

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



MONDAY, APRIL 12, 2010

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, April 12, 2010 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 8, 2010.

5.0 New Business:

- 5.1 Consideration and Possible Action Regarding **ZONING CASE P10-206:** Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P10-206**

- 5.2 Consideration and Possible Action Regarding **ZONING CASE P10-208:** Request by Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16, Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas, both tracts of property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

- Conduct a Public Hearing on **ZONING CASE P10-208**

- 5.3 Consideration and Possible Action Regarding **ZONING CASE P10-218:** Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

- Conduct a Public Hearing on **ZONING CASE P10-218**

- 5.4 Consideration and Possible Action Regarding **TOMBALL MEDICAL PLAZA PRELIMINARY PLAT:** Being a Plat of 2.8278 Acres out of Tract 13, 1.4635 Acre Tract Recorded under File No. J064863 and Tract No. 12, 1.3643 Acre Tract Recorded under File No. J089622 of the Harris County Map Records, Situated in The William Hurd Survey, Abstract 378, Harris County, Texas, 1 Block, and 1 Lot.

- 5.5 Consideration and Possible Action Regarding **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1:** Being a subdivision of a 7.5797 Acre Tract of Land in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375 City of Tomball, Harris County, Texas, 4 Lots, and 1 Block.

- 5.6 Consideration and Possible Action Regarding **FINAL PLAT KLEIN ISD ELEMENTARY SCHOOL NO 28:** Being a Replat of Lots 485, 486 & Part of Lot 484 of the Five Acre Tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R. A Subdivision of 19.0042 Acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas, 1 Block and 1 Reserve.
- 5.7 Consideration and Possible Action Regarding**PRELIMINARY PLAT OF MAPLE GROUP, LTD:** Being a Subdivision of 111.4940 Acres of land out of the Claude N. Pillot Survey, Abstract 632, and the Jesse Pruitt Survey, Abstract 629, City of Tomball, Harris County, Texas, 8 Lots, 4 Blocks, and 2 Reserves.

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall;City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of April 2010 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
Data Sheet

Meeting Date: April 12, 2010

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 12, 2010

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 8, 2010.

Background:

Origination:

Engineering and Planning Department

Recommendation:

Funding:

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

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

ATTACHMENTS:

P&Z Minutes 03.08.10

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

MONDAY, MARCH 8, 2010



6:00 P.M.

1.0 Call to Order

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

Commissioner O'Donnell
Commissioner Wallace
Commissioner Dodson
Commissioner Mottershaw

Others present:

Director of Engineering and Planning – Mark McClure
City Planner / Community Development Coordinator – Kelly Violette
Engineering & Planning Administrative Assistant – Brandy Pate
City Attorney – Scott Bounds

draft

2.0 No Public Comments were received.

3.0 Kelly Violette announced that the Tomball Development Guide had been printed and distributed to all Commissioners and was available for viewing on the City's website.

4.0 Motion was made by Commissioner O'Donnell to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 8, 2010; second by Commissioner Dodson.

Motion carried unanimously.

Discussion/Action of the Following Items:

5.0 New Business:

5.1 Kelly Violette presented the Planning and Zoning Commission 2009 Annual Report.

5.2 Consideration and Possible Action Regarding six month extension request by Emil Haddad of EIC Surveying on behalf of CMH Homes, Inc. for the **TOMBALL R 135 FINAL PLAT**.

Mark McClure, Director of Engineering & Planning presented recommendations.

Commissioner Wallace made a motion to Approve six month extension request by Emil Haddad of EIC Surveying on behalf of CMH Homes, Inc. for the **TOMBALL R 135 FINAL PLAT**, second by Commissioner O'Donnell.

Motion carried unanimously.

- 5.3 Consideration and Possible Action Regarding **PRELIMINARY PLAT KLEIN ISD ELEMENTARY SCHOOL NO 28**: Being a Replat of Lots 485, 486 & Part of Lot 484 of the Five Acre Tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R. A Subdivision of 19.0042 Acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas, 1 Block and 1 Reserve.

Mark McClure, Director of Engineering & Planning presented comment recommendations.

Commissioner Dodson made a motion to Approve **PRELIMINARY PLAT KLEIN ISD ELEMENTARY SCHOOL NO 28**; with contingencies, second by Commissioner Wallace.

Motion carried unanimously.

- 5.4 Consideration and Possible Action Regarding **PRELIMINARY PLAT OF MAPLE GROUP, LTD**: Being a Subdivision of 111.4942 Acres of land out of the Claude N. Pillot Survey, Abstract 632, and the Jesse Pruitt Survey, Abstract 629, City of Tomball, Harris County, Texas, 8 Lots, 4 Blocks, and 2 Reserves.

Mark McClure, Director of Engineering & Planning presented comments.

Commissioner Wallace made a motion to DENY **PRELIMINARY PLAT OF MAPLE GROUP, LTD**; second by Commissioner O'Donnell.

Motion carried 4-1.

- 5.5 Consideration and Possible Action Regarding **REPLAT OF REVISED MAP OF TOMBALL**: Being a Subdivision of 0.3214 Acres or 14,000 Square Feet of land, being situated in Revised Map of Tomball, an addition in Harris County, Texas and Being a Replat of Lots 21, 22, 23, 24, in Block 31 of Revised Map of Tomball in Harris County, Texas as recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, 1 Lot and 1 Block.

Mark McClure, Director of Engineering & Planning presented comment recommendations.

Commissioner Dodson made a motion to Approve **REPLAT OF REVISED MAP OF TOMBALL**; with contingencies, second by Commissioner O'Donnell.

Motion carried unanimously.

6.0 Motion was made by Commissioner Dodson to adjourn; second by Commissioner Wallace.

Motion carried unanimously.

Meeting adjourned at 6:56 p.m.

PASSED AND APPROVED this _____ day of _____ 2010.

Brandy Pate
P&Z Commission Secretary

Tom Crofoot
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-206**: Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P10-206**

Background:

See attached staff report for background information.

Origination:

Brian Matthews, on behalf of Crescent Directional Drilling

Recommendation:

That the Planning and Zoning Commission recommend: 1. DENIAL of Zoning Case P10-206 based on the following: a. The proposed zoning of LI-Light Industrial District will be incompatible with the existing and intended land uses in the vicinity. b. The proposed zoning of LI-Light Industrial District will be incompatible with the Tomball Comprehensive Plan. c. There are insufficient utilities in the area to service an industrial use on this site. 2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P10-206 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 12, 2010
&
CITY COUNCIL
APRIL 19, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 12, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 19, 2010, 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 P10-206: Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.

ZONING CASE P10-208: Request by Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16, Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas, both tracts of property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

ZONING CASE P10-218: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

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 **8th** day of **April** 2010 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: P10-206

APPLICANT: Brian Matthews, on behalf of Crescent Directional Drilling

LOCATION: Westerly side of South Persimmon Street, northerly of Agg Road.

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial 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.

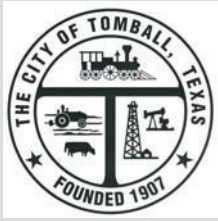


**Planning and Zoning Commission
Public Hearing:
Monday, April 12, 2010, 6:00 PM**

**City Council Public Hearing:
*Monday, April 19, 2010, 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: April 12, 2010

Rezoning Case: P10-206
Property Owner(s): Crescent Directional Drilling
Applicant(s): Brian Matthews, Protective Concepts, Inc.
Legal Description: Tract 281 (Tomball Outlots)
Location: Generally located on the westerly side of South Persimmon Street, northerly of Agg Road
Area: 5.006 acres
Present Zoning and Use: SF-20-E - Single-Family Estate Residential-20 District / Vacant
Comp Plan Designation: Low Density Residential
Proposed Zoning and Use: LI - Light Industrial District / Passive Fire Protection Jacket Manufacturing

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: Conditional Use Permit #2 MHP / Mobile Home Park
South: SF-20-E / Undeveloped and Metallic Warehouse
East: SF-20-E / South Persimmon Street ROW and Vacant
West: SF-20-E / Residential

BACKGROUND

The subject site is a 5.006 acre rectangular tract legally described as Tract 281 (Tomball Outlots), generally located on the westerly side of South Persimmon Street, northerly of Agg Road (Exhibit "B"). The site is currently vacant and is approximately 377.6 feet wide and 577.51 feet deep.

The applicant is requesting to rezone the property from the SF-20-E - Single-Family Estate Residential-20 District to the LI - Light Industrial District in order to facilitate the construction of a manufacturing facility for Protective Concepts, Inc. According to the applicant, the use proposed is a "Manufacturing Facility for Passive Fire Protection Jackets for Oil/Gas Industry" (Exhibit "E"). The conceptual site plan submitted by the applicant indicates that an

approximately 9,375 square foot main building along with an accessory building and parking area are being proposed for this site (Exhibit “F”). Two vehicular access points are proposed off of South Persimmon Street to service the site.

ANALYSIS

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

The applicant has indicated that the site will be used by Protective Concepts, Inc. as the company’s headquarters for manufacturing “passive fire protection covers for equipment in the oil/gas/petrochemical industries” (Exhibit “E”). According to the company’s website, the protective covers or “jackets” can be placed on wellheads, valves, actuators, riser tensioners, cable trays, bulkheads, and penetration seals to protect from flames and blast. The applicant states that “There is no noise or air pollution as a result of our operation that would negatively impact the surrounding area” (Exhibit “E”). The proposed use is considered “Textile Products Manufacturing” under the City’s Zoning Ordinance, which is a permitted use in the LI-Light Industrial District.

When reviewing a rezoning request and change in land use, staff looks at several criteria, including how the proposed use fits into the surrounding area, whether there are any constraints to development at the proposed site with regard to access and utilities, and if the proposed use is consistent with the City’s development regulations and long-range planning objectives. The existing land uses and zoning designations in the surrounding area are reviewed to determine the proposal’s compatibility and appropriateness at the proposed location. It is important that the proposed use, zoning district and Future Land Use Plan Map designation be compatible and appropriate so that future land use conflicts do not occur.

The subject site is not contiguous to any existing light industrial developments. The existing adjacent land use to the north is an existing manufactured home park, which serves as a buffer between the nonresidential uses to the north and the residential uses along the southerly portion of South Persimmon. To the east is vacant land, to the west is a single family residence, and to the south are vacant land and a tract developed with a metallic warehouse within the SF-20-E District. In March 2009, the owner of the metallic warehouse applied for a rezoning from the SF-20-E District to the C-Commercial District for a proposed concrete facility, but the request was denied by Council on May 18, 2009. There is a legally non-conforming commercial use two lots to the north of the subject site; however the majority of nonresidential uses in the area are along the east side of South Persimmon, northerly of Lizzie Lane.

With regard to utilities, the site is not currently serviced by water, gas, or sewer lines (Exhibit “H”). There is an existing 6 inch water line approximately 300 feet to the north of the site; however it does not have adequate capacity to serve additional uses within the area. As such, in order to serve the site with water, the line down South Persimmon would need to be upgraded to a minimum 12 inch water line from FM 2920, which would require street right-of-way and easement dedications. With regard to sanitary sewer and gas, the closest lines are approximately 1,900 feet to the east of the subject site along Hufsmith-Kohrville. Development of this site would require the installation of a septic system or the extension of the sewer line from

Hufsmith-Kohrville. Without existing infrastructure to serve this site, staff feels that light industrial zoning is inappropriate for this area.

Additionally, the Comprehensive Plan's Future Land Use Plan Map identifies this area as Low Density Residential. The proposed rezoning is inconsistent with this designation and with the Comprehensive Plan's Planning Guidelines and Land Use and Development objectives which recommend appropriate buffer areas and transitional uses, access to major transportation corridors, and logical extensions of public infrastructure. It is staff's opinion that the use at the intensity proposed is not compatible with the surrounding area, nor consistent with the Comprehensive Plan.

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 existing adjacent land uses are primarily residential and undeveloped agricultural land with the only exception being a piece of property to the south that is owned by Joe Serna that Harris County Appraisal District has listed as a "Warehouse-Metallic." There is a commercial use two lots to the north of the subject site but the bulk of the light industrial activity along South Persimmon is north of the subject site between F.M. 2920 and Lizzie Lane. The proposed use of the site as a "Manufacturing Facility for Passive Fire Protection Jackets for Oil/Gas Industry" would be out of character with the area. Additionally, rezoning this land for a light industrial use could signal to others in the area to attempt a similar request which is not consistent with the long range vision for this area.

Should this rezoning request be approved, the applicant will be required to meet all of the City's screening, buffering and fencing requirements to protect any adjacent residential uses. The applicant will also be required to shield and position all on-site lighting such that lights do not adversely impact adjacent residential areas.

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.

Public utilities or roadway improvements are not proposed along South Persimmon within the City's five year capital improvements plan. Any approved development would be responsible for extending utilities to the site. Since there are no utilities with sufficient capacity within 1,000 feet of the site, the only alternative would be a well and septic system, which is not favorable for a light industrial use due to the potential for surface and groundwater degradation.

South Persimmon is a two lane road with a varying right-of-way width between 30 and 60 feet. It is designated as a Minor Arterial on the adopted Major Thoroughfare Plan, with an ultimate right-of-way width of 80 feet. This right-of-way has not been acquired in the vicinity. Minor Arterials distribute traffic from state highway/farm-to-market roadways and major arterials to the collector system and to adjacent land uses and are found in areas of significant traffic movement.

A light industrial designation would not impact the public school system as the proposed use of the site for light industrial purposes would not increase attendance to the school system.

As a matter of information, the future development of the site will likely result in increased impermeable area, thereby altering absorption rates and increasing surface runoff. Drainage improvements shall comply with the requirements of the City's Engineering and Public Works Departments.

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 currently several tracts of land zoned for light industrial use to the north of the subject site along South Persimmon Street. Additionally, there are several undeveloped lots in Tomball Industrial Park that are already zoned for light industrial use.

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.

Commercial and light industrial uses have been increasingly developing on the south side of the City. The northern portion of South Persimmon Street from F.M. 2920 to Lizzie Lane has been developing steadily with a mixture of commercial/light industrial uses over the past several years. However, the land uses in the project vicinity have remained largely vacant, agricultural, and residential. Because of the "Low Density Residential" Comprehensive Plan designation of the site (Exhibit "B"), it is anticipated that the area will remain agricultural/residential.

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 intent and purpose of the Zoning Ordinance is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. If light industrial development is allowed to occur in a primarily residential/agricultural area that currently does not have the infrastructure to service such a use, the nearby residential properties could be adversely impacted.

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.”

It is staff’s opinion that the request is not consistent with the Comprehensive Plan. The Comprehensive Plan’s land use designation for the subject site is “Low Density Residential” (Exhibit “B”) which generally allows for single family detached residential development on minimum 20,000 square foot lots or greater, not light industrial uses.

Should this request be approved, City staff requests the Planning & Zoning Commission and City Council to provide direction on whether or not to propose an amendment to the Comprehensive Plan to reflect a change in vision for this area of Tomball during its annual review process in early 2011.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 31, 2010 and as of the writing of this report, three public comment forms were received; one from the property owner in favor of the request, one from the adjacent property owner to the south of the site on South Persimmon, Higinio Sanchez, in favor of the request, and one from John Ford (930 Agg Road) in opposition to the request (Exhibit “J”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. DENIAL of Zoning Case P10-206 based on the following:
 - a. The proposed zoning of LI-Light Industrial District will be incompatible with the existing and intended land uses in the vicinity.
 - b. The proposed zoning of LI-Light Industrial District will be incompatible with the Tomball Comprehensive Plan.
 - c. There are insufficient utilities in the area to service an industrial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Aerial Photo
- C. Comp Plan Future Land Use Map
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Conceptual Site Plans
- G. Property Survey
- H. Utility Block Map
- I. Site Photos
- J. Public Comment Form(s)

Exhibit "A"
Location/Zoning Map

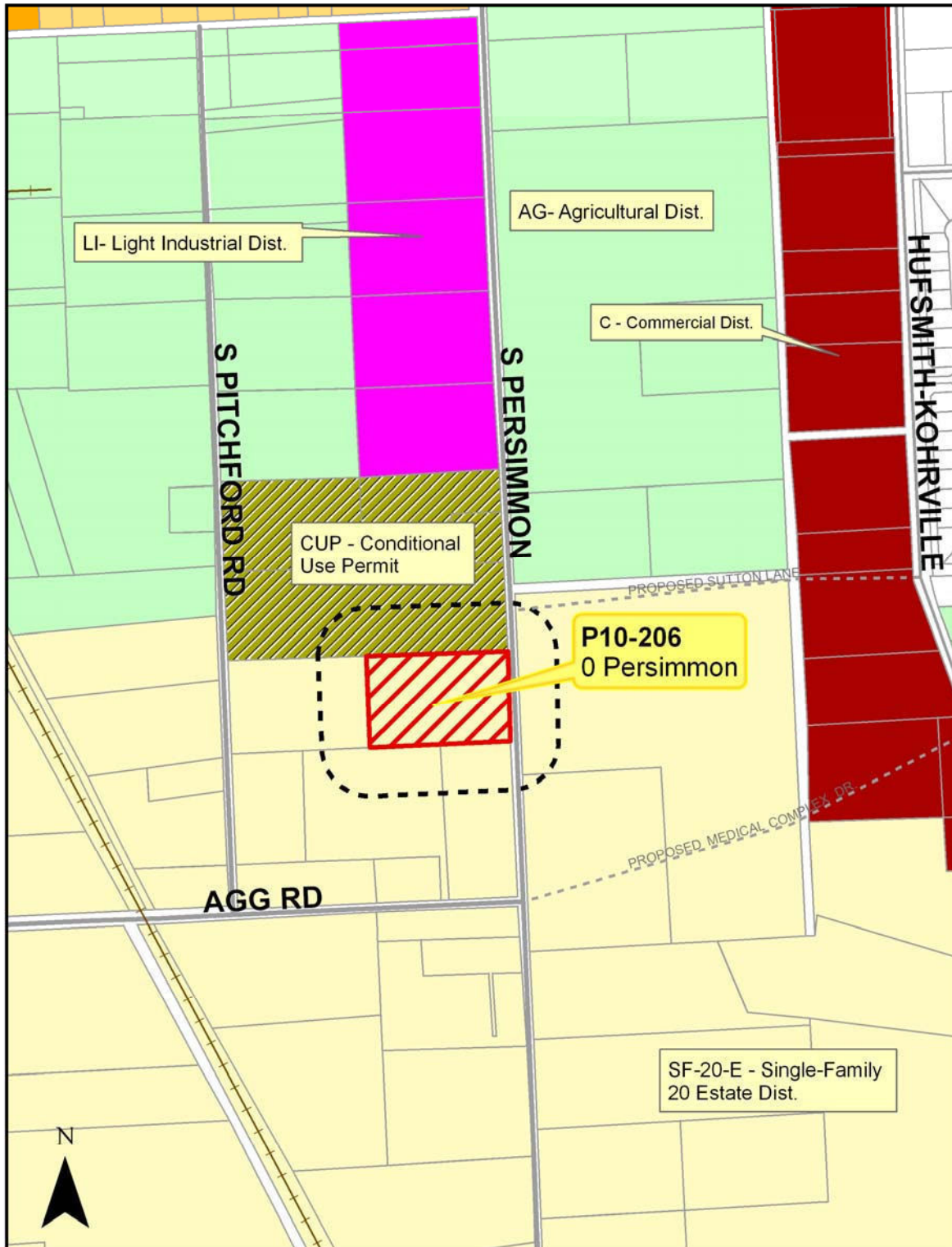
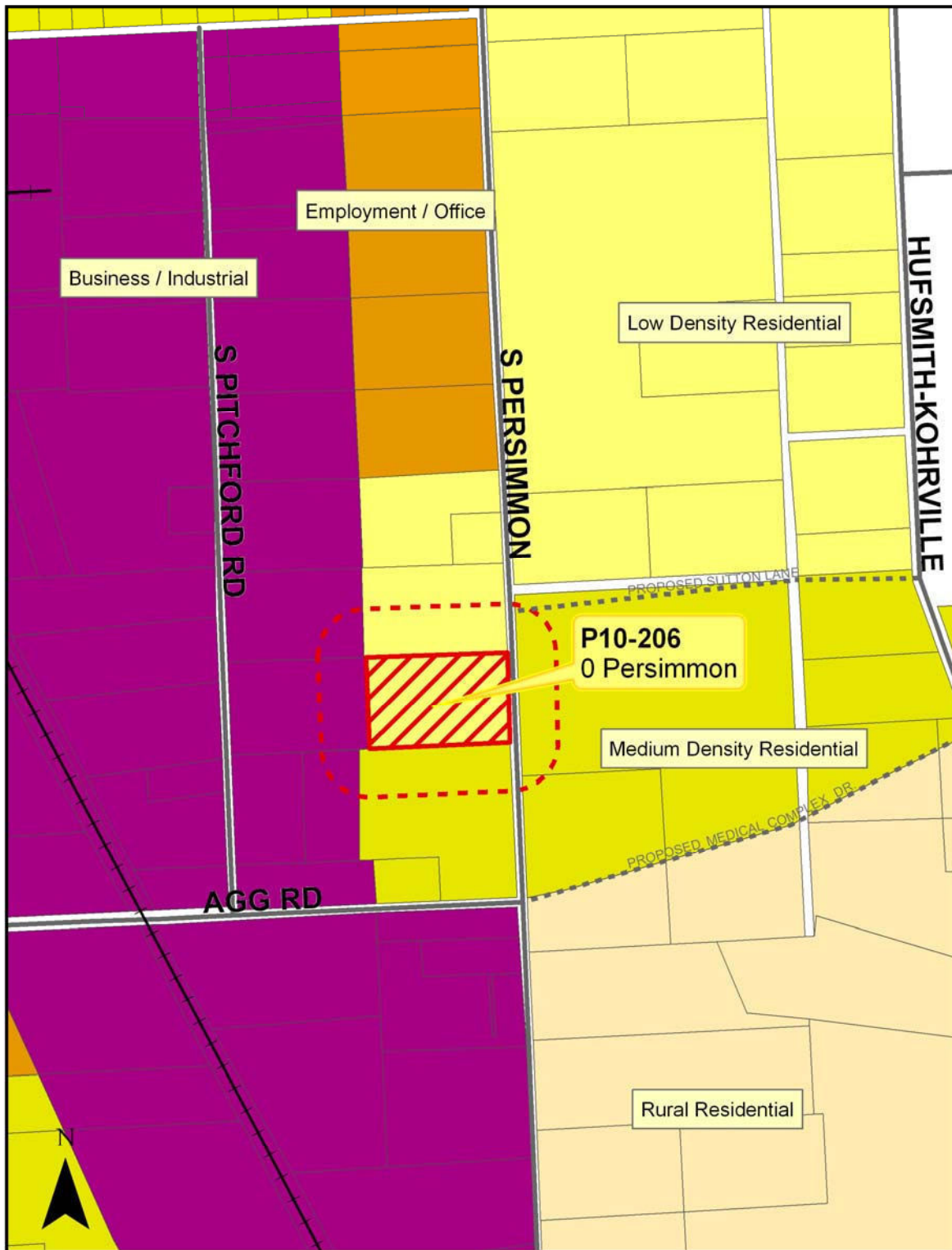


Exhibit "B"
Comp Plan Future Land Use Map



**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: Brian Matthews, Protective Concepts, Inc. Title: Manager
Mailing Address: PO Box 11407 City: Spring State: TX
Zip: 77391
Phone: (281) 351-9992 x102 Fax: (281) 351-4554 Email: brian.matthews@procon2000.co

Owner

Name: Crescent Directional Drilling Title: _____
Mailing Address: 1300 N. Sam Houston Pkwy E, Ste 210 City: Houston State: TX
Zip: 77032
Phone: (281) 668-9500 Fax: (281) 668-9539 Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: TR 281 - S. Persimmon, Tomball, TX 77375
(5.006 Acres)

Physical Location of Property: 1035' North of Agg Rd on Persimmon in Tomball, TX
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 281 Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20

Current Use of Property: Vacant / Empty Field

Proposed Zoning District: LI

Proposed Use of Property: Manufacturing Facility for Passive Fire Protection Jackets
for Oil/Gas Industry (Sewn product; No Fumes or Noise
Pollution)

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

www.ci.tomball.tx.us

HCAD Identification Number: 035288000420 Acreage: 5.006

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  2/18/2010
Signature of Applicant Date

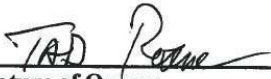
X  FEB 18, 2010
Signature of Owner Date

Exhibit "E"
Rezoning Request Letter

To Whom It May Concern:

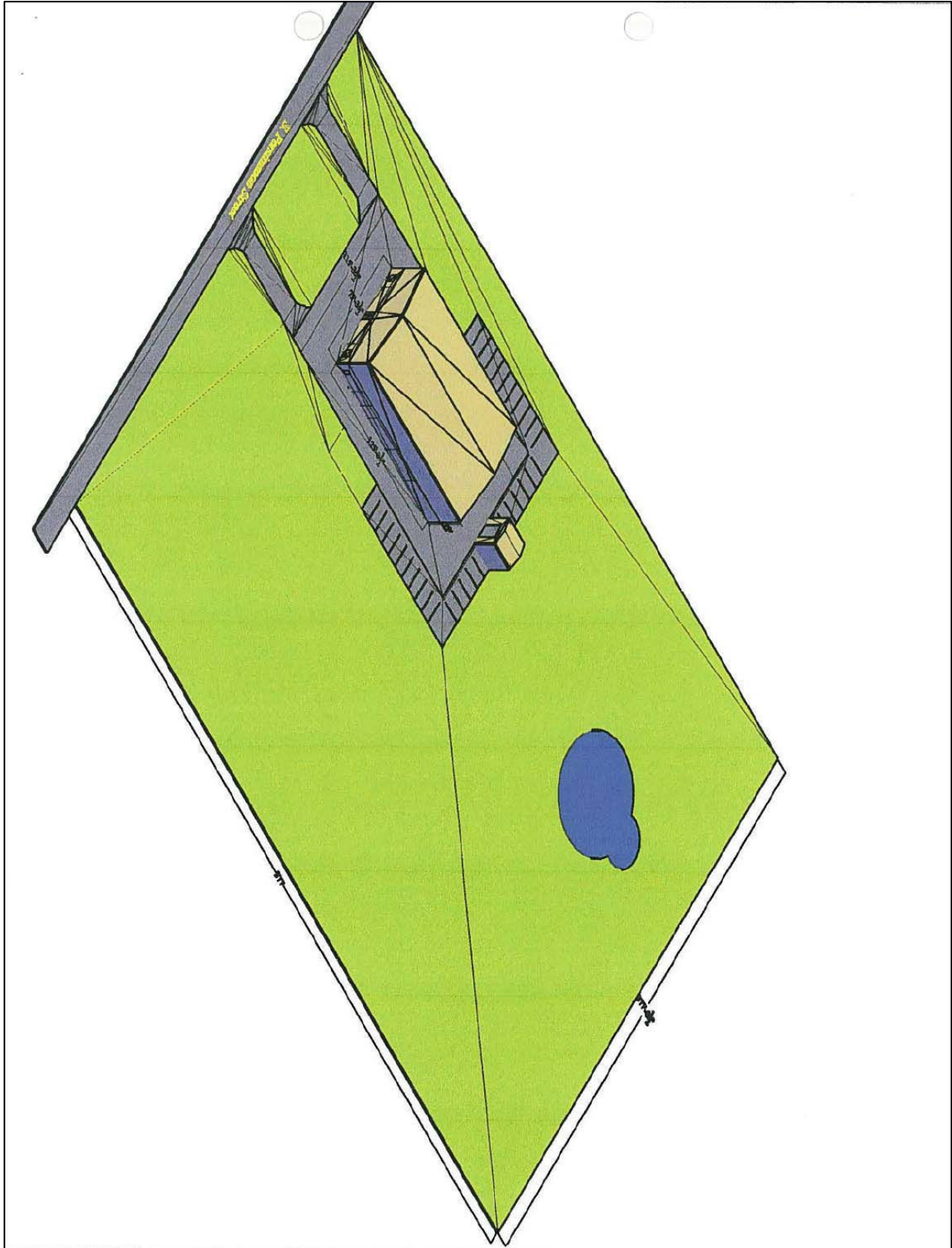
We are requesting that the property located at 1201 S. Persimmon St (Outlot 281) in Tomball, TX be rezoned for Light Industrial use. We are proposing to build our company headquarters and manufacturing facility on the 5 acre tract of land. We manufacture passive fire protection covers for equipment in the oil/gas/petrochemical industries. There is no noise or air pollution as a result of our operation that would negatively impact the surrounding area. Thank you for your consideration.

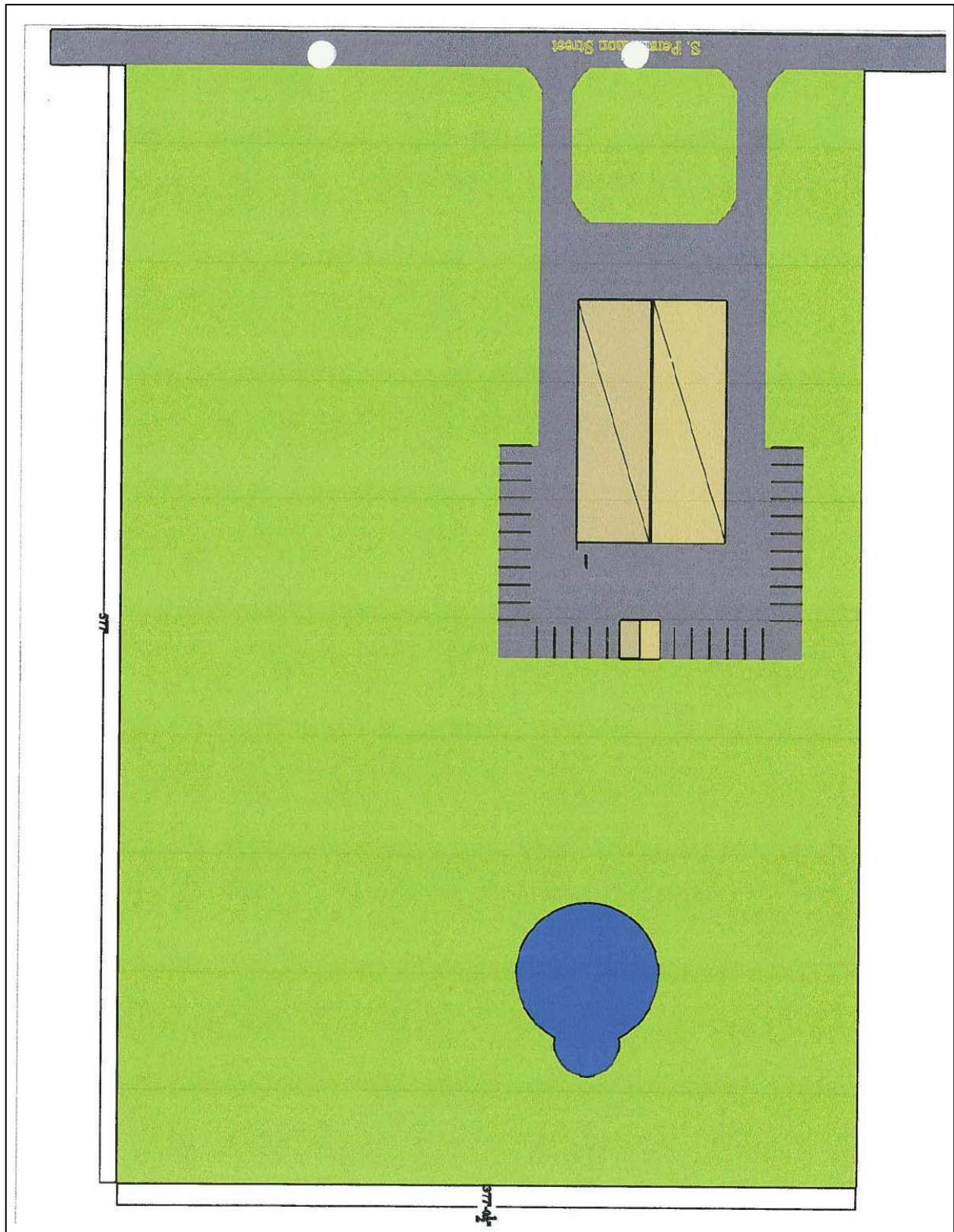
Sincerely,

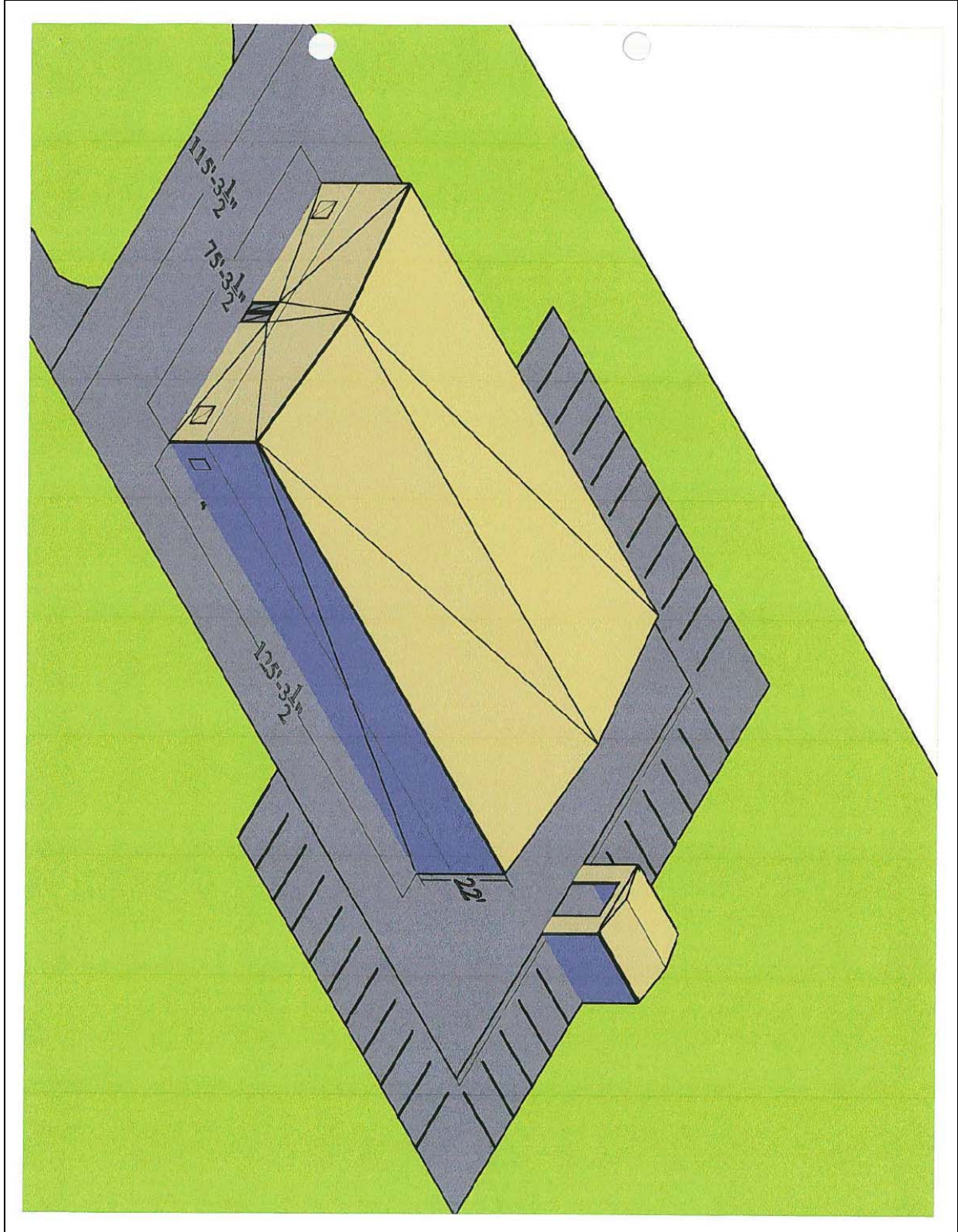
A handwritten signature in black ink, appearing to read "Brian R. Matthews", with a long horizontal flourish extending to the right.

Brian R. Matthews
Manager
Protective Concepts, Inc.

**Exhibit “F”
Conceptual Site Plans**







[illegible]

CITY OF TOMBALL PUBLIC WORKS

SEE PAGE 95

SEE PAGE 86

END OF MAP

HUFFSMITH-KORVILLE RD

S. PERSIMMON AVE RD.

S. PERSIMMON

Revised 2007 by George Balm

SEE PAGE 106

95

**Exhibit “I”
Site Photos**



Figure 1: Westerly view of subject site.



Figure 2: Northerly view up South Persimmon Street. Subject site on left, undeveloped lot to the right.



Figure 3: Sutton Place manufactured home park to the north of subject site.



Figure 4: “Residential Improved” (per HCAD) land use to the west of subject site.



Figure 5: Typical single-family residence to the south of subject site.



Figure 6: Undeveloped lot to the south of subject site.

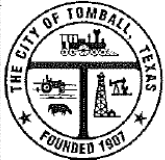


Figure 7: Rock processing facility to the north of subject site.



Figure 8: Typical commercial uses along South Persimmon Street between FM 2920 and Lizzie Lane.

Exhibit "J"
Public Comment Form(s)

	<i>Engineering and Planning Department</i>
Public Comment Form (Please type or use black ink)	

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

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

Name: CRESCENT DIRECTIONAL DRILLING
(please print)
Address: 1300 N. SAM HOUSTON PKWY E, # 210
HOUSTON, TX 77032
Signature: TAD PRAVE
Date: APRIL 5, 2010

☒ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P10-206**. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P10-206**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, April 12, 2010, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, April 19, 2010, 7:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

CRESCENT DIRECTIONAL DRILLING WILL BE REPRESENTED BY THE FOLLOWING:
1) JAY STUBBS
2) BRIAN MATTHEWS

TAD PRAVE
CFO
CRESCENT DIRECTIONAL DRILLING

You may also comment via email to kviolette@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.
For questions regarding this request please call 281-290-1491.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

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



Name: Higinio Sanchez
(please print)
Address: 15202 River Park Dr.
Houston, TX 77070
Signature: Higinio Sanchez
Date: 4-2-10



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P10-206**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P10-206**. (Please state reasons below)

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

Monday, April 12, 2010, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, April 19, 2010, 7:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

For the future growth of Tomball. Light Industrial
Complexes would bring more Revenue + Jobs to Tomball.

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

For questions regarding this request please call 281-290-1491.

From: BrahmanJ@aol.com [mailto:BrahmanJ@aol.com]
Sent: Wednesday, April 07, 2010 7:40 PM
To: Kelly Violette
Subject: Zoning Change for Cresent drilling

April 7, 2010

Dear Kelly;

I am writing in opposition to the proposed zoning change requested by Cresent Directional Drilling of approximately 5 acres located westerly of persimmon and northerly of agg road. My opposition to this as a resident of the area is as follows:

1. Clearly this entire area south of the mobile home park including at least 25 tracts of land is currently zoned SF-20 and many people including myself have built 200K + properties and homes in this area.
2. The adjacent property to the south of this 5 acre property has petitioned for a zoning change from SF 20 to industrial or other odd use in the past and has been turned down.
3. Making this property light industrial would create an island of industrial use in the midst of a residential area. Light industrial does exist on the other side of the mobile home park, but changing this property would sandwich in the mobile home park between industrial areas and start closing-in on the huge block of SF 20 residences. This is why we have zoning to prevent this type of change.
4. The future land use map clearly indicates that this property is for residential and industrial areas are to the north and south of this property off persimmon.

In closing, I oppose this change because it imposes a completely different and potentially hazardous industrial area in a residential zone. This is exactly why zoning is in place. Please recommend a no vote for changing this parcel of land from SF-20 to industrial.

Thanks

John Ford

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-208**: Request by Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16, Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas, both tracts of property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

- Conduct a Public Hearing on **ZONING CASE P10-208**

Background:

See attached staff report for background information.

Origination:

Tomball Independent School District

Recommendation:

That the Planning and Zoning Commission recommend: 1. APPROVAL of Zoning Case P10-208 based on the following: a. The proposed zoning of OT&MU District will be compatible with the land uses in the vicinity. b. The proposed zoning of OT&MU District is compatible with the Tomball Comprehensive Plan. c. The proposed zoning of OT&MU District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area. d. There are sufficient existing utilities to service the proposed use on this site. 2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter
P10-208 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 12, 2010
&
CITY COUNCIL
APRIL 19, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 12, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 19, 2010, 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 P10-206: Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.

ZONING CASE P10-208: Request by Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16, Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas, both tracts of property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

ZONING CASE P10-218: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

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 **8th** day of **April** 2010 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: P10-208

APPLICANT: Tomball Independent School District

LOCATION: Westerly side of South Cherry Street, southerly of Fannin Street.

PROPOSAL: Request to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16, Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas.

* * *

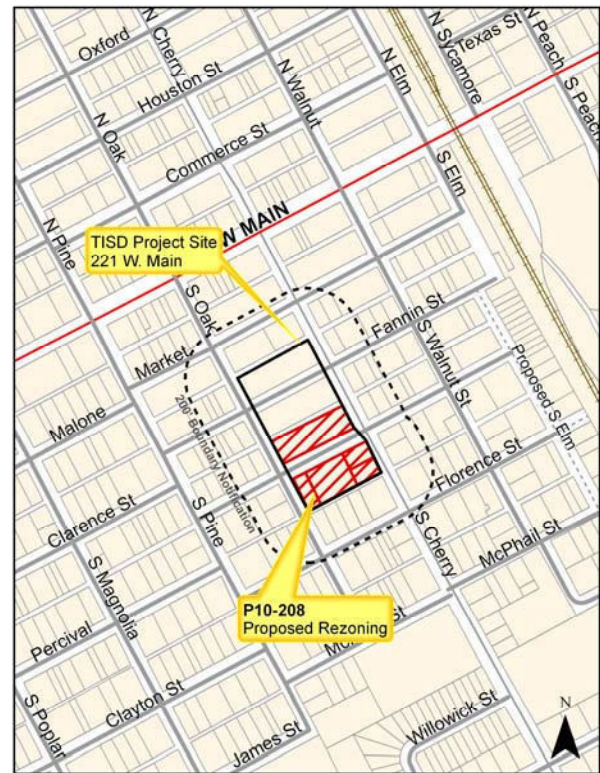
CONTACT PLANNER: Kelly Violette

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.

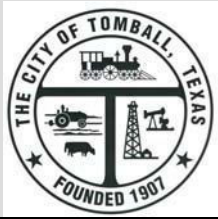


**Planning and Zoning Commission
Public Hearing:
Monday, April 12, 2010, 6:00 PM**

**City Council Public Hearing:
*Monday, April 19, 2010, 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: April 12, 2010

Rezoning Case:	P10-208
Property Owner(s):	Tomball Independent School District
Applicant(s):	Gary Hutton, Tomball Independent School District
Legal Description:	All of Block 16 and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas
Location:	Generally located on the westerly side of South Cherry Street, southerly of Fannin Street
Area:	2.456 acres
Present Zoning and Use:	SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts / Vacant land, TISD Facility, and two single-family residences.
Comp Plan Designation:	Old Town
Proposed Zoning and Use:	Old Town & Mixed Use District (OT&MU) / TISD Administration Building

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:	OT&MU / Retail and residential
South:	SF-6 / Residential and day care facility
East:	OT&MU and SF-6 / Residential, offices, Christian counseling center, City of Tomball community center
West:	OT&MU and SF-6 / City of Tomball City Hall and Police Station, residential and undeveloped land

BACKGROUND

The overall subject site is a 3.994 acre tract of land legally described as Lots 1 through 12, Block 12, all of Block 16, and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas. The site is generally located on the westerly side of South Cherry Street, southerly of Fannin Street and is bound on the west and east by Oak and Cherry Streets respectively (Exhibit "C"). The northern portion of the site is located within the OT&MU

District and the southern half of the site is currently within the Sf-6 District. The area to be rezoned is an approximately 2.456 acre section of the overall 3.994 acre tract and is legally described as all of Block 16 and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas (Exhibit "A").

City staff met with Tomball Independent School District (TISD) representatives on February 17, 2010 to discuss the redevelopment of the site for the new TISD administration building. At this meeting, the dual zoning (SF-6 and OT&MU) was discussed and staff informed TISD that the portions of the project in the SF-6 zoning district would be required to develop according to the O-Office District development standards unless rezoned to the OT&MU District because Section 43.4.A.5 states, "Any nonresidential use which may be permitted in a residential zoning district shall conform to the O, Office district standards, unless otherwise stated in this Ordinance or in an ordinance establishing a PD." After consulting with their design team, TISD submitted a rezoning application on February 18, 2010 to rezone the property to the OT&MU District in order to maintain consistent setbacks for the new development.

The overall 3.994 acre site is owned by Tomball Independent School District and is currently used by the Facilities Department. TISD is proposing to rezone the property in order to facilitate the construction of the new administration building on the site. The overall site is approximately 300 feet wide and 580 feet deep. The conceptual site plan submitted with the rezoning application shows the administration building being located generally in the center of the property with vehicular access being taken from South Oak and South Cherry Streets (Exhibit "F"). Additionally, a detention pond is proposed in the approximate location of the two existing residences at the south east corner of the site. As a matter of information, the applicant indicated at the February 17, 2010 meeting that TISD will attempt to preserve and integrate the existing façade from the original Tomball School into the proposed two-story structure. Preserving this façade will help to maintain the historic look of the Old Town area.

ANALYSIS

Old Town Tomball is an area in which many diverse land uses currently exist. The nature of the area is a mixture of retail, commercial, and other nonresidential uses, along with single-family homes and multiple-family uses. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses.

School facilities are permitted by right within all zoning districts and must comply with the development standards of the district in which the facility is located. Tomball ISD is requesting to rezone the entire subject site to the OT&MU District in order to maintain consistent development standards and setbacks for the overall site (Exhibit "F"). The administration building will house the staff currently located in the existing administration building at 221 West Main Street.

Currently, there are a number of existing land uses in the vicinity of the subject site. To the north of the subject site are retail and residential uses in the OT&MU district. To the south are residential uses and a day care facility located in the SF-6 district. To the east are residences, offices, a Christian counseling center, and the Tomball community center located in the OT&MU and SF-6 zoning district. To the west are Tomball City Hall and police station, residences, and vacant land located in the OT&MU and SF-6 zoning district. Although there are a number of residential uses in the vicinity of the subject site, staff feels the rezoning and

proposed land use would not be out of character with the existing mix of land uses in the vicinity and would provide for the revitalization of the existing facility on the site.

Additionally, the proposed rezoning to OT&MU is consistent with the “Old Town” Comprehensive Plan land use designation (Exhibit “B”). The Comprehensive Plan states that the “Old Town includes the historic hub and heart of the community. Old Town land uses include mature single family neighborhoods, dense commercial uses, a civic core, and high density residential.” Staff recognizes the importance of maintaining and enhancing the civic core in the Old Town area and feels the new TISD administration building would enhance the civic core and be an asset to the area. The Comprehensive Plan’s “Old Town Planning Guidelines” also “Encourage the assembly of land into parcels that meet minimum standards and are sufficient for development/redevelopment.” The redevelopment of this site and the platting process will create a unified parcel of land that is much more sufficient for future development and will strengthen the Old Town area.

Development of this site will require the applicant to comply with all platting requirements, including dedication of utility easements and ROW, abandonments of appropriate rights-of-way, as well as the use and area regulations outlined in the zoning ordinance. A Site Plan application, which will require civil drawings, including all proposed grading, drainage and utility plans, building elevations and landscape plans, will be required to be submitted and approved by the Engineering & Planning and Fire Departments prior to a building permit application submittal.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

There are a number of existing land uses in the vicinity of the subject site. To the north of the subject site are retail and residential uses in the OT&MU district. To the south are residential uses and a day care facility located in the SF-6 district. To the east are residences, offices, a Christian counseling center, and the Tomball community center located in the OT&MU and SF-6 zoning district. To the west are Tomball City Hall and police station, residences, and vacant land located in the OT&MU and SF-6 zoning district. Although there are a number of residential uses in the vicinity of the subject site, staff feels the rezoning and proposed land use would not be out of character with the eclectic mix of land uses in the immediate area.

The redevelopment of this site will require compliance with the City’s screening, buffering and fencing requirements to protect any adjacent residential uses. The applicant will also be required to shield and position all on-site lighting such that lights do not adversely impact adjacent residential areas.

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

There are currently sufficient utilities in the area to service this site (Exhibit “H”).

South Cherry Street is a two lane road and is designated as a Minor Arterial on the adopted Major Thoroughfare Plan (MTP), with an ultimate right-of-way width of 80 feet. This right-of-way has not been acquired in the vicinity and right-of-way dedication would be required when the property is replatted. Minor Arterials distribute traffic from state highway/farm-to-market roadways and major arterials to the collector system and to adjacent land uses and are found in areas of significant traffic movement. South Oak Street is a two lane road and is designated as a Minor Street on the adopted MTP. The City has no plans to widen South Oak Street and no right-of-way dedication would be required at the time of replatting.

The development of the new administration building would not impact the public school system as it would not increase attendance to the school system.

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

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.

Public school facilities are permitted by right within all zoning districts and thus would be permitted upon any property of sufficient size to support the proposed use. Because school facilities tend to require a large amount of property there is currently not sufficient vacant land elsewhere within the Old Town area that would support such a facility.

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 have been a number of nonresidential projects in the OT&MU district within the last several years including (but not limited to) the Tomball Intermediate School renovation, Tomball ISD Technology Center expansion, Northwest EMS facility expansion, and First Baptist Church outdoor pavilion construction. There has been little recent nonresidential development within the OT&MU district in the immediate vicinity of the subject, mainly because the area is fairly well built out.

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

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

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and,
- In a way that furthers or helps achieve the goals of the Plan.”

The request is consistent with the Comprehensive Plan’s land use designation (Exhibit “B”). The Comprehensive Plan states that the “Old Town includes the historic hub and heart of the community. Old Town land uses include mature single family neighborhoods, dense commercial uses, a civic core, and high density residential.” The Old Town planning guidelines encourage the location of government facility uses in Old Town to strengthen the civic center and diversify day-time activity. Staff recognizes the importance of maintaining and enhancing the civic core in the Old Town area and feels the rezoning and redevelopment of this site would enhance the area’s long-term economic viability.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 31, 2010 and, as of the writing of this report, no public comment forms were received. During the public comment period, staff did receive two phone calls regarding the project; both callers indicated support of the proposed redevelopment of the site and did not indicate any opposition to the rezoning request.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P10-208 based on the following:
 - a. The proposed zoning of OT&MU District will be compatible with the land uses in the vicinity.
 - b. The proposed zoning of OT&MU District is compatible with the Tomball Comprehensive Plan.
 - c. The proposed zoning of OT&MU District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - d. There are sufficient existing utilities to service the proposed use on this site.

2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Comp Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Conceptual Site Plans
- G. Legal Description of Property
- H. Utility Block Map
- I. Site Photos

Exhibit “A”

Location/Zoning Map

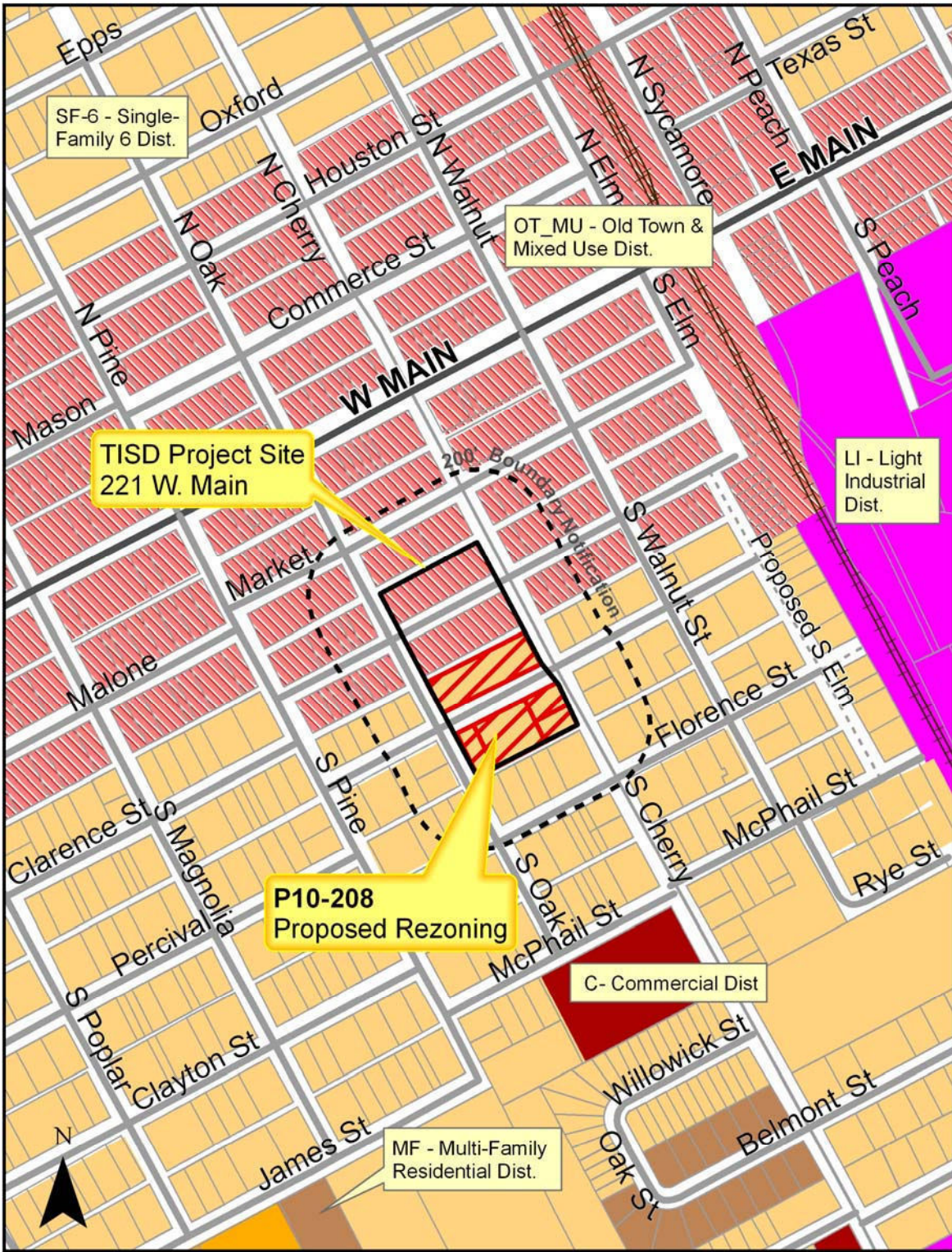


Exhibit "B"
Comp Plan Future Land Use Map



Exhibit "C"
Aerial Photo

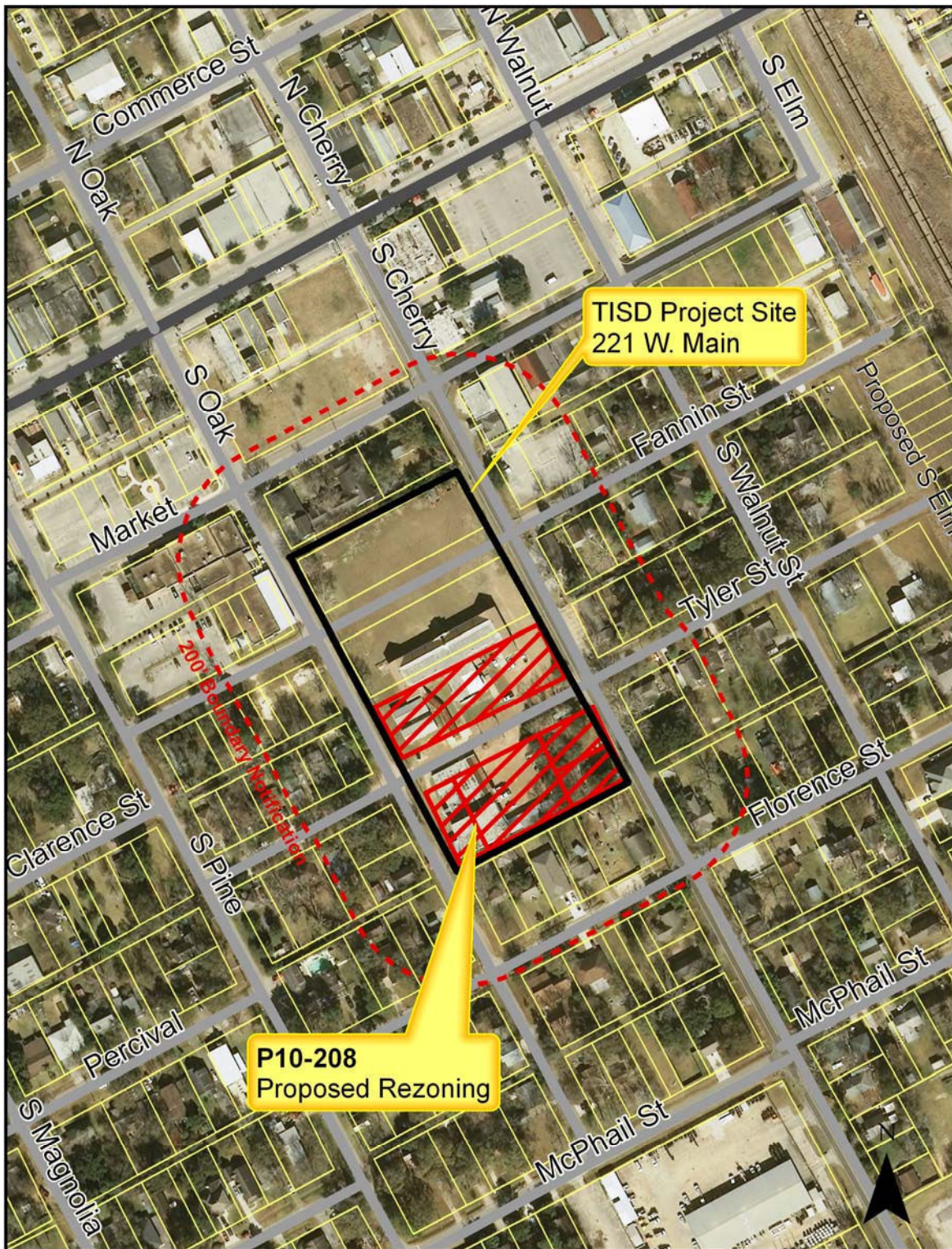


Exhibit "D"
Rezoning Application

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: Gary Hutton Title: Director of Construction
Mailing Address: 310 S. Cherry Street City: Tomball State: TX
Zip: 77375
Phone: (281) 357-3170 Fax: (281) 357-3180 Email: garyhutton@tomballisd.net

Owner

Name: Tomball Independent School District Title: _____
Mailing Address: 221 Main Street W City: Tomball State: TX
Zip: 77375
Phone: (281) 357-3100 Fax: (281) 357-3128 Email: _____

Engineer/Surveyor (if applicable)

Name: Westbelt Surveying, Inc. Title: _____
Mailing Address: 21020 Park Row City: Katy State: TX
Zip: 77449
Phone: (281) 599-8288 Fax: (281) 492-6026 Email: _____

Description of Proposed Project: 40,000 sq.ft. Administration Building

Physical Location of Property: 310 S. Cherry Street; Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: W. Hudd Survey, Abstract Number 371
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Dual Zoned - (Old Town Mixed Use & Single Family Residential)

Current Use of Property: Tomball ISD - Facilities Department

Proposed Zoning District: Old Town Mixed Use

Proposed Use of Property: Tomball ISD - Administration Building

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

www.ci.tomball.tx.us

0352590150029; 0352590160001
0352610230025; 0352610230045
0352610230033; 0352610230047
HCAD Identification Number: _____ Acreage: 3.994 acres

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

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

X		2/18/2010
	Signature of Applicant	Date
X		2/18/2010
	Signature of Owner	Date

Exhibit "E"

Rezoning Request Letter

11 Greenway Plaza, 22nd Floor
Houston, Texas 77046-1104
Phone: 713.965.0608
Fax: 713.961.4571



Architecture
Engineering
Planning
Roof Consulting

March 19, 2010

VIA: Email

City of Tomball
501 James Street
Tomball, TX 77375

RE: Application for Rezoning Letter
New Tomball Administration Building
Tomball Independent School District
PBK Project No.: 0989

On behalf of the Tomball Independent School District, we are submitting this letter to notify the City of Tomball, of the district's request to rezone their property located at 310 S. Cherry Street; Tomball, Texas 77375. Currently the property is zoned partly as Old Town Mixed Use, and partly as Single Family Residential. The district is planning to construct a new Administration Building on this existing site, and is asking the site be rezoned to Old Town Mixed Use. The legal description of the property is a 3.994 acre tract of land located in the W. Hudd Survey, Abstract Number 371, City of Tomball, Harris County, Texas and being out of the Revised Map of Tomball recorded under Volume 04, Page 25, Harris County Map Records (H.C.M.R.)

Please contact me if any additional information is required.

Sincerely,

A handwritten signature in black ink that reads 'Jesse Garcia'.

Jesse Garcia
Project Executive

cc: David Schuelke, TISD
Gary Hutton, TISD
Irene Nigaglioni, PBK
Eric Smith, PBK

Houston • Dallas / Fort Worth • San Antonio • League City • Austin • McAllen

Exhibit "F"

Conceptual Site Plans

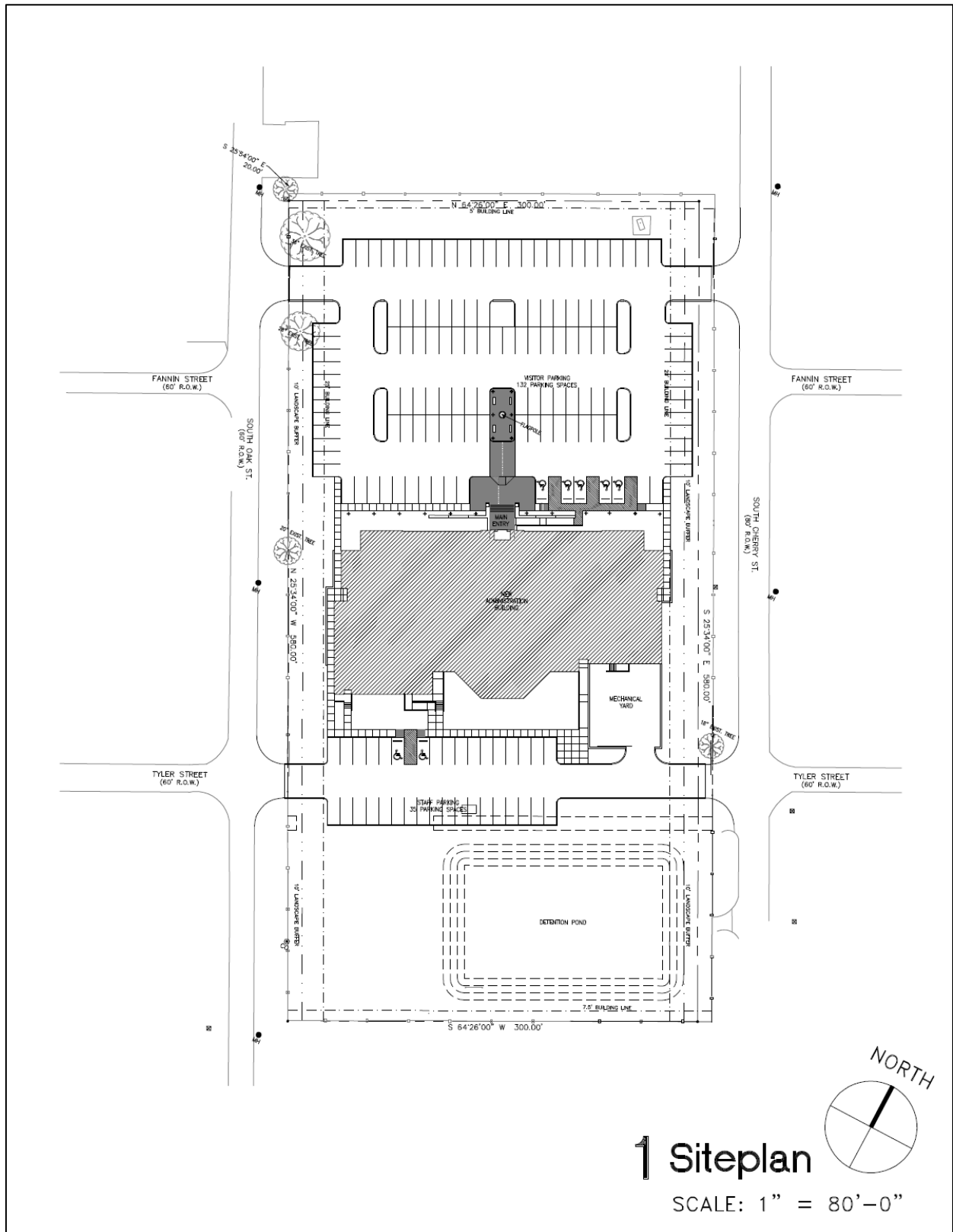


Exhibit "G"
Legal Description of Property

3.994 ACRES
174,000 SQUARE FEET
W. HUDD SURVEY
ABSTRACT No. 371
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 3.994 acre tract of land located in the W. Hudd Survey, Abstract Number 371, City of Tomball, Harris County, Texas and being out of the Revised Map of Tomball recorded under Volume 04, Page 25, Harris County Map Records (H.C.M.R.), said 3.994 acres tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas State Plane Coordinate System, South Central Zone, NAD 1983.):

COMMENCING at the northwesterly corner of Lot 13, Block 15 of the subdivision plat of New Lot 19 recorded under Film Code No. 437069 of the H.C.M.R. being at the intersection of the southerly Right-of-Way (R.O.W.) line of Market Street (60 feet wide), and the easterly R.O.W. line of South Oak Street (60.00 feet wide), from which a 5/8-inch iron rod with cap stamped "EIC Surveying" found bears, North 64°26'00" East, 0.12 feet;

THENCE, South 25°30'00" East, departing the southerly R.O.W. line of said Market Street and along the easterly R.O.W. line of said South Oak Street, a distance of 100.00 feet, to the southwesterly corner of said Lot 13, Block 15 of the New Lot 19 and the northerly line of a 20 feet wide alley;

THENCE, South 25°54'00" East, departing the northerly line of said 20 feet wide alley and along the easterly R.O.W. line of said South Oak Street, a distance of 20.00 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the southerly line of said 20 feet wide alley the northwesterly corner of Lot 12, of said Block 15 of the Revised Map of Tomball, the POINT OF BEGINNING and northwesterly corner of the herein described tract;

THENCE, North 64°26'00" East, departing the easterly R.O.W. line of said South Oak Street and along the southerly line of said 20 feet wide alley, a distance of 300.00 feet, to a 5/8-inch iron rod with plastic cap stamped "West Belt Surveying Inc." set in the westerly line of South Cherry Street (60.00 feet wide) and marking the northeasterly corner of Lot 1, Block 15 of the Revised Map of Tomball, and the northeasterly corner of the herein described tract;

THENCE, South 25°34'00" East, along the westerly right-of-way line of said South Cherry Street, a distance of 580.00 feet, to a 5/8-inch iron rod with plastic cap stamped "West Belt Surveying inc" set at the southeasterly corner of Lot 36, Block 23 of the Revised Map of Tomball described in the deed to Ernest Grandinetti recorded under H.C.C.F. No. G674531, and the southeasterly corner of the herein described tract;

THENCE, South 64°26'00" West, along the northerly line of said 15 feet wide alley, a distance of 300.00 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set in the easterly R.O.W. line of aforesaid South Oak Street and marking the southwesterly corner of Lot 25, Block 23 of the Revised Map of Tomball and the most southwesterly corner of the herein described tract;

THENCE, North 25°34'00" West, along the easterly R.O.W. line of said South Oak Street, a distance of 580.00 feet, to the POINT OF BEGINNING and containing a computed area of 3.994 acres (174,000 square feet) of land as depicted on the ALTA\ACSM Land Title Survey dated: June 16, 2009, prepared by West Belt Surveying, Inc., Project No. S8660020A.

West Belt Surveying, Inc.
21020 Park Row.
Katy, Texas 77449
(281) 599-8288

Hugh W. Clarkson Date: 03/19/10
Texas Registration No. 4113

This technical drawing illustrates a street grid with property boundaries and utility infrastructure. The streets depicted are Market St., Fannin St., Tyler St., Florence St., S. Pine St., S. Oak St., S. Cherry St., and Walnut St. Utility lines for water (WTR), gas (GAS), and sewer (STL) are shown with specific color-coding and labels. Lot numbers are provided for each block. The drawing is oriented with North at the top.

Street	Utility Lines	Notes
Market St.	6" WTR (STL), 2" GAS	1" WTR (STL) on the right side
Fannin St.	6" (C), 2" GAS	12" WTR on the left side
Tyler St.	6" (C), 2" GAS	12" WTR on the left side
Florence St.	6" (C), 2" GAS	12" WTR on the left side
S. Pine St.	6" (C), 2" GAS	12" WTR on the left side
S. Oak St.	6" (C), 2" GAS	12" WTR on the left side
S. Cherry St.	6" (C), 2" GAS	12" WTR on the left side
Walnut St.	6" (C), 2" GAS	12" WTR on the left side

**Exhibit “I”
Site Photos**



Figure 1: Southeasterly view of TISD facilities departments.



Figure 2: Southeasterly view of TISD facilities departments.



Figure 3: Existing single-family residence on southeast corner of subject site.



Figure 4: Existing single-family residence on southeast corner of subject site.



Figure 5: Shops to the north of subject site. Single-family residence to the left of photo. Tomball City Hall/police station to the right of photo.



Figure 6: Offices and Christian counseling center to the east of subject site.



Figure 7: Typical single-family residence along South Cherry Street.



Figure 8: Day care facility to the south of subject site along Florence Street.



Figure 9: Typical single-family residence along Florence Street to the south of subject site.



Figure 10: Residence to the south of subject site. Existing TISD facilities department building on left of photo.



Figure 11: Single-family residence to the west of subject site along South Oak Street.



Figure 12: Tomball City Hall and Police Station buildings to the west of subject site. Vacant lot on left of photo.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-218**: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

- Conduct a Public Hearing on **ZONING CASE P10-218**

Background:

See attached staff report for background information.

Origination:

Russ Brown, on behalf of PCOT Investments, Inc.

Recommendation:

That the Planning and Zoning Commission: 1. Open the public hearing and receive comments, and 2. Recommend approval of the proposed amendments as recommended by staff.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Notice of Public Hearing

P10-218 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 12, 2010
&
CITY COUNCIL
APRIL 19, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 12, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 19, 2010, 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 P10-206: Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.

ZONING CASE P10-208: Request by Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16, Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas, both tracts of property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

ZONING CASE P10-218: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

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

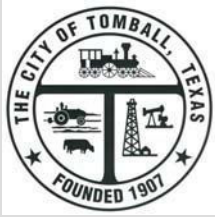
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **April** 2010 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding 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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: April 12, 2010

ZONING CASE P10-218: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

BACKGROUND

The property owner of the Pine Country Subdivision, located off Tomball Cemetery Road, northerly of FM 2920, met with City staff on March 8, 2010 to discuss the development regulations for a proposed construction trailer/sales office for the subdivision (68 residential lots). At that meeting, the property owner indicated that the intent was to have a temporary construction trailer and sales office while construction of a model home was taking place. Upon review of the Zoning Ordinance staff observed that the ordinance does not provide for temporary sales office uses in residential districts where such a use would be needed as part of the construction and sales process for residential developments. Furthermore, the Ordinance does not provide for a model home/sales office use for residential developments.

Staff worked with the property owner to permit a temporary construction office in order to meet his time constraints and the property owner subsequently submitted a Zoning Text Amendment application requesting that the Zoning Ordinance be amended to allow a model home/sales office use. The letter submitted with the application requests the following: "1) a permitted sales office in the model home (Note: in the model itself and not in the rear detached garage), 2) street parking. 3) appropriate signage in the yard (to include two temporary flag poles) to advertise the new home products and 4) to insure that when the model home sales [sic] it will be converted in all ways to conform to a single family residence."

ANALYSIS

The ordinance currently allows for a Contractor's Temporary On-Site Construction Office, which is permitted in all districts for general construction purposes, but does not include the use of a temporary building or trailer for a residential sales office. Section 43 "Supplemental Regulations" includes standards for Temporary Buildings (Section 43.8) including temporary construction buildings and temporary real estate field offices;

however a temporary real estate field office is not included in either Section 38 “Use Regulations” or Section 45 “Definitions.”

Additionally, the Zoning Ordinance does not currently provide for a temporary sales office within a model home for residential developments. Ironically, the Ordinance includes a definition for model homes, which reads, “A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.” However, it is not listed in Section 38 “Use Regulations” as a permitted use. Model homes/sales offices are a basic necessity for any developer to market residential units when a residential project is approved by the City and the building process starts. This is the case throughout the region and the country.

Because the structural form used by developers to sell homes can include both temporary sales trailers and model homes with or without temporary sales offices, staff recommends that the Zoning Ordinance be amended to allow for both uses in all zoning districts with a residential use component. It is reasonable that all zoning districts that currently permit a “Residential Use,” as defined by the Zoning Ordinance, either by right or subject to the granting of a conditional use permit should also permit temporary sales in the types of structures that are most commonly used by builders and developers. It serves the City’s economic planning objectives to allow such uses on residential sites that facilitate sales in that project.

As such, staff recommends that the Zoning Ordinance be amended to include a definition for Temporary Real Estate Field Office in Section 45 “Definitions,” include Temporary Real Estate Field Office and Model Home uses in Section 38 “Use Regulations,” and amend and add development regulations for such uses in Section 43 “Supplemental Regulations.”

PROPOSED AMENDMENTS

- **Section 45 “Definitions”:** A new definition is proposed for the following:

Temporary Real Estate Field Office: A building, structure, or portable trailer used temporarily for sales of residential units in a recorded subdivision or development with a residential use component and in which sales and construction of residential units is planned and underway.

- **Section 38 “Use Regulations”:** The Use Chart is proposed to be amended to include provisions for Temporary Real Estate Field Office and Model Home uses as indicated below. “P” designates that the use is permitted in the zoning district indicated, blank indicates that the use is prohibited, and “C” designates that the use may be permitted in the zoning district subject to the granting of a conditional use permit.

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts				OT & MU	Parking Ratio
	AG	SF-20-E	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Office													
Temporary Real Estate Field Office	P	P	P	P	P	P	P		P	P		P	4 spaces
Model Home (including Sales Office)	P	P	P	P	P	P	P		C	C		P	2 spaces per model

- **Section 43 “Supplemental Regulations”:** staff proposes to amend Section 43.8 “Temporary Buildings” as indicated below:

43.8 ~~TEMPORARY BUILDINGS~~ **STRUCTURES & USES:**

- A. ~~A temporary building for construction purposes shall be removed upon completion or abandonment of construction work. A real estate field office shall be removed upon sale of the last lot in the subdivision.~~
- B. ~~There shall be no permanent use of temporary buildings or structures.~~

Any Temporary Use, Structure or Building permitted under this ordinance shall comply with all applicable Development Standards and Setback requirements in the District in which the Temporary Use, Structure or Building is located, unless otherwise specified herein.

1. Temporary Construction Office - Temporary construction offices, including trailers and modular offices, are permitted only on a lot during construction undertaken pursuant to a valid building permit. Temporary construction offices may be occupied for office or security purposes, or may be used for storage of equipment and material used during construction of the site. Upon completion or abandonment of construction or expiration of the building permit, the temporary construction office shall be removed at the owner's expense.
2. Temporary Real Estate Field Office - Temporary real estate sales offices, including trailers and modular offices, shall be permitted in accordance with Section 38 “Use Regulations” when incidental to a residential development. Temporary sales offices shall be located and developed in compliance with the following standards:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased; and on a property whereon a recorded plat exists and a valid permit for construction has been issued;

- b. Parking shall be on the lot in which the office is located or on an adjacent lot;
 - c. Permitted temporary real estate sales offices shall not be used as any type of dwelling;
 - d. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited; and
 - e. All temporary real estate sales offices shall be removed within thirty (30) days after the sale of the last dwelling unit in the development, even if the temporary use permit is still valid.
- 3. Model Home (including Sales Office)- Model homes with or without a sales office shall be permitted in accordance with Section 38 “Use Regulations” when incidental to a residential development. Model Homes shall be located and developed in compliance with the following standards:
 - a. The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated;
 - b. Parking shall be on the lot in which the model home is located, on an adjacent lot, or on-street. For on-street parking, one parking space credit shall be allowed for every 22 feet of development frontage less five feet reserve on either side of driveways and ten-foot reserve on street intersections.
 - c. The model home shall be designed as a permanent structure and shall comply with the provisions of this Ordinance, all applicable Building Codes of the City of Tomball, and State law;
 - d. All exterior lighting shall be limited to typical household exterior lighting. The use of ground mounted floodlights and search lights are prohibited; and
 - f. The model home shall cease operation within thirty (30) days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.
- 4. There shall be no permanent use of temporary buildings or temporary structures.
- 5. Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.
- 6. Designated parking must comply with the Americans with Disabilities Act (ADA).

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on Wednesday, March 31, 2010 and, as of the writing of this staff report, no public comments were received regarding this request.

RECOMMENDATION

That the Planning and Zoning Commission:

1. Open the public hearing and receive comments, and
2. Recommend approval of the proposed amendments as recommended by staff.

EXHIBITS

- A. Zoning Text Amendment Application

Exhibit "A"
Zoning Text Amendment Application

Revised 1/20/09



Zoning Text Amendment
Engineering & Planning Department

APPLICATION REQUIREMENTS: 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 request may be delayed until corrections or additions are received. There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.

Applicant Russ Brown
Name: PCOT INVESTMENTS, INC Title: PRES.
Mailing Address: 22529 Tomball CEM. RD. City: Tomball State: TX
Zip: 77377
Phone: (832) 688-1659 Fax: (281) 255-3238 Email: RCBrown43@hotmail.com

Property Owner
Name: PCOT INVESTMENTS, INC Title: OWNER
Mailing Address: SAME ABOVE City: _____ State: _____
Zip: _____
Phone: () SAME Fax: () SAME Email: _____

Statement of Purpose- Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

General Description of Property Affected by Amendment (attach additional sheets as necessary):

Statement of Facts Which the Applicant Believes Justify the Amendment (attach additional sheets as necessary):

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 Russell E. Brown, Pres. 3/11/10
Signature of Applicant Date

X Russell E. Brown, Pres. 3/11/10
Signature of Owner Date

PCOT Investments, Inc.
Owner – Pine Country – Section II
22529 Tomball Cemetery Rd.
Tomball, Texas 77377

March 10, 2010

Mr. Mark McClure, P.E.
Director of Engineering and Planning
City of Tomball
501 James Street
Tomball, Texas 77377

Reference: Discussions in our meeting March 8, 2010 regarding City of
Tomball zoning ordinances and a model home sales office

Dear Mr. McClure,

In referenced meeting we discussed in detail my need, as owner of Pine Country of Tomball subdivision, for an **in the model home** sales office. Apparently, when Tomball zoning was instituted in February, 2008, this need was not addressed. Without a sales office authorization in the model home it will be very difficult to market new homes in this beautiful new subdivision.

This letter is being submitted to request, through the proper City authorities, a change to the City of Tomball zoning ordinances to allow 1) a permitted sales office in the model home (Note: **in the model home itself** and not the in the rear detached garage), 2) street parking, 3) appropriate signage in the yard (to include two temporary flag poles) to advertise the new home products and 4) to insure that when the model home sales it will be converted in all ways to conform to a single family residence.

This zoning ordinance change is needed as soon as possible to take advantage of the spring market potential. Thank you and your staff in advance for expeditious handling of this situation. If you require anything further from me, please call on my cell 830-688-1659.

Sincerely,



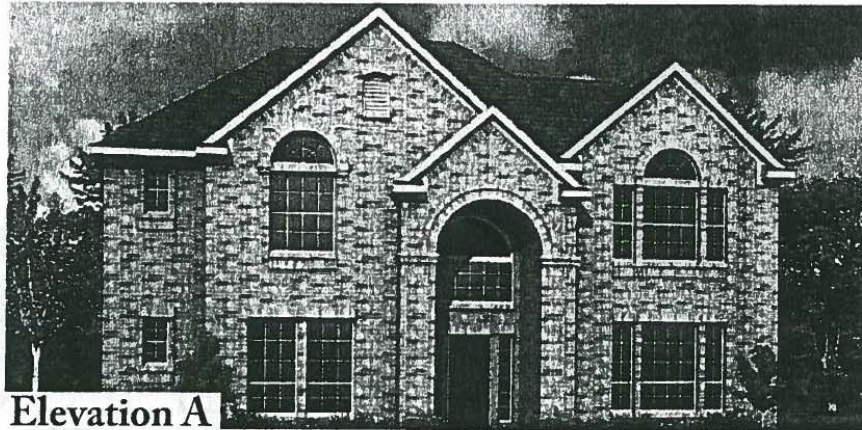
Russ Brown, President

Bo & Country model Home Detached Garage

COMPASS  POINTE
homes

The Navarro

Square Feet: 2826
Bedrooms: 4
Bathrooms: 3.5
of Stories: 2



Elevation A

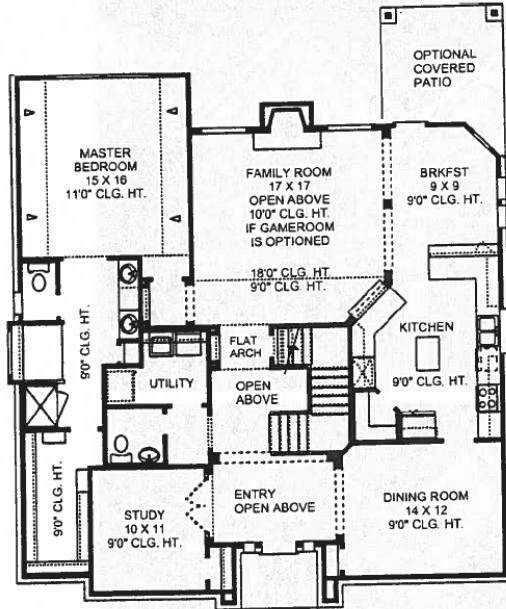


Elevation B

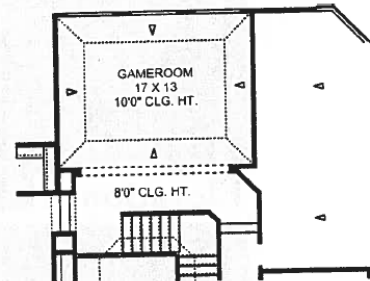


Elevation C

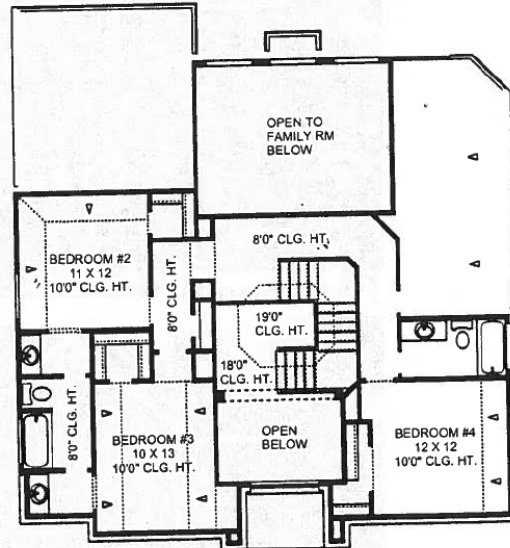
CompassPointeHomes.com



OPTIONAL BEDROOM #5
IN PLACE OF STUDY



OPTIONAL GAMEROOM
OVER FAMILY ROOM



Architectural dimensions shown are nominal exterior dimensions; room sizes, window placement and other dimensions may vary from these drawings. This brochure is for illustration purposes. It is not part of a legal contract. Compass Pointe Homes reserves the right to change product features, brand names, architectural design and details without notice. © 2009 Compass Pointe Homes. 6/9/09

CompassPointeHomes.com

GREEN
NAHB

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **TOMBALL MEDICAL PLAZA PRELIMINARY PLAT:**
Being a Plat of 2.8278 Acres out of Tract 13, 1.4635 Acre Tract Recorded under File No. J064863 and Tract
No. 12, 1.3643 Acre Tract Recorded under File No. J089622 of the Harris County Map Records, Situated in
The William Hurd Survey, Abstract 378, Harris County, Texas, 1 Block, and 1 Lot.

Background:

Origination:

Engineering and Planning Department

Recommendation:

Funding:

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

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

ATTACHMENTS:

Tomball Medical Plaza Preliminary Plat

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1**: Being a subdivision of a 7.5797 Acre Tract of Land in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375 City of Tomball, Harris County, Texas, 4 Lots, and 1 Block.

Background:

Origination:

Engineering and Planning Department

Recommendation:

Funding:

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

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

ATTACHMENTS:

Final Plat of Parkway Oasis Partial Replat No. 1

STATE OF _____ :
COUNTY OF _____ :

We, TTS-Tomball Holdings, LLC, a Texas limited liability company, acting by and through Patrick B. O'Leary, Managing Member, owners, hereinafter referred to as Owners of the 9.9276 acre tract subdivided in the above and foregoing map of **PARKWAY OASIS PARTIAL REPLAT NO. 1**, do hereby make 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 successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

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

IN TESTIMONY WHEREOF, TTS-Tomball Holdings, LLC, has caused these presents to be signed by Patrick B. O'Leary, Managing Member, thereunto authorized, this _____ day of _____, 2010.

TTS-Tomball Holdings, LLC

By: _____
Patrick B. O'Leary, Managing Member

BEFORE ME, the undersigned authority, on this day personally appeared Patrick B. O'Leary, Managing Member of TTS-Tomball Holdings, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010.

Notary Public in and for the State of _____

My Commission Expires _____

We, Northside Community Bank, owner and holder of a lien against the property described in the plat known as **PARKWAY OASIS PARTIAL REPLAT NO. 1**, said lien being evidenced by instrument of record in the Clerk's File No. Y738244, Y738246 and 20070507932 of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: _____ Attest: _____
Signature Signature

Print Name & Title Print Name & Title

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____

_____, and _____ of Northside Community Bank, 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 banking association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010.

Notary Public in and for the State of _____

My Commission Expires: _____ Notary

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: _____
Jan Belcher, Mark A. McClure, P.E.
City Manager, Director of Engineering and Planning

This is to certify that the City Planning Commission of the City of Tomball, Texas, has approved this plat and subdivision of **PARKWAY OASIS PARTIAL REPLAT NO. 1**, in accordance 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 _____, 2010.

By: _____ By: _____
Vincent O'Donnell, Brad Hallmark
Chairman Vice Chairman

This is to certify that the City Council of the City of Tomball, Texas, has approved this plat and subdivision of **PARKWAY OASIS PARTIAL REPLAT NO. 1**, in accordance with the laws of the State of Texas and the ordinances of the City of Tomball, as shown thereon and authorize the recording of this plat this _____ day of _____, 2010.

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

LINE TABLE				
LINE	BEARING	DISTANCE		
L1	S 69°07'50" W	33.50'		
L2	S 79°35'08" W	68.67'		
L3	S 83°52'32" W	108.94'		
L4	S 79°35'08" W	40.92'		
L5	S 79°35'06" W	10.33'		
L6	S 88°58'31" W	19.15'		
L7	S 01°01'29" E	172.32'		
L8	N 88°45'14" E	77.53'		

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	90°00'00"	5.00'	7.85'	S 65°52'10" E = 7.07'
C2	45°28'23"	15.00'	11.91'	S 20°38'35" W = 11.60'

- CITY OF TOMBALL UTILITY EASEMENT
- PRIVATE DRAINAGE EASEMENT
- PRIVATE SANITARY SEWER EASEMENT

I, Beverly B. Kaufman, 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 _____, 2010, at _____ O'clock, _____ M., and duly recorded on _____, 2010, 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.

Beverly B. Kaufman,
County Clerk
of Harris County, Texas

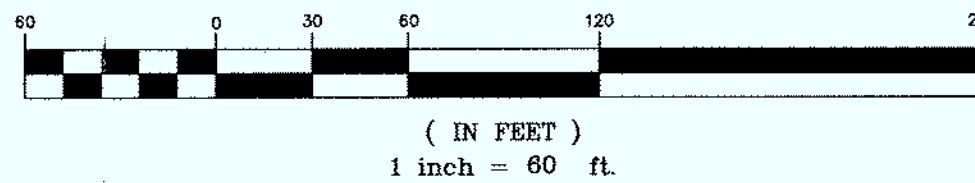
By: _____
Deputy

REASON FOR REPLAT

TO RECONFIGURE LOTS 1, 3, 4, AND
ADD LOT 6

TO RECONFIGURE EASEMENTS TO
SERVE NEW LOT CONFIGURATION

GRAPHIC SCALE



NOTES:

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LINE OF "PARCEL D" CONVEYED TO HARRIS COUNTY FLOOD CONTROL DISTRICT, AS RECORDED UNDER H.C.C.F. NO. L951535, THE BEARING BEING S 01°01'29" W
- 2.) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY COURTHOUSE SPECIALISTS AND AMERICAN TITLE COMPANY OF HOUSTON.
- 3.) THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE "CITY PLANNING SEARCH REPORT" ISSUED BY LANDAMERICA COMMONWEALTH TITLE COMPANY OF HOUSTON ON MARCH 31, 2008, OF NO. 2622001816CPL AND IS RELIED UPON FOR PURPOSES THEREOF.
- 4.) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48201-C-0210L EFFECTIVELY DATED JUNE 18, 2007, THIS PROPERTY LIES IN ZONE "X", AN AREA NOT CONSIDERED IN THE 500-YR. FLOOD PLAIN.
- 5.) 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 GROUNDS 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.
- 6.) ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 7.) ALL OIL/GAS WELLS WITH THE OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 8.) 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.
- 9.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 10.) 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.
- 11.) SUBJECT TO UNLOCATED PIPELINE EASEMENTS AS RECORDED IN VOL. 995, PG. 102; VOL. 1049, PG. 281; VOL. 989, PG. 76; VOL. 1932, PG. 497; AND VOL. 959, PG. 300, OF THE HARRIS COUNTY DEED RECORDS.
- 12.) UPON INSPECTION, NO VISIBLE PIPELINES OR WELLS ARE ON THIS TRACT. UPON FURTHER INVESTIGATION THE WCM GROUP, INC., RESEARCHED THE TEXAS RAILROAD COMMISSION DATABASE AND ALSO CONDUCTED AN ASTM 1527-05 PHASE I ENVIRONMENTAL SITE ASSESSMENT, BOTH OF WHICH HAVE CONCLUDED THAT NO OIL/GAS WELLS OR PIPELINES ARE LOCATED ON THIS TRACT.
- 13.) SUBJECT TO RESTRICTIVE COVENANTS AS RECORDED IN FILM CODE NO. 622219 OF THE HARRIS COUNTY MAP RECORDS AND IN HARRIS COUNTY CLERK'S FILE NO. 20080264936.
- 14.) * - INDICATES A SET 5/8" IRON ROD WITH CAP STAMPED: T.E.A.M. - 281-491-2525, UNLESS OTHERWISE NOTED.

FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO.1

A SUBDIVISION OF A 7.5797 ACRE TRACT OF
LAND IN THE WILLIAM HURD SURVEY,
ABSTRACT NO. 378 AND IN THE JOHN
HOOPER SURVEY, ABSTRACT NO. 375
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

4 LOTS 1 BLOCK

~ OWNER ~

TTS-TOMBALL HOLDINGS, LLC

10 South Riverside Plaza, Suite 1830

Chicago, Illinois 60606

Patrick B. O'Leary, Managing Member

PHONE: 312.780.1942

~ SURVEYOR ~

TEXAS ENGINEERING AND MAPPING CO.

12810 Century Drive

Stafford, Texas 77477

Brian Nesvadba, R.P.L.S.

PHONE: 281.491.2525 FAX: 281.491.2535

Job No. 924-2

APRIL 5, 2010

I, Brian Nesvadba, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above 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 pipes or rods having an outside diameter of not less than five-eighths (5/8) inch unless otherwise noted hereon; and that the plat boundary corners have been tied to the nearest street intersection.

Brian Nesvadba, R.P.L.S.
Texas Registration No. 5776



LOT TABLE		
1	5.3012 ACRES	(230,922 SQ. FT.)
3	0.6429 ACRE	(28,006 SQ. FT.)
4	0.5739 ACRES	(25,000 SQ. FT.)
6	1.0617 ACRES	(46,246 SQ. FT.)
TOTAL ACREAGE		TOTAL SQUARE FOOTAGE
7.5797 ACRES		(330,174 SQ. FT.)

LEGEND

- FND - FOUND
- IR - IRON ROD
- B.L. - BUILDING LINE
- SAN - SANITARY
- CONC - CONCRETE
- W/ - WITH
- DIST - DISTURBED
- IP - IRON PIPE
- R.D.W. - RIGHT OF WAY
- H.C.C.F. - HARRIS COUNTY CLERK'S FILE
- H.C.M.R. - HARRIS COUNTY MAP RECORDS
- P.D.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- C.D.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
- S.E. - SANITARY SEWER EASEMENT

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **FINAL PLAT KLEIN ISD ELEMENTARY SCHOOL NO 28**: Being a Replat of Lots 485, 486 & Part of Lot 484 of the Five Acre Tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R. A Subdivision of 19.0042 Acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas, 1 Block and 1 Reserve.

Background:

Origination:

Engineering and Planning Department

Recommendation:

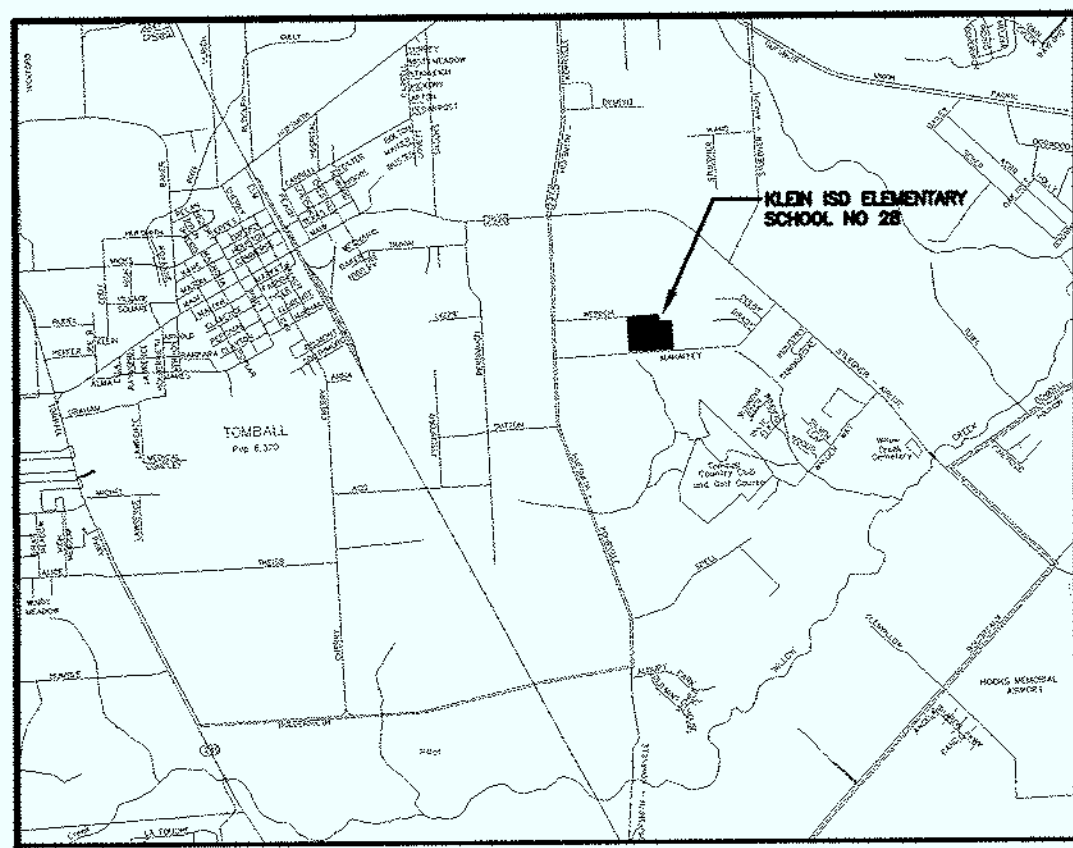
Funding:

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

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

ATTACHMENTS:

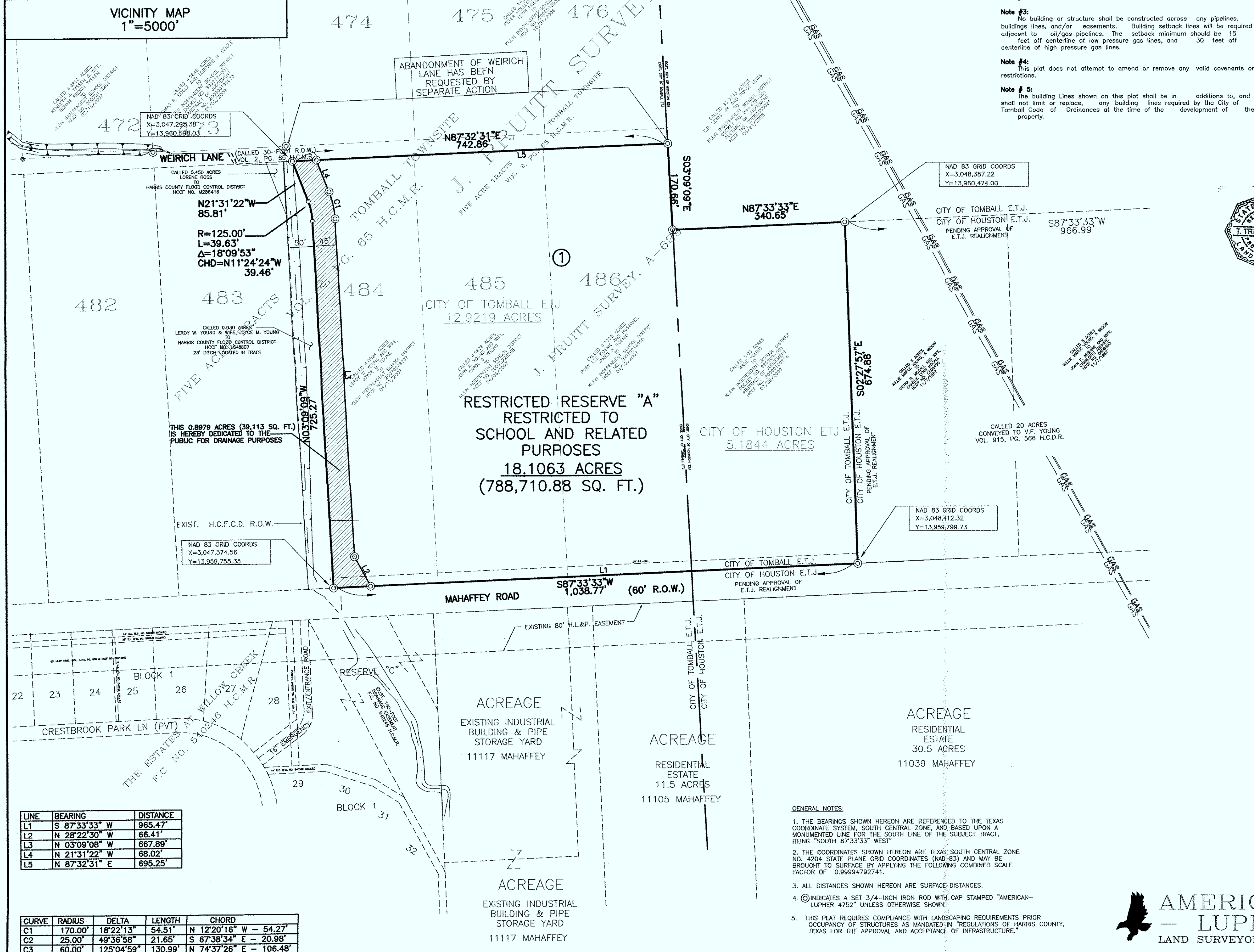
Final Plat Klein ISD Elementary School No. 28



VICINITY MAP
1"=5000'

0 100 200 300 400

SCALE IN FEET



LINE	BEARING	DISTANCE
L1	S 87°33'33" W	965.47'
L2	N 28°22'30" W	66.41'
L3	N 03°09'08" W	667.89'
L4	N 21°31'22" W	68.02'
L5	N 87°32'31" E	695.25'

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	170.00'	18°22'13"	54.51'	N 12°20'18" W - 54.27'
C2	25.00'	49°36'58"	21.65'	S 67°38'34" E - 20.98'
C3	60.00'	125°04'59"	130.99'	N 74°37'26" E - 106.48'

GENERAL NOTES:

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

City of Tomball Minimum Notes:

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

Flood Information:
According to FEMA Flood Panel No. 48201C0230 L (Effective Date June 16, 2007), this property is in zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, buildings lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setback minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

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

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, Klein Independent School District, acting by and through Steve Szymczak, President, and Larry Allen, Secretary, being officers of Klein Independent School District, owner hereinafter referred to as owners (whether one or more) of the 19.0042 acre tract described in the above and foregoing plat of Klein ISD Elementary School No. 28, 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 covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

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

IN TESTIMONY WHEREOF, the Klein Independent School District has caused these presents to be signed by Steve Szymczak, its President, thereunto authorized, attested by its Secretary, Larry Allen, and its common seal hereunto affixed this _____ day of _____, 2010.

Klein Independent School District

ATTEST:

By: _____

Larry Allen

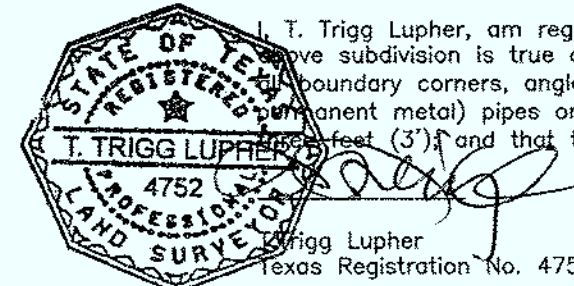
Secretary

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Steve Szymczak, President, and Larry Allen, Secretary, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation. GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2010.

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



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

T. Trigg Luper
Texas Registration No. 4752

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Klein ISD Elementary School No. 28 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 _____, 2010.

By: _____

Tam Crofoot

Chairman

Secretary

This is to certify that the City Council for the City of Tomball, Texas has approved this plat and subdivision of Klein ISD Elementary School No. 28 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 _____, 2010.

By: _____

Gretchen Fagan, Mayor

Doris Speer, City Secretary

We, the City Manager and the Director of Engineering and Planning for the City of Tomball, do hereby certify that this plat of Klein ISD Elementary School No. 28 is in conformance with the City of Tomball ordinances.

By: _____

Christal Kiewer, Interim City Manager

Mark McClure, P.E., Director of Engineering and Planning

I, Beverly B. Kaufman, 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 _____, 2010, at _____ o'clock (a.m. or p.m.), and at Film Code Number _____ of the map records of Harris County for said County. Witness my hand and seal of office, at Harris County, Texas, the day and date last above written.

Ex Officio Clerk of
Harris County, Texas
Chairman or Vice Chairman

By: _____

Deputy

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

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

I, Beverly B. Kaufman, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on _____, 2010, by an order entered into the minutes of the court.

Beverly B. Kaufman
County Clerk
of Harris County, Texas

By: _____
Deputy

**KLEIN ISD
ELEMENTARY SCHOOL NO 28**
**BEING A REPLAT OF LOTS 485, 486 &
PART OF LOT 484 OF THE
FIVE ACRE TRACTS TOMBALL TOWNSITE
VOL. 2, PG. 65 H.C.M.R.**
**A SUBDIVISION OF 19.0042 ACRES
OUT OF THE
J. PRUITT SURVEY, ABSTRACT NO. 629
HARRIS COUNTY, TEXAS**

1 BLOCK 1 RESERVE
SCALE: 1" = 100' DATE: APRIL 2010
OWNER: KLEIN INDEPENDENT SCHOOL DISTRICT
DR. JIM CAIN, SUPERINTENDENT
7200 SPRING CYPRESS ROAD, KLEIN, TEXAS 77379, 832-249-4170

**AMERICAN
- LUPHER
LAND SURVEYORS, INC.**
8803 WILLOW PLACE SOUTH, SUITE 540 HOUSTON, TEXAS 77070
OFFICE: (281) 917-0909 FAX: (281) 917-0700

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 12, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **PRELIMINARY PLAT OF MAPLE GROUP, LTD:** Being a Subdivision of 111.4940 Acres of land out of the Claude N. Pillot Survey, Abstract 632, and the Jesse Pruitt Survey, Abstract 629, City of Tomball, Harris County, Texas, 8 Lots, 4 Blocks, and 2 Reserves.

Background:

Origination:

Engineering and Planning Department

Recommendation:

Funding:

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

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

ATTACHMENTS:

Preliminary Plat of Maple Group, Ltd. 1 of 2

Preliminary Plat of Maple Group, Ltd. 2 of 2

HSC 01748-E-1



PRELIMINARY PLAT OF
MAPLE GROUP LTD
A SUBDIVISION OF 11.4942 ACRES
OF LAND OUT OF THE CLAUDE
N. PILLOT SURVEY, ABSTRACT
632, AND THE JESSE PRUITT
SURVEY, ABSTRACT 629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS.
**8 LOTS, 4 BLOCKS
AND 2 RESERVES**

SHEET 2 OF 2

OWNERS:

MAPLE GROUP, LTD.
511 EAST LORINO ST.
HOUSTON, TEXAS 77037
713-384-3997
MARITIA L.P.
30 E. RIVERCREST DR.
HOUSTON, TEXAS 77042
713-278-8899

KEVIN ERIC GRAHAM
206 HOLDERRETH
TOMBALL, TEXAS 77375
281-255-9965

**H HOVIS
S SURVEYING
C COMPANY**

DATE: FEBRUARY 2010

PREPARED BY:
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 320-8591
Acreage - Residential - Industrial - Commercial
SCALE: 1" = 100' JOB NO. 02-025-80

SCALE: 1" = 100'

VICINITY MAP NOT TO SCALE

NOTES

- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4200), derived from CORS site RD01.
- Public easements donated to the public for use are hereby dedicated to the public for use, any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball or any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.
- According to FEMA Form Panel No. 480315 0230 L, Dated June 18, 2007, a portion of this property is in Zone "AE" and is within the 1% Annual Chance Flood Plain.
- 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 of 15 feet off centerline of low pressure gas lines and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to remove any valid restrictions or covenants.
- B.L. indicates Building Line, F.C. indicates Firm Code, U.E. indicates Utility Easement, S.W. S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer Easement, W.L.E. indicates Water Line Easement.
- Square footage shown hereon is based on a mathematical closure and does not represent the accuracy of survey.
- 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.
- All lots subject to the terms, conditions and stipulations contained in that certain Easement Agreement as set out under H.C.C.F. NO. W32844.
- Lots 2 and 3, Block 1, Lot 2, Block 2 and Lots 1 and 2, Block 4 are subject to unlocated pipeline rights-of-way granted to Humble Oil & Refining Co. as set out in Vol. 932, Pg. 359, Vol. 1034, Pg. 567 and Vol. 1832, Pg. 115, D.R.H.C.
- Lot 1, Block 2 and Lot 1, Block 3 are subject to unlocated pipeline rights-of-way granted to Humble Oil & Refining Co. as set out in Vol. 932, Pg. 359, Vol. 542, Pg. 517, D.R.H.C.
- Access, pipeline and surface site easements as reflected by Surface Use Agreements recorded under H.C.C.F. No. 20070130416 are located within the 128.5352 acre tract as recorded under H.C.C.F. No. L990867, and therefore does not affect Lot 3.
- All improvements not shown hereon.
- Contours shown on Lot 1, Block 1 are derived from topographic survey performed in October, 2009. Contours shown on remaining lots are derived from LIDAR information from T5489.
- 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, and have not assigned the same nor any part thereof.

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

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 ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2010.

By: _____ By: _____
Gretchen Fagan Mark A. McClure
City Manager Director of Engineering & Planning

I, Beverly B. Kaufman, 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 _____, 2010, at _____ o'clock _____ M., and duly recorded on _____ 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.

By: _____ By: _____
Lori Wallace
Vice Chairman

By: _____ By: _____
Beverly B. Kaufman
County Clerk of Harris County, Texas

By: _____ By: _____
Deputy

LINE	DISTANCE	BEARING
L1	143.52'	N 85°37'33" E
L2	89.73'	N 02°46'21" W
L3	414.27'	N 02°34'50" W
L4	143.40'	S 87°28'35" W
L5	169.85'	S 28°28'34" E
L6	170.71'	S 81°24'58" W
L7	35.10'	S 87°15'38" W
L8	60.88'	N 02°27'38" W
L9	34.72'	N 87°40'29" E
L10	74.59'	N 02°48'21" W
L11	34.31'	S 87°25'38" W
L12	74.44'	S 02°27'38" E
L13	118.34'	N 02°39'19" W
L14	55.02'	N 87°17'56" E
L15	29.50'	S 87°42'04" E
L16	116.32'	S 12°42'04" E
L17	80.98'	S 13°21'16" W
L18	33.65'	S 55°15'38" W
L20	86.25'	N 82°26'11" W
L22	104.99'	N 87°17'56" E
L23	91.81'	N 87°17'56" E
L24	60.88'	S 87°10'05" E
L25	24.55'	N 87°38'42" E
L26	60.00'	S 87°37'42" W
L27	40.53'	N 87°20'20" E
L28	92.19'	S 87°46'42" W
L29	20.45'	N 48°06'28" W
L30	80.98'	N 13°21'16" E
L31	28.59'	S 86°37'44" W
L32	152.11'	S 03°37'09" E
L33	34.98'	S 48°01'06" E
L34	165.88'	N 87°34'54" E
L35	101.87'	S 18°23'51" W
L36	101.87'	N 18°23'51" E
L37	21.41'	N 47°43'08" E
L38	8.67'	N 86°45'38" E
L39	66.25'	S 82°26'11" E
L40	33.85'	S 47°08'02" E
L41	60.84'	S 87°38'42" W

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	4002.72	00°13'04"	15.22	7.61	N 44°02'25" W	15.22
C2	95.00	90°57'00"	150.80	98.59	N 47°53'48" W	135.46
C3	1000.00	16°27'07"	287.14	144.57	S 05°36'48" W	286.18
C4	1000.00	3°12'28"	561.37	286.20	S 01°50'22" E	574.11
C5	462.50	26°13'28"	211.88	107.73	S 04°28'22" E	209.85
C6	1000.00	03°18'29"	57.74	28.98	S 07°01'08" W	57.73
C7	380.00	08°36'15"	54.08	27.06	S 01°03'48" W	54.01
C8	440.00	06°47'51"	52.20	26.13	S 06°57'21" W	52.17
C9	560.00	11°28'23"	111.45	56.01	N 12°41'10" E	111.48
C10	440.00	06°19'59"	71.87	35.92	N 13°43'52" E	71.59
C11	500.00	2°13'31"	101.04	54.70	S 07°27'06" W	102.88
C12	500.00	10°15'18"	88.49	44.87	S 13°16'12" W	89.37
C13	25.00	90°00'00"	39.27	25.00	N 48°14'22" W	39.36
C14	300.00	08°36'15"	45.05	22.57	N 01°03'48" E	45.01
C15	840.00	03°18'29"	54.27	27.14	N 07°01'08" E	54.27
C16	822.50	11°06'57"	101.37	50.84	N 03°08'54" E	101.21
C17	822.50	19°06'32"	137.78	69.29	N 08°09'50" W	137.38
C18	1000.00	3°12'28"	561.37	286.20	N 01°50'22" W	574.11
C19	1000.00	16°27'07"	287.14	144.57	N 05°36'48" E	286.18
C20	560.00	00°23'47"	3.87	1.94	S 13°08'23" W	3.87
C21	210.00	10°48'05"	39.59	19.85	N 87°50'14" W	39.53
C22	150.00	10°48'10"	28.28	14.18	S 87°50'16" E	28.24
C23	560.00	04°30'33"	45.38	22.70	S 00°09'09" E	45.36
C24	500.00	15°48'42"	138.13	69.51	N 02°26'25" E	137.89
C25	500.00	07°52'20"	68.79	34.40	N 06°25'08" E	68.64

GREENVILLE TSC, LTD.
TRACTOR SUPPLY TOMBALL
F.C. NO. 565291
M.R.H.C.

RESTRICTED RESERVE "A"
BLOCK 1

CHARLES E. DUROW, SR.
&
BETTIE J. DUROW
REMAINDER OF 7.000 ACRES
H.C.C.F. NO. J059005

MARITIA L.P.
4.811 ACRES
H.C.C.F. NO. Z012588

KARLA GRAHAM LEE
5.00 ACRES
H.C.C.F. NO. R276109

GRAHAM CHILDREN'S
EDUCATIONAL TRUST
106.5652 ACRES
H.C.C.F. NO. L990867

IN TESTIMONY WHEREOF, Maritita, L.P., has caused these presents to be signed by Lou Smolders, its General Partner this _____ day of _____, 2010.

By: _____
Lou Smolders, General Partner

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2010

Notary Public in and for the State of Texas

My Commission expires: _____

By: _____

MATCH LINE SHEET 2 SHEET 1