

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



MONDAY, SEPTEMBER 12, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, September 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
 - 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 August 8, 2011.

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.
- 5.2 Consideration to approve **POINT SOUTH BUSINESS PARK FINAL PLAT**: Being a subdivision of 3.9078 acres of land out of the Claude M. Pillot Survey, Abstract No. 632, in the City of Tomball, Harris County, Texas.
- 5.3 Consideration to approve **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.
- 5.4 Consideration to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 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.
- 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.
- 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.
- Conduct a Public Hearing on **ZONING CASE P11-347**
- 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.

- Conduct a Public Hearing on **ZONING CASE P11-348**

- 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.

- Conduct a Public Hearing on **ZONING CASE P11-349**

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 September 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: September 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: September 12, 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:

Engineering and Planning

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 8, 2011.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

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

ATTACHMENTS:

P&Z Meeting Minutes 08.08.11

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

MONDAY, AUGUST 8, 2011



5:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 5:00 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
Engineering & Planning Senior Administrative Assistant – Brandy Pate

Draft

2.0 No public comments or receipts of petitions were received.

3.0 Reports and Announcements:

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

- Joint City Council / Planning and Zoning Commission Meeting scheduled for Tuesday, September 6, 2011 at 4:00 p.m. to be held at 401 Market Street, Tomball, Texas 77375.
- Downtown Specific Plan Public Workshop: Wednesday, September 7, 2011 at 6:00 p.m. to be held in the Community Center, Room A located at 221 Market Street, Tomball, Texas 77375

4.0 Motion was made by Commissioner Beauvais to approve the Minutes of the regular Planning & Zoning Commission meeting of July 11, 2011; second by Commissioner Chervenak.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve; J & A ENTERPRISE: A replat of Lot 22 and "Unrestricted Reserve" of ED-MICH TRACT replat (Film Code No. 607031),**

into New Lot 22 in Block 61 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented comment recommendations.

Commissioner Tague made a motion to approve **J & A ENTERPRISE**; with contingencies; second by Commissioner Kendler.

Motion carried unanimously.

- 5.2 Consideration to approve **D'ANDREA SUBDIVISION REPLAT**: Being a Replat of Lot 1 and Lot 3 (2.4209 acres) of D'Andrea Subdivision, recorded under Harris County Film Code Number 474061, map records, Harris County, Texas, situated in the William Hurd Survey, Abstract 378, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented comment recommendations.

Commissioner Beauvais made a motion to approve **D'ANDREA SUBDIVISION REPLAT**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.3 Consideration to approve **THE POINT FINAL PLAT**: Being a subdivision of 6.3637 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 recommendation.

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 5:12 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: September 12, 2011

Data Sheet

Topic:

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.

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:

Rose Gardens Replat

We, ROSE LAND VENTURES, L.L.C. Acting By Phillip O'Sullivan, President and Phillip O'Sullivan hereinafter referred to as Owner of the 0.5062 Acre Tract described in the above and foregoing plat of Rose Gardens, 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 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 .

FOR 7827.73 SQ. FT.

WITNESS MY HANDS, This _____ day of _____, 2011.

THE STATE TEXAS
COUNTY OF HARRIS

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

Notary Public in and for the State of Texas

My Commission expires : _____

FOR NEW LOT 25, BLOCK 82 OF KANA INDUSTRIAL PARK

IN TESTIMONY WHEREOF, the Rose Land Ventures, LLC., has caused these presents to be signed by Phillip O'Sullivan, President, hereunto approved
This _____ Day of _____, 2011.

By : _____
Phillip O'Sullivan , President

THE STATE OF TEXAS
COUNTY OF HARRIS

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 .

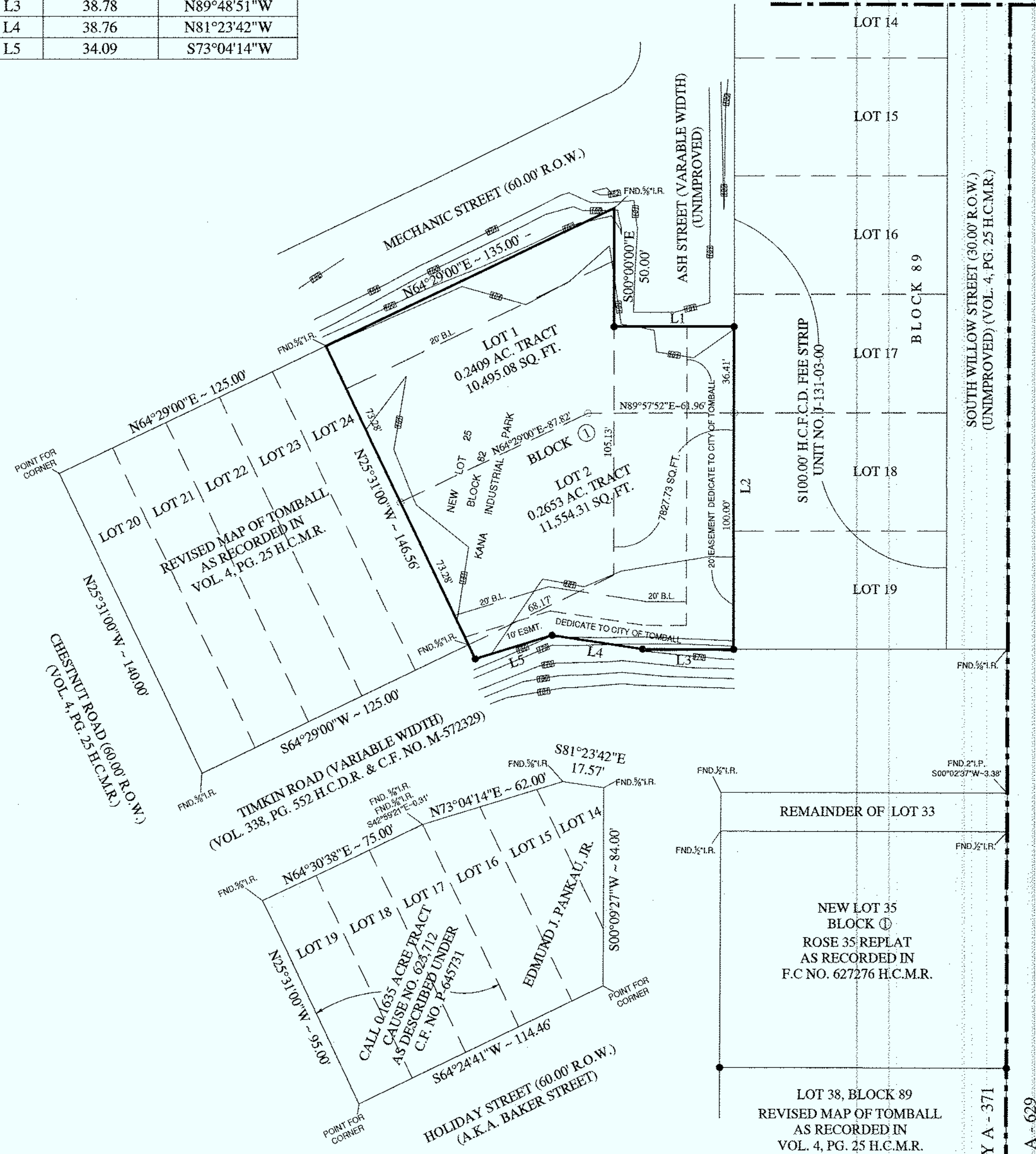
BY: _____
Jan Belcher, City Manager

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

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

BY: _____ BY: _____
Gretchen Fagan, Mayor Dorris Speer, City Secretary

LINE	LENGTH	BEARING
L1	50.93	N90°00'00"E
L2	136.41	S00°02'08"E
L3	38.78	N89°48'51"W
L4	38.76	N81°23'42"W
L5	34.09	S73°04'14"W



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of Rose Gardens 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: _____
Tom Crofoot, Vice Chairman

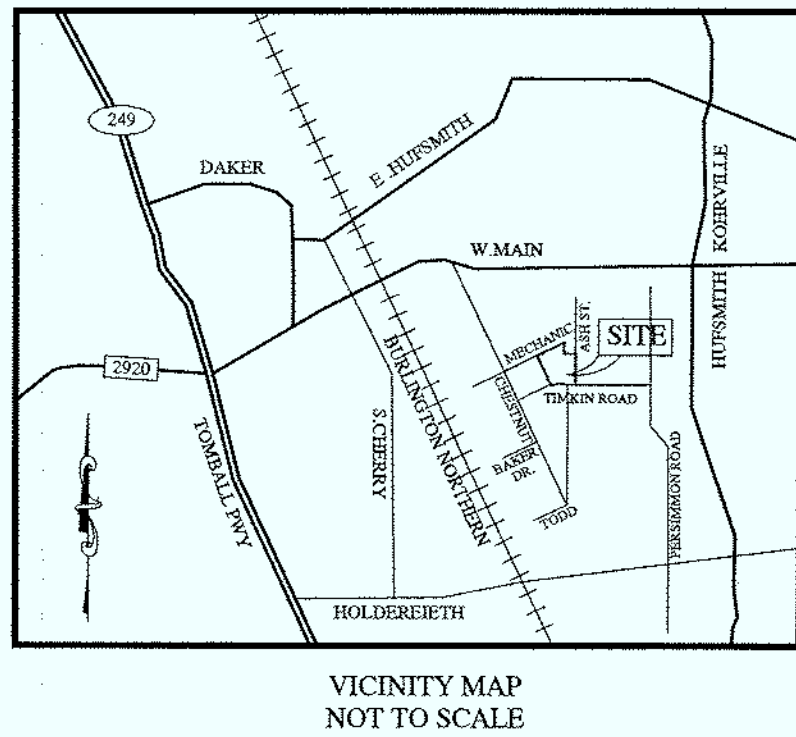
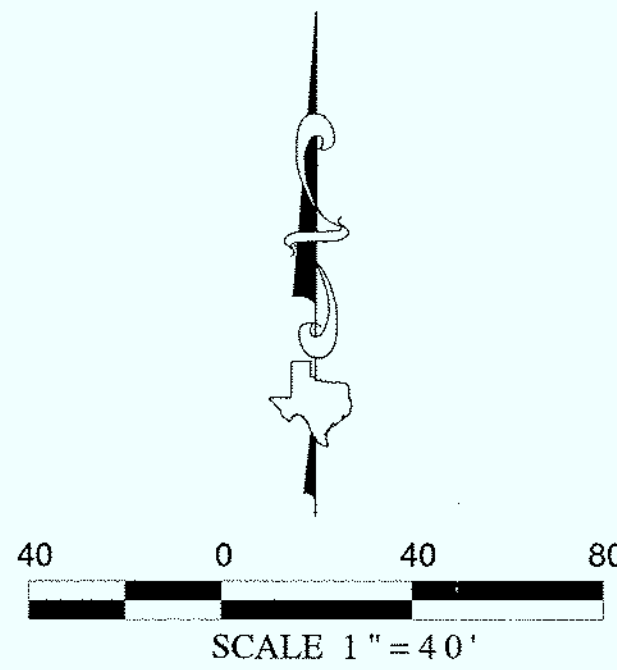
I, Emil Haddad, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, 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") and a length of not less than three feet (3'), and that the plat boundary corners have been tied to the nearest survey corner.

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 _____, 2011 at _____ o'clock _____, and duly recorded on _____, 2011, 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



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

CONTAINING
2 LOTS 1 BLOCK

SEPTEMBER 2011

OWNER

ROSE LAND VENTURES, LLC.

16014 BIRCHVIEW DRIVE
TOMBALL, TEXAS 77377
(832) 603 - 2725

SURVEYOR

E.I.C.SURVEYING COMPANY

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

LEGEND

B.L. Indicates "Building Line"
U.E. Indicates "Utility Easement"
R.O.W. Indicates "Right-of-Way"
AC. Indicates "Acre"
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.L.C. CAP"
○ Indicates "Set 5/8" Iron Rod with E.L.C. CAP"

GENERAL NOTES

1. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the 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.
2. 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.
3. All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
4. All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
5. No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The 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.
6. This plat does not attempt to amend or remove any valid covenants or restrictions.
7. 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.
8. Unlocated pipeline, telegraph, telephone, and power line easement in favor of Humble Oil and Refining Company recorded in Vol. 932, Pg. 579 & Vol. 1055, Pg. 560 H.C.D.R. is not visible crossing subject tract.
9. Unlocated pipeline, telegraph, telephone, and power line easement in favor of Magnolia Pipeline Company recorded in Vol. 926, Pg. 488 H.C.D.R. and assigned to Humble Pipe Line Company in Vol. 7504, Pg. 561 H.C.D.R. not visible crossing subject tract.
10. Unlocated pipeline right-of-way easement in favor of Shell Oil Company recorded in Vol. 3431, Pg. 479 & Vol. 3431, Pg. 480 H.C.D.R. not visible crossing subject tract.
11. Variances for Building Line were approved based on BOA Case No. P11-336.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

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

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

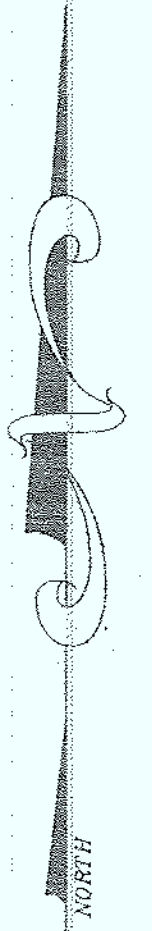
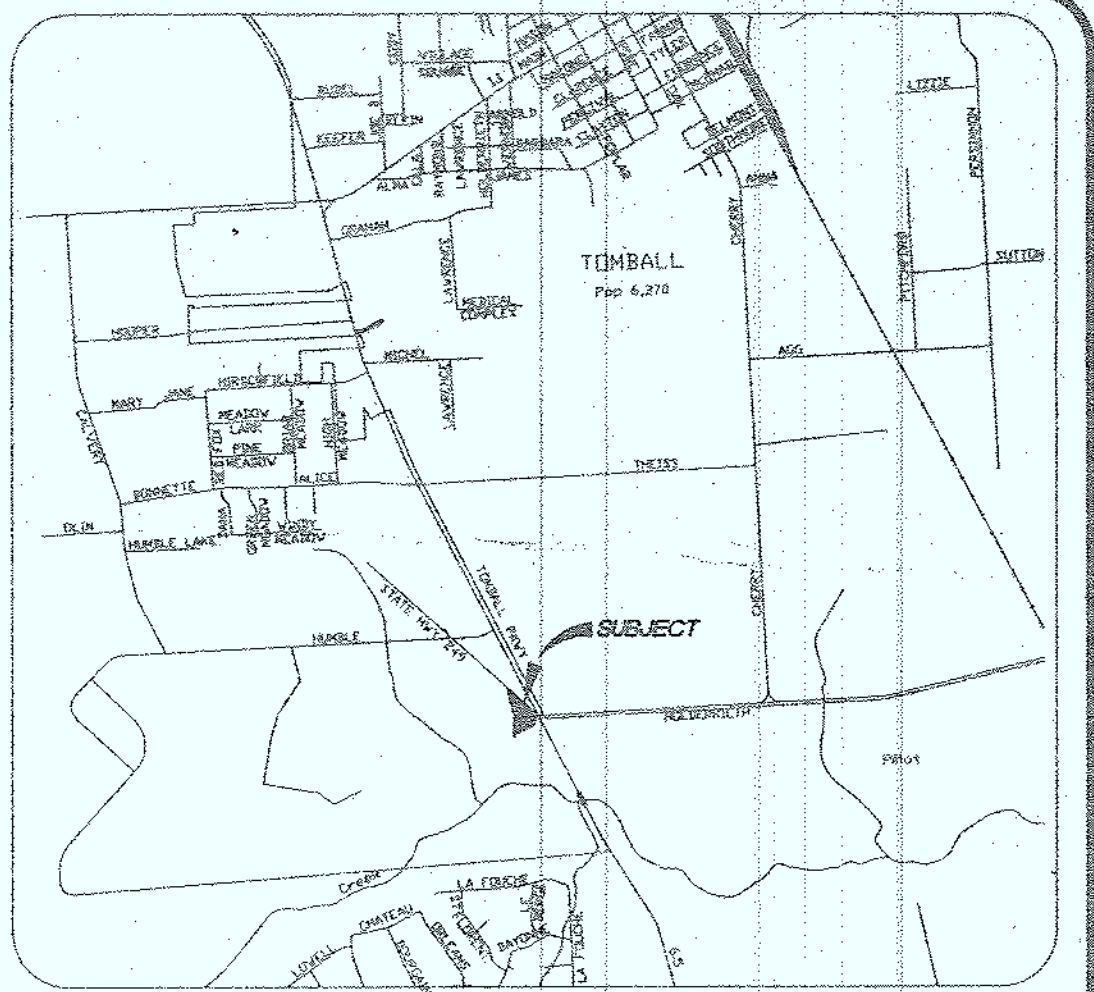
Party(ies) responsible for placing this item on agenda:

Engineering and Planning

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

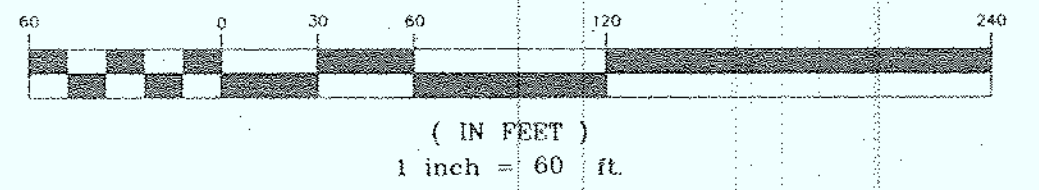
ATTACHMENTS:

Point South Business Park Final Plat



HOLDERREITH ROAD

GRAPHIC SCALE



LEGEND	
CD	CLEAN DIRT
PM	PIPELINE MARKER
PP	POWER POLE
MP	MANHOLE
FH	FIRE HYDRANT
PL VENT	PIPELINE VENT
WM	WATER METER
GM	GAS METER
WV	WATER VALVE
GV	GAS VALVE
SP	SERVICE POLE
MRHC	MAP RECORDS OF HARRIS COUNTY
RPHC	REAL PROPERTY RECORDS OF HARRIS COUNTY
DRHC	DEED RECORDS OF HARRIS COUNTY
CCF	COUNTY CLERK'S FILE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
VDL	VOLUME
PG	PAGE
H.C.C.	HARRIS COUNTY FLOOD CONTROL DISTRICT
BF	BOARD FENCE (UNLESS OTHERWISE NOTED)
BWF	BARBED WIRE FENCE (UNLESS OTHERWISE NOTED)
WL	WATER LINE
SSL	STORM SEWER LINE
SL	SANITARY SEWER LINE
GL	GAS LINE
SBL	SURVEY BOUNDARY LINE

Notes:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks of a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid restrictions or covenants.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, and building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- All existing Pipe Lines that affect the subject tract are located within the proposed 30 foot Easement located adjacent to the West line of the Subject property. The 30 foot Easement will be recorded by separate instrument prior to recordation of this plat and will be plotted on this plat with recording information.

Public Easements:

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

Flood Information:

According to FEMA Firm Panel No. 4803160230L (Effective Date June 18, 2007), this property is in Zone "AE" and is in the 1% Annual Chance Flood Plain.

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.

1 LOT 1 BLOCK

DATE: 7/27/2011

SCALE: 1" = 60'

OWNER/DEVELOPER: R.K. MCGAUGHY, TRUSTEE

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

SURVEYOR: THOMAS LAND SURVEYING

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

JOB NO: 14367/12764

STATE OF TEXAS
COUNTY OF HARRIS

WE, R.K. McGaughey, Trustee, owners, hereinafter referred to as Owners of the 3.9078 acre tract described in the above and foregoing plat of POINT SOUTH BUSINESS PARK, do hereby make and establish said subdivision and development plan of said property according to all laws, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents to dedicate to the use of the public for public utility purposes forever an unobstructed 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 and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

Witness our hand in the City of Tomball, Texas, this the _____ day of _____, 2011.

By: _____
R.K. McGaughey, Trustee

STATE OF TEXAS
COUNTY OF HARRIS

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

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

Notary Public, State of Texas
My Commission Expires: _____

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 _____ M., and duly recorded on _____, 2011 at _____ o'clock _____ M., and at Film Code No. _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

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

John G. Thomas, RPLS #1434

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of POINT SOUTH BUSINESS PARK in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2011.

By: _____
Lori Wallace, Chair

By: _____
Evelyn Chervenak, Vice Chair

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

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

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

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.

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:

Tomball 2920 Final Plat

STATE OF TEXAS §
COUNTY OF HARRIS §

We, PAR REAL ESTATE HOLDINGS, LLC, owners, hereinafter referred to as owners of the 59.701 acre tract described in the above and foregoing plat of TOMBALL 2920, do hereby make and establish said subdivision of said property according to all laws, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed, and do hereby bind ourselves our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

This Dedication is made and accepted subject to the following exceptions:

- all presently recorded and validly existing oil and/or gas pipeline easements; and
- all rights of parties granted pursuant to documents presently recorded in the Real Property Records of Harris County.

IN TESTIMONY WHEREOF, the PAR REAL ESTATE HOLDINGS, LLC has caused these presents to be signed by Michael H. Richmond, thereunto authorized, attested by _____ and its common seal hereunto affixed this _____ day of _____, 2011.

PAR REAL ESTATE HOLDINGS, LLC

BY: _____
NAME: _____
TITLE: _____

ATTEST:
BY: _____
NAME: _____
TITLE: _____

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____ and _____ known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said PAR REAL ESTATE HOLDINGS, LLC.

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

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of TOMBALL 2920 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorize the recording of this plat this _____ day of _____, 2011.

By: _____ By: _____
Lori Wallace, Chairman Tom Crofoot, Vice Chairman

We, the City Manager and Director of Engineering and Planning for the City of Tomball, Texas, do hereby certify that the plat of TOMBALL 2920 is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager
Lori Lakatos, PE
Acting City Engineer

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

Gretchen Fagan
Mayor
Doris Speer
City Secretary

PROPERTY DESCRIPTION

Being a Tract of land containing 59.858 acres and consisting of a called 13.97 acre tract of land described under Harris County Clerk File (H.C.C.F.) No. Y284790, a called 37.024 acre tract of land described under H.C.C.F. No. Y199045, a called 8.383 acre tract of land described under H.C.C.F. No. X939568, and a called 0.528 acre tract of land described under H.C.C.F. No. Y731248 all as recorded in the Official Public Records of Real Property of Harris County (O.P.R.P.H.C.), Texas and being situated in the Joseph House Survey, Abstract No. 34 of Harris County, Texas. Said 59.858 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2-inch iron rod in the north right-of-way line of FM 2920 also known as Waller-Tomball Road, based on 120 foot wide right-of-way, having coordinates X=3,029,587.329, Y=13,959,658.389, Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983 (N.A.D. 83), and being the southwest corner of said 13.97 acre tract, and the southeast corner of a called 40.0 acre tract of land described under H.C.C.F. No. D958741 of the O.P.R.P.H.C., Texas for the southwest corner and the POINT OF BEGINNING of the herein described tract of land;

THENCE, North 2° 11' 24" West, a distance of 1841.48 feet with the east line of the said 40.0 acre tract of land and the west line of the said 13.97 acre tract of land to a found 5/8-inch iron rod for the most westerly northwest corner of the herein described tract, also being the northwest corner of said 13.97 acre tract of land and the southwest corner of Reserve "A" of Spring Creek Estates Subdivision Replat, as recorded under Harris County Film Code No. 520108 of the Map Records of Harris County (M.R.H.C.), Texas;

THENCE, North 87° 03' 40" East, a distance of 337.92 feet with the north line of said 13.97 acre tract of land and the south line of said Reserve "A" to a found 5/8-inch iron rod in the west line of a called 2.9051 acre tract of land described under H.C.C.F. No. C338660 of the O.P.R.P.H.C., Texas for a corner of the herein described tract and the southeast corner of said Reserve "A";

THENCE, South 1° 55' 15" East, a distance of 223.69 feet with the west line of the said 2.9051 acre tract of land, the east line of the said 13.97 acre tract of land to a found 5/8-inch iron rod for a corner of the herein described tract, and being the southwest corner of the said 2.9051 acre tract of land, and the northwest corner of a called 3.8630 acre tract of land described under H.C.C.F. No. X939568 of the O.P.R.P.H.C., Texas;

THENCE, South 2° 03' 44" East, a distance of 500.89 feet with the east line of the said 13.97 acre tract of land and the west line of the said 3.8630 acre tract of land to a found 5/8-inch iron rod for a corner of the herein described tract, and being the southwest corner of the said 3.8630 acre tract of land, and the northwest corner of the said 3.863 acre tract of land;

THENCE, North 87° 30' 24" East, a distance of 335.83 feet with the north line of the said 3.863 acre tract of land and the south line of the said 3.8630 acre tract of land to a found 5/8-inch iron rod in the west line of the said 37.024 acre tract of land for a corner of the herein described tract, being the southeast corner of the said 3.8630 acre tract of land and the northeast corner of the said 3.863 acre tract of land;

THENCE, North 02° 02' 31" West, a distance of 1109.75 feet with the east line of the said 3.8630 acre tract of land, with the east line of the said 2.9051 acre tract of land, and the east line of a called 1.790 acre tract of land described under H.C.C.F. No. Y811765 of the O.P.R.P.H.C., Texas and the west line of the said 37.024 acre tract of land to a found 5/8-inch iron rod with a plastic cap for an angle point in the west line of the said 37.024 acre tract of land, for a corner of the said Spring Creek Estates Subdivision Replat, and northeast corner of the said 1.790 acre tract of land;

THENCE, North 02° 14' 25" West, a distance of 2710.84 feet with the east line of the said Spring Creek Estates Subdivision and the west line of the said 37.024 acre tract of land to a found 5/8-inch iron rod in a curve to the right, in the south right-of-way line of Brown Road, based on 60' width, for a corner in the herein described tract, the northeast corner of the said Spring Creek Estates Subdivision and the northwest corner of the said 37.024 acre tract of land;

THENCE, along the south right-of-way line of Brown Road, a distance of 341.47 feet along the arc of a curve to the right and having a radius of 1115.92 feet, a central angle of 17° 31' 57", a chord bearing of North 77° 29' 41" East, a chord distance of 340.14 feet to a found 5/8-inch iron rod with cap for the northeast corner of the herein described tract, the northeast corner of the said 37.024 acre tract of land and the northwest corner of a called 4.858 acre tract of land described under H.C.C.F. No. 20090584081 of the O.P.R.P.H.C., Texas;

THENCE, South 02° 05' 04" East, a distance of 790.39 feet with the east line of the said 37.024 acre tract of land and the west line of the said 4.858 acre tract of land to a found 1/4-inch iron rod for an angle point in the said east line of the said 37.024 acre tract of land, the southwest corner of the said 4.858 acre tract of land and the northwest corner of a called 24.615 acre tract of land described under H.C.C.F. No. 20090584079 of the O.P.R.P.H.C., Texas;

THENCE, South 02° 08' 19" East, a distance of 4212.15 feet along the west line of said called 24.615 acre tract of land and the east line of said 37.024 acre tract of land same being the west line of an the Unrestricted Reserve "B" of Tomball Center III subdivision as recorded under Film Code No. 551080 of the M.R.H.C. and as amended by Tomball Center III-B-2 Replat No. 2 recorded under Film Code 635069 H.C.M.R. and Reserve "A-1" of Tomball Center III-A recorded under Film Code No. 586253 H.C.M.R., to the southwest corner of said 24.615 acre tract, the southeast corner of said 37.024 acre tract of land, the southwest corner of said Reserve "A-1" to a point in a power pole in the north right-of-way line of said F.M. 2920 for the southeast corner of the herein described tract;

THENCE, South 87° 41' 32" West, a distance of 214.51 feet with the north right-of-way line of said F.M. 2920 to found 5/8-inch iron rod for a corner of the herein described tract and the southeast corner of a called 0.8556 acre tract of land described under H.C.C.F. No. 2417949 of the O.P.R.P.H.C., Texas;

THENCE, North 02° 05' 27" West, a distance of 363.67 feet with the east line of the said 0.8556 acre tract of land to a found 5/8-inch iron rod with cap for a corner of the herein described tract and the northeast corner of the said 0.8556 acre tract of land;

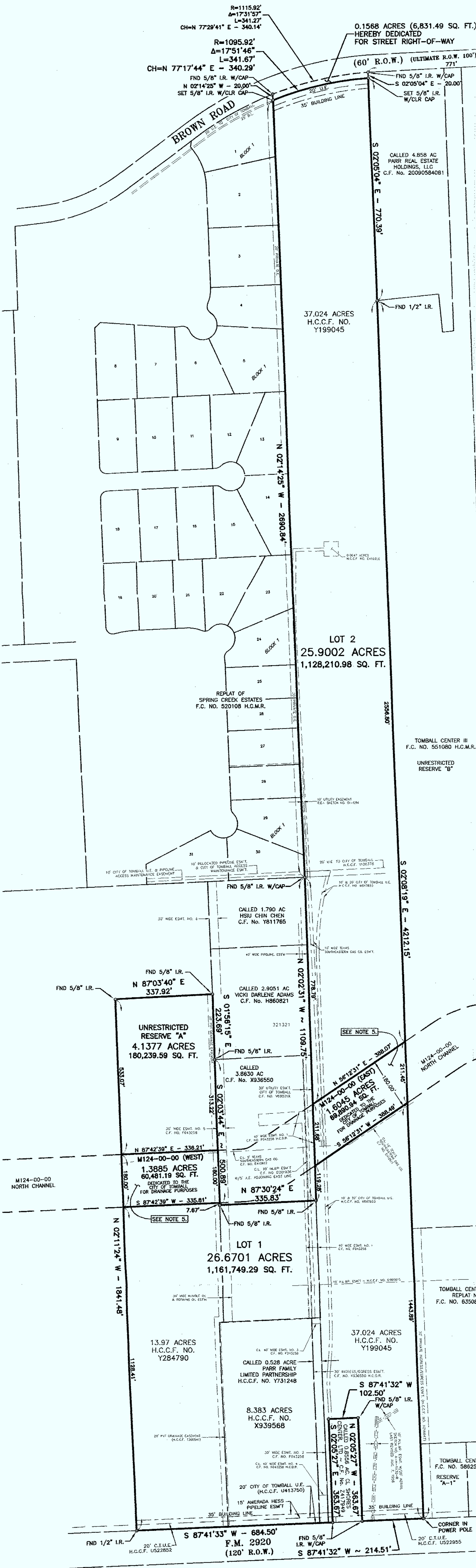
THENCE, South 87° 41' 32" West, a distance of 102.50 feet with the north line of the said 0.8556 acre tract of land to a point for corner of the herein described tract and being the northwest corner of the said 0.8556 acre tract of land;

THENCE, South 02° 05' 27" East, a distance of 363.67 feet with the west line of the said 0.8556 acre tract of land to a found 5/8-inch iron rod with cap in the north right-of-way line of said F.M. 2920 for a corner of the herein described tract and being the southwest corner of the said 0.8556 acre tract of land;

THENCE, North 87° 41' 33" West, along the north right-of-way line of said F.M. 2920 a distance of 15.17 feet pass a found 1/4-inch iron rod with cap and being the southeast corner of the said 0.528 acre tract of land and continuing another 30.02 feet pass a found 5/8-inch iron rod and being the southwest corner of the said 0.528 acre tract of land and continuing another 319.54 feet pass a found 5/8-inch iron rod and being the southeast corner of said 8.383 acre tract of land and continuing another 319.77 feet for a total of 684.50 feet to the southwest corner of the said 13.97 acre tract of land, same being the southeast corner of said 40.00 acre tract of land for the southwest corner and the POINT OF BEGINNING of the herein described tract containing 59.858 acres of land.

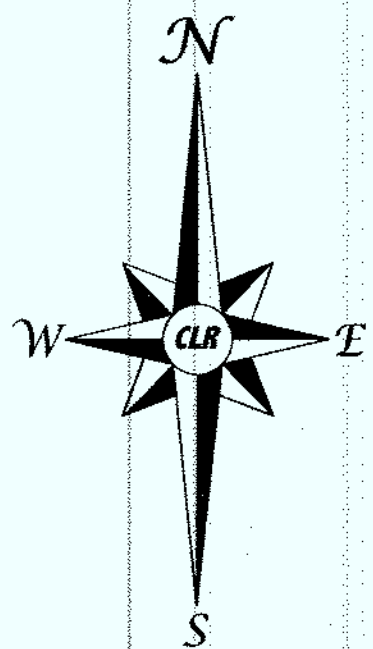
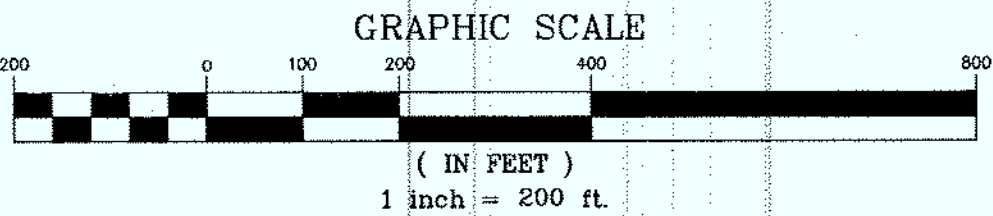
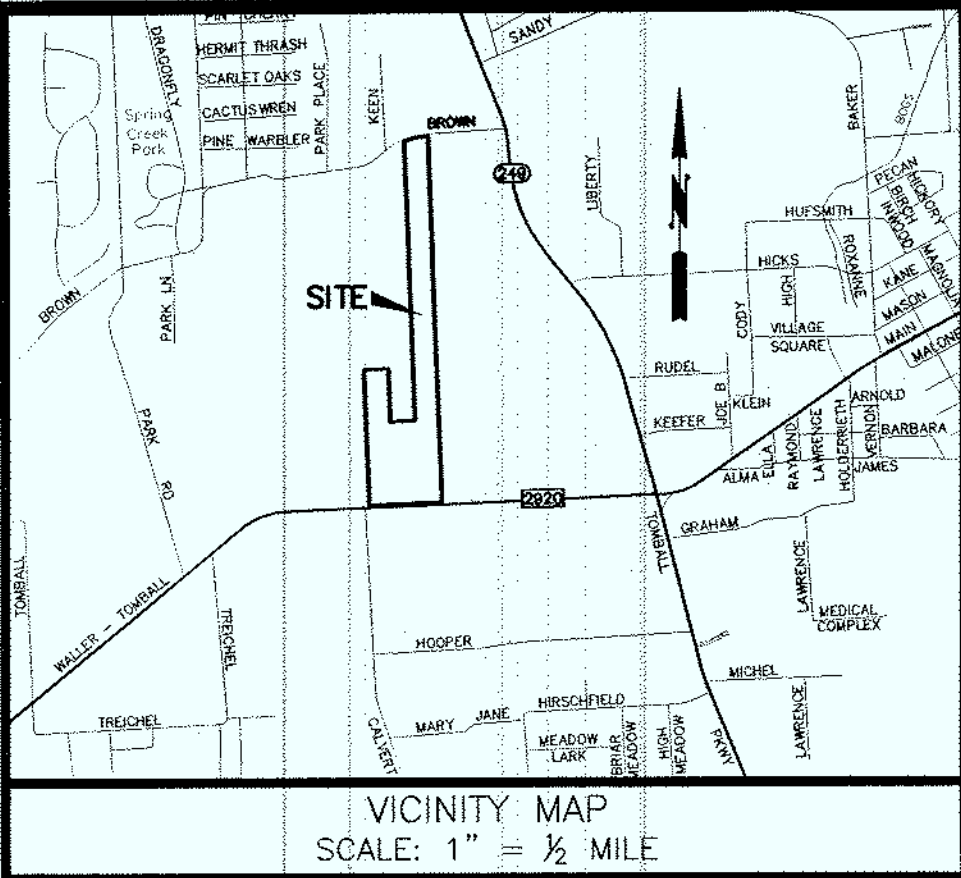
NOTE: All set iron rods with caps are stamped "JAG 5945"

All bearings are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83. All distance are surface and may be converted to grid by multiplying by the factor of 0.999947.



AREA SUMMARY		
DESCRIPTION	SQ. FT.	ACRES
LOT 1	1,161,749.29	26.6701
LOT 2	1,128,210.98	25.9002
UNRESTRICTED RESERVE A	180,239.59	4.1377
ROW-EAST	69,890.94	1.6045
ROW-WEST	60,481.19	1.3885
BROWN ROAD DEDICATION	6,831.49	0.1568
TOTAL	2,607,403.47	59.8577

LEGEND	
U.E.	UTILITY EASEMENT
C.T.U.E.	CITY OF TOMBALL UTILITY EASEMENT
B.L.	BUILDING LINE
H.C.C.F.	HARRIS COUNTY CLERK'S FILE
H.C.M.R.	HARRIS COUNTY MAP RECORD
H.C.D.R.	HARRIS COUNTY DEED RECORD



NOTES:

Flood Information:
According to FEMA Firm Panel No. 48201C0210L (effective date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Subject to the Exceptions in the Dedication, 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, and neither the City of Tomball nor any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.

- 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.
- Bearings shown hereon are based on record deed.
- All property corners are found 3/4-inch iron rods with "CLR" caps unless otherwise noted.
- There is hereby dedicated an unobstructed aerial easement 30 feet wide from a plane 15 feet above the ground level upward, centered on all 14-foot wide utility easements (14' U.E.) and an unobstructed aerial easement 20 feet wide from a plane 16 feet above the ground level on all 14-foot wide perimeter utility easements, shown hereon.
- The City of Tomball shall provide, maintain, and/or permit up to two vehicular crossings over the M124 Channel right-of-way being dedicated on the plat. Crossing location(s) shall be coordinated and mutually agreed between the City of Tomball and the Property Owner(s). Crossings shall be designed and constructed in accordance with applicable City of Tomball design criteria and specifications for the purpose of ingress/egress between Lot 1, Lot 2, Reserve "A", and/or existing residential lots. The crossings shall be a minimum of 28-feet in width and allow unrestricted flow of the channel as intended.

I, James C. Peyton, am authorized by 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 rods having an outside diameter of not less than three-fourths (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner.



James C. Peyton, RPLS
Registered Professional Land Surveyor No. 4273

STATE OF TEXAS §
COUNTY OF HARRIS §

I, Beverly B. Kaufman, County Clerk of Harris County, Texas, do hereby certify that the written instrument with its certificate of authentication was filed for registration in my office on _____, 2011 at _____ o'clock _____ M. and at Film Code _____ of the Map Records of Harris County for said county and duly recorded on _____, 2011, at _____ o'clock _____ M.

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

Beverly B. Kaufman
County Clerk
Harris County, Texas

By: _____
Deputy

FINAL PLAT TOMBALL 2920

A 59.8577 ACRE (2,607,403.47 SQ. FT) 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 0.528 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

OWNER:

SURVEYOR / ENGINEER:

PAR Real Estate Holdings, LLC
1330 Lake Robbins Dr., Suite 100
The Woodlands, TX 77380
832-375-2520

CLR, Inc.

Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732

2 LOTS 1 RESERVE

SCALE: 1"=200' AUGUST, 2011

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

Consideration to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 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.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

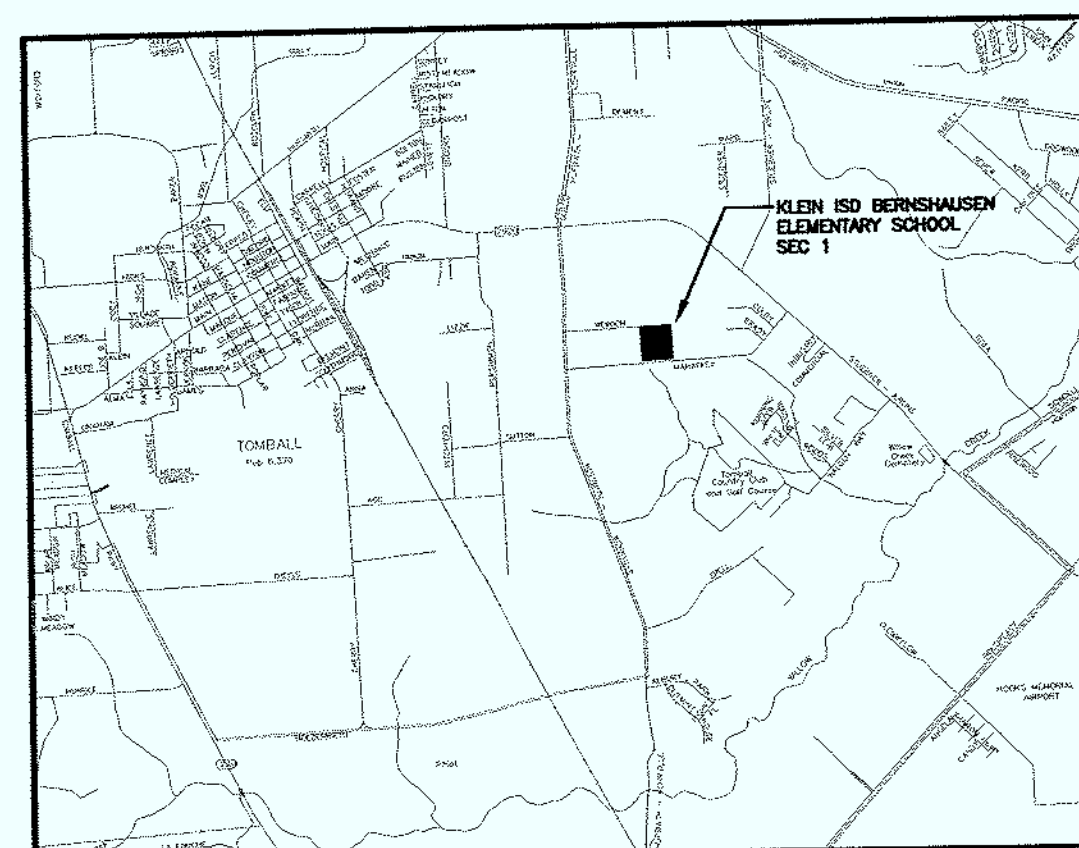
Party(ies) responsible for placing this item on agenda:

Engineering and Planning

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

ATTACHMENTS:

Klein ISD Bernshausen Elementary School Sec. 1



VICINITY MAP
1"=5000'

0 100 200 300 400

SCALE IN FEET

474

475

476

472

473

NAD 83 GRID COORDS
X=3,047,295.38
Y=13,960,598.03

WEIRICH LANE
(CALLED 30-FOOT R.O.W.)
(VOL. 2, PG. 65 H.C.M.R.)

N21°31'22"W
85.81'

R=125.00'
L=39.63'
Δ=18°09'53"
CHD=N11°24'24"W
39.46'

CALLER 0.830 ACRES
LEROY W. YOUNG & WIFE, JAYCE M. YOUNG
HARRIS COUNTY FLOOD CONTROL DISTRICT
HCCF NO. 1448807
23' DITCH LOCATED IN TRACT

THIS 0.3300 ACRES (40,512 SQ. FT.)
IS HEREBY DEDICATED TO THE
PUBLIC FOR DRAINAGE PURPOSES

EXIST. 50' H.C.F.C.D. R.O.W.
H.C.C.F. NO. 1448807

NAD 83 GRID COORDS
X=3,047,374.56
Y=13,959,755.35

RESTRICTED RESERVE "A"
(RESTRICTED TO
SCHOOL AND RELATED
PURPOSES)
12.8898 ACRES
(561,478.26 SQ. FT.)

MAHAFFEY ROAD
710.15'
S87°33'33"W (60' R.O.W.)

14' U.E. (F.C. NO. 540246 H.C.M.R.)
25' B.L. (F.C. NO. 540246 H.C.M.R.)

EXISTING 80' H.L.P. EASEMENT
VOL. 4144, PG. 600 H.C.D.R. &
HCCF NO. 0521969

22 23 24 25 26 27 28 29 30 31 32

CRESTBROOK PARK LN (PVT)
THE ESTATES AT WILLOW CREEK
F.C. NO. 540246 H.C.M.R.

LINE	BEARING	DISTANCE
L1	S 87°33'33" W	636.85'
L2	N 28°22'30" W	66.41'
L3	N 03°09'08" W	785.65'
L4	S 87°33'33" W	73.30'
L5	N 87°32'31" E	655.14'
L6	N 87°32'31" E	77.72'

11117 MAHAFFEY

I, Arthur L. Storey, Jr., County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and, that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

Arthur L. Storey, Jr., P.E.
County Engineer

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

Stan Stanort
County Clerk of
Harris County, Texas

By: Deputy

I, Stan Stanort, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 20____, at _____ o'clock _____ M., and duly recorded on _____, 20____, at _____ o'clock _____ M., in Film Code Number No. _____ of the Map Records of Harris County for said county.

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

Stan Stanort
County Clerk of
Harris County, Texas

By: Deputy

NAD 83 GRID COORDS
X=3,048,037.52
Y=13,960,629.88

NAD 83 GRID COORDS
X=3,048,387.22
Y=13,960,474.00

NAD 83 GRID COORDS
X=3,048,084.18
Y=13,959,785.54

NAD 83 GRID COORDS
X=3,048,412.32
Y=13,959,799.73

REASON FOR REPLAT:
TO CREATE ONE RESTRICTED RESERVE

- GENERAL NOTES:
1. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AND BASED UPON A MONUMENTED LINE FOR THE SOUTH LINE OF THE SUBJECT TRACT, BEING "SOUTH 87°33'33" WEST"
 2. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF 0.99994792741.
 3. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.
 4. © INDICATES A SET 3/4-INCH IRON ROD WITH CAP STAMPED "AMERICAN-LUPHER 4752" UNLESS OTHERWISE SHOWN.
 5. THIS PLAT REQUIRES COMPLIANCE WITH LANDSCAPING REQUIREMENTS PRIOR OCCUPANCY OF STRUCTURES AS MANDATED IN "REGULATIONS OF HARRIS COUNTY, TEXAS FOR THE APPROVAL AND ACCEPTANCE OF INFRASTRUCTURE."

THE STATE OF TEXAS §

COUNTY OF HARRIS §

We, Klein Independent School District, acting by and through Georgann Reitmeier, President, and Ronnie K. Anderson, Secretary, being officers of Klein Independent School District, owner hereinafter referred to as owners (whether one or more) of the 13.8198 acre tract described in the above and foregoing plat of Klein ISD Bernshausen Elementary School Sec 1, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

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

FURTHER, owners do hereby covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, the Klein Independent School District has caused these presents to be signed by Georgann Reitmeier, its President, thereunto authorized, attested by its Secretary, Ronnie K. Anderson, and its common seal hereunto affixed this _____ day of _____, 2011.

Klein Independent School District

ATTEST:

Ronnie K. Anderson
Secretary

By:

Georgann Reitmeier
President

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Georgann Reitmeier, President, and Ronnie K. Anderson, Secretary, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

Beverly McGlasson
Notary Public In and For the State of Texas
My Commission Expires: _____

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

T. Trigg Luper
Texas Registration No. 4752



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Klein ISD Bernshausen Elementary School Sec 1 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:

Evelyn Charvenak
Vice Chairman

This is to certify that the City Council for the City of Tomball, Texas has approved this plat and subdivision of Klein ISD Bernshausen Elementary School Sec 1 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:

Gretchen Fagan
Mayor

By:

Doris Speer
City Secretary

We, the City Manager and the Director of Engineering and Planning for the City of Tomball, do hereby certify that this plat of Klein ISD Bernshausen Elementary School Sec 1 is in conformance with the City of Tomball ordinances.

By: George Shockleford
City Manager

By:

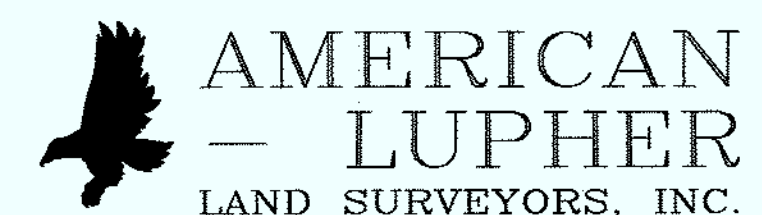
Lori Lakatos, P.E., C.F.M.
Acting Director of Engineering and Planning

KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC 1

**BEING A REPLAT OF LOTS 485, 486 &
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**

1 BLOCK 1 RESERVE
SCALE: 1" = 100' DATE: SEPTEMBER 2011
OWNER: KLEIN INDEPENDENT SCHOOL DISTRICT
DR. JIM CAIN, SUPERINTENDENT

7200 SPRING CYPRESS ROAD, KLEIN, TEXAS 77379, 832-249-4170



8500 WILLOW PLAZA SOUTH, SUITE 540 HOUSTON, TEXAS 77070
OFFICE: (281) 367-0000 FAX: (281) 367-0700

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

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.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

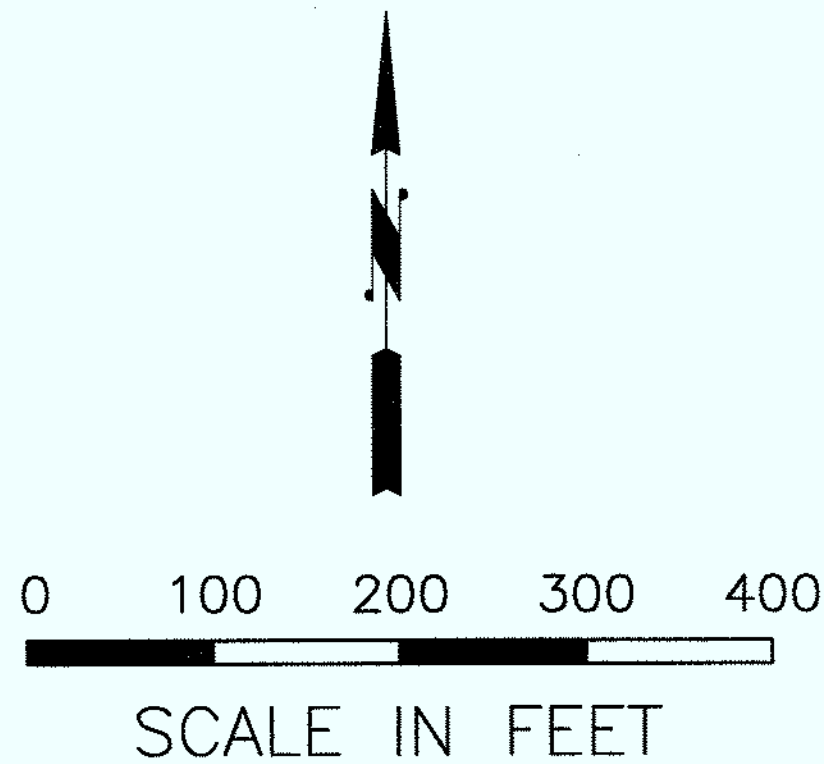
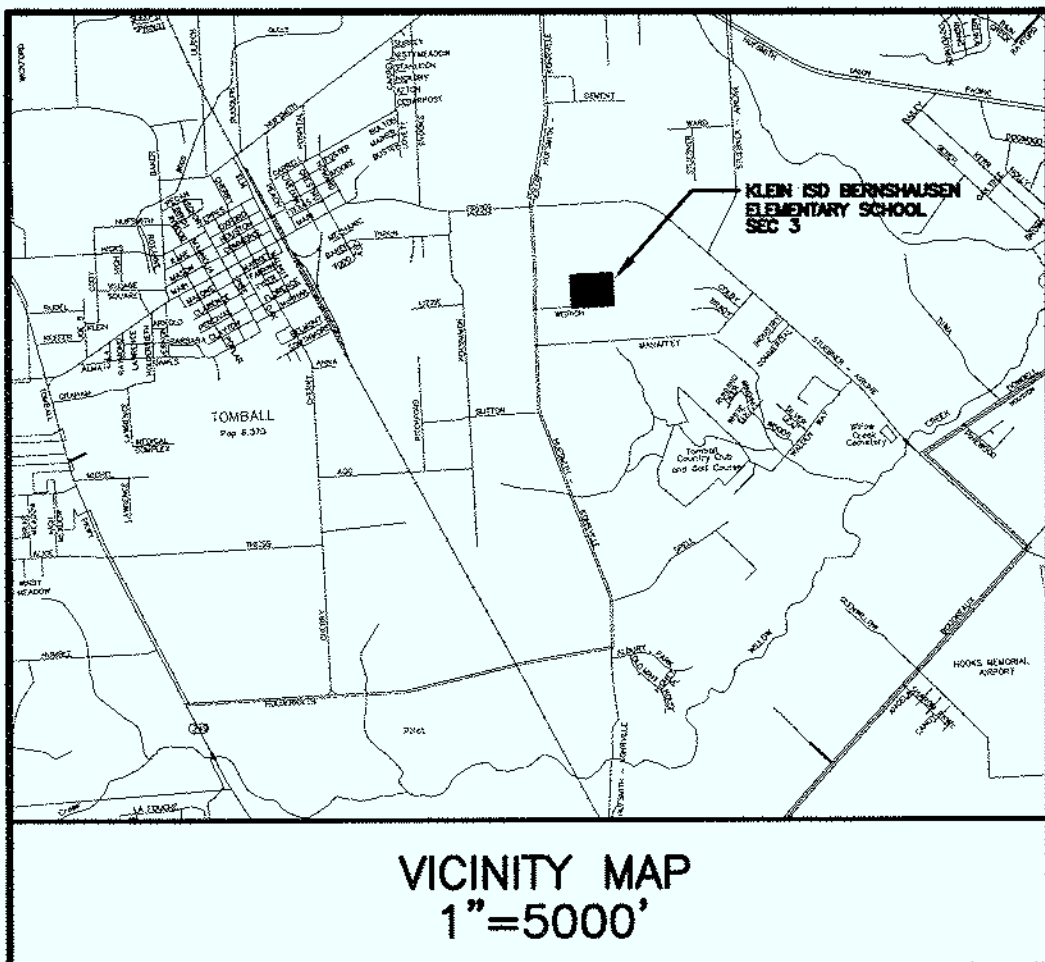
Party(ies) responsible for placing this item on agenda:

Engineering and Planning

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

ATTACHMENTS:

Klein ISD Bernshausen Elementary School Sec. 3



City of Tomball Minimum Notes:

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purposes of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of removal or relocation of any obstruction in the public easement.

Flood Information:

According to FEMA Firm Panel No. 48201C0230 L (Effective Date June 15, 2007), this property is in zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1:

All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:

All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:

No building or structure shall be constructed across any pipelines, buildings lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setback minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:

This plat does not attempt to amend or remove any valid covenants or restrictions.

I, Arthur L. Storey, Jr., County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and, that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

Arthur L. Storey, Jr., P.E.
County Engineer

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

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____ 20____ at _____ o'clock _____ M., and duly recorded on _____ 20____ at _____ o'clock _____ M., and in Film Code Number No. _____ of the Map Records of Harris County for said county.

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

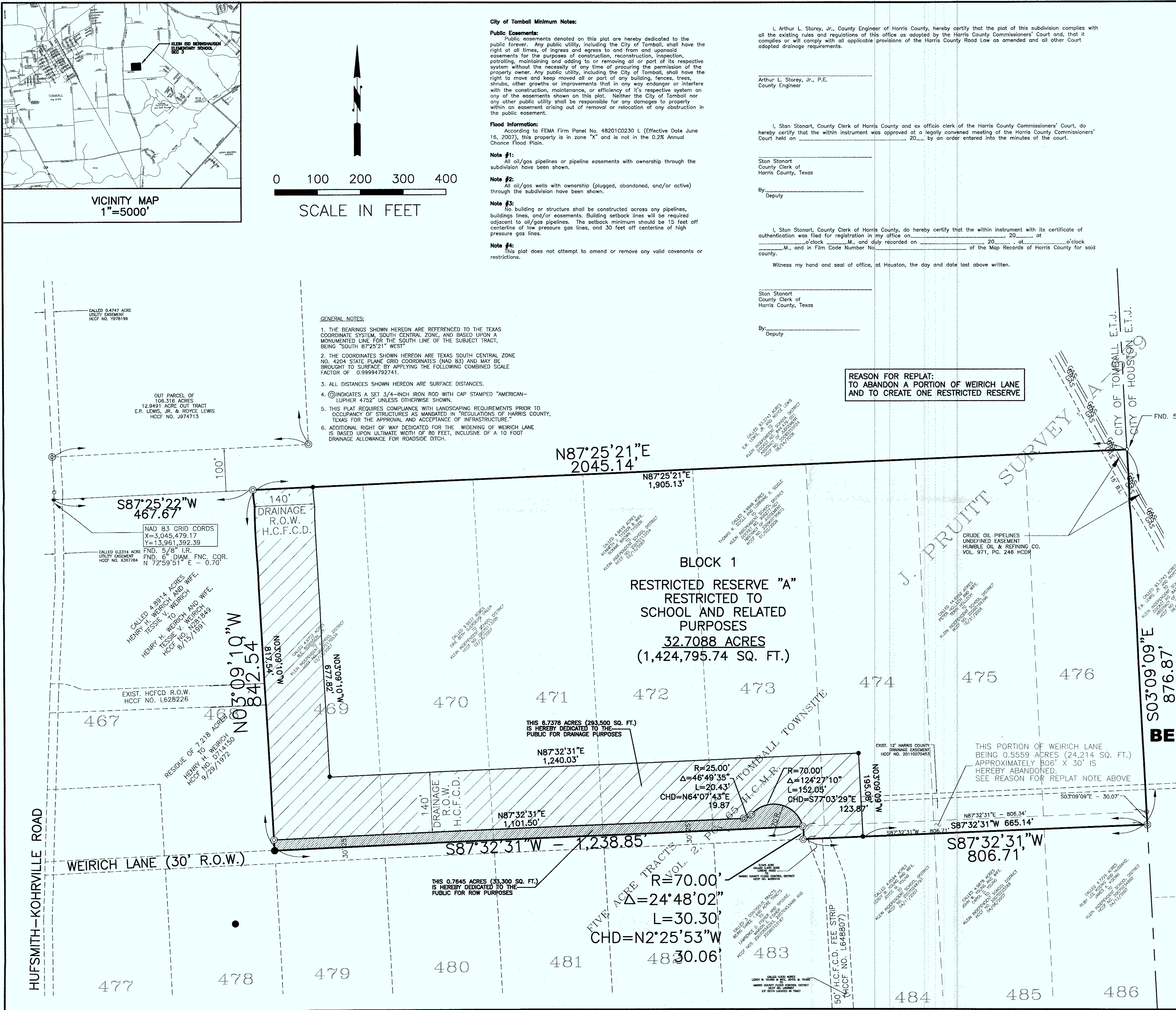
Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

REASON FOR REPLAT:
TO ABANDON A PORTION OF WEIRICH LANE
AND TO CREATE ONE RESTRICTED RESERVE

GENERAL NOTES:

1. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AND BASED UPON A MONUMENTED LINE FOR THE SOUTH LINE OF THE SUBJECT TRACT, BEING "SOUTH 87°25'21" WEST"
2. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF 0.99994792741.
3. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.
4. (C) INDICATES A SET 3/4-INCH IRON ROD WITH CAP STAMPED "AMERICAN-LUPHER 4752" UNLESS OTHERWISE SHOWN.
5. THIS PLAT REQUIRES COMPLIANCE WITH LANDSCAPING REQUIREMENTS PRIOR TO OCCUPANCY OF STRUCTURES AS MANDATED IN "REGULATIONS OF HARRIS COUNTY, TEXAS FOR THE APPROVAL AND ACCEPTANCE OF INFRASTRUCTURE."
6. ADDITIONAL RIGHT OF WAY DEDICATED FOR THE WIDENING OF WEIRICH LANE IS BASED UPON ULTIMATE WIDTH OF 80 FEET, INCLUSIVE OF A 10 FOOT DRAINAGE ALLOWANCE FOR ROADSIDE DITCH.



THE STATE OF TEXAS §

COUNTY OF HARRIS §

We, Klein Independent School District, acting by and through Georgian Reitmeyer, President, and Ronnie K Anderson, Secretary, being officers of Klein Independent School District, owner hereinafter referred to as owners (whether one or more) of the 40.2111 acre tract described in the above and foregoing plat of Klein ISD Bernshausen Elementary School Sec 3, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

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

FURTHER, owners do hereby covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations hereinafter on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, the Klein Independent School District has caused these presents to be signed by Georgian Reitmeyer, its President, and Ronnie K Anderson, its Secretary, and attested by its Secretary, Ronnie K. Anderson, and its common seal hereunto affixed this _____ day of _____, 2011.

Klein Independent School District

ATTEST:
Ronnie K Anderson
Secretary

By: _____
Georgian Reitmeyer
President

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Georgian Reitmeyer, President, and Ronnie K. Anderson, Secretary, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

BEVERLY McCLASSON
Notary Public in and for the State of Texas
My Commission Expires: _____

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

T. Trigg Luper
Texas Registration No. 4752



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Klein ISD Bernshausen Elementary School Sec 3 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: _____
Evelyn Chervenak
Vice Chairman

This is to certify that the City Council for the City of Tomball, Texas has approved this plat and subdivision of Klein ISD Bernshausen Elementary School Sec 3 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: _____
Gretchen Fagan, Mayor

By: _____
Doris Speer, City Secretary

We, the City Manager and the Director of Engineering and Planning for the City of Tomball, do hereby certify that this plat of Klein ISD Bernshausen Elementary School Sec 3 is in conformance with the City of Tomball ordinances.

By: _____
George Shackelford, City Manager

By: _____
Lori Lakatos, P.E., C.F.M.
Acting Director of Engineering and Planning

KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC 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

1 BLOCK 1 RESERVE
SCALE: 1" = 100' DATE: SEPTEMBER 2011
OWNER: KLEIN INDEPENDENT SCHOOL DISTRICT
DR. JIM CAIN, SUPERINTENDENT

7200 SPRING CYPRESS ROAD, KLEIN, TEXAS 77379, 832-249-4170



AMERICAN
— LUPHER
LAND SURVEYORS, INC.

6303 WILLOW PLAZA BOULEVARD, SUITE 540 HOUSTON, TEXAS 77057
OFFICE: (281) 367-0900 FAX: (281) 367-0702

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P11-347**

Background:

Origination:

John Thomas, on behalf of R.K. McGaughy

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

P11-347 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 12, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 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 P11-347: 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.

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.

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.

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

C E R T I F I C A T I O N

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 **September** 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: P11-347

APPLICANT: John Thomas, on behalf of R.K. McGaughy

LOCATION: Westerly side of State Highway 249, northerly of Holderrieth Road

PROPOSAL: Request 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, from the AG-Agricultural District to the C-Commercial District.

* * *

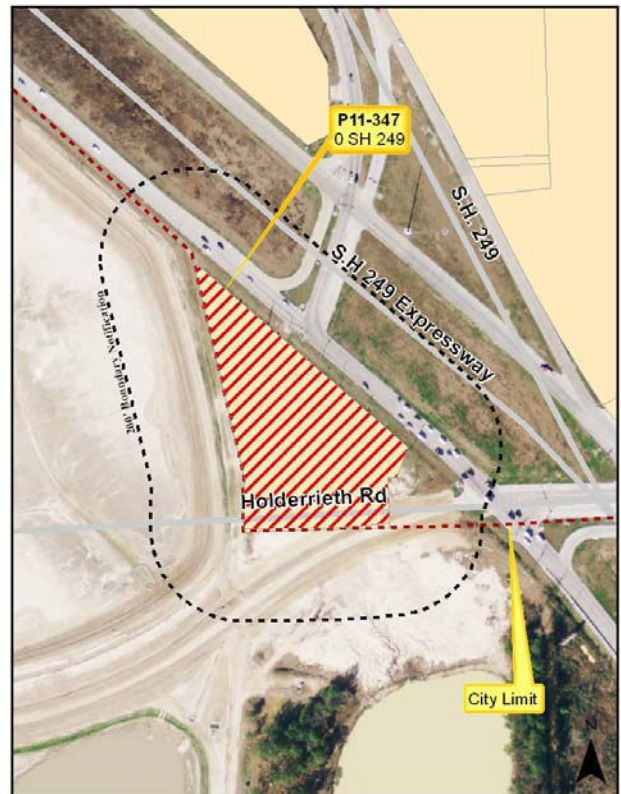
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

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

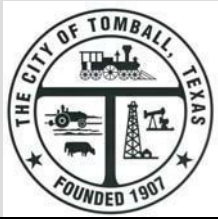


**Planning and Zoning Commission
Public Hearing:
Monday, September 12, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, September 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 Hearing Date: September 12, 2011

Rezoning Case: P11-347
Property Owner(s): R.K. McGaughy
Applicant(s): John Thomas
Legal Description: Tract 2AA out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas
Location: Generally located on the westerly side of State Highway 249, northerly of Holderrieth Road
Area: 3.9078 acres
Present Zoning and Use: AG-Agricultural District / Undeveloped
Comp Plan Designation: Commercial
Proposed Zoning and Use: C-Commercial District / Office, restaurants, service station, etc.

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: C-Commercial District / SH 249 Expressway ROW and undeveloped land
South: ETJ (unzoned) / Undeveloped land and Harris County Flood Control District detention facility
East: C-Commercial District / SH 249 ROW
West: ETJ (unzoned) / Harris County Flood Control District detention facility

BACKGROUND

The subject site is 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. The site is generally located on the westerly side of State Highway 249 (SH 249), northerly of Holderrieth Road (Exhibit "A"). The entire site is currently undeveloped.

The property was annexed into the City of Tomball on December 1, 2008 as part of the 172.812 acre SH 249 Bypass (Tomball Expressway) Road Right-of-Way annexation (Exhibit "B"). Because the subject site was annexed after the passage of the Zoning Ordinance and because a concurrent rezoning request was not filed by the property owner, the subject site was given a

zoning classification of AG-Agricultural District. Section 6.1 of the Zoning Ordinance states, “For any period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be Agricultural (‘AG’), and all zoning and development regulations of the ‘AG’ zoning district shall be adhered to with respect to the development and use of the land.”

On August 1, 2011, the applicant submitted a rezoning application and letter (Exhibits “C” and “D”) to rezone the subject site from the AG-Agricultural District to the C-Commercial District in order to allow land uses such as “office, restaurants, service stations, etc.”

ANALYSIS

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

The uses along the SH 249 corridor through Tomball are predominately commercial and retail related. However, much of the land in the immediate vicinity of the subject site is currently undeveloped. To the north of the subject site is SH 249 Expressway ROW and undeveloped land within the Commercial District, to the south is undeveloped land and a Harris County Flood Control District detention facility within the unzoned extraterritorial jurisdiction of Tomball, to the east is SH 249 ROW within the Commercial District, and to the west is a Harris County Flood Control District detention facility within the unzoned extraterritorial jurisdiction of Tomball (Exhibits “A” and “E”).

The proposed rezoning to the C-Commercial District is consistent with the “Commercial” Comprehensive Plan land use designation (Exhibit “F”). The Comprehensive Plan states that the Commercial land use designation “is where retail sales and service activities should occur. These uses include, but are not limited to, shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops.” Additionally, the “Commercial Planning Guidelines” outlined in the Comprehensive Plan provide that commercial development is to be compatible with surrounding land uses and that consideration for the impacts of commercial development on the local and regional roadway network shall be determined.

Due to the fact the requested rezoning is consistent with the Comprehensive Plan’s Future Land Use Plan Map, is consistent with the intended uses in the area, and will help support the commercial development pattern along the SH 249 corridor, staff is supportive of the rezoning request.

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.**

The uses along the SH 249 corridor through Tomball are predominately commercial and retail related. However, much of the land in the immediate vicinity of the subject site is currently undeveloped. To the north of the subject site is SH 249 Expressway ROW and undeveloped land within the Commercial District, to the south is undeveloped land and a Harris County Flood Control District detention facility within the unzoned extraterritorial jurisdiction of Tomball, to the east is SH 249 ROW within the Commercial District, and to the west is a Harris County Flood Control District detention facility within the unzoned extraterritorial jurisdiction of Tomball. See site photos (Exhibit “G”).

Staff feels the rezoning and permitted land uses in the C-Commercial District would be in keeping with the existing and intended land uses in the vicinity.

- 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.**

There is currently sufficient water, sewer, and gas capacity in the area to service this site. The future development of the site may require the extension of utilities to and through the site.

SH 249 and SH 249 Expressway are designated as “State Highways” on the adopted Major Thoroughfare Plan (MTP). The MTP states, “The main purpose of State Highways and FM Roadways is to move large volumes of traffic through urban areas and provide direct access to local freeways, while also providing controlled access to adjacent businesses.” The right-of-way for State Highway 249 and State Highway 249 Expressway has been acquired in the vicinity and the impacts to these roadways due to the rezoning of the site are anticipated to be minimal.

The development of the site for commercial purposes would not impact the public school system as it would not increase attendance to the school system.

As a matter of information, the future development of the site will likely result in increased impervious area, thereby altering absorption rates and increasing surface runoff. Drainage improvements shall comply with the requirements of the City’s Engineering and Planning Department.

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

There are a limited number of undeveloped properties zoned Commercial District in the immediate vicinity. However, there is a large amount of vacant land available along Holderrieth Road and in the rest of the City of Tomball zoned Commercial District. Most of the undeveloped acreage along SH 249 and SH 249 Expressway (within the City of Tomball) is zoned Agricultural District because of the December 2008 annexation, however it is anticipated that these properties will be rezoned at some point in the future to accommodate future commercial growth.

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.

The subject property is located along the SH 249 corridor which is extensively developed with commercial and retail uses. The surrounding commercial and retail uses have developed steadily for a number of years due to the high traffic volumes and visibility on SH 249.

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 request is consistent with the Comprehensive Plan’s land use designation. The Comprehensive Plan states that the Commercial land use “is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional office uses such as physicians, accountants, or therapy offices would be permitted.”

Additionally, the “Commercial Planning Guidelines” aim to ensure commercial development compatibility with surrounding land uses and provide proper transitions, buffers, or architectural reliefs to minimize negative impacts to adjacent uses.” The proposed rezoning of the property to the Commercial District is consistent with the Comprehensive Plan’s Future Land Use Plan Map, will help to ensure commercial land use consistency along the SH 249 corridor, and will enhance the area’s long-term economic viability.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 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 P11-347 based on the following:
 - a. The proposed zoning of Commercial District will be compatible with the land uses along the SH 249 corridor.
 - b. The proposed zoning of Commercial District is compatible with the Tomball Comprehensive Plan.
 - c. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - d. There is sufficient utility capacity to service commercial 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. Ordinance 2008-32 Annexation Map
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Location/Zoning Map
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos

Exhibit "A"
Aerial Photo

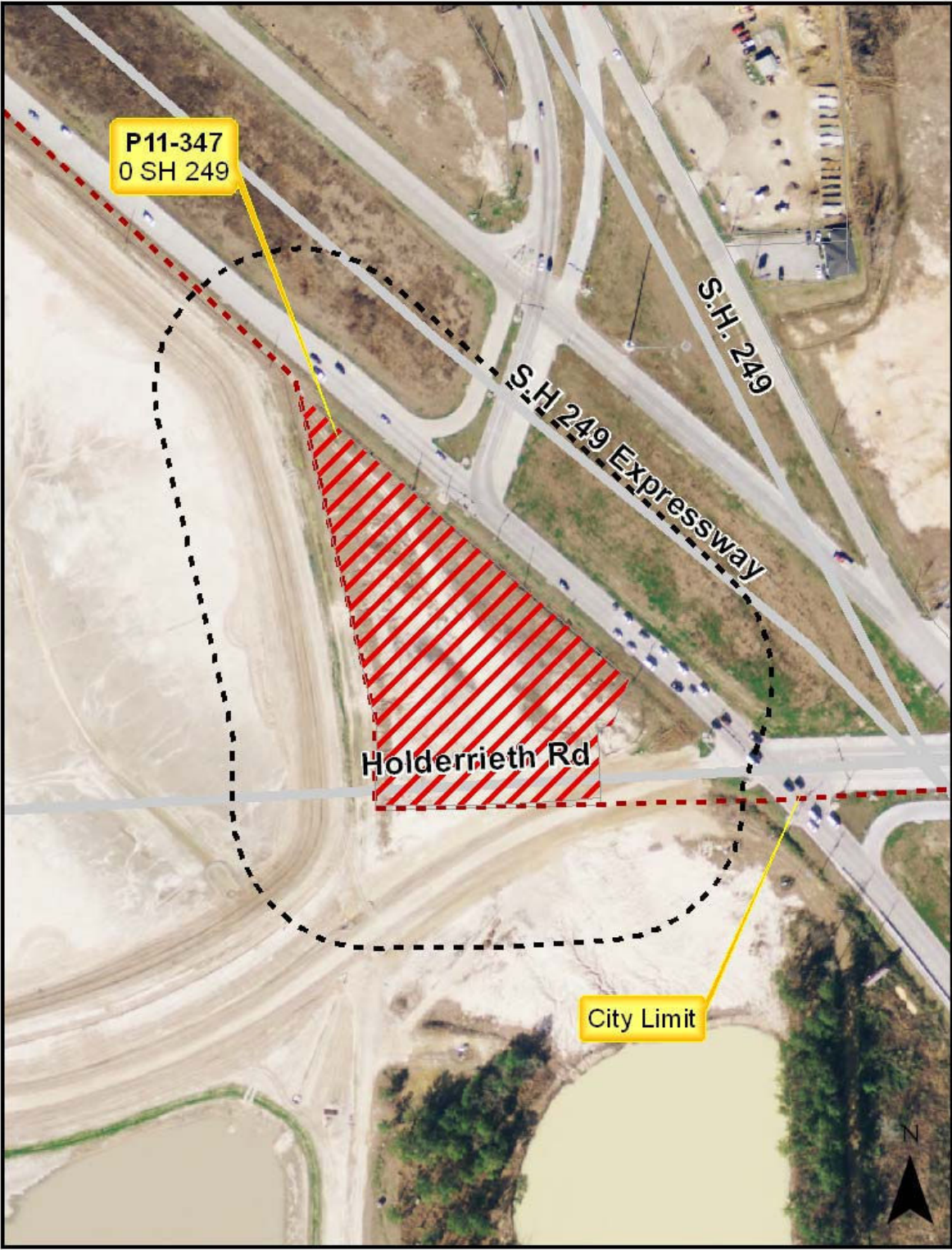
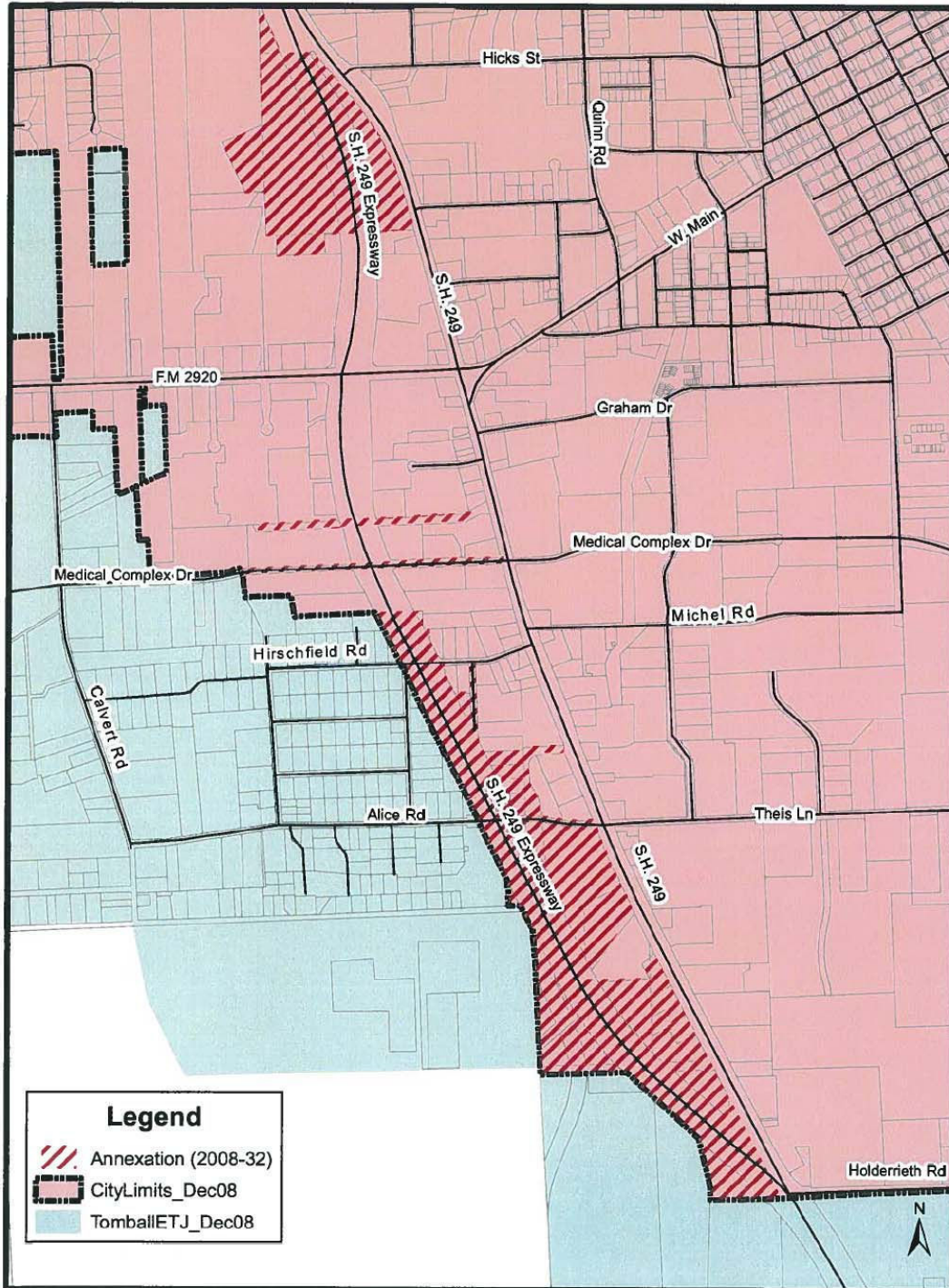


Exhibit "B"
Ordinance 2008-32 Annexation Map

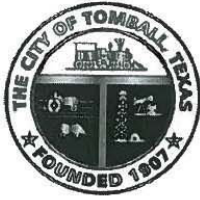
City of Tomball Annexation (Ordinance #:2008-32)



Date Created: 2/26/09
Map Created By: City of Tomball
Engineering & Planning Dept.

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: John G. Thomas Title: Surveyor
Mailing Address: 14340 Torrey Chase Blvd. City: Houston State: Texas
Zip: 77014
Phone: (281) 440-7730 Fax: (281) 440-7737 Email: john@thomaslandsurveyin.com

Owner

Name: R.K. McGaughey, Trustee Title: _____
Mailing Address: 14343-B Torrey Chase Blvd. City: Houston State: Texas
Zip: 77014
Phone: (281) 580-4855 Fax: (281) 580-3808 Email: terprealestate@mindspring.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Vacant property - proposed Commercial development
Physical Location of Property: West Side St. Hwy 249 Bypass 900ft North of Willow Creek.
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Claude Pillat Survey, A-632
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural District

Current Use of Property: NA

Proposed Zoning District: Commercial District

Proposed Use of Property: Office, Restaurants, Service Stations, etc.

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

www.ci.tomball.tx.us

044-058-000-0290
HCAD Identification Number: 044-058-000-029 Acreage: 3.9078 Acres

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 John H. Thomas 7/27/11
Signature of Applicant Date

X R. B. McLaughlin, Jr. 7/27/11
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter



July 29, 2011

Reference: 3.9078 Acres
Claude M. Pillot Survey, A-632
Tomball, Harris County, Texas

To Whom It May Concern:

We have requested a zoning change on the referenced tract from ag zoning to Commercial zoning as the tract is proposed to be used for commercial purposes.

Respectfully


John G. Thomas

14340 Torrey Chase Boulevard · Suite 270 · Houston, Texas 77014
(281) 440-7730 · Fax (281) 440-7737
www.thomaslandsurveying.com

Exhibit "E"
Location/Zoning Map

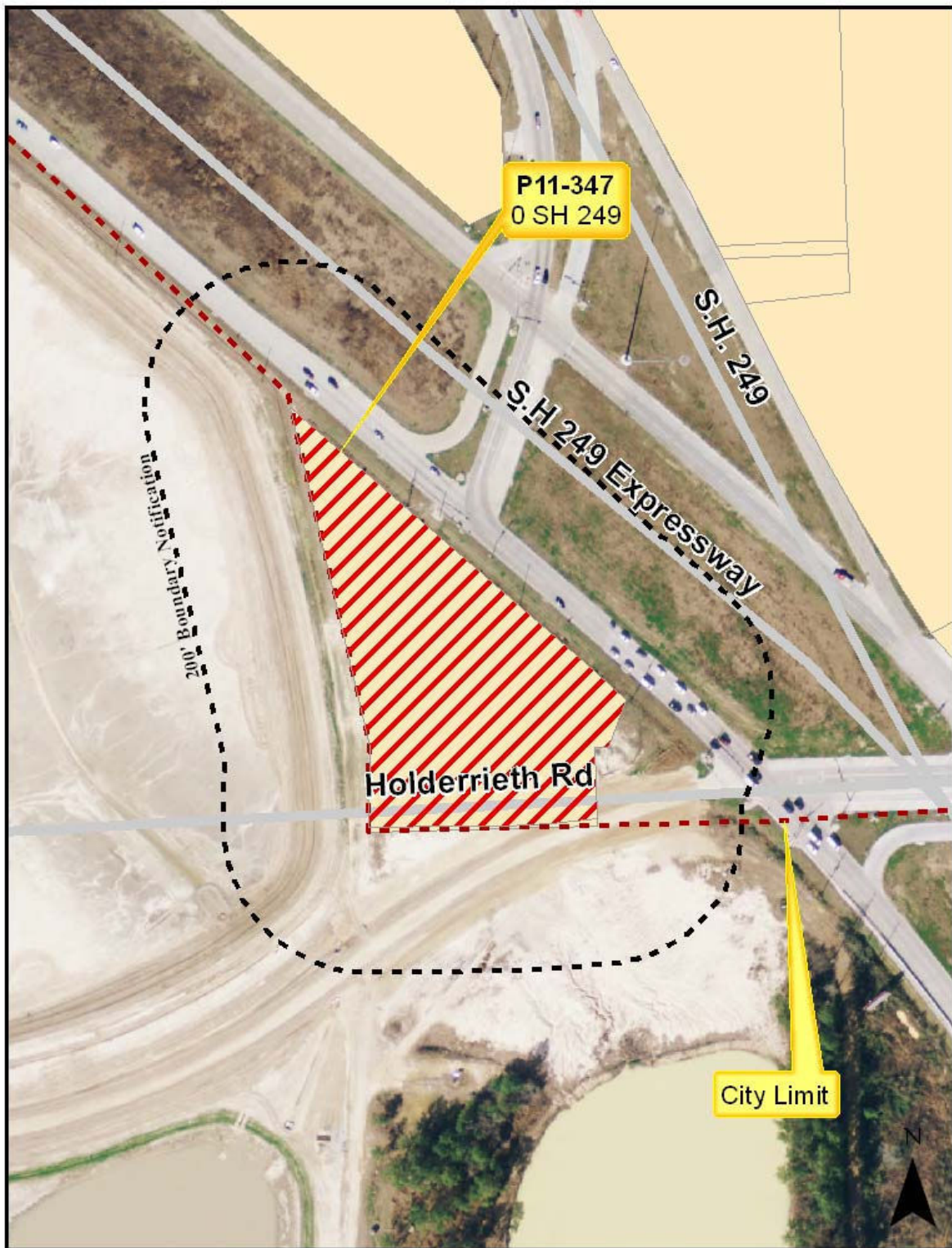


Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Southwesterly view of subject site.



Figure 2: Southeasterly view down S.H. 249 Expressway. Subject site on right.



Figure 3: Northwesterly view up S.H. 249 Expressway. Subject site on left.



Figure 4: Northeasterly view. Subject site on left.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P11-348**

Background:

Origination:

Tomball Economic Development Corporation, on behalf of Capital One, National Association

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

P11-348 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 12, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 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 P11-347: 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.

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.

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.

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

C E R T I F I C A T I O N

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 **September** 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: P11-348

APPLICANT: Tomball Economic Development Corporation, on behalf of Capital One, National Association

LOCATION: Westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road

PROPOSAL: Request 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, from the SF-6 - Single-Family Residential-6 District and C-Commercial District to the LI - Light Industrial District.

* * *

CONTACT PLANNER: Rodney Schmidt

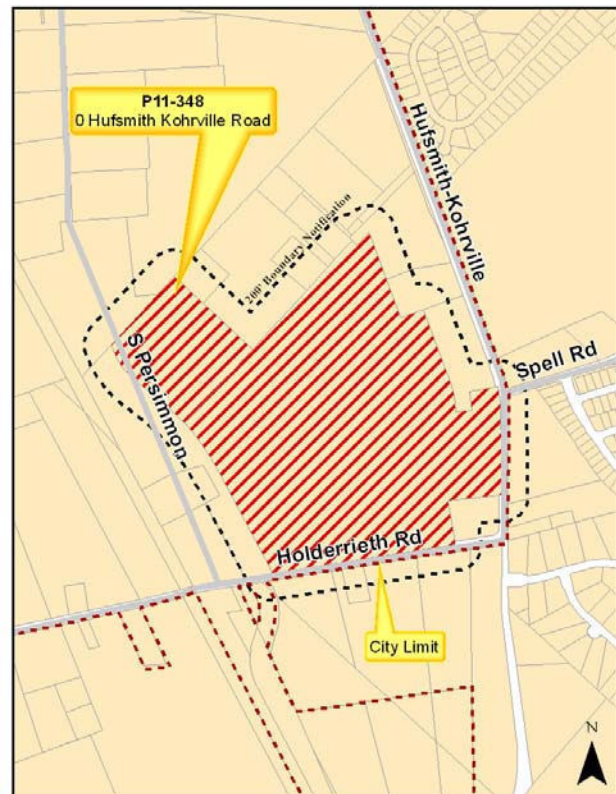
PHONE: (281) 290-1410

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.

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



**Planning and Zoning Commission
Public Hearing:**

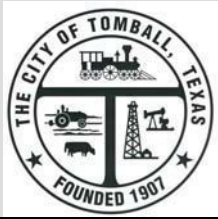
Monday, September 12, 2011, 6:00 PM

City Council Public Hearing:

***Monday, September 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 Hearing Date: September 12, 2011

Rezoning Case: P11-348
Property Owner(s): Capital One, National Association
Applicant(s): Tomball Economic Development Corporation
Legal Description: Lots 385, 386 and 387 out of the Tomball Outlots and Tract 4 out of the Elizabeth Smith Survey, Abstract 70
Location: Generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road
Area: 97.48 acres
Present Zoning and Use: Single-Family Residential-6 and Commercial Districts / Undeveloped
Comp Plan Designation: Business/Industrial and Rural Residential
Proposed Zoning and Use: Light Industrial District / Business and technology park

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

Adjacent Zoning & Land Uses:

North: Single-Family Estate Residential-20 and Agricultural Districts / Undeveloped, Residential, and Agricultural
South: General Retail District and Unzoned ETJ / Retail, Undeveloped, Commercial, Industrial, and Residential
East: Agricultural District and Unzoned ETJ / Commercial, Undeveloped, and Residential
West: Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts / Undeveloped and Industrial

BACKGROUND

The subject site is legally described as Lots 385, 386 and 387 (Exhibit “A”) out of the Tomball Outlots and Tract 4 out of the Elizabeth Smith Survey, Abstract 70 within the City of Tomball, Harris County, Texas totaling approximately 97.48 acres. The site is generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road and is currently undeveloped (Exhibit “B”).

On May 24, 2011, the Tomball Economic Development Corporation (TEDC) Board of Directors approved the designation of the subject site as a possible location for a business and technology park. On July 18, 2011, Tomball City Council approved the business and technology park project and the acquisition of the subject site.

On August 3, 2011, the Engineering & Planning Department received a rezoning application and letter for the subject site (Exhibits “C” and “D”). As part of their due diligence phase, the applicant is requesting to rezone the property from the Single-Family Residential-6 and Commercial Districts to the Light Industrial District to properly zone the subject site for their intended business and technology park.

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 “B” and “E”). To the north of the subject site is undeveloped, residential, and agricultural land in the Single-Family Estate Residential-20 and Agricultural Districts; to the south is a retail, undeveloped, commercial, industrial, and residential land within the General Retail District and Tomball’s unzoned extraterritorial jurisdiction; to the east is commercial, undeveloped, and residential land in the Agricultural District and Tomball’s unzoned extraterritorial jurisdiction; and to the west is undeveloped and industrial land in the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts.

The proposed rezoning to the Light Industrial District is generally consistent with the Comprehensive Plan land use designations (Exhibit “F”). The majority of the site is designated as “Business/Industrial” with the northern tip designated as “Rural Residential.” The Comp Plan states, “Boundary lines are to be considered approximate and discretion may be used in determining them. Variations, particularly where significant natural or manmade features are present, may be acceptable. It will be the responsibility of the Tomball City Council, with the recommendation of the Planning & Zoning Commission, city planning staff, and guidance provided by the Comprehensive Plan to establish and more accurately define the boundaries if questions arise.”

The Comprehensive Plan states the Business/Industrial land use designation 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 business and technology park proposed by the TEDC will be generally consistent with the land uses envisioned for Business/Industrial areas.

The business and technology park is anticipated to accomplish the following items from the Comp Plan’s “Business/Industrial Planning Guidelines”:

- Locate employment designated land uses with access to major transportation corridors.

- Ensure that truck traffic associated with employment-related land uses do not use residential streets for access.
- Encourage high intensity employment in campus or urbanized areas that are adjacent to collector or arterial roadways with access to transit and an integrated pedestrian environment.

The proposed project also meets Goal EO 1 of Chapter 6 (Economic Opportunity) of the Comprehensive Plan, which states "Grow, diversify, and evolve Tomball's economy to raise the standard of living, create new employment opportunities, and generate revenues so the City can provide quality public services and amenities." The ability to offer sites zoned for employment-type land uses will help to attract companies looking to locate and/or expand in the area. Additionally, the location provides direct access to SH 249 and FM 2920, and will be in close proximity to the future Grand Parkway, enabling park occupants to have easy access to major thoroughfares with little impact to the community and residential neighborhoods.

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 will require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, is 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. To the north of the subject site is undeveloped, residential, and agricultural land in the Single-Family Estate Residential-20 and Agricultural Districts; to the south is a retail, undeveloped, commercial, industrial, and residential land within the General Retail District and Tomball's unzoned extraterritorial jurisdiction; to the east is commercial, undeveloped, and residential land in the Agricultural District and Tomball's unzoned extraterritorial jurisdiction; and to the west is undeveloped and industrial land in the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts. See site photos (Exhibit "G").

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

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

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

There is no vacant land currently classified for similar development in the immediate vicinity of the subject site. However, there are several undeveloped properties zoned Light Industrial within the City of Tomball, particularly south of Mechanic Street between the Burlington Northern Santa Fe railway and South Chestnut Street and on the west side of South Persimmon south of Lizzie Lane.

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 Light Industrial District development city-wide and within the vicinity.

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 Light Industrial District is generally consistent with the Comprehensive Plan land use designations. The majority of the site is designated as “Business/Industrial” with the northern tip designated as “Rural Residential.” The Comp Plan states, “Boundary lines are to be considered approximate and discretion may be used in determining them. Variations, particularly where significant natural or manmade features are present, may be acceptable. It will be the responsibility of the Tomball City Council, with the recommendation of the Planning & Zoning Commission, city planning staff, and guidance provided by the Comprehensive Plan to establish and more accurately define the boundaries if questions arise.”

The Comprehensive Plan states the Business/Industrial land use designation 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 business and technology park proposed by the TEDC will be generally consistent with the land uses envisioned for Business/Industrial areas.

The business and technology park is anticipated to accomplish the following items from the Comp Plan’s “Business/Industrial Planning Guidelines”:

- Locate employment designated land uses with access to major transportation corridors.
- Ensure that truck traffic associated with employment-related land uses do not use residential streets for access.
- Encourage high intensity employment in campus or urbanized areas that are adjacent to collector or arterial roadways with access to transit and an integrated pedestrian environment.

The proposed project also meets Goal EO 1 of Chapter 6 (Economic Opportunity) of the Comprehensive Plan, which states "Grow, diversify, and evolve Tomball's economy to raise the standard of living, create new employment opportunities, and generate revenues so the City can provide quality public services and amenities." The ability to offer sites zoned for employment-type land uses will help to attract companies looking to locate and/or expand in the area. Additionally, the location provides direct access to SH 249 and FM 2920, and will be in close proximity to the future Grand Parkway, enabling park occupants to have easy access to major thoroughfares with little impact to the community and residential neighborhoods.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 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 P11-348 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 light industrial 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. Property Survey
- B. Aerial Photo
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Location/Zoning Map
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos

Exhibit “A”
Property Survey

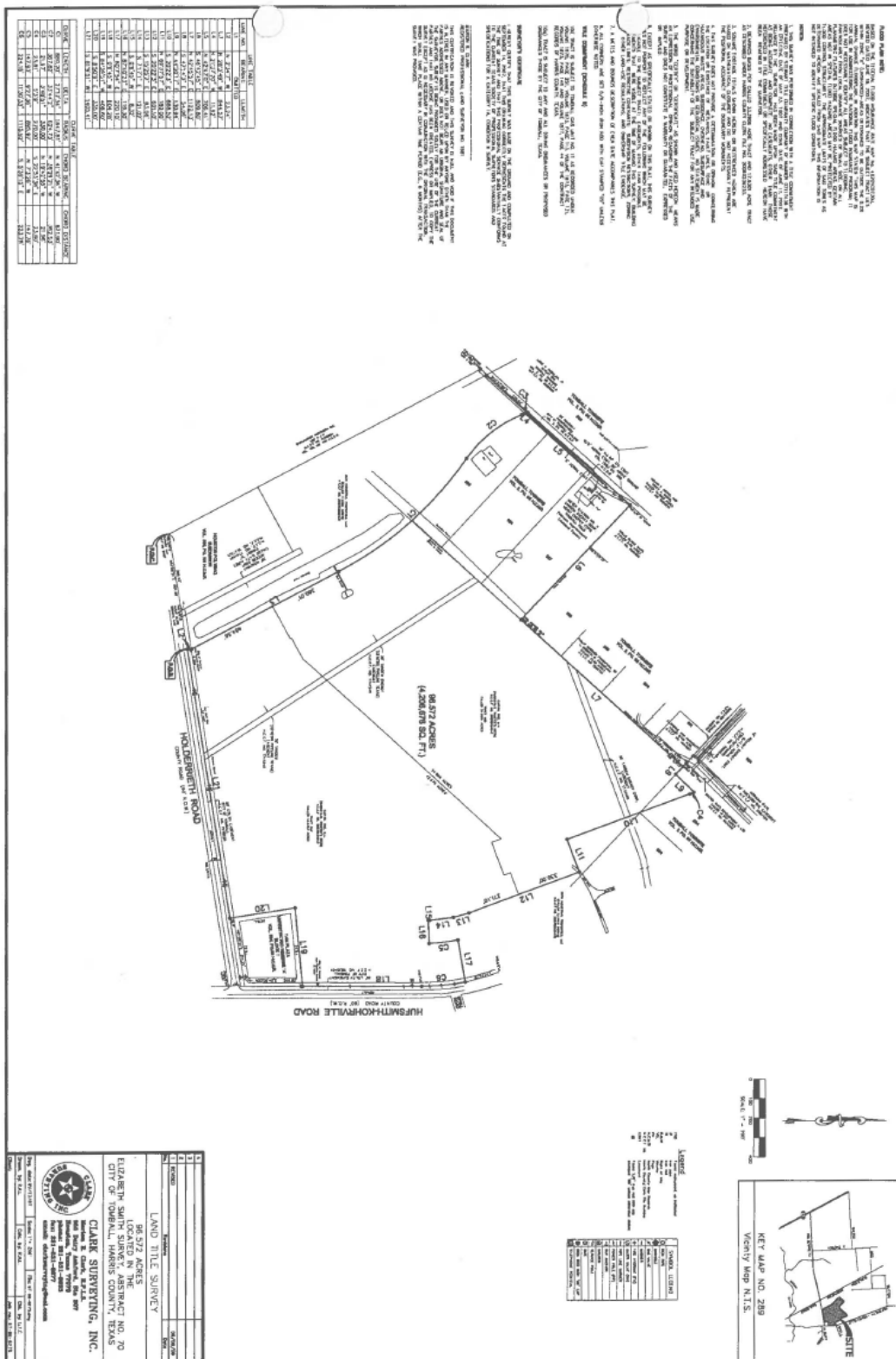


Exhibit "B"
Aerial Photo

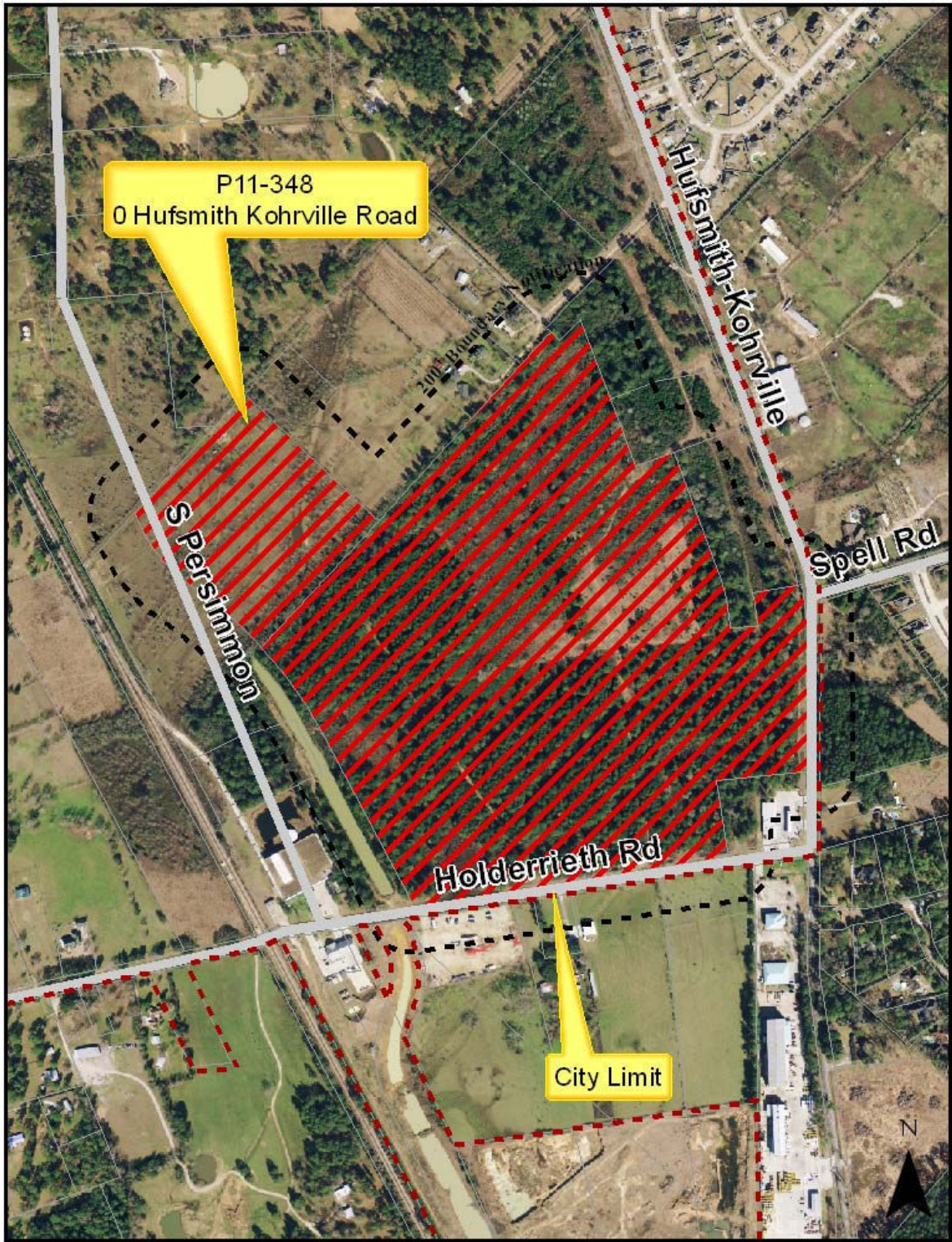


Exhibit "C"
Rezoning Application

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: Tomball Economic Development Corporation Title: _____
Mailing Address: P.O. Box 820 City: Tomball State: TX
Zip: 77377
Phone: (281) 401-4088 Fax: (281) 351-7223 Email: kviolette@tomballtxedc.org

Owner

Name: Capital One, National Association Title: _____
Mailing Address: P.O. Box 61540 City: New Orleans State: LA
Zip: 70161
Phone: (504) 533-2188 Fax: 504 533-5210 Email: debbie.pitter@capitalonebank.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Business Park

Physical Location of Property: NW corner of Holderrieth & Hufsmith-Kohrville Roads
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 4, Abstract 70 E Smith & LT 386 & 387 & TR 385 of the Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-6 & C-Commercial

Current Use of Property: Vacant Land

Proposed Zoning District: LI- Light Industrial

Proposed Use of Property: Business Park

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

HCAD Identification Number: 0410260000020 & 0352920000384 Acreage: 96.572

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.

Kelly Viollette Executive Director
x Tomball EDC 8/2/11
Signature of Applicant Date

Capital One, N.A.
x *Ray: Michael D. Potter* 7-28-11
Signature of Owner Date

**Exhibit “D”
Rezoning Request Letter**



August 3, 2011

Mr. Rodney Schmidt
Assistant City Planner
Engineering & Planning Department
501 James Street
Tomball, TX 77375

RE: Rezoning request for approximately 97.5 acres of land located at the northwest corner of Holderrieth & Hufsmith-Kohrville Roads

Dear Mr. Schmidt,

The Tomball Economic Development Corporation (TEDC) is under contract to purchase approximately 97.5 acres of land located at the northwest corner of Holderrieth and Hufsmith-Kohrville Roads for purposes of developing a business/technology park to support the creation and retention of primary jobs in the City of Tomball. A primary job is defined as a job available at a company that exports a majority of its products or services to markets outside the local region, infusing new dollars into the local economy.

The TEDC Board of Directors approved the designation of the business park as a Project of the Corporation on May 24, 2011, and City Council subsequently approved the project and property acquisition on July 18, 2011. We are currently in our due diligence phase and as part of that process are submitting this rezoning application to request that the site be rezoned from the SF-6 and C-Commercial Districts to the LI-Light Industrial District.

It is the intent of the TEDC to acquire the land and construct the public infrastructure, including roadways, utilities, and drainage facilities in order to offer “fully improved” sites. All future potential businesses to be located within the business park will be required to be reviewed and approved by the TEDC Board of Directors and Tomball City Council, thereby ensuring that the uses are compatible with the vision for and purpose of the business/technology park.

The requested rezoning is generally consistent with the Future Land Use Plan Map Designation of Business Industrial which supports industrial and intensive employment related activities. Although the northern portion of the site is shown as Rural Residential on the Future Land Use Plan Map, the Comprehensive Plan states that the “boundary lines are to be considered approximate and discretion may be used in determining them.”

The existing configuration of the site is irregular in shape and borders primarily commercial developments on the east, south, and west. As such, we believe that the proposed project will be compatible with the long-term vision for the area as an employment activity center.

Additionally, the proposed project meets the following Business Industrial Planning Guidelines outlined in the Comprehensive Plan:

- Locate employment designated land uses with access to major transportation corridors.
- Ensure that truck traffic associated with employment-related land uses do not use residential streets for access.
- Encourage high intensity employment in campus or urbanized areas that are adjacent to collector or arterial roadways with access to transit and an integrated pedestrian environment.

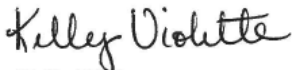
The proposed project also meets Goal E0 1 of Chapter 6 (Economic Opportunity) of the Comprehensive Plan, which states “Grow, diversify, and evolve Tomball’s economy to raise the standard of living, create new employment opportunities, and generate revenues so the City can provide quality public services and amenities.” The ability to offer “fully-improved” sites that are zoned for employment-type land uses will enable Tomball to become a regional and statewide competitor for companies looking to locate and/or expand in the area thereby increasing employment opportunities for our residents and growing the economic base of our City. Additionally, the location provides direct access to SH 249 and FM 2920, and will be in close proximity to the future Grand Parkway, enabling park occupants to have easy access to major thoroughfares with little impact to the community and residential neighborhoods.

The development of a planned business park would be a unique asset for the City of Tomball and would have a positive economic impact on the City. In addition to the standards outlined in the Zoning Ordinance, the TEDC intends to develop deed restrictions for the park in order to maintain property values, ensure a campus-like environment, uphold property maintenance standards, and attract high quality businesses and industries.

The TEDC respectfully requests consideration of this rezoning in order to complete the property acquisition and begin the development of the park.

Please don’t hesitate to contact me at 281-401-4086 should you have any questions.

Sincerely,



Kelly Violette
Executive Director

**Exhibit “E”
Location/Zoning Map**

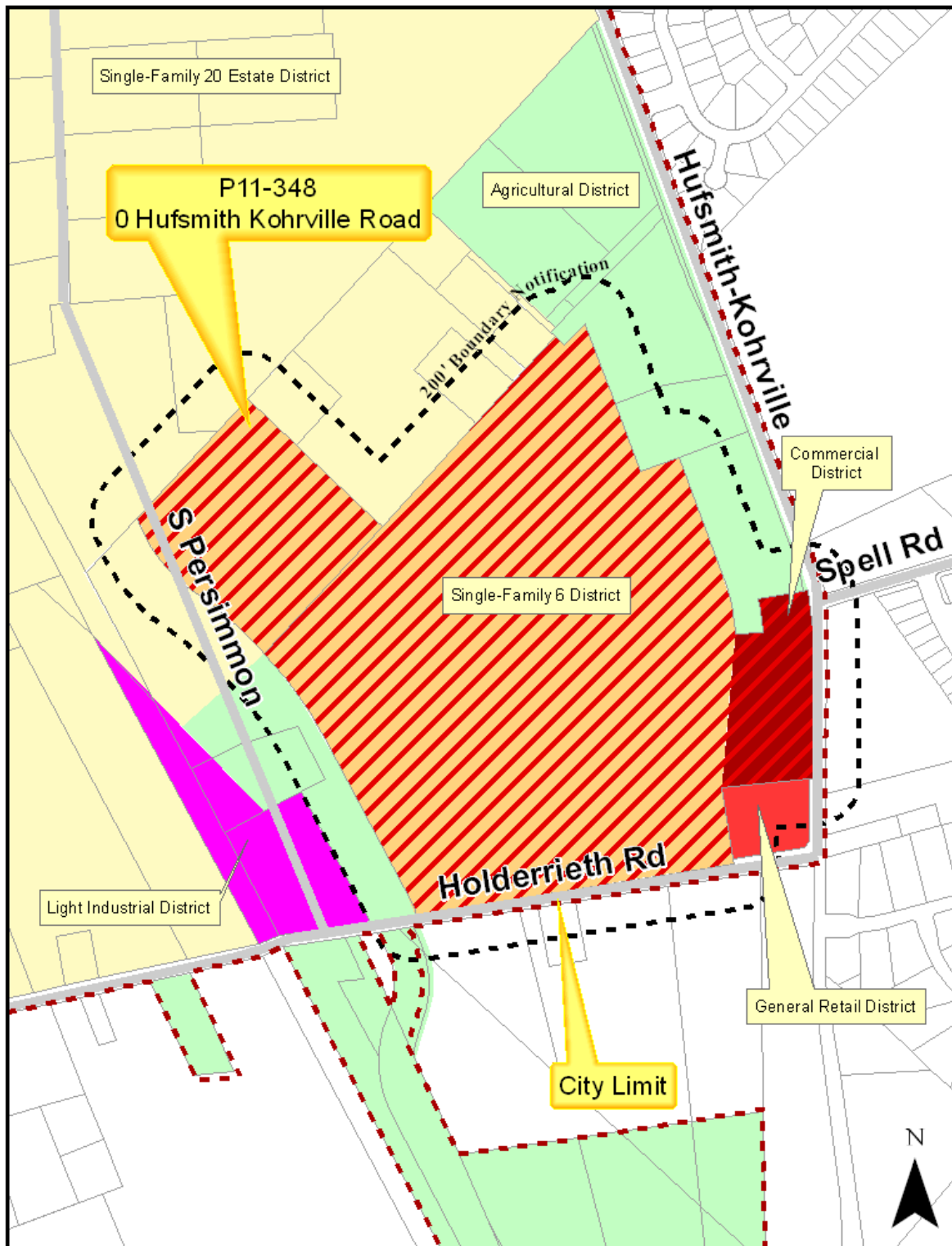
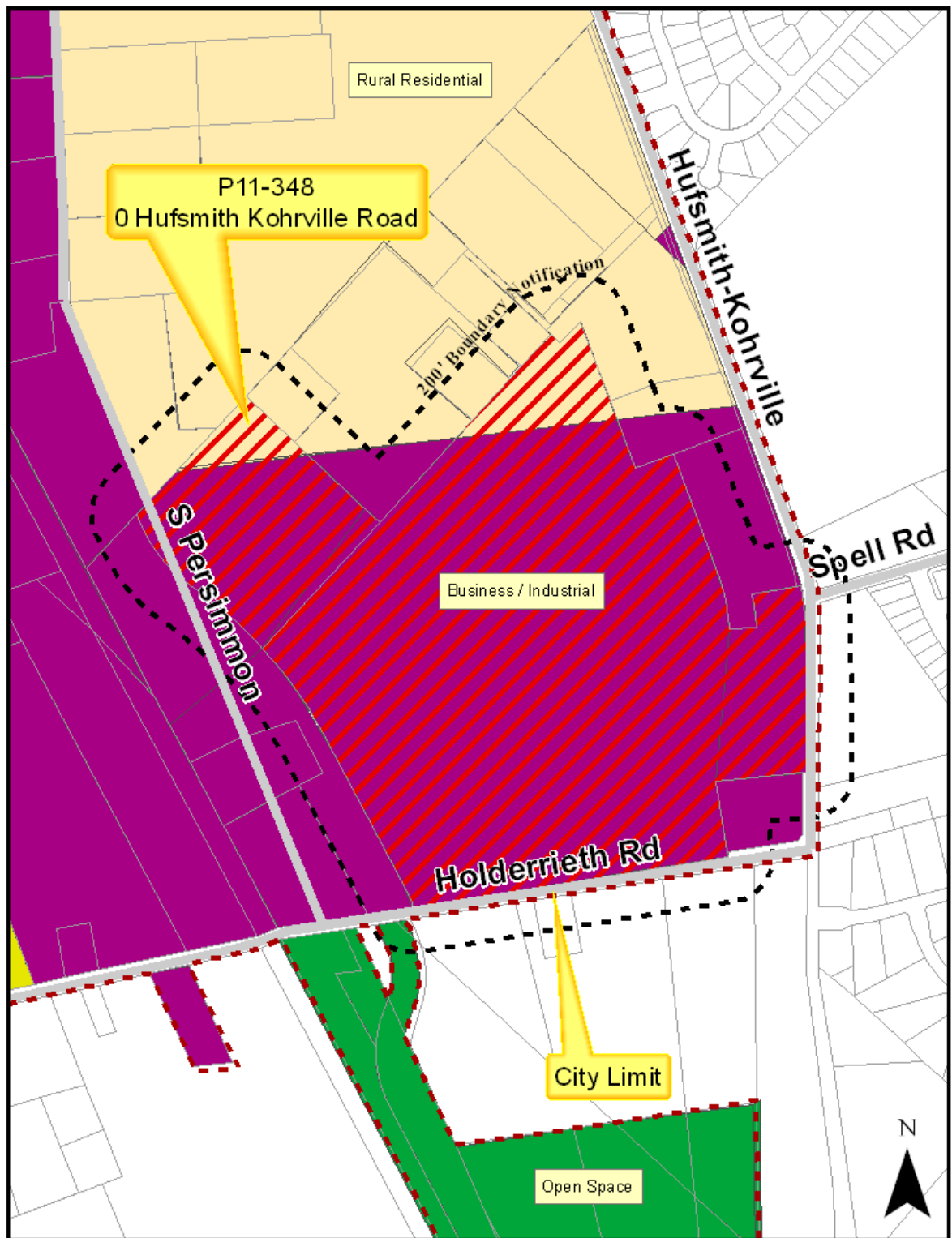


Exhibit “F”
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Northerly view of subject site.



Figure 2: Houston Poly Bag to the west of subject site.



Figure 3: Tomball Fire Department Station #2 south of subject site.



Figure 4: Residence to the south of subject site.



Figure 5: Mustang/Cat, SAI Power Systems, and Cnrg Facilities to the southeast of subject site.



Figure 6: Convenience store to the southeast of subject site.



Figure 7: Residence to the east of subject site.



Figure 8: Creacom facility east of the subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: September 12, 2011

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P11-349**

Background:

Origination:

Peter and Sylvia Hildreth

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

P11-349 Staff Report

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



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 12, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 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 P11-347: 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.

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.

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.

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

C E R T I F I C A T I O N

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 **September** 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: P11-349

APPLICANT: Peter and Sylvia Hildreth

LOCATION: Easterly side of State Highway 249, northerly of Zion Road

PROPOSAL: Request 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, from the SF-9 - Single-Family Residential-9 District to the C - Commercial District.

* * *

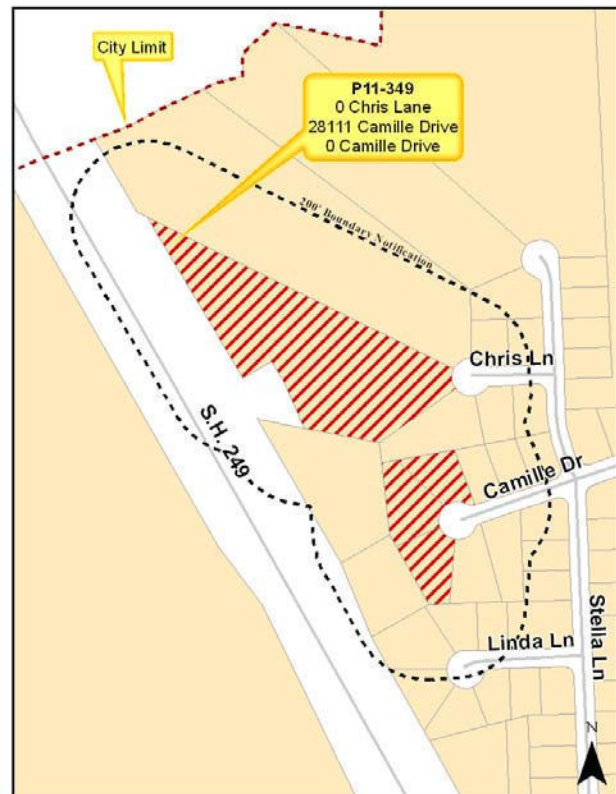
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

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

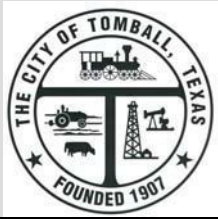


**Planning and Zoning Commission
Public Hearing:
Monday, September 12, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, September 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 Hearing Date: September 12, 2011

Rezoning Case: P11-349
Property Owner(s): Peter and Sylvia Hildreth
Applicant(s): Peter and Sylvia Hildreth
Legal Description: Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat
Location: Generally located on the easterly side of State Highway 249, northerly of Zion Road
Area: 6.928 acres
Present Zoning and Use: Single-Family Residential-9 District / Undeveloped and Tool and Machinery Rental (with Outdoor Storage)
Comp Plan Designation: Medium Density Residential and Open Space
Proposed Zoning and Use: C-Commercial District / Tool and Machinery Rental (with Outdoor Storage)

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

Adjacent Zoning & Land Uses:

North: Single-Family Residential-9 District / Undeveloped
South: Single-Family Residential-9 and Commercial Districts / Residential and Retail
East: Single-Family Residential-9 / Residential
West: Commercial District / Hilltop Tool Rental, SH 249 ROW, and Lone Star College

BACKGROUND

The subject site is legally described as Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat within the City of Tomball, Harris County, Texas totaling approximately 6.928 acres (Exhibit "A"). The site is generally located on the easterly side of State Highway 249, northerly of Zion Road (Exhibit "B"). The subject site is partly undeveloped and partly used by Hilltop Tool Rental as a "Tool and Machinery Rental (with Outdoor Storage)" land use.

According to the applicants' attorney, Otis Bakke (Exhibit "C"):

"The Hildreths have acquired and used this property over the past 18 years. During that time span the entire tract has been utilized as a commercial property and used in the operation of Hilltop Tool Rental and Supply which entity is owned and operated as a sole proprietorship by Mr. Hildreth. The entire property is debt free and all property taxes are paid current.

Mr. Hildreth's business operations involve all of the subject property to one extent or another. His rental inventory consists of small and very large pieces of equipment. The equipment is located all about the property according to size, type and use.

When Mr. Hildreth first acquired the property, zoning was not in effect in the City of Tomball. Most of the property was designated as "Unrestricted Reserve" in the subdivision dedication plat. The property was considered as Unrestricted Reserve property until the City of Tomball adopted the Zoning Ordinance. Yielding to the vociferous demands of neighbors in the Tomball Hills Subdivision, the City elected to zone the subject property as residential, notwithstanding its historical use.

Mr. Hildreth would show that the facts and physical attributes of the subject property will show that its highest and best use (if not its only viable use) is as a commercially zoned property. The following points are illustrative of this point.

- The zoning of the subject lots as residential properties did not follow the historical use of the property. There has never been a residential use of these lots. The only development of the lots has been by Mr. Hildreth in conjunction with his tool rental business.
- The property is on a sharp incline and the terrain makes the construction of a single family residence impossible from a practical engineering point of view. There is not enough surface area available to create feasible building sites.
- The property is located adjacent to the flood plain where no permanent structures can be built. There is not enough lot area outside the flood plain area to permit the construction of a single family residence.
- The City of Tomball is proceeding with a sewer lift station on Lot 37 of the Tomball Hills Subdivision. The presence of that facility will deter prospective homeowners from using any of the surrounding lots for home sites.
- The property has been dedicated to commercial uses only for about twenty years. In *City of Corpus Christi v. J Wallen*, 52 Tex 137; 254 SW2d 759 the Texas Supreme Court declared that property could not be changed from its historical use by the zoning process. Mr. Hildreth proposes to construct an eight foot fence along the boundary between his business and the Tomball Hills Subdivision and further to create a green belt of hedges

for security purposes and to isolate his business from the homes in the subdivision.”

ANALYSIS

On August 3, 2011, the Engineering & Planning Department received the rezoning application (Exhibit “D”) for the subject site. The applicant is requesting to rezone the property from the Single-Family Residential-9 District to the C - Commercial District to allow the “Tool and Machinery Rental (with Outdoor Storage)” use on the subject sites. If the entire property is rezoned, the applicant has indicated a desire to replat the property into one overall tract. Accordingly, the Applicant is also preparing for approval of the Planning Commission a proposed replat of the properties.

Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat were originally platted and restricted as residential lots.

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

There are a number of land uses in the vicinity (Exhibits “B” and “E”). To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is Hilltop Tool Rental, SH 249 ROW, and Lone Star College in the Commercial District.

The subject site is identified on the Comprehensive Plan future land use map as “Medium Density Residential” and “Open Space” (Exhibit “F”). The proposed rezoning to the Commercial District is not consistent with the “Medium Density Residential” land use designation. The Comprehensive Plan’s land use designations are intended to provide direction in determining future growth patterns and development intensities.

The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” The “Open Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.” A portion of the properties proposed to be included in the commercial zone includes property that lies with the floodplain, and will be used as detention facilities in a commercial setting.

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 are a number of land uses in the vicinity. A portion of the property proposed to be rezoned is already used for commercial purposes and lies adjacent to a major state highway. To the north of the subject site is undeveloped land and a tract the City has acquired for use as a sewer lift station site in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is Hilltop Tool Rental, SH 249 ROW, and Lone Star College in the Commercial District. See site photos (Exhibit "G").

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

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

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

There is little vacant land in the immediate vicinity zoned Commercial District. However, there are numerous vacant parcels within the City of Tomball zoned Commercial District.

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

There has been steady development throughout the City in the Commercial District. Within the immediate vicinity and within the Commercial District, Lone Star College is finishing construction on their Performing Arts Center and Veterinary Technology Building.

- 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 Commercial District is not consistent with the “Medium Density Residential” land use designation.

However, the Comprehensive Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

Development proposals inconsistent with the Comprehensive Plan or that do not meet its general intent should be reviewed based up the criteria above. Such proposals should also be evaluated on their individual merit, on a case-by-case basis.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 1, 2011 and, as of the writing of this report, two written public comment forms were received in opposition to the request (Exhibit “H”):

- Libby Tompkins (31313 Stella Lane)
- Don & Marilyn Tobola (31307 Stella Lane)

RECOMMENDATION

The City Staff presently has insufficient information to recommend that the property be rezoned in accordance with the above criteria.

EXHIBITS

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

Exhibit “A” Property Survey

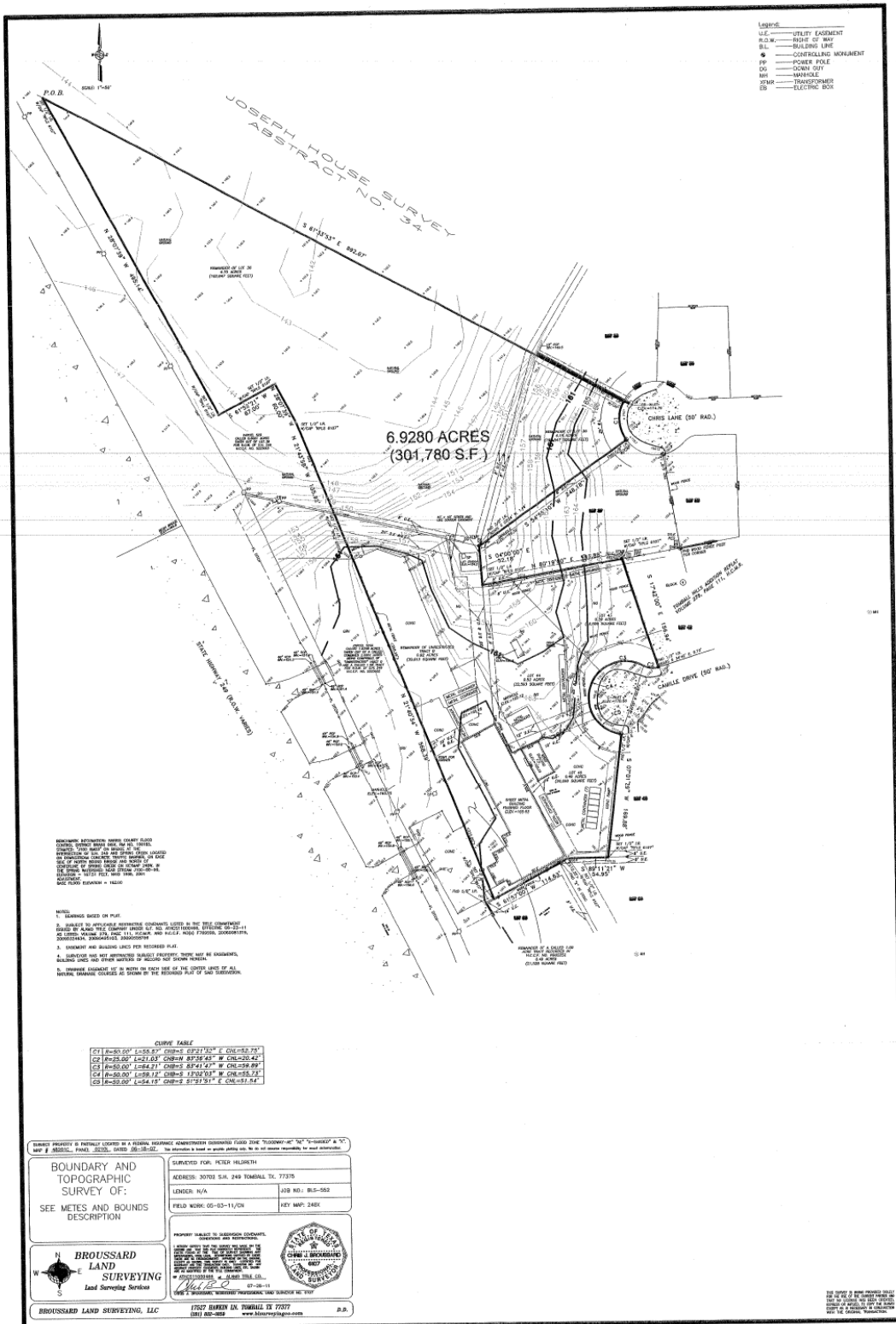


Exhibit "B"
Aerial Photo



Exhibit "C"
Rezoning Request Letter

O. Otis Bakke
Attorney at Law
1272 Handkerchief Way
Haslet, Texas 76052

(817) 437-1729 Telephone
(817) 439-1322 Facsimile
otisbakke@ahcglobal.net

August 2, 2011

The Honorable Gretchen Fagan
Mayor
City of Tomball
Tomball, Texas 77375

Mr. Warren Driver
City Councilman
City of Tomball
Tomball, Texas 77375

Mr. David Quinn
City Councilman
City of Tomball
Tomball, Texas 77375

Mr. Mark Stoll
City Councilman
City of Tomball
Tomball, Texas 77375

Mr. David Townsend
City Councilman
City of Tomball
Tomball, Texas 77375

Mr. Bill Webb
Mayor Pro-Tem
City of Tomball
Tomball, Texas 77375

Mr. Scott Bounds
Tomball City Attorney
Olson & Olson, LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Ms. Lori Lakatos, P.E., C.F. M.
Tomball City Engineer
501 James Street
Tomball, Texas 77375

RE: Lots 36,43, 44,45, and Unrestricted Tract "D" in Block 4 of the Tomball Hills Addition, Tomball, Texas according to the map or plat thereof recorded in Volume 279, Page 111 of the Map Records of Harris County, Texas

Ladies and Gentlemen:

This law firm represents Peter R. Hildreth and his wife, Mrs. Sylvia Hildreth who are the owners of the above referenced property. The Hildreths now petition the City of Tomball, Texas to rezone this property from a residential zoning to a commercial zoning.

The Hildreths have acquired and used this property over the past 18 years. During that time span the entire tract has been utilized as a commercial property and used in the operation of Hilltop Tool Rental and Supply which entity is owned and operated as a sole proprietorship by Mr. Hildreth. The entire property is debt free and all property taxes are paid current,

Mr. Hildreth's business operations involve all of the subject property to one extent or another. His rental inventory consists of small and very large pieces of equipment. The equipment is located all about the property according to size, type and use.

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- The property is on a sharp incline and the terrain makes the construction of a single family residence impossible from a practical engineering point of view. There is not enough surface area available to create feasible building sites.
- The property is located adjacent to the flood plain where no permanent structures can be built. There is not enough lot area outside the flood

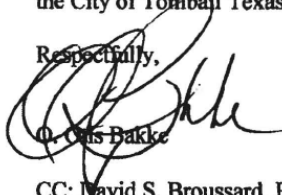
plain area to permit the construction of a single family residence.

- The City of Tomball is proceeding with a sewer lift station on Lot 37 of the Tomball Hills Subdivision. The presence of that facility will deter prospective homeowners from using any of the surrounding lots for home sites.
- The property has been dedicated to commercial uses only for about twenty years. In City of Corpus Christi v. J W Allen, 52 Tex 137; 254 SW2d 759 the Texas Supreme Court declared that property could not be changed from its historical use by the zoning process.

Mr. Hildreth proposes to construct an eight foot fence along the boundary between his business and the Tomball Hills Subdivision and further to create a green belt of hedges for security purposes and to isolate his business from the homes in the subdivision.

Wherefore, premises considered, Peter R. Hildreth and Sylvia Hildreth respectfully urge the City of Tomball Texas to rezone this property as a commercial property,

Respectfully,



D. Chris Bakke
CC: David S. Broussard, P.E.
17527 Hawkin Lane
Tomball, Texas 77377

CC: Peter R and Sylvia Hildreth
30702 State Highway 249
Tomball, Texas 77375

Exhibit "D"
Rezoning Application



APPLICATION FOR REZONING
Engineering & Planning Department

Revised 1/20/09



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: HILLTOP TOOL RENTAL Title: _____
Mailing Address: 30702 SH 249 City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: HILLTOPPETER@yahoo.com

Owner

Name: PETER R. HILDRETH Title: OWNER
Mailing Address: 30702 SH 249 City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: HILLTOPPETER@yahoo.com

Engineer/Surveyor (if applicable)

Name: DAVID S. BROUSSARD, PE Title: CONSULTANT
Mailing Address: 17527 HAWKIN LANE City: TOMBALL State: TX
Zip: 77377
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

Description of Proposed Project: RE-ZONING OF EXIST RES. to COMMERCIAL PROPERTY

Physical Location of Property: SE CORNER OF SH 249 & SPRING CREEK

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

Legal Description of Property: JOSEPH HOUSE SURVEY, ABSTRACT - 34

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

Current Zoning District: RES & Com.

Current Use of Property: COMMERCIAL

Proposed Zoning District: ~~RES~~ & C

Proposed Use of Property: COMMERCIAL

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

www.ci.tomball.tx.us

-0063
-0045
-0044
-0067

HCAD Identification Number: 112-957-000-0036 Acreage: 6.9280 A.

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	<u>Peter R. Helbert</u>	<u>8-3-2011</u>
Signature of Applicant	<u>Sylvia Helbert</u>	Date
<u>Peter R. Helbert</u>	<u>8-3-2011</u>	
Signature of Owner	<u>Sylvia Helbert</u>	Date

**Exhibit “E”
Location/Zoning Map**

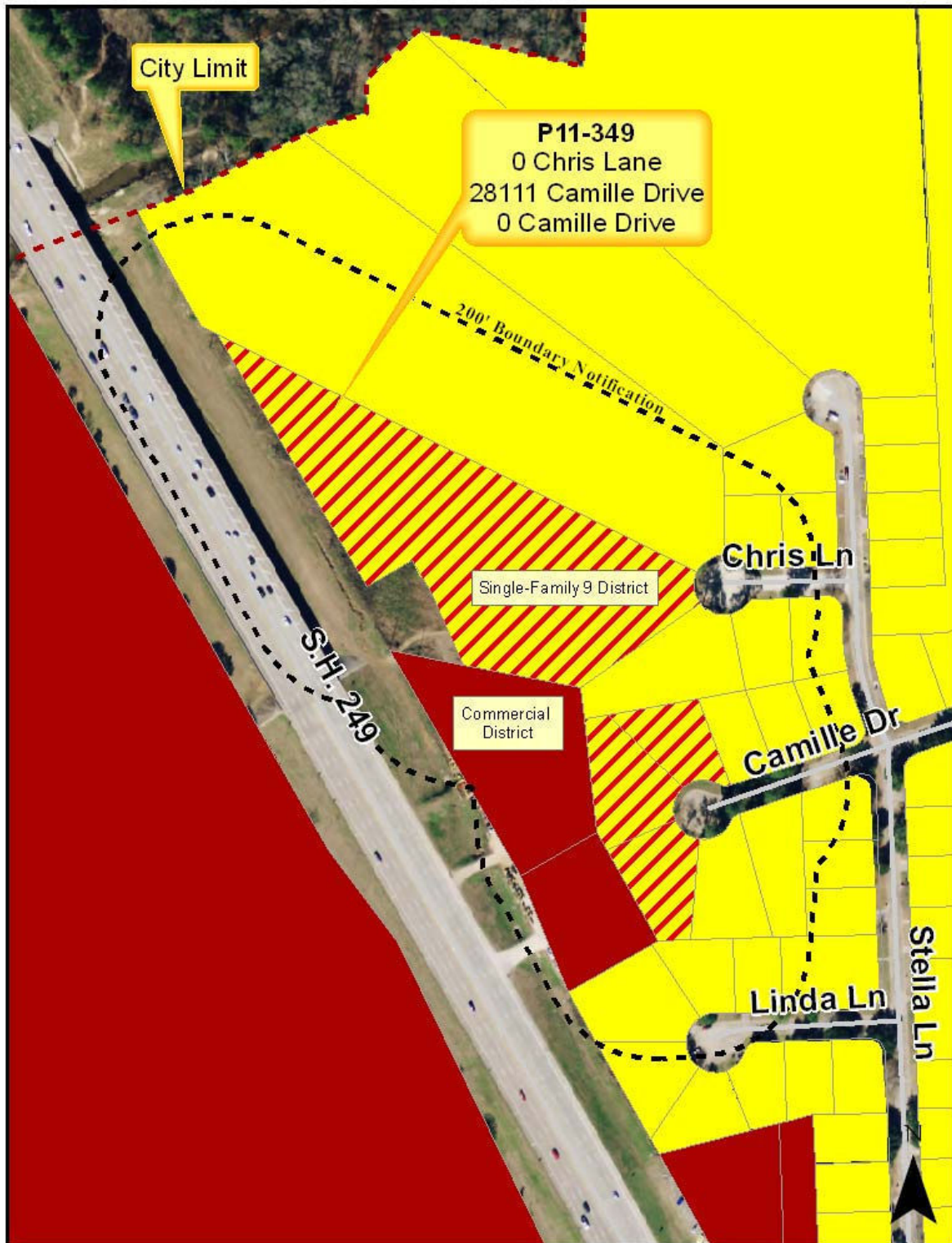
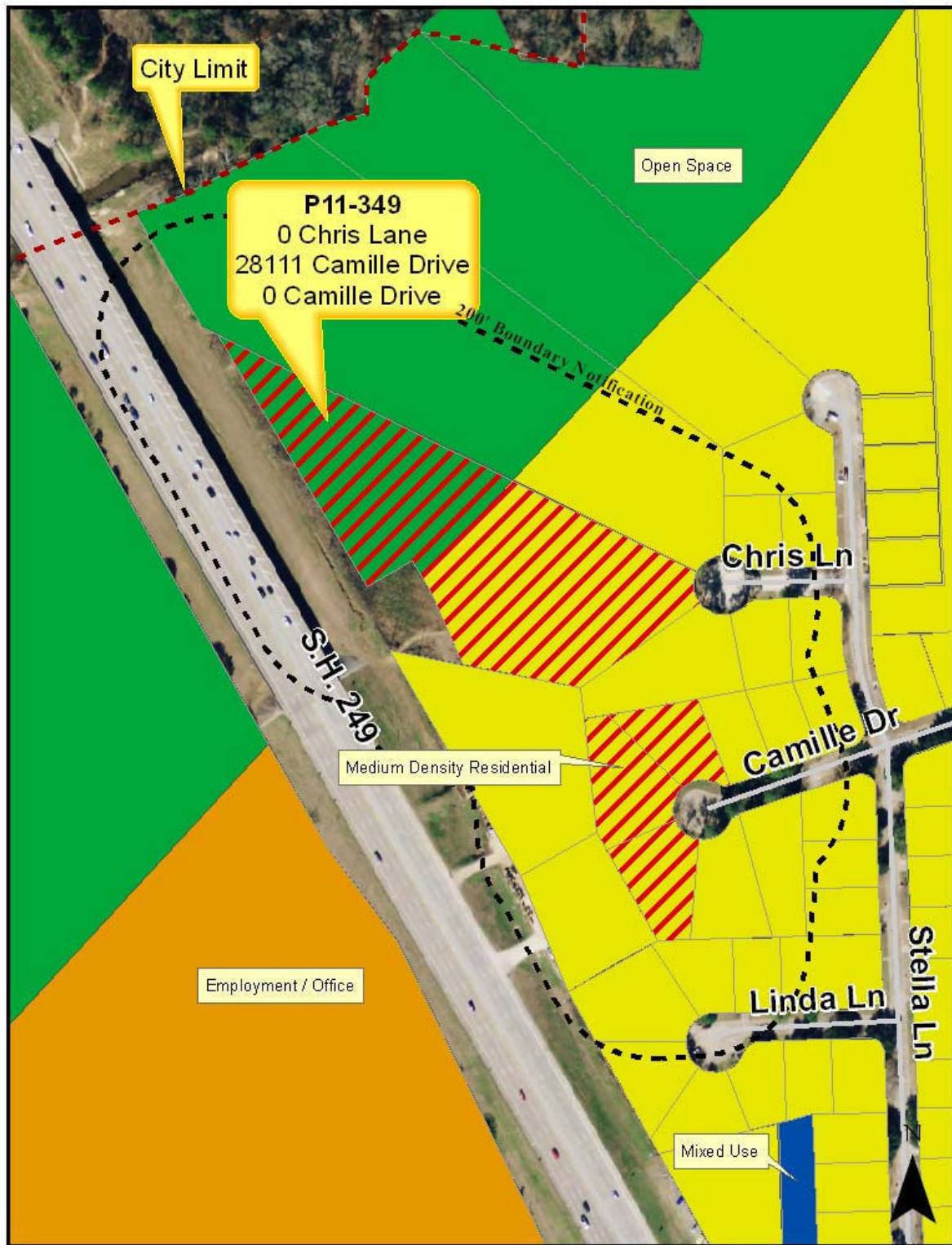


Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Hilltop Tool Rental



Figure 2: Subject site (Tract 36).



Figure 3: Subject site (Lot 43).



Figure 4: Subject site (Lots 44 and 45).



Figure 5: Single-family residence within Tomball Hills Subdivision to the east of subject site.



Figure 6: City of Tomball lift station being constructed on Lot 37 near subject site.

Exhibit "H"
Public Comment Forms

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

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

Name: Libby D. Tompkins
(please print)
Address: 31313 Stella Lane
Tomball, Tx. 77375
Signature: Libby D. Tompkins
Date: 9-6-11

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-349**. (Please state reasons below)

☒

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-349**. (Please state reasons below)

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

Monday, September 12, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, September 19, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Rezoning would necessitate, in removing the large number of trees behind our house. This would hurt our property value and cause a significant noise level increase due to then traffic on 249. It is already noisy from all the traffic, and this would make it much worse. Families that may want to move to this area would be less likely to move here. Nobody wants to hear traffic and look out their windows and see only buildings.

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)

DON & MARILYN TOBOLA

Address:

31307 STELLA LANE
TOMBALL, TEXAS 77375

Signature:

[Handwritten Signature]

Date:

9/4/11

—

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-349. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-349. (Please state reasons below)

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

Monday, September 12, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, September 19, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

THE COMMERCIAL PROPERTY AT THE END OF LINDA LANE HAS ALREADY DEPRECIATED THE SELLING VALUE OF HOMES IN TOMBALL HILLS. BRINGING COMMERCIAL PROPERTY INTO TOMBALL HILLS WILL FURTHER DECREASE PROPERTY VALUE AND REDUCE THE PROPERTY SALEABILITY. THE NOISE ON 249 IS BAD ENOUGH ALREADY WITHOUT ADDING COMMERCIAL NOISE ALSO.

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.