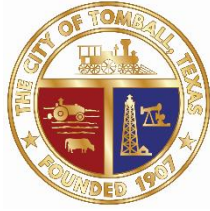


**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR
MEETING
CITY OF TOMBALL, TEXAS**



**Monday, October 09, 2023
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, October 09, 2023 at 6:00 PM, 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 & 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.

- A. Call to Order
- B. 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 - GC, 551.042.]*
- C. Reports and Announcements
- D. Approval of Minutes
 - [D.1](#) Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 11, 2023.
- E. New Business Non-Action Items
 - [E.1](#) Minor Plat of **Wiley Commercial**: Being 0.1148-acre (5,000.00 Sq. Ft.) tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 4 and 5, in Block 8, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.
- F. New Business
 - [F.1](#) Consideration to approve Final Plat of **Caliber Collision Tomball**: A subdivision of 4.037 acres of land, being a partial replat of Lot 1, Block 1, TRMC-Retail, a

subdivision recorded in Film Code Number 702912, Harris County Map Records located in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378 City of Tomball, Harris County, Texas.

- [F.2](#) Consideration to approved Final Plat of **Northwest Houston Heart Center, Replat No. 1:** A subdivision of 0.9641 acres, a 0.3214 acre, a 0.3214 acre and a 0.1722 acre tract of land all situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lot 1 in Block 1 of Northwest Heart Center, a subdivision as recorded in Film Code Number 621269, of the Map Records of Harris County, Texas, together with a replat of Lots 1,2,11 and 12, in Block 6, and a replat of the East 75 feet of Lots 5 and 6, in Block 5, all of Main Street Addition To the City of Tomball, a subdivision as recorded in Volume 15, Page 43, of said Map Records.
- [F.3](#) Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-14:** Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.
- [F.4](#) Conduct a Public Hearing and Consideration to Approve **Ordinance Amendment OAM23-02:** Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.
- [F.5](#) Conduct a Public Hearing and Consideration to Approve **Conditional Use Permit Case CUP23-07:** Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.
- [F.6](#) Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-15:** Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture

of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

G. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of October 2023 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler
Community Development Coordinator

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 contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

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

Planning & Zoning Commission Meeting

Agenda Item

Data Sheet

Meeting Date:October 9, 2023

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 11, 2023.

Background:

Origination: Community Development

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Kim Chandler, Community Development Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
 Staff Member Date City Manager Date

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

MONDAY, SEPTEMBER 11, 2023



6:00 P.M.

draft

- A. The meeting was Called to Order by Chairwoman Tague at 6:00 p.m. Other Members present were:
- Commissioner Tana Ross
 - Commissioner Scott Moore
 - Commissioner Susan Harris
 - Commissioner Richard Anderson – Excused Absence
 - Craig Meyers – Community Development Director
 - Jared Smith – City Planner
 - Kim Chandler – Community Development Coordinator
 - Tommy Ramsey – City Attorney
- B. No Public Comments were received.
- C. Reports and Announcements:
- City Council Approved **Zoning Case Z23-11**: Request by ISIDROWS, LLC on behalf of Wendy Lynn Dixon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 10 acres of land legally described as being part of Lots 372 & 373 of Tomball Outlots from Single-Family 20 Estate (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.
 - City Council Approved on First Reading with conditions **Zoning Case Z23-10**: Request by Nathan T. Newman on behalf of NTN Tomball Corner, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 56.1 acres of land legally described as Lot 1 & Lot 3 of Reserve at Tomball, and Lot 2 of Reserve at Tomball Partial Replat No. 1 from Single-Family 9 (SF-9) and Commercial (C) to Planned Development (PD #19) zoning. The property is generally located at the northwest corner of FM 2978 and FM 2920, within the City of Tomball, Harris County, Texas.
 - The applicant decided to evaluate the conditions and postponed the Second Reading to a future date.

- Joint Workshop Sessions with City Council and P&Z:
 - Tree Preservation / Development Buffering
October 9, 2023 (4:00 p.m.-5:00 p.m.) prior to P&Z meeting.
 - Comprehensive Plan Update
October 9, 2023 (5:00 p.m.-6:00 p.m.) prior to P&Z meeting.

D. Approval of Minutes:

Motion was made by Commissioner Ross, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 14, 2023.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

E. New Business:

- E.1 Consideration to Approve Preliminary Plat of **UMANZOR DEVELOPMENT**: A subdivision of 1.5968 acres of land, being a 1.5968-acre tract of land situated in the C. Goodrich Survey, Abstract No. 311, Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval with conditions.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve with no conditions.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

- E.2 Consideration to Approve Final Plat of **RABURN RESERVE, SEC. 3**: Being a subdivision of 33.724 acres out of the Jesse Pruett Survey, A-629, City of Tomball, Harris County, Texas; also, being a Partial Replat of Reserve “G” of Raburn Reserve Sec. 1 recorded under F.C. No. 692320, H.C.M.R.

Jared Smith, City Planner, presented with Staff Approval with conditions.

Motion was made by Commissioner Harris, second by Commissioner Ross, to approve with no conditions.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

- E.3 Conduct a Public Hearing and Consideration to Approve **Conditional Use Permit Case CUP23-05**: Request by 2 S&Z Investments LLC., represented by Breann Williams, for a Conditional Use Permit to allow “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

Breann Williams, representing 2 S&Z Investments, LLC., (16902 Indigo Hills Drive, Magnolia, TX 77355), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:15 p.m.

Hearing no comments, the Public Hearing was closed at 6:16 p.m.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve **Conditional Use Permit Case CUP23-05**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>

Motion Carried (Unanimously).

- E.4 Conduct a Public Hearing and Consideration to Approve **Conditional Use Permit Case CUP23-06**: Request by Equalizer USA, Inc., represented by Morales Engineering Associates, LLC., for a Conditional Use Permit to allow “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval with the following condition:

- All future improvements associated with the “Playfield or stadium (private)” land use must be in general conformance with the conceptual site plan.

Enrique Morales with Morales Engineering Associates, representing Equalizer USA, Inc., (2550 Gray Falls Drive, Suite #330, Houston, TX 77077), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:24 p.m.

Hearing no comments, the Public Hearing was closed at 6:25 p.m.

Motion was made by Commissioner Ross, second by Commissioner Moore, to approve **Conditional Use Permit Case CUP23-06.**

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>

Motion Carried (Unanimously).

- E.5 Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-12:** Request by Paul & Delphine Michna to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

Paul & Delphine Michna, owners, (1325 Virgie Community Road, Magnolia, TX 77354), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:34 p.m.

Hearing no comments, the Public Hearing was closed at 6:34 p.m.

Motion was made by Commissioner Ross, second by Commissioner Harris, to approve **Re-Re-Zoning Case Z23-12.**

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Moore	<u>Abstain</u>
Commissioner Harris	<u>Aye</u>

Motion Carried (3 Votes Aye, 1 Abstain).

- E.6 Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-13**: Request by Hightower Investments LTD. To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

Bill Hightower, owner, (6115 Theall Road, Houston, TX 77066), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:42 p.m.

Susan Shuster, owner, (103 Epps Street, Tomball TX 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:44 p.m.

Motion was made by Commissioner Harris, second by Commissioner Moore, to approve **Re-Zoning Case Z23-13**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Ross	<u>Nay</u>
Commissioner Moore	<u>Aye</u>
Commissioner Harris	<u>Nay</u>

Motion Failed (1 Vote Aye, 3 Votes Nay).

F. Adjournment

Motion was made by Commissioner Harris second by Commissioner Moore, to adjourn.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

The meeting adjourned at 6:46 p.m.

PASSED AND APPROVED this _____ day of 2023.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair

Planning & Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2023

Topic:

Minor Plat of **Wiley Commercial**: Being 0.1148-acre (5,000.00 Sq. Ft.) tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 4 and 5, in Block 8, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Background:

Origination:

Recommendation:

Staff approves with no conditions

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: #

If no, funds will be transferred from account: # _____ To Account: # _____

Signed:

Approved by:

Staff Member

Date _____

City Manager

Date

CITY OF TOMBALL

Plat Name: Wiley Commercial Plat Type: Minor

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: October 9, 2023

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

Community Development approves this plat with no contingencies.

THE STATE OF TEXAS

COUNTY OF HARRIS

We, Scott R. Wiley and Andrea Wiley, owners hereinafter referred to as owner of the 0.1148 acre tract described in the above and foregoing plat of **WILEY COMMERCIAL**, 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, owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

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

WITNESS our hands in _____, _____ County, Texas, on this ____ day of _____, 202__.

SCOTT R. WILEY

ANDREA WILEY

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared Scott R. Wiley, 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 and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 202__.

Notary Public in and for the State of Texas

My Commission Expires: _____
THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared Andrea Wiley, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 202__.

Notary Public in and for the State of Texas

My Commission Expires: _____

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

this ____ day of _____, 202__.

By: _____
Nathan Dietrich
Community Development Director

Harris County Clerk Certificate of Filing:

I, Teneshia Hudspeth, 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 _____, 202__, at ____ o'clock ____ M., and duly recorded on _____, 202__, at ____ o'clock ____ M., and at Film Code Number _____ of the Map Records of Harris County for said County.

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

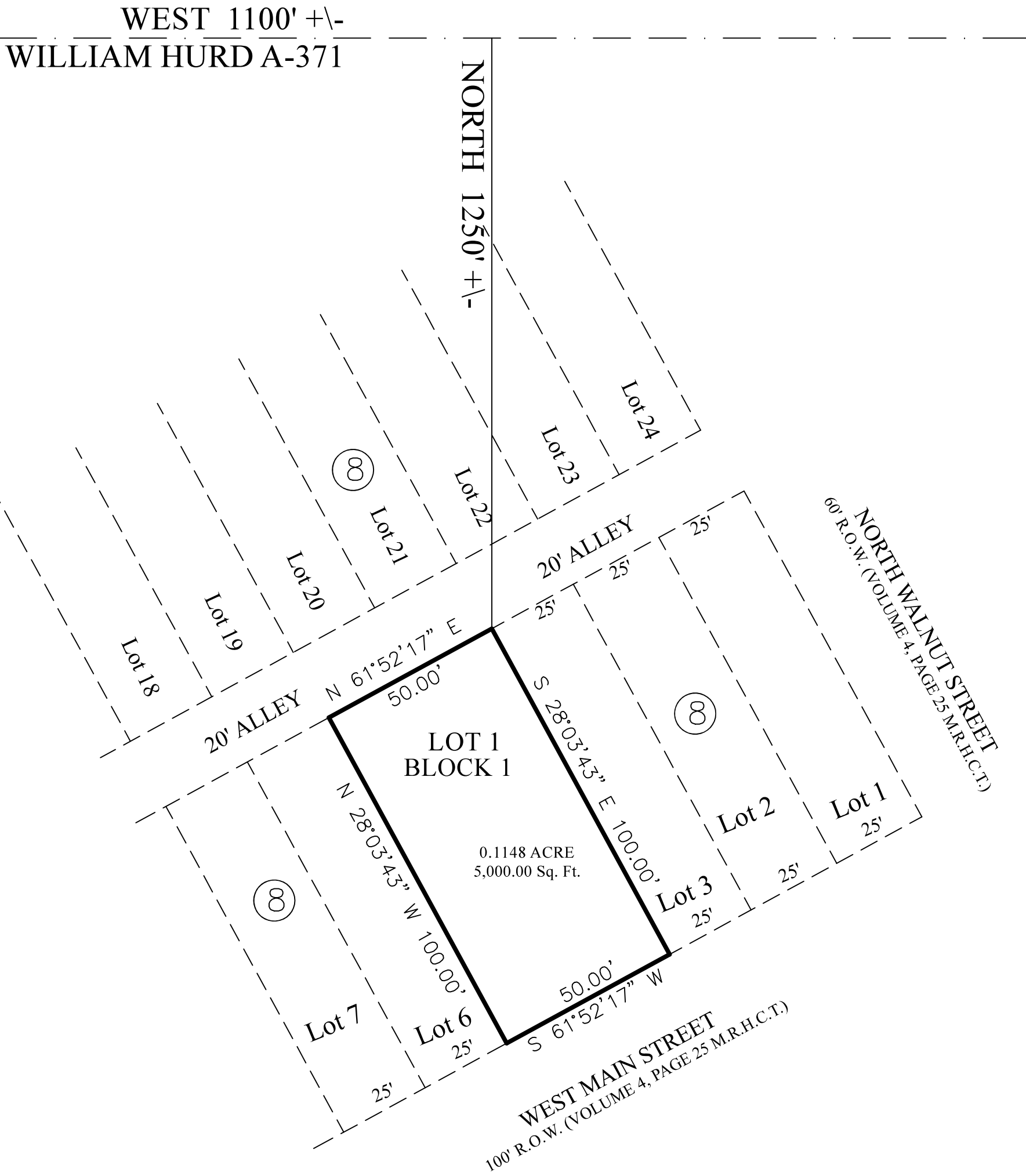
Teneshia Hudspeth
County Clerk
of Harris County, Texas

By: _____
Deputy

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

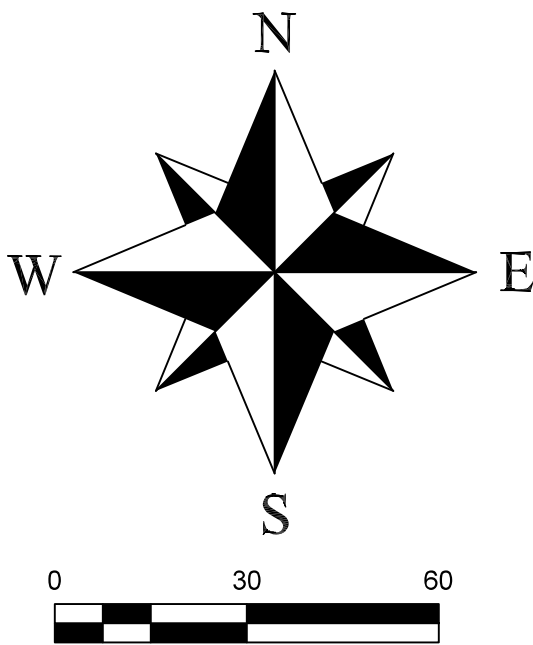
Steven L. Crews
Texas Registration Number 4141

RALPH HUBBARD A-383
JOSEPH HOUSE A-34

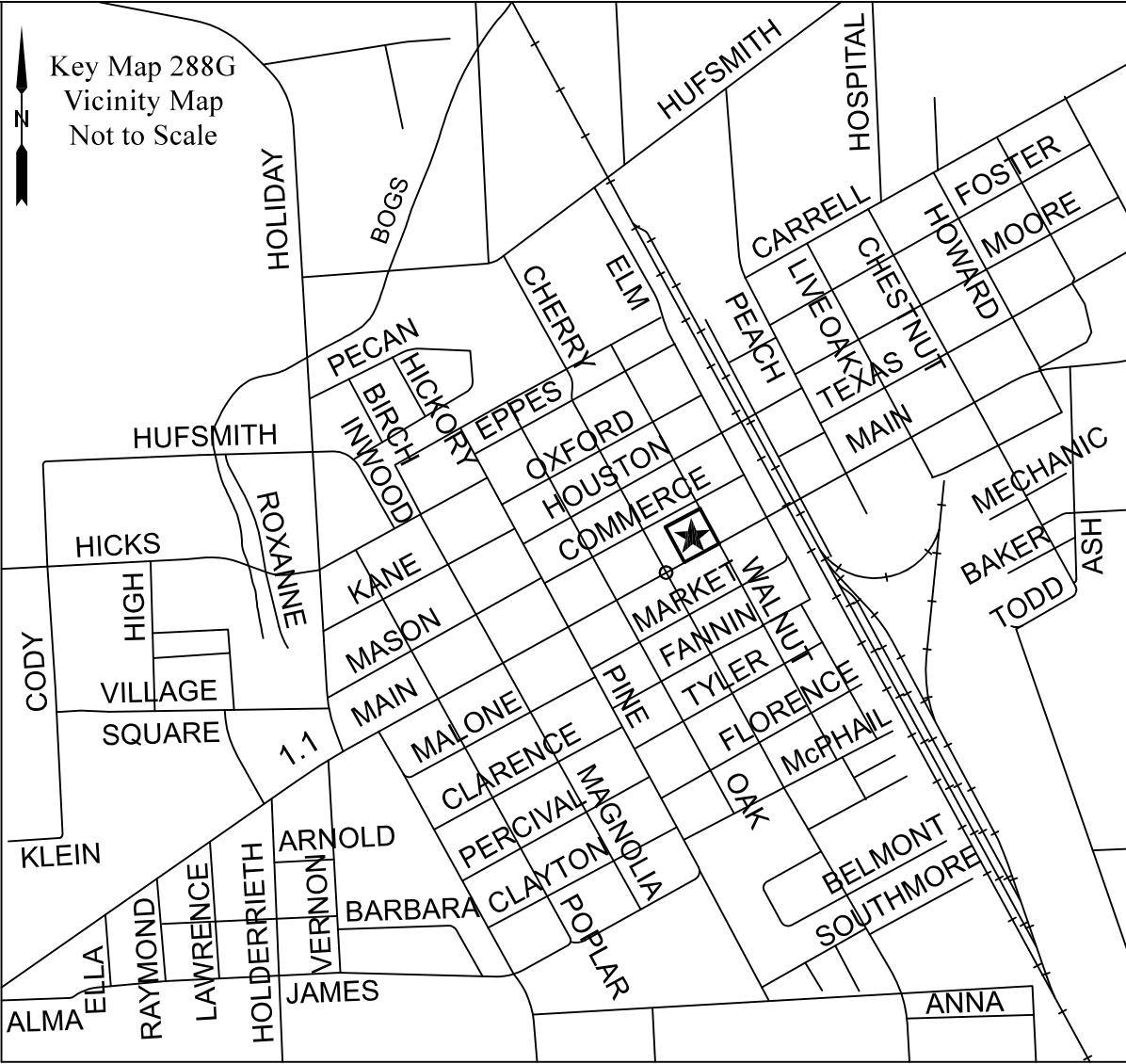


Unrestricted Reserve "B"
Block 9
PARTIAL REPLAT OF BLOCK 9
CITY OF TOMBALL
FC NO. 591038
M.R.H.C.T.

⑨



Scale: 1" = 30'



Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
3. No building or structure shall be constructed across any pipelines, building lines, and/or easements Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to amend or remove any valid restrictions or covenants.
5. A ten foot wide City of Tomball utility easement is hereby dedicated by this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.
6. Public Easements:
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
7. The coordinates shown hereon are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83).
8. Zoning has been adopted in the City of Tomball and may have additional property development standards and setbacks. Please reference applicable City Ordinances.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL.
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER
S.F. = SQUARE FEET

WILEY COMMERCIAL

Being 0.1148 acre (5,000.00 sq. ft.) tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 4 and 5, in Block 8, of the REVISED MAP OF TOMBALL as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

1 Lot, 1 Block

Owner:
**Scott R. Wiley
Andrea Wiley**
Phone Number 713-825-7859
208 W. Main Street
Tomball, Texas 77375

Surveyor:
C & C Surveying Inc.
Firm Number 10009400
33300 Egypt Lane, Suite F200 Magnolia, Texas 77354
Office: 281-356-5172
survey@ccsurveying.com
www.ccsurveying.com

September 2023
Sheet 1 of 1
23-0236

Planning & Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2023

Topic:

Consideration to approve Final Plat of **Caliber Collision Tomball**: A subdivision of 4.037 acres of land, being a partial replat of Lot 1, Block 1, TRMC-Retail, a subdivision recorded in Film Code Number 702912, Harris County Map Records located in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378 City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Community Development recommends approval of this plat with the following contingencies:

1. Prior to the final approval and recordation of this plat:
 - a. Construction Plans detailing required public infrastructure improvements must be submitted to the City of Tomball for review and approval by the City Engineer.
 - b. All public infrastructure improvements must be installed in accordance with the approved construction plans and/or performance bond must be provided to the City of Tomball covering the overall costs of infrastructure improvements.

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: No:

If yes, specify Account Number: #

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
 Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: Caliber Collision Tomball Plat Type: FINAL

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: October 9, 2023

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

Community Development recommends approval of this plat with the following contingencies:

1. Prior to the final approval and recordation of this plat:
 - a. Construction Plans detailing required public infrastructure improvements must be submitted to the City of Tomball for review and approval by the City Engineer.
 - b. All public infrastructure improvements must be installed in accordance with the approved construction plans and/or performance bond must be provided to the City of Tomball covering the overall costs of infrastructure improvements.

SHEET 1 OF 1

Planning & Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2023

Topic:

Consideration to approved Final Plat of **Northwest Houston Heart Center, Replat No. 1:** A subdivision of 0.9641 acres, a 0.3214 acre, a 0.3214 acre and a 0.1722 acre tract of land all situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lot 1 in Block 1 of Northwest Heart Center, a subdivision as recorded in Film Code Number 621269, of the Map Records of Harris County, Texas, together with a replat of Lots 1,2,11 and 12, in Block 6, and a replat of the East 75 feet of Lots 5 and 6, in Block 5, all of Main Street Addition To the City of Tomball, a subdivision as recorded in Volume 15, Page 43, of said Map Records.

Background:

Origination:

Recommendation:

Community Development recommends approval of this plat with the following contingencies:

1. Prior to the final approval and recordation of this plat:
 - a. Construction Plans detailing required public infrastructure improvements must be submitted to the City of Tomball for review and approval by the City Engineer.
 - b. All public infrastructure improvements must be installed in accordance with the approved construction plans and/or performance bond must be provided to the City of Tomball covering the overall costs of infrastructure improvements.

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ Approved by: _____
 Staff Member Date City Manager Date

CITY OF TOMBALL

Plat Name: Northwest Houston Heart Center, Replat 1 Plat Type: FINAL

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: October 9, 2023

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

Community Development recommends approval of this plat with the following contingencies:

1. Prior to the final approval and recordation of this plat:
 - a. Construction Plans detailing required public infrastructure improvements must be submitted to the City of Tomball for review and approval by the City Engineer.
 - b. All public infrastructure improvements must be installed in accordance with the approved construction plans and/or performance bond must be provided to the City of Tomball covering the overall costs of infrastructure improvements.

THE STATE OF TEXAS

COUNTY OF HARRIS

We, Holderrieth Campus Property Management, LLC, acting by and through Ahmad Adhan Aslam, managing member of Holderrieth Campus Property Management, LLC, owners hereinafter referred to as owner of the 1.3313 acre, the 0.3214 acre and the 0.1722 acre tracts described in the above and foregoing plat of NORTHWEST HOUSTON HEART CENTER REPLAT NO. 1, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, owner does 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, owner does 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 Holderrieth Campus Property Management, LLC, has caused these presents to be signed by Ahmad Adhan Aslam, managing member, thereunto authorized this ____ day of _____, 202__.

Holderrieth Campus Property Management, LLC

By: _____
Ahmad Adhan Aslam,managing member

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared Ahmad Adhan Aslam, managing member of Holderrieth Campus Property Management, LLC, 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 and herein stated and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 202__.

Notary Public in and for the State of Texas

My Commission Expires: _____

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of NORTHWEST HOUSTON HEART CENTER REPLAT NO. 1 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat

this ____ day of _____, 202__.

By: _____
Nathan Dietrich
Community Development Director

Harris County Clerk Certificate of Filing:

I, Teneshia Hudspeth, 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 _____, 202__, at ____ o'clock __M., and duly recorded on _____, 202__, at ____ o'clock __M., and at Film Code Number _____ of the Map Records of Harris County for said County.

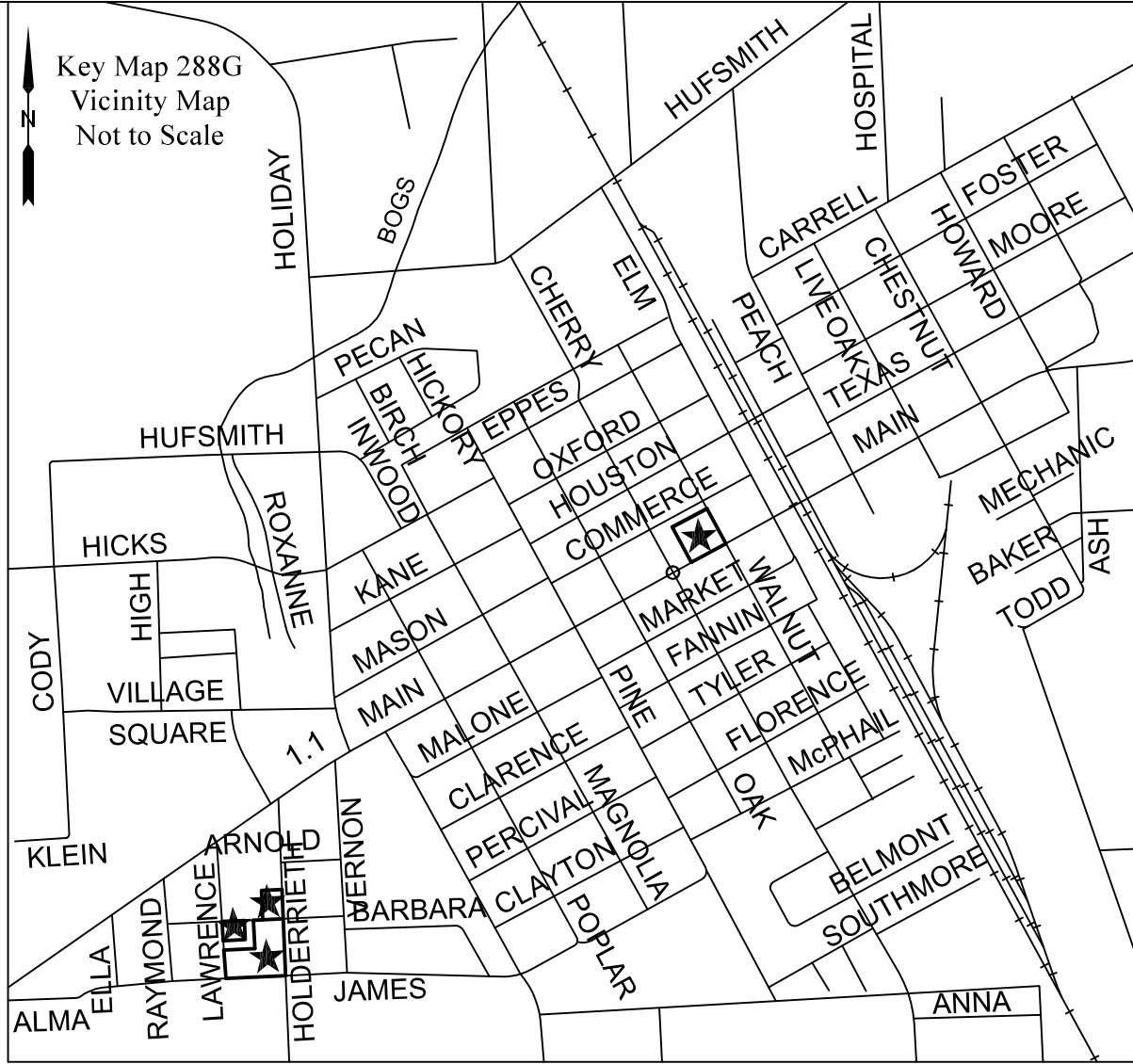
Witness my hand and seal of office, at Houston, the day and date last above written.

Teneshia Hudspeth
County Clerk
of Harris County, Texas

By: _____
Deputy

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

Steven L. Crews
Texas Registration Number 4141



Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
3. No building or structure shall be constructed across any pipelines, building lines, and/or easements Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to amend or remove any valid restrictions or covenants.
5. A ten foot wide City of Tomball utility easement is hereby dedicated by this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.
6. Public Easements:
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
7. The coordinates shown hereon are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83).
8. Zoning has been adopted in the City of Tomball and may have additional property development standards and setbacks. Please reference applicable City Ordinances.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL.
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER
S.F. = SQUARE FEET

NORTHWEST HOUSTON HEART CENTER REPLAT NO. 1

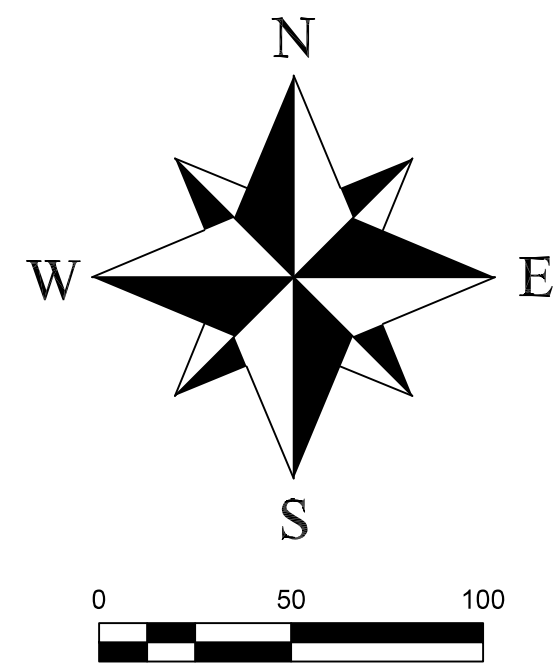
Being a 0.9641 acre, a 0.3214 acre, a 0.3214 acre, and a 0.1722 acre tract of land all situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lot 1 in Block 1 of NORTHWEST HEART CENTER, a subdivision as recorded in Film Code Number 621269, of the Map Records of Harris County, Texas, together with a replat of Lots 1, 2, 11 and 12, in Block 6, and a replat of the East 75 feet of Lots 5 and 6, in Block 5, all of MAIN STREET ADDITION TO THE CITY OF TOMBALL, a subdivision as recorded in Volume 15, Page 43, of said Map Records.

4 Lots, 2 Blocks

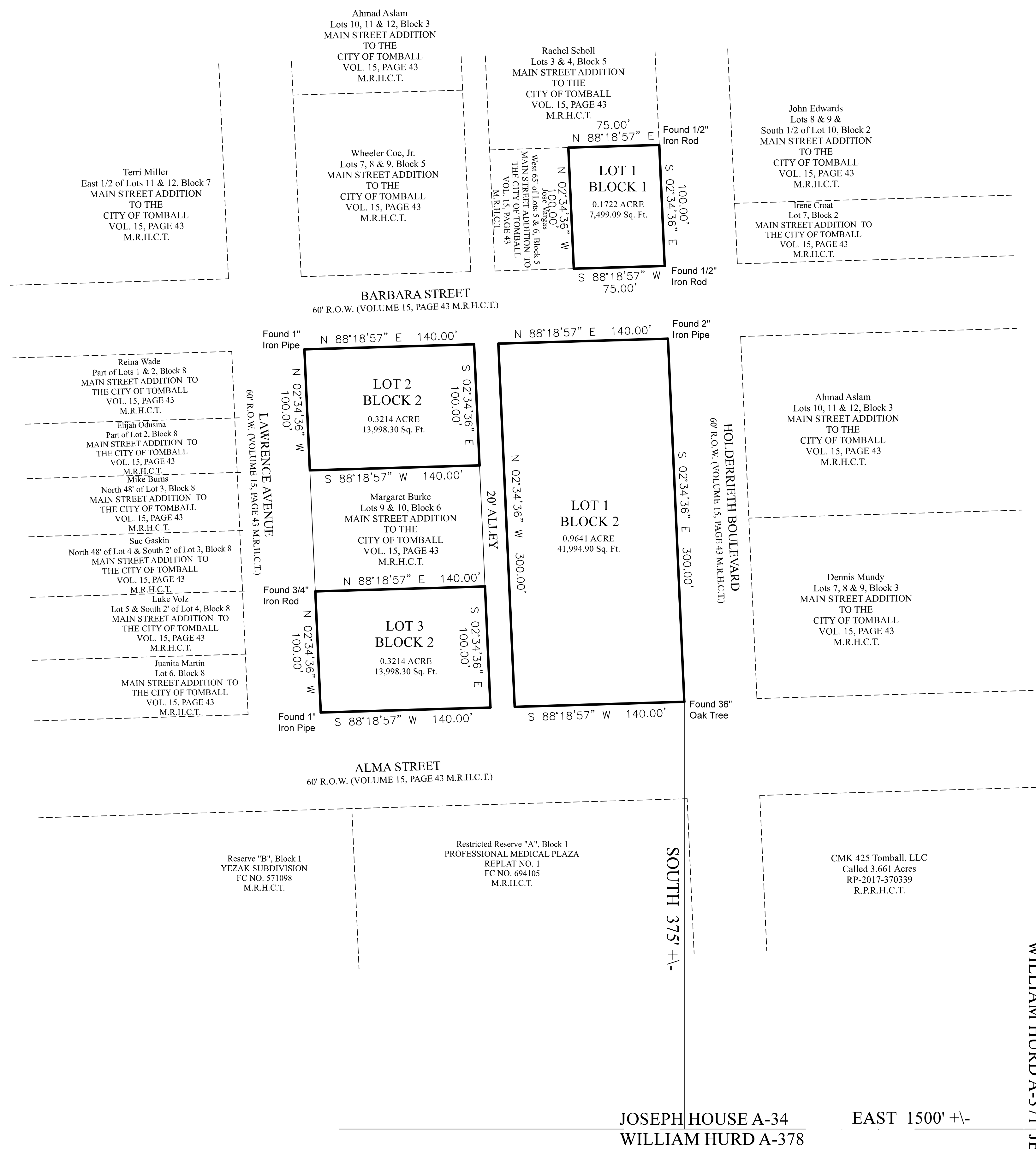
Owner:
Holderrieth Campus Property Management, LLC
10402 Creekbend Drive
Cypress, Texas 77433

Surveyor:
C & C Surveying Inc.
Firm Number 10009400
33300 Egypt Lane, Suite F200 Magnolia, Texas 77354
Office: 281-356-5172
survey@ccsurveying.com
www.ccsurveying.com

September 2023
Sheet 1 of 2
23-0229



Scale: 1" = 50'



Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
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NORTHWEST HOUSTON HEART CENTER REPLAT NO. 1

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4 Lots, 2 Blocks

Owner:
Holderrieth Campus Property Management, LLC
10402 Creekbend Drive
Cypress, Texas 77433

Surveyor:
C & C Surveying Inc.
Firm Number 10009400
33300 Egypt Lane, Suite F200 Magnolia, Texas 77354
Office: 281-356-5172
survey@ccsurveying.com
www.ccsurveying.com

September 2023
Sheet 2 of 2
23-0229

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-14:** Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Background:

The applicant's request is to rezone the subject property to Commercial (C) for commercial use in conjunction with the adjacent Element Sportsplex. In 2019 & 2020, the Board of Adjustments granted special exceptions to allow less than the minimum required parking for the sportsplex located south of the subject property. According to previous conversations held with the applicant this rezoning request is in efforts to provide space for additional parking to serve this existing sportsplex south of the subject site.

Origination: TCG Capital

Recommendation:

Staff recommends approval of **Re-Zoning Case Z23-14.**

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: No:

If yes, specify Account Number: #

If no, funds will be transferred from account: # _____ To Account: # _____

Signed:

Approved by:

Staff Member

Date _____

City Manager

Date

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2023
&
CITY COUNCIL
OCTOBER 16, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 16, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Ordinance Amendment OAM23-02: Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Conditional Use Permit Case CUP23-07: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Re-Zoning Case Z23-14: Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Re-Zoning Case Z23-15: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

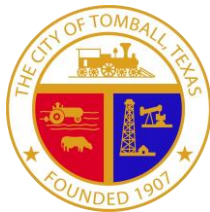
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of October 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith
City Planner

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.tomballtx.gov.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-14

09/27/23

The Planning & Zoning Commission will hold a public hearing on **October 9, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **October 16, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtxgov

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-14

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name:
Parcel I.D.:
Address:

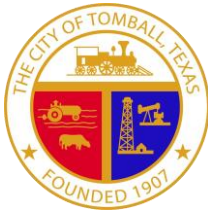
Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: jasmith@tomballtx.gov

I am in favor ☐
Additional Comments:

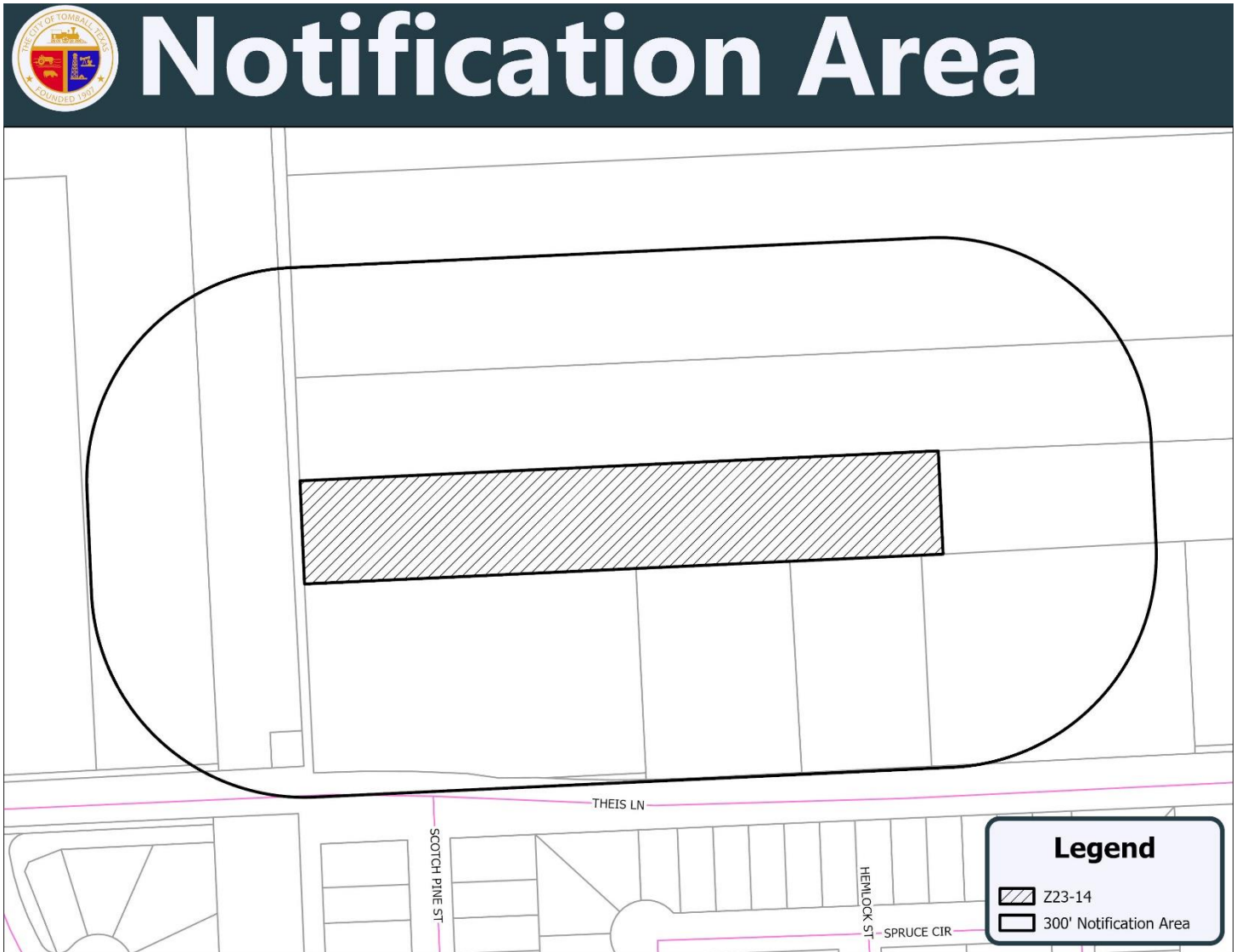
I am opposed ☐

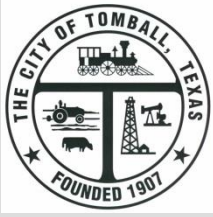
Signature: _____



City of Tomball
Community Development Department

Z23-14





Community Development Department

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2023

City Council Public Hearing Date: October 16, 2023

Rezoning Case: Z23-14

Property Owner(s): TCG Capital

Applicant(s): TCG Capital (Jorge Campos)

Legal Description: Being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision

Location: Generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

Area: 3.00 acres

Comp Plan Designation: Business Park and Industrial (Exhibit “B”)

Present Zoning: Single Family Residential Estate – 20 (SF-20-E) (Exhibit “C”)

Request: Rezone from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C)

Adjacent Zoning & Land Uses:

North: Commercial (C) / Single Family Residence and Vacant Land (Agricultural Exemption)

South: Commercial (C) / Element Sportsplex and Texas Legacy Volleyball Club

West: Agricultural (AG) / Drainage Channel and Vacant Land (Agricultural Exemption)

East: Single Family Residential Estate – 20 (SF-20-E) / Single Family Residence and Vacant Land

BACKGROUND

The applicant’s request is to rezone the subject property to Commercial (C) for commercial use in conjunction with the adjacent Element Sportsplex. In 2019 & 2020, the Board of Adjustments granted special exceptions to allow less than the minimum required parking for the sportsplex located south of the subject property. According to previous conversations held with the applicant this rezoning request is in efforts to provide space for additional parking to serve this existing sportsplex south of the subject site.

ANALYSIS

Description: The subject property comprises about 3.00 acres, generally located in the 12900 block (north side) of Theis Lane. Currently the subject property is zoned Single Family Residential Estate – 20 (SF-20-E) and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Element Sportsplex and Texas Legacy Volleyball Club are located immediately south of the subject property within Commercial (C) zoning which was adopted for the property in 2015. The property north of the subject site, was rezoned to Commercial (C) in 2023 and contains a single-family residence and vacant land (agricultural exemption). The area west of the subject property that is zoned AG contains a drainage channel and vacant land (agricultural exemption). East of the subject site that is zoned (SF-20-E) contains single family residences and vacant land.

Comprehensive Plan Recommendation:

The subject property is designated as Business Park and Industrial by the Comprehensive Plan's Future Land Use Map (FLUM). This category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. Recommended land uses include office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Recommended secondary uses are utility services, government facilities, and transportation/freight uses. Recommended zoning categories are Light Industrial (LI), Commercial (C), Office (O), and Planned Development (PD).

The proposed zoning category of Commercial (C) is in conformance with the Comprehensive Plan recommendation.

Conformance with the Zoning Regulations:

The subject property is zoned SF-20-E. Commercial and/or parking intended to serve commercial uses are not permitted in this zone. The proposed zoning of C will allow the use of the property for parking to serve the existing commercial use to the south.

Conformance with the Character of the Area:

The proposed use (commercial) is in conformance with the character of the area considering the adjacent commercial uses. The proposed zoning of C will be in conformance with the character of the area.

Conformance with the Availability of Utilities:

The subject property will be adequately served by City water and sewer as there are utility connections available in the immediate vicinity.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on September 28, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-14.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Map
- C. Zoning Map
- D. Site Photo(s)
- E. Rezoning Application

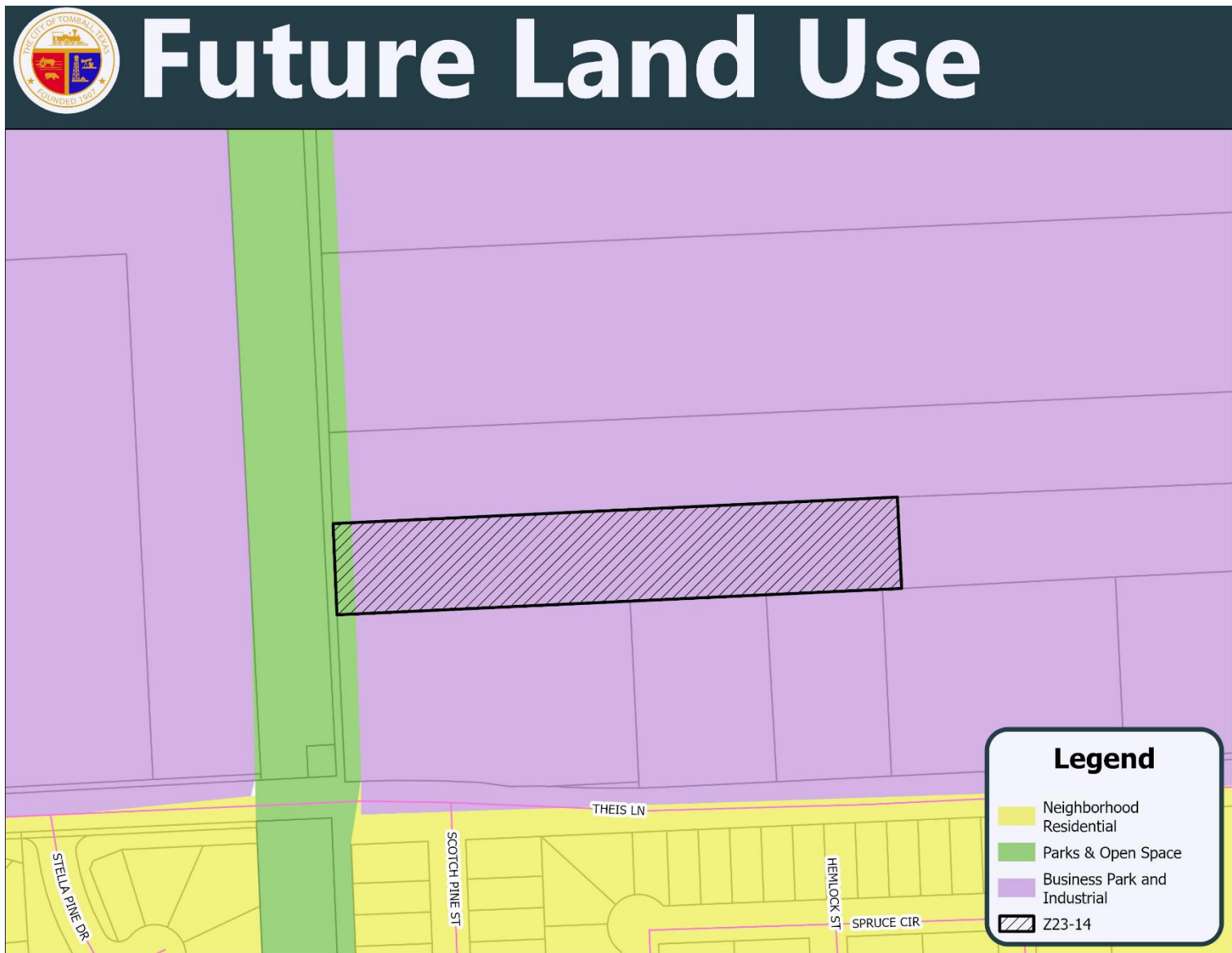
Exhibit "A"
Aerial Location Map

Item F.3



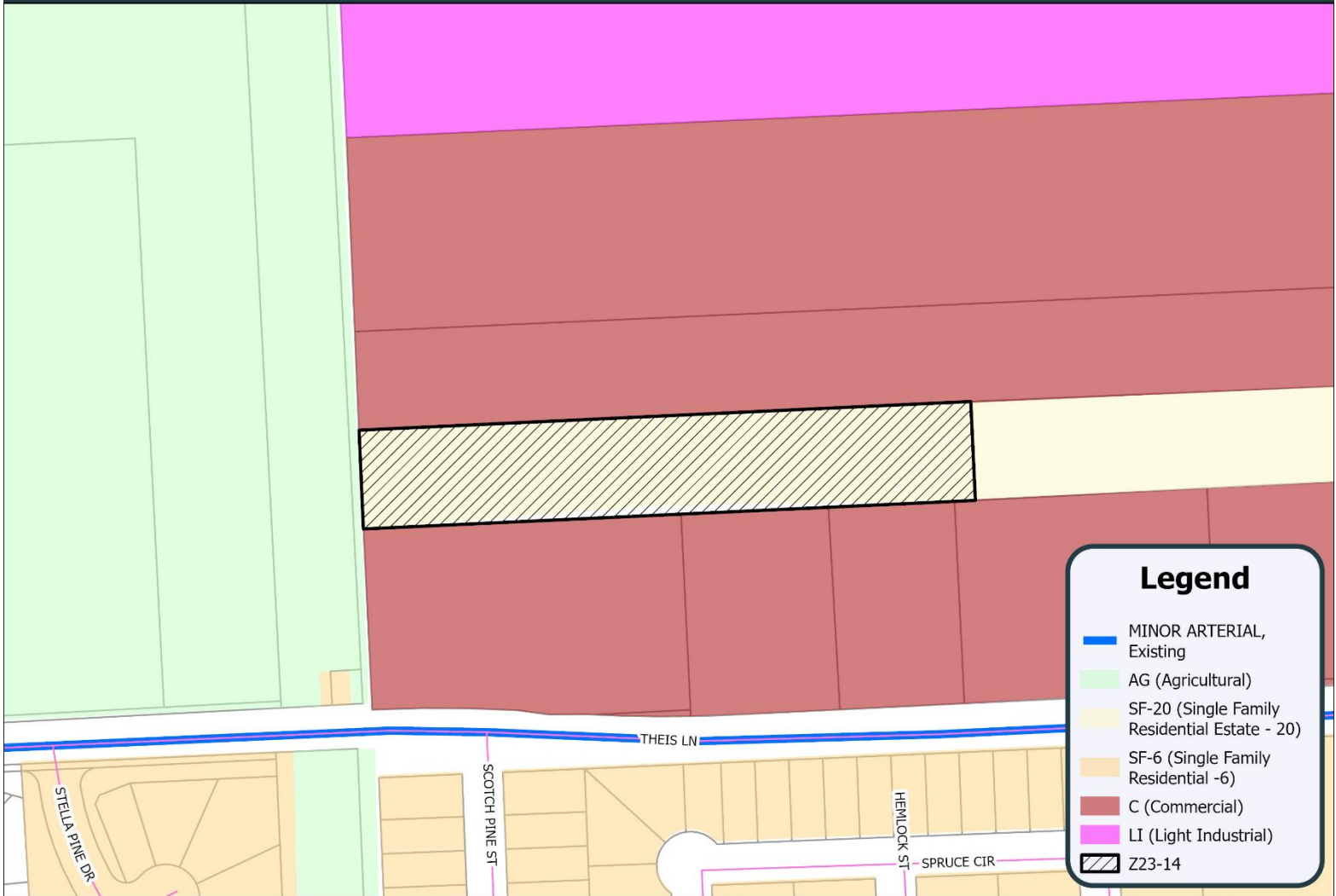
Exhibit "B"
Future Land Use Map

Item F.3





Zoning



Subject Site



Neighbor (West)

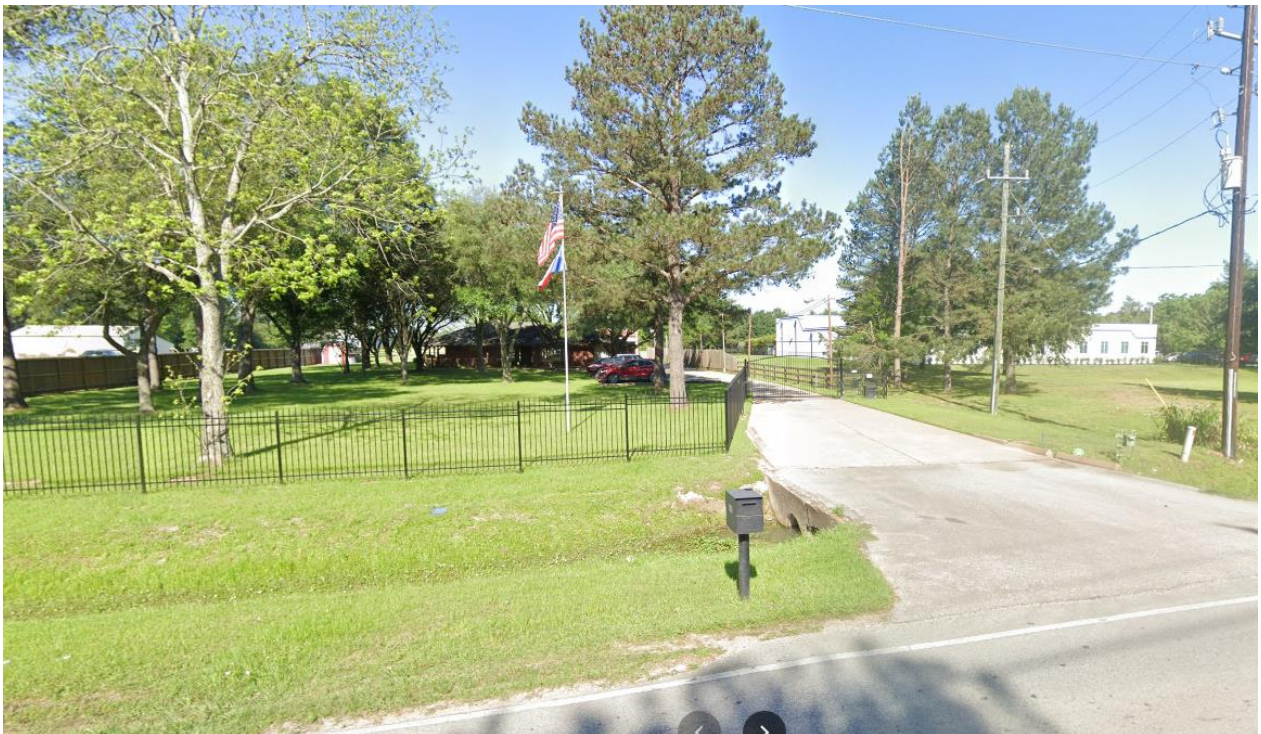


Neighbor (East)

Item F.3



Neighbor (North)



Neighbor (South)



Exhibit "F"

Rezoning Application

Revised: 10/1/2022



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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 project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tomballdd
PASSWORD: Tomball1

Applicant

Name: TCG CAPITAL Title: _____
Mailing Address: 9303 STRATFORD PL City: TOMBALL State: TX
Zip: 77375 Contact: JORGE CAMPOS
Phone: (713) 202-8759 Email: JORGE@TCGCAP.COM

Owner

Name: JORGE CAMPOS Title: _____
Mailing Address: 9303 STRATFORD PL City: TOMBALL State: TX
Zip: 77375 Contact: JORGE CAMPOS
Phone: (713) 202-8759 Email: JORGE@TCGCAP.COM

Engineer/Surveyor (if applicable)

Name: PRECISION SURVEYORS Title: _____
Mailing Address: 950 THREADNEEDLE SUITE 150 City: HOUSTON State: TEXAS
Zip: 77079 Contact: TERRANCE MISH
Phone: (281) 496-1586 Fax: () Email: _____

Description of Proposed Project: RE-ZONING FROM RESIDENTIAL TO COMMERCIAL

Physical Location of Property: 0 S CHERRY ST TOMBALL, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 3.00 ACRES BEING A PORTION OF LOT 1 BLOCK 1 SWINGHAMMER/HANCO SUBDIVISION
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E SINGLE-FAMILY 20 ESTATE DISTRICT

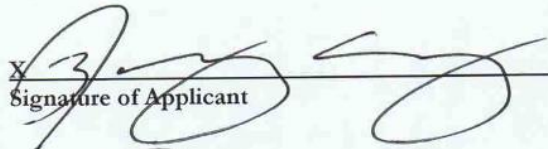
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

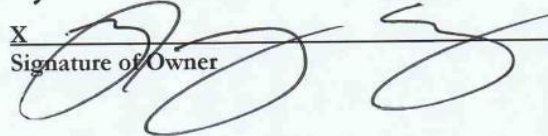
Revised: 10/1/2022

Current Use of Property: UNDEVELOPED LANDProposed Zoning District: COMMERCIAL DISTRICTProposed Use of Property: COMMERCIAL USEHCAD Identification Number: 1379860010005 Acreage: 3.00

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

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

X  8/28/2023
Signature of Applicant Date

X  8/28/2023
Signature of Owner Date

8/28/2023

City of Tomball, Planning and Rezoning
Committee, and Board Members
501 James Street
Tomball, TX 77375

RE: Request for Rezoning of 0 S. Cherry St. Tomball, TX 77375

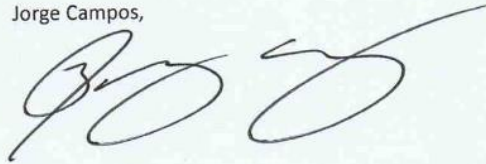
Dear Rezoning Committee and Board Members,

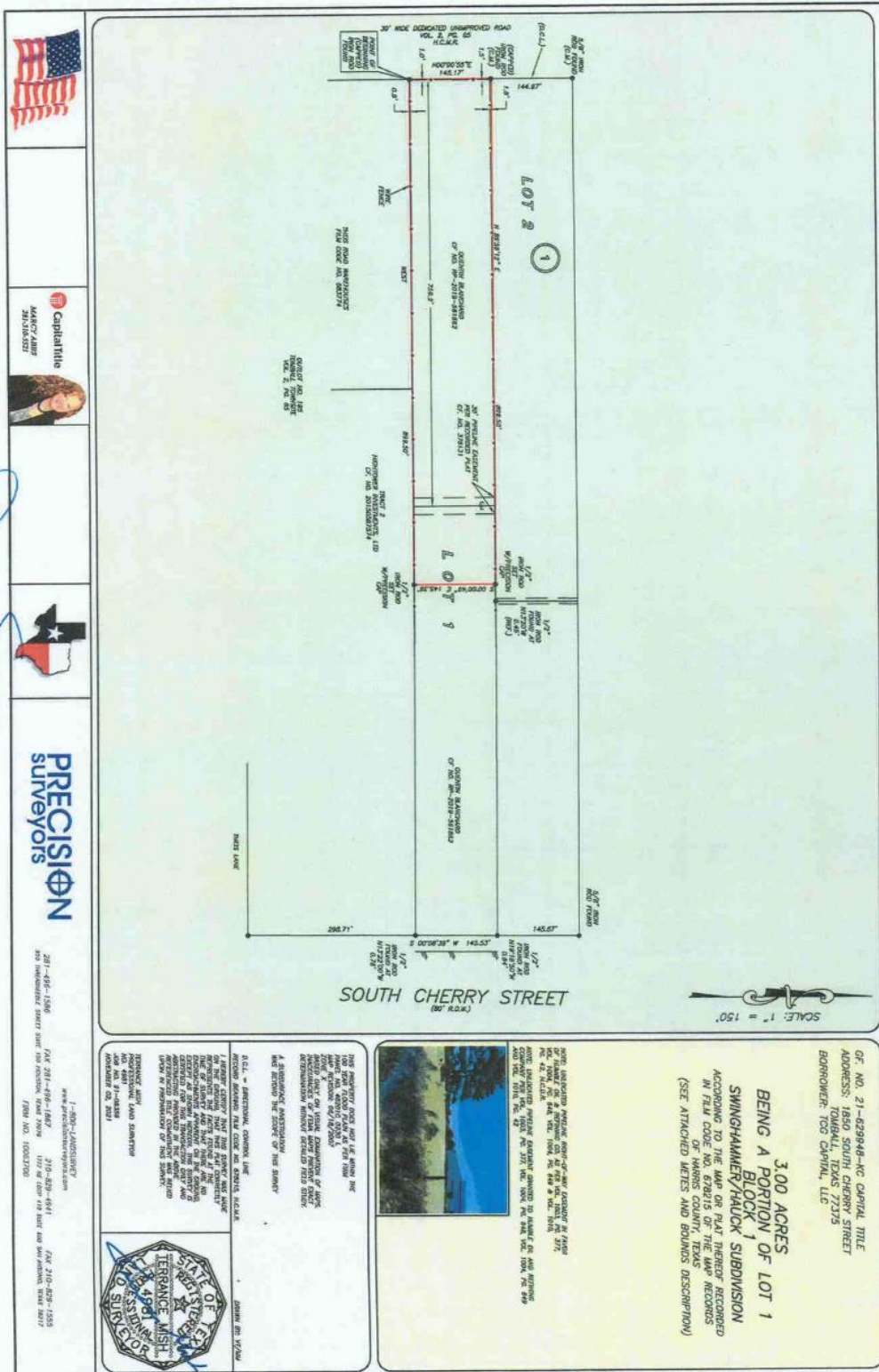
TCG Capital has purchased the 3.00-acre property at 0 S. Cherry St. and it is located in the Single-Family 20 Estate District.

We are requesting this property be rezoned to the Commercial District for commercial use in conjunction with Element Sportsplex. This rezoning will allow use of this property to help serve the people of Tomball and is in line with the proposed rezoning map of the City of Tomball.

Thank you for your consideration in the matter.

TCG Capital
Jorge Campos,

A handwritten signature in black ink, appearing to read 'Jorge Campos', is written over a light blue circular stamp.



STATE OF TEXAS §
 §
 §
 §
 COUNTY OF HARRIS §

Metes & Bounds Property Description

A tract of land containing 3.000 Acres, being a portion of Lot 1, Block 1 Swinghammer/Hauck Subdivision according to the map or plat thereof recorded under Film Code No. 678215 of the Map Records of Harris County, Texas (M.R.H.C.T.), being a portion of a tract recorded in the name of Quentin Blanchard under Harris County Clerk's File (H.C.C.F.) No. 2019-561862 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.) and being more particularly described by metes and bounds as follows: (Bearings based on Film Code No. 678215 of the M.R.H.C.T.)

BEGINNING at an iron rod found on the east right-of-way line of a 30 Foot wide unopened road as shown on the plat of Tomball Townsite as recorded in Volume 2, Page 65 of the M.R.H.C.T., being the northwest corner of Outlot 195 of said Tomball Townsite, being the southwest corner of said Lot 1, and being southwest corner of this tract;

THENCE, NORTH 00° 00' 55" WEST, with said east right-of-way line, a distance of 145.17 Feet to an iron rod found at the northwest corner of said Lot 1, being the northwest corner of this tract;

THENCE, NORTH 89° 59' 12" EAST, with the south line of Lot 2, a distance of 899.50 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the northeast corner of this tract;

THENCE, SOUTH 00° 00' 49" EAST, across and through the aforementioned Lot 1, a distance of 145.39 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the southeast corner of this tract;

THENCE, WEST, with the north line of the aforementioned Outlot 195, being the north line of a tract recorded in the name of Hightower Investments, Ltd. under H.C.C.F. No. 20150587574 (Tract 2) of the R.P.R.H.C.T., and the north line of Theis Road Warehouses as recorded under Film Code No. 683774 of the M.R.H.C.T., a distance of 899.50 Feet to the POINT OF BEGINNING and containing 3.00 Acres of land.

(See attached drawing)



Terrance P. Mish
 Registered Professional Land Surveyor
 No. 4981
 Job No. 21-08359
 November 03, 2021

JSJ

RP-2022-492028
10/04/2022 ER \$26.00

Recorded at the request
of CAPITAL TITLE

GF No.: 21-629948-13

Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: September 29, 2022

Grantor: **Quentin Blanchard, a single person**

Grantor's Mailing Address: 1254 Military Pk Houston Tx 77020

Grantee: **TCG Capital LLC, a Texas limited liability company**

Grantee's Mailing Address: 9303 Stratford Pl Tomball, TX 77375

Consideration:

Cash and other good and valuable consideration along with a note of even date executed by Grantee and payable to the order of Austin Bank, Texas National Association in the principal amount of \$200,000.00 (Two Hundred Thousand and 00/100 Dollars). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Austin Bank, Texas National Association and by a first-lien deed of trust of even date from Grantee to Michael L Gunnels, trustee.

Property (including any improvements):

A tract of land containing 3.000 Acres, being a portion of Lot 1, Block 1 Swinghammer/Hauck Subdivision according to the map or plat thereof recorded under Film Code No. 678215 of the Map Records of Harris County, Texas (M.R.H.C.T.), being a portion of a tract recorded in the name of Quentin Blanchard under Harris County Clerk's File (H.C.C.F.) No. 2019-561862 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.) and being more particularly described by metes and bounds as follows: (Bearings based on Film Code No. 678215 of the M.R.H.C.T.)

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RP-2022-492028

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Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:


This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants, and conditions, if any, relating to the hereinabove described property as the same are filed for record in County Clerk's Office of Harris County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The Vendor's Lien against and Superior Title to the Property are retained until the Note described is fully paid according to its terms, at which time this Deed will become absolute. The Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold, and conveyed to the payee of the Note, and the successors and assigns of the payee.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 29th day of September, 2022.



 Quentin Blanchard

RP-2022-492028

THE STATE OF Texas §
COUNTY OF Harris §

Before me, a Notary Public, the foregoing instrument was acknowledged on 29th day of September, 2022 by Quentin Blanchard who personally appeared before me, and who is known to me through Paul J. D. to be the person(s) who executed it for the purposes and consideration expressed therein, and in the capacity stated.



ma
NOTARY PUBLIC, STATE OF
Texas

AFTER RECORDING, RETURN TO:
12514 Millway Dr.
Houston, TX 77070

PREPARED IN THE LAW OFFICE OF
Shaddock & Associates, P. C.
2400 N. Dallas Parkway, Ste. 560
Plano, Texas 75093

RP-2022-492028

RP-2022-492028

RP-2022-492028
 # Pages 4
 10/04/2022 08:33 AM
 e-Filed & e-Recorded in the
 Official Public Records of
 HARRIS COUNTY
 TENESHIA HUDSPETH
 COUNTY CLERK
 Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
 THE STATE OF TEXAS
 COUNTY OF HARRIS
 I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
 COUNTY CLERK
 HARRIS COUNTY, TEXAS

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Ordinance Amendment OAM23-02**: Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Background:

The applicants wish to establish a commercial pest control business at their property located at 1120 Rudolph Road. This use is defined as “Exterminator Service/Company (no outdoor sales or storage)” in the Tomball Code of Ordinance, said use is not permitted within the Single Family Residential – 20 zoning districts that the property presently falls within. In May of 2023, the applicants sought a rezoning of their property located at 1120 Rudolph Road to General Retail (GR) zoning to allow the establishment of the desired commercial business. This request to rezone to General Retail (GR) was denied by the City Council. In response to this denial, the applicants are requesting an amendment to the City of Tomball Code of Ordinance. Said amendment is to modify the “Exterminator Service/Company (no outdoor sales or storage)” land use to be allowed with the approval of a Conditional Use Permit (CUP) within the Single-Family Residential Estate (SF-20-E) zoning district. The applicants request that only properties which are 3-acres in size or larger be eligible for said CUP.

Origination: Chris & Tiona Campbell

Recommendation:

Staff recommends denial of **Ordinance Amendment OAM23-02**.

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____

Staff Member

Date

Approved by: _____

City Manager

Date

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2023
&
CITY COUNCIL
OCTOBER 16, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 16, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Ordinance Amendment OAM23-02: Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Conditional Use Permit Case CUP23-07: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Re-Zoning Case Z23-14: Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Re-Zoning Case Z23-15: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of October 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith
City Planner

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.tomballtx.gov.



Community Development Department

Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2023

City Council Public Hearing Date: October 16, 2023

Case: OAM23-02

Applicant(s): Chris & Tiona Campbell

Section(s): Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*)

Subject: Allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in Single Family Residential – 20 Estate (SF-20-E)

BACKGROUND

The applicants wish to establish a commercial pest control business at their property located at 1120 Rudolph Road. This use is defined as “Exterminator Service/Company (no outdoor sales or storage)” in the Tomball Code of Ordinance, said use is not permitted within the Single Family Residential – 20 zoning districts that the property presently falls within. In May of 2023, the applicants sought a rezoning of their property located at 1120 Rudolph Road to General Retail (GR) zoning to allow the establishment of the desired commercial business. This request to rezone to General Retail (GR) was denied by the City Council. In response to this denial, the applicants are requesting an amendment to the City of Tomball Code of Ordinance. Said amendment is to modify the “Exterminator Service/Company (no outdoor sales or storage)” land use to be allowed with the approval of a Conditional Use Permit (CUP) within the Single-Family Residential Estate (SF-20-E) zoning district. The applicants request that only properties which are 3-acres in size or larger be eligible for said CUP.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourri on September 27, 2023.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*)

REVISE:

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts							OT&MU	Parking ratio (Also see section 50-112)		
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C			LI	
Commercial and Wholesale Trade																					
Exterminator service/company (no outdoor sales or storage)		C ¹												P			P	P		P	1 space per 300 square feet

Footnote(s)

C¹

Site must be 3 acres or greater

RECOMMENDATION

City staff recommends denial of OAM23-02

When zoning was initially adopted in the United States with the “New York City Zoning Ordinance of 1916”, one of the fundamental goals was to restrict incompatible uses from residential districts. Chapter 211 (Section.211.004) of the Texas Local Government Code stipulates that zoning regulations must be adopted in accordance with a Comprehensive Plan. Section 50-34 (*Amendments to zoning chapter & districts*) in the Tomball Code of Ordinance states that Chapter 50 (*Zoning*) is created to govern the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Further, this section reflects Section 211.004 of the Texas Local Government Code, stating no changes shall be made to this chapter (Chapter 50) *except* to change property uses in accordance with the city’s adopted Comprehensive Plan. According to *Section 50-69 (Single Family Estate Residential District (SF-20-E))*, the purpose of this zoning district is intended to provide for development of low density detached, single-family residences on lots of not less than 20,000 square feet in size. It is intended for large lot subdivisions and for more rural type of residential areas that do not meet the Agricultural (AG) district requirements but may want to have additional accessory buildings and animals. This zoning district is identified within the City of Tomball Comprehensive Plan in TWO future land use categories, “Neighborhood Residential” and “Ranch Rural & Estates”. The “Neighborhood Residential” land use category is intended to create areas predominantly comprised of single-family detached housing, promoting safe and desirable neighborhoods, with single-family detached residential being the primary use. The “Ranch Rural & Estate” land use category is intended to promote land uses which include large lot residential, conservation subdivisions, and agricultural enterprises. The request to amend Chapter Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball code of ordinance to allow an “Exterminator Service/Company (no outdoor sales or storage)” within the Single-Family Residential Estate – 20 (SF-20-E) zoning is in direct conflict with the goals and objectives of the Comprehensive Plan Future Land categories which promote the SF-20-E zoning district. As previously mentioned, Section 50-34 in the Tomball code of ordinances states that zoning regulations should only be changed in accordance with the adopted Comprehensive Plan. Additionally, the promotion of commercial uses within Single Family Residential Estate (SF-20-E) is contrary to the intent of the SF-20-E zoning district, which is identified in Section 50-69 as being intended for large lot detached single family residential purposes.

Revised: 10/1/2022



ZONING TEXT AMENDMENT

Planning Division

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 project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tombalcedd
PASSWORD: Tomball1

Applicant

Name: Chris and Tiona Campbell Title: Owner
Mailing Address: 19611 Glenfinch lane City: Spring State: Texas
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@bellodomani.com

Property Owner

Name: Chris and Tiona Campbell Title: Owner
Mailing Address: 19611 Glenfinch lane City: Spring State: Texas
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@bellodomani.com

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):

Properties with 3 acres or more in a Single Family Residential Estate – 20 (SF-20-E)
zoning district with a Conditional Use Permit (CUP) for an Exterminator Service/company

Revised: 10/1/2022

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

1120 Rudolph Rd Tomball Tx 77375 is a 4.8 Acre trac with no other home around us but has other businesses with homes on their property like what we are wanting to do too in the same Single Family Residential Estate – 20 (SF-20-E)

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

There are other properties in the same Single Family Residential Estate – 20 (SF-20-E) that have done the same as we are asking for.

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 C Campbell 2016 Campbell 8-17-23
Signature of Applicant Date

x C Campbell 2016 Campbell 8-17-23
Signature of Owner Date

51

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2023
&
CITY COUNCIL
OCTOBER 16, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 16, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

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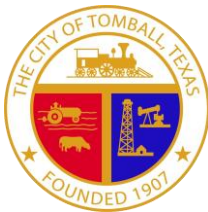
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of October 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith
City Planner

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.tomballtx.gov.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Case Number CUP23-07

09/27/2023

The Planning & Zoning Commission will hold a public hearing on **October 9, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Chris & Tiona Campbell, for a Conditional Use Permit to allow "Exterminator Service/Company (no outdoor sales or storage)" within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **conditional use permit**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **October 16, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtx.gov

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1491 if you have any questions about this notice.

CASE #: CUP23-07

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department
501 James St., Tomball TX 77375

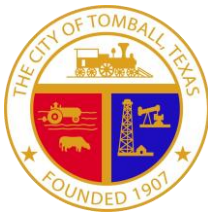
Name:
Parcel I.D.:
Address:

Email: jasmith@tomballtx.gov

I am in favor ☐
Additional Comments:

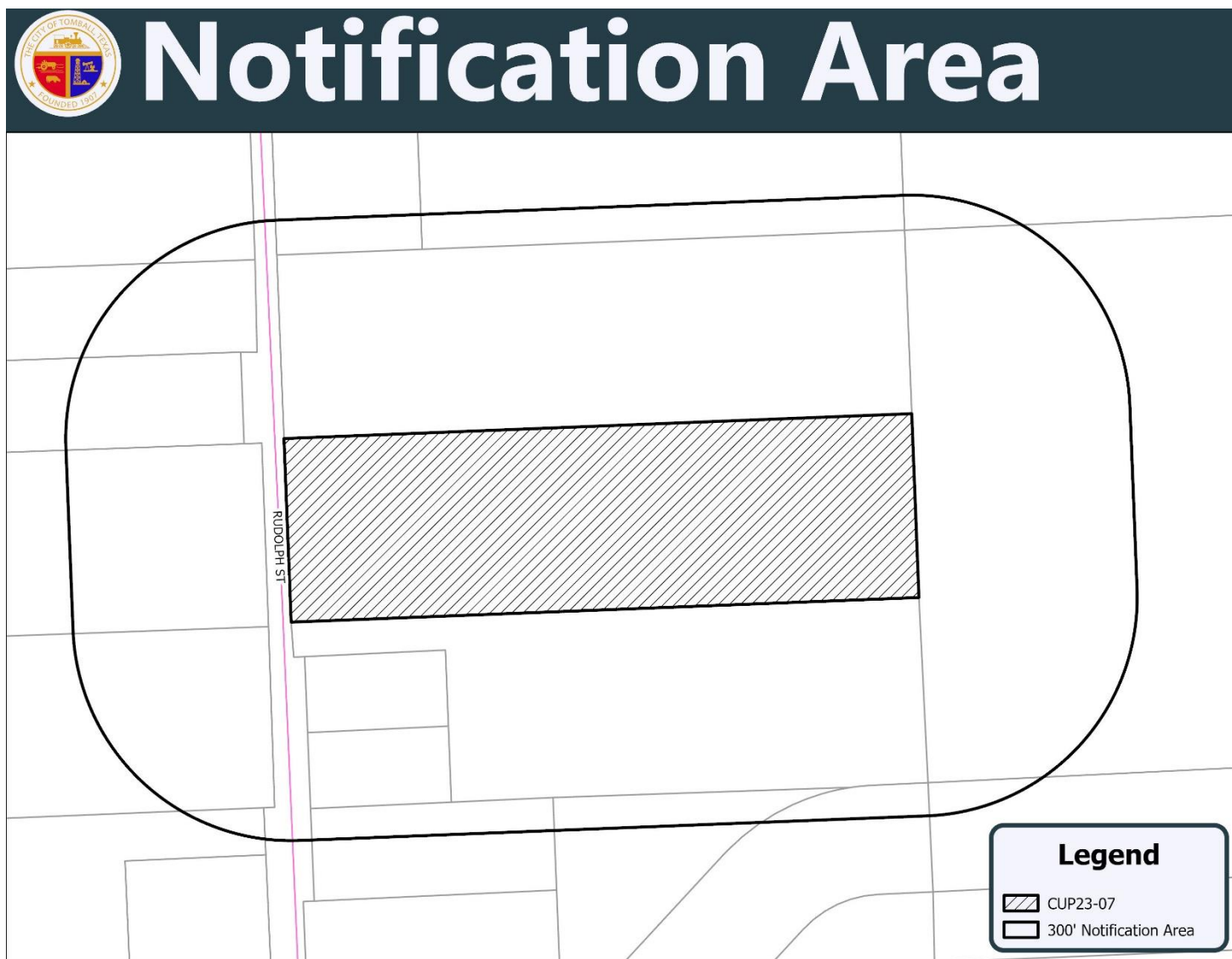
I am opposed ☐

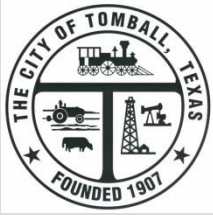
Signature: _____



City of Tomball
Community Development Department

CUP23-07





Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2023

City Council Public Hearing Date: October 16, 2023

Rezoning Case: CUP 23-07

Property Owner(s): Chris & Tiona Campbell

Legal Description: Portion of Lot 48 in Tomball Townsite

Location: 1110-1120 blocks (east side) of Rudolph Road (Exhibit “A”)

Area: 4.940 acres

Comp Plan Designation: Ranch Rural & Estate (Exhibit “B”)

Present Zoning and Use: Single-Family Residential – 20 (SF-20) / Vacant (Exhibit “D”)

Request: Conditional Use Permit (CUP) to permit “Exterminator Service/Company (no outdoor sales or storage)”

Adjacent Zoning & Land Uses:

North: Single-Family Estate Residential -20 (SF-20)/ Vacant

South: Single-Family Estate Residential – 20 (SF-20)/ Vacant

West: Single-Family Estate Residential – 20 (SF-20) / Jerry Matheson Park

East: Single-Family Estate Residential – 20 (SF-20) / Landfill and Wastewater Treatment Plant

BACKGROUND

The subject property has been within the city limits of Tomball since at least 1907. The property has remained vacant since this time. In May of 2023, the applicants sought a rezoning of the subject property to General Retail (GR) to allow the establishment of an Exterminator Service/Company. That request was denied by City Council. In response to this denial, the applicants are seeking an amendment to the Code of Ordinance which would allow the Exterminator Service/Company land use within the existing Single Family Residential Estate – 20 (SF-20-E) zoning that the property falls within, with the approval of a Conditional Use Permit.

ANALYSIS

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, based on the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

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

The property is designated as Ranch Rural & Estate by the Comprehensive Plan Future Land Use Map. This category is intended to promote large lot single family residential uses. The intention of establishing the “Exterminator Service/Company (no outdoor sales or storage)” commercial land use is contrary to the goals and objectives of the Ranch Rural & Estate land use category identified on the Future Land Use Map within the Comprehensive Plan.

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

The proposed use is not consistent with the purpose and intent of the Single Family Residential Estate – 20 (SF-20-E) zoning district that the property falls within. According to the City of Tomball Code of Ordinance the SF-20-E zoning district is intended to provide for development of low density detached, single-family residences.

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

No, the planned use of the property for Exterminator Services/Company is not a use which is currently identified as being permitted within the SF-20-E zoning district (either by right or with the approval of a Conditional Use Permit). Further, city staff does not believe the zoning regulation should be modified to accommodate this planned commercial use as this would be contrary to the intent of the existing Single-Family Estate Residential – 20 zoning districts as well as the Ranch Rural & Estate land use category that this property falls within.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts.**

As mentioned previously, the subject property as well as the surrounding properties are located within the Single-Family Estate Residential -20 (SF-20-E) zoning district and are within the planned Ranch Rural & Estate future land use category. The existing zoning within these areas as well as the planned future land use category adopted by the Comprehensive Plan, and which is utilized to guide decisions regarding zoning are wholly intended to promote large lot single-family residential and agricultural land uses. The proposed use of this property for commercial purposes is not compatible with the existing zoning and/or the planned land uses for this area. Said commercial use would not preserve the character and integrity of adjacent development and planned residential land uses.

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

The proposed commercial use of this property may be viewed as detrimental to existing and/or planned residential uses for other properties within the vicinity.

PUBLIC COMMENTS

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal. These notice letters were sent on September 28, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

The existing Single-Family Estate Residential – 20 (SF-20-E) zoning that the subject property as well as surrounding properties fall within does not encourage commercial land uses. Furthermore, the existing Future Land Use category of Ranch Rural and Estate, which embraces the entirety of the subject property as well as the surrounding properties does not support commercial uses. For these reasons, city staff is recommending denial of CUP23-07.

EXHIBITS

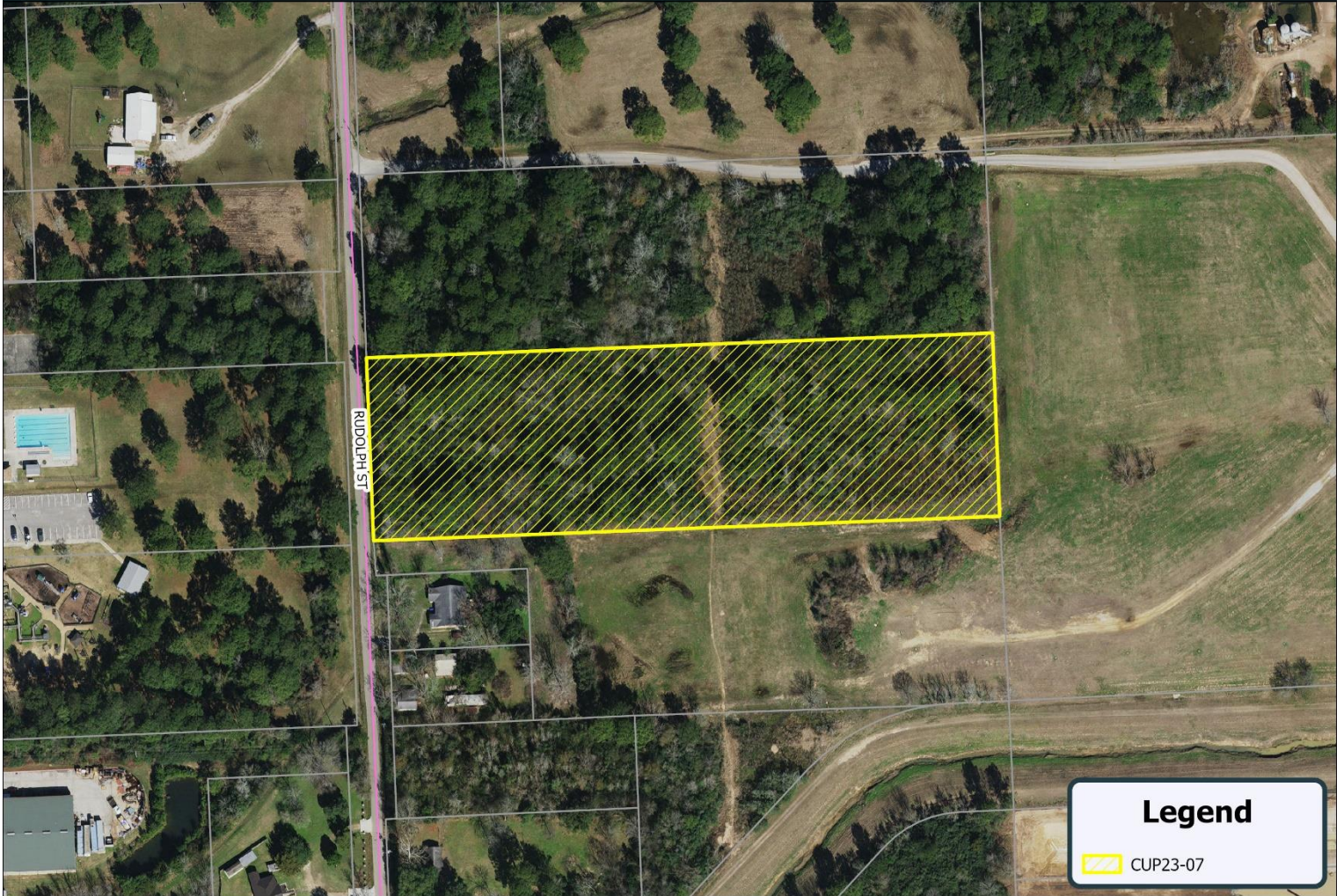
- A. Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photo(s)
- E. CUP Application
- F. Concept Plan

Exhibit "A"
Location Map

Item F.5



Location



Legend

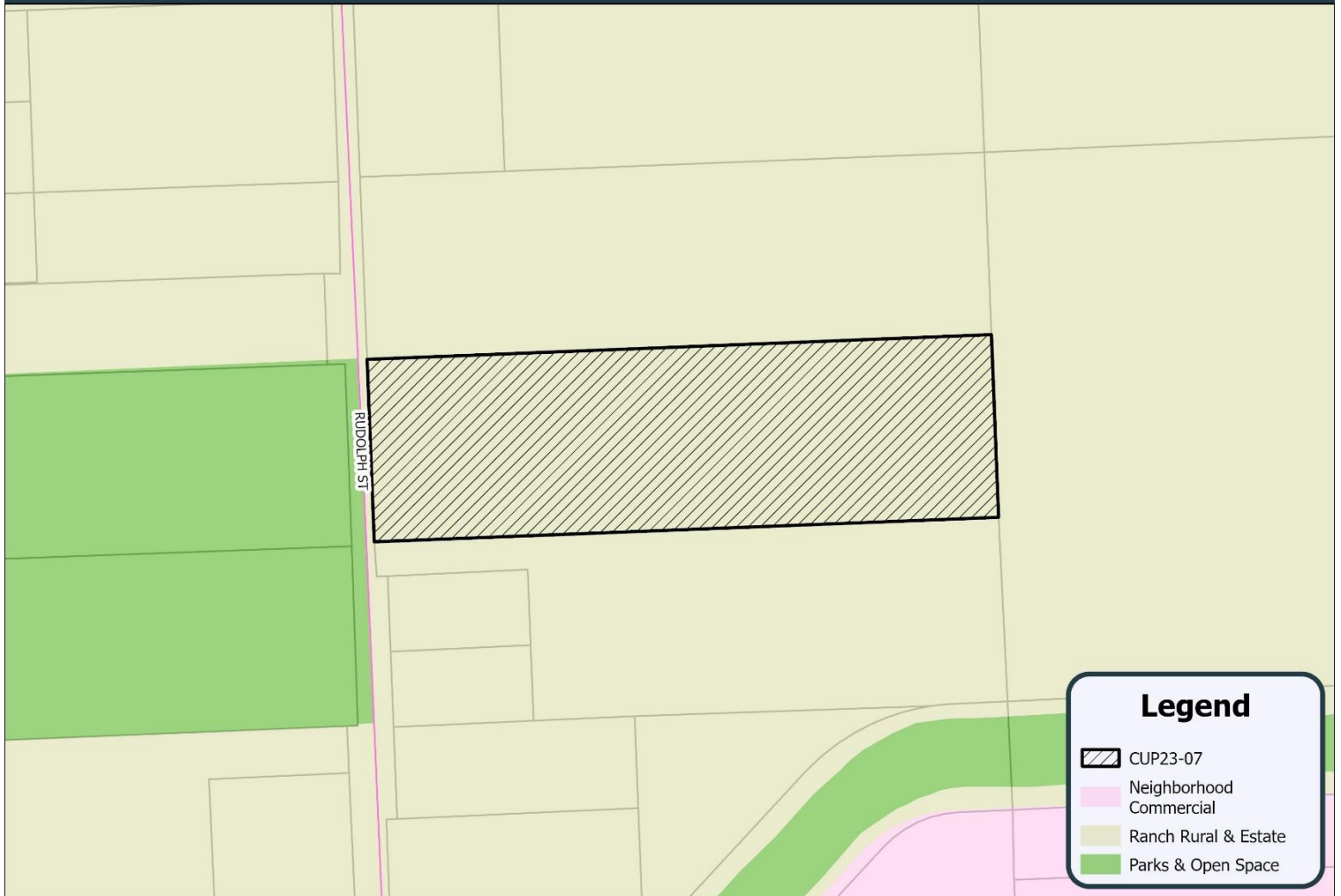
 CUP23-07

Exhibit "B"
Future Land Use Plan

Item F.5



Future Land Use

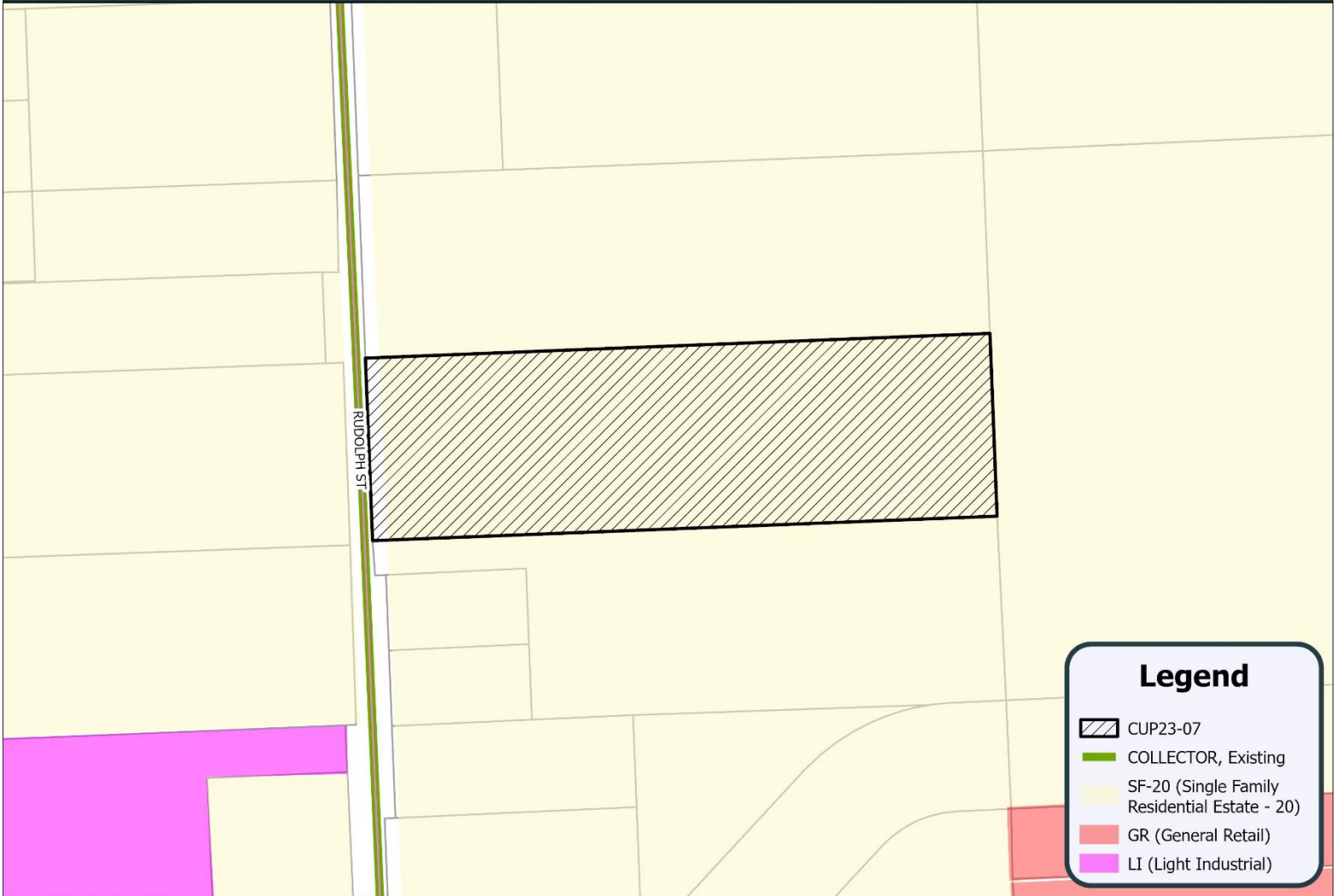


Legend

-  CUP23-07
-  Neighborhood Commercial
-  Ranch Rural & Estate
-  Parks & Open Space



Zoning



Subject Site



Neighbor (North)



Neighbor (South)

Item F.5



Neighbor (West)



Exhibit "E"

CUP Application



Revised: 10/1/2022

APPLICATION FOR CONDITIONAL USE PERMIT Planning Division

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

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.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: [tombalredd](#)
PASSWORD: [Tomball](#)

Applicant

Name: Chris and Tiona Campbell Title: Owner
Mailing Address: 19611 Glenfinch Lane City: Spring State: Texas
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@bellodomani.com

Owner

Name: Chris and Tiona Campbell Title: Owner
Mailing Address: 19611 Glenfinch Lane City: Spring State: Texas
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@bellodomani.com

Engineer/Surveyor (if applicable)

Name: C&C Surveying Title: _____
Mailing Address: 33300 Egypt Lane City: Magnolia State: Texas
Zip: 77354 Contact: Steven L Crew
Phone: (281) 356-5172 Fax: () Email: survey@c&csurveying.com

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

www.tomballtx.gov

Revised: 10/1/2022

Description of Proposed Project: CUP for a Pest Control officePhysical Location of Property: 1120 Rudolph Rd, Tomball Tx 77375

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

Legal Description of Property: Lot 48 Clerk file#2022-215079

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

HCAD Identification Number: 035282000083 Acreage: 4.940Current Use of Property: UndevelopedProposed Use of Property: Exterminator Service/company

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 C Campbell Aura Campbell 8-17-23
Signature of Applicant Date

X C Campbell Aura Campbell 8-17-23
Signature of Owner Date

From: noreply@mail.tdr.tylerhosting.cloud
To: [Kimberly Chandler](#)
Subject: Receipt #R01375709
Date: Friday, August 18, 2023 10:03:36 AM

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

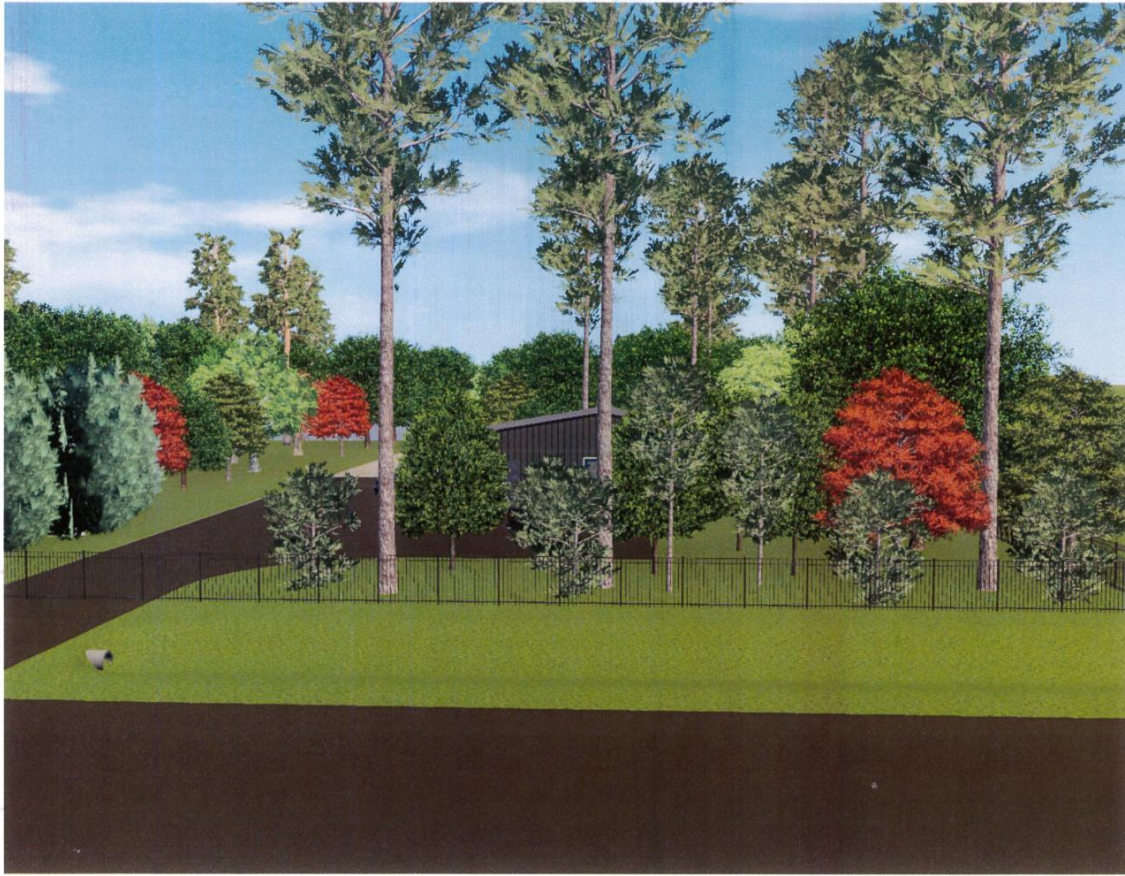
401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

DATE : 8/18/2023 10:02 AM
OPER : RP
TKBY : rp
TERM : 2
REC# : R01375709
130.0000 PLANNING AND ZONING
Chris Campbell CUP 1120 rudolph 1000.00

Paid By:Chris Campbell CUP 1120 rudolph
2-CK 1000.00 REF:w 2709

Exhibit "F"
Concept Plan

Item F.5





C & C Surveying, Inc.

Firm Number 10009400
33300 Egypt Lane, Suite F200
Magnolia, Texas 77354
Office: 281-356-5172

Metes and Bounds

4.940 Acres

Tomball Townsite

**Ralph Hubbard Survey, Abstract Number 383,
Harris County, Texas**

Being a 9.940 acre tract of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being the remainder of Lot 48 of Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said remainder of Lot 48 being a called 4.896 acre tract, as recorded in Clerk's File Number 2022-215079 of the Real Property Records of Harris County; said 4.940 acres being more particularly described as follows with all bearings based on the North line of said called 4.896 acre deed;

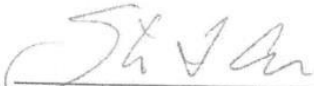
BEGINNING, at an iron rod with survey cap, found for the Southwest corner of the herein describe tract, common with Southeast corner of a 15 foot wide road dedication to the City of Tomball for Rudolph Road, as recorded in Clerk's File Number 2019-119104 of the Real Property Records of Harris County, and being on the North line of Lot 52 of said Tomball Townsite;

THENCE, North 02 degrees 32 minutes 40 seconds West, along the West line of the herein described tract, common with the East line of said Rudolph Road, a distance of 256.63 feet (call 252.16 feet), to an iron rod, found for the Northwest corner of the herein described tract, common with the Northeast corner of said Rudolph Road dedication, and being on the South line of Lot 43 of said Tomball Townsite;

THENCE, North 87 degrees 32 minutes 15 seconds East, along the North line of the herein described tract, common with the North line of said Lot 48, being the South line of said Lot 43, departing said Rudolph Road, a distance of 847.72 feet, to a 5/8 inch iron rod (bent), found for the Northeast corner of the herein described tract, being the Northeast corner of said Lot 48, the Southeast corner of Lot 43, the Southwest corner of Lot 44, and the Northwest corner of Lot 49;

THENCE, South 02 degrees 31 minutes 45 seconds East, along the East line of the herein described tract, common with the East line of Lot 48, with the West line of Lot 49, a distance of 251.05 feet, to a point for the Southeast corner of the herein described tract, being the Southeast corner of Lot 48, the Southwest corner of Lot 49, the Northwest corner of Lot 53, and the Northeast corner of the aforementioned Lot 52;

THENCE, South 87 degrees 09 minutes 38 seconds West, along the South line of the herein described tract, common with the South line of said Lot 48, being the North line of Lot 52, a distance of 847.66 feet, back to the **POINT OF BEGINNING** and containing 4.940 acres of land as computed based on the survey and plat prepared by C & C Surveying, Inc., dated July 29, 2022.



Steven L. Crews, Registered Professional Land Surveyor,
22-0206
07/29/22



Page 16 of 16

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-15:** Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

Background:

The request is comprised of two tracts of land. One being approximately 38.97 acres located north of Brown-Hufsmith Road (hereby referred to as the “primary tract”). The second being a 9.98 tract located south of Brown-Hufsmith Road (Hereby referred to as the “secondary tract”). Each of these properties are currently vacant. City staff have met with the developer on numerous occasions over the past year to discuss the rezoning of the entire 48+ acres to a Planned Development District. Of this 48+ acre development, approximately 13.5 acres will be dedicated to commercial development which is hereby referred to as “The Shoppes at Cottage Green”. The Shoppes at Cottage Green is intended to create a pedestrian focused mixed use walkable destination which will include a mixture of retail, restaurant, and office uses anchored by a centrally located public plaza/courtyard which is planned to be partially surrounded by outdoor patio dining. Additionally, within the commercial component of this PD traditional commercial pad sites will be provided along the SH 249 frontage road, with potential for future pad sites along Baker Drive. The commercial component is planned to be connected to a unique multi-family development with a network of pedestrian paths and trails. The multi-family development hereby referred to as “Cottage Green” will be comprised of no more than 285 dwelling units on approximately 25.43 acres (approx. 12 units/acre) and provide three styles of dwelling types which transition in density from high to low as you move further east from the Shoppes at Cottage Green toward existing single-family homes within the Springwood Subdivision. Those dwellings which are planned to be closest to the Shoppes at Cottage Green are referred to as “Veranda Homes”, or six-plex’s. These veranda homes are two story structures comprised of 6-attached dwellings. Said veranda homes will include four (4) one-bedroom units on the first floor and two (2) two-bedroom units on the second floor. The layout of the Cottage Green illustrates the veranda homes as lining the main drive into the complex. As you move outward (north & south) of the main drive, the dwelling styles transition into what are referred to as “Patio Homes”, or duplexes. These patio homes are single story structures comprised of 2 attached dwelling units. Patios homes will be offered in one-bedroom and two-bedroom arrangements. Moving further south and southeast the dwelling styles transition to what are referred to as “Cottages”. The cottages are single story, single-family detached structures and will be the land use closest to the existing single-family residential homes within the Springwood Subdivision. The Cottage Green will provide a range of amenities to the residents which will include community/fitness center, resort-style pool, two covered porches for lounging & grilling, pickleball court, dog park & wash station, open lawn areas, and decorative accent sculptures. The overarching goal of this planned development district is to establish a regional destination which

creates a walkable pedestrian-oriented environment connected by a network of pedestrian paths and walking trails. The secondary tract included in this Planned Development request is to serve as off-site detention for the overall development. The applicant is currently working toward establishing a development agreement with the City of Tomball to utilize existing City of Tomball drainage infrastructure to assist in the conveyance of stormwater to this off-site detention facility. At the time of development further engineering review will be required to confirm whether this detention area is adequate to serve the proposed planned development. Otherwise, additional stormwater detention improvements may be necessary on or adjacent to the *primary tract*.

Origination: Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americanana LLC

Recommendation:

Staff recommends approval of **Re-Zoning Case Z23-15.**

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: No: If yes, specify Account Number: #

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
 Staff Member Date City Manager Date

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2023
&
CITY COUNCIL
OCTOBER 16, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 16, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Ordinance Amendment OAM23-02: Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Conditional Use Permit Case CUP23-07: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Re-Zoning Case Z23-14: Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Re-Zoning Case Z23-15: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

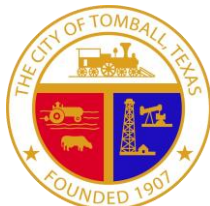
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of October 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith
City Planner

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.tomballtx.gov.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-15

09/27/23

The Planning & Zoning Commission will hold a public hearing on **October 9, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **October 16, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtx.gov

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-15

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Name:
Parcel I.D.:
Address:

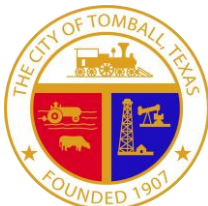
Email: jasmith@tomballtx.gov

I am in favor ☐

I am opposed ☐

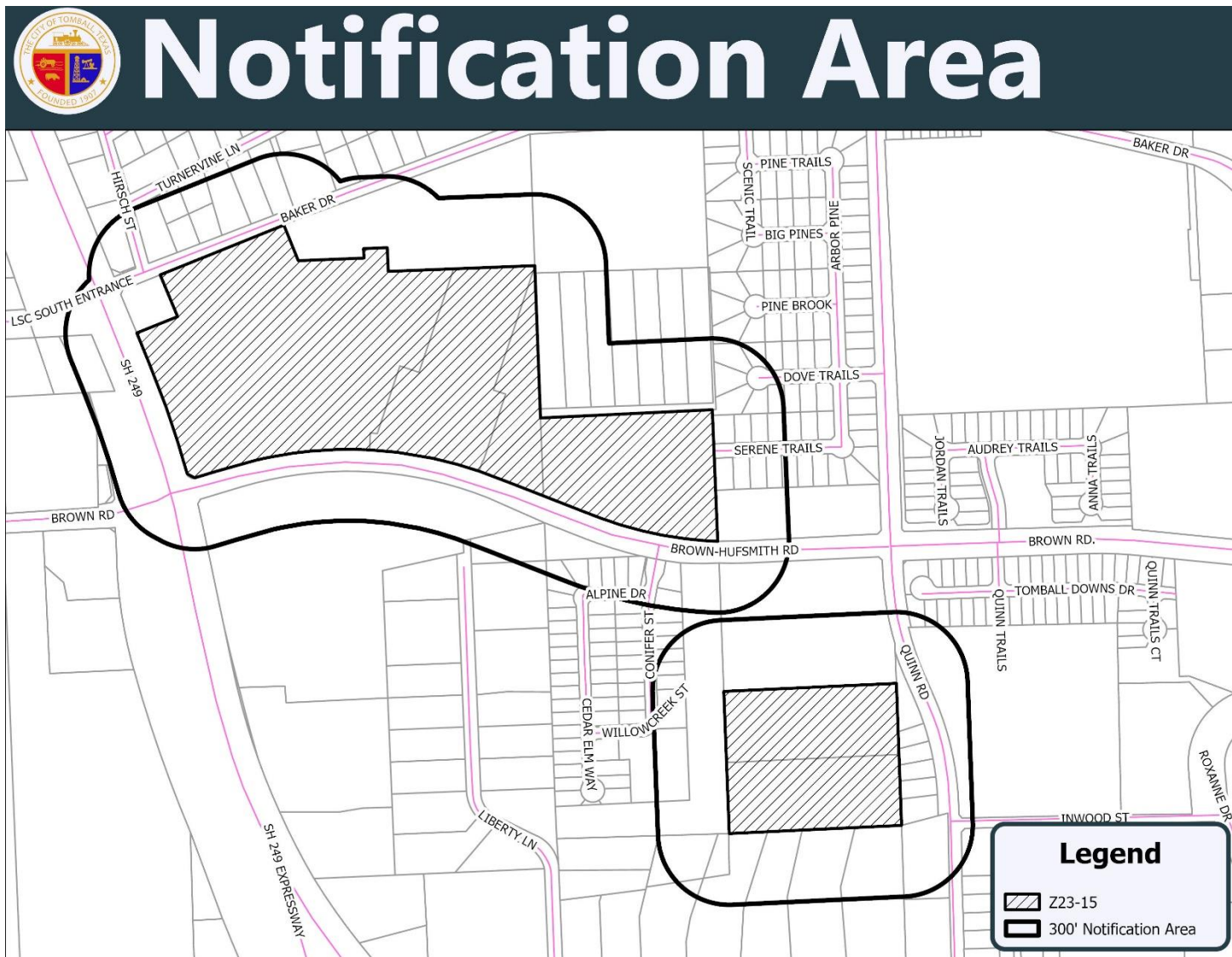
Additional Comments:

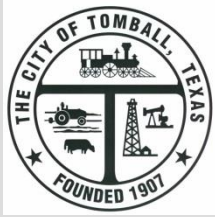
Signature: _____



City of Tomball
Community Development Department

Z23-15





Community Development Department

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2023

City Council Public Hearing Date: October 16, 2023

Rezoning Case:	Z23-15
Property Owner(s):	Par Real Estate Holdings LLC. and Ron & Amy Haffner
Applicant(s):	HMF-Americana LLC
Legal Description:	Approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34
Location:	Generally located at the northeast corner of SH 249 and Brown-Hufsmith Road as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas. (Exhibit "A")
Area:	48.95 acres
Comp Plan Designation:	Neighborhood Commercial, Corridor Commercial, and Parks and Open Space (Exhibit "B")
Present Zoning:	Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) (Exhibit "C")
Request:	Rezone from Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to Planned Development District (PD)

Adjacent Zoning & Land Uses – 38.97 acres (approximately) north of Brown-Hufsmith Rd.:

North: Baker Drive, Commercial (C), Single Family Residential – 9 (SF-9) / Circle K Convenience Store and Gas Station, Tomball Methodist Church

South: Brown-Hufsmith Road, Commercial (C), General Retail (GR), Office (O), Planned Development (PD#16) / Vacant Land, Haffner Haffner & Spears

West: State Highway 249 (SH 249), Multi-Family (MF), General Retail / Apartment Complex, Vacant Land

East: Single Family Residential – 9 (SF-9), Planned Development (PD#1) / Vacant Land, Single Family Residences, Detention Pond

North: Planned Development (PD#1) / Vacant Land

South: Single Family Residential – 20 Estate (SF-20E) / Vacant Land, Single Family Residences

West: Single Family Residential – 20 Estate (SF-20E) / Drainage & Detention Facility

East: Single Family Residential – 9 (SF-9) / Single Family Residences

BACKGROUND

The request is comprised of two tracts of land. One being approximately 38.97 acres located north of Brown-Hufsmith Road (hereby referred to as the “primary tract”). The second being a 9.98 tract located south of Brown-Hufsmith Road (Hereby referred to as the “secondary tract”). Each of these properties are currently vacant. City staff have met with the developer on numerous occasions over the past year to discuss the rezoning of the entire 48+ acres to a Planned Development District. Of this 48+ acre development, approximately 13.5 acres will be dedicated to commercial development which is hereby referred to as “The Shoppes at Cottage Green”. The Shoppes at Cottage Green is intended to create a pedestrian focused mixed use walkable destination which will include a mixture of retail, restaurant, and office uses anchored by a centrally located public plaza/courtyard which is planned to be partially surrounded by outdoor patio dining. Additionally, within the commercial component of this PD traditional commercial pad sites will be provided along the SH 249 frontage road, with potential for future pad sites along Baker Drive. The commercial component is planned to be connected to a unique multi-family development with a network of pedestrian paths and trails. The multi-family development hereby referred to as “Cottage Green” will be comprised of no more than 285 dwelling units on approximately 25.43 acres (approx. 12 units/acre) and provide three styles of dwelling types which transition in density from high to low as you move further east from the Shoppes at Cottage Green toward existing single-family homes within the Springwood Subdivision. Those dwellings which are planned to be closest to the Shoppes at Cottage Green are referred to as “Veranda Homes”, or six-plex’s. These veranda homes are two story structures comprised of 6-attached dwellings. Said veranda homes will include four (4) one-bedroom units on the first floor and two (2) two-bedroom units on the second floor. The layout of the Cottage Green illustrates the veranda homes as lining the main drive into the complex. As you move outward (north & south) of the main drive, the dwelling styles transition into what are referred to as “Patio Homes”, or duplexes. These patio homes are single story structures comprised of 2 attached dwelling units. Patios homes will be offered in one-bedroom and two-bedroom arrangements. Moving further south and southeast the dwelling styles transition to what are referred to as “Cottages”. The cottages are single story, single-family detached structures and will be the land use closest to the existing single-family residential homes within the Springwood Subdivision. The Cottage Green will provide a range of amenities to the residents which will include community/fitness center, resort-style pool, two covered porches for lounging & grilling, pickleball court, dog park & wash station, open lawn areas, and decorative accent sculptures. The overarching goal of this planned development district is to establish a regional destination which creates a walkable pedestrian-oriented environment connected by a network of pedestrian paths and walking trails. The secondary tract included in this Planned Development request is to serve as off-site detention for the overall development. The applicant is currently working toward establishing a development agreement with the City of Tomball to utilize existing City of Tomball drainage infrastructure to assist in the conveyance of stormwater to this off-site detention facility.

At the time of development further engineering review will be required to confirm whether this detention area is adequate to serve the proposed planned development. Otherwise, additional stormwater detention improvements may be necessary on or adjacent to the *primary tract*.

ANALYSIS

Description: The *primary tract* is comprised of 38.97 acres generally located at the northeast corner of SH 249 and Brown-Hufsmith Road. The secondary tract is comprised of 9.98 acres generally located within the 29700 block (west side) of Quinn Road. The primary tract is located within a mixture of zoning districts to include Commercial (C), General Retail (GR) and Planned Development (PD#1), these zoning designations have been applicable to the site since the City of Tomball adopted zoning in 2008. North of the primary tract is Baker Drive and convenience store and gas station within General Retail (GR) zoning. Additional parcels to the north are zoning Single Family Residential – 9 (SF-9) and contain Tomball Methodist Church. South of the subject property is Brown-Hufsmith Road and vacant land within Commercial (C) zoning and General Retail (GR). There is also Office (O) zoning which is occupied by a professional office building. West of the subject property is State Highway 249 (SH 249). East of the subject property is Single Family Residential -9 (SF-9) zoning and Planed Development District (PD#1) occupied by single family residences and a detention pond respectively.

The *secondary tract* is comprised of 9.98 acres generally located in the 29700 block (west side) of Quinn Road. North and west of the secondary tract are vacant and zoned Planned Development (PD) and Single-Family Residential Estate – 20 (SF-20-E). South of the secondary tract is property zoned Single Family Residential Estate – 20 (SF-20-E) which contains single family residences and vacant land. East of the secondary tract is Single Family Residential – 9 (SF-9) zoning which contains single family residences.

Comprehensive Plan Recommendation: The *primary tract* is designated as “Corridor Commercial” and “Neighborhood Commercial” by the Comprehensive Plan’s Future Land Use Map (FLUM). The Neighborhood Commercial category is intended for commercial uses that are developed with the appropriate context, scale, and design to compliment residential development. This land use category is intended to promote uses that are accessible by both vehicles and pedestrians. Restaurants, retail, professional services, clinics, and offices are appropriate for this category. The Comprehensive Plan recommends zoning categories of Office (O), General Retail (GR), and Planned Development (PD) for this Neighborhood Commercial land use category. The Corridor Commercial land use category is intended for predominantly nonresidential uses along high-traffic and regionally serving thoroughfares. The land uses will be auto oriented with opportunities for improved bicycle/pedestrian accommodations. This land use category is intended for regional commercial, personal service offices, multi-family, retail, and entertainment, dining, hotels, and brew pubs/distilleries. The Comprehensive Plan recommends zoning categories of Office (O), General Retail (GR), Commercial (C), Multi-Family (MF) and Planned Developments (PD).

The *secondary tract* is designated as “Parks and Open Space” land use category by the Future Land Use Map. This category is intended for areas dominated by floodplains, flood control and stormwater facilities, both passive and active recreation areas, and areas of natural interest.

The proposed Planned Development intent of utilizing the *primary tract* for a mixed-use development with General Retail & Multi-Family base zoning and the *secondary tract* for detention purposes is in direct alignment with the goals and objectives of the Future Land Use Plans vision for this area as outlined in the Comprehensive Plan.

Staff Review Comments:

The applicants request to establish a mixed-use development on the *primary tract* with base zoning districts of General Retail (GR) and Multi-Family (MF) is in direct alignment with the goals and objectives outlined in the Comprehensive Plan for the Corridor Commercial and Neighborhood Commercial land use categories that are identified on the Future Land Use Map. The planned use of the *secondary tract* for detention purposes is in conformance with the goal of establishing the Parks and Open Space land use category for this area.

The primary tract is located at the intersection of two major arterial streets (SH 249 & Brown-Hufsmith Road) and also located near the intersection of a collector and major arterial street (Baker Drive & SH 249). Traditional planning considers locations such as this to be routinely appropriate for commercial land uses as they provide convenient access as well as exposure to large volumes of traffic that are found on these roadways. Further, major thoroughfares such as this are considered appropriate to accommodate the traffic which is to be generated by both the commercial and multi-family residential components of this planned development. It is worth noting, that at the time of site plan review it is likely that a Traffic Impact Analysis (TIA) will be required to determine whether additional improvements will be necessary to bounding streets to accommodate the volume of traffic that may result from this development.

This Planned Development promotes many of the goals and objectives found in the Comprehensive Plan which was adopted by the City Council in 2019. The Comprehensive Plan identifies the need to capitalize on mixed use developments that promote recreation and entertainment opportunities for citizens and visitors to Tomball which will leave lasting impressions. The Comprehensive Plan supports the creation of mixed-use developments that will encourage a variety of land uses within a walkable environment while also facilitating development of new neighborhoods which can integrate with the built environment. This provides opportunities for citizens in all stages of life (recent graduates, young families, empty nesters, etc.) to have convenient access between the residential and commercial uses while creating quality, complete, and enduring neighborhoods that will serve Tomball residents long into the future. This planned development establishes a walkable environment between the planned multifamily and commercial components as well as convenient access to these facilities and services to the nearby existing single family residential neighborhoods.

In addition to the endorsement of creating mixed use neighborhoods, the Comprehensive Plan encourages transitional housing. Often traditional non-single family residential housing options are developed on islands with limited supporting amenities and services. However, if developed properly these types of housing options can become effective transitions of land uses between lower intensity single-family detached residential uses and higher intensity nonresidential uses. As the properties near and along SH 249 develop with commercial land uses (to include those promoted by this Planned Development) it is important to consider “stepping down” or “transitioning” land uses as you move further east from SH 249 and the planned commercial uses toward existing single family residential neighborhoods. This Planned Development encourages the goal of establishing a multi-family complex (transitional residential land use) between the planned commercial activity and the existing single-family residential neighborhoods east of the subject property. The multi-family residential component of this Planned Development is relatively low intensity in terms of dwelling units per acre in comparison to those standards which are ordinarily applicable in traditional Multi-Family (MF) Residential Zoning. Further the standards governing the multi-family component are conducive to the adjacent single-family residential land uses. Specifically, by establishing standards governing the height and form of dwelling types as well as incorporating heightened land use buffering standards. This PD ordinance will require that the closest single story - single family patio home dwelling types be a

MINIMUM of 60-feet (as opposed to the approximate 33' setback ordinarily required) from the property boundary separating this planned development from the existing single family residential neighborhood to the east (Springwood Subdivision). This land use buffer will also incorporate an opaque treated wood fence with a minimum height of 6-feet and minimum 10-foot-wide landscape strip. Furthermore, for every 40-linear foot of property boundary separating the planned multi-family and existing single-family subdivision (Springwood Subdivision) ONE (1) large tree (3" in caliper measured 12-inches above ground, 7-feet in height at planting) PLUS THREE (3) small trees (2" caliper) will be planted.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on September 28, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-15.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photos
- E. Planned Development Regulations
- F. Rezoning Application

Exhibit "A"
Aerial Location Map



Location

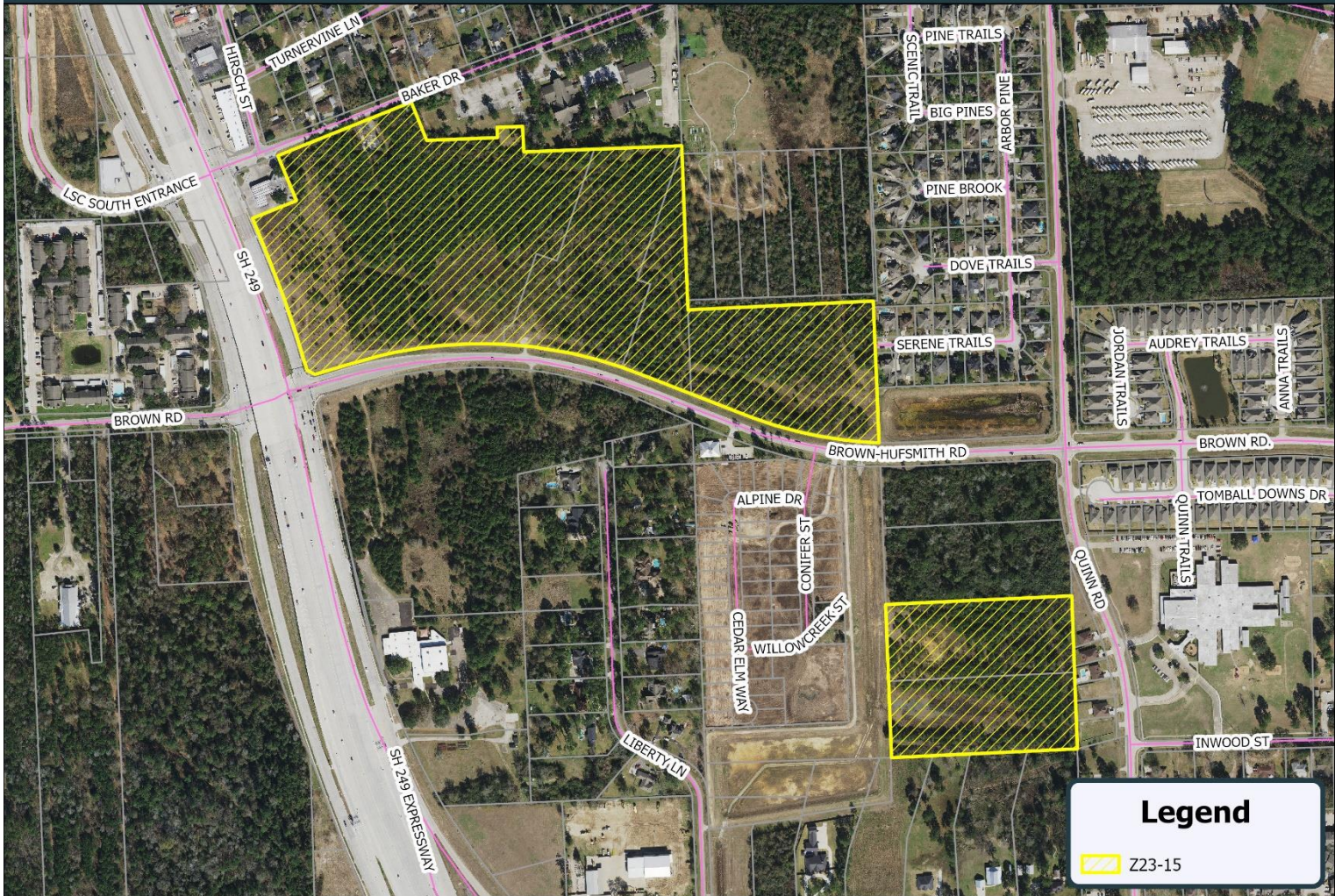


Exhibit "B"
Future Land Use Plan

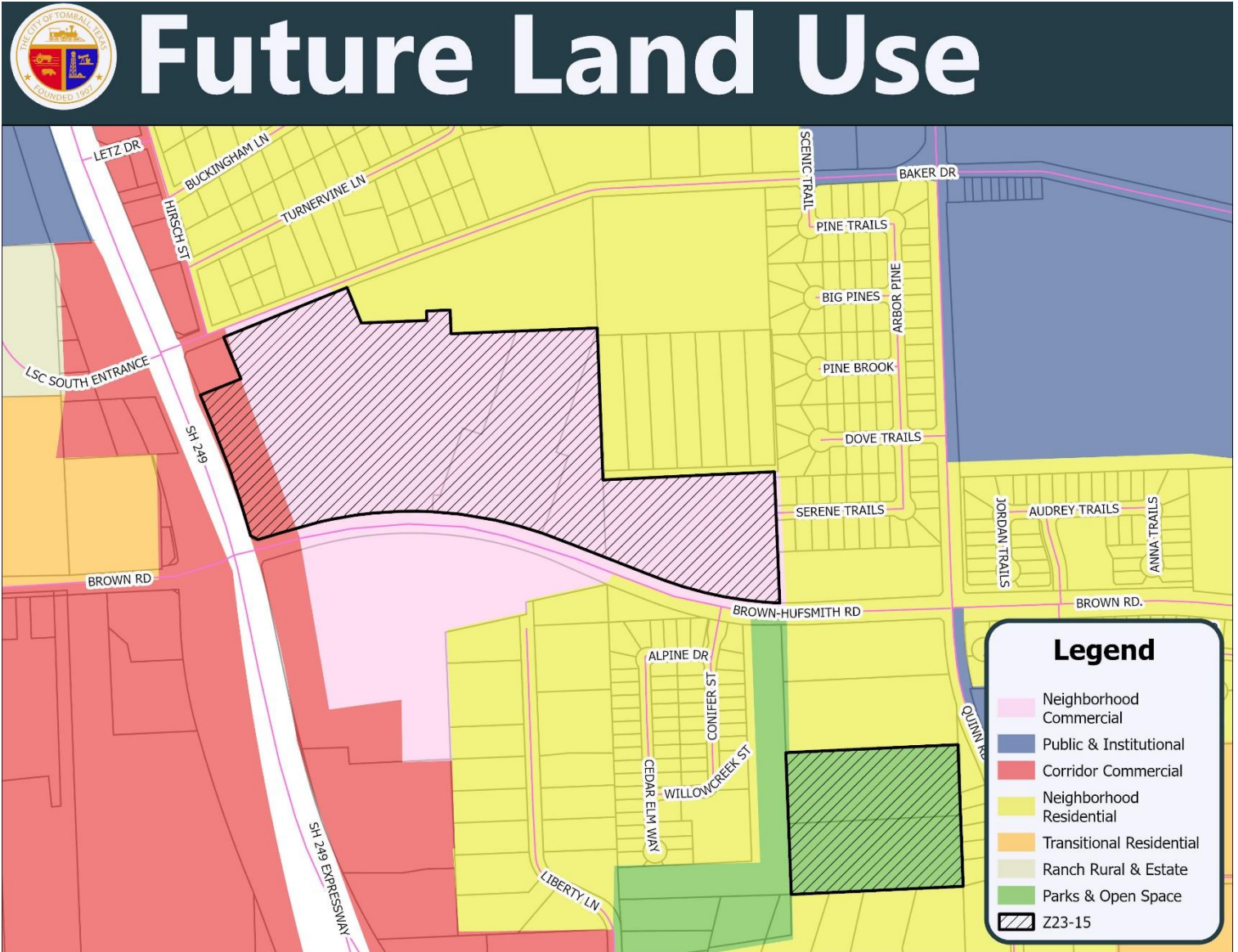


Exhibit "C" Zoning Map

Item F.6

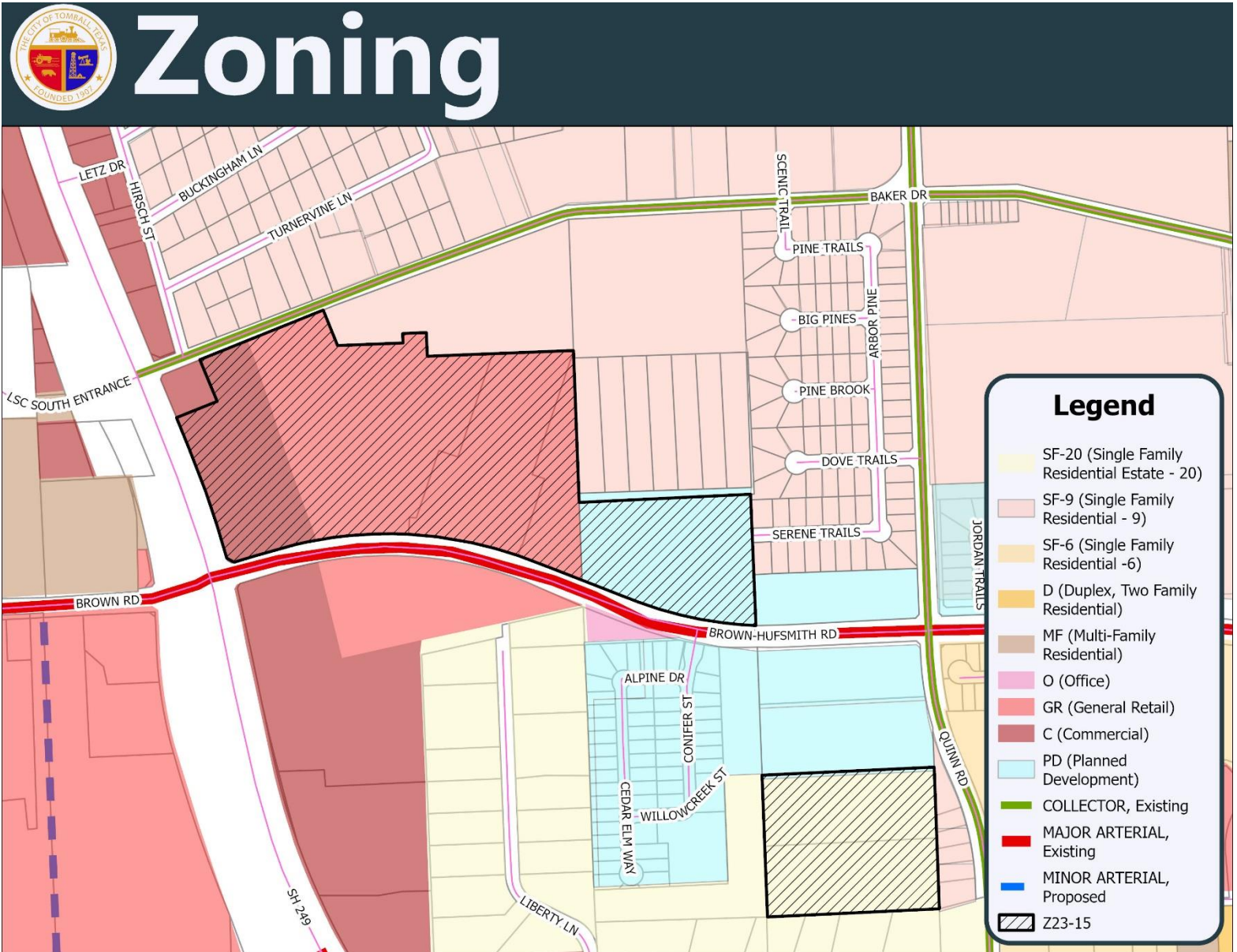


Exhibit "D"
Site Photo(s)

Item F.6

Subject Site (North of Brown-Hufsmith Rd.)



Subject Site (North of Brown-Hufsmith Rd.)



Subject Site (South of Baker Dr.)



Subject Site (secondary tract- detention)– (South of Brown-Hufsmith)



Neighbor (South of Brown-Hufsmith Rd.)



Neighbor (South of Brown-Hufsmith Rd.)



Neighbor (South of Brown-Hufsmith Rd.)



Neighbor (North of Baker Dr.)



Neighbor (South of Baker Dr.)



Neighbor (South of Baker Dr.)



Neighbor (West of Primary Tract)



Neighbor (East of Primary Tract)



Neighbor (East of Primary Tract)



Neighbor (East of Primary Tract)



Neighbor (East of Secondary (detention) Tract)



Exhibit “E”

Rezoning Application

THE COTTAGE GREEN AT TOMBALL – PLANNED DEVELOPMENT THE COTTAGE GREEN (HMF) & THE SHOPPES AT THE COTTAGE GREEN AT TOMBALL NEQ BROWN-HUFSMITH FM249

* The Developer and the City of Tomball are working on a development agreement related to offsite detention/drainage to serve The Cottage Green at Tomball simultaneously with the Planned Development process. As such the approval of both shall be on the same timeline and at no point be considered independent of each other.

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A. Executive Summary

The Cottage Green at Tomball and The Shoppes at The Cottage Green (“The Development”) represent a horizontal multi-family and commercial mixed-use community that aims to add value for all landowners, users, tenants, and the city. This type of development meets several of the goals and objectives in Tomball’s Comprehensive Plan, 2019. Specifically, *Goal 2, Land Use and Development*, lists the following two objectives that precisely points to this Development:

Objective LU 2.3: Promote development that creates complimentary relationships between differing land uses.

Objective LU 2.5: Increase housing choice by allowing for a mix of styles, densities, and price ranges located within appropriate locations.

As for location, the Development is located off Tomball Parkway, between Baker Drive and Brown-Hufsmith Road comprising of approximately 39 acres. There is great regional connectivity but also situated in a manner to create a sense of place and being for residents and patrons. Which is a benefit to this type of mixed-use development integrating commercial uses with complimentary residential options. The Cottage Green and The Shoppes takes its design template from a traditional Southern Vernacular style of architecture with a southern beach vibe. The overall project and intent of this Planned Development provides a coordinated design with enhanced amenities, landscaping, and walkability.

The residential portion, The Cottage Green, is a type of Horizontal Multi-Family (HMF) use. It will encompass approximately 25.43 acres. The density is lower than traditional multi-family offerings as the residential and community uses are dispersed over the site. The Cottage Green will provide no more than 285 dwelling units, on one property, in detached cottages, attached patio homes, and sextuplet buildings. Buildings have front porches close to the driveways, picket fences, walkable, in a quaint environment. Because of the unique nature of HMF in general and The Cottage Green in particular, there is no direct zoning district in the Tomball ordinance to accommodate this development genre.

The Cottage Green will provide a housing option that is not readily available in Tomball. It is the best combination of multi-family and single-family development. The management and maintenance will be handled by one owner like a garden-style multi-family complex; however, residents can have their own yards, dedicated parking, patios, and front porches as a

traditional neighborhood. The upscale amenities, such as a resort-style pool, park, pickleball court, fitness center, and gated entry creates a sense of community for the residents. This is a much better alternative to an apartment complex for those who are downsizing and/or those who are upwardly mobile in their housing choices.

Adjacent to The Cottage Green Tomball is a 13.5+ acre commercial development temporarily named The Shoppes at The Cottage Green. The Shoppes development is made up of two parts:

1. Vehicular-oriented commercial (Pad sites) adjacent to Tomball Parkway/249 Frontage Road.
Standard user driven sites to accommodate most typical conditions such as parking and signage facing the main road. Dumpster in the back fully enclosed.
2. Pedestrian-oriented, small-scale neighborhood boutique commercial.
The boutique commercial development will take architectural clues from The Cottage Green with small scale buildings designed to keep the development intimate instead of big box style. This area is focused on the user experience and connectivity with the overall development. Enhanced landscape and additional amenities will separate this development experience from any other standard shopping experience. Secondary users may be added at later phase to enhance the development facing Baker Street with Vehicular-oriented characteristics.

The purpose of this Planned Development is to coordinate, combine, and share the design theme, as well as, actual development requirements. Open space or green space and pervious coverage areas are an important feature of The Cottage Green and Shoppes. These areas (combined definitions) are planned to be at least 40% for The Cottage Green and 20% for The Shoppes. The Cottage Green provides the park areas, green yards at most units, including the landscaped courtyards between buildings, the landscaped parking lots, and extensive vegetative buffer and streetscape surrounding the perimeter. The Shoppes will have a large green amenity space, enhanced landscape beds, plush streetscape, and a 15-foot landscape buffer separating The Cottage Green. However, as a combined development those pervious coverage areas may fluctuate to create the best overall look and feel for residents and patrons. In addition to ensure adequate pervious coverage is met and/or exceeded throughout, the almost 10 acres offsite adjacent detention may count toward open space calculations. A separate development agreement detailing the offsite detention/drainage serving the entire project is being negotiated with the Developer and City of Tomball simultaneous with this Planned Development. Such agreement shall be on a parallel timeline and considered collectively as neither can be effectively approved without the other. It is the intent that the design and development of Cottage Green at Tomball be linked with the afore mentioned detention/drainage agreement for perpetuity.

B. General Provisions

This application was prepared on behalf of HMF Americana, LLC pursuant to the City of Tomball's ordinances and is intended to meet or exceed the standards of those ordinances. Where there is unique design or deficiencies to the ordinance, this Planned Development and its standards shall override. Developments are constantly evolving due to changing consumer expectations and public regulations. Typically, this evolution reflects changing market and regulatory conditions. Thus, it is important that there exists an overall set of policies and standards to provide a framework to help guide these changes. To protect and enhance property values by controlling the scale, design, and compatibility of development, this Planned Development for new construction has been created. The development of this site intends to be consistent with all standards and exhibits referenced/attached hereto. The words contained within this document shall take precedence over images submitted as part of the zoning application package, including renderings and site plans, which have been provided for illustration purposes.

C. Land Uses

Tomball's Future Land Use Plan has designated this area as *Neighborhood Commercial* with three current zoning districts: Commercial, General Retail, and Planned Development #1-2008. The intent outlined in the Comprehensive Plan for this area is for commercial uses that are developed with the appropriate context, scale, and design to compliment residential development. These areas should be accessible by both vehicles and pedestrians. The Cottage Green and The Shoppes at Cottage Green are squarely consistent with Tomball's land use designation.

The Development will be composed of multiple land uses that may include commercial, retail, office, recreational, horizontal multi-family, etc. The final composition of the allowed land use shall be dictated by market conditions as related to the commercial development, however, The Cottage Green at Tomball shall be developed as submitted. The overall site plan

for The Development illustrates the mix of uses proposed and variety for horizontal multi-family and commercial areas. The commercial and retail uses may incorporate several commercial reserves for the smaller pad sites along Tomball Parkway. The larger pad sites and anchor stores for retail and restaurants will be in the boutique commercial development. Parking requirements ratios shall be based on Urban Land Institute (ULI) allowing flexibility during peak hours for the different uses to share the overall pool of parking.

D. Permitted Uses

Any uses permitted within the Multifamily Residential District (MF) and General Retail District (GR) listed in the City of Tomball Ordinance use regulations charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses permit (CUP) will require additional approval from the planning department. Refer to Tomball Ordinance Section 50-81 for approval process.

1. The Cottage Green (Horizontal Multi-family development)

The City of Tomball's permitted uses, as in most municipal codes, define dwelling units by the number of families housed and whether units are attached or detached. The Cottage Green is a new and innovative concept in land utilization so it does not fit in a single-family category, a two-family category, a multi-family category, or any category in between. The Multifamily Residential District (MF) will be used as the base zoning district for the purpose of development guidelines. However, The Cottage Green's unique design for the type and mix of units on a single lot requires alternative dwelling categories. This Planned Development adds three new dwelling unit types and definitions specific to The Cottage Green.

Cottage means one-family detached dwelling unit in a single-story building. Cottages contain two bedrooms less than 1,000 square feet with a private fenced yard, covered porch, and/or covered patio.

Patio Home means two-family attached dwelling units in a single-story building. Patio Homes are attached at the rear of each unit and include a front yard and/or private porch area. These dwelling units are less than 1,000 square feet with one and two-bedroom options.

Veranda Home or Sixtuplet means six-family attached dwelling units in a two-story building. Veranda Homes includes four, one-bedroom units on the first floor less than 650 square feet and two, two-bedroom units on the second floor approximately 1,200+/- square feet. Each unit has a separate entrance with direct access to the walkways and parking areas. Additionally, all Veranda Homes have private, covered patios, balconies, and/or porches. Veranda Homes is situated along the main driveway of the Development.

2. The Shoppes at The Cottage Green (Commercial Development)

In addition, the following uses will be permitted as-of-right: (intended for vehicular-oriented pad site only)
Eating establishment (with drive-in service)
Automobile wash (self-service)

E. Development Guidelines

Unless otherwise outlined in this document, the City of Tomball Ordinance shall govern regulations and requirements for this property. Any change to this document would necessitate a change to the Planned Development and would require either City Planner and/or Community Development Director approval for minor modifications or Planning & Zoning Commission/City Council approval for major changes.

1. The Cottage Green (Horizontal Multi-family development)

A. Lot Standard and Building Setbacks

- | | |
|---|---|
| 1. Density | Not to exceed 12 dwelling units per Net Acre. Net Acre is defined as the minimum lot area, not including the offsite detention acreage. |
| 2. Minimum Lot Area | 25.43 Acres |
| 3. Minimum front yard | The minimum front yard setback from the property line will be at least 30 feet and situated to the south adjacent to Brown-Hufsmith Road. |
| 4. Minimum side yard | The side yards are the east and west boundaries. The side yard setback adjacent to The Polly Carter Community Garden and Trail's property line will be more than 25 feet from the closest building. The additional side yard setback to the east will be at least 60 feet from the buildings to the boundary property line of the single-family homes in the Springwood Subdivision. The western side yard adjacent to the Shoppes will be 15 feet from the property line and the dwellings units will be at least 50 feet from the property line. |
| 5. Minimum rear yard | Rear yard setback is a minimum of 50 feet from the property line adjacent to Tomball Methodist Church to the north. |
| B. Building Requirements | |
| 1. Height Regulations | One story dwelling units and accessory buildings, including garages and maintenance building, not to exceed 20 feet. Two story dwelling units and community buildings, including clubhouse, mail kiosk, and clock tower, not to exceed 35 feet. |
| 2. Building length | Dwelling units, accessory buildings, and community building not to exceed 200 feet in length. |
| 3. Minimum building separation | One-story buildings, Cottages, are at least 6 feet apart on interior sides and minimum 20 feet from each building rear. The front doors of those facing the landscaped courtyards are at least 25 feet apart. All patio homes are one story. The One-Bedroom patio homes are 10 feet apart and the Two-Bedroom patio homes are 3 feet apart. Where there are 2-bedroom Patio Homes, the separation is approximately 3 feet on one side. Two-story buildings, Veranda Homes, are 9 feet apart on interior side and a minimum 15 feet apart from the one-story buildings. This includes private yards, porch, and sidewalks. The Community building is more than 20 feet from any dwelling building. The rear of Garages are at least 10 feet from dwelling buildings. The four bay Garages are 6 feet apart from each other. All buildings will comply with separation standards of the adopted Fire Code. |
| 4. Minimum floor area per dwelling unit | One-bedroom Patio Homes have a minimum floor area of 650 square feet. One-bedroom Veranda Homes have a minimum floor area of 550 square feet. Two-bedroom Cottages and Patio Homes have a minimum floor area of 900 square feet and 800 square feet, respectively. Two-bedroom Veranda Homes have a minimum floor area of 1,150 square feet. All dwelling units include private outdoor living space within the yard, patio, porch, or balcony, adding at least 100 more square feet. |
| 5. Maximum lot coverage | Maximum lot coverage is 42%, which includes 9.98-acre adjacent offsite detention pond. Impervious coverage not to exceed 50%. |

6. Green space; recreational areas

The minimum greenspace and recreation areas will be 50% of the gross platted area. However, each dwelling unit will have private yards, porches, patios, or balconies for personal use. The Community Building, Pool, Dog Park, Pickleball Court, and People Park more than 10,000 square feet of recreation area. Additional recreation and green space will be provided and accessible to residents at the Shoppes.

C. Streets and Driveways

1. Fire easements accessible

The main driveway into the development is 28 feet wide and will be used as a dedicated fire lane easement. All other internal driveways are at least 24 feet. Final design will designate fire lane easements to ensure all buildings are accessible within 150 feet of a marked fire lane.

2. Internal driveways

All internal driveways will be constructed of concrete with curbs and gutters. The main driveway will be at least 28 feet wide and other driveways will be 24 feet. All driveways will be lighted at night with a minimum intensity of two-foot candles' illumination.

3. Gated/secured entrances

There will be three gated entrances onto the property. The primary entrance will be restricted through the commercial development. The other two are along Brown-Hufsmith Road and will be setback at least 25 feet to allow proper stacking.

4. Entrance

The primary entrance is divided with two minimum ingress lanes of 20 feet and less than a maximum of 45 feet in width. The secondary entrances on Brown-Hufsmith Road are 28 feet wide.

5. Parking Spaces

Parking spaces will not be less than 2 per home built. Enclosed garages, under carports spaces, and spaces near each unit along the driveways, count towards the total parking spaces.

6. Parking Location

The parking areas on the main driveway will be separated by a 5-foot-wide grassy area and a 4- or 5-foot walkway. All other parking areas will have a 2-foot grassy area and 4-foot walkway.

Parking spaces, carports, and garages are at least 10 feet from any building. Additionally, they will be at least 30 feet from the front and rear lot lines.

7. Parking Stalls

90 Degree Stalls: Width 9 feet, Depth 18 feet, Aisle 24 feet, Curb Length 9 feet

45 Degree Stalls: Width 9 feet, Depth 27.6 feet, Aisle 28 feet, Curb Length 12.5 feet

2. The Shoppes at The Cottage Green (Commercial Development)

Varied standards are listed below.

A. Lot standard

- | | |
|------------------------------|--------|
| 1. Minimum lot area (sq ft): | 20,000 |
| 2. Minimum lot width (ft): | 100 |
| 3. Minimum lot depth (ft): | 200 |

B. Building Setbacks (When adjacent to an arterial public street)

1. Minimum front yard setback: 35 feet when adjacent to an arterial street, Brown-Hufsmith Road.
2. Minimum side street setback: 25 feet when adjacent to an arterial street, State Highway 249.
3. Minimum side yard setback: 15 feet adjacent to residential to the east which includes appropriate buffer.
4. Minimum rear yard setback: 15 feet adjacent to Baker Road.

C. Building Requirements

1. Building height: 50 feet
2. Building floor area, maximum: 1:1 FAR
3. Building lot coverage, maximum: 50%
4. Impervious (surface lot) coverage, maximum: 80%
5. Outside storage lot coverage, maximum (sf): 5%

F. Landscape Standards

A landscape plan will be created and submitted separately with full construction plans. The development will meet or exceed all City of Tomball landscape standards. Both sets of landscape plans will include the following:

- The scale shown in both written and graphic form.
- Location, size, and species of all trees to be preserved (do not use tree stamps unless they indicate true size and location of trees).
- Where credited trees are proposed, a plan indicating how these existing trees will be protected from damage during construction.
- Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- Species and common names of all plant materials to be used.
- Size of all plant material to be used (container size, planted height, etc.).
- Spacing of plant material where appropriate.
- North arrow/symbol and a small map showing where the property is located.
- Date of the landscape plan.

1. The Cottage Green (Horizontal Multi-family development)

- a. Landscape area minimum (sq ft) At least 10% of the area will not be covered by buildings and will be landscaped. There will be a total of 171 trees 2" minimum size throughout.
- b. Street side landscape buffer The landscape buffer adjacent to Brown-Hufsmith Road will be at least 10 feet wide.
- c. Front yard At least 15 percent of the front yard, Brown-Hufsmith Road, shall be permanently landscaped area.
- d. Street trees, minimum One large tree shall be required per 40 linear feet (or portion thereof) of street frontage. Large trees shall be a minimum of

three inches in caliper measured 12 inches above the ground, and shall be a minimum of seven feet in height at time of planting. Three smaller trees at 2" caliper will be planted and grouped in between the larger trees to create a natural, aesthetically pleasing arrangement.

2. The Shoppes at The Cottage Green (Commercial Development)

- | | |
|--|--|
| a. Green space / recreational areas: | <p><i>Vehicular-oriented commercial</i> - Enhanced landscape beds (plants, shrubs, groundcover, etc.) will be required where required trees are located. 10% of gross platted area shall be open green space and common recreational area.</p> <p><i>Pedestrian-oriented commercial</i> - Match requirements from Vehicular-oriented commercial. Additional amenities are required such as courtyard, lawn, trails, shade structure and outdoor furniture.</p> |
| b. Landscape area minimum (sq ft): | <ul style="list-style-type: none"> - Sites up to 20,000 sq ft = 5%. - Sites of 20,000 sq ft to 200,000 = 7.5%. - Sites over 200,000 sq ft = 10% of area NOT covered by building or structure. |
| c. Street side landscape buffer: | <ul style="list-style-type: none"> - 15-foot-wide along (SH 249) - All boulevard entrances and other site entrances from SH 249, Baker Dr and Brown-Hufsmith Rd must be furnished with a minimum 5-foot-wide landscape strip and provide one large street tree every 40-linear foot of street frontage. |
| d. Street trees, minimum: | One large tree and three small trees for every 40-linear foot of street frontage. Three smaller trees at 2" caliper will be planted and grouped in between the larger trees to create a natural, aesthetically pleasing arrangement. |
| e. Tree requirements, minimum (in addition to required street trees) | <p>Sites less than 3,000 sqft = 3</p> <p>Sites of 3,001 to 7,000 sqft = 4</p> <p>Sites of 7,001 to 10,000 sqft = 5</p> <p>Sites of 10,001 to 20,000 sqft = 6</p> <p>Sites of 20,001 to 30,000 sqft = 7</p> <p>Sites of 30,001 to 40,000 sqft = 8</p> <p>Sites over 40,000 sqft = per 20,000 sqft = 3</p> |
| f. Parking lot trees, minimum: | One tree shall be planted in the parking area for every (10) parking spaces, for parking lots with more than 20 spaces. Enhanced landscape beds (plants, shrubs, groundcover, etc.) will be required where trees are located. |
| g. Within 15' commercial/multifamily buffer | Enhanced landscaping and iron fencing to be included at vehicular/pedestrian entry of multifamily to promote cohesive |

theme of overall development. One large tree shall be required per 40 linear feet (or portion thereof) within the buffer. Large trees shall be a minimum of three inches in caliper measured 12 inches above the ground, and shall be a minimum of seven feet in height at time of planting. Three smaller trees at 2" caliper will be planted and grouped in between the larger trees to create a natural, aesthetically pleasing arrangement.

G. Parking Lot Landscaping

A landscape plan will be created and submitted separately with full construction plans to include parking lot landscaping. The development will meet or exceed all City of Tomball landscape standards.

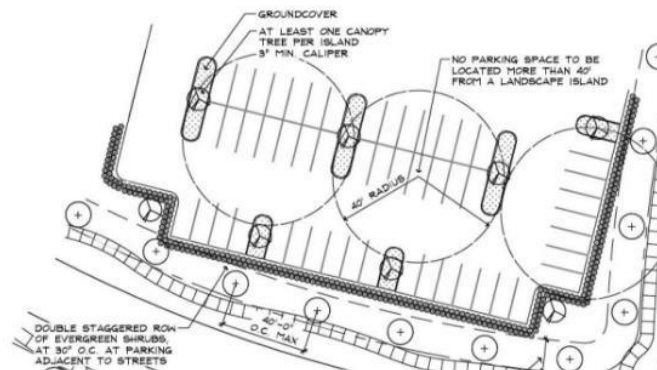
1. The Cottage Green (Horizontal Multi-family development)

A two-foot pervious area will be adjacent to all parking areas between the pedestrian walks and parking stalls. There will also be landscaped islands throughout, especially on either side of the garage and carport bays.

2. The Shoppes at The Cottage Green (Commercial Development)

Parking areas for pad sites must be connected to parking areas of adjacent parcels and structures with a connecting driveway. A continuous double hedge row of shrubs planted with triangular spacing along the parking lot boundary adjacent to a street (major throughfare, throughfare, boulevard entrance, etc.) is required. The shrubs shall be a minimum of five (5) gallon size of thirty-six (36") in height, planted thirty inches (30") on center and maintained at a uniform height of forty-two inches (42").

At areas where monument signage may be installed a temporary interruption in continuity (up to 20') may be warranted for signage visibility. One nine by nineteen-foot (9'x19') landscape island is required for every ten (10) parking spaces. Landscape Island may include a 6" perimeter concrete curb within the required 9'x19' area. Each island shall contain a minimum of one (1) three-inch (3") caliper canopy tree with the remaining planted area consisting of a low shrub or groundcover. An 18" strip of gravel contained by steel edging shall be located directly adjacent to any length of parking stall. No sod or hydromulch shall be permitted within the island extents. Each island corner shall consist of a three-foot



(3') radius along the driving isle. Each bay of parking must be separated from the end drive aisles by a landscape island consisting of the required parking lot island landscaping. A typical parking lot planting scenario can be found below:

Parking lot landscape exhibit

H. Buffering / Fencing

1. The Cottage Green (Horizontal Multi-family development)

- | | |
|--|--|
| a. Buffer between Multi-Family and Single-Family | Opaque screen will be erected adjacent to the single-family homes in the Springwood neighborhood. Such screening will include a treated wood fence no less than six feet in height. All buildings are at least 60 feet from the boundary property line of the Springwood neighborhood. Additionally, a 10-foot buffer of landscaping will be added. Such buffer will include one large tree per 40 linear feet (or portion thereof). Large trees shall be a minimum of three inches in caliper measured 12 inches above the ground, and shall be a minimum of seven feet in height at time of planting. Three smaller trees at 2" caliper will be planted and grouped in between the larger trees. |
| b. Materials | All opaque screening along the northern property lines adjacent to the Tomball Methodist Church and Polly Carter Community Garden will be treated wood fencing no less than six feet in height. |
| c. Refuse Area | Three sides will be constructed of a six-foot masonry wall and include an opaque metal gate on the fourth side. |
| d. Buffer between Commercial and Residential | The landscaped buffer of 15 feet wide will be provided on the adjacent commercial development to the west. Within the side yard, a combination of iron fencing, garages, and landscaping will be placed along the residential property line. See landscape standards above for details. |

2. The Shoppes at The Cottage Green (Commercial Development)

- | | |
|---|--|
| a. Buffer between Commercial and Multi-Family | Where commercial is adjacent to the Cottage Green multifamily, a 15-foot landscape buffer is required to be installed incorporating non-opaque screening, such as wrought iron or metal fencing. One large tree shall be required per 40 linear feet (or portion thereof) within the buffer. Large trees shall be a minimum of three inches in caliper measured 12 inches above the ground, and shall be a minimum of seven feet in height at time of planting. Three smaller trees at 2" caliper will be planted and grouped in between the larger trees. Tree species will vary, including Oak, Pine, and low shrubs to gain vertical screening. |
| b. Materials | All other fencing material may be treated wood, masonry, reinforced concrete, or similar suitable materials without openings, unless in special areas where visibility is encouraged. |
| c. Refuse Area | All refuse containers must be screened on three sides by a minimum 6-foot solid masonry wall and include an opaque metal gate. |

I. Sidewalks

This Planned Development anticipates pedestrian paths to enhance movement and access for residents and patrons in both the residential and commercial areas. Residents will have convenient access to the commercial development but connectivity will be restricted from the commercial to the residential by secured, gated entrances. The overall development is designed to promote walkability.

1. The Cottage Green (Horizontal Multi-family development)

- a. Walkways Five-foot sidewalks along the main driveway adjacent to the Community Building and Sixtuplet Buildings.
Four-foot sidewalks throughout connecting to separate walkways at each dwelling unit/building.
- b. Parking Areas Four-foot-wide sidewalk connects the parking areas to separate walkways for each dwelling unit.
- c. Materials All sidewalks shall be paved with concrete.

2. The Shoppes at The Cottage Green (Commercial Development)

Sidewalks:

- a. Minimum 5-foot-wide sidewalks shall be provided along all commercial frontage/access points for both mixed-use & pad sites.
- b. Minimum 5-foot-wide primary pedestrian sidewalk to be included as primary pedestrian connection linking commercial pads sites & commercial mixed-use components. This primary pedestrian sidewalk to connect/integrate with primary entry/connection to multifamily component. This primary pedestrian sidewalk to connect/integrate with required SH249 & Brown-Hufsmith Road sidewalks.
- c. All sidewalks shall be paved with concrete for primary connections.

Connectivity:

- a. All commercial and multi-family components must be interconnected with the overall site.
- b. All building entries to be accessible via pedestrian pathways via public roads (SH249, Bakers Dr & Brown-Hufsmith Rd) or as required by the City of Tomball Ordinances.
- c. Crosswalk striping to be provided at all pedestrian crossings of internal/private drives for enhanced safety. Crosswalk striping to be provided at public ROW sidewalk crossings (along SH249 & Brown-Hufsmith Rd).

Materials

- a. Sidewalk material will be limited to one of the following: concrete, concrete pavers, integrally-colored concrete, or stamped concrete.

J. Signage

Detailed plans and specifications of any sign must be submitted for review prior to installation. The sign designs are subject to review and approval by the Developer to ensure consistency with the overall development theme. All signs must be fabricated and installed in compliance with all applicable City of Tomball ordinances as well as the following additional site-specific standards:

- a. Pole signage to be prohibited within the full Cottage Green Development.
- b. Monument signage base material to be masonry. Finishes above base must be of high-quality finishes that are complimentary with the architectural style/finishes prevalent within the overall development. Finishes may include masonry, wood siding (treated), fiber cement siding, & flat metal paneling. The following materials are prohibited: industrial/corrugated metal, untreated wood.
- c. Monument signs are to be located minimum 10' from property lines facing any public ROW
- d. Monument signs may encroach or partially encroach public utility easements if particular utility easements allow such improvements within.
- e. Monument signs may encroach into ROW landscape setbacks and may interrupt required landscaping improvements for no more than 40' of frontage length.

1. The Cottage Green (Horizontal Multi-family development)

The Cottage Green will have one masonry monument sign at the main entrance within the side yard adjacent to the commercial development. Another masonry monument sign will be at the entrance along Brown-Hufsmith Road leading into the rear of the commercial development. This sign and driveway entrance will give residents direct access to the

gated residential development. All buildings shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

2. The Shoppes at The Cottage Green (Commercial Development)

Additional commercial standards include:

- a. Dual-tenant / pad-site monument signage height to be limited to 12' & maximum area limited to 250'.
- b. Multi-tenant / mixed-use monument signage height to be limited to 18' & maximum area limited to 300'.
- c. Individual pad site signage prohibited along SH249. Dual-tenant monument signage required for every 2 adjacent pad sites.
- d. (1) multi-tenant monument sign allowed along SH249 frontage for mixed-use (non-pad) commercial user representation.
- e. (1) multi-tenant monument sign allowed along Brown-Hufsmith Rd frontage for mixed-use (non-pad) commercial user representation.
- f. Additional internal multi-tenant way-finding signage allowed within mixed-use component.

Where guidelines above conflict with City of Tomball regulations, the city code will govern. In general, it is prohibited to use signage which by its location, size, shape, color, lighting, subject or sound, may be harmful to the appearance of the locality, public street, site, view, or constitute a threat to road traffic. Specifically prohibited signs include rotating, trailer, animated, oscillating, iridescent or dayglo painted signs, signs which make noise, incandescent or fluorescent illuminated signs, and laser lights. Also prohibited are "canned" signs constructed of a light box frame with a single panel backlit sign which includes the logo and sign copy applied to the building surface. Other prohibited signs include changeable message banners, flags, and single-pole signages. Pylon signs, must have 2 poles and be architecturally cohesive with the Planned Development architecture style. Balloons, streamers, pennants, bunting, search lights, signs with exposed or flashing lights, signs with moveable parts, or any other such fixtures are deemed to be inconsistent with the intent of this Planned Development and prohibited. The use of exposed neon is discouraged and not acceptable in most cases subject to Developer approval.

For building mounted signs, Tenants shall design as an integral element of the storefront design, with letter form size and location appropriately scaled and proportioned to the overall storefront design. All Tenant sign designs must be submitted and subject to approval by the Developer.

One building identifier will be permitted for each Tenant having an exterior public entrance. The maximum span of the Tenant's sign shall not exceed 75% of the store frontage width. Tenants with 5,000 square feet or less may have building signage not to exceed a maximum of 36" in height and tenants in a lease space greater than 5,000 feet may have signage up to 48" tall. For spaces larger than 10,000 square feet, the signs must be an integral part of the store front design, with letter size and location appropriately scaled and proportioned to the overall store front design. The information on the sign will consist of the name of the Tenant in a typeface of their choice. The use of pictorial logos or symbols may be considered for nationally recognized tenant's trademarked logos. The message will typically appear as one horizontal line of copy. Two lines are allowed if the tenant's name will not fit on one line.

All sign designs are subject to review and approval by the Developer.

K. Architectural Criteria

The overall development style mimics a traditional southern vernacular style of architecture with a beach town vibe. These recommendations and standards are meant to foster a sense of design continuity that creates a sense of place in the master planned mixed-use land development. The building façade finishes and materials should include:

- a. Usage of coastal / southern classical materials and finishes are encouraged, including wood siding, fiber cement siding, board and batten, etc. the usage of raw materials and finishes are discouraged (exposed steel (painted), architectural steel, metal cladding, aluminum, composite aluminum panels, corten steel, decorative CMU (Concrete Masonry Unit) blocks, brick masonry, concrete (raw, board-formed, or form-liner concrete)).
- b. A consistent palette of materials appropriate to the regional context should be employed for exterior materials. A

12

- range of natural earth tones is recommended, with coastal accent colors utilized as a secondary application.
- c. Accent colors and/or painted graphics/art (only as minimal & part of a signage) may be permitted when deemed to add value to overall project and community aesthetic.
- d. Prior to plan submittal, ALL building elevation/material plans will be subject to final review/approval by the developer and/or representative authorized to act on behalf of the developer in accordance with applicable restrictions.

1. The Cottage Green (Horizontal Multi-family development)

The multifamily architectural design style must be compatible with the design intent for the overall project.

2. The Shoppes at The Cottage Green (Commercial Development)

The following Architectural Criteria is intended to make the building designer aware of the architectural context, not to inhibit or limit unique design. The building façade criteria and features should include:

- a. Building facades shall include offsets, changes in building materials, colors, textures, and architectural detailing that creates shade and cast shadows.
- b. Facades greater than 100 feet in length shall incorporate offsets having a minimum depth of at least 2 feet and extending at least 20% of the length of the façade. No uninterrupted length of a façade shall exceed 100 feet. This Regulation applies to all building facades within the PD except for the building rear façade.
- c. Canopies, arcades, or recessed entries shall be provided at pedestrian entrances to the building. Canopies and arcades shall be structural extensions of the building and cover a ground area of at least 20 feet. A recessed entry shall be at least 20 square feet in size.
- d. The front façade of the multi-tenant retail building facing SH 249 and facing Brown-Hufsmith shall be at least 60% transparent by means of storefronts, entrances, and display windows.
- e. Facades of all buildings within the PD shall be of similar architectural design, colors, and materials.
- f. The developer or city planner may approve alternative canopy or façade treatments not specified herein if equal or better than a specified requirement in quality, durability, and appearance and the use thereof will not violate any provision of this article.
- g. Columns should be simple in form and are encouraged to incorporate a traditional Southern Vernacular style of architecture.
- h. All rooftop equipment shall be screened so as not to be visible from the finished elevation of the parking area and common amenity space.

The photos provided below are examples for massing, scale, proportion, and building materials to aid in understanding the intended community style. The following photos reflect the broad architectural style meant to be expressed and not one single image captures the exact look.

Multi-tenant retail & Pad retail – style inspiration



L. Lighting

This Planned Development provides recommendations for a coordinated family of site lighting and materials for use in open areas. Parking lot lighting must be designed in an attempt to maximize pedestrian and vehicular safety and in accordance with Illuminating Engineering Society of North America (IESNA) recommended standards. Additionally, parking lighting should be shielded with sharp cut-off in order to promote "dark sky" concepts and limit intrusion into adjacent properties and on a house meter. Photometric calculations and drawing documentation are required for each project assuring minimal light trespass into or onto adjacent properties and the sky-dome. All light fixtures must be LED or low-energy / high efficiency and be submitted with cut sheets for developer approval.

Parking Lot Lights:

Color – Black or dark bronze, complimenting metal trims selections in development. Pole Height – ±25'

Base – ±3' tall concrete base.

Additional lighting specifications must be provided per photometric study and site-specific design needs.

M. Amenities

The amenities in the Planned Development intends to create a sense of place and comfort for the residents, patrons, and business owners. Additionally, the well-appointed amenities will add overall value to the City of Tomball.

1. The Cottage Green (Horizontal Multi-family development)

Specific common area amenities within the development will exceed 11,000 square feet. Those items and other amenities that are useful and desirable to residents include the following:

- a. Community Building to house a leasing office, conference room, and public kitchen areas
- b. Fitness center with state-of-the-art equipment
- c. Resort-style pool
- d. Two covered porch areas for lounging, grilling, and a fire pit
- e. Mail kiosk
- f. Pickleball Court
- g. Bark Park with Wash Station
- h. Open lawn area
- i. Decorative accent sculptures
- j. Separate maintenance building
- k. On-site management

For the comfort and convenience of the tenant, every unit has well-appointed amenities including the following:

- a. Private, fenced yards and/or covered porch and patio areas
- b. Lawn maintenance
- c. Nine-foot ceilings with ceiling fans
- d. Energy-efficient and stainless-steel appliances
- e. Faux wood and carpet flooring
- f. In unit clothes washer and dryers
- g. Quartz countertops
- h. Large closets

2. The Shoppes at The Cottage Green (Commercial Development)

The following amenities are required within the *Vehicular-oriented commercial development*:

- a. Pedestrian pathways / trails constructed of concrete or pavers (minimum of 5 feet in width) connecting the different developments to each other.
- b. Enhanced landscape beds (plants, shrubs, groundcover, etc.) will be required where required trees are located. 10% of gross platted area shall be open green space and common recreational area.

The following amenities are required within the *Pedestrian-oriented commercial development*:

- a. Pedestrian pathways / trails constructed of concrete or pavers (minimum of 5 feet in width) connecting the different developments to each other.
- b. Enhanced landscape beds (plants, shrubs, groundcover, etc.) will be required where required trees are located. 10% of gross platted area shall be open green space and common recreational area.
- c. Shade structures (minimum 1), along pedestrian pathways or courtyard.
- d. Public plaza / courtyard, composed of architectural concrete or pavers. The courtyard to be partially surrounded by restaurants patio areas.
- e. Lawn, a minimum of 30% (thirty) percent of the designated public plaza / courtyard area.
- f. Furniture, such as benches and / or low masonry seating walls.
- g. Architectural tower / landmark minimum of 30' (thirty) feet of height to visually attract the users to the amenities and shopping experience.

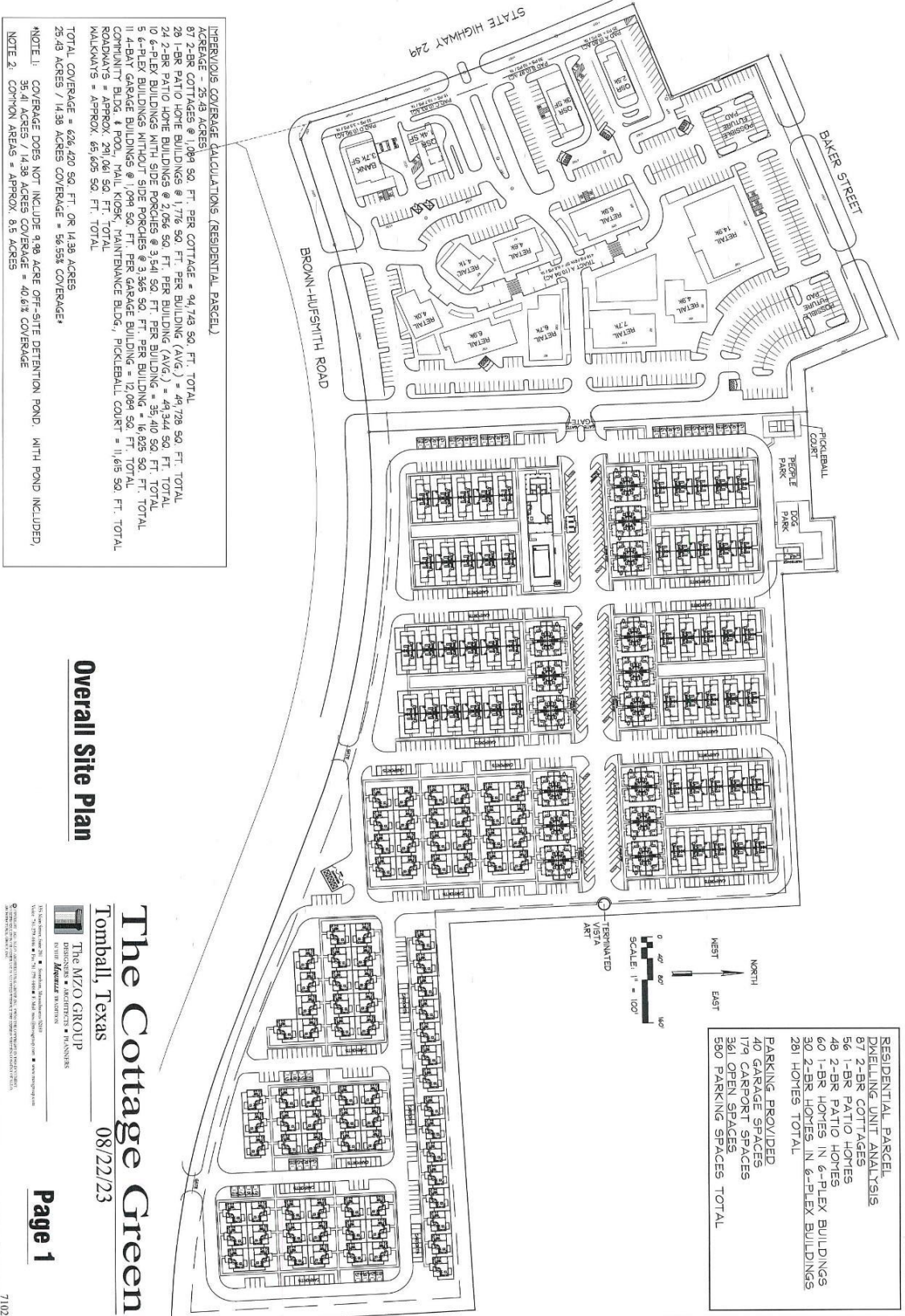
N. Minor Modifications

The following minor modifications of the Planned Development are allowed provided that such modifications shall be reviewed for compliance with the applicable City of Tomball Ordinances, and this will be approved by the City Planner or Community Development Director.

1. The Cottage Green (Horizontal Multi-family development)
 - a. Modifications to dwelling unit offerings between Cottages, Patio Homes, and Veranda Homes.
 - b. Minor adjustment to dwelling unit square footage provided the minimum square footage is consistent with the PD.
 - c. Modifications to the number and location of each dwelling unit provided all are maintained on the residential parcel and do not exceed the density established in the PD.
 - d. Modification of the type and location of parking spaces provided the total number of spaces are maintained.
 - e. Modifications to the exact ingress/egress points as may be required by an engineering review, Traffic Impact Analysis, or City of Tomball code.
2. The Shoppes at The Cottage Green (Commercial Development)
 - a. Modifications to internal driveway patterns.
 - b. Modifications to the location of land use provide that such relocations meet the minimum area and land use regulations set forth within this document.
 - c. Modifications to lot sizes / property line locations, provided that such lots shall meet the minimum area regulations set forth in this document.
 - d. Modifications to the total acreage provided for each land use as set for in the site exhibit area allowed. If needed, signage location can be revised following the standard from this document.
 - e. Central Courtyard patio area shows a general intent to enhance the pedestrian & restaurant/retail customer experience with programmed amenities to further engage the commercial development with place-making, interactive/engaging amenity elements. Within that broad goal, the specific concept design may evolve & change from what is currently included in this document with something greater or equal in quality.

O. Exhibits

Includes all site plans, renderings, and photographic package.



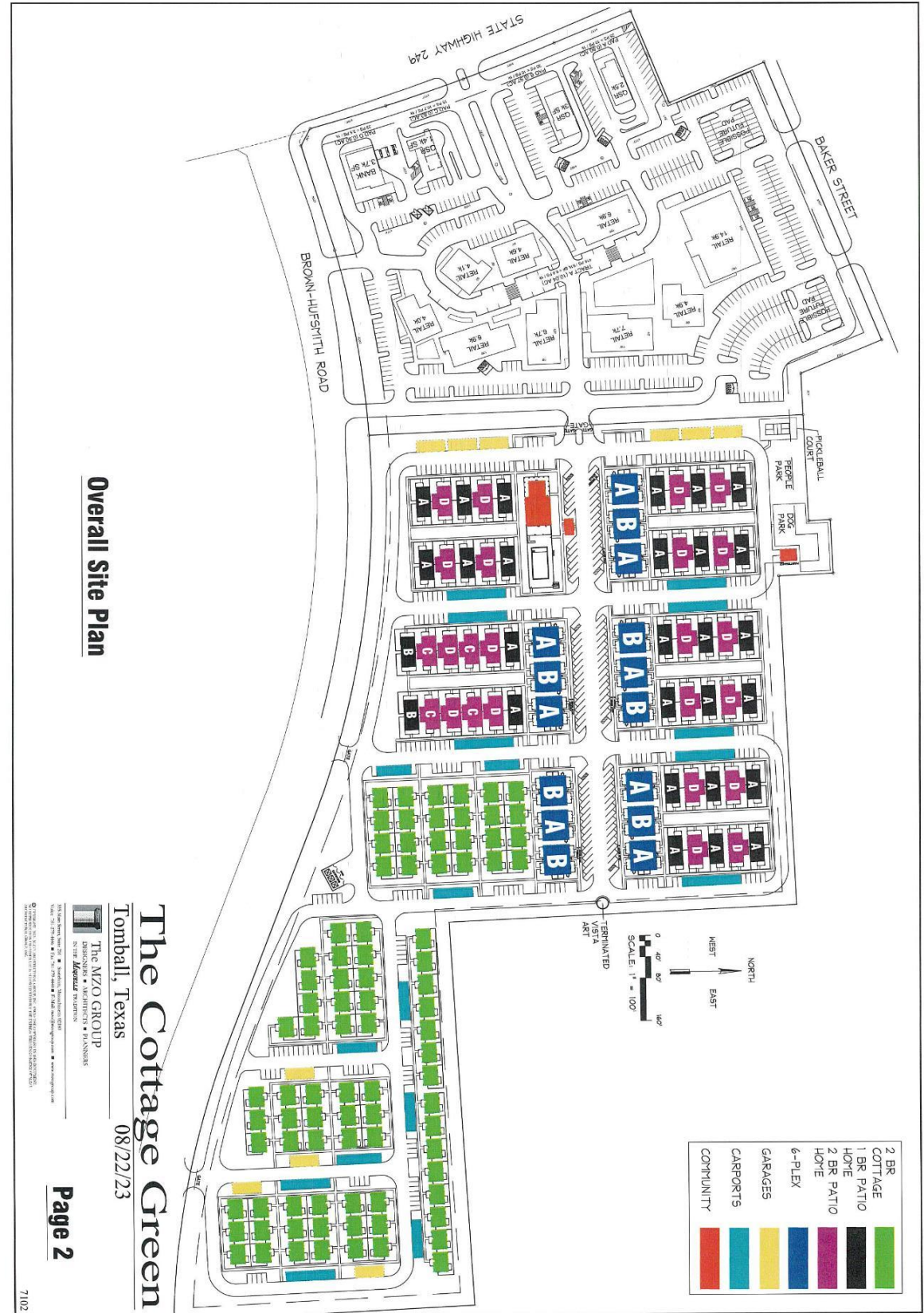


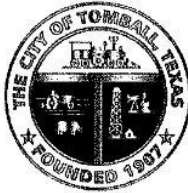






Exhibit "F"

Rezoning Application



Revised: 10/1/2022

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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 project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tomballdd
PASSWORD: Tomball1

Applicant

Name: HMF-AMERICANA, LLC Title: _____
Mailing Address: PO BOX 7862 City: THE WOODLANDS State: TX
Zip: 77387 Contact: TIM CRAWFORD
Phone: (281) 210-7768 Email: tim@palmettobuilt.com

Owner

Name: Par Real Estate Holdings, LLC Title: _____
Mailing Address: 1330 Lake Robbins Dr. City: The Woodlands State: TX
Zip: 77380 Contact: Tim Crawford, agent
Phone: (281) 210-7768 Email: tim@palmettobuilt.com

Engineer/Surveyor (if applicable)

Name: Talon Engineering Title: Engineer
Mailing Address: 16225 Park Ten Place, Suite 500 City: Houston State: TX
Zip: 77084 Contact: Scott Greer
Phone: (713) 816-4156 Fax: () Email: scott@taloncivil.com

Description of Proposed Project: Mixed Use Development

Physical Location of Property: 0 Brown Rd, Tomball 77375

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

TR1 BLK1 The Shoppes at Spring Creek Commons Sec 1, Lots 253 BLK 1 The Shoppes at Spring Creek Commons Sec 1 and 10 AC consisting of TR 17D-1 ABST 34 J House, TR 17D ABST 34 J House

Legal Description of Property: _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
Current Zoning District: general retail

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 10/1/2022

Current Use of Property: vacantProposed Zoning District: planned developmentProposed Use of Property: mixed useHCAD Identification Number: 0402700010172 Acreage: 41+

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.

<p><u>X</u></p> <p>Signature of Applicant</p>	<p><u>8/28/23</u></p> <p>Date</p>
<p><u>X</u></p> <p>Signature of Owner <u>Agent</u></p>	<p><u>8/28/23</u></p> <p>Date</p>

Letter Of Authorization/Agency

This Letter of Authorization is signed by PAR R/E HOLCOMB, the Owner of approximately 31 acres of land in Harris County, Texas also identified as HCAD Parcel Number 04027000101727 (the "Property"), and this is the same land which is the subject matter for a re-Zoning application with the City of Tomball.
AND OTHERS

The Owner designates Tim Crawford, Manager of HMF Americana, LLC, as the Owner's Agent for the purposes of submitting and pursuing the approval of rezoning of the Property. The City of Tomball may rely on this document and communicate with Mr. Crawford directly for such purposes.

Hugh Callender
HUGH CALLENDER - MANAGER

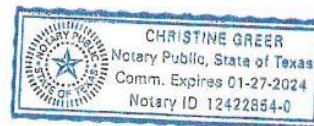
State Of Texas

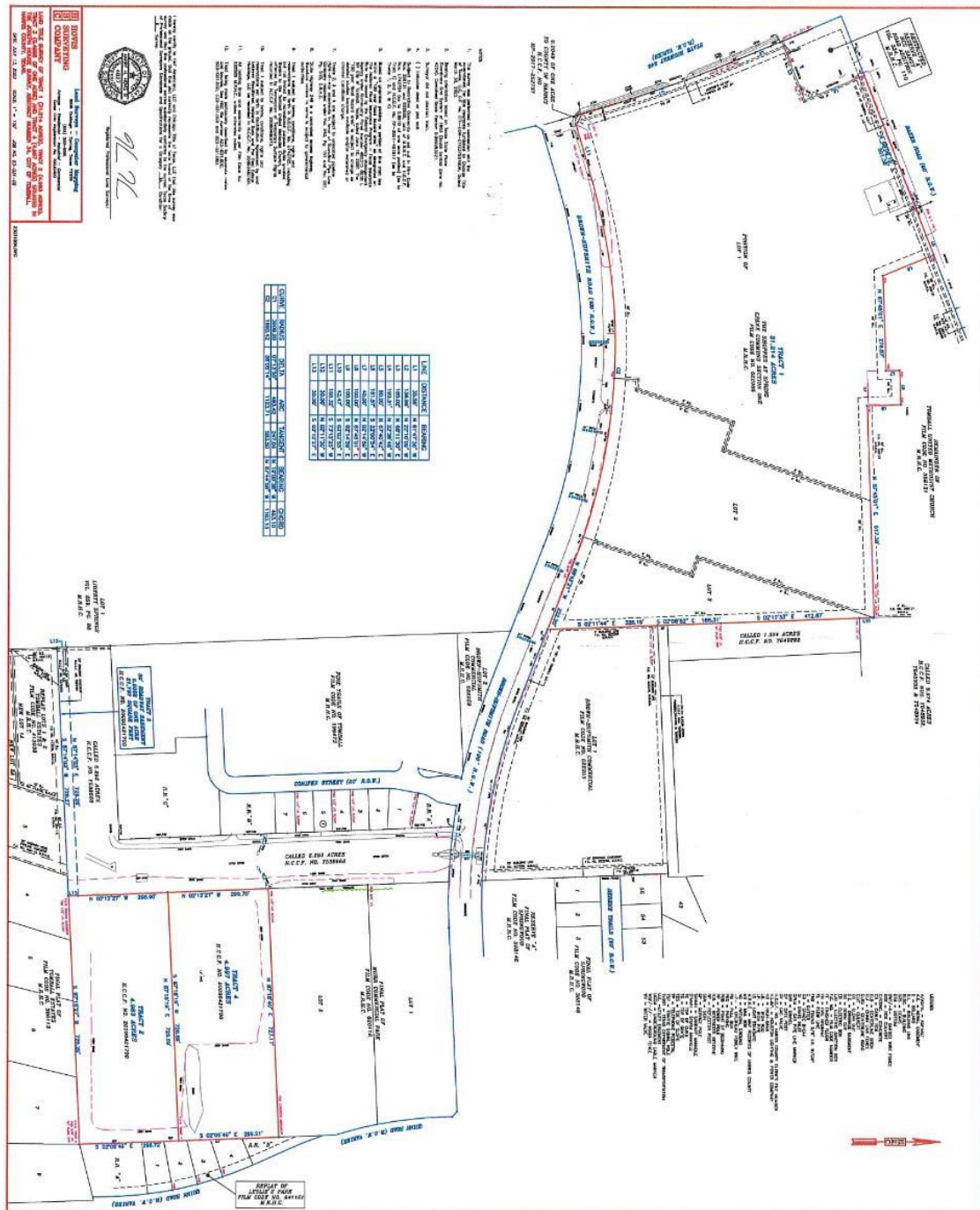
County Of Harris

This Letter of Authorization/Agency is signed on April 21 2023 by Hugh Callender

Christine Greer

Notary Public, State of Texas





DESCRIPTION
TRACT 1

31.214 acres of land situated in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas, being a portion of that certain Lot 1 and all of those certain Lots 2 and 3 of The Shoppes at Spring Creek Commons Section One, a subdivision as shown on map or plat recorded under Film Code Number 622085 of the Map Records of Harris County, Texas, said 31.214 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap found for the Southeasterly end of a cut-back line between the Northerly right-of-way line of Brown-Hufsmith Road (100 foot right-of-way) and the Easterly right-of-way line of State Highway 249 (right-of-way width varies), for the Southeasterly corner of that certain called 0.0049 of one acre of land conveyed to County of Harris as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2017-252737;

Thence, N 61°47'36" W, along said cut-back line and along the Northeasterly line of said 0.0049 acre tract, a distance of 35.56 feet to an "X" in concrete set for the Northwesterly end of said cut-back line;

Thence, in a Northwesterly direction, along the Easterly right-of-way line of said State Highway 249, with a curve to the left, having a central angle of 07°13'55", a radius of 3909.20 feet, an arc length of 493.42 feet, a chord bearing of N 19°00'38" W and a chord distance of 493.10 feet to a 1/2 inch iron rod with cap found for a point of non-tangency;

Thence, N 22°10'09" W, continuing along the Easterly right-of-way line of said State Highway 249, a distance of 136.96 feet to a 1/2 inch iron rod with cap found for the Southwesterly corner of that certain Restricted Reserve "A" of NCS Sandy Road Addition, a subdivision as shown on map or plat recorded under Volume 334, Page 110 of the Map Records of Harris County, Texas;

Thence, N 68°11'30" E, along the Southerly line of said Restricted Reserve "A" of NCS Sandy Road Addition, a distance of 185.02 feet to a 1 inch iron pipe found for the Southeasterly corner of said Restricted Reserve "A" of NCS Sandy Road Addition;

Thence, N 22°38'48" W, along the Easterly line of said Restricted Reserve "A" of NCS Sandy Road Addition, a distance of 190.31 feet to a 1/2 inch iron rod with cap found in the Southerly right-of-way line of Baker Road (60 foot right-of-way), for the Northeasterly corner of said Restricted Reserve "A" of NCS Sandy Road Addition;

Thence, N 68°08'15" E, along the Southerly right-of-way line of said Baker Road, a distance of 501.38 feet to a 3/4 inch iron rod found for an angle point;

Thence, N 67°40'42" E, continuing along the Southerly right-of-way line of said Baker Road, a distance of 60.00 feet to a 5/8 inch iron rod with cap found for corner;

Thence, S 22°00'54" E, a distance of 161.57 feet to a 5/8 inch iron rod with cap found for corner;

Thence, N 87°45'01" E, a distance of 276.57 feet to a 5/8 inch iron rod with cap found for corner;

Thence, N 02°14'59" W, a distance of 40.00 feet to a 5/8 inch iron rod with cap found for corner;

Thence, N 87°45'01" E, a distance of 100.00 feet to a 5/8 inch iron rod with cap found for corner;

Thence, S 02°14'59" E, a distance of 100.00 feet to a 5/8 inch iron rod with cap found for corner;

Thence, N 87°45'01" E, a distance of 617.38 feet to a 1/2 inch iron rod with cap found in the Westerly line of that certain called 9.974 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers Y648932, Y648933 and Y648934;

Thence, S 02°02'55" E, along the Westerly line of said 9.974 acre tract, a distance of 42.47 feet to a 1/2 inch iron pipe found for the Southwesterly corner of said 9.974 acre tract and the Northwesterly corner of that certain called 1.334 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number Y649292;

Thence, S 02°10'33" E, along the Westerly line of said 1.334 acre tract, a distance of 412.67 feet to a 5/8 inch iron rod with an aluminum cap found for an angle point;

Thence, S 02°08'52" E, continuing along the Westerly line of said 1.334 acre tract and along the Westerly line of that certain called 0.7039 of one acre of land described in deeds and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers Y649290, Y649296, Y649299 and Y649301, a distance of 186.31 feet to a 1/2 inch iron rod with cap found for the Northwesterly corner of that certain Lot 1 of Brown-Hufsmith Commercial, a subdivision as shown on map or plat recorded under Film Code Number 622259 of the Map Records of Harris County, Texas;

Thence, S 02°11'44" E, along the Westerly line of said Lot 1 of Brown-Hufsmith Commercial, a distance of 328.19 feet to the Northerly right-of-way line of said Brown-Hufsmith Road, for the Southwesterly corner of said Lot 1 of Brown-Hufsmith Commercial;

Thence, along the Northerly right-of-way line of said Brown-Hufsmith Road, the following courses and distances:

N 68°42'21" W, a distance of 222.20 feet to a 5/8 inch iron rod found for a point of curvature to the left;

In a Northwesterly direction, with said curve to the left, having a central angle of 38°05'14", a radius of 1690.42 feet, an arc length of 1123.71 feet, a chord bearing of N 87°44'58" W and a chord distance of 1103.13 feet to a 1/2 inch iron rod with cap found for a point of tangency;

S 73°12'25" W, a distance of 166.32 feet to the POINT OF BEGINNING and containing 31.214 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (CENTRAL ZONE NO. 4204).

TRACT BEING SHOWN ON MAP (Dwg No. 2303100A.dwg)

HOVIS SURVEYING COMPANY, INC.
Texas Firm Registration No. 10030400

By: _____

Date: July 13, 2023
Job No.: 23-031-00
File No.: A23-031.00D
Dwg File: 2303100A.dwg



DESCRIPTION
TRACT 2

4.983 acres of land situated in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas, being that certain called 4.983 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20090421700, said 4.983 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with an aluminum cap found for the Southwesterly corner of that certain Restricted Reserve "A" of the Replat of Leslie's Park, a subdivision as shown on map or plat recorded under Film Code Number 641161 of the Map Records of Harris County, Texas, the Northwesterly corner of that certain Lot 9 of the Final Plat of Tomball Estates, a subdivision as shown on map or plat recorded under Film Code Number 366113 of the Map Records of Harris County, Texas, the Northeasterly corner of that certain Lot 7 of said Final Plat of Tomball Estates and the Southeasterly corner of said 4.983 acre tract;

Thence, S 87°15'27" W, along the Northerly line of those certain Lots 4 thru 7 of said Final Plat of Tomball Estates, a distance of 726.20 feet to a 1/2 inch iron rod with cap found for the Southeasterly corner of that certain called 6.292 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number Y538668;

Thence, N 02°12'27" W, along the Easterly line of said 6.292 acre tract, a distance of 298.90 feet to the Southwesterly corner of that certain called 4.997 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20090421700;

Thence, N 87°16'19" E, along the Southerly line of said 4.997 acre tract, a distance of 726.69 feet to the Westerly line of that certain Lot 2 of said Replat of Leslie's Park, for the Southeasterly corner of said 4.997 acre tract;

Thence, S 02°06'49" E, along the Westerly line of Lot 1, Lot 2 and Restricted Reserve "A" of said Replat of Leslie's Park, a distance of 298.72 feet to the POINT OF BEGINNING and containing 4.983 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (CENTRAL ZONE NO. 4204).

TRACT BEING SHOWN ON MAP (Dwg No. 2303100A.dwg)

HOVIS SURVEYING COMPANY, INC.
Texas Firm Registration No. 10030400

By: _____

Date: July 13, 2023
Job No.: 23-031-00
File No.: B23-031.00D
Dwg File: 2303100A.dwg



DESCRIPTION
TRACT 4

4.997 acres of land situated in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas, being that certain called 4.997 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20090421700, said 4.997 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with an aluminum cap found for the Southwesterly corner of that certain Restricted Reserve "A" of the Replat of Leslie's Park, a subdivision as shown on map or plat recorded under Film Code Number 641161 of the Map Records of Harris County, Texas, the Northwesterly corner of that certain Lot 9 of the Final Plat of Tomball Estates, a subdivision as shown on map or plat recorded under Film Code Number 366113 of the Map Records of Harris County, Texas, the Northeasterly corner of that certain Lot 7 of said Final Plat of Tomball Estates and the Southeasterly corner of that certain called 4.983 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20090421700;

Thence, N 02°06'49" W, along the Westerly line of Restricted Reserve "A", Lot 1 and Lot 2 of said Replat of Leslie's Park, a distance of 298.72 feet to the Northeasterly corner of said 4.983 acre tract, the Southeasterly corner of said 4.997 acre tract and the POINT OF BEGINNING of the herein described tract of land;

Thence, S 87°16'19" W, along the Northerly line of said 4.983 acre tract, a distance of 726.69 feet to the Easterly line of that certain called 6.292 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number Y538668, for the Northwesterly corner of said 4.983 acre tract;

Thence, N 02°12'27" W, along the Easterly line of said 6.292 acre tract, a distance of 299.70 feet to a 1/2 inch iron rod with cap found for the Southwesterly corner of that certain Lot 2 of the Final Plat of Murr Commercial Park, a subdivision as shown on map or plat recorded under Film Code Number 620118 of the Map Records of Harris County, Texas;

Thence, N 87°18'40" E, along the Southerly line of said Lot 2 of the Final Plat of Murr Commercial Park, a distance of 727.17 feet to a concrete monument found in the Westerly line of that certain Restricted Reserve "B" of said Replat of Leslie's Park, for the Southeasterly corner of said Lot 2 of the Final Plat of Murr Commercial Park;

Thence, S 02°06'49" E, along the Westerly line of Restricted Reserve "B", Lot 2, Lot 3 and Lot 4 of said Replat of Leslie's Park, a distance of 299.21 feet to the POINT OF BEGINNING and containing 4.997 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (CENTRAL ZONE NO. 4204).

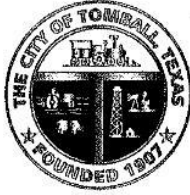
TRACT BEING SHOWN ON MAP (Dwg No. 2303100A.dwg)

HOVIS SURVEYING COMPANY, INC.
Texas Firm Registration No. 10030400

By: _____

Date: July 13, 2023
Job No.: 23-031-00
File No.: D23-031.00D
Dwg File: 2303100A.dwg





Revised: 10/1/2022

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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 project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING
THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tomballdd
PASSWORD: Tomball1

Applicant

Name: HMF-AMERICANA, LLC Title: _____
Mailing Address: PO BOX 7862 City: THE WOODLANDS State: TX
Zip: 77387 Contact: TIM CRAWFORD
Phone: (281) 210-7768 Email: tim@palmettobuilt.com

Owner

Name: Ron & Amy Haffner Title: _____
Mailing Address: 13827 Brown Rd City: Tomball State: TX
Zip: 77375 Contact: Tim Crawford, agent
Phone: (281) 210-7768 Email: tim@palmettobuilt.com

Engineer/Surveyor (if applicable)

Name: Talon Engineering Title: Engineer
Mailing Address: 16225 Park Ten Place, Suite 500 City: Houston State: TX
Zip: 77084 Contact: Scott Greer
Phone: (713) 816-4156 Fax: () Email: scott@taloncivil.com

Description of Proposed Project: Residential Deveopment

Physical Location of Property: 0 Brown Rd, Tomball 77375

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

Legal Description of Property: LT1, BLK 1, Brown-Hufsmith Commercial, Harris Cty , TX

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

Current Zoning District: planned development #1, 2008

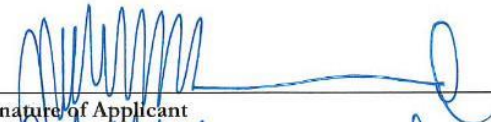

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 10/1/2022

Current Use of Property: vacantProposed Zoning District: planned developmentProposed Use of Property: residentialHCAD Identification Number: 1308830020001 Acreage: 7+

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.

<u>X</u>		<u>8/28/23</u>
	Signature of Applicant	Date
<u>X</u>	 <i>Agent</i>	<u>8/28/23</u>
	Signature of Owner	Date

Letter Of Authorization/Agency

This Letter of Authorization is signed by Ron & Amy HAFNER, the Owner of approximately 8 acres of land in Harris County, Texas also identified as HCAD Parcel Number 1308830020001 (the "Property"), and this is the same land which is the subject matter for a re-Zoning application with the City of Tomball.

The Owner designates Tim Crawford, Manager of HMF Americana, LLC, as the Owner's Agent for the purposes of submitting and pursuing the approval of rezoning of the Property. The City of Tomball may rely on this document and communicate with Mr. Crawford directly for such purposes.

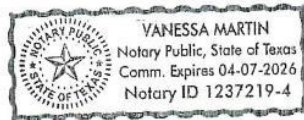
Ron Haffner

State Of Texas

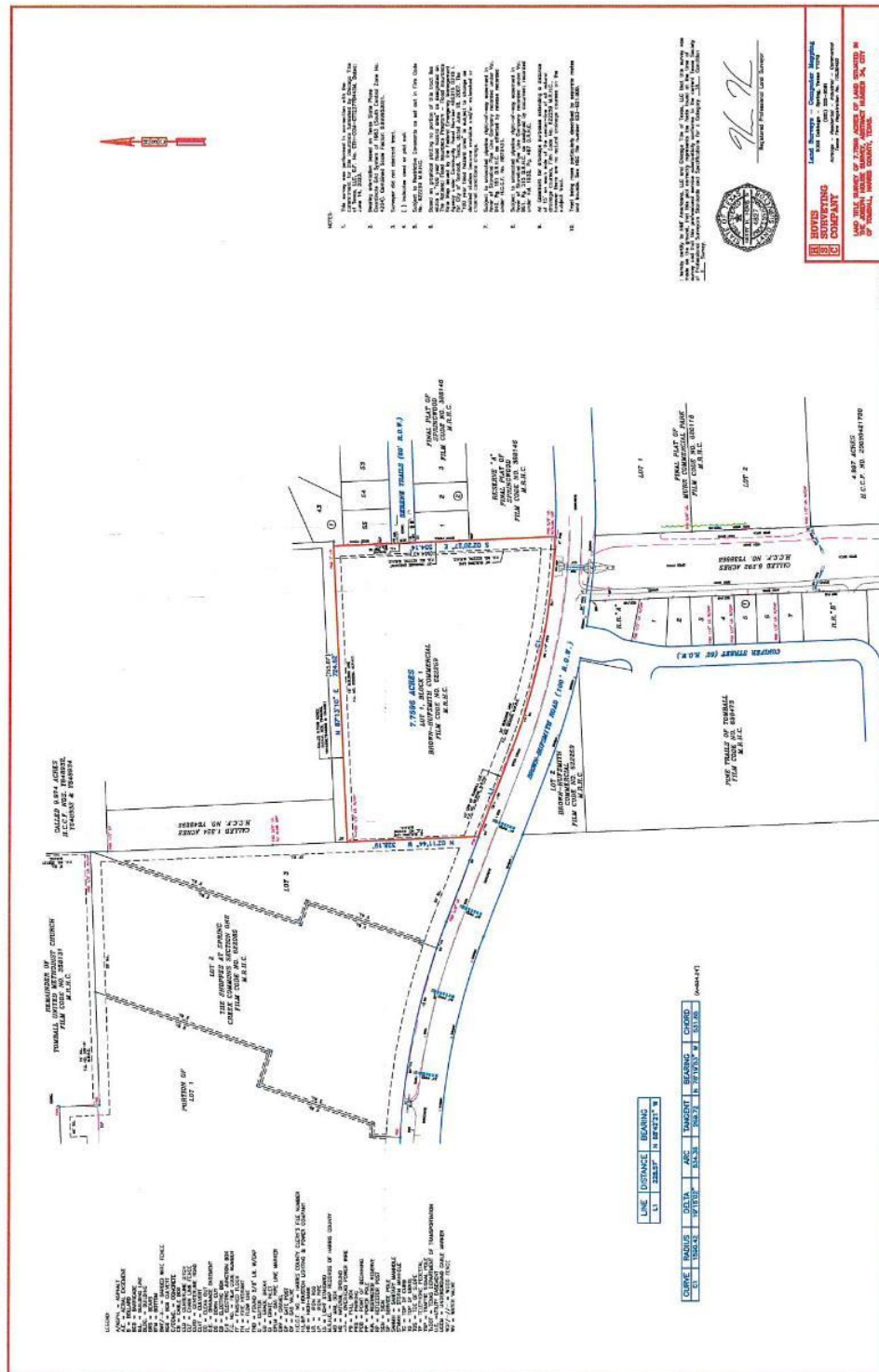
County Of Harris

This Letter of Authorization/Agency is signed on

June 7, 2023 by Ron & Amy Haffner



Vanessa Martin
Notary Public, State of Texas



DESCRIPTION

7.7596 acres of land situated in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas, being that certain Lot 1, Block 1 of Brown-Hufsmith Commercial, a subdivision as shown on map or plat recorded under Film Code Number 622259 of the Map Records of Harris County, Texas, said 7.7596 acres of land being more particularly described by metes and bounds as follows:

BEGINNING in the Northerly right-of-way line of Brown-Hufsmith Road (100 foot right-of-way), for the Southeasterly corner of that certain Lot 3 of The Shoppes at Spring Creek Commons Section One, a subdivision as shown on map or plat recorded under Film Code Number 622085 of the Map Records of Harris County, Texas and the Southwesterly corner of said Lot 1, Block 1 of Brown-Hufsmith Commercial;

Thence, N 02°11'44" W, along the Easterly line of said Lot 3 of The Shoppes at Spring Creek Commons Section One, a distance of 328.19 feet to a 1/2 inch iron rod with cap found for the Southwesterly corner of that certain called 0.7039 of one acre of land described in deeds and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers Y649290, Y649296, Y649299 and Y649301;

Thence, N 87°13'10" E, along the Southerly line of said 0.7039 acre tract, a distance of 724.62 feet to a 1 inch iron rod found for the Northeasterly corner of said Lot 1, Block 1 of Brown-Hufsmith Commercial;

Thence, S 02°20'27" E, along the Westerly line of that certain Final Plat of Springwood, a subdivision as shown on map or plat recorded under Film Code Number 388146 of the Map Records of Harris County, Texas, a distance of 554.14 feet to a 5/8 inch iron rod with an aluminum cap found in the Northerly right-of-way line of said Brown-Hufsmith Road, for the Southwesterly corner of that certain Reserve "A" of said Final Plat of Springwood;

Thence, in a Northwesterly direction, along the Northerly right-of-way line of said Brown-Hufsmith Road, with a curve to the right, having a central angle of 19°15'02", a radius of 1590.42 feet, an arc length of 534.36 feet, a chord bearing of N 78°19'53" W and a chord distance of 531.85 feet to a point of tangency;

Thence, N 68°42'21" W, continuing along the Northerly right-of-way line of said Brown-Hufsmith Road, a distance of 228.57 feet to the POINT OF BEGINNING and containing 7.7596 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (CENTRAL ZONE NO. 4204).

TRACT BEING SHOWN ON MAP (Dwg No. 2303100A.dwg)
HOVIS SURVEYING COMPANY, INC.
Texas Firm Registration No. 10030400

By: _____

Date: July 17, 2023
Job No.: 23-031-00
File No.: E23-031.00D
Dwg File: 2303100A.dwg



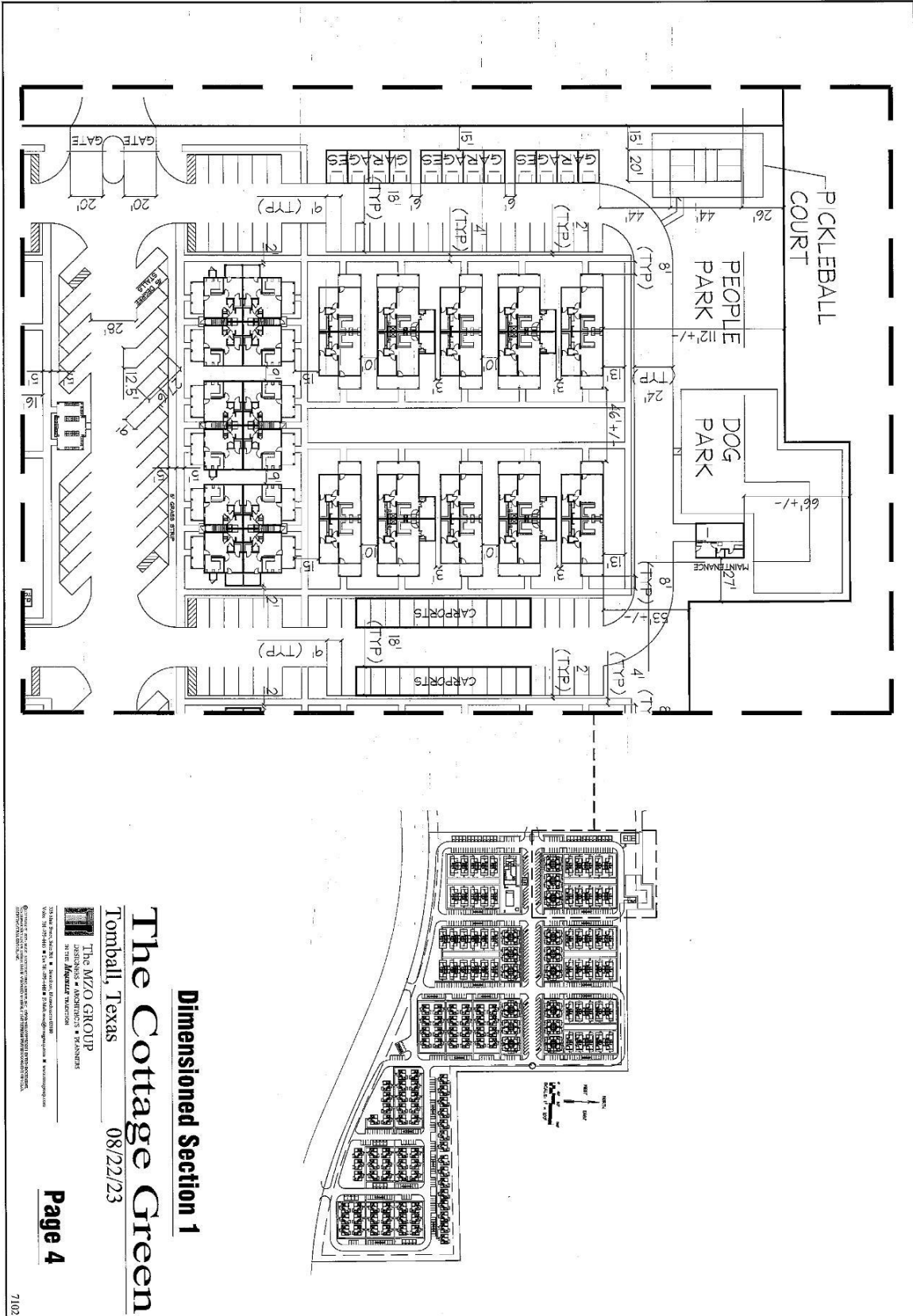


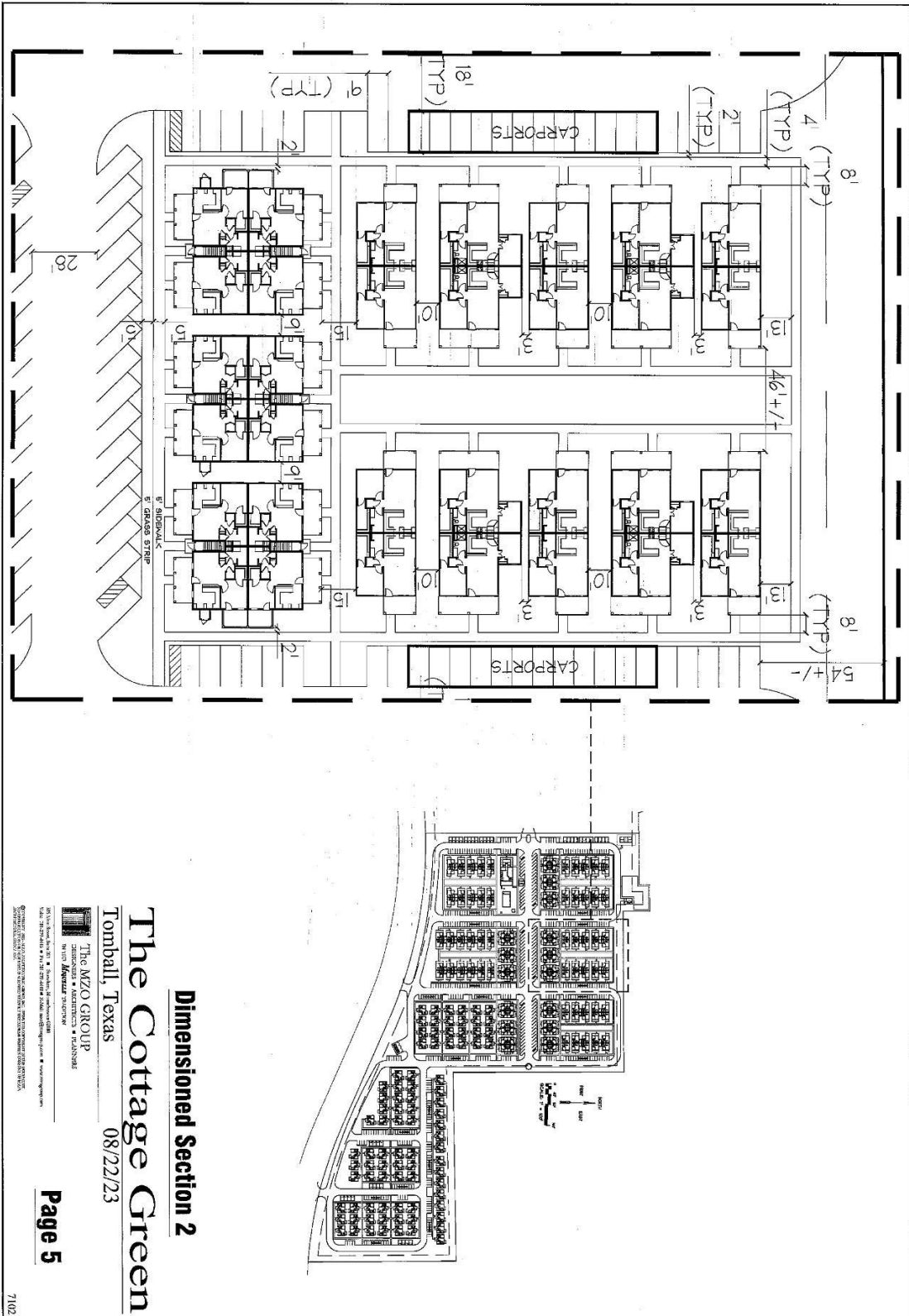
Preliminary Site Plan

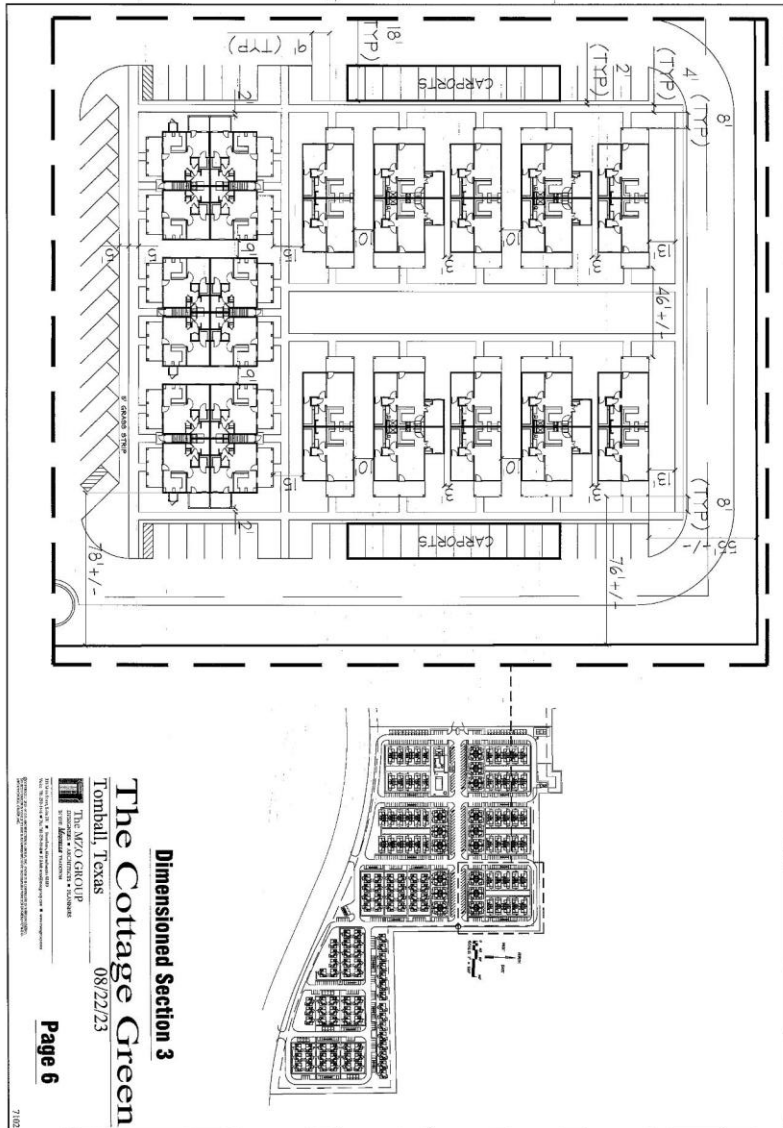
The Cottage Green
Tomball, Texas
08/22/23

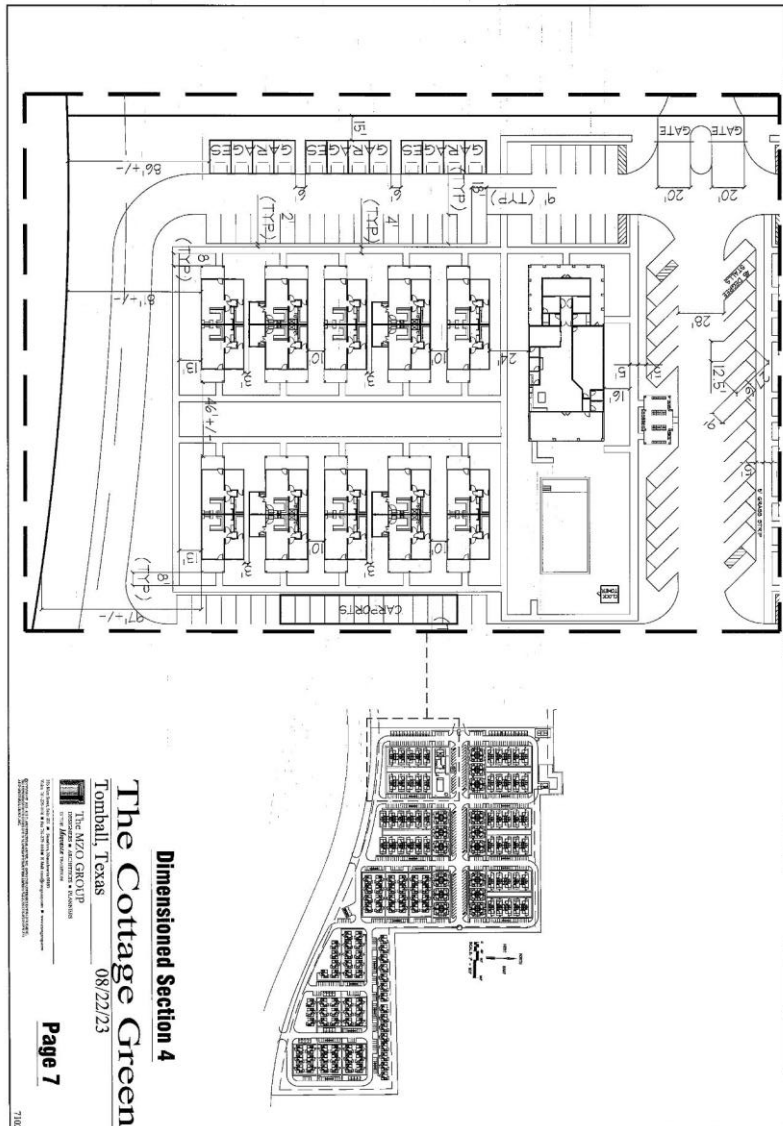
The MZO GROUP
10000 Katy Road, Suite 100
Houston, Texas 77054
Tel: 281.466.1000
Fax: 281.466.1001
www.mzogroup.com

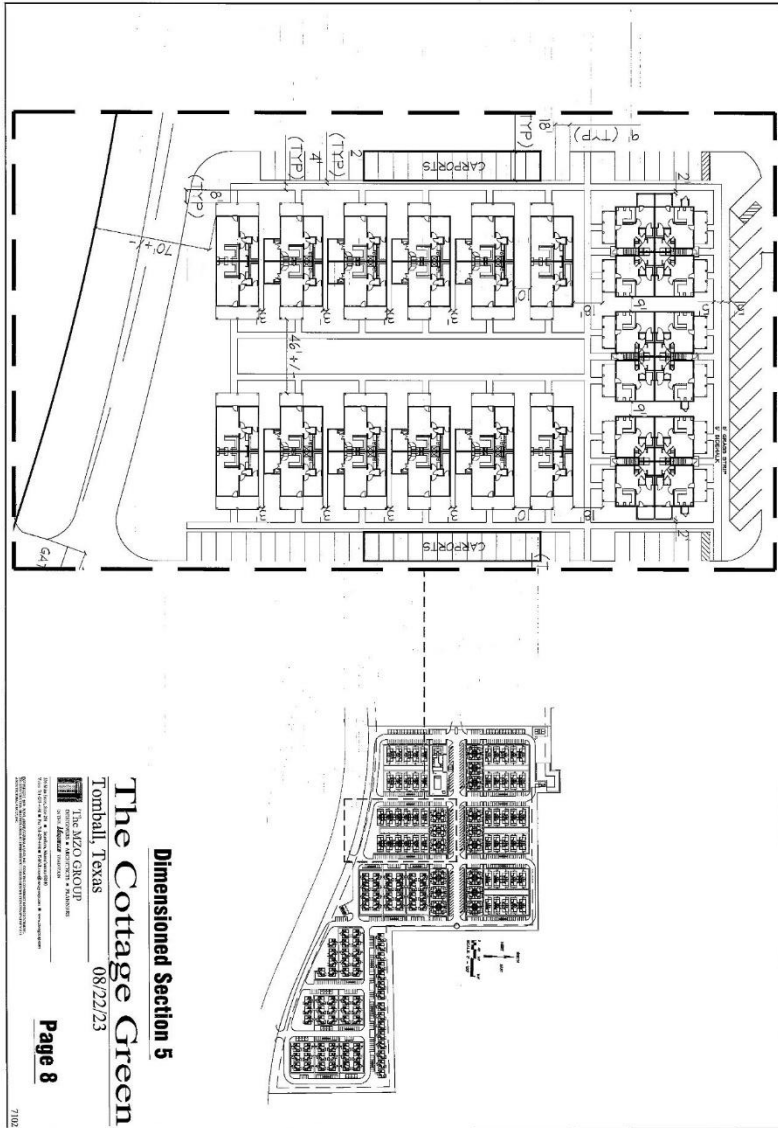
Page 3

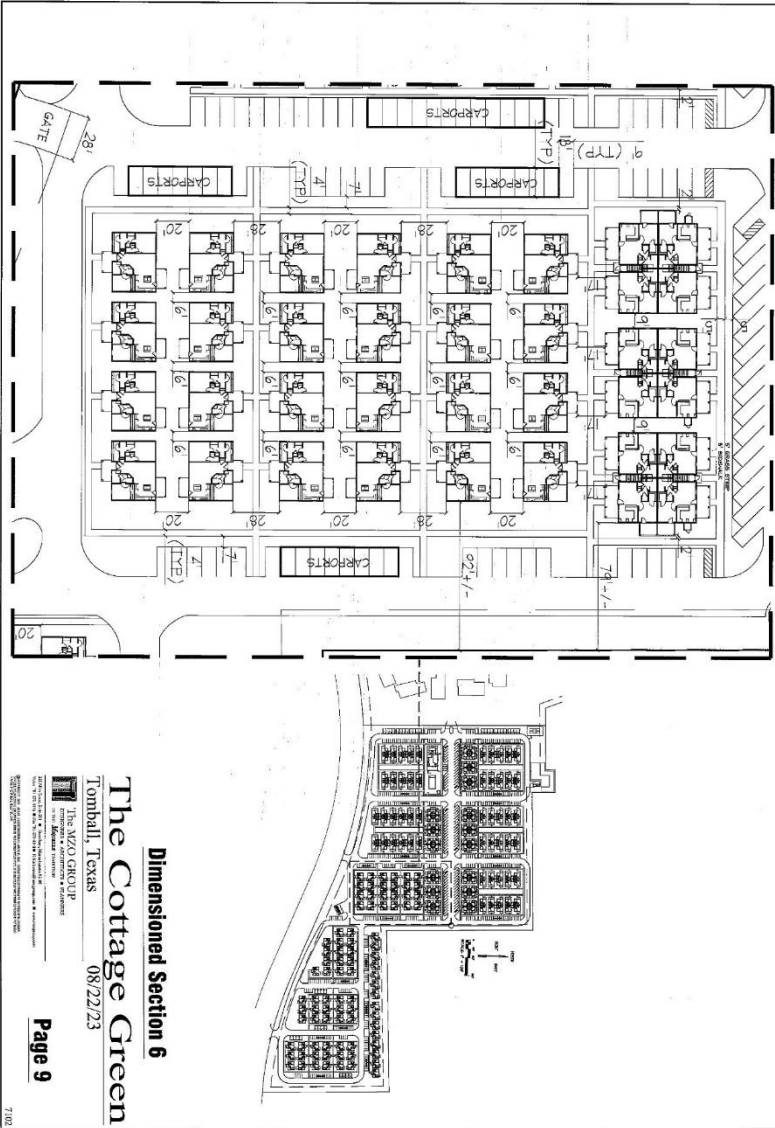


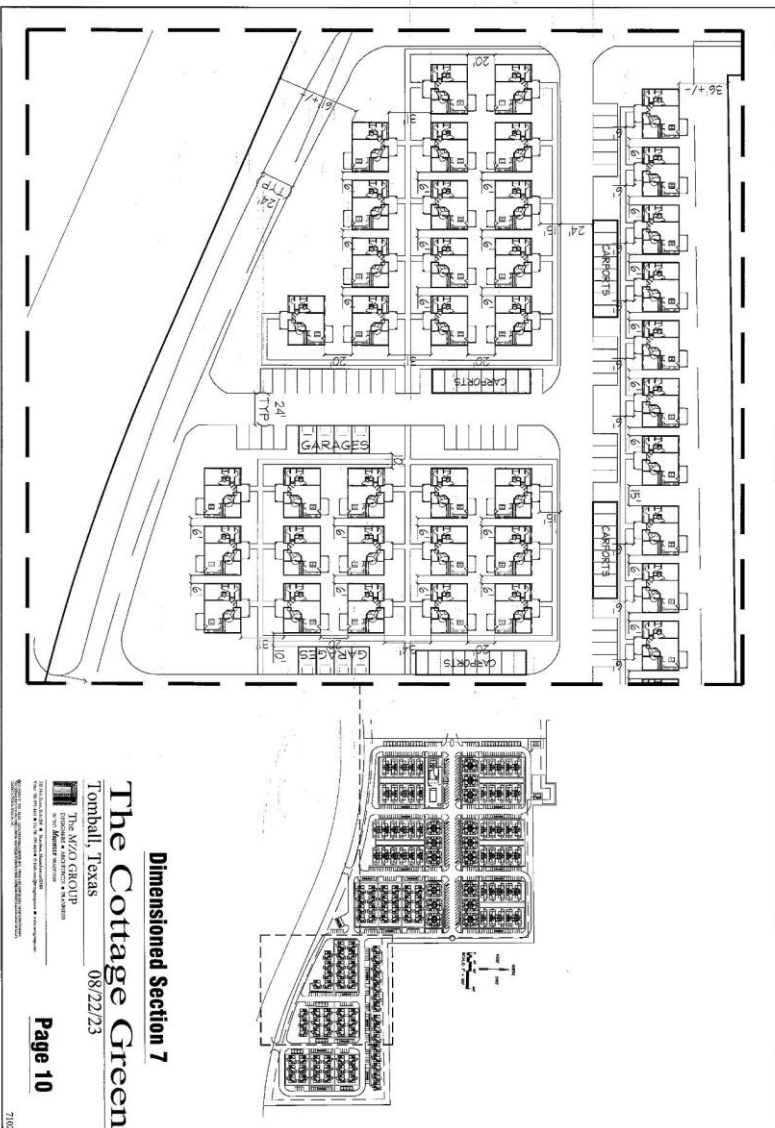


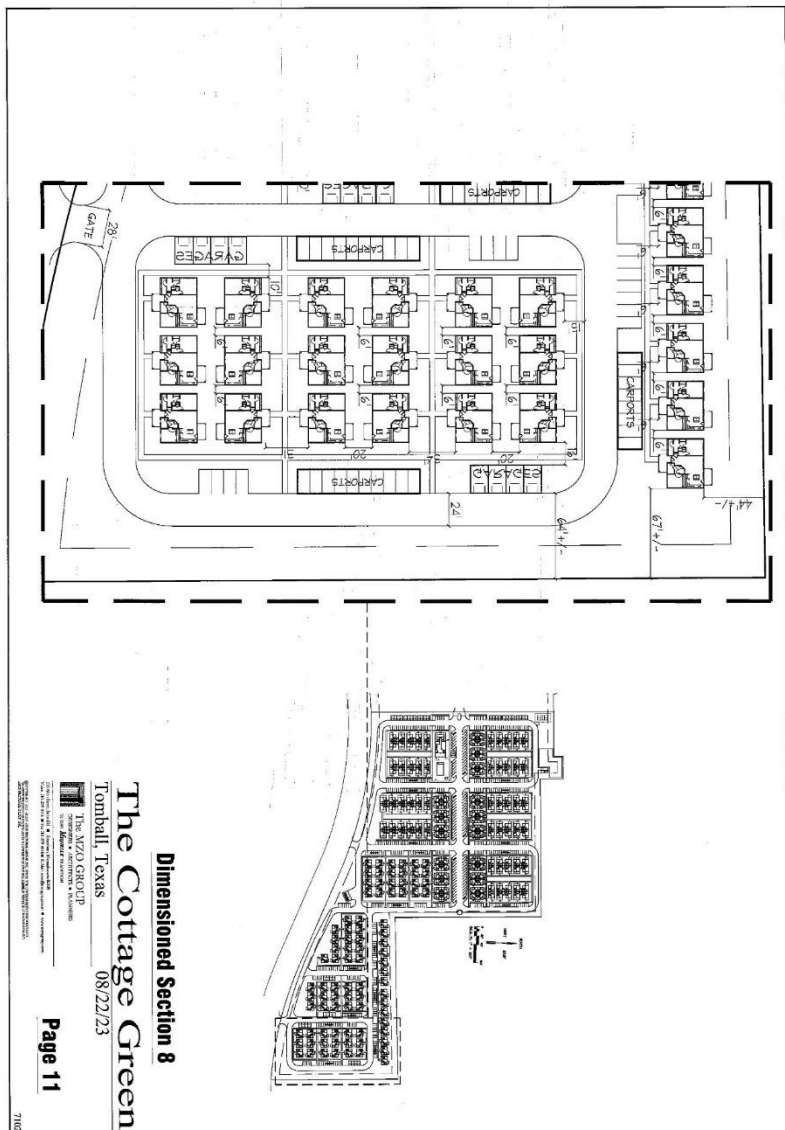


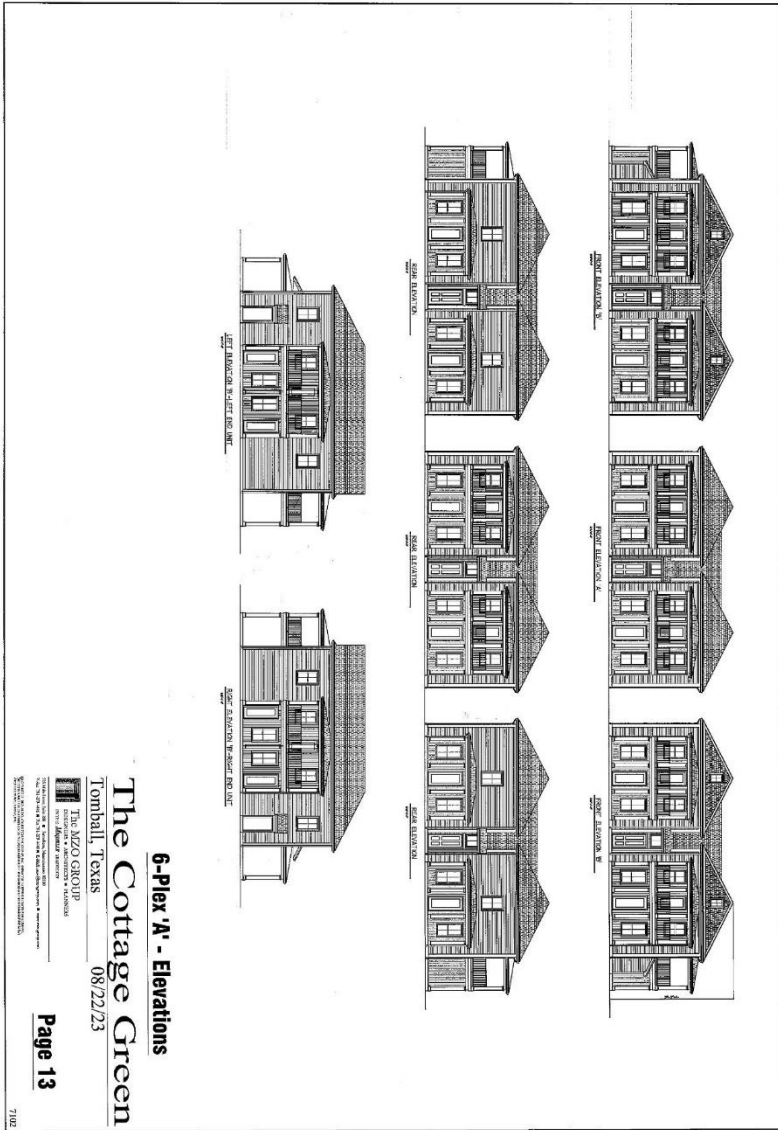


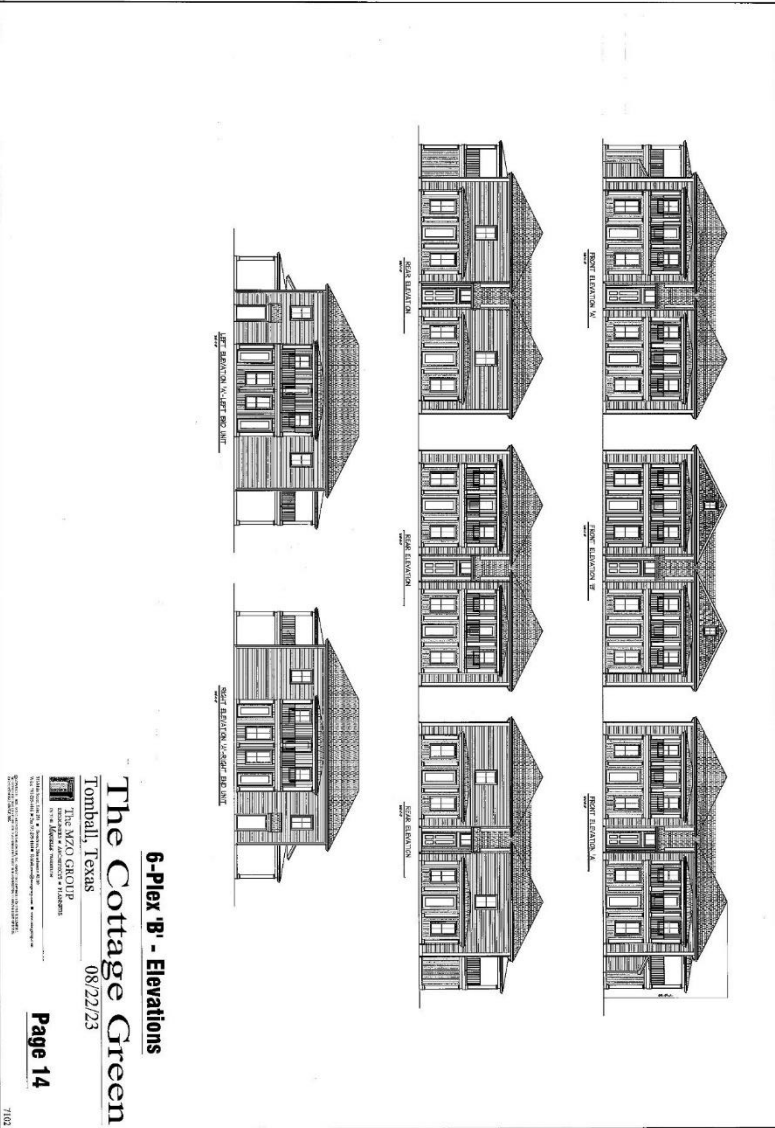


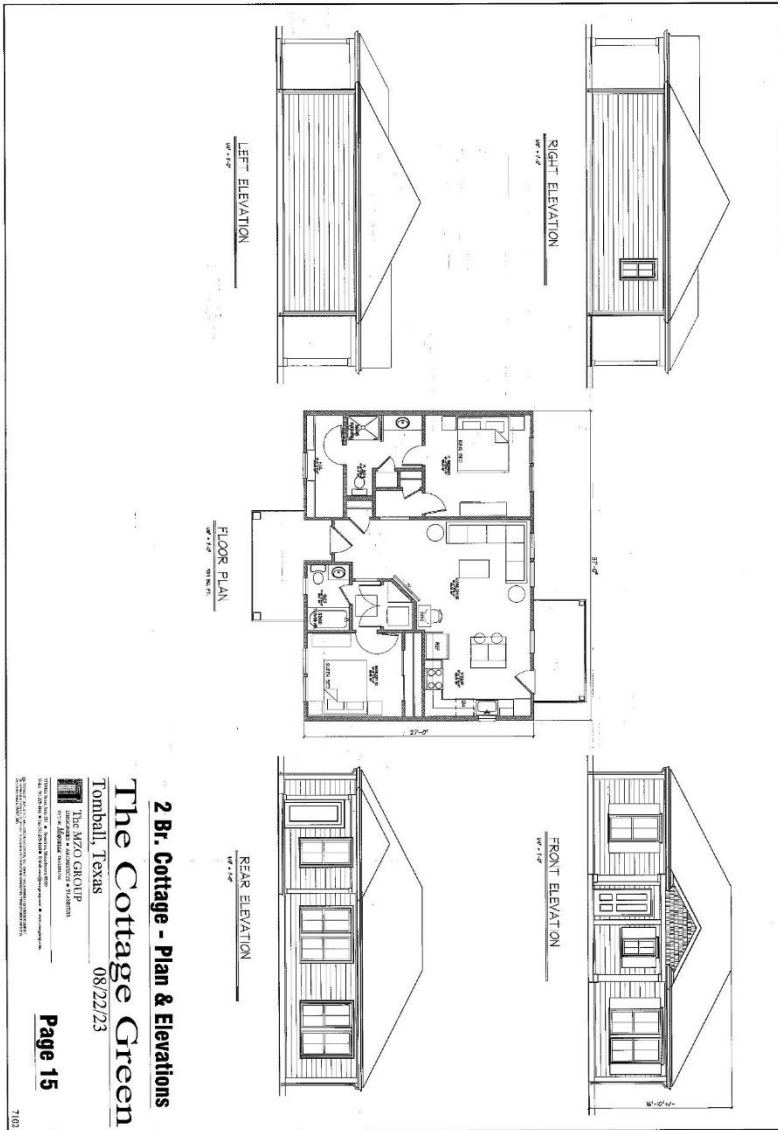


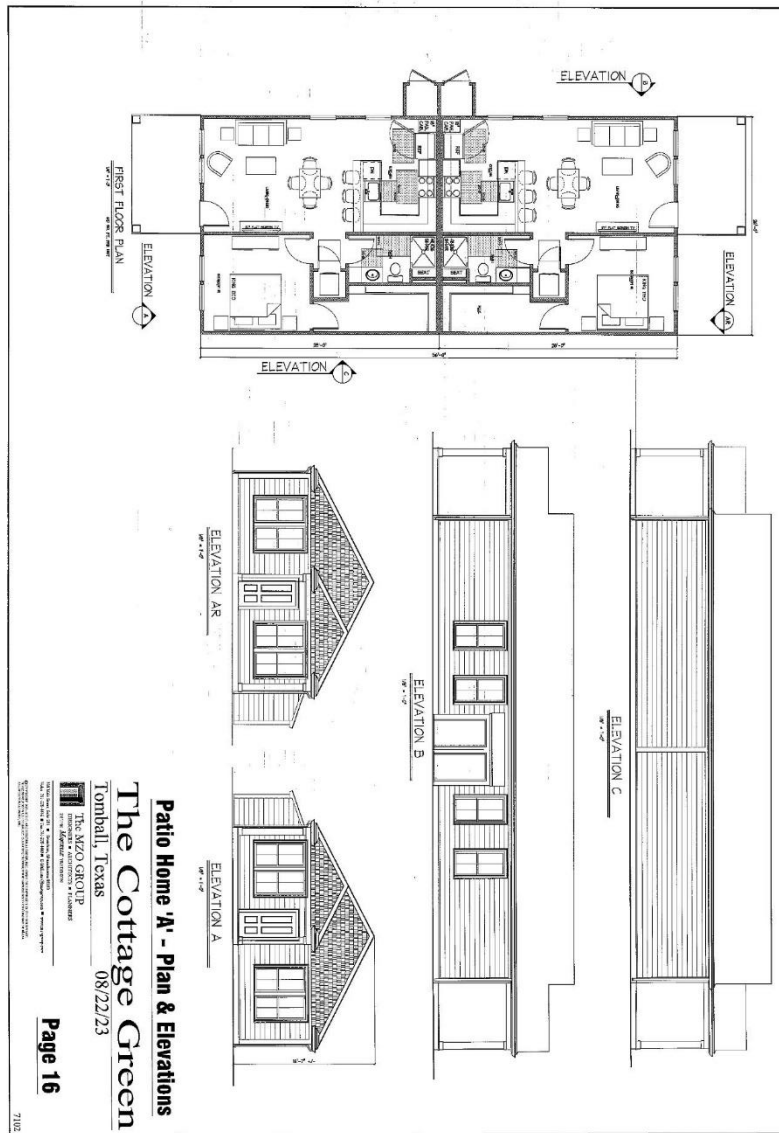


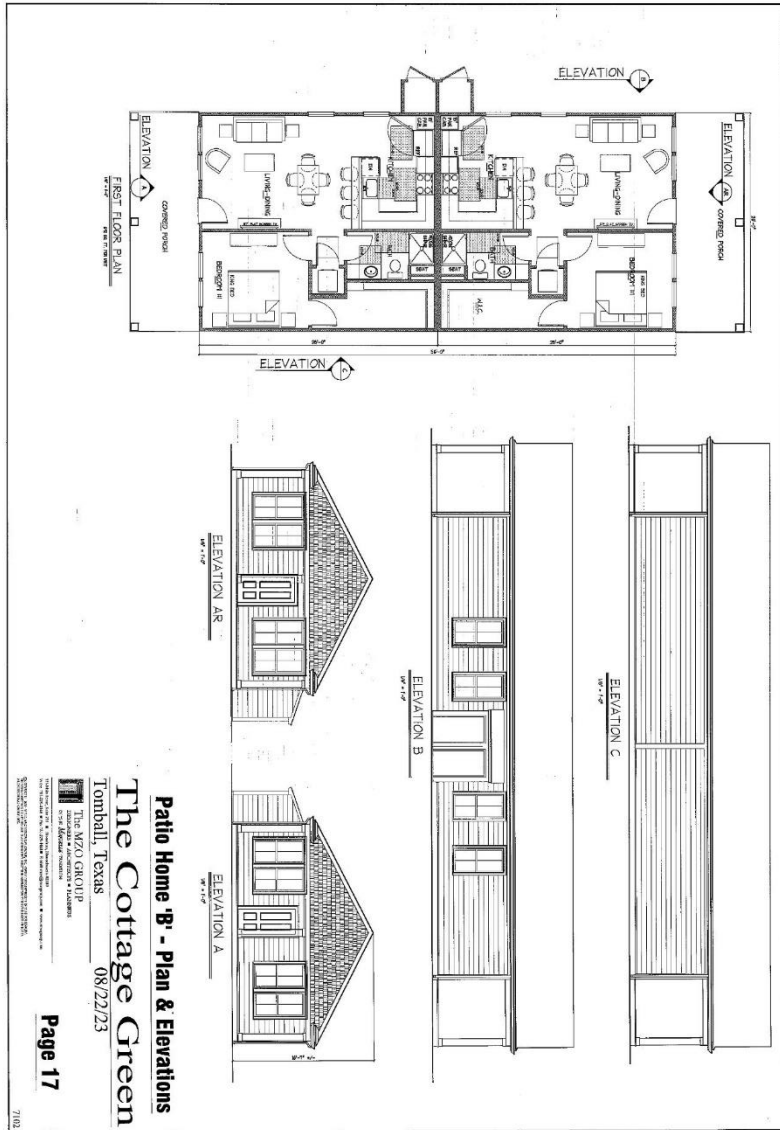


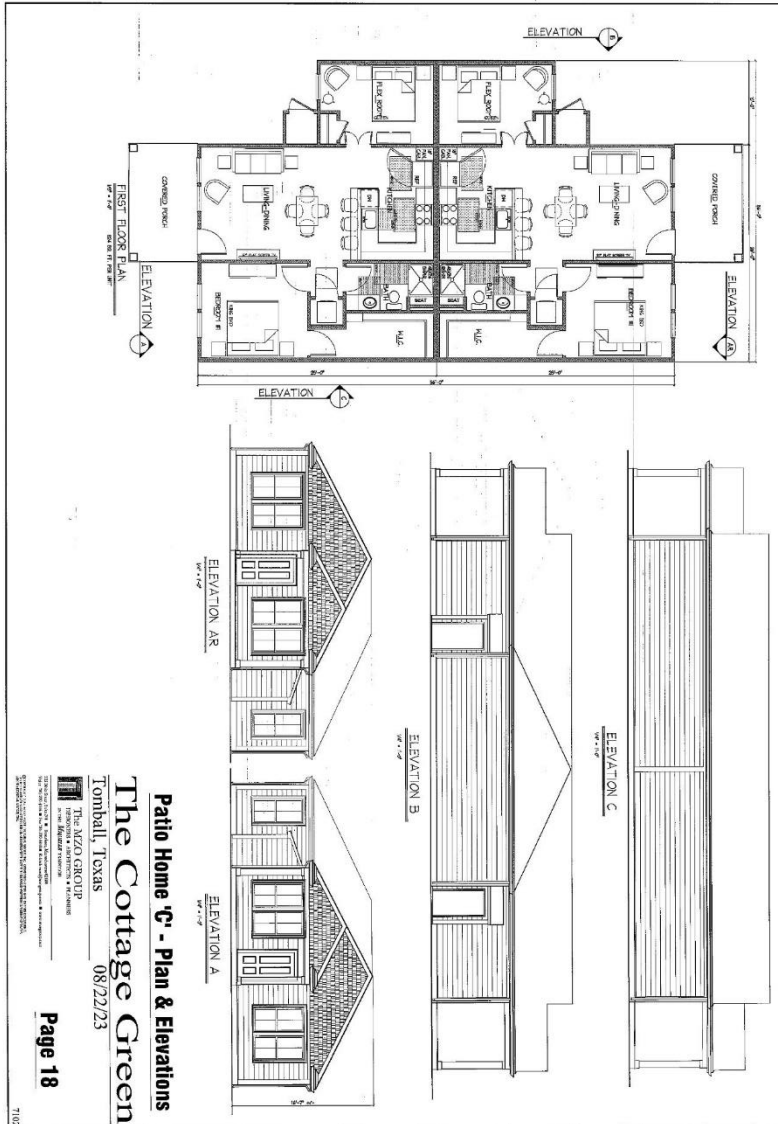


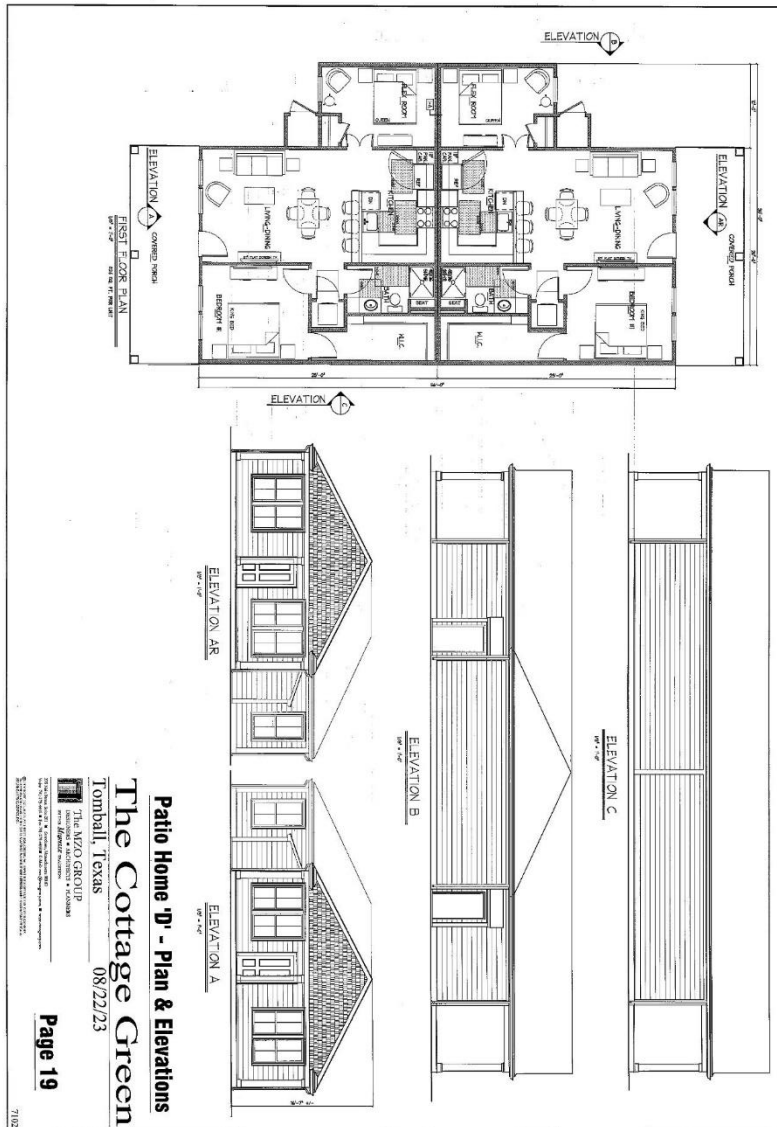


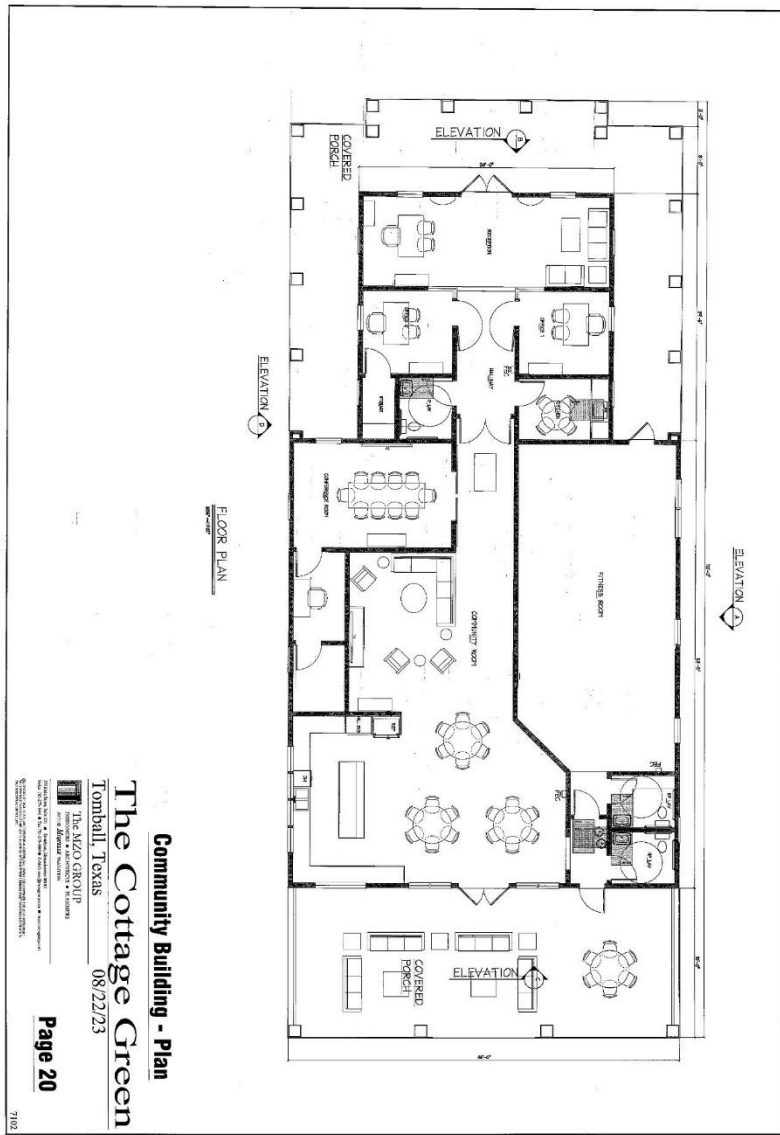












Community Building - Plan
The Cottage Green
 Tomball, Texas
 08/22/23
 THE MCO GROUP
 ARCHITECTS & INTERIORS, P.C.
 14000 Katy Freeway, Suite 100, Houston, Texas 77050
 713.861.1234
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