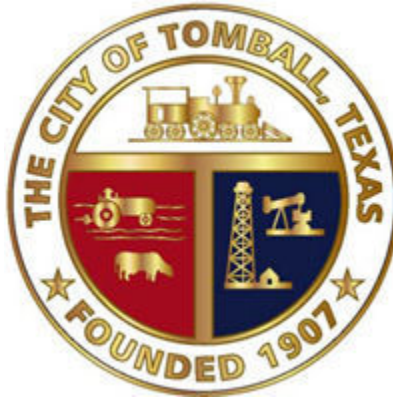


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, MARCH 14, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, March 14, 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

Tomball Downtown Specific Plan Events:

- Public Workshop, Saturday, April 9, 2011 from 3 – 5 pm, Community Center;
- Drop In Design Studio, Monday, April 11, 2011 from 11 am – 3 pm, Community Center;

- Focus Group Meeting (brown bag lunch), Monday, April 11, 2011 from 12 – 1 pm, Community Center;
- Joint City Council / Planning and Zoning Commission / Downtown Tomball Advisory Committee Meeting,
Monday, April 11, 2011, from 7 – 9 pm, Community Center.

4.0 Consideration to Approve the Minutes of the following Meetings:

- Regular Planning and Zoning Commission Meeting of February 14, 2011;
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of February 21, 2011, and
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of March 7, 2011.

5.0 New Business:

- 5.1 Consideration and possible action regarding **CORRIENTE COMMERCIAL FINAL PLAT**: Being a subdivision of 4.8595 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, as described in deed recorded in Clerk's File Number U311750 of the Real Property Records of Harris County, Texas.
- 5.2 Consideration and possible action regarding **REPLAT 1 OF TOMBALL MEDICAL PLAZA**: Being a Replat of Tomball Medical Plaza being 2.8278 acres out of Lot 12, Recorded under F.C. No 635259 of the Harris County Map Records, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.
- 5.3 Consideration and possible action regarding **TOMBALL R 135 PRELIMINARY PLAT**: Being a subdivision of 2.5721 acre tract, 112,042.65 Square Feet, Situated in the C.N. Pillot, Survey A-632 and Sam Lewis, Survey A-1704, Harris County, Texas.
- 5.4 Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 2,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District. *The applicant has requested a continuance of this case to the April 11, 2011 P&Z Meeting*
- Conduct a Public Hearing on **ZONING CASE P10-289**
- 5.5 Consideration and possible action regarding **ZONING CASE P11-302**: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot

Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

- Conduct a Public Hearing on **ZONING CASE P11-302**

- 5.6 Consideration and possible action regarding **ZONING CASE P11-303:** Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), for a Conditional Use Permit to operate a “Manufactured Home Display or Sales (New or Used)” facility. The property is an approximately 2.57 acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas. The site is located in the AG-Agricultural and C-Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-302).

- Conduct a Public Hearing on **ZONING CASE P11-303**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of March 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: March 14, 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: March 14, 2011

Data Sheet

Topic:

Tomball Downtown Specific Plan Events:

- Public Workshop, Saturday, April 9, 2011 from 3 – 5 pm, Community Center;
- Drop In Design Studio, Monday, April 11, 2011 from 11 am – 3 pm, Community Center;
- Focus Group Meeting (brown bag lunch), Monday, April 11, 2011 from 12 – 1 pm, Community Center;
- Joint City Council / Planning and Zoning Commission / Downtown Tomball Advisory Committee Meeting,
Monday, April 11, 2011, from 7 – 9 pm, Community Center.

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: March 14, 2011

Data Sheet

Topic:

Consideration to Approve the Minutes of the following Meetings:

- Regular Planning and Zoning Commission Meeting of February 14, 2011;
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of February 21, 2011, and
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of March 7, 2011.

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	

ATTACHMENTS:

02.14.11 Regular P&Z Minutes

02.21.11 Special Joint CC / P&Z Meeting

03.07.11 Special Joint CC / P&Z Meeting

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

MONDAY, FEBRUARY 14, 2011



6:00 P.M.

1.0 Call to Order

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

Commissioner Crofoot
Commissioner Hudgens
Commissioner Tague
Commissioner Mottershaw

Others present:

City Planner / Community Development Coordinator – Kelly Violette
Assistant City Planner – Rodney Schmidt
Assistant City Engineer – Lori Lakatos
Engineering & Planning Senior Administrative Assistant – Brandy Pate

2.0 No Public Comments were received.

3.0 Reports and Announcements:

Kelly Violette announced the upcoming Special Joint Tomball City Council / Planning & Zoning Commission Meeting: Monday, February 21, 2011 at 4:30 p.m., Council Chambers of City Hall.

4.0 Motion was made by Commissioner Tague to Approve the Minutes of the following Meetings:

- Regular Planning and Zoning Commission Meeting of January 10, 2011;
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of January 17, 2011, and
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of February 7, 2011;

second by Commissioner Crofoot.

Motion carried unanimously.

Draft

5.0 New Business:

- 5.1 City Planner, Kelly Violette presented presentation of the Comprehensive Plan 2010 Annual Report.
- 5.2 Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 2,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District. ***The applicant has requested a continuance of this case to the February 14, 2011 P&Z Meeting***

The Public Hearing was opened by Chairman Wallace at 6:19 p.m.

No comments were received and the Public Hearing was closed at 6:20 p.m.

Chairman Wallace announced that this Public Hearing would be recessed until the next Regular P&Z Meeting of March 14, 2011. Additional notifications would be sent and anyone wishing to speak would be given the opportunity to address the Commission at that meeting.

- 5.3 Consideration and possible action regarding **CORRIENTE COMMERCIAL PRELIMINARY PLAT**: Being a subdivision of 4.8595 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, as described in deed recorded in Clerk's File Number U311750 of the Real Property Records of Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Crofoot made a motion to Approve **CORRIENTE COMMERCIAL PRELIMINARY PLAT**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.4 Consideration and possible action regarding **PARTIAL REPLAT OF TOMBALL MARKETPLACE**: A 28.5984 acre (1,245,748 Square Foot) subdivision; Being lots 2, 3 & 4, Tomball Marketplace, as recorded in Film Code Number 605157, of the Harris County Map Records out of the John M. Hooper Survey, Abstract 375 Tomball, Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Crofoot made a motion to Approve **PARTIAL REPLAT OF TOMBALL MARKETPLACE**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.5 Consideration and possible action regarding **RESERVE AT TOMBALL FINAL PLAT**: A 56.530 acre tract of land being a partial Replat of Tomball Townsite Recorded in Volume 2, Page 65, H.C.M.R., and Tomball East Gate Center recorded under Film Code No. 542107, H.C.M.R., Being all of a called 55.6484 acre tract recorded under Harris County Clerk's File No. 20100211861, and the residue of unrestricted Reserve "B", Tomball East Gate Center, in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Tague made a motion to Approve **RESERVE AT TOMBALL FINAL PLAT**; with contingencies; second by Commissioner Mottershaw.

Motion carried unanimously.

- 5.6 Consideration and possible action regarding **STRIPES – FM 2920**: A subdivision of 1.2707 acres or 55,352 square feet of land, Being a partial Replat of unrestricted Reserve "B" of Tomball East Gate Center, recorded under F.C. No. 542107, H.C.M.R., and Outlots 313 and 314 of Tomball Townsite, Vol. 2, Pg. 65, H.C.M.R., situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Hudgens made a motion to Approve **STRIPES – FM 2920**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 6:35 p.m.

PASSED AND APPROVED this _____ day of _____ 2011.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

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



MONDAY, FEBRUARY 21, 2011

4:30 P.M.

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

The Planning and Zoning Commission meeting was called to order by Chair Lori Wallace. Other members present were:

Vice Chair – Tom Crofoot
Commissioner – Field Hudgens
Commissioner – Barbara Tague

Members absent:

Commissioner – John Mottershaw

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Klier
City Secretary – Doris Speer
City Attorney – Scott Bounds
Assistant to the City Manager – Shawn Cox
City Planner – Kelly Violette

draft

Assistant City Engineer – Lori Lakatos
Assistant City Planner - Rodney Schmidt
Building Official – David Allen
Fire Marshal – Doug Sanguedolce
Fire Inspector – Tommy Nicholson

2.0 No public comments were received.

3.0 Workshop Session:

3.1 The Tomball City Council and the Tomball Planning and Zoning Commission members entered into a Workshop session for the following purpose(s):

A. Discussion of Possible Changes to the Zoning Ordinance

Kelly Violette presented City-staff proposed revisions to the zoning ordinance for Section 41. Accessory Buildings/Structures & Related Use Regulations, Section 42. Screening Buffering and Fencing Requirements, Section 42.4. Fences in Residential Areas, Section 42.5. Fences in Nonresidential areas, Multiple-Family Areas, & Manufactured (Mobile) Home Parks, Section 43.5. Replacement of Manufactured Home, and Section 45. Definitions.

Consensus of Council and Planning and Zoning members was to approve the recommended changes.

Council requested that staff provide information regarding the effect that rezoning property might have on “ag” exemptions and property tax rates.

Mayor Fagan called a break at 6:00 p.m.; upon returning at 6:05 p.m., the workshop continued.

Kelly Violette presented proposed elimination of parking requirements within the four-block area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street. General consensus of the Council was to move forward with eliminating the parking requirements for the four-block area.

Kelly Violette presented comparisons between aerial photos, Zoning maps and Comprehensive Plan Land Use maps for Areas #1 through #7, with suggested changes to be made, through City-initiated rezoning, to the Zoning maps to be consistent with the Comprehensive Plan Land Use maps.

City staff will incorporate suggested revisions and present an update to the City Council and Planning and Zoning Commission at a special meeting on March 7, 2011 at 4:30 p.m.

4.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this ____ day of _____ 2011.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

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



MONDAY, MARCH 7, 2011

4:30 P.M.

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

The Planning and Zoning Commission meeting was called to order by Chair Lori Wallace. Other members present were:

Vice Chair – Tom Crofoot
Commissioner – Field Hudgens
Commissioner – Barbara Tague

Members absent:

Commissioner – John Mottershaw

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Assistant to the City Manager – Shawn Cox
City Planner – Kelly Violette
Assistant City Engineer – Lori Lakatos
Assistant City Planner - Rodney Schmidt
Building Official – David Allen

draft

Fire Marshal – Doug Sanguedolce
Fire Inspector – Tommy Nicholson
E&P Senior Administrative Assistant – Brandy Pate

2.0 No public comments were received.

3.0 Workshop Session:

3.1 The Tomball City Council and the Tomball Planning and Zoning Commission members entered into a Workshop session for the following purpose(s):

A. Discussion of Possible Changes to the Zoning Ordinance

Kelly Violette presented proposed changes to the Land Use charts. Consolidation of land use classifications are recommended to reduce the current 381 land use classifications to 293 land use classifications.

Mayor Fagan announced a short recess at 5:35 p.m.; upon returning at 5:40 p.m., the workshop continued.

City staff will prepare an ordinance incorporating the proposed changes to the zoning ordinance and necessary associated changes to the platting ordinance and property maintenance codes and will provide a summary of the changes for Council's review before consideration of the ordinance. The ordinance will be provided in a redlined version following review by the City Attorney.

B. Kelly Violette presented Project Expectations, Goals, and Existing Conditions regarding the Downtown Specific Plan and provided information regarding proposed meetings and timeline to complete the Downtown Specific Plan.

No action necessary.

4.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn the City Council meeting.

Motion carried unanimously.

Motion was made by Commissioner Hudgens, second by Commissioner Crofoot, to adjourn the Planning and Zoning Commission meeting.

Motion carried unanimously.

Meetings adjourned.

PASSED AND APPROVED this _____ day of _____ 2011.

Brandy Pate
P&Z Commission

Lori Wallace
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 14, 2011

Data Sheet

Topic:

Consideration and possible action regarding **CORRIENTE COMMERCIAL FINAL PLAT**: Being a subdivision of 4.8595 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, as described in deed recorded in Clerk's File Number U311750 of the Real Property Records of Harris County, Texas.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

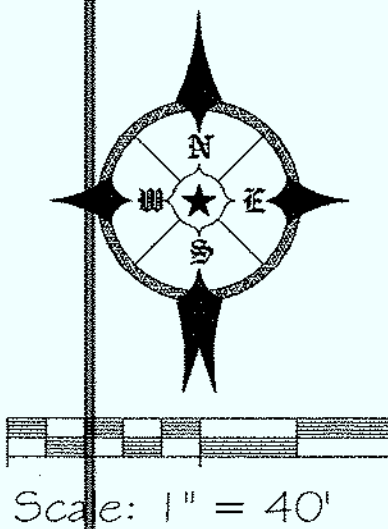
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Corriente Commercial Final Plat

Corriente Commercial Final Plat Comments

Corriente Commercial Final Plat Redline Comments



LINE	BEARING	DISTANCE
L1	S 85°40'50" W	38.47'
L2	N 04°22'28" W	130.84'
L3	S 85°46'34" W	131.82'
L4	S 85°43'59" W	83.06'
L5	N 88°57'00" E	100.56'
L6	N 88°57'00" E	103.06'

FINAL PLAT OF CORRIENTE COMMERCIAL

Being a subdivision of 4.8595 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, as described in deed recorded in Clerk's File Number U311750 of the Real Property Records of Harris County, Texas.

3 LOTS, 1 BLOCK

EARLEEN T. STALLONES
RESIDUAL OF A
CALLED 50.00 ACRES
VOL. 3070, PG. 672
D.R.H.C.T.

NNN PARK AT SPRING
CREEK 27, LLC
CALLED 5.8037 ACRES
CF NO. Y582883
R.P.R.H.C.T.

NNN PARK AT SPRING
CREEK 27, LLC
CALLED 4.446 ACRES
CF NO. Y582883
R.P.R.H.C.T.

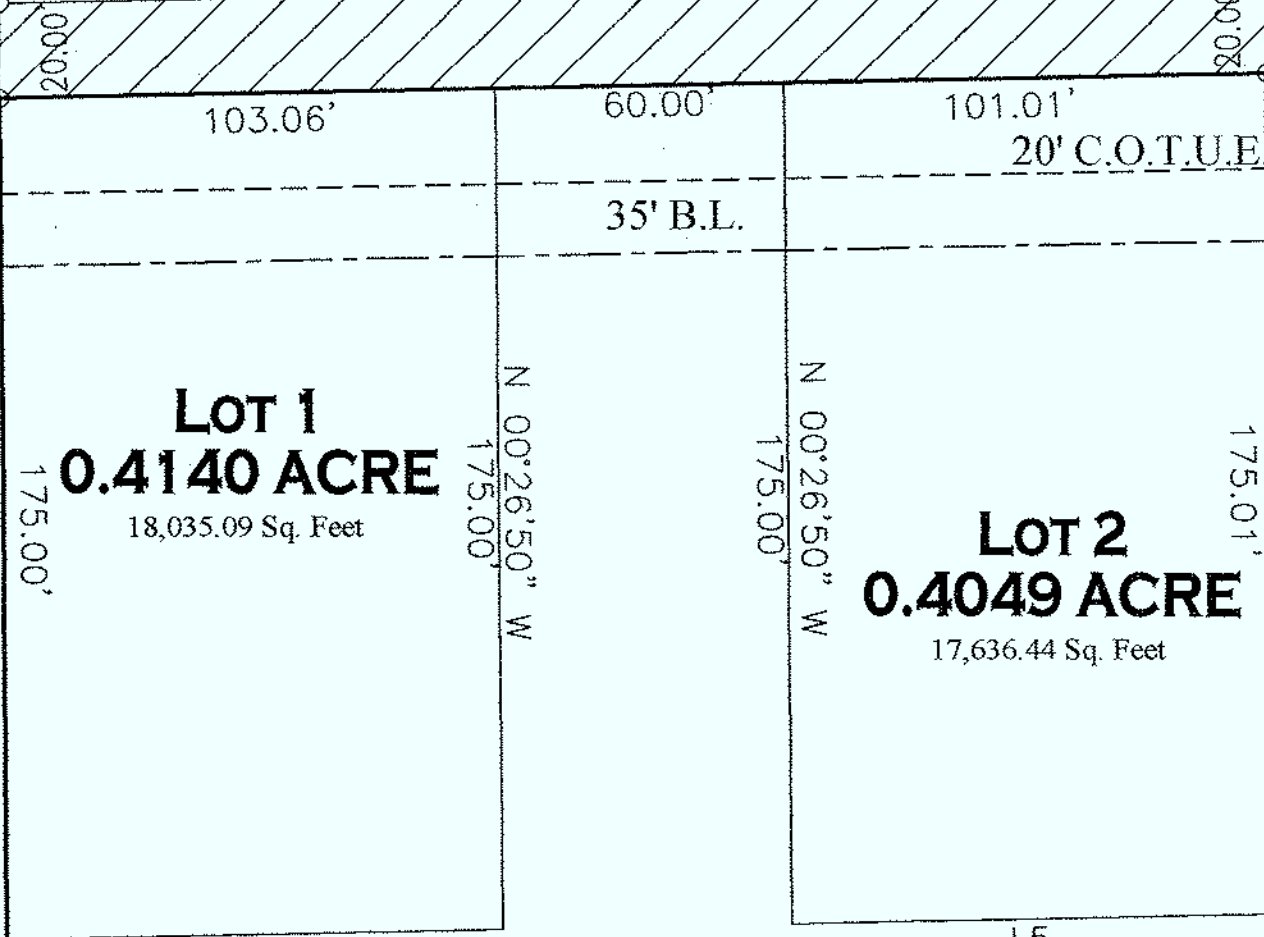
0.1212 ACRE
5,282.12 SQ. FT.
20' RIGHT-OF-WAY
TO BE DEDICATED TO THE
CITY OF TOMBALL

ROW LINE
BROWN ROAD
60' R.O.W.
Vol. 3194, Pg. 388 D.R.H.C.T.

Found 5/8" Iron Rod
w/ Survey Cap
stamped "Cope"

537.12'

Found 5/8" Iron Rod
w/ Survey Cap
stamped "Swonke"



I, Steven L. Crews, am authorized 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 not found have been marked with iron 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.

Steven L. Crews
Texas Registration Number 4141



PAR REAL ESTATE
HOLDINGS, LLC
CALLED 37.024 ACRES
CF NO. 20090504626
R.P.R.H.C.T.

N 00°26'50" W 790.43'

LOT 3
3.9194 ACRES
170,729.06 Sq. Feet

1

S 00°17'53" E 906.93'

S 01°56'57" E 964.78'

711.92'

BROWN ROAD TIMBER
RESOURCES, LLC
CALLED 44.787 ACRES
CF NO. 20080043179
R.P.R.H.C.T.

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

By: _____
Lori Wallace
Chairman

By: _____
Tom Crofoot
Vice Chairman

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

George Shackelford, City Manager

Mark McClure, P.E.,
Director of 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 the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2011.

By: _____
Gretchen Fagan, Mayor

Doris Speer, City Secretary

Harris County Clerk Certificate of Filing:

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 Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

Owner:
CORRIENTE PROPERTIES, LLC
8203 Willow Place South, Suite 390
Houston, Texas 77070
281-890-8800

Surveyor:
C & C SURVEYING INC.
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935

March 2011
Sheet 1 of 1

**UNRESTRICTED
RESERVE "B"**

PAR REAL ESTATE
HOLDINGS, LLC
CF NO. 2009460101
R.P.R.H.C.T.
TOMBALL CENTER III
VOL. 351, PG. 80
M.R.H.C.T.

LOT	ACREAGE	SQ. FEET
1	0.4140	18,035.09
2	0.4049	17,636.44
3	3.9194	170,729.06
ROW	0.1212	5,279.47
TOTAL	4.8595	211,680.06

Found 5/8" Iron Rod
w/ Survey Cap
stamped "Swonke"

JOSEPH HOUSE
SURVEY, A-34

S 87°52'32" W
2214 +/-
JOHN M. HOOPER
SURVEY, A-375

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

Flood Information:
According to FEMA Firm Panel No. 48201C0210-L (Effective Date June 18, 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 building lines, and/or easements. Building setbacks lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
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.

Note #6:
The Basis of Bearings for this plat is the Recorded Deed

Note #7:
Subject to zoning ordinances of the City of Tomball now in effect.

Note #8:
Subject to an unlocated pipeline right-of-way easement granted to Humble Oil & Refining Company as described in Vol. 1047, Pg. 617 D.R.H.C.T.; there is no evidence of a pipeline crossing the property.

Note #9:
Subject to a 10 foot building line along the sides of all lots.

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
CF NO. = CLERK'S FILE NUMBER
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL
VOL. = VOLUME
PG. = PAGE

CITY OF TOMBALL

Plat Name: CORRIENTE
COMMERCIAL

Plat Type: Final

Construction Drawings for Public Facilities required? Yes ☐ No ☒ N/A ☐

Plat within City Limits ☒

Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 14, 2011

The above Subdivision Plat has been reviewed by Engineering & Planning for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

1. Address minor additional comments as noted. (Correct names, titles, remove notes #7 and 9)

Engineering & Planning recommends approval of this plat contingent upon the above-stated comments being addressed.

ONLY FILL IN THE CELLS THAT ARE HIGHLIGHTED

Title of Plat **CORRIENTE COMMERCIAL PRE-PLAT**

Plats

1	Preliminary Plat			
1	Final Plat			
Total Acreage	Residential Acreage	Non-Residential Acreage	Lots	No of Sheets
4.8595	0	4.8595	3	1

Recording Fee \$150.00 Additional Sheets \$50.00 \$150.00 One Time Charge

Preliminary Plats Fee

\$200.00 Base Fee \$200.00
 \$1.00 per Lot \$3.00
 \$5.00 per Non-Residential Acre \$24.30

TOTAL PRELIMINARY \$227.30

Final, Abbreviates, Ammended, Replat Plat Fees

\$200.00 Base Fee \$200.00
 \$0.50 per Lot \$1.50
 \$2.00 per Non-Residential Acre \$9.72

TOTAL FINAL \$361.22

TOTAL \$588.52

Paid (2/7/2011) \$554.50

Paid (3/7/2011) 34.02

OVERPAID \$0.00

FINAL PLAT - CORRIENTE COMMERCIAL

Minimum Plat Note Requirements

The following notes will be required on all plats:

✓ **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 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.

✓ **Flood Information:**

According to FEMA Firm Panel No.____ (Effective Date____), this property is in Zone "X" and is within / not in the 0.2% Annual Chance Flood Plain or According to FEMA Firm Panel No.____ (Effective Date____), this property is in Zone "__" and within the 1% 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:**

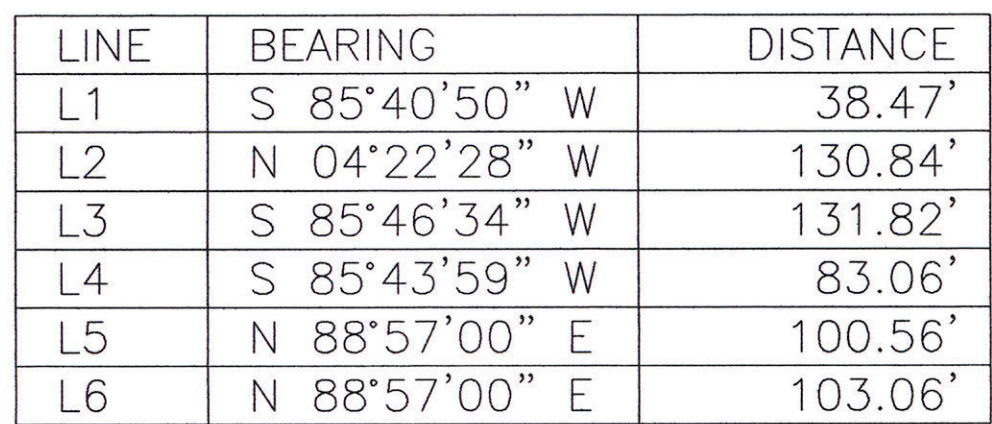
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure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

✓ **Note #4:**

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

✓ **Note #5:**

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.



EARLEEN T. STALLONES
RESIDUAL OF A
CALLED 50.00 ACRES
VOL. 3070, PG. 672
D.R.H.C.T.

NNN PARK AT SPRING
CREEK 27, LLC
CALLED 5.8037 ACRES
CF NO. Y582883
R.P.R.H.C.T.

NNN PARK AT SPRING
 CREEK 27, LLC
 CALLED 4.446 ACRES
 CF NO. Y582883
 R.P.R.H.C.T.

3 LOTS, 1 BLOCK

~~ROW LINE~~

BROWN ROAD

Vol. 3194, Pg. 388 D.R.H.C.T.

Found 5/8" Iron Rod
w/ Survey Cap
stamped "Cope"

537.12'

0.1212 ACRE
5,282.12 SQ. FT
20' RIGHT-OF-WAY
TO BE DEDICATED TO THE
CITY OF TOMBALL

N 88°57'00" E 264.13'

Found 5/8" Iron Rod
w/ Survey Cap
stamped "Swonke"

I, Steven L. Crews, am authorized under the laws of the State 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 interest not found have been marked with iron 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.

Steven L. Crews
Texas Registration Number 4141



PAR REAL ESTATE
HOLDINGS, LLC
CALLED 37.024 ACRES
CF NO. 20090504626
R.P.R.H.C.T.

N 00°26'50" W 790.43

LOT 3
3.9194 ACRES
170,729.06 Sq. Feet

①

S 00°17'53" E 906.93

S 01°56'57" E 964.78

BROWN ROAD TIMBER
RESOURCES, LLC
CALLED 44.787 ACRES
CF NO. 20080043179
R.P.R.H.C.T.

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

By: _____
Lori Wallace
Chairman

By: _____
Tom Crofoot
Vice Chairman

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

George Shackelford, City Manager

~~Mark McClure, P.E.,~~ *LORI LAKANDZ, P.E.*
~~Director of Engineering & Planning~~
ACTIVISH CITY ENGINEER

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 the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2011.

By: Gretchen Fagan, Mayor

Doris Speer, City Secretary

Harris County Clerk Certificate of Filing:

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 Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

Owner:
CORRIENTE
PROPERTIES, LLC
8203 Willow Place South, Suite 390
Houston, Texas 77070
281-890-8800

March 2011
Sheet 1 of 1

Surveyor: 820
C & C SURVEYING INC.

7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935

Notices:
Public Easements:
 Public Easements patented on this plot are hereby dedicated to the public hereover. 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, maintenance, painting, grading 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 keep and maintain all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, reconstruction or efficient operation of any of the easements shown on this plot. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising from the construction or relocation of any obstruction in the public easement.

Flood Insurance: The FEMA Firm Panel No. 48201C00210-L According to FEMA (dated June 8, 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 oil/gas pipeline and/or well unless the building foundation setbacks lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
 Note #4: This plat does not attempt to amend or remove any easements or restrictions.
 Note #5: The building lines shown on this plat shall be in addition to the building lines and setbacks, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
 Note #6: The Basis of Bearings for this plat is the Recorded Deed Note #7: The City of Tomball, Texas, is the City of Tomball, Texas.

~~Note #8: Subject to an unlocated pipeline right-of-way easement granted to Humble Oil & Refining Company as described in Vol. 1047, Pg. 617 D.R.H.C.T.; there is no evidence of a pipeline crossing the property.~~

~~Note #9: Subject to a 10 foot building line along the sides of all lots.~~

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS
COUNTY TEXAS
CF NO. = CLERK'S FILE NUMBER
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY
OF TOMBALL
VOL. = VOLUME
PG. = PAGE

LOT	ACREAGE	SQ. FEET
1	0.4140	18,035.09
2	0.4049	17,636.44
3	3.9194	170,729.06
ROW	0.1212	5,279.47
TOTAL	4.8595	211,680.06

JOHN M. HOOPER
SURVEY, A-375

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 14, 2011

Data Sheet

Topic:

Consideration and possible action regarding **REPLAT 1 OF TOMBALL MEDICAL PLAZA**; Being a Replat of Tomball Medical Plaza being 2.8278 acres out of Lot 12, Recorded under F.C. No 635259 of the Harris County Map Records, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.

Background:

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Replat 1 of Tomball Medical Plaza

Replat 1 of Tomball Medical Plaza Comments

Replat 1 of Tomball Medical Plaza Redline Comments

THE STATE OF TEXAS
COUNTY OF HARRIS

We, FAHL Enterprises, LLC acting by and through Mohammad Tarek Al Fahl, being President of FAHL ENTERPRISES, LLC, hereinafter referred to as Owners of the 2.8278 acre tract described in the above and foregoing plat of REPLAT 1 OF TOMBALL MEDICAL PLAZA, 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 serial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby dedicate to the public a strip of land 15 feet (15') wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs or any other natural drainage courses located 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 time for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way is hereby restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the 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.

IN TESTIMONY WHEREOF, FAHL ENTERPRISES, LLC has caused these presents to be signed by Mohammad Tarek Al Fahl, President, thereunto authorized, attested, and its common seal hereunto affixed this ____ day of _____, 2011.

FAHL ENTERPRISES, LLC

By: _____
Mohammad Tarek Al Fahl
President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Tarek Fahl, President, 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.

Notary Public in and for the State of Texas

My Commission expires: _____

We, Bank of America Merrill Lynch, owners and holders of a lien against the property described in the plat known as Tomball Medical Plaza, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

Jose Madrigal, Sr. Vice President
Bank of America Merrill Lynch
12605 East Freeway Ste. 108
Houston, TX. 77015
888-652-5000 ext 5113

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Jose Madrigal, Sr. Vice President, 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.

Notary Public in and for the State of Texas

My Commission expires: _____

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of REPLAT 1 OF TOMBALL MEDICAL PLAZA 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: _____ By: _____
Lori Wallace, Chairman Tom Crofoot, Vice Chairman

This is to certify that the City of Tomball 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

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

I, Stan Stanart, Clerk of the County Court of Harris County, 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 in Film Code No. _____ of the Map Records of Harris County for said county.

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

Stan Stanart
Clerk of the County Court
Harris County, Texas
By: _____ Deputy

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

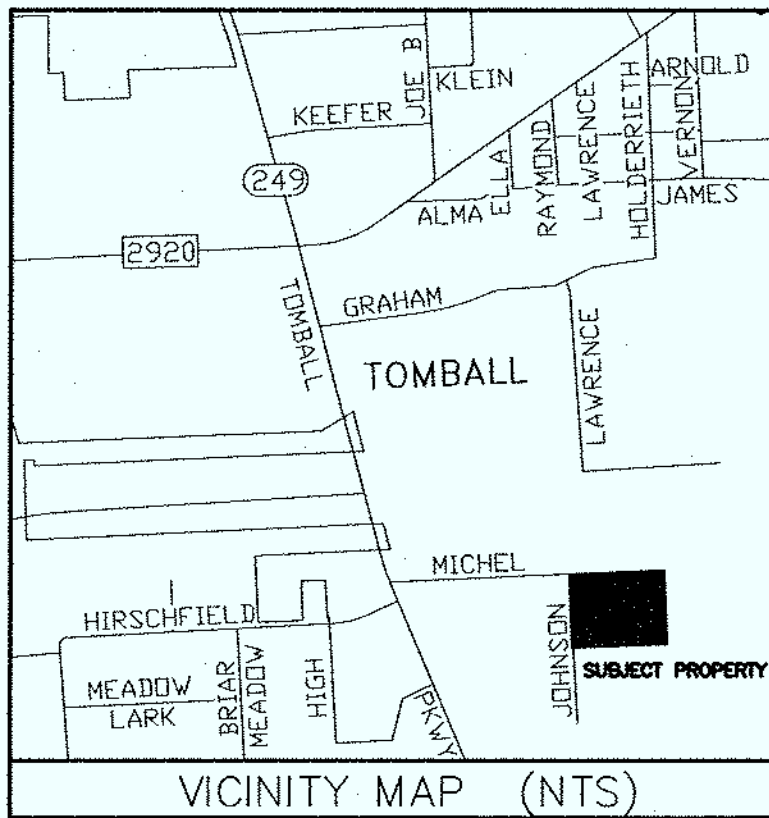
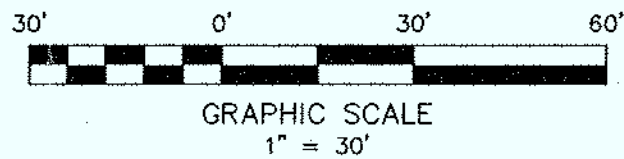
By: _____ By: _____
City Manager Lori Lakatos, P.E.
George Shackelford Acting City Engineer

I, David Bowden, am authorized 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 with a cap having an outside diameter of not less than three-quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest original survey corner.

David Bowden
Texas Registration No. 4864

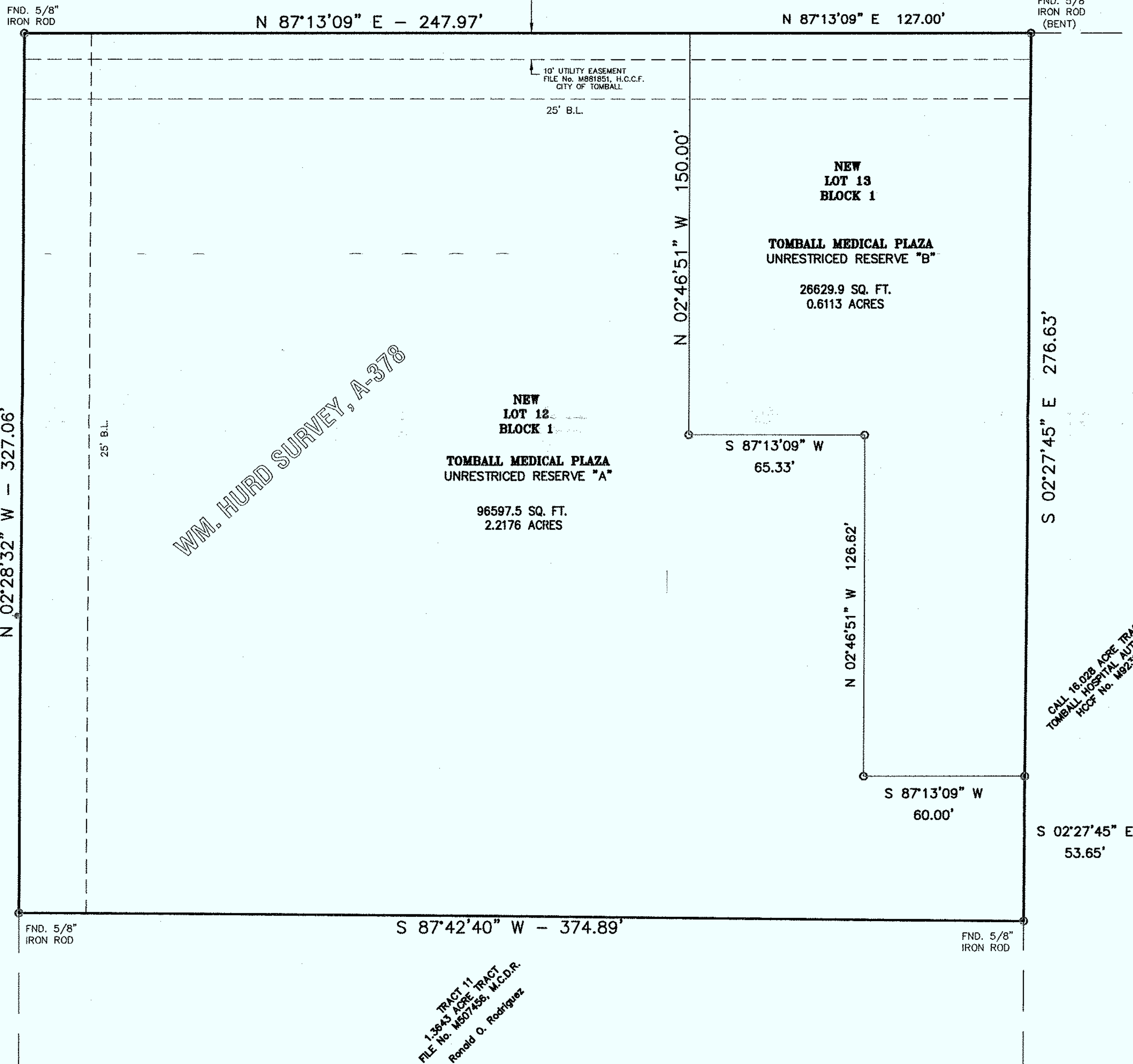
LEGEND

H.C.C.F. Refers to Harris County Clerks File
Bldg. indicates Building
B.L. indicates Building Line
H.C.D.R. indicates Harris County Deed Records
I.R. indicates Iron Rod
P.G. indicates Page
S. F. indicates Square Feet
Vol. indicates Volume
C.O.T.U.E. indicates City of Tomball Utility Easement
A.E. indicates Aerial Easement



Key Map: 288L

MICHEL ROAD
HCCF#D221070, D792381,
V733697, 334111MR
(60' R.O.W.)



Minimum Plat Note Requirements

Public Easements:

Public easements donated 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 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, fence, tree, shrub or other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:

According to FEMA Firm Panel No. 45201C0210L (Effective Date 06-18-07), 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, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet of the 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.

Note #5

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.

REPLAT 1 OF TOMBALL MEDICAL PLAZA 2.8278 ACRES

BEING A REPLAT OF TOMBALL MEDICAL PLAZA BEING 2.8278 ACRES OUT OF LOT 12, RECORDED UNDER F.C. NO 635259 OF THE HARRIS COUNTY MAP RECORDS, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS

Purpose of RePlat: (TO CREATE ADDITIONAL LOT 13)

1 BLOCK 2 LOTS

MARCH, 2011

OWNERS / DEVELOPER
FAHL ENTERPRISES, LLC
9715 Stonecross Bend Dr.
Houston, TX 77070
Phone: 281-660-0706

SURVEYOR:
Bowden Survey Co.
PROFESSIONAL SURVEYING SERVICES
2223 PHO HELL
HOUSTON, TEXAS 77077
PHONE: (281) 531-1000
FAX: (281) 531-4000
JOB NO. 080044

CITY OF TOMBALL

Plat Name: Replat 1 of Tomball
 Medical Plaza

Plat Type: Replat

Construction Drawings for Public Facilities required? Yes ☐ No ☒ N/A ☐

Plat within City Limits ☒

Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 14, 2011

The above Subdivision Plat has been reviewed by Engineering & Planning for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

1. Provide current tax certificates for the City of Tomball and Harris County.
2. Address minor additional comments as noted. (Correct titles, decimal places, acreage)

Engineering & Planning recommends approval of this plat contingent upon the above-stated comments being addressed.

ONLY FILL IN THE CELLS THAT ARE HIGHLIGHTED

Title of Plat | Replat 1 of Tomball Medical Plaza

Plats

0	Preliminary Plat				
1	Final Plat				
	Residential	Non-Residential		No of	
Total Acreage	Acreage	Acreage	Lots	Sheets	
2.8278	0	2.8278	2	1	

Recording Fee Additional Sheets \$150.00 One Time Charge
 \$150.00 \$50.00

Preliminary Plats Fee

\$200.00 Base Fee \$0.00
 \$1.00 per Lot \$0.00
 \$5.00 per Non-Residential Acre \$0.00

TOTAL PRELIMINARY \$216.14

Final, Abbreviates, Ammended, Replat Plat Fees

\$200.00 Base Fee \$200.00
 \$0.50 per Lot \$1.00
 \$2.00 per Non-Residential Acre \$5.66

TOTAL FINAL \$356.66

TOTAL \$356.66

Paid (3/7/2011) \$356.66

OVERPAID \$0.00

REPLAT 1 OF TOMBALL MEDICAL PLAZA

Minimum Plat Note Requirements

The following notes will be required on all plats:

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 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.

Flood Information:

According to FEMA Firm Panel No.____ (Effective Date____), this property is in Zone "X" and is within / not in the 0.2% Annual Chance Flood Plain or According to FEMA Firm Panel No.____ (Effective Date____), this property is in Zone "__" and within the 1% 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, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:

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

Note #5:

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.

THE STATE OF TEXAS
COUNTY OF HARRIS

We, FAHL Enterprises, LLC acting by and through Mohammad Tarek Al Fahl, being President of FAHL ENTERPRISES, LLC, hereinafter referred to as Owners of the 2.8278 acre tract described in the above and foregoing plat of REPLAT 1 OF TOMBALL MEDICAL PLAZA, 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 serial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby dedicate to the public a strip of land 15 feet (15') wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs or any other natural drainage courses located 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 time for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way is hereby restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the 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.

IN TESTIMONY WHEREOF, FAHL ENTERPRISES, LLC has caused these presents to be signed by Mohammad Tarek Al Fahl, President, thereunto authorized, attested, and its common seal hereunto affixed this ____ day of _____, 2011.

FAHL ENTERPRISES, LLC

By: _____
Mohammad Tarek Al Fahl
President

STATE OF TEXAS
COUNTY OF HARRIS

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

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

Notary Public in and for the State of Texas

My Commission expires: _____

"We, Bank of America Merrill Lynch, owners and holders of a lien against the property described in the plat known as Tomball Medical Plaza, do hereby subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof"

Jose Madrigal, Sr. Vice President

Bank of America Merrill Lynch
12605 East Freeway Ste. 108
Houston, TX. 77015
888-852-5000 ext 5113

STATE OF TEXAS
COUNTY OF HARRIS

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

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

Notary Public in and for the State of Texas

My Commission expires: _____

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of REPLAT 1 OF TOMBALL MEDICAL PLAZA 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: _____ By: _____
Lori Wallace, Chairman Tom Crofoot, Vice Chairman

This is to certify that the City of Tomball 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

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

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

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

Stan Stanart
Clerk of the County Court
Harris County, Texas

By: _____ Deputy

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

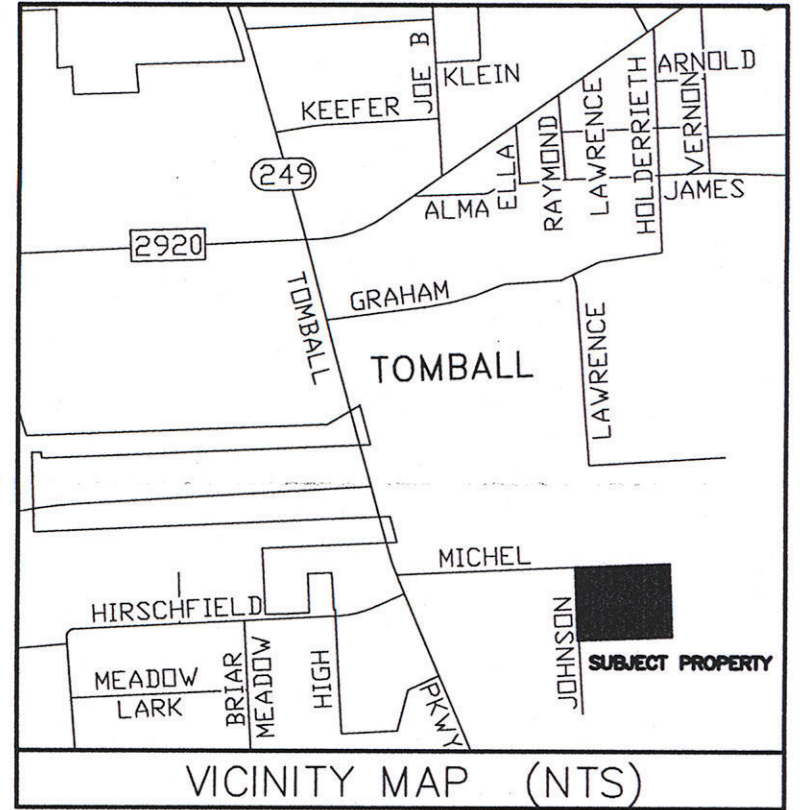
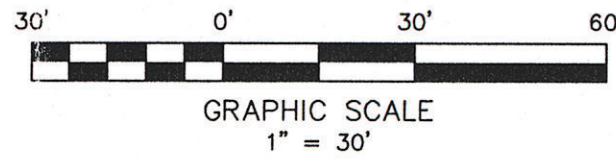
By: _____ By: _____
City Manager George Shackleford Lori Lakatos, P.E.
Acting City Engineer

I, David Bowden, am authorized 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 with a cap having an outside diameter of not less than three-quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest original survey corner.

David Bowden
Texas Registration No. 4864

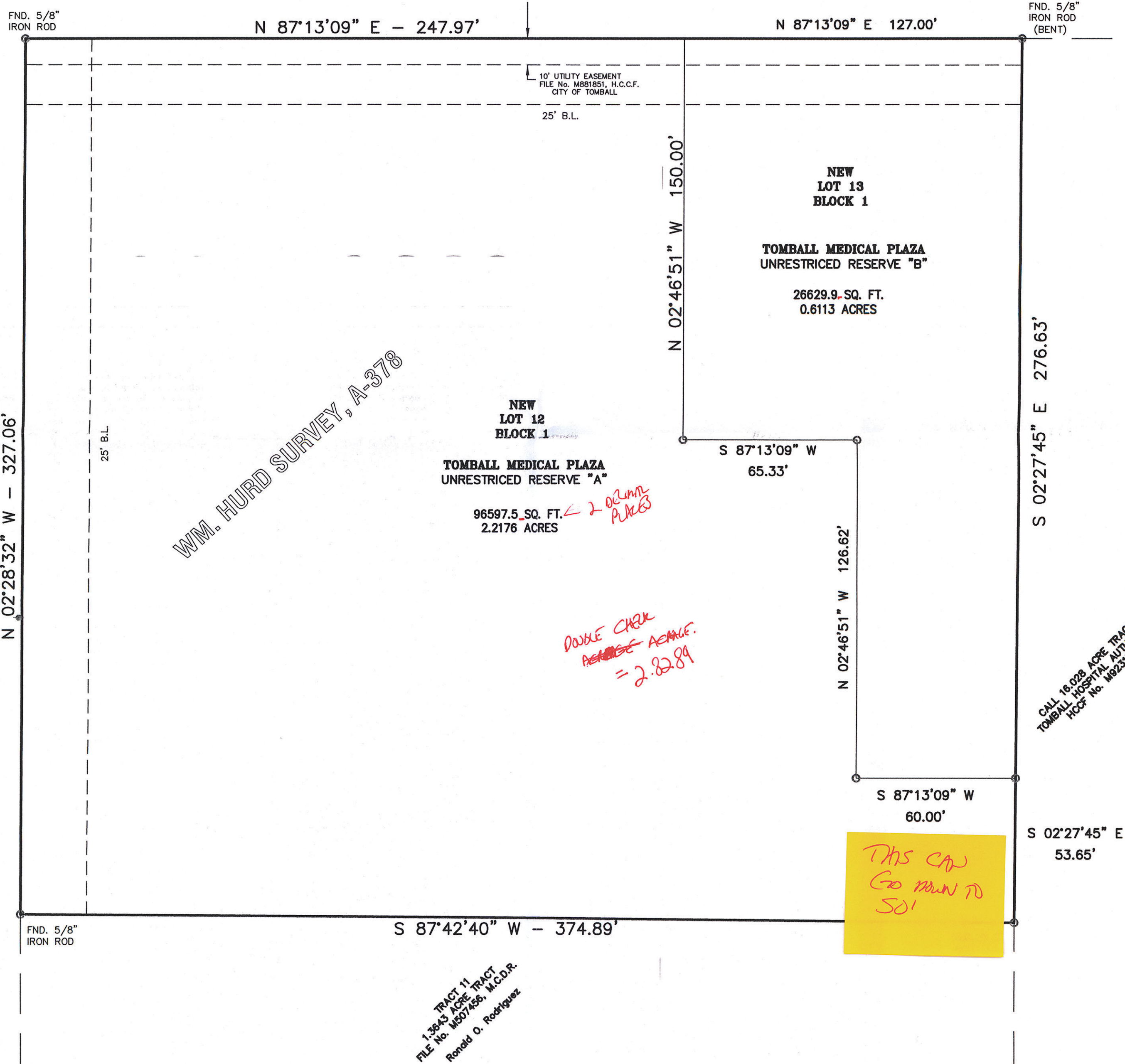
LEGEND

H.C.C.F. Refers to Harris County Clerks File
Bldg. indicates Building
B.L. indicates Building Line
H.C.D.R. indicates Harris County Deed Records
I.R. indicates Iron Rod
P.G. indicates Page
S. F. indicates Square Feet
Vol. indicates Volume
C.O.T.U.E. indicates City of Tomball Utility Easement
A.E. indicates Aerial Easement



Key Map: 288L

MICHEL ROAD
HCCF#D221070, D792381,
V733697, 334111MR
(60' R.O.W.)



Minimum Plat Note Requirements

Public Easements:

Public easements donated 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 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, fence, tree, shrub or other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:

According to FEMA Firm Panel No. 48201C0210L (Effective Date 06-18-07), 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, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet of the 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.

Note #5

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.

REPLAT 1 OF TOMBALL MEDICAL PLAZA 2.8278⁹ ACRES

BEING A REPLAT OF TOMBALL MEDICAL PLAZA BEING 2.8278 ACRES OUT OF LOT 12, RECORDED UNDER F.C. NO 635259 OF THE HARRIS COUNTY MAP RECORDS, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS

Purpose of RePlat: (TO CREATE ADDITIONAL LOT 13)

1 BLOCK 2 LOTS

MARCH, 2011

OWNERS / DEVELOPER
FAHL ENTERPRISES, LLC
9715 Stonecross Bend Dr.
Houston, TX 77070
Phone: 281-680-0706

SURVEYOR:
Bowden Survey Co.
PROFESSIONAL SURVEYING SERVICES
2225 PAPER HILL
HOUSTON, TEXAS 77077
PHONE: (281) 531-1800
FAX: (281) 531-4800
JOB NO. 28094

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 14, 2011

Data Sheet

Topic:

Consideration and possible action regarding **TOMBALL R 135 PRELIMINARY PLAT**; Being a subdivision of 2.5721 acre tract, 112,042.65 Square Feet, Situated in the C.N. Pillot, Survey A-632 and Sam Lewis, Survey A-1704, 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 R135 Preliminary Plat

Tomball R135 Preliminary Plat Comments

Tomball R135 Preliminary Plat Redline Comments

THE STATE OF TEXAS
COUNTY OF HARRIS

We, CMH Homes Inc., Acting By and Through David M. Booth, President and Hugh T. Statum, III, VP/Secretary, Being Officers of CMH Homes, Inc., hereinafter referred to as Owner of the 2.5721 Acre Tract described in the above and foregoing plat of Tomball R 135, do hereby make and establish of said subdivision property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (1 3/4-square feet) with culvert or bridges to be provided for all private or walkways such drainage facilities.

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

IN TESTIMONY WHEREOF, the centro Tomball R 135 has caused these presents to be signed by David M. Booth, President, thereunto authorized, attested by Hugh T. Statum, III VP/Secretary, This _____ Day of _____, 2011.

TOMBALL R 135

By: _____
David M. Booth, President

By: _____
Hugh T. Statum, III
VP / Secretary

THE STATE OF ~~TEXAS~~ **TENNESSEE**
COUNTY OF ~~HARRIS~~ **BLOUNT**

Before me the undersigned authority, on this day personally appeared, _____, and known to me 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, and as the act and Deed of said Corporation.

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

Notary Public in and for the State of _____

My Commission expires: _____

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

GEORGE SHACKELFORD, CITY MANAGER

LORI LAKATOS, PE, 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: _____
Gretchen Fagan, Mayor

By: _____
Dorris Speer, City Secretary

This is to certify that the Planning and Zoning Commission of the City of City of Tomball, Texas has approved this plat and subdivision of Tomball R 135 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.

LORI WALLACE, Chair PERSON

TOM CROFOOT, Vice Chairman

I, Craig A. Laney, 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.

Craig A. Laney, R.P.L.S.
Texas Registration No.4507

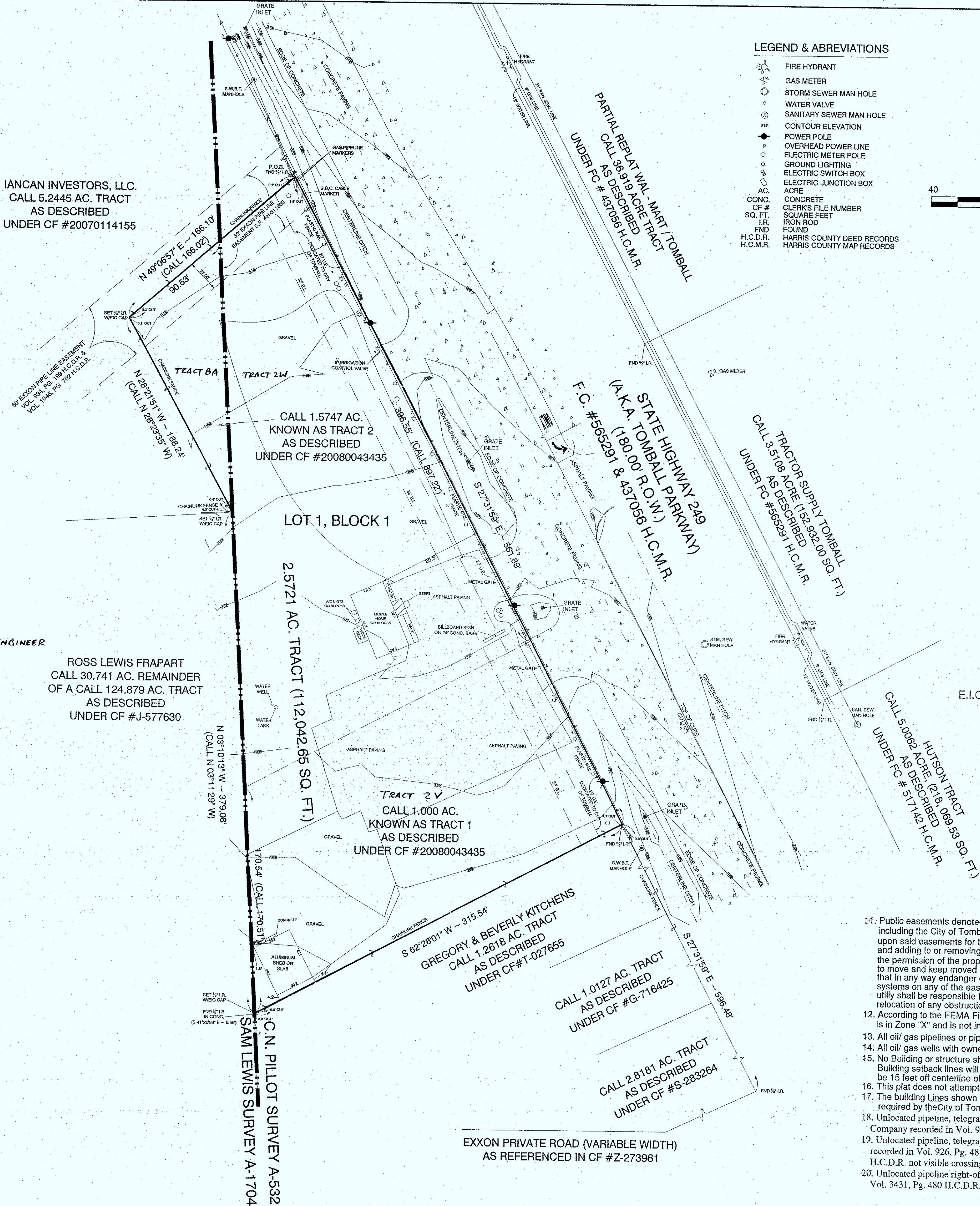
I, STAN STANART, County Clerk of Harris County, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 2011 at _____ o'clock _____, and duly recorded on _____, 2011, at _____ o'clock _____ and under film code number _____ 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

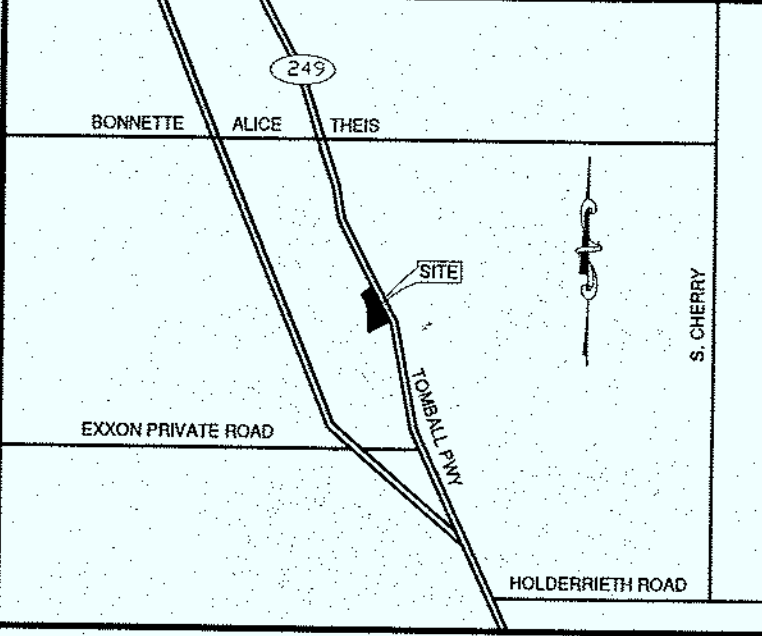
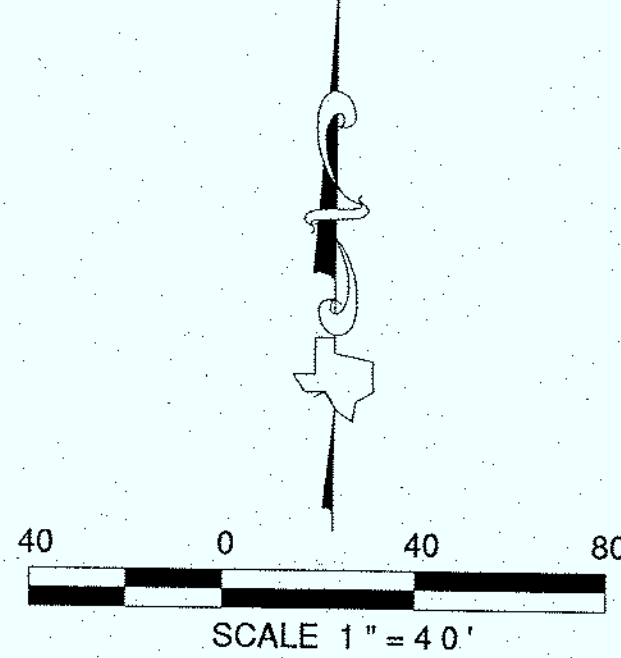
By: _____
DEPUTY

IANCAN INVESTORS, LLC.
CALL 5.2445 AC. TRACT
AS DESCRIBED
UNDER CF #20070114155



LEGEND & ABBREVIATIONS

- FIRE HYDRANT
- GAS METER
- STORM SEWER MAN HOLE
- WATER VALVE
- SANITARY SEWER MAN HOLE
- CONTOUR ELEVATION
- POWER POLE
- OVERHEAD POWER LINE
- ELECTRIC METER POLE
- GROUND LIGHTING
- ELECTRIC SWITCH BOX
- ELECTRIC JUNCTION BOX
- AC. ACRE
- CONC. CONCRETE
- CLERK'S FILE NUMBER
- SQ. FT. SQUARE FEET
- I.R. IRON ROD
- FND FOUND
- H.C.D.R. HARRIS COUNTY DEED RECORDS
- H.C.M.R. HARRIS COUNTY MAP RECORDS



VICINITY MAP
NOT TO SCALE
KEY MAP 288-Q

TOMBALL R 135

PRELIMINARY PLAT

BEING A SUBDIVISION OF 2.5721 ACRE TRACT,
112,042.65 SQUARE FEET,
SITUATED IN THE C. N. PILLOT, SURVEY A-632
& SAM LEWIS, SURVEY A-1704
HARRIS COUNTY, TEXAS

CONTAINING
1 LOT 1 BLOCK

MARCH 2011

OWNERS

CMH HOMES, INC.

5000 CLAYTON ROAD
MARYVILLE, TN. 37804
(865) 380 - 3000

SURVEYOR

E.I.C.SURVEYING COMPANY

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

GENERAL NOTES

- | | |
|-------------|--|
| 1. B.L. | Indicates " Building Line " |
| 2. U.E. | Indicates " Utility Easement " |
| 3. R.O.W. | Indicates " Right-of Way " |
| 4. Ac. | Indicates " Acre " |
| 5. Vol. | Indicates " Volume " |
| 6. Pg. | Indicates " Page " |
| 7. I.R. | Indicates " Iron Rod " |
| 8. H.C.M.R. | Indicates " Harris County Map Records " |
| 9. H.C.D.R. | Indicates " Harris County Deed Records " |
| 10. SQ.FT. | Indicates " Square Feet " |

- 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 growth or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to the FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The Building Lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- 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.
- 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.
- 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.

CITY OF TOMBALL

Plat Name: Tomball R 135 Plat Type: Preliminary

Construction Drawings for Public Facilities required? Yes ☐ No ☒ N/A ☐

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 14, 2011

The above Subdivision Plat has been reviewed by Engineering & Planning for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

1. Provide current tax certificates for the City of Tomball and Harris County.
2. Address minor additional comments as noted. (Correct names, titles)
3. The plat fees were overpaid by \$151.50. The applicant may request a refund.

Engineering & Planning recommends approval of this plat contingent upon the above-stated comments being addressed.

ONLY FILL IN THE CELLS THAT ARE HIGHLIGHTED

Title of Plat | TOMBALL R 135 Preliminary Plat

Plats

1	Preliminary Plat				
1	Final Plat				
	Residential	Non-Residential		No of	
Total Acreage	Acreage	Acreage	Lots	Sheets	
2.5721	0	2.5721	1	1	

Recording Fee Additional Sheets \$150.00 One Time Charge
 \$150.00 \$50.00

Preliminary Plats Fee

\$200.00 Base Fee \$200.00
 \$1.00 per Lot \$1.00
 \$5.00 per Non-Residential Acre \$12.86

TOTAL PRELIMINARY \$213.86

Final, Abbreviates, Ammended, Replat Plat Fees

\$200.00 Base Fee \$200.00
 \$0.50 per Lot \$0.50
 \$2.00 per Non-Residential Acre \$5.14

TOTAL FINAL \$355.64

TOTAL \$569.50

Paid (3/7/2011) \$571.00
 Credit from 10/5/09 \$150.00 Recording Fee
OVERPAID \$151.50

TOMBALL R 135 – PRELIMINARY PLAT

Minimum Plat Note Requirements

The following notes will be required on all plats:

✓ **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 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.

✓ **Flood Information:**

According to FEMA Firm Panel No.____ (Effective Date____), this property is in Zone “X” and is within / not in the 0.2% Annual Chance Flood Plain or According to FEMA Firm Panel No.____ (Effective Date____), this property is in Zone “__” and within the 1% 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, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

✓ **Note #4:**

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

✓ **Note #5:**

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.

THE STATE OF TEXAS
COUNTY OF HARRIS

We, CMH Homes Inc., Acting By and Through David M. Booth, President and Hugh T. Statum, III, VP/Secretary, Being Officers of CMH Homes, Inc., hereinafter referred to as Owner of the 2.5721 Acre Tract described in the above and foregoing plat of Tomball R 135, do hereby make and establish of said subdivision property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (1 3/4 square feet) with culvert or bridges to be provided for all private or walkways such drainage facilities.

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

IN TESTIMONY WHEREOF, the centro Tomball R 135 has caused these presents to be signed by David M. Booth, President, thereunto authorized, attested by Hugh T. Statum, III VP/Secretary, This _____ Day of _____, 2011.

TOMBALL R 135

By: David M. Booth, President

By: Hugh T. Statum, III
VP / Secretary

THE STATE OF TENNESSEE
COUNTY OF BLOUNT

Before me the undersigned authority, on this day personally appeared, _____, and known to me the persons whose names are subscribed to the foregoing instrument and acknowledge to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein, and as the act and Deed of said Corporation.

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

Notary Public in and for the State of _____

My Commission expires: _____

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

GEORGE SHACKELFORD, CITY MANAGER

LORI LAKATOS, PE, 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: Gretchen Fagan, Mayor

Dorris Speer, City Secretary

This is to certify that the Planning and Zoning Commission of the City of City of Tomball, Texas has approved this plat and subdivision of Tomball R 135 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.

LORI WALLACE, Chair Person

TOM CROFT, Vice Chairman

I, Craig A. Laney, 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.

Craig A. Laney, R.P.L.S.
Texas Registration No.4507

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 _____, 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

IANCAN INVESTORS, LLC,
CALL 5.2445 AC. TRACT
AS DESCRIBED
UNDER CF #20070114155

ROSS LEWIS FRAPART
CALL 30.741 AC. REMAINDER
OF A CALL 124.879 AC. TRACT
AS DESCRIBED
UNDER CF #J-577630

TRACT 2V
CALL 1.000 AC.
KNOWN AS TRACT 1
AS DESCRIBED
UNDER CF #20080043435

GREGORY & BEVERLY KITCHENS
CALL 1.2618 AC. TRACT
AS DESCRIBED
UNDER CF #1-027655

CALL 1.0127 AC. TRACT
AS DESCRIBED
UNDER CF #G-716425

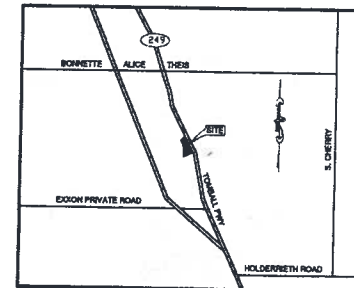
CALL 2.8181 AC. TRACT
AS DESCRIBED
UNDER CF #S-283264

EXXON PRIVATE ROAD (VARIABLE WIDTH)
AS REFERENCED IN CF #Z-273961

LEGEND & ABBREVIATIONS

- FIRE HYDRANT
- GAS METER
- STORM SEWER MAN HOLE
- WATER VALVE
- SANITARY SEWER MAN HOLE
- CONTOUR ELEVATION
- POWER POLE
- OVERHEAD POWER LINE
- ELECTRIC METER POLE
- GROUND LIGHTING
- ELECTRIC SWITCH BOX
- ACRES
- CONCRETE
- CLERK'S FILE NUMBER
- SQUARE FEET
- SQ. FT.
- I.R.
- FND
- H.C.D.R.
- H.C.M.R.

40 0 40 80
SCALE 1" = 40'



TOMBALL R 135

PRELIMINARY PLAT

BEING A SUBDIVISION OF 2.5721 ACRE TRACT,
112,042.65 SQUARE FEET,
SITUATED IN THE C. N. PILLOT, SURVEY A-632
& SAM LEWIS, SURVEY A-1704
HARRIS COUNTY, TEXAS

CONTAINING
1 LOT 1 BLOCK

MARCH 2011

OWNERS

CMH HOMES, INC.

5000 CLAYTON ROAD
MARYVILLE, TN. 37804
(865) 380-3000

SURVEYOR

E.I.C.SURVEYING COMPANY

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

GENERAL NOTES

1. B.L. Indicates "Building Line"
2. U.E. Indicates "Utility Easement"
3. R.O.W. Indicates "Right-of-Way"
4. Ac. Indicates "Acre"
5. Vol. Indicates "Volume"
6. Pg. Indicates "Page"
7. I.R. Indicates "Iron Rod"
8. H.C.M.R. Indicates "Harris County Map Records"
9. H.C.D.R. Indicates "Harris County Deed Records"
10. SQ.FT. Indicates "Square Feet"

11. 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 growth or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

12. According to the 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.

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

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

15. No Building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setbacks 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.

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

17. 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.

18. 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.

19. 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.

20. 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 14, 2011

Data Sheet

Topic:

Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 2,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District. *The applicant has requested a continuance of this case to the April 11, 2011 P&Z Meeting*

- Conduct a Public Hearing on **ZONING CASE P10-289**

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	

ATTACHMENTS:

P10-289 Extension Request

Brandy Pate

From: Kelly Violette
Sent: Thursday, March 10, 2011 4:56 PM
To: Brandy Pate
Subject: FW: CUP for Professional Welding Propane Tank

Attachments: winmail.dat



winmail.dat (16 KB)

Kelly Violette, AICP
City Planner/Community Development Coordinator City of Tomball
501 James Street | Tomball, TX 77375
Phone (281) 290-1491 | Fax - (281) 351-4735 kviolette@ci.tomball.tx.us

-----Original Message-----

From: Jeff Williams, III [mailto:jeffwiii@profwldgsply.com]
Sent: Tuesday, February 22, 2011 1:08 PM
To: Kelly Violette
Cc: Brandy Pate; Rodney Schmidt
Subject: RE: CUP for Professional Welding Propane Tank

Hello Kelly,

If it is OK w/you let's push it back one more month. I don't want everyone to have to rush at the last minute. I will get everything for our proposed site plan finalized & submit it to you as soon as possible for your review. Have a nice day.

Jeff

From: Kelly Violette [mailto:kviolette@ci.tomball.tx.us]
Sent: Friday, February 18, 2011 3:13 PM
To: Jeff Williams, III
Cc: Brandy Pate; Rodney Schmidt
Subject: CUP for Professional Welding Propane Tank

Jeff,

Could you please provide me with a status update regarding the site plan for the propane tank? My deadline to send notices to the newspaper for the CUP case is Wednesday and I am hesitant to do so until I've heard from you. If you need more time to get the site plan together please let me know.

Sincerely,

Kelly Violette, AICP

City Planner/Community Development Coordinator

City of Tomball

501 James Street | Tomball, TX 77375

Phone (281) 290-1491 | Fax - (281) 351-4735

<mailto:kviolette@ci.tomball.tx.us> kviolette@ci.tomball.tx.us

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.872 / Virus Database: 271.1.1/3449 - Release Date: 02/18/11

01:34:00

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 14, 2011

Data Sheet

Topic:

Consideration and possible action regarding **ZONING CASE P11-302**: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

- Conduct a Public Hearing on **ZONING CASE P11-302**

Background:

Origination:

David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes)

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

P11-302 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MARCH 14, 2011
&
CITY COUNCIL
MARCH 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, March 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 21, 2011, at 7:00 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 P11-302: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

ZONING CASE P11-303: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), for a Conditional Use Permit to operate a "Manufactured Home Display or Sales (New or Used)" facility. The property is an approximately 2.57 acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas. The site is located in the AG-Agricultural and C-Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-302).

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 City Planner** Kelly Violette, (281) 290-1491, kviolette@ci.tomball.tx.us

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **March** 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: P11-302

APPLICANT: David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes)

LOCATION: Westerly side of State Highway 249, southerly of Alice Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, from the AG-Agricultural District to the C-Commercial District.

* * *

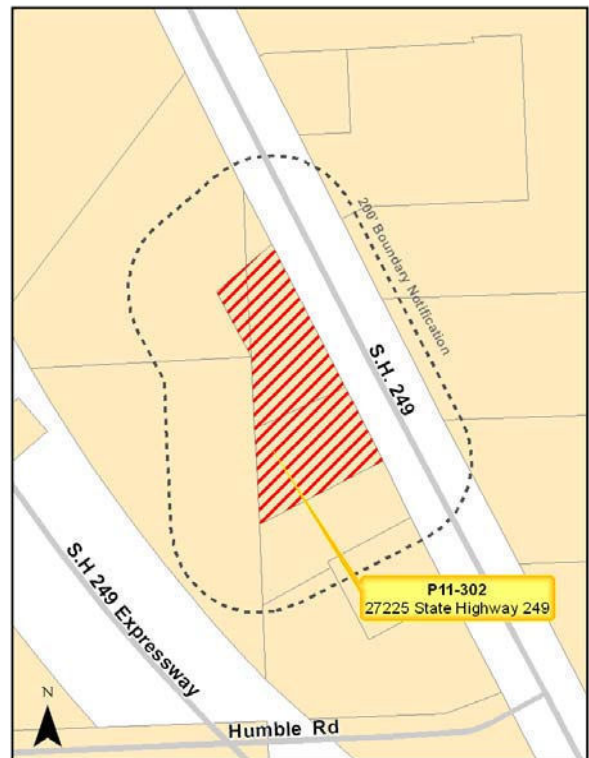
CONTACT PLANNER: Kelly Violette

PHONE: (281) 290-1491

E-MAIL: kviolette@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, March 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, March 21, 2011, 7:00 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: March 14, 2011

Rezoning Case: P11-302
Property Owner(s): CMH Homes, Inc.
Applicant(s): David Kelly
Legal Description: Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas
Location: 27225 State Highway 249 (Generally located on the westerly side of State Highway 249, southerly of Alice Road)
Area: 2.57 acres
Present Zoning and Use: AG-Agricultural District / Modular and Manufactured Home Display and Sales
Comp Plan Designation: Commercial
Proposed Zoning and Use: C-Commercial District / Manufactured Home Display and Sales

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: AG-Agricultural and C-Commercial Districts / Mini-warehouse
South: AG-Agricultural and C-Commercial Districts / Tool rental
East: C-Commercial District / SH 249 ROW, shopping center, Tractor Supply Co., and Palm Harbor Homes
West: AG-Agricultural and C-Commercial Districts / Mini-warehouse and undeveloped

BACKGROUND

The subject site is legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas totaling approximately 2.57 acres. The site's physical address is 27225 State Highway 249 and is generally located on the westerly side of State Highway 249, southerly of Alice Road (Exhibit "A"). The property is currently used by Clayton Homes as a modular and

manufactured home sales facility consisting of a number of display homes for sale as well as a sales office (Exhibit “C”).

On December 1, 2008, the subject site was annexed into the City of Tomball as part of the 172.812 acre S.H. 249 Bypass (Tomball Expressway) Road Right-of-Way annexation (Exhibit “I”). 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 May 14, 2010, a site plan application was submitted to the Engineering & Planning Department to permit a previously constructed concrete entryway/landing for one of the model homes at the subject site. The site plan was not granted approval because the covered landing was constructed within the 60’ front setback required in the Agricultural District. On July 9, 2010, Clayton Homes submitted a variance application to the Board of Adjustments requesting that the landing be permitted within the 60’ setback. Because a finding of a hardship was not identified, City staff informed the applicant that the Engineering & Planning Department would not recommend approval of the request. After discussions with the applicant regarding the zoning of the property and the existing encroachments on the site the applicant withdrew the variance request and removed the illegally constructed landing.

On January 21, 2011, the Engineering & Planning Department received a rezoning and conditional use permit (CUP) application for the subject site. The applicant is requesting to rezone the property from the Agricultural District to the Commercial District. As a matter of information, the use of the site as a modular and manufactured home sales facility is ‘grandfathered’ because it was established prior to its annexation into the City, however Clayton Homes desires to make improvements to the property including reconfiguring the site layout, adding parking and drive aisles, installing landscaping, and relocating all structures outside of the building setbacks which requires the granting of a conditional use permit. The “Manufactured Home Display or Sales (New or Used)” land use is defined in the Zoning Ordinance as “The offering for sale, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.”

As a matter of information, the property is currently in the process of being platted. The “Tomball R 135” preliminary plat was approved on October 12, 2009. However, the final plat was denied by the Planning & Zoning Commission on June 14, 2010 because the lot did not meet the minimum lot depth requirements of the Agricultural District. The property owner will restart the platting process if the property is rezoned to the Commercial District and issued a CUP. If the property were rezoned to the Commercial District and replatted into one overall lot, the lot would meet the minimum area requirements of the Commercial District.

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 applicant is requesting the rezoning to bring the property’s zoning classification in line with the manufactured home sales use already established on the site and to facilitate future improvements to the site including providing internal drive aisles and parking, updating the existing sales office, installing landscaping, reconfiguring the site layout, and improving the overall aesthetics of the site (Exhibit “F”). The proposed improvements are discussed in further detail in the conditional use permit staff report (P11-303).

The uses in the general vicinity of the site are primarily commercial and retail in nature (Exhibit “C”). The proposed use would not be incompatible with the existing commercial and retail uses in the area and would likely continue to complement the other manufactured home sales establishments in the area.

The proposed rezoning to the Commercial District is consistent with the “Commercial” Comprehensive Plan land use designation shown on the Future Land Use Plan Map. The Comprehensive Plan’s land use designations are intended to provide direction in determining current and future growth patterns and development intensities. 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.”

Because the requested rezoning is consistent with the Comprehensive Plan’s Future Land Use Plan Map, is consistent with the zoning classifications other properties in the area, and will help facilitate improvements to the size with, staff is supportive of the rezoning request.

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 in the general vicinity of the site are primarily commercial and retail in nature (Exhibit “C”). As such, the rezoning and permitted land uses in the Commercial District would be in keeping with the existing and intended land uses in the vicinity. Any future development/redevelopment of this site will require compliance with the City’s land use and development regulations.

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 site is currently developed with a manufactured home sales company. As such, the proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There are a limited number of undeveloped properties zoned Commercial District in the immediate vicinity with most being south of the subject site along S.H. 249. However, there are a number of vacant Commercial District lots available along F.M. 2920, west of S.H. 249.

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 in the Commercial District city-wide and within the vicinity in the last two years.

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 consistent with the “Commercial” Comprehensive Plan land use designation. 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.”

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 3, 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 P11-302 based on the following:
 - a. The proposed zoning of Commercial District is compatible with the land uses in the vicinity.
 - 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 this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Comprehensive Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Conditional Use Permit Application
- F. Rezoning Request Letter
- G. Concept Plan
- H. Property Survey
- I. Ordinance 2008-32 Annexation Map
- J. Site Photos

Exhibit "A"
Location/Zoning Map

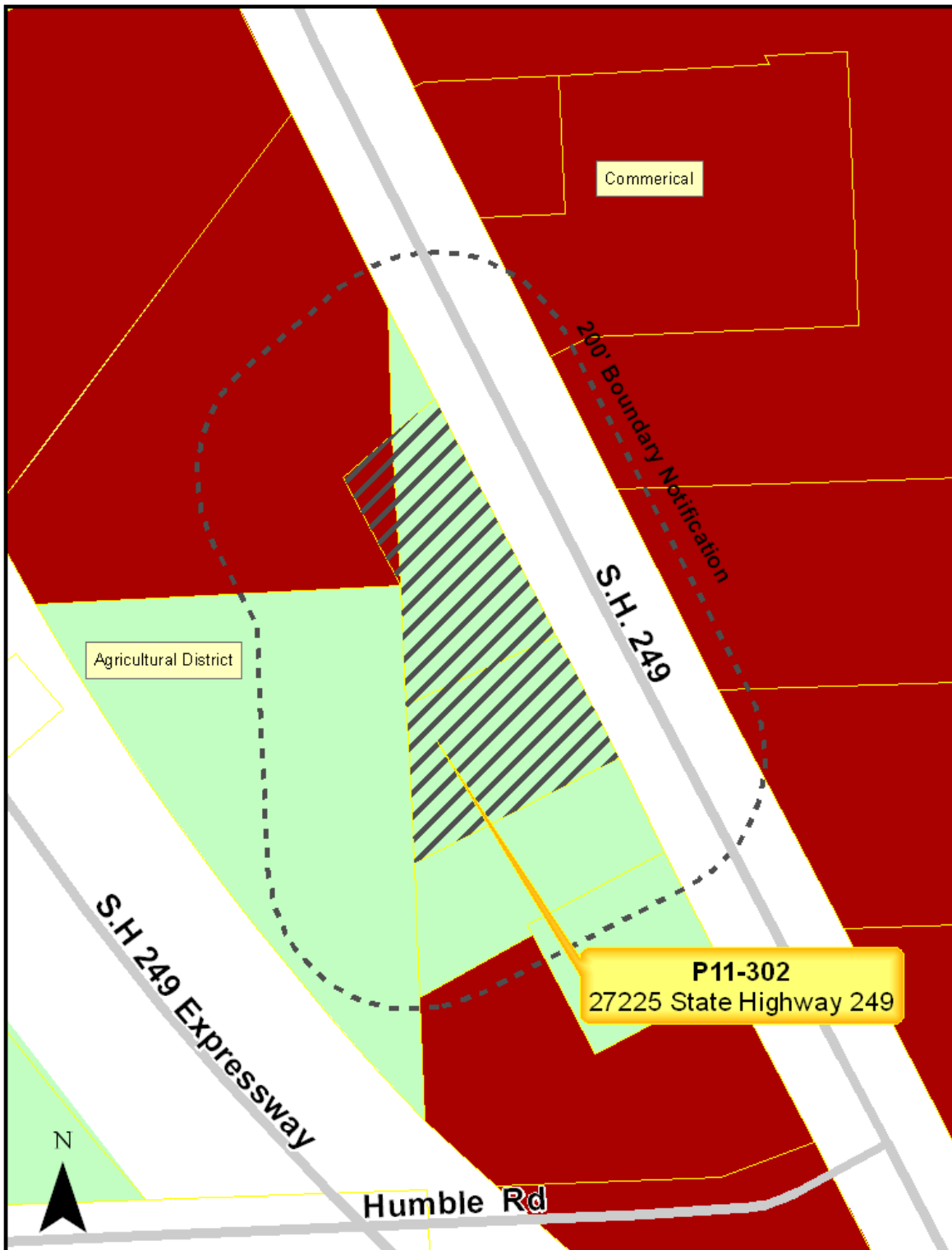


Exhibit "B"
Comprehensive Plan Future Land Use Map

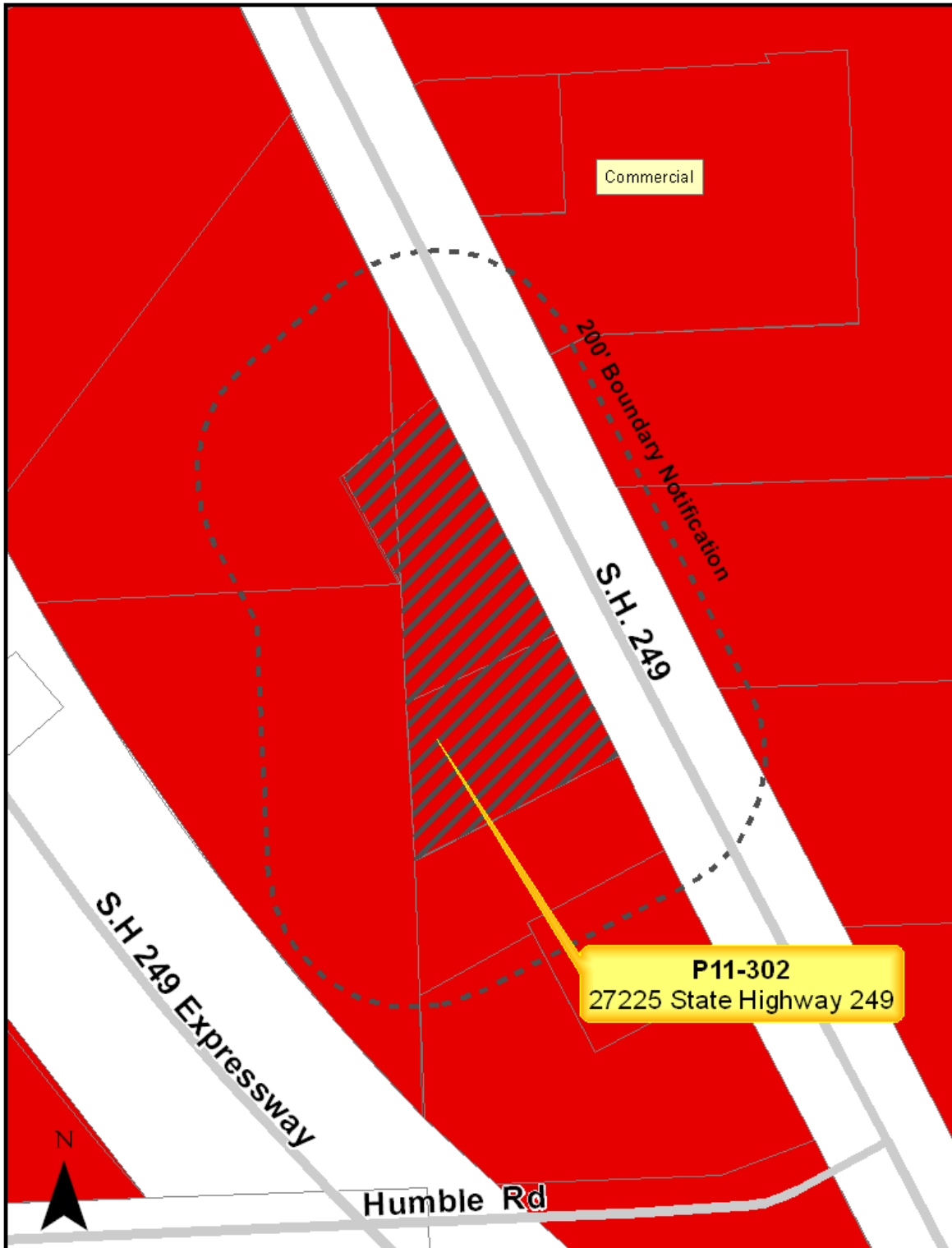


Exhibit "C"
Aerial Photo

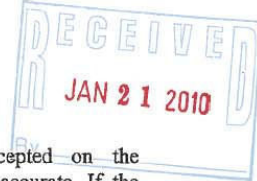


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: DPK Engineering David Kelly Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

Owner By: HUGH T. STATUM, III

Name: CMH HOMES, INC Title: VICE PRESIDENT
Mailing Address: 5000 CLAYTON ROAD City: MARYVILLE State: TN
Zip: 37804
Phone: (665) 380-3000 Fax: (665) 380-3792 Email: TAB. STATUM@CLAYTONHOMES.COM

Engineer/Surveyor (if applicable)

Name: David P Kelly II Title: President DPK Eng
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

Description of Proposed Project: Remodel Existing Site

Physical Location of Property: 27225 State Highway 249 between Alice & Humble Rd
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: CN. Pillot A632 Tract 1 (1.0A) Tract 2 (1.57 AC)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~Commercial~~ AG

Current Use of Property: Clayton Homes (Mobile Home Sales)

Proposed Zoning District: Commercial

Proposed Use of Property: Manufactured Home Sales

HCAD Identification Number: 0440580000001
~~0440~~ 04405800000215 Acreage: 2.5721

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 David P. Smith 1/20/11
Signature of Applicant Date

X M. J. Smith 1-11-11
Signature of Owner Date

Exhibit "E"
Conditional Use Permit Application



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

Revised 1/20/09



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

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

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: DPK Engineering David Kelly Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dptengineering.com

Owner

By HUGH T. STATUM, III
Name: CMH HOMES, INC. Title: VICE PRESIDENT
Mailing Address: 5000 CLAYTON ROAD City: MARYVILLE State: TN
Zip: 37804
Phone: (865) 380-3000 Fax: (865) 380-3792 Email: TAB.STATUM@CLAYTONHOMES.COM

Engineer/Surveyor (if applicable)

Name: David Kelly DPK Engineering Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dptengineering.com

Description of Proposed Project: Remodel Existing Site
Physical Location of Property: 27225 State Highway 2497 between Alice + Humbley
[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: CN Pilot A 632 Tract 1(1.0042) Tract 2(1.57Ac)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0440580000001 Acreage: 2.5721
0440580000215
Current Use of Property: Clayton Homes Manufactured Home Sales
Proposed Use of Property: same

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 Dan POSIT
Signature of Applicant

1/20/11
Date

X M. J. H. S.
Signature of Owner

1-11-11
Date

Exhibit "F"
Rezoning Request Letter

DPK Engineering LLC
Land Development – Site Development - Municipal
32719 Windsor Terrace
Fulshear, Texas 77441
Tel/Fax: 281-346-2616

January 20, 2011

Kelly Violette
City Planner/Community Development Coordinator
City of Tomball
501 James Street | Tomball, TX 77375
Phone (281) 290-1491 | Fax - (281) 351-4735
kviolette@ci.tomball.tx.us

Reference: REZONING CLAYTON HOMES PROPERTY

Dear Mrs. Violette:

I have been requested by CMH Homes, Inc., the owner of the Clayton Homes at 27225 State Highway 249 in Tomball Texas, to request the rezoning of their existing property. The property is in the process of being replatted into a single lot and improvements are planned for the existing infrastructure. CMH Homes, Inc is proposing to update the existing sales office and reconfigure the layout which will be more conducive to sales and a more aesthetic setting. CMH Homes requests that the zoning is changed from AG to Commercial and that a conditional use permit be granted for this facility.

If you have any questions or concerns please feel free to contact me.



David P. Kelly II, P.E.
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
phone/fax: 281-346-2616
mobile: 281-300-1869
david.kelly@dpkengineering.com

Page 16 of 20

EIC SURVEYING COMPANY
12345 JONES ROAD
SUITE 270
HOUSTON, TX 77070
(281) 955-2722

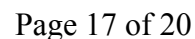
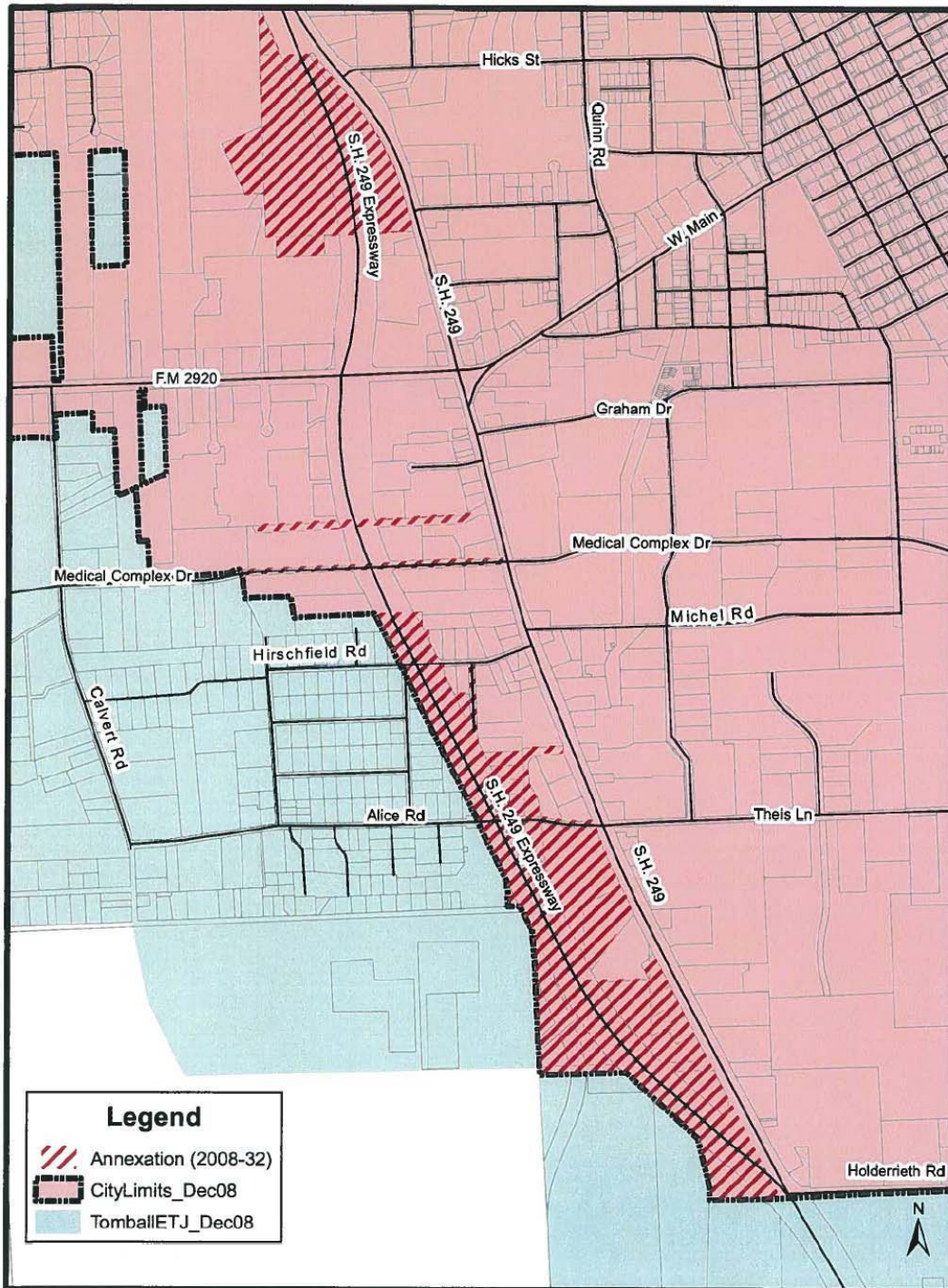


Exhibit "I"
Ordinance 2008-32 Annexation Map

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



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

Exhibit “J” Site Photos



Figure 1: Northerly view of subject site.



Figure 2: Excel Storage to the north of the subject site.



Figure 3: Tractor Supply to the east of subject site.



Figure 4: Tomball Rental Center to the south of subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 14, 2011

Data Sheet

Topic:

Consideration and possible action regarding **ZONING CASE P11-303**: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), for a Conditional Use Permit to operate a “Manufactured Home Display or Sales (New or Used)” facility. The property is an approximately 2.57 acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas. The site is located in the AG-Agricultural and C-Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-302).

- Conduct a Public Hearing on **ZONING CASE P11-303**

Background:

Origination:

David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes)

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

P11-303 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MARCH 14, 2011
&
CITY COUNCIL
MARCH 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, March 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 21, 2011, at 7:00 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 P11-302: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

ZONING CASE P11-303: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), for a Conditional Use Permit to operate a "Manufactured Home Display or Sales (New or Used)" facility. The property is an approximately 2.57 acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas. The site is located in the AG-Agricultural and C-Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-302).

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 City Planner** Kelly Violette, (281) 290-1491, kviolette@ci.tomball.tx.us

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **March** 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: P11-303

APPLICANT: David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes)

LOCATION: Westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas.

PROPOSAL: Request for a Conditional Use Permit to operate a “Manufactured Home Display or Sales (New or Used)” facility. The property is an approximately 2.57 acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704. The site is located in the AG-Agricultural and C-Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-302).

* * *

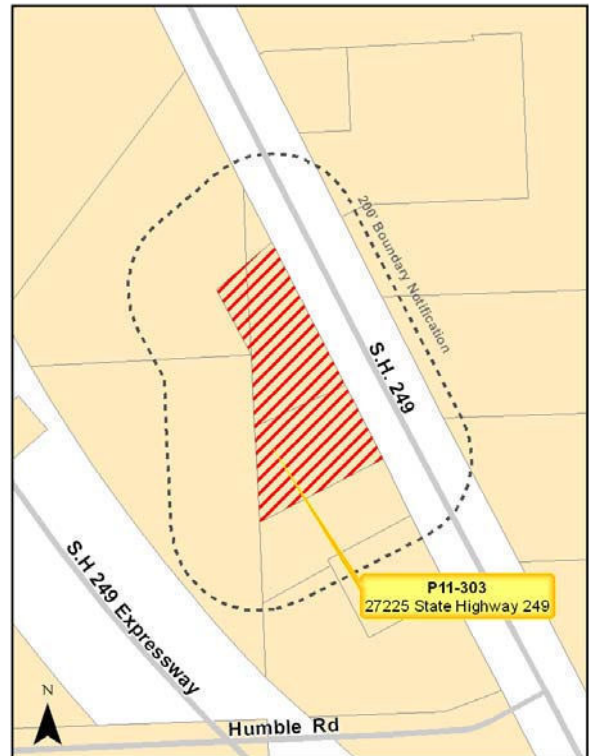
CONTACT PLANNER: Kelly Violette

PHONE: (281) 290-1491

E-MAIL: kviolette@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, March 14, 2011, 6:00 PM

City Council Public Hearing:

***Monday, March 21, 2011, 7:00 PM**

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

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



CUP Staff Report

Planning and Zoning Commission Hearing Date: March 14, 2011

Rezoning Case: P11-303

Property Owner(s): CMH Homes, Inc.

Applicant(s): David Kelly

Legal Description: Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas

Location: 27225 State Highway 249 (Generally located on the westerly side of State Highway 249, southerly of Alice Road)

Area: 2.57 acres

Present Zoning and Use: AG-Agricultural District / Modular and Manufactured Home Display and Sales

Comp Plan Designation: Commercial

Proposed Use: “Manufactured Home Display or Sales (New or Used)”

Request: Conditional Use Permit to allow a “Manufactured Home Display or Sales (New or Used)” land use.

Adjacent Zoning & Land Uses:

North:	AG-Agricultural and C-Commercial Districts / Mini-warehouse
South:	AG-Agricultural and C-Commercial Districts / Tool rental
East:	C-Commercial District / SH 249 ROW, shopping center, Tractor Supply Co., and Palm Harbor Homes
West:	AG-Agricultural and C-Commercial Districts / Mini-warehouse and undeveloped

BACKGROUND / PROJECT DESCRIPTION

The subject site is legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas totaling approximately 2.57 acres. The site’s physical address is 27225 State Highway 249 and is generally located on the westerly side of State Highway 249, southerly of Alice Road (Exhibit “A”). The property is currently used by Clayton Homes as a modular and manufactured home sales facility consisting of a number of show homes for sale as well as a sales office (Exhibit “C”).

The applicant is requesting a conditional use permit to utilize the site for a “Manufactured Home Display or Sales” facility. As a matter of information, the existing use of the site as a modular and manufactured home sales facility is ‘grandfathered’ because it was established prior to its annexation into the City, however Clayton Homes desires to make improvements to the property including reconfiguring the site layout, adding parking and drive aisles, installing landscaping, and relocating all structures outside of the building setbacks which requires the granting of a conditional use permit.

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.” Additionally, the Ordinance requires that all CUP applications include a Concept Plan to ensure that the proposed project is in compliance with all applicable City ordinances.

The proposed concept plan indicates that the site will contain a total of 16 display homes and one sales office. Additionally, nine parking stalls are shown, including one ADA accessible space. However that number may be reduced to eight parking stalls because of the required eight foot wide ADA loading zone. The Concept Plan shows new 24 foot wide concrete drive aisles throughout the site and the addition of landscaping. It should be noted that Section 40.2.B of the Zoning Ordinance specifies that any use requiring a CUP must comply with Section 40’s landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP. In no case shall the standards provided for in the CUP ordinance be less than the standards required by Section 40.

The concept plan also shows that the office hours for the facility will be Monday – Friday from 9 a.m. to 6 p.m. and Saturday from 9 a.m. to 5 p.m., with approximately two employees on site.

ANALYSIS

According to the Zoning Ordinance, “When considering applications for a conditional use permit, the City shall, on the basis of the Concept Plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location.”

Factors for Consideration:

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

The Commercial Land Use designation in the Comprehensive Plan is intended for retail sales and service activities including, shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, small repair shops, and professional offices. The use of the site as a Manufactured Homes Display and Sales facility is consistent with the Commercial designation outlined in the Comprehensive Plan and the proposed site improvements will enhance the aesthetics of the existing development.

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

The applicant has submitted a concurrent request to rezone the property from the Agricultural Zoning District to the C-Commercial District. The general purpose and intent of the C-Commercial Zoning District is to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractor's shops, automotive repair services, upholstery shops, and other similar commercial uses. Convenient access to thoroughfares and collector streets is also a primary consideration. The use of the site as a Manufactured Homes Display and Sales facility is consistent with the C- Commercial Zoning District description. The proposed site improvements and recommended conditions of approval will assure compatibility of the use with other uses permitted in the surrounding area. Additionally, the site area is suitable for development based upon the area regulations of the C-Commercial District.

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

The submitted concept plan generally meets the development standards applicable to the project. As previously stated, the number of parking stalls may be reduced from 9 to 8 in order to comply with ADA regulations; however the minimum number of stalls required for the use is 1:1,000 sq feet of floor area. The requirement is based upon the floor area of the sales office, which requires 2 parking stalls.

The side setbacks shown on the concept plan do not meet the minimum 10 feet required for the Commercial District, however it appears that there is sufficient room to meet the minimum side setbacks without substantial alterations to the proposed layout.

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

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- b. Off-street parking and loading areas;
- c. Refuse and service areas;
- d. Utilities with reference to location, availability, and compatibility;
- e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
- f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- g. Required yards and open space;**
- h. Height and bulk of structures;**
- i. Hours of operation;**
- j. Exterior construction material and building design; and**
- k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**

The submitted concept plan generally meets the development standards applicable to the project. The proposed site improvements and recommended conditions of approval will assure compatibility of the use with other uses permitted in the surrounding area.

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

The continued use of the site as a Manufactured Homes Display and Sales facility is not anticipated to be detrimental to the public health, safety, convenience and welfare. The proposed site improvements and recommended conditions of approval will improve the overall aesthetics of an existing site and bring the site into conformance with the provisions of the Zoning Ordinance.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 3, 2011 and, as of the writing of this report, no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend approval of Zoning Case P11-303, with conditions, based on the following:

- a. The proposal is consistent with the general purpose and intent of the applicable zoning district regulations and Comprehensive Plan ;
- b. The proposal is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The “Manufactured Home Display or Sales (New or Used)” use shall not be enlarged, extended or relocated, nor may the number of manufactured homes or sales office be

increased from what is shown on the approved Concept Plan without the approval of a revised concept plan or new CUP.

2. The use of the site will be limited to “Manufactured Home Display or Sales (New or Used).”
3. All proposed parking areas, loading areas, and drive aisles must adhere to the requirements of Section 39 of the Zoning Ordinance.
4. Off-street parking must be provided at a rate of 1 space per 1,000 square feet of gross sales office area.
5. All structures must adhere to the setback requirements of the Zoning Ordinance.
6. The subject site must be landscaped in accordance with Section 40 of the Zoning Ordinance.
7. All manufactured homes and the sales office adjacent to S.H. 249 must be skirted between the bottom of the manufactured home or office and the ground with a fireproof material harmonious with the appearance of the manufactured home or sales office. The skirting must be provided on all sides of the structure that are visible from a public right of way.
8. The final plat consolidating Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704 into one overall tract must be filed with Harris County before building permits shall be issued.

EXHIBITS

- A. Location/Zoning Map
- B. Comprehensive Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Conditional Use Permit Application
- F. Rezoning Request Letter
- G. Concept Plan
- H. Property Survey
- I. Ordinance 2008-32 Annexation Map
- J. Site Photos

Exhibit "A"
Location/Zoning Map

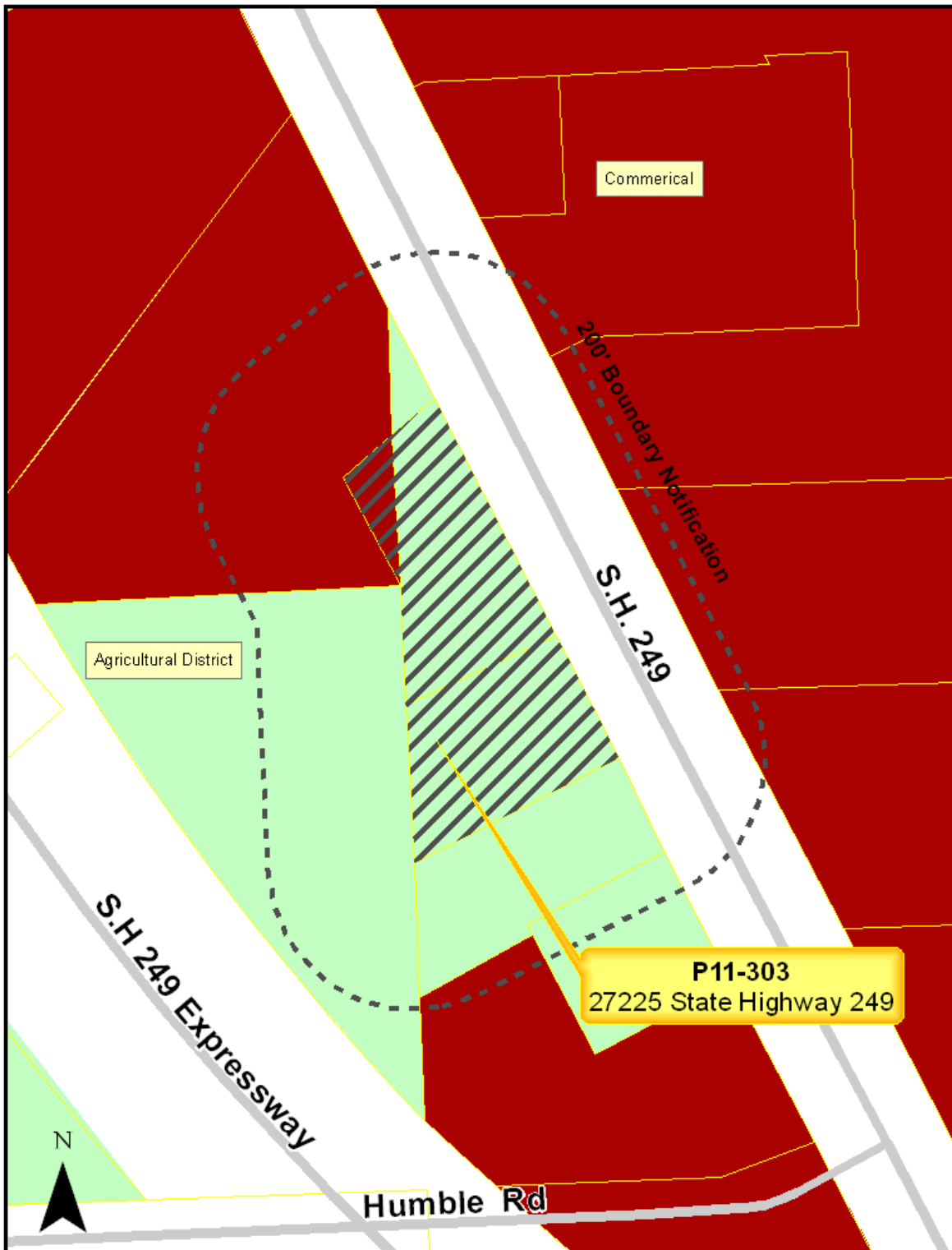


Exhibit "B"
Comprehensive Plan Future Land Use Map

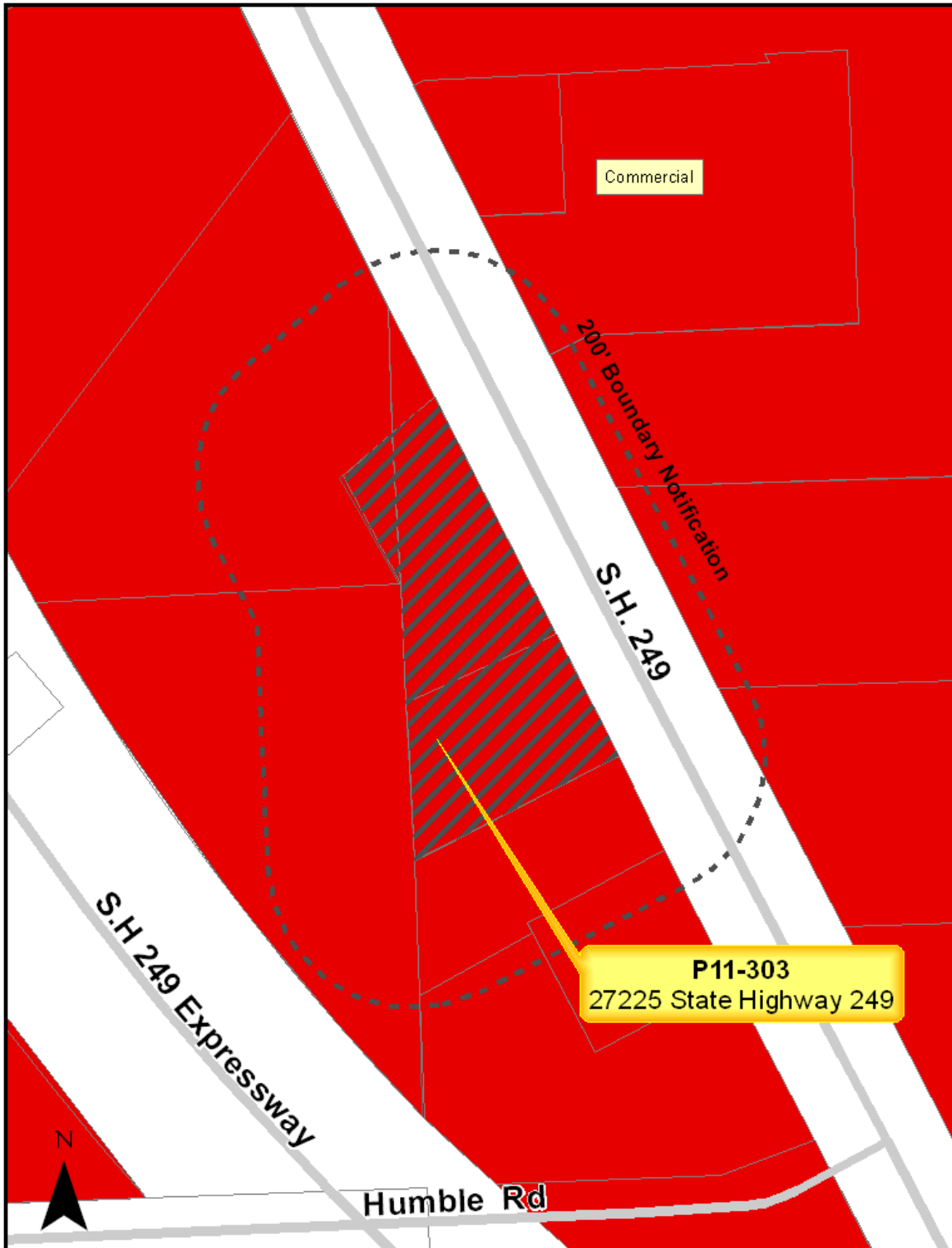


Exhibit "C"
Aerial Photo

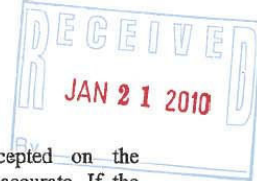


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: DPK Engineering David Kelly Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

Owner By: HUGH T. STATUM, III

Name: CMH HOMES, INC Title: VICE PRESIDENT
Mailing Address: 5000 CLAYTON ROAD City: MARYVILLE State: TN
Zip: 37804
Phone: (865) 380-3000 Fax: (865) 380-3792 Email: TAB.STATUM@CLAYTONHOMES.COM

Engineer/Surveyor (if applicable)

Name: David P Kelly II Title: President DPK Eng
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

Description of Proposed Project: Remodel Existing Site

Physical Location of Property: 27225 State Highway 249 between Alice
[General Location - approximate distance to nearest existing street corner] & Humble Rd

Legal Description of Property: CN. Pillot A632 Tract 1 (1.0A) Tract 2 (1.57 AC)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~Commercial~~ AG

Current Use of Property: Clayton Homes (Mobile Home Sales)

Proposed Zoning District: Commercial

Proposed Use of Property: Manufactured Home Sales

HCAD Identification Number: 0440580000001
~~0440~~ 04405800000215 Acreage: 2.5721

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 David P. Smith 1/20/11
Signature of Applicant Date

X M. J. Smith 1-11-11
Signature of Owner Date

Exhibit "E"
Conditional Use Permit Application



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

Revised 1/20/09



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

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

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: DPK Engineering David Kelly Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dptengineering.com

Owner By HUGH T. STATUM, III

Name: CMH HOMES, INC. Title: VICE PRESIDENT
Mailing Address: 5000 CLAYTON ROAD City: MARYVILLE State: TN
Zip: 37804
Phone: (865) 380-3000 Fax: (865) 380-3792 Email: TAB.STATUM@CLAYTONHOMES.COM

Engineer/Surveyor (if applicable)

Name: David Kelly DPK Engineering Title: President
Mailing Address: 32719 Windsor Terrace City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dptengineering.com

Description of Proposed Project: Remodel Existing Site
Physical Location of Property: 27225 State Highway 2497 between Alice + Humbley
[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: CN Pilot A 632 Tract 1(1.0042) Tract 2(1.57Ac)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0440580000001 Acreage: 2.5721
0440580000215
Current Use of Property: Clayton Homes Manufactured Home Sales
Proposed Use of Property: same

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 Dan POSIT
Signature of Applicant

1/20/11
Date

X M. J. H. S.
Signature of Owner

1-11-11
Date

Exhibit "F"
Rezoning Request Letter

DPK Engineering LLC
Land Development – Site Development - Municipal
32719 Windsor Terrace
Fulshear, Texas 77441
Tel/Fax: 281-346-2616

January 20, 2011

Kelly Violette
City Planner/Community Development Coordinator
City of Tomball
501 James Street | Tomball, TX 77375
Phone (281) 290-1491 | Fax - (281) 351-4735
kviolette@ci.tomball.tx.us

Reference: REZONING CLAYTON HOMES PROPERTY

Dear Mrs. Violette:

I have been requested by CMH Homes, Inc., the owner of the Clayton Homes at 27225 State Highway 249 in Tomball Texas, to request the rezoning of their existing property. The property is in the process of being replatted into a single lot and improvements are planned for the existing infrastructure. CMH Homes, Inc is proposing to update the existing sales office and reconfigure the layout which will be more conducive to sales and a more aesthetic setting. CMH Homes requests that the zoning is changed from AG to Commercial and that a conditional use permit be granted for this facility.

If you have any questions or concerns please feel free to contact me.



David P. Kelly II, P.E.
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
phone/fax: 281-346-2616
mobile: 281-300-1869
david.kelly@dpkengineering.com

Exhibit “G” Concept Plan

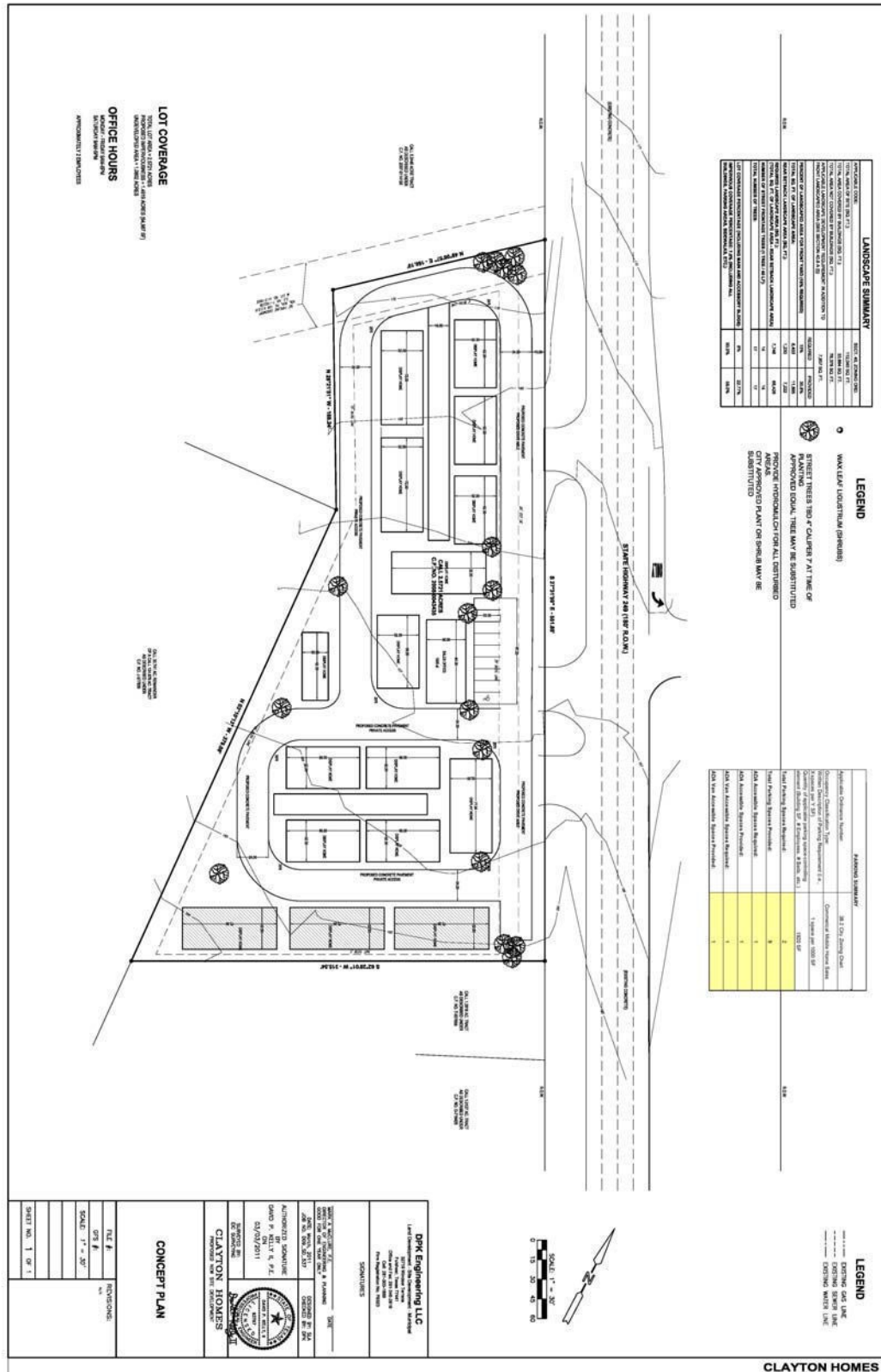


Exhibit "H" Property Survey

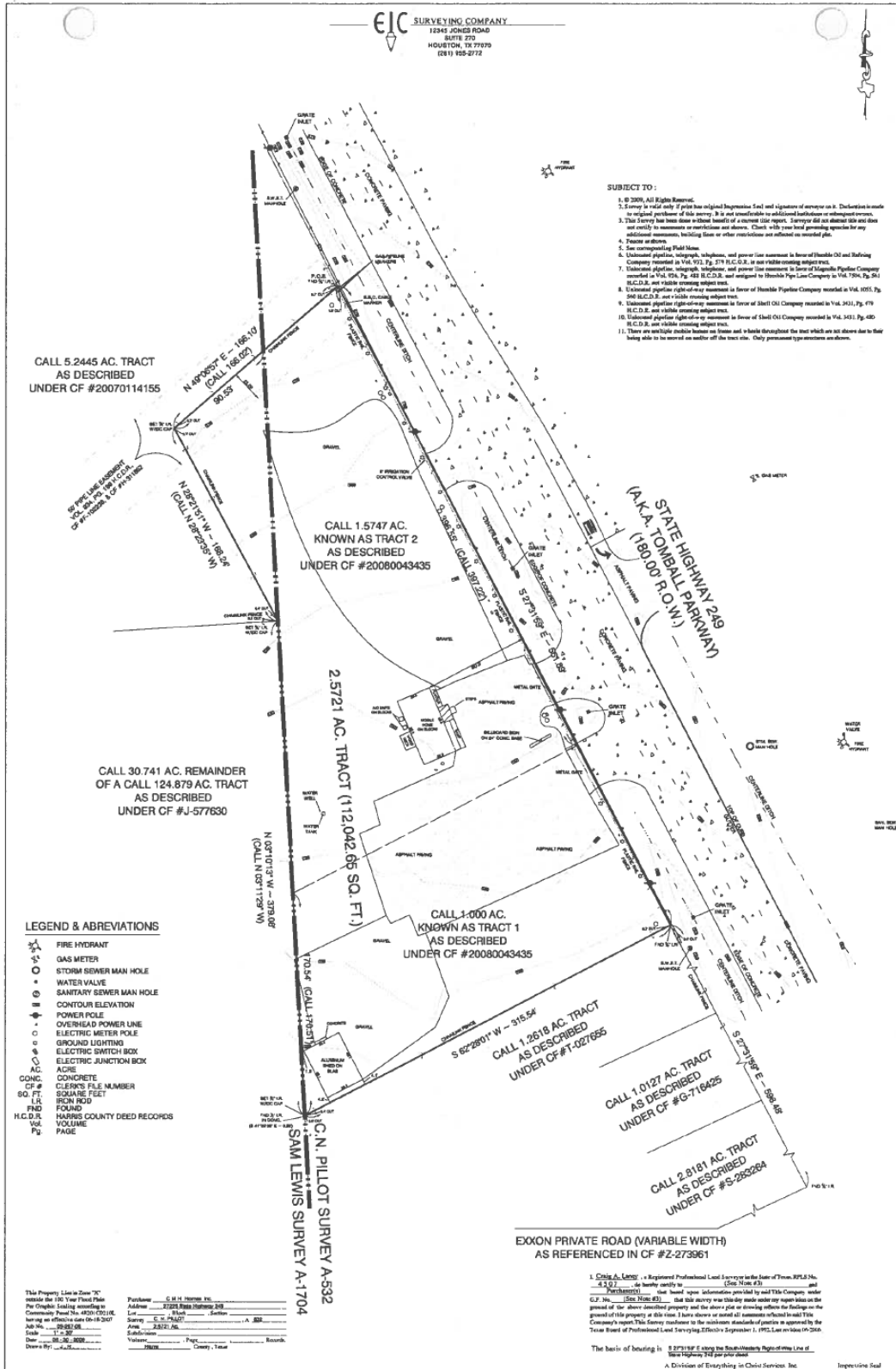
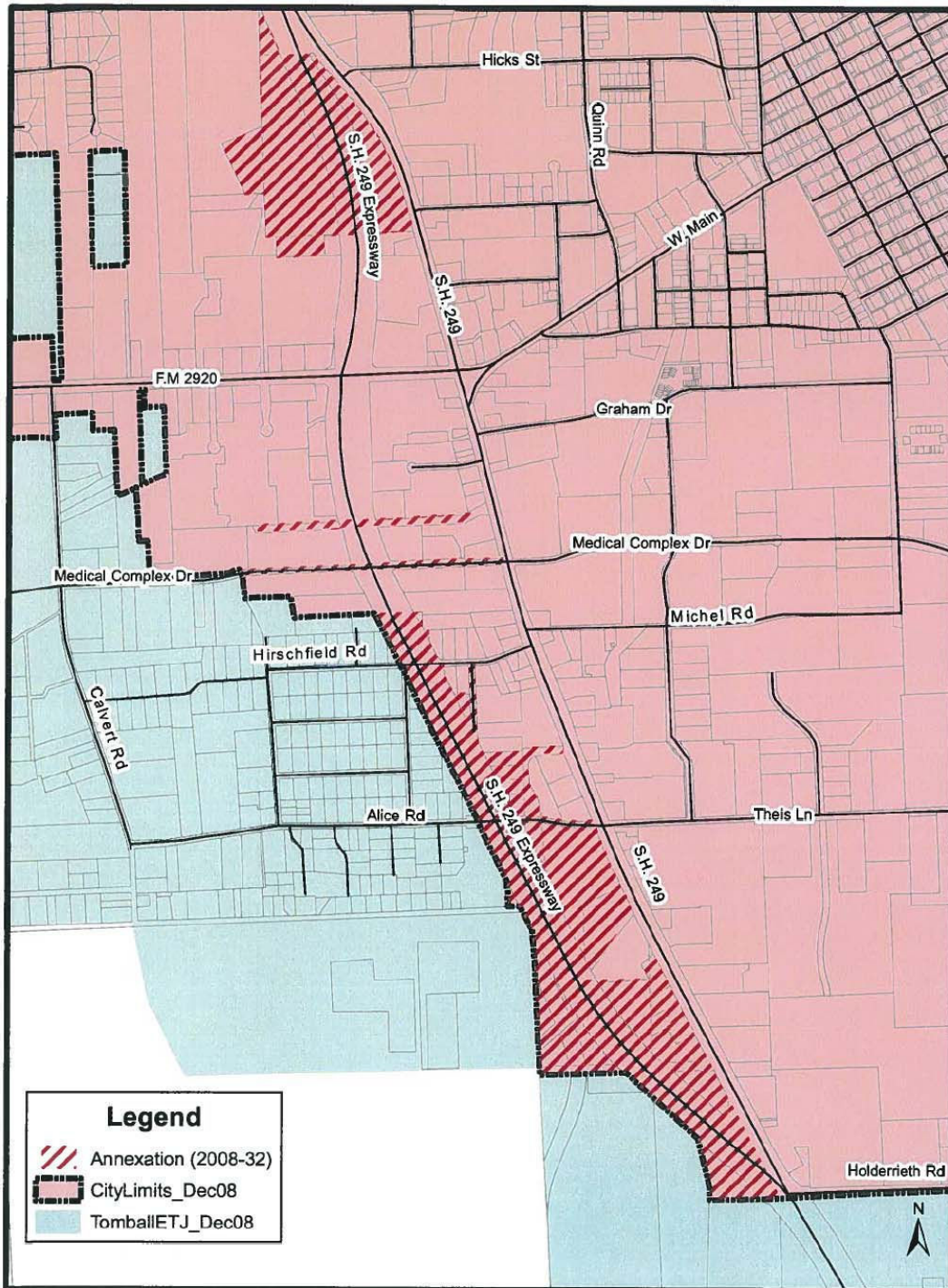


Exhibit "I"
Ordinance 2008-32 Annexation Map

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



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

**Exhibit “J”
Site Photos**



Figure 1: Northerly view of subject site.



Figure 2: Excel Storage to the north of the subject site.



Figure 3: Tractor Supply to the east of subject site.



Figure 4: Tomball Rental Center to the south of subject site.