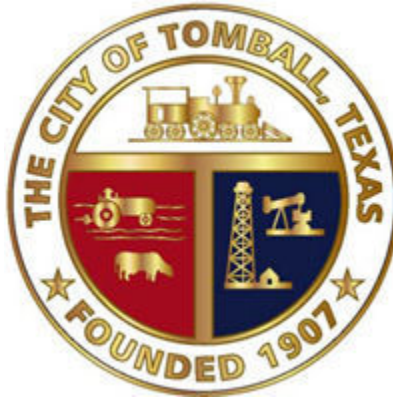


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, OCTOBER 10, 2011

5:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, October 10, 2011 at 5:00 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
 - Joint City Council / Planning and Zoning Commission Meeting regarding Downtown Specific Plan: Monday, October 24, 2011 at 5:30 p.m. – 401 Market Street, Tomball, Texas 77375
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 12, 2011.

5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P11-354**: Request by Abandoned Animal Rescue to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, from the Single-Family Estate Residential-20 District to the Agricultural District.

- Conduct a Public Hearing on **ZONING CASE P11-354**

- 5.2 Consideration to approve **ZONING CASE P11-359**: Request by Richard Middleton, on behalf of M.H.B. Holdings LLC, for a Conditional Use Permit to operate a "Carpet and Rug Cleaning Plant." The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat, generally located on the westerly side of Live Oak Street, northerly of Main Street at 212 East Main Street, Tomball, Texas. The site is located in the Old Town & Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P11-359**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of October 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: October 10, 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: October 10, 2011

Data Sheet

Topic:

- Joint City Council / Planning and Zoning Commission Meeting regarding Downtown Specific Plan: Monday, October 24, 2011 at 5:30 p.m. – 401 Market Street, Tomball, Texas 77375

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 10, 2011

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 12, 2011.

Background:

Origination:

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 Meeting Minutes 09.12.11

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

MONDAY, SEPTEMBER 12, 2011



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 6:03 p.m. Other members present were:

Commissioner Tague
Commissioner Chervenak
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 Public comments / receipts of petitions were received from:

- Patrick Clark of 9911 Cane Creek Drive; regarding letter of protest regarding development of utility district capital investment in Tomball Hills Subdivision.

3.0 Reports and Announcements:

Rodney Schmidt, Assistant City Planner, announced the following upcoming meeting:

- Joint City Council / Planning and Zoning Commission Meeting regarding Downtown Specific Plan: Monday, October 24, 2011 at 5:30 p.m. – 401 Market Street, Tomball, Texas 77375

4.0 Motion was made by Commissioner Tague to approve the Minutes of the regular Planning & Zoning Commission meeting of August 8, 2011; second by Commissioner Beauvais.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve; **ROSE GARDENS REPLAT**: Being a subdivision of 0.5062 acre tract, 22, 049.39 Square Feet, Being a Replat of New Lot 25, Block 82 of Kana Industrial Park, as recorded in Film Code No. 437064 Harris County Map Records and 7,827.73 Square Feet of Abandoned Ash Street and Timkin Road Right of Way Situated in the William Hurd Survey a-371, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented comment recommendations.

Commissioner Tague made a motion to approve **ROSE GARDENS REPLAT**; with contingencies; second by Commissioner Kendler.

Motion carried unanimously.

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

Lori Lakatos, Assistant City Engineer, presented comment recommendations.

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

Motion carried unanimously.

- 5.3 Consideration to approve **TOMBALL 2920 FINAL PLAT**: A 59.8577 acre tract of land being all of a called 13.97 acre tract recorded in Harris County Clerk's File No. Y284790, a called 37.024 acre tract recorded in Harris County Clerk's File No. Y199045, a called 8.383 acre tract recorded in Harris County Clerk's File No. X939568, and a called 05.28 acre tract recorded in Harris County Clerk's File No. Y731248 in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented recommendation.

Commissioner Chervenak made a motion to approve **THE POINT FINAL PLAT**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.4 Consideration to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC. 1**: Being a Replat of Lots 485, 486 and part of lot 484 of the five acre tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R., a subdivision of 13.8198 acres out of the J. Pruitt Survey, Abstract No. 629 Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented recommendation.

Commissioner Kendler made a motion to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 1**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.5 Consideration to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 3**: Being a Replat of Lots 469, 470, 471, 472, 473, 474, 475 and 476, five acre tracts Tomball Townsite, Vol. 2, Pg. 65 H.C.M.R., a subdivision of 40.2111 acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented recommendation.

Commissioner Tague made a motion to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 3**; with contingencies; second by Commissioner Beauvais.

Motion carried unanimously.

- 5.6 Consideration to approve **ZONING CASE P11-347**: Request by John Thomas, on behalf of R.K. McGaughy, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 3.9078 acres of land, legally described as Tract 2AA out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:16 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report. Applicant, John Thomas, spoke on behalf of the request.

No comments were received and the Public Hearing was closed at 6:21 p.m.

Commissioner Chervenak made a motion to approve the rezoning request for **ZONING CASE P11-347**; second by Commissioner Tague. 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, carried unanimously.

- 5.7 Consideration to approve **ZONING CASE P11-348**: Request by the Tomball Economic Development Corporation, on behalf of Capital One, National Association, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 97.48 acres of land, legally described as Lots 386 and 387 and Tract 385 out of the Tomball Outlots and Tract 4 out of the Elizabeth Smith Survey, Abstract 70, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road, from the SF-6 - Single-Family Residential-6 District and C -Commercial District to the LI - Light Industrial District.

The Public Hearing was opened by Chairman Wallace at 6:23 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report. Applicant, Kelly Violette, spoke on behalf of the request.

No comments were received and the Public Hearing was closed at 6:42 p.m.

Commissioner Tague made a motion to approve the rezoning request for **ZONING CASE P11-348**; 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, carried unanimously.

- 5.8 Consideration to approve **ZONING CASE P11-349**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.928 acres of land, legally described as Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the SF-9 - Single-Family Residential-9 District to the C - Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:43 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Otis Bakke, Attorney for Applicant, spoke on behalf of the request. David Broussard, Engineer for Applicant also spoke on behalf of the request. Mike Sanford, 31014 Imperial Walk Lane, spoke on behalf and in favor of the request.

Thirteen (13) comment forms were received in opposition of this request.
Seven (7) comment forms were received in support of this request.

The following people spoke in opposition of the request:

Brad Hallmark – 28231 Camille Drive, Tomball, TX
David Wood – 28227 Camille Drive, Tomball, TX
Rhonda Bolton – 28111 Camille Drive, Tomball, TX
Pat Bailey – 1319 Dove Trails, Tomball, TX
Patrick Clark – 9911 Cane Creek Drive
Janice Lavergne – 28106 Linda Lane, Tomball, TX

The following person spoke in favor of the request:

Danny Stewart – 26814 Elm Street, Magnolia, TX

Linda West of 28106 Camille Drive, Tomball, TX, spoke neither in support or opposition of the request.

Applicant, Sylvia Hildreth and Attorney, Otis Bakke provided rebuttal.

The Public Hearing was closed at 7:52 p.m.

Commissioner Tague made a motion to DENY the rezoning request for **ZONING CASE P11-349**; 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.

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

Motion carried unanimously.

Meeting adjourned at 8:02 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: October 10, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-354**: Request by Abandoned Animal Rescue to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, from the Single-Family Estate Residential-20 District to the Agricultural District.

- Conduct a Public Hearing on **ZONING CASE P11-354**

Background:

Origination:

Abandoned Animal Rescue

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

P11-354 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 10, 2011
&
CITY COUNCIL
OCTOBER 17, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 10, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 17, 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 P11-354: Request by Abandoned Animal Rescue to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, from the Single-Family Estate Residential-20 District to the Agricultural District.

ZONING CASE P11-359: Request by Richard Middleton, on behalf of M.H.B. Holdings LLC, for a Conditional Use Permit to operate a "Carpet and Rug Cleaning Plant." The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat, generally located on the westerly side of Live Oak Street, northerly of Main Street at 212 East Main Street, Tomball, Texas. The site is located in the Old Town & Mixed Use District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **October** 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: P11-354

APPLICANT: Abandoned Animal Rescue

LOCATION: Northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District.

* * *

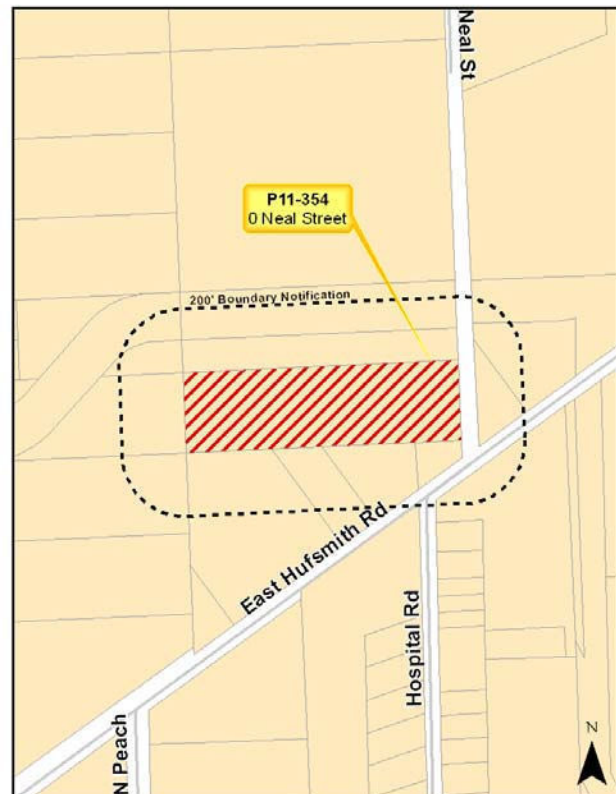
CONTACT PLANNER: Rodney Schmidt

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, October 10, 2011, 5:00 PM**

**City Council Public Hearing:
*Monday, October 17, 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 Hearing Date: October 10, 2011

Rezoning Case: P11-354
Property Owner(s): Abandoned Animal Rescue
Applicant(s): Abandoned Animal Rescue
Legal Description: Lot 61, Tomball Outlots
Location: Generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way
Area: 5 acres
Present Zoning and Use: Single-Family Estate Residential-20 District / Undeveloped
Comp Plan Designation: Rural Residential
Proposed Zoning and Use: Agricultural District / Dog and cat shelter and adoption center

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: SF-20-E District / Undeveloped, Harris County Flood Control District drainage facility, and City of Tomball sewer treatment facility
South: Agricultural and SF-9 Districts / Undeveloped, Abandoned Animal Rescue, and residential
East: SF-20-E District / Unimproved Neal Street right-of-way (ROW) and residential
West: SF-20-E District / Undeveloped and Harris County Flood Control District drainage facility

BACKGROUND

The subject site is legally described as Lot 61 out of the Tomball Outlots within the City of Tomball, Harris County, Texas totaling approximately 5 acres. The site is generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, is undeveloped (Exhibit "A"), and is currently zoned Single-Family Estate Residential-20 (SF-20-E) District (Exhibit "B").

On August 19, 2011, the Engineering & Planning Department received a rezoning application and letter for the subject site (Exhibits "C" and "D") from the applicant and property owner, Abandoned Animal Rescue. According to their rezoning request letter, "Abandoned Animal

Rescue is a non-profit, no-kill animal shelter, low-cost spay/neuter clinic and pet adoption center managed and maintained by an all-volunteer staff.” The intent of the rezoning request is to rezone the 5 acre tract from the SF-20-E District to the Agricultural District to make its zoning classification consistent with the 1 acre tract Abandoned Animal Rescue owns to the south and eventually construct a new dog and cat shelter and adoption center. As a matter of information, the zoning ordinance’s “Animal Kennel (Outdoor Pens)” land use is permitted by right in the Agricultural District and not permitted in the SF-20-E District.

ANALYSIS

According to the Tomball Zoning Ordinance, “The AG, Agricultural, district is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district.”

There is a mixture of land uses in the vicinity (Exhibits “A” and “B”). To the north of the subject site is undeveloped land, a Harris County Flood Control District drainage facility, and a City of Tomball sewer treatment facility within the SF-20-E District; to the south is undeveloped land, Abandoned Animal Rescue’s existing facility, and residences in the Agricultural and SF-9 Districts; to the east is the unimproved Neal Street right-of-way and residences in the SF-20-E District; and to the west is undeveloped land and a Harris County Flood Control District drainage facility in SF-20-E District.

The proposed rezoning to the Agricultural District is generally consistent with the “Rural Residential” Comprehensive Plan land use designation (Exhibit “E”). The Comprehensive Plan states, “Rural Residential (up to 1 du/ac) includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.” Although a residential developed is not proposed for the site at this time, the Agricultural District rezoning request is still generally consistent with the Rural Residential land use classification because it is designed for rural residential developments and agricultural activities.

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 require 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 undeveloped land, a Harris County Flood Control District drainage facility, and a City of Tomball sewer treatment facility within the SF-20-E District; to the south is

undeveloped land, Abandoned Animal Rescue's existing facility, and residences in the Agricultural and SF-9 Districts; to the east is the unimproved Neal Street right-of-way and residences in the SF-20-E District; and to the west is undeveloped land and a Harris County Flood Control District drainage facility in SF-20-E 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.

There is no vacant land currently classified for similar development in the immediate vicinity of the subject site. However, there are several undeveloped properties zoned Agricultural District within the immediate vicinity.

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 limited development city-wide and within the vicinity in the Agricultural 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 proposed rezoning to the Agricultural District is generally consistent with the “Rural Residential” Comprehensive Plan land use designation (Exhibit “E”). The Comprehensive Plan states, “Rural Residential (up to 1 du/ac) includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.” Although a residential developed is not proposed for the site at this time, the Agricultural District rezoning request is still generally consistent with the Rural Residential land use classification because it is designed for rural residential developments and agricultural activities.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 29, 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 P11-354 based on the following:
 - a. The proposed zoning of Agricultural District is compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Agricultural 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 agricultural uses 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**

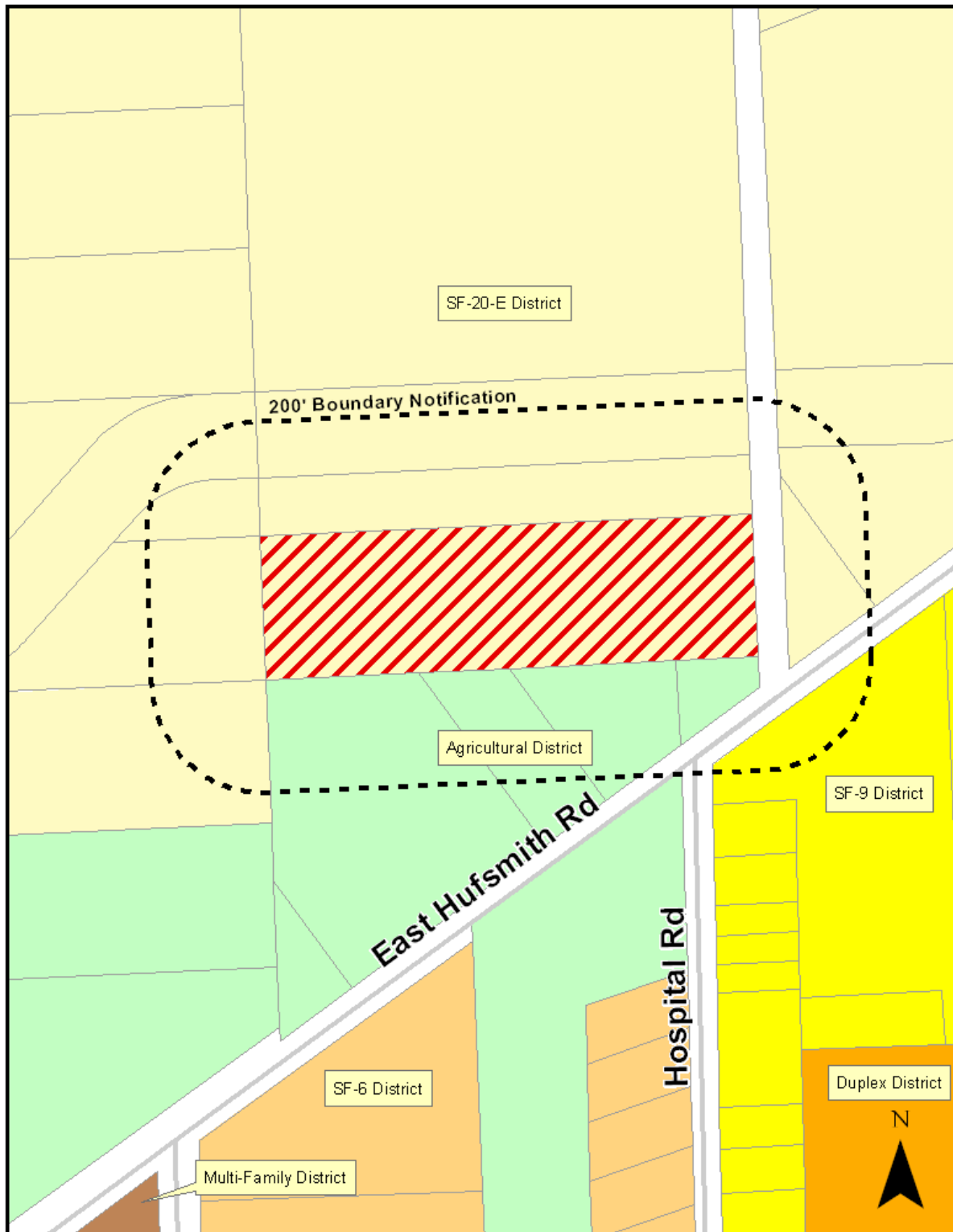
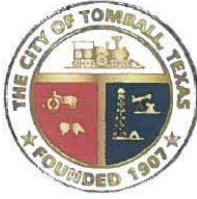


Exhibit "C"
Rezoning Application

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: Abandoned Animal Rescue Title: _____
Mailing Address: 419 East Huffsmith Road City: Tomball State: Texas
Zip: 77375
Phone: (281) 290-0121 Fax: () Email: aar419e@gmail.com

Owner

Name: Abandoned Animal Rescue Title: _____
Mailing Address: 419 East Huffsmith Road City: Tomball State: Texas
Zip: 77375
Phone: (281) 290-0121 Fax: () Email: aar419e@gmail.com

Engineer/Surveyor (if applicable)

Name: Not Available Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Combine 5 acre and 1 acre property under one zone (AG)

Physical Location of Property: Outlot 61 HCAD 035-282-000-0143 0 Neal Road Tomball Texas 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Ralph Hubbard Survey, Abstract 383, Tomball Townsite, Harris County Tx
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E-Single Family 20 Estate District

Current Use of Property: 4600-Vacant Exempt Land

Proposed Zoning District: AG -Agricultural District

Proposed Use of Property: 4375- Retail Miscellaneous

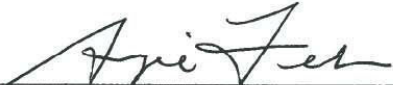
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 0352820000143 Acreage: 217,800 SF

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

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

X  8-18-11
Signature of Applicant Date

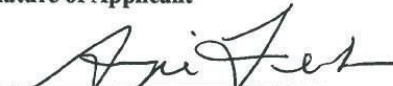
X  8-18-11
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter

Abandoned Animal Rescue
non-profit, no-kill animal shelter



Abandoned Animal Rescue
419 E. Hufsmith
Tomball, TX 77375
www.aartomball.org
TAX ID #94-3424576

August 15, 2011

City of Tomball
Engineering & Planning Department
501 James Street
Tomball, TX 77375

Re: Application for Zoning Verification and Application for Rezoning

HCAD #: 035-282-000-0144, 035-282-000-0061, 035-282-000-0143

Abandoned Animal Rescue (AAR) is requesting rezoning to allow development of the above listed 5 acre lot into an extension of the 1 acre lot located at 419 E. Hufsmith. The purpose of the request is to allow AAR to build a modern facility that provides a larger, safer, and up-to-date. Although the current facility provides a safe haven, it was adapted as a shelter from an existing structure; AAR plans to build a new facility specifically designed as a dog and cat shelter and adoption center.

AAR understands that this application is the first step prior to re-platting the developed 1 acre lot as a single piece of property with the 5 acres.

AAR has not yet commissioned a Conceptual Site Plan.

Thank you,

Angie Fenton
Board Member
Secretary
832-203-3637

Abandoned Animal Rescue is a non-profit, no-kill animal shelter,
low-cost spay/neuter clinic and pet adoption center
managed and maintained by an all-volunteer staff.

Exhibit “E”
Comprehensive Plan Future Land Use Map



**Exhibit “F”
Site Photos**



Figure 1: Northerly view of subject site and undeveloped lot to the south.



Figure 2: Northerly view of existing Abandoned Animal Rescue facility to the south of subject site.



Figure 3: Residence to the south of subject site.



Figure 4: Residences to the east of subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 10, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-359**: Request by Richard Middleton, on behalf of M.H.B. Holdings LLC, for a Conditional Use Permit to operate a "Carpet and Rug Cleaning Plant." The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat, generally located on the westerly side of Live Oak Street, northerly of Main Street at 212 East Main Street, Tomball, Texas. The site is located in the Old Town & Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P11-359**

Background:

Origination:

Richard Middleton, on behalf of M.H.B. Holdings 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

P11-359 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 10, 2011
&
CITY COUNCIL
OCTOBER 17, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 10, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 17, 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 P11-354: Request by Abandoned Animal Rescue to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, from the Single-Family Estate Residential-20 District to the Agricultural District.

ZONING CASE P11-359: Request by Richard Middleton, on behalf of M.H.B. Holdings LLC, for a Conditional Use Permit to operate a "Carpet and Rug Cleaning Plant." The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat, generally located on the westerly side of Live Oak Street, northerly of Main Street at 212 East Main Street, Tomball, Texas. The site is located in the Old Town & Mixed Use District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **October** 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: P11-359

APPLICANT: Richard Middleton, on behalf of M.H.B. Holdings LLC

LOCATION: 212 East Main Street

PROPOSAL: Request for a Conditional Use Permit to operate a "Carpet and Rug Cleaning Plant." The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat. The site is located in the Old Town & Mixed Use 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, October 10, 2011, 5:00 PM**

**City Council Public Hearing:
*Monday, October 17, 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.



CUP Staff Report

Planning and Zoning Commission Hearing Date: October 10, 2011

Rezoning Case: P11-359
Property Owner(s): M.H.B. Holdings LLC
Applicant(s): Richard Middleton
Legal Description: Lot 2, Block 66, Tomball Townsite Amending Plat
Location: 212 East Main Street (Generally located on the westerly side of Live Oak Street, northerly of Main Street)
Area: 0.3214 acre
Present Zoning and Use: Old Town & Mixed Use (OT & MU) District / Vacant
Comp Plan Designation: Mixed Use
Proposed Use: Carpet and Rug Cleaning Plant
Request: Conditional Use Permit (CUP) to allow a “Carpet and Rug Cleaning Plant.”

Adjacent Zoning & Land Uses:

North: SF-6 District / City of Tomball alleyway, commercial properties, and residential properties
South: OT & MU District / F.M. 2920 right-of-way and commercial properties
East: OT & MU District / North Live Oak Street right-of-way and residential properties
West: OT & MU District / Commercial properties

BACKGROUND

The subject site is legally described as Lot 2, Block 66, Tomball Townsite Amending Plat totaling approximately 0.3214 acres. The site’s physical address is 212 East Main Street and is generally located on the westerly side of Live Oak Street, northerly of Main Street. The property currently has two vacant buildings totaling approximately 8,652 square feet and is zoned Old Town & Mixed Use District (Exhibits “A” and “B”).

On August 30, 2011, the Engineering & Planning Department received a CUP application (Exhibit “C”), CUP request letter (Exhibit “D”), and concept plan (Exhibit “E”) from Richard Middleton of Pro Steem Carpet Care requesting a “Carpet and Rug Cleaning Plant” land use be permitted at the subject site. A “Carpet and Rug Cleaning Plant” land use is only permitted in the Old Town & Mixed Use District with a CUP. The applicant stated in the CUP request letter the facility’s anticipated operations will include, but not be limited to, “residential/commercial

wall to wall carpet cleaning, upholstery cleaning, area rug cleaning etc. [The] [p]roperty will also include executive office space for lease.”

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 to ensure that the proposed project is in compliance with all applicable City ordinances.

The proposed concept plan indicates the site will include striping fifteen non-ADA parking stalls, striping one van accessible ADA parking space and loading area, adding a landscape buffer along F.M. 2920, and other site improvements. The concept plan also shows that the office hours for the facility will be Monday through Friday from 8 a.m. to 6 p.m. and Saturday from 8 a.m. to 2 p.m., with approximately 7 employees on site.

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 “Mixed Use” (Exhibit “F”). It states the “Mixed Use” land use classification “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development.” The applicant is proposing to have a mixture of land uses on this site including a carpet and rug cleaning facility and executive office space.

Additionally, action item LUD 3.5.3 of the Comprehensive Plan seeks to “Allow for mixed use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.” As is evident from the site photos (Exhibit “G”), the proposed land uses will transform this underutilized urban parcel into an economic development opportunity.

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

The Old Town & Mixed Use District is an area in which many diverse land uses have existed for many years. The district is intended to provide a zoning mechanism for a

variety of uses in the original town site and those areas that have a diverse mixture of uses.

The proposed site improvements and recommended conditions of approval will assure compatibility of the “Carpet and Rug Cleaning Plant” use with other permitted uses in the surrounding area.

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

The proposed concept plan indicates the site will include striping fifteen non-ADA parking stalls, striping one van accessible ADA parking space and loading area, adding a landscape buffer along F.M. 2920, and other site improvements. The concept plan also shows that the office hours for the facility will be Monday through Friday from 8 a.m. to 6 p.m. and Saturday from 8 a.m. to 2 p.m., with approximately 7 employees on site.

Should the CUP application be approved, the applicant will be required to submit a full set of civil plans to the Engineering & Planning Department for review and approval. The plans must exhibit compliance with all applicable ordinance regulations, 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;

There is a mixture of land uses in the immediate vicinity of the subject site. To the north is a City of Tomball alleyway, commercial properties, and residential properties located in the SF-6 District; to the south is the F.M. 2920 right-of-way and commercial properties located in the Old Town & Mixed Use District; to the east is the North Live Oak Street right-of-way and residential properties in the Old Town & Mixed Use District; and to the west are commercial properties in the Old Town & Mixed Use District.

The recommended conditions of approval will ensure compatibility of the “Carpet and Rug Cleaning Plant” use with other uses permitted in the surrounding area.

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 “Carpet and Rug Cleaning Plant” is not anticipated to be detrimental to the public health, safety, convenience, and welfare. The proposed site improvements and recommended conditions of approval will improve the overall aesthetics of the existing site and ensure compatibility of the proposed use with other uses permitted in the surrounding area.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 29, 2011 and, as of the writing of this report, two public comment forms were received in opposition to the request (Exhibit “H”).

RECOMMENDATION

That the Planning and Zoning Commission recommend approval of Zoning Case P11-359, 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 proposal 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.

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, City staff recommends the following conditions of approval:

1. The “Carpet and Rug Cleaning Plant” 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 “Carpet and Rug Cleaning Plant” shall adhere to the provisions of Chapter 30 “Environment” including Article IV “Nuisances.” If at any time the “Carpet and Rug Cleaning Plant” is found to be in violation of Chapter 30 “Environment,” the CUP shall be abolished and the use shall cease.
3. The “Carpet and Rug Cleaning Plant” shall adhere to the provisions of Chapter 82 “Utilities” including Article III “Industrial Waste.” If at any time the “Carpet and Rug Cleaning Plant” is found to be in violation of Chapter 82 “Utilities,” the CUP shall be abolished and the use shall cease.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. CUP Application
- D. CUP Request Letter
- E. Concept Plan
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos
- H. Public Comment Forms

Exhibit “A”
Aerial Photo

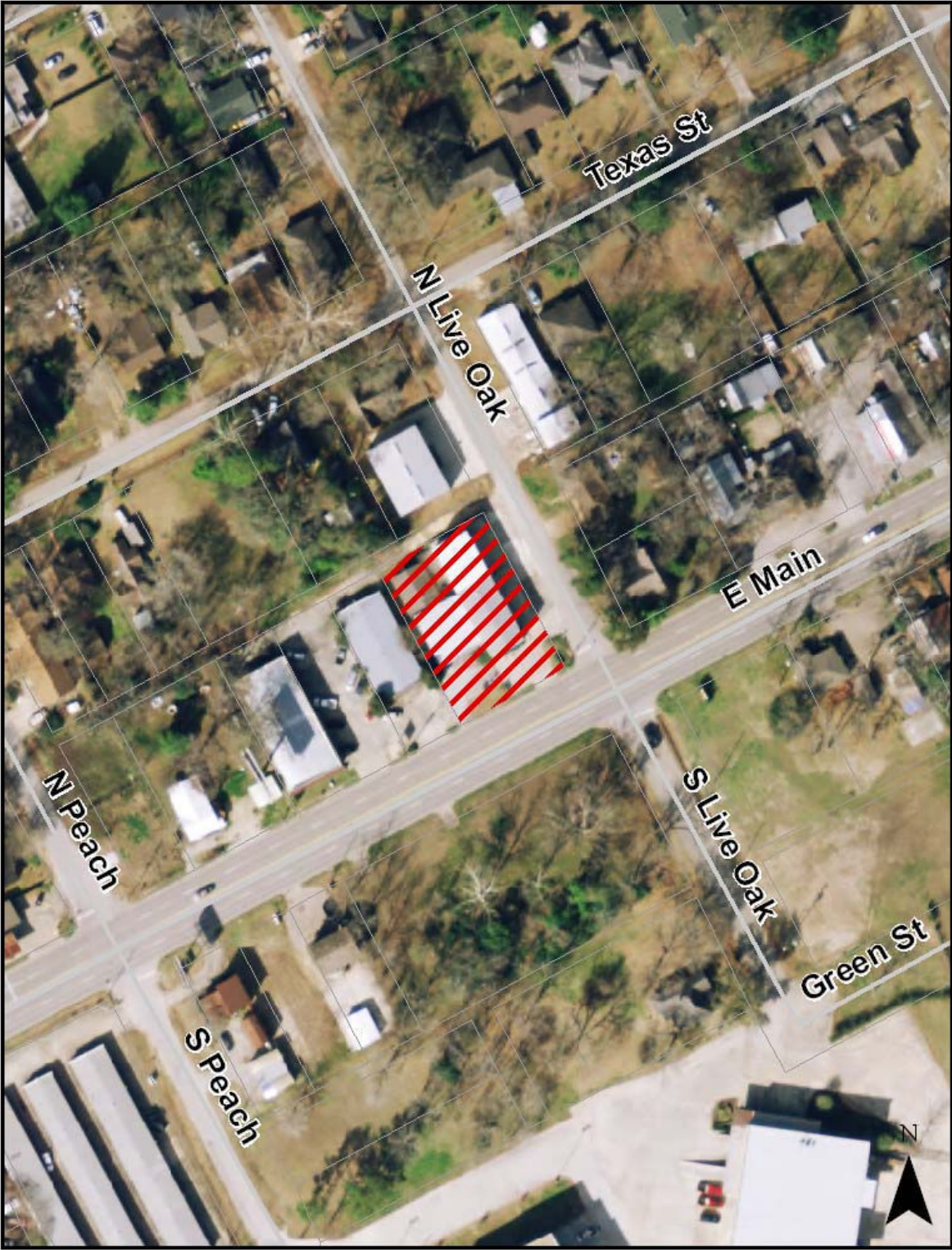


Exhibit "B"
Zoning Map

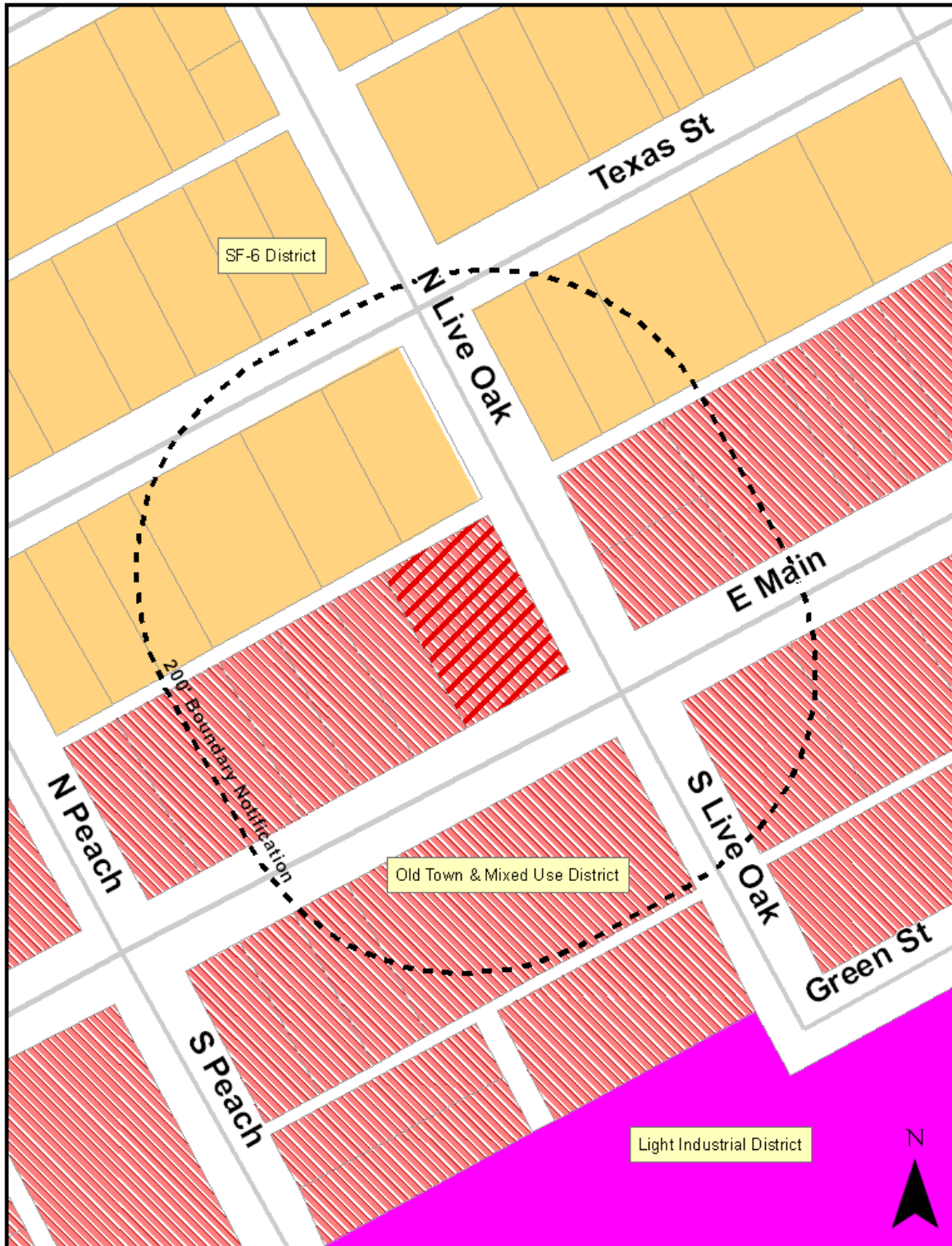


Exhibit "C"
CUP Application

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: Richard Middleton Title: President
Mailing Address: 32815 FM 297P RO #B City: Magnolia State: TX
Zip: 77354
Phone: (281) 259-6000 Fax: (281) 259-9500 Email: Richard@prostem.com

Owner MARSHALL BLALOCK

Name: M.H.B. HOLDINGS, L.L.C. Title: President
Mailing Address: 13991 JBIK MEMORIAL DR. City: Urich State: TX
Zip: 77318
Phone: (281) 380 9007 Fax: () Email: marshall120452@aol.com.

Engineer/Surveyor (if applicable)

Name: MICHAEL KING / STUDIO KIM ARCHITECTS Title: Architect / owner
Mailing Address: P.O. Box 7906 City: Houston State: TX
Zip: 77027
Phone: (713) 864 3444 Fax: (713) 864 3444 Email: mks@studioking.us

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

www.ci.tomball.tx.us

Description of Proposed Project: CARPET, UPHOLSTERY CLEANING PLANT

Physical Location of Property: 212 E. MAIN, TOMBALL 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LOT 2, BLOCK 64, TOMBALL AMEND
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352720660001 Acreage: 0.3214

Current Use of Property: NONE VACANT

Proposed Use of Property: CARPET, UPHOLSTERY CLEANING PLANT

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

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

X  8-23-11
Signature of Applicant Date

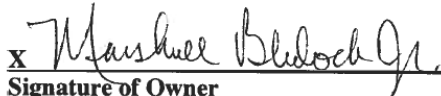
X  8-23-11
Signature of Owner Date

Exhibit "D"
CUP Request Letter



32815 Fm 2978 Suite B, Magnolia Texas 77354 (281)259-6000

August 30, 2011

Re: Letter of Request

Address: 212 E Main Street

Tomball Texas 77375

Applicant: Richard A Middleton

32815 FM 2978 Suite B

Magnolia Texas 77354

Intend to purchase property in order to relocate current carpet & upholstery cleaning plant.

Pro Steem Carpet Care Inc currently operates in Magnolia Texas serving Montgomery, North Harris and surrounding counties for 18+ years. The primary day to day business operations include but are not limited to, residential/ commercial wall to wall carpet cleaning, upholstery cleaning, area rug cleaning etc. Property will also include executive office space for lease.

Pro Steem Carpet Care Inc is looking forward to being a member of the City of Tomball community of which we have served for many years.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Middleton", with a long horizontal line extending to the right.

Richard A Middleton

Page 11 of 20

[illegible]

Exhibit “F”
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Northwesterly view of subject site.



Figure 2: Easterly side of subject site.



Figure 3: Northerly side of subject site.



Figure 4: Northerly side of subject site.



Figure 5: West of subject site.



Figure 6: South of subject site.



Figure 7: East of subject site.



Figure 8: Residence to the east of subject site.



Figure 9: Cabinet shop to the northeast of subject site.



Figure 10: Residence to the north of subject site.

Exhibit "H"
Public Comment Forms

	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: RON CUMMINGS
(please print)
Address: 202 E. MAIN ST.
TOMBALL, TEXAS 77375
Signature: R Cummings
Date: 10-1-11

☐ I am **FOR** the requested conditional use permit as explained on the attached public notice for Zoning Case P11-359. (Please state reasons below)



☒ I am **AGAINST** the requested conditional use permit as explained on the attached public notice for Zoning Case P11-359. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, October 10, 2011, 5:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, October 17, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS: I Believe That main street Propertys
Should Be For Retail Companies Not
Factory's USING dangerous chemicals AND
Machinery

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:
(please print)
Address:

Randy L Cole

208 E. Main
Tomball TX 77375

Signature:

Randy Cole

Date:

10/16/2011

I am **FOR** the requested conditional use permit as explained on the attached public notice for Zoning Case P11-359. (Please state reasons below)

✓

I am **AGAINST** the requested conditional use permit as explained on the attached public notice for Zoning Case P11-359. (Please state reasons below)

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

Monday, October 10, 2011, 5:00 PM

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

Date, Location & Time of City Council meeting:

Monday, October 17, 2011, 6:00 PM

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

COMMENTS:

I am concerned about the chemical storage at this location. I hope to look out for my health as well as my tenants and keep all dangers away that could cause me and my renters. Also, it can affect the value of my property, have stored chemical too close to our building.
(Health Issues)

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.