural and residential use to the east of subject site.



Figure 5: BL Technology to the south of subject site.



Figure 6: M-121 West drainage channel to the west of subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 12, 2011

Data Sheet

Topic:

Consideration to approve **REPLAT BARAJAS TRACT NO. 2**: Being a Subdivision of 0.4821 Acre Tract, 21,000.00 square feet, in the Joseph House Survey A-34 in Harris County, Texas, Being a Replat of Lots 23, 24, 25, 26, 27 and 28, Block 69 in the Revised Map of Tomball according to the Map Records in Volume 4, Page 25 of the Map 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:

Replat Barajas Tract No. 2

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Jose Barajas and Luz Maria Barajas, Owners, hereinafter referred to as owner of the 0.4821 acre tract described in the above and foregoing plat of BARAJAS TRACT NO. 2, do hereby make and establish of said subdivision property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

FURTHER , owners do hereby covenants and agree that all of the property 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 HANDS, This _____ day of _____, 2011 .

By: _____
Jose Barajas, Owner

By: _____
Luz Maria Barajas, Owner

THE STATE TEXAS
COUNTY OF HARRIS

Before me the undersigned authority, on this day personally appeared, Jose Barajas and Luz Maria Barajas, owners known to me the person whose names are subscribed to the foregoing instrument and acknowledge to me that they excuted the same for the purposes and considerations therein expressed and in the capacity therein and herein, and as the act and Deed of said Corporation .

Given under my hand and seal of office this _____ day of _____, 2011 .

Notary Public in and for the State of Texas
My Commission expires: _____

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

BY: _____
George Shakelford, City Manager

BY: _____
Lori Lakatos, P.E., CFM, Acting City Engineer

This is to certify that the Planning and Zoning Commission of the City of City of Tomball, Texas has approved this plat and subdivision of BARAJAS TRACT NO. 2 in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown authorized the recording of this plat this _____ day of _____, 2011 .

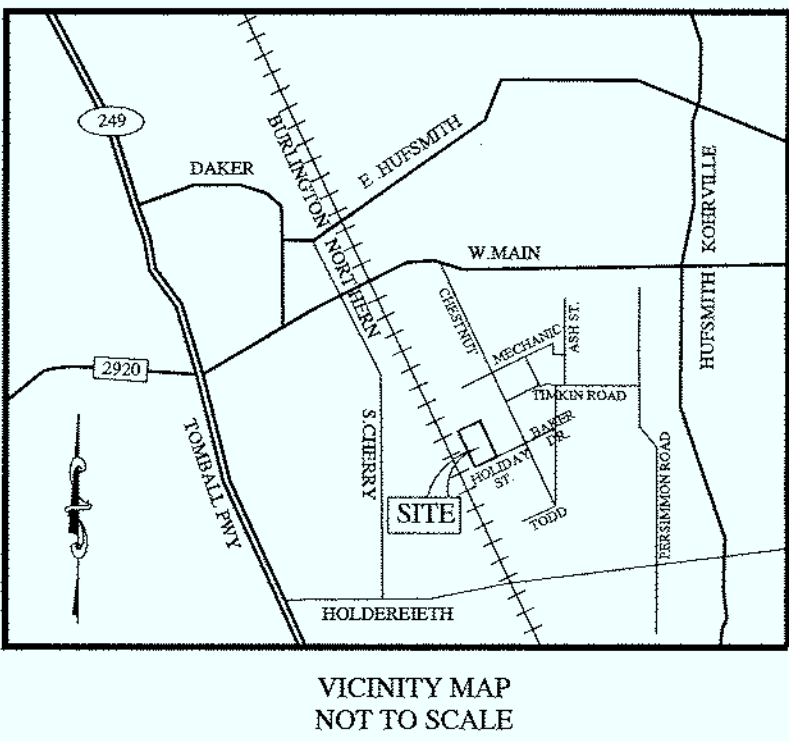
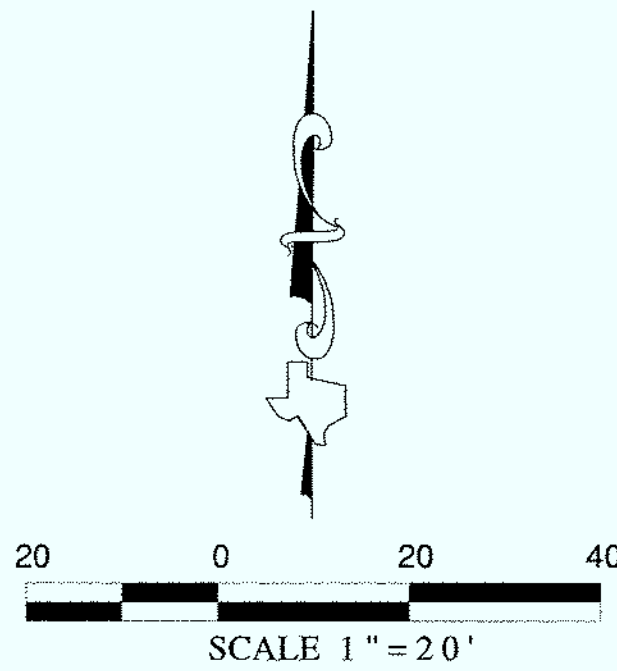
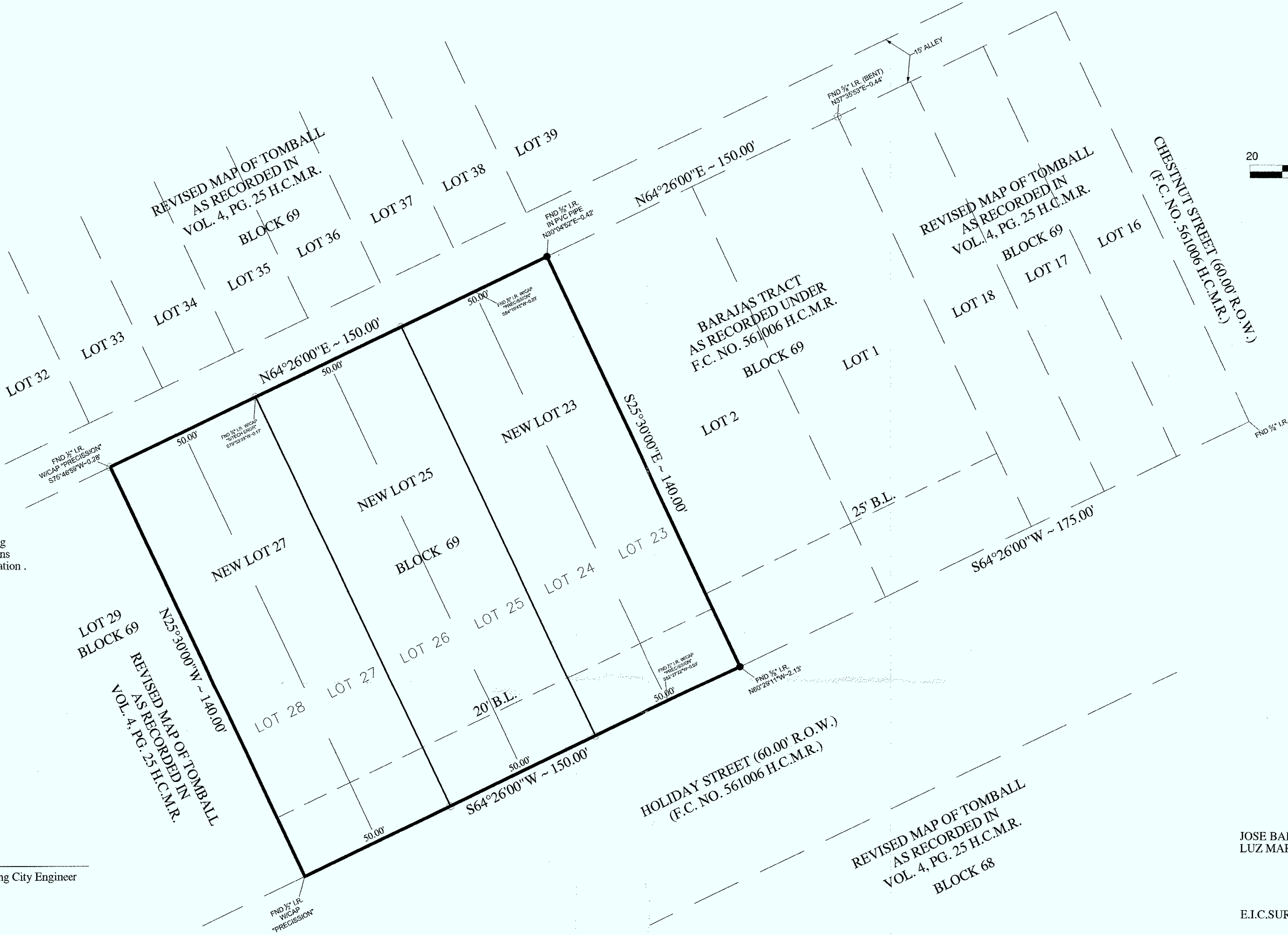
BY: _____
Lori Wallace, Chair

BY: _____
Evelyn Chervenak, Vice Chairman

This is to certify that the City accepts the Planning and Zoning Commission authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2011 .

BY: _____
Gretchen Fagan, Mayor

BY: _____
Doris Speer, City Secretary



REPLAT BARAJAS TRACT NO. 2

BEING A SUBDIVISION OF 0.4821 ACRE TRACT,
21,000.00 SQUARE FEET,
IN THE JOSEPH HOUSE, SURVEY A-34
IN HARRIS COUNTY, TEXAS
BEING A REPLAT OF
LOTS 23, 24, 25, 26, 27 AND 28, BLOCK 69
IN THE REVISED MAP OF TOMBALL
ACCORDING TO THE MAP RECORD IN
VOLUME 4, PAGE 25
OF THE MAP RECORDS OF
HARRIS COUNTY, TEXAS.

(REASON FOR REPLAT IS TO CREATE 3 LOTS)

CONTAINING
3 LOT 1 BLOCK

NOVEMBER 2011

JOSE BARAJAS &
LUZ MARIA BARAJAS

OWNER
14030 BRIDLECHASE LANE
HOUSTON , TEXAS 77014
(713) 410 - 8744

E.I.C.SURVEYING COMPANY

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

LEGEND

B.L.	Indicates " Building Line "
U.E.	Indicates " Utility Easement "
R.O.W.	Indicates " Right-of Way "
AC.	Indicates " Acre "
SQ.FT.	Indicates " Square Feet "
FND.	Indicates " Found "
I.R.	Indicates " Iron Rod "
VOL.	Indicates " Volume "
PG.	Indicates " Page "
H.C.M.R.	Indicates " Harris County Map Records "
H.C.D.R.	Indicates " Harris County Deed Records "
C.F.#	Indicates " Clerk's File Number "
●	Indicates " Found 5/8\" Iron Rod with E.I.C. CAP"
○	Indicates " Set 5/8\" Iron Rod with E.I.C. CAP"

GENERAL NOTES

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

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 201 at _____ o'clock _____, and duly recorded on _____, 201 , at _____ o'clock _____, 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

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 suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4\"/>

Emil Haddad, R.P.L.S.
Texas Registration No. 5072

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: December 12, 2011

Data Sheet

Topic:

Consideration to approve **FINAL PLAT OF DRACHMAN INTERESTS**: Partial Replat of all of Outlot 183 and part of Outlots 179, 180 and 184 of Tomball Townsite; Containing 11.09 Acres; located in the J. Pruitt Survey, A-629.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

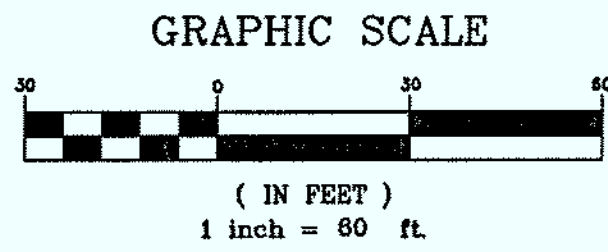
Party(ies) responsible for placing this item on agenda:

Engineering and Planning

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

ATTACHMENTS:

Final Plat of Drachman Interests



LOT 1
DEVASCO INTERNATIONAL
11.447 ACRES
FILM CODE 615009 MR HCT

M21-00-0 WEST LATERAL
(150' DRAINAGE CANAL)
(CCF 6973400)

STATE OF TEXAS
COUNTY OF HARRIS

We, FNR, LLC, acting by and through Frederick Wade Haughton, Partner being officer of FNR, LLC., Owner of the 11.09 acre tract described in the above and foregoing plat of Drachman Interests, do hereby make and establish said subdivision and development plat of said property according to all liens, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purpose and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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

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

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any times for the purpose of construction and maintenance of drainage facilities and structures.

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

IN TESTIMONY WHEREOF, FNR, LLC., has caused these presents to be signed by Frederick Wade Haughton, Partner and its common seal hereunto affixed this ____ day of _____, 2011.

By: Frederick Wade Haughton, Partner
FNR, LLC.

Attest: Wendy Evans, Senior Property Manager
FNR, LLC.

BEFORE ME, the undersigned authority, on this day personally appeared Frederick Wade Haughton, Partner, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2011

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

BEFORE ME, the undersigned authority, on this day personally appeared Wendy Evans, Senior Property Manager, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2011

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

CALLLED 10.175 ACRES
BEING ALL OF OUTLOT 187
THE RESIDUE OF OUTLOT 188 AND
PART OF OUTLOT 191 AND 192
TOMBALL TOWNSITE SUBDIVISION
RECORDED UNDER VOL. 2, PG. 65 MR HCT
TYKHE, LLC
CCF 20090160828 OPRRP HCT

We Stratford Realty Capital, L.P., owner and holder of a liens against the property described in the plat known as Drachman Interests, said lien being evidenced by instrument of record of 20070450277, 20080463317, 2008057485 and 20090529871 of the Mortgage Records of _____, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

By: _____

Stratford Realty Capital, L.P.

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2011

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

We, The City Manager and Director of Engineering and Planning for the City of Tomball, do hereby certify that this plat complies with the City of Tomball, do hereby certify that this plat complies with the City of Tomball Ordinance.

By: George Shackelford, City Manager

By: Lori Lakatos, P.E. Director of Engineering & Planning

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 2011

By: Gretchen Fagan, Mayor

By: Doris Speer, City Secretary

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Drachman Interests 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 _____, 2011.

By: Lori Wallace, Chairman

By: Tom Crofoot, Vice Chairman

I, David Strauss, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that lot corners have been marked with iron rods having an outside diameter of not less than five-eighths inch (5/8"); that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

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

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on ____ 2011, at ____ o'clock, and duly recorded on ____ 2011, at ____ o'clock, and in Film Code Number ____ of the Map Records of Harris County for said county.

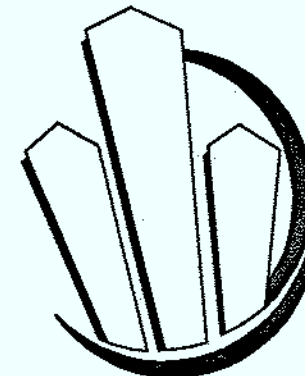
Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
Clerk of the County Court
Harris County, Texas

By: Deputy

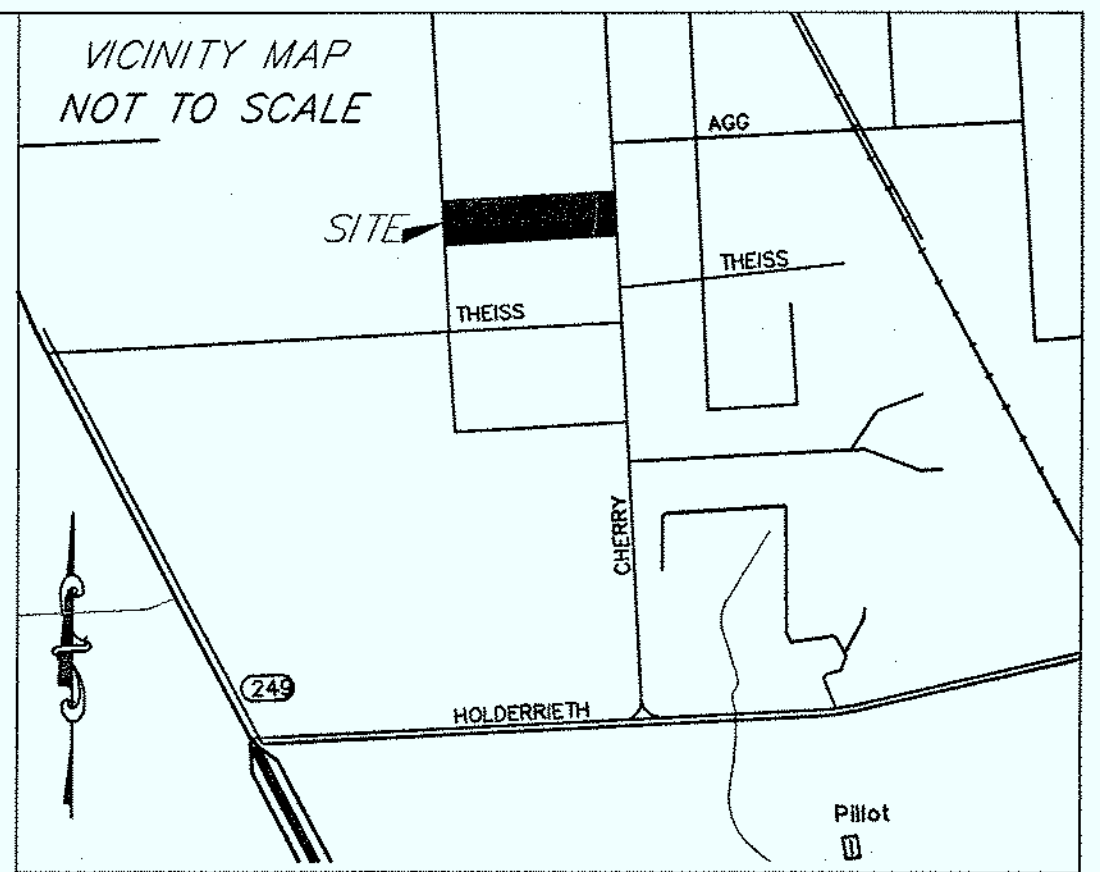
OWNER/DEVELOPER
FNR, LLC.
FREDERICK WADE HAUGHTON, PARTNER
7020 PORTWEST DRIVE, SUITE 100
HOUSTON, TX 77024
TELEPHONE NO. 713-688-6300

SURVEYOR:



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

VICINITY MAP
NOT TO SCALE



LEGEND:

COUNTY CLERK'S FILE NUMBER
MAP RECORDS, HARRIS COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS REAL PROPERTY
HARRIS COUNTY TEXAS

CCF
MR HCT
OPRRP HCT

GENERAL NOTES:

- All corners are shown as noted.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas line, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- According to FEMA Firm Panel No. 48201C0230L, effective date of June 18, 2007, this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- Public easement denoted on this plat are hereby dedicated to the public forever. Any public utility, including City of Tomball, shall have the right at all times, of ingress and egress to and from upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to the property within an easement arising out of the removal or relocation of any obstruction in the public easement.

FINAL PLAT OF DRACHMAN INTERESTS

PARTIAL REPLAT OF
ALL OF OUTLOT 183 AND PART OF
OUTLOTS 179,180 AND 184
OF TOMBALL TOWNSITE

CONTAINING
11.09 ACRES (4863,021 SQ. FT.)
1 BLOCK 1 LOT

LOCATED IN THE
J. PRUITT SURVEY, A-629

NOVEMBER 2011

REASON FOR REPLAT: TO COMBINE LOTS
INTO ONE LARGE RESERVE

SHEET 1 OF 1

SJR/DJS

JOB No. 2603-0001