

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



**Monday, September 11, 2023
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, September 11, 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 August 14, 2023.
- 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.
 - 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.

- [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.
- [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.
- [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.
- [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.

F. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of September 2022 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: September 11, 2023

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 14, 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, AUGUST 14, 2023



6:00 P.M.

draft

A. The meeting was Called to Order by Chairwoman Tague at 6:14 p.m. Other Members present were:

Commissioner Tana Ross
Commissioner Scott Moore
Commissioner Richard Anderson
Commissioner Susan Harris

Jessica Rogers – Assistant City Manager
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 as Office District **Zoning Case Z23-07**: Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.
- City Council Approved as Office District **Zoning Case Z23-08**: Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.
- City Council Approved as requested **Zoning Case Z23-09**: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

D. Approval of Minutes:

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 12, 2023.

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

Motion Carried unanimously.

E. New Business:

E.1 Consideration to Approve Final Plat of **TIM LITTLEFIELD LLC**: A subdivision of 4.2038 acres of land in the Jesse Pruitt Survey, Abstract 629, City of Tomball, Harris County, Texas, being a partial replat of Lots 284 and 286 of Tomball Outlots as recorded in Volume 2, Page 65 and in Corrected Map Recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval with no conditions.

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

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

Motion Carried unanimously.

E.2 Conduct a Public Hearing and Consideration to Approve **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) zoning. The property is generally located at the northwest corner of FM 2978 and FM 2920, within the City of Tomball, Harris County, Texas.

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

Clayton Benedict, Newman Commercial Real Estate, (26 Canoe Bend Court, The Woodlands, TX 77389), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:46 p.m.

Roland Ramirez, representing CHTA Development (Winfrey Estates), (43 East Sundance Circle, The Woodlands, TX 77382), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:50 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Harris, to approve Zoning Case Z23-10.

Motion was amended by Commissioner Anderson, second by Commissioner Harris, to approve Zoning Case Z23-10 with the following changes:

- **MODIFY Section d. Development Guidelines – Multi-family development 3.a, building height, maximum:**
 - **ADD:** Multi-Family Apartment Buildings illustrated in provided site exhibit that have broad sides facing Winfrey Estates (PD#15) and which are located immediately adjacent to the south and east boundaries of Winfrey Estates Subdivision shall not exceed 3-stories in height.
- **MODIFY Section g – Buffering/Fencing**
 - **REVISE:** 3. When commercial or multi-family use is adjacent to a residential area, a 15-foot landscape buffer is required to be installed incorporating walking trails and site trees at a rate of 1 three-inch (3”) CALIPER tree per 40’ of property boundary. Tree species will vary, including Oak and Pine ~~and low shrubs~~ to gain vertical screening as illustrated in exhibit A and exhibit B.
 - **ADD:** Screening wall separating multi-family or commercial uses from single-family residentially zoned property shall be MASONRY

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

Vote was as follows:

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

Motion Carried (4 Votes Aye, 1 Vote Nay).

E.3 Conduct a Public Hearing and Consideration to Approve 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.

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

Ashley Verron, representing Owner, Wendy Dixon (1800 Hughes Landing Blvd., Suite 725, The Woodlands, TX 77380), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:40 p.m.

Hearing no comments, the Public Hearing was closed at 7:41 p.m.

Motion was made by Commissioner Harris, second by Commissioner Ross, to approve **Zoning Case Z23-11.**

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

Vote was as follows:

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

Motion Carried (4 Votes Aye, 1 Vote Nay).

F. Adjournment

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

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

Motion Carried unanimously.

The meeting adjourned at 7:43 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: September 11, 2023

Topic:

Consideration to Approve Final 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.

Background:

Origination: Ramon Umanzor, represented by Uriel Figueroa.

Recommendation:

City staff recommends approval with the following conditions:

- Prior to final approval by the City of Tomball and the subsequent recording of this plat at the Harris County Clerk’s Office, construction plans must be submitted to the City of Tomball illustrating all required public improvements (i.e utility main extensions). Said construction plans must be reviewed and approved by the City Engineer and required public improvements must be constructed & accepted by the City of Tomball **OR** a suitable financial guarantee (performance bond) must be provided to the City of Tomball covering the overall costs of required public 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: Umanzor Development 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: September 11, 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:

- Prior to final approval by the City of Tomball and the subsequent recording of this plat at the Harris County Clerk’s Office, construction plans must be submitted to the City of Tomball illustrating all required public improvements (i.e utility main extensions). Said construction plans must be reviewed and approved by the City Engineer and required public improvements must be constructed & accepted by the City of Tomball **OR** a suitable financial guarantee (performance bond) must be provided to the City of Tomball covering the overall costs of required public improvements.

STATE OF TEXAS
COUNTY OF HARRIS

I, Ramon Umanzor, owner of the 1.5968 acre tract described in the above and foregoing plat of Umanzor Development, 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.

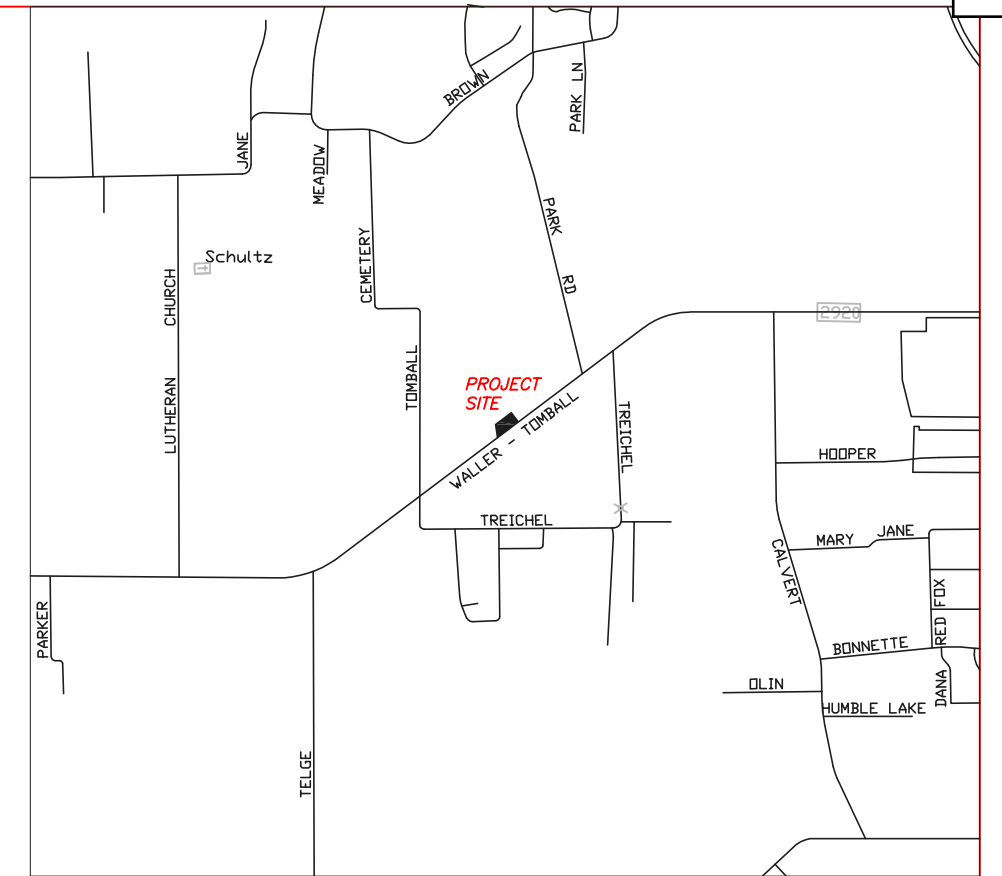
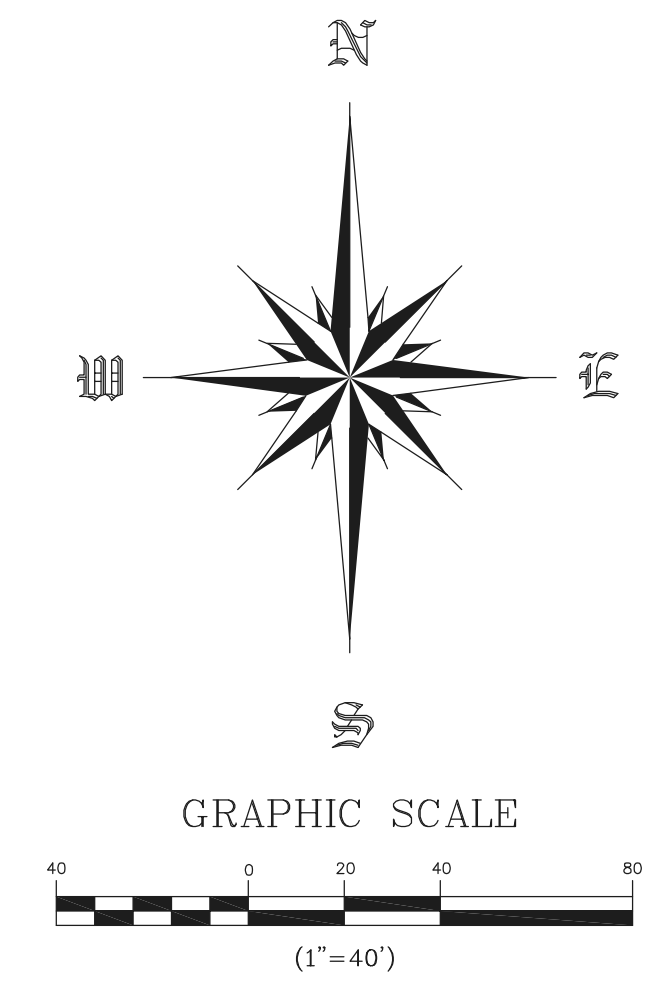
Further, owner have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

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

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

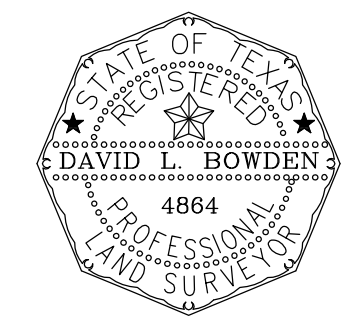
WITNESS my hand in the City of Tomball, Texas, this _____ day of _____, 2023.

Ramon Umanzor, Owner



VICINITY MAP (N.T.S.) KEY MAP # 288J

I, David L. Bowden, am authorized (or registered) under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.



DAVID L. BOWDEN, R.P.L.S. Date
Texas Registration No. 4864

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
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

Deputy

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Umanzor Development 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 _____, 2023.

By: _____ Or: _____
Barbara Tague Susan Harris
Chairman Vice Chairman

Umanzor Development

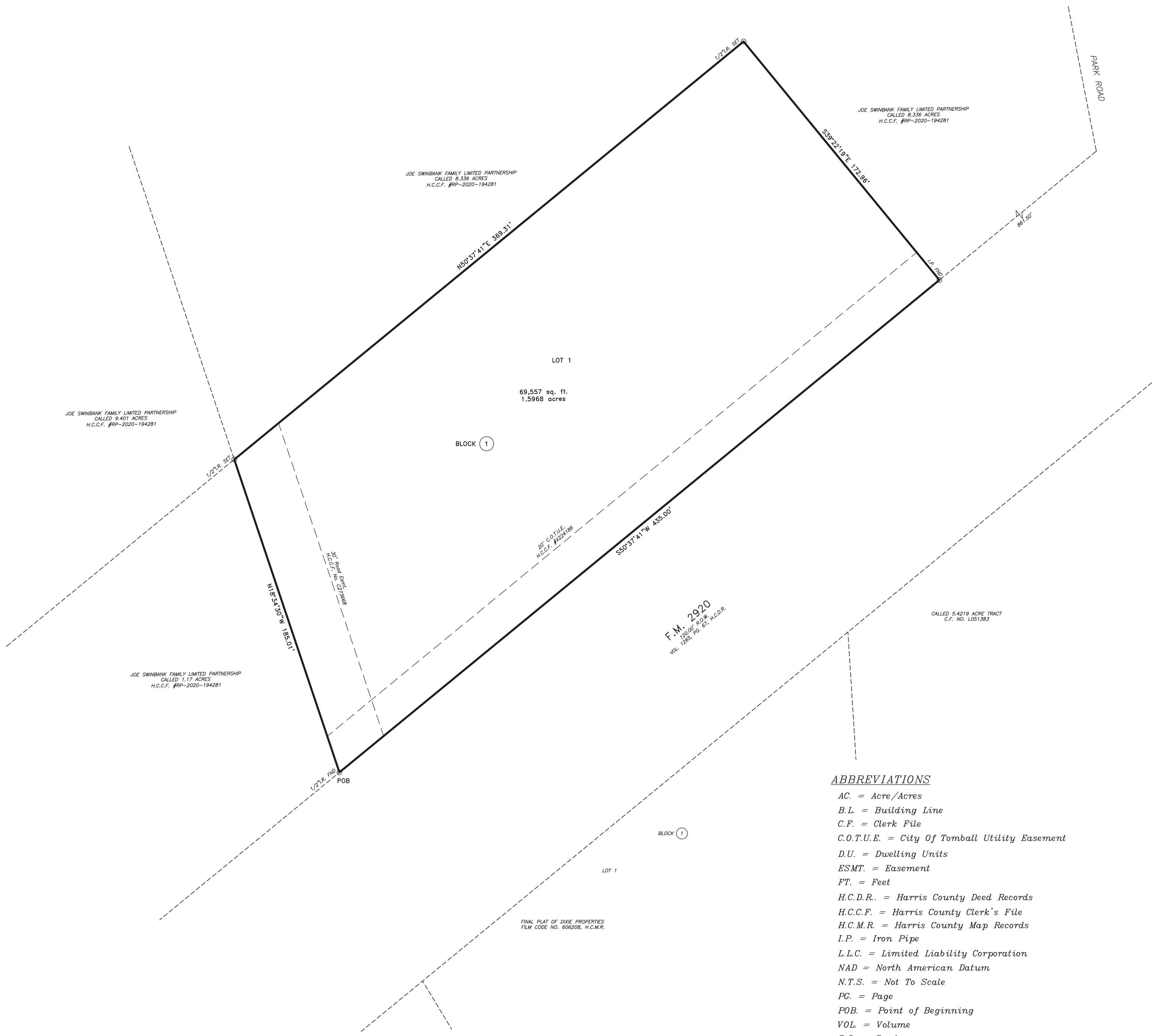
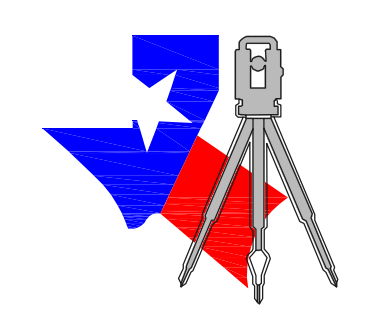
A subdivision of 1.5968 acres of land,
Being a 1.5968 acre tract of land situated in the C. Goodrich Survey, Abstract No. 311, Harris County, Texas.

OWNER: Ramon Umanzor
11035 Stone Legend Drive
Tomball, Texas 77377

Applicant PLS Construction Layout, Inc.
2010 N Loop W, Box 282 Houston, Texas 77018
Phone: 713-480-4078 Email: psls@plshoo.com

SURVEYOR:

Bowden Survey
Professional Surveying Services
12000 Westheimer Road, STE. 106
Houston, Texas 77077
Phone: (281) 531-1900 Fax: (281) 531-4900



- ABBREVIATIONS**
- AC. = Acre/Acres
 - B.L. = Building Line
 - C.F. = Clerk File
 - C.O.T.U.E. = City Of Tomball Utility Easement
 - D.U. = Dwelling Units
 - ESMT. = Easement
 - FT. = Feet
 - H.C.D.R. = Harris County Deed Records
 - H.C.C.F. = Harris County Clerk's File
 - H.C.M.R. = Harris County Map Records
 - I.P. = Iron Pipe
 - L.L.C. = Limited Liability Corporation
 - NAD = North American Datum
 - N.T.S. = Not To Scale
 - PC. = Page
 - POB. = Point of Beginning
 - VOL. = Volume
 - R.D. = Road
 - R.P.L.S. = Registered Professional Land Surveyor
 - R.O.W. = Right-of-Way
 - S.F. = Square Feet
 - U.E. = UTILITY EASEMENT

- Plat Notes:**
- Flood Information:
According to FEMA Firm Panel No 48201C 0210 L (Effective Date 6-18-2007), this property is located in Zone X Unshaded.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 - All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
 - No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines, and 30 feet off centerline of high pressure gas lines.
 - This plat (or replat) does not attempt to amend or remove any valid covenants or restrictions.
 - The building lines shown on this plat shall be in addition to, and shall not limit or replace, building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
 - All bearings shown hereon are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone. NAD 1983 Datum
 - Floodplain Reference Mark Number 120205 is a brass disk stamped 120205 with and elevation of 173.56 NAVD 1988, 2001 Adjustment.

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

PROPERTY DESCRIPTION:
BEING A 1.5968 ACRE TRACT OF LAND SITUATED IN THE C. GOODRICH SURVEY, ABSTRACT 311, HARRIS COUNTY, TEXAS, AND BEING THE SAME CALLED 1.597 ACRES AS RECORDED IN HARRIS COUNTY CLERK'S FILE NO. RP-2021-243627, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2 INCH IRON ROD FOUND IN THE NORTHWESTERN RIGHT OF WAY OF F.M. 2920 (R.O.W. VARIES) FOR THE EAST CORNER OF THE CALLED 1.17 ACRES, RECORDED IN H.C.C.F. NO. C273668;
THENCE, NORTH 18°34'30" WEST, ALONG THE NORTHEAST PROPERTY LINE OF SAID CALLED 1.17 ACRE TRACT OF LAND, A DISTANCE OF 185.01 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;
THENCE, NORTH 50°37'41" EAST, ALONG THE SOUTH PROPERTY LINE OF A CALLED 8.336 ACRE TRACT OF LAND, RECORDED IN HARRIS COUNTY CLERK FILE NO. C273668, A DISTANCE OF 369.31 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT;
THENCE, SOUTH 39°22'19" EAST, ALONG THE SOUTH PROPERTY LINE OF A CALLED 8.336 ACRE TRACT OF LAND, RECORDED IN HARRIS COUNTY CLERK FILE NO. C273668, A DISTANCE OF 172.96 FEET TO A 1 INCH IRON PIPE FOUND FOR CORNER OF HEREIN DESCRIBED TRACT;
THENCE, SOUTH 50°37'41" WEST, ALONG THE NORTHWEST RIGHT OF WAY LINE OF F.M. 2920 (120.00' R.O.W.), A DISTANCE OF 435.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.5968 ACRES OF LAND.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this _____ day of _____, 2023

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

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: September 11, 2023

Topic:

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.

Background:

Origination:

Recommendation:

Staff recommends approval with the following condition(s):

- Prior to the final approval and recordation of this subdivision plat. Suitable financial guarantee (bond) must be furnished to the City Engineer covering the overall costs of public infrastructure improvements as illustrated on the approved construction plans.

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: Raburn Reserve, Section 3 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: September 11, 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:

Staff recommends approval with the following condition(s):

- Prior to the final approval and recordation of this subdivision plat. Suitable financial guarantee (bond) must be furnished to the City Engineer covering the overall costs of public infrastructure improvements as illustrated on the approved construction plans.

We, HT Raburn Reserve Development LP, a Texas limited partnership, acting by and through Carson Nunnally, Managing Director of JCH Investments, Inc., a Texas corporation, general partner of Hines Real Estate Holdings Limited Partnership...

FURTHER owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements, the aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements...

FURTHER owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements, the aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements...

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement, five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon...

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'0") wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainageways 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, HT Raburn Reserve Development LP, a Texas limited partnership, has caused these presents to be signed by Carson Nunnally, Managing Director of JCH Investments, Inc., a Texas corporation, general partner of Hines Real Estate Holdings Limited Partnership...

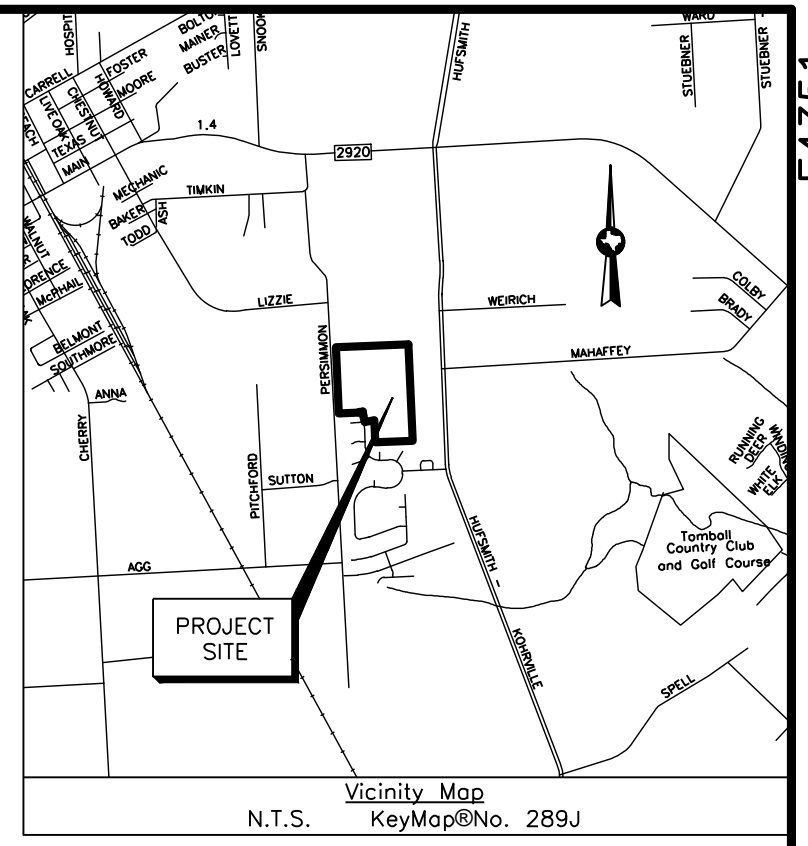
OWNER:

HT Raburn Reserve Development LP, a Texas limited partnership
By HT Raburn Reserve Development LLC, its general partner
By HT Raburn Reserve LP, its sole member
By Hines Raburn Reserve LLC, its general partner
By Hines Raburn Reserve Associates LP, its sole member
By Hines Investment Management Holdings Limited Partnership, its general partner
By HIMH GP LLC, its general partner
By Hines Real Estate Holdings Limited Partnership, its sole member
By JCH Investments, Inc., a Texas corporation, its general partner

BY: Carson Nunnally, Managing Director

NOTES:

- (1) C.O.T. indicates City of Tomball ESMT indicates Easement F.C. No. indicates Film Code Number GA indicates Guy Anchor H.C.C.F. No. indicates Harris County Clerk's File Number H.C.D.R. indicates Harris County Deed Records H.C.M.R. indicates Harris County Map Records H.L.&P. indicates Houston Lighting and Power R= indicates Radius FND. indicates Found RES indicates Reserve IRC indicates Iron Rod with cap N.T.S. indicates not to scale PG. indicates Page PP indicates Power Pole R.O.W. indicates Right-of-Way SAN indicates Sanitary Sewer SQ. FT. indicates Square Feet STM indicates Storm Sewer U.E. indicates Utility Easement VOL. indicates Volume WTR indicates Water (F) indicates Found capped 5/8-inch iron rod stamped "E.H.R.A. 713-784-4500" indicates Street Name Change



- (2) All side lot lines are either perpendicular or radial to street frontage unless otherwise noted. (3) All easements extend equidistant from either side of the property and lot lines unless otherwise noted. (4) The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.99994468821. (5) Bearings shown hereon refer to the Texas Coordinate System of 1983, South Central Zone, as determined by GPS measurements. (6) The square footage totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this plat. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation. (7) Absent written authorization by the affected utilities, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by the property owner. Any unauthorized improvements or obstructions may be removed by any public utility at the property owner's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lot lines are permitted, they too may be removed by public utilities at the property owner's expense should they be an obstruction. Public Utilities may put said wooden posts and paneled wooden fences back up, but generally will not replace with new fencing. (8) All lot corners are Set 5/8" iron rods with cap stamped "E.H.R.A. 713-784-4500" unless otherwise noted. (9) All known oil/gas or pipeline easements (listed in City Planning Letter from Charter Title Company issued August 15, 2021) with ownership through the subdivision have been shown. (10) All known oil/gas wells (as shown on the Texas Railroad Commission GIS website) with ownership (plugged, abandoned, and/or active) through the subdivision have been shown. (11) Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement. (12) According to FEMA Firm Panel No. 48201C0230L (Effective Date 06/18/2017), this property is in unshaded Zone "X" and is not in the 0.2% Annual Chance Flood Plain. (13) 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. (14) This replat does not attempt to amend or remove any valid covenants or restrictions. (15) 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. (16) The terms and conditions of Planned Development Ordinance number 2019-13 of the City of Tomball, Texas dated July 01, 2019, may affect this plat. (17) Access to unimproved R.O.W. adjacent to the East side of the subdivision, from Block 1, Lots 27-35 and 58-70, as well as Reserves "A" and "B" is denied.

Table with 6 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Contains curve data for lots 1 through 70.

Table with 4 columns: Block, Lot, Sq. Feet, Lot Width. Lists lot areas and widths for blocks 1 through 70.

Table with 4 columns: Block, Lot, Sq. Feet, Lot Width. Lists lot areas and widths for blocks 1 through 70.

STATE OF TEXAS COUNTY OF HARRIS BEFORE ME, the undersigned authority, on this day personally appeared Carson Nunnally, Managing Director, of JCH Investments, Inc., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of ___, 202__ Notary Public in and for the State of Texas My Commission expires: ___

We, Third Coast Bank SSB, a Texas State savings bank, owner and holder of a lien against the property described in the plat known as "Raburn Reserve Sec. 3", said lien being evidenced by instrument of record in Harris County Clerk's file No. RP-2022-484794 of the official records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: Third Coast Bank SSB, A Texas State savings bank

BEFORE ME, the undersigned authority, on this day personally appeared [Name], known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of ___, 202__ Notary Public in and for the State of T E X A S My Notary Commission Expires: ___

We, Taylor Morrison of Texas, Inc., owner and holder of a lien against the property described in the plat known as "Raburn Reserve Sec. 3", said lien being evidenced by instrument of record under Harris County Clerk's file No. RP-2019-536602, RP-2019-536603, and RP-2020-127895 of the official records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: Taylor Morrison of Texas, Inc.

STATE OF TEXAS COUNTY OF HARRIS BEFORE ME, the undersigned authority, on this day personally appeared [Name], known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of ___, 202__ Notary Public in and for the State of T E X A S

I, Kevin M. Reidy, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct, was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than five-eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System, South Central Zone (NAD 83).

Kevin M. Reidy Registered Professional Land Surveyor Texas Registration No. 6450

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Raburn Reserve Sec. 3 in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ___ day of ___, 202__

Barbara Tague Chairwoman

Table with 3 columns: LINE, BEARING, DISTANCE. Lists boundary line bearings and distances.

I, Teneshia Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on ___ 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

RABURN RESERVE SEC. 3

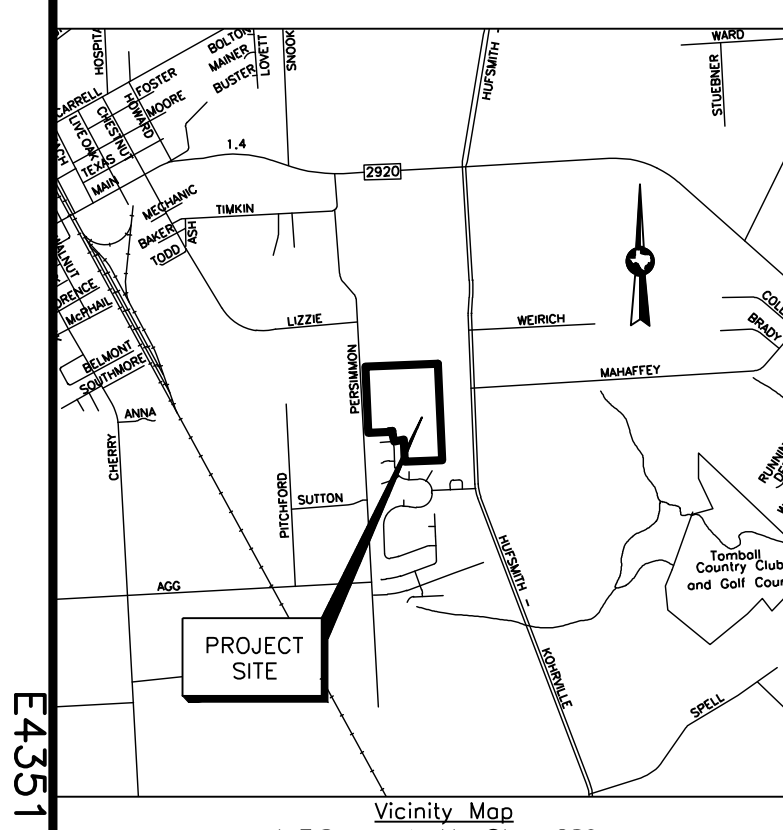
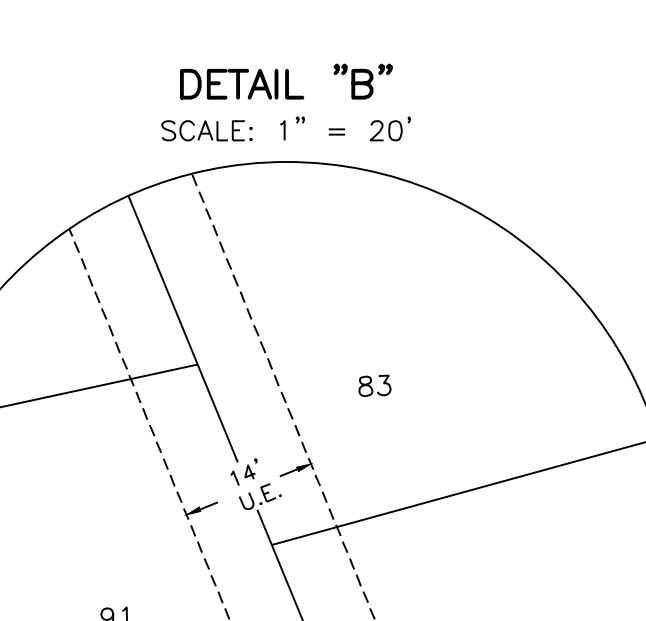
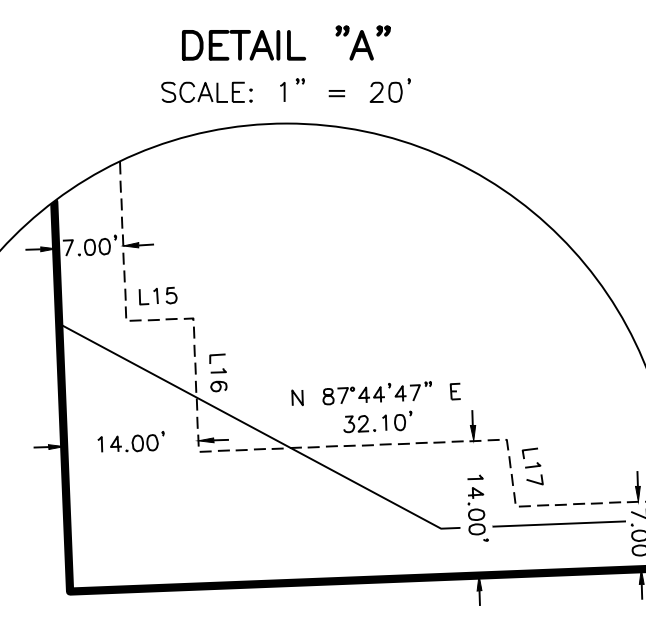
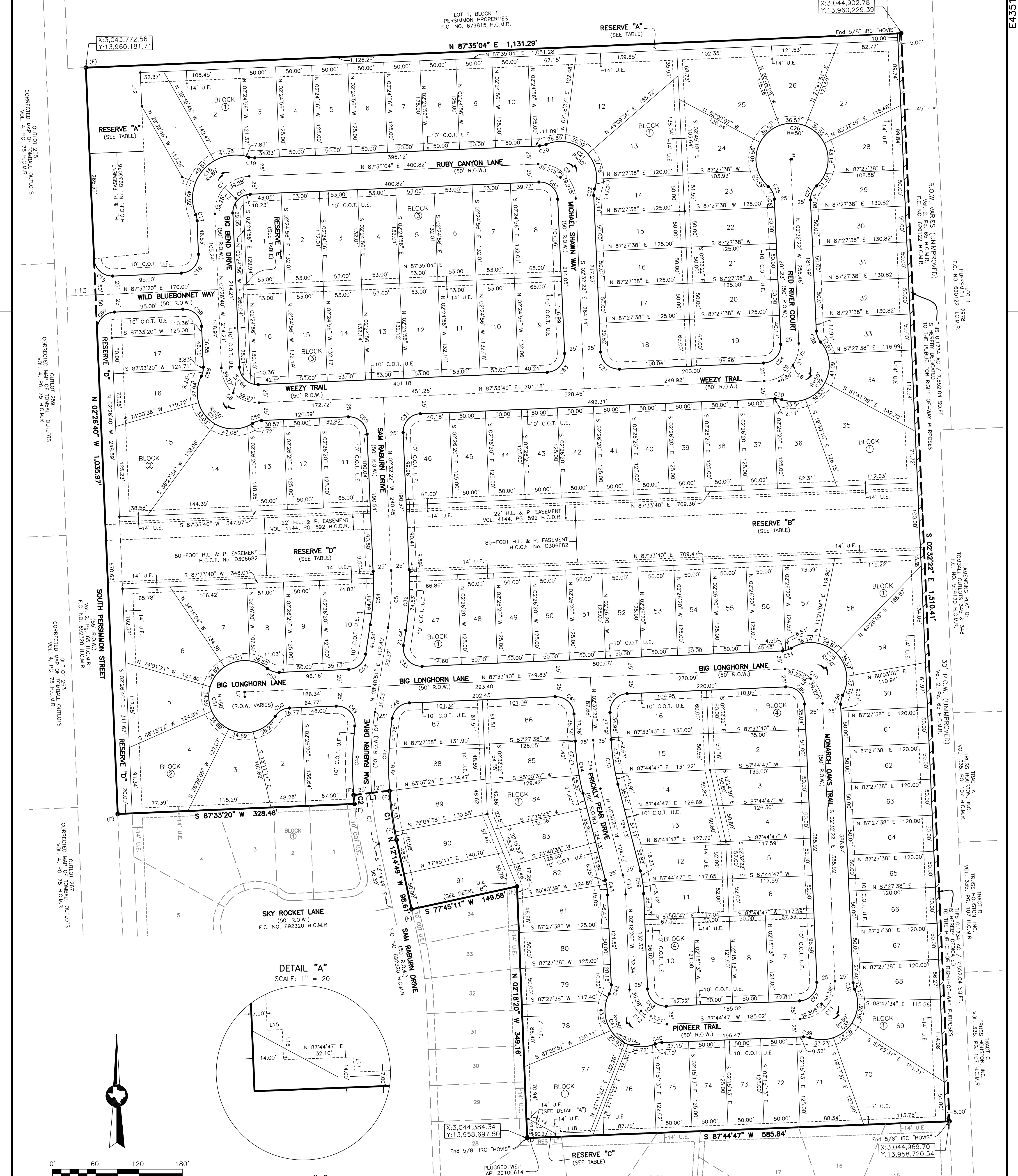
BEING A SUBDIVISION OF 33.7724 ACRES OUT OF THE JESSE PRUETT SURVEY, A-629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS; ALSO BEING A PARTIAL REPLAT OF RESERVE "G" OF RABURN RESERVE SEC 1 RECORDED UNDER F.C. NO. 692320, H.C.M.R.

REASON FOR REPLAT: TO CREATE 140 LOTS, 4 BLOCKS, AND 5 RESERVES

OWNER HT RABURN RESERVE DEVELOPMENT LP, A TEXAS LIMITED PARTNERSHIP 609 MAIN STREET, SUITE 2400 HOUSTON, TEXAS 77002

AUGUST, 2023

EHRA 10011 MEADOWGLEN LN HOUSTON, TEXAS 77042 713-784-4500 WWW.EHRA.TEAM Firm No. F-726 Firm No. 10092300



RESERVE	RESTRICTED TO	AREA
A	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	1.0037 ACRES/43,719.39 SQ. FT.
B	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	1.6285 ACRES/70,936.16 SQ. FT.
C	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	0.0358 ACRE/1,560.14 SQ. FT.
D	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	1.2137 ACRES/52,869.56 SQ. FT.
E	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	0.0851 ACRE/3,708.62 SQ. FT.
TOTAL ACREAGE =		3.9668 ACRES

RABURN RESERVE SEC. 3

BEING A SUBDIVISION OF 33.7724 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.

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AUGUST, 2023



10011 MEADOWGLEN LN
 HOUSTON, TEXAS 77042
 713-784-4500
 WWW.EHRA.TEAM
 Firm No. F-726
 Firm No. 10092300

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: September 11, 2023

Topic:

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.

Background:

The subject property is a part of the approved, recorded Brown-Hufsmith Church Subdivision. A building permit for the Bakers Landing Office Condominiums, a one-story multitenant commercial building, was approved by the City in October of 2021 and the construction was completed this year (2023). The applicant is planning to move their business that was previously located on Main Street to Suite B of the Bakers Landing Office Condominiums. As per the applicant, the days of operation of the proposed Barber/Beauty Shop will be Tuesday-Saturday. The applicant is expecting approximately 13 employees to be working at this location. The *Barber/Beauty Shop (no related school/college)* land use is permitted within the Office (O) zoning district with the approval of a Conditional Use Permit. Conditional Use Permits provide the opportunity to consider whether a location is appropriate for *Barber/Beauty Shop (no related school/college)*, and to apply conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

Origination: 2 S&Z Investments LLC., represented by Breann Williams

Recommendation:

Staff recommends approval of Conditional Use Permit Case CUP23-05.

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)
SEPTEMBER 11, 2023
&
CITY COUNCIL
SEPTEMBER 18, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, September 11, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, September 18, 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:

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.

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.

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.

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.

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.

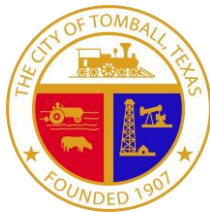
CERTIFICATION

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 8th day of September 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 CUP23-05

08/29/2023

The Planning & Zoning Commission will hold a public hearing on **September 11, 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 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.

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 **September 18, 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 #: CUP23-05

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:

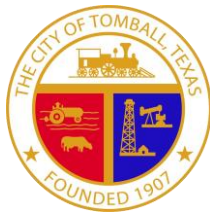
Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

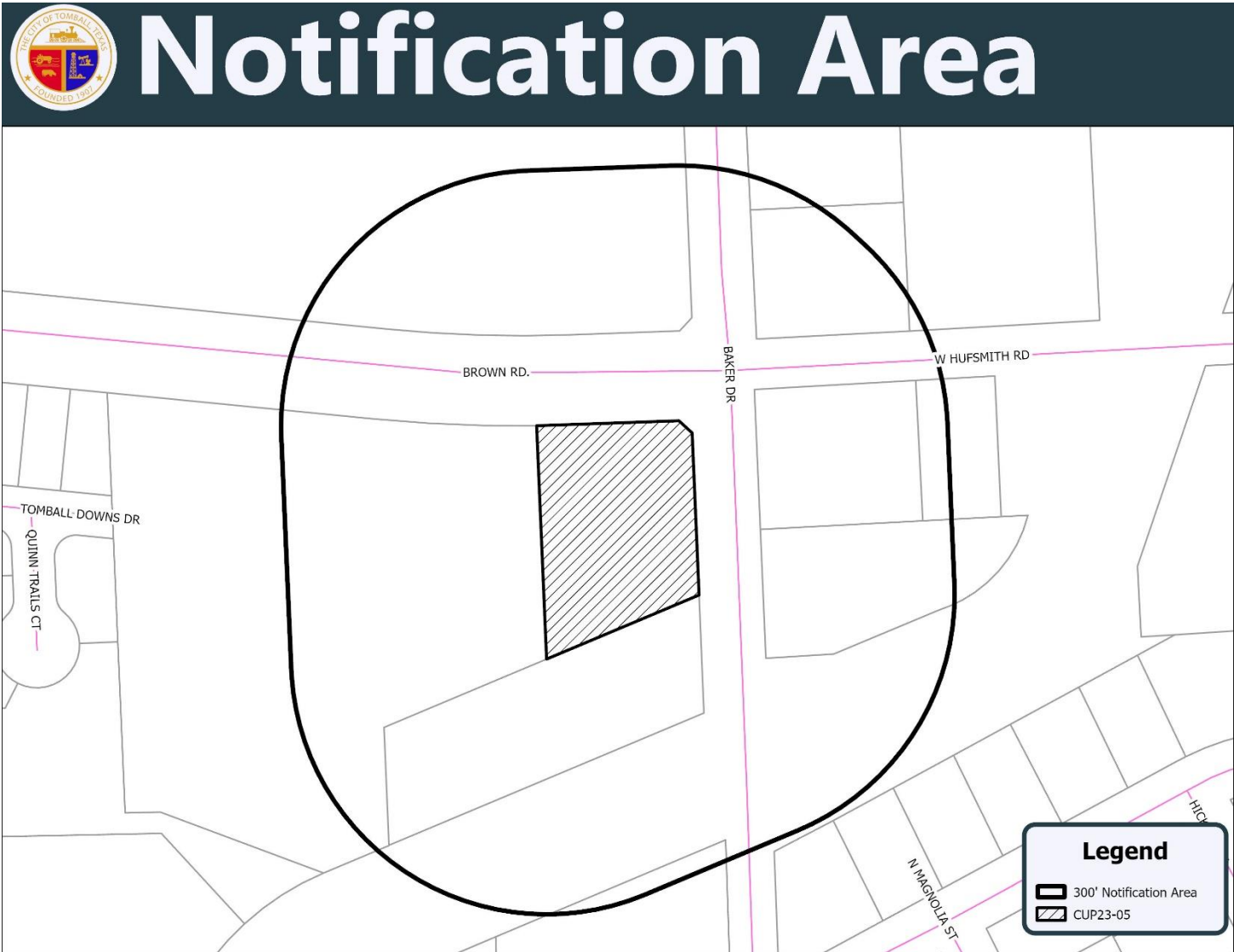
I am opposed

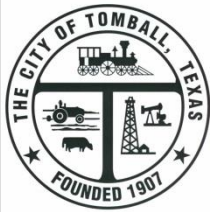
Signature: _____



*City of Tomball
Community Development Department*

CUP23-05





Conditional Use Permit Staff Report

Planning & Zoning Commission Public Hearing Date: September 11, 2023
City Council Public Hearing Date: September 18, 2023

- Rezoning Case:** CUP23-05
- Property Owner(s):** 2S&Z Investments LLC
- Applicant(s):** Breann Williams
- Legal Description:** Reserve B, Block 1 of Brown-Hufsmith Church Subdivision
- Location:** Located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas. (Exhibit "A")
- Area:** 1.00 acre (approximately)
- Comp Plan Designation:** Neighborhood Residential (Exhibit "B")
- Present Zoning and Use:** Office District (O) (Exhibit "C") / Vacant (Exhibit "D")
- Proposed Use(s):** *Barber/Beauty Shop (no related school/college)*
- Request:** Conditional Use Permit (CUP) to permit *Barber/Beauty Shop (no related school/college)*

Adjacent Zoning & Land Uses:

North: Brown-Hufsmith Road, Single-Family Residential District (SF-9)/ Redeemer Church

South: Single Family Residential – 6 (SF-6)/Drainage & Detention

West: Single Family Residential – 6 (SF-6)/The Church of Jesus Christ of Latter-Day Saints

East: Baker Drive, Single Family Residential – 6 (SF-6)/Single- Family Residences

BACKGROUND

The subject property is a part of the approved, recorded Brown-Hufsmith Church Subdivision. A building permit for the Bakers Landing Office Condominiums, a one-story multitenant commercial building, was approved by the City in October of 2021 and the construction was completed this year (2023). The applicant is planning to move their business that was previously located on Main Street to Suite B of the Bakers Landing Office Condominiums. As per the applicant, the days of

operation of the proposed Barber/Beauty Shop will be Tuesday-Saturday. The applicant is expecting approximately 13 employees to be working at this location. The *Barber/Beauty Shop (no related school/college)* land use is permitted within the Office (O) zoning district with the approval of a Conditional Use Permit. Conditional Use Permits provide the opportunity to consider whether a location is appropriate for *Barber/Beauty Shop (no related school/college)*, and to apply conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

ANALYSIS

Description: The subject property comprises about one acre and is located at the southwest corner of Brown-Hufsmith Road and Baker Drive. The subject property was rezoned from Single Family – 6 (SF-6) to Office (O) in August of 2020. Property to the north across Brown-Hufsmith Road is occupied by a church (Redeemer Church) and is zoned SF-9. To the south is an existing drainage/detention facility zoned SF-6. The property to the west is zoned SF-6 and contains a church (The Church of Jesus Christ of Latter-Day Saints). The parcels to the east across Baker Drive are zoned SF-6 and contain single-family residences.

Conformance with the Factors for Consideration of CUP (Sec. 50-81 (f)):

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at the 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 subject property is designated as Neighborhood Residential by the Comprehensive Plan's Future Land Use Map (FLUM). This land use category is intended for areas predominantly comprised of single-family detached housing. Such areas are primarily served by the automobile and with the inclusion of sidewalks for better access and safety. The size of lots will depend on surrounding land uses, with smaller lots being closer to supporting amenities, and recreation opportunities. Recommended primary land use is single-family detached residential. Recommended secondary land uses include parks, schools, and other public facilities. Where residential collector streets meet arterials, limited commercial services and single-family attached residential that do not require large parking lots are recommended. Recommended zoning categories are SF-20-E: Single-family Estate Residential-20; PD: Planned Development; SF-9: Single-family Residential-9; and SF-6: Single-family Residential-6.

The proposed CUP for *Barber/Beauty Shop (no related school/college)* is in conformance with the Comprehensive Plan recommendation of a commercial service that does not require large parking lot and is located at the intersection of a collector and an arterial.

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

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through the imposition of certain standards and conditions.”

The property was rezoned to Office (O) in 2020. This district is appropriate for low intensity office and professional uses. *Barber/Beauty Shop (no related school/college)* is permitted in this district with a CUP. The Comprehensive Plan also recommends commercial services that do not require large parking lots to be located at the intersection of a collector and an arterial.

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

The proposed use will be held to all applicable site development standards outlined in the City Code of Ordinances. A building permit for the shell building where the proposed use will be located was approved by the City in 2021. Additionally, prior to operation, a Certificate of Occupancy application shall be submitted to the City of Tomball Community Development Office identifying the planned arrangement of the Barber/Beauty Shop to ensure all standards required by the Code of Ordinances and/or required by this Conditional Use Permit are met.

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;

It is customarily appropriate to locate low intensity commercial uses near the intersection of arterial and collectors in residential areas. This proposed use is consistent with the surrounding mix of land uses currently found in the area. Staff believes that a Barber/Beauty Shop at this location would not be out of character for the surrounding area, particularly given that the property is next to Brown-Hufsmith Road and Baker Drive and existing nonresidential 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.

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and mailed to property owners within 300 feet of the project site on August 29, 2023. Any public comment forms received 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 CUP Case CUP23-05.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Exhibit "B"
Future Land Use Plan



Future Land Use

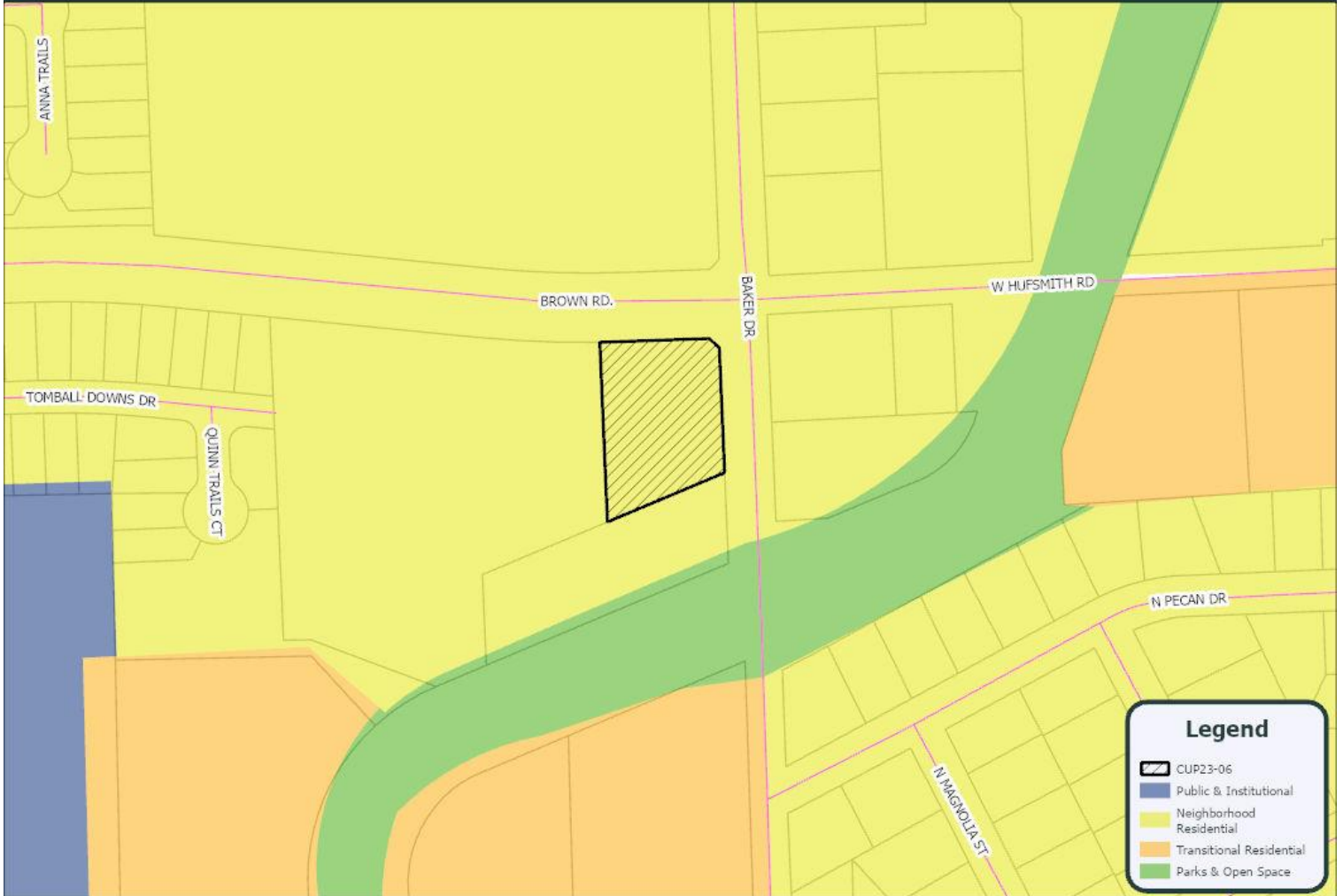
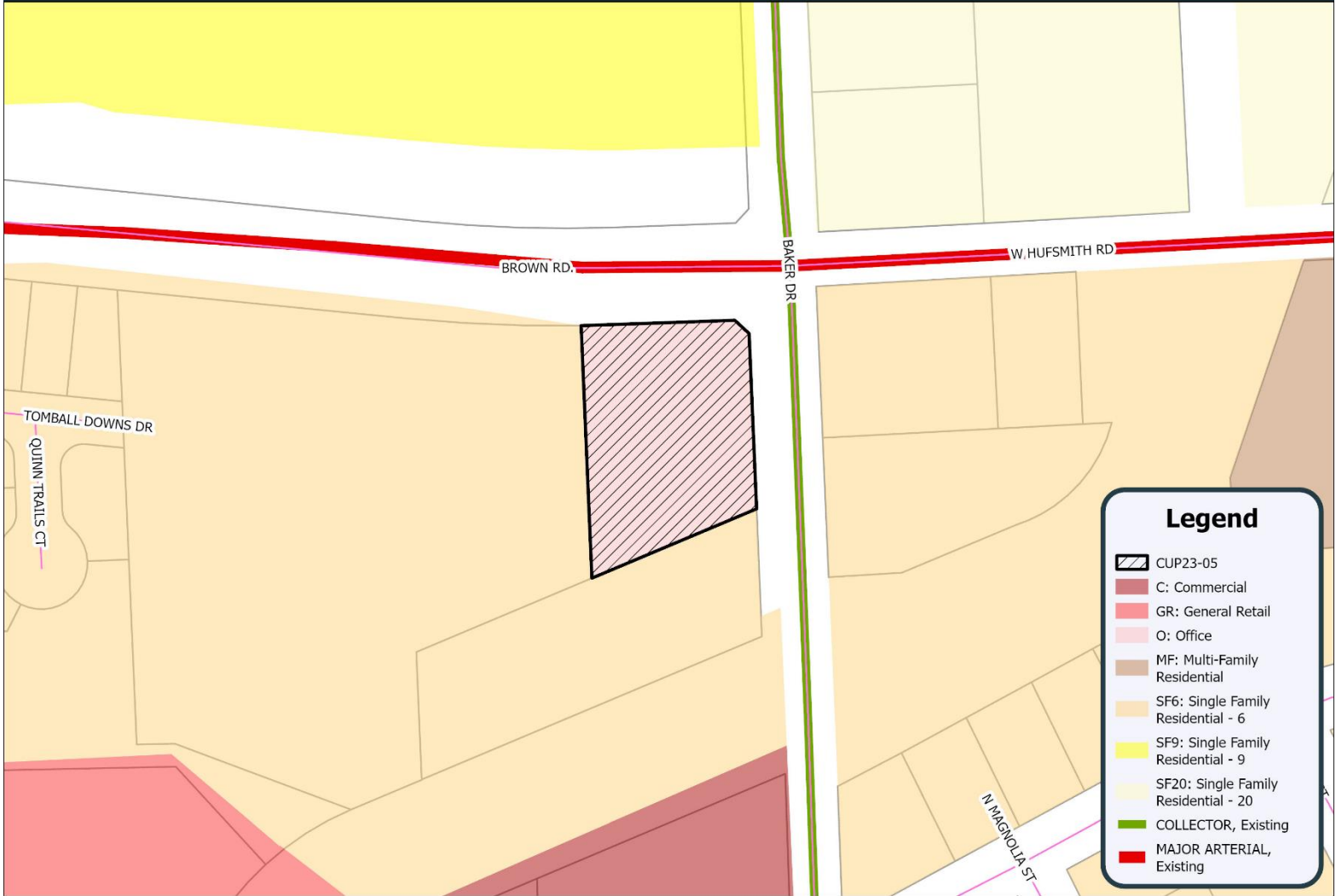


Exhibit "C" Zoning Map



Zoning



Subject Site



Neighbor (West)



Neighbor (East)

Item E.3



Neighbor (North)



Neighbor (South)



Exhibit "E" Conditional Use Permit Application



RECEIVED (KC)
08/02/2023

Revised: 10/1/2022
CUP23-05
\$1,000 PD

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: tombaldd
PASSWORD: Tomball1

Applicant

Name: Breann Williams Title: Owner, Southern Pineapple Boutique & Salon
Mailing Address: 16902 Indigo Hills Dr City: Magnolia State: TX
Zip: 77355 Contact: _____
Phone: (281) 441-1414 Email: southernpineappleboutiquetx@gmail.com

Owner

Name: Shan Ali Title: Owner, 2S&Z Investments, LLC
Mailing Address: 15110 Mintz Ln City: Houston State: TX
Zip: 77014 Contact: _____
Phone: (832) 630-1758 Email: shanali1@icloud.com

Engineer/Surveyor (if applicable)

Name: Ismaali urfi Title: engineer
Mailing Address: 1914 Kelli Wood Trails City: Katy State: TX
Zip: 77450 Contact: ismali@nengineer.com
Phone: (281) 748 1940 Fax: () _____ Email: _____

Revised: 10/1/2022

Description of Proposed Project: Hair Salon/Beauty Shop

Physical Location of Property: 640 Baker St, Ste B, Tomball, TX
77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: RES B BIK 1 BROWN HUFFSMITH UTURAT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1387030010002 Acreage: 43560SF

Current Use of Property: New building/Vacant

Proposed Use of Property: Hair Salon/Beauty Shop

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 [Signature] 7/31/2023
Signature of Applicant Date

X [Signature] 7-31-23
Signature of Owner Date

From: noreply@mail.tdr.tylerhosting.cloud
To: [Kimberly Chandler](#); [customerservice](#); bre.pennix@gmail.com
Subject: Receipt #R01374015
Date: Tuesday, August 1, 2023 11:23:20 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 : 8/1/2023 11:18 AM
OPER : SM
TKBY : SM
TERM : 6
REC# : R01374015
130.0000 PLANNING AND ZONING
640 baker 1000.00

508.0000 CREDIT CARD FEES-GENERAL FUND
100-5561 30.00

Paid By:breann pennix
4-CC 1030.00AUTH:07089C REF:p visa 383

To whom it may concern,

I am asking for a conditional occupancy for my hair salon/beauty shop at 640 Baker St suite B in Tomball.

I am a Tomball business owner and a Tomball local (born and raised). My business was previously located on Main Street and this move would allow us to continue our growth and better serve the community of Tomball.

Our salon is open Tuesday-Saturday by appointment. We have a receptionist that works at the front desk from 11-5 Tuesday- Saturday as well. Our business currently employees 7 people with an opportunity to add 5-6 more jobs with this move.

I appreciate your consideration.

Thank you,

Breann Williams
Owner - Southern Pineapple

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: September 11, 2023

Topic:

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.

Background:

The subject property has been located within the city limits of Tomball since at least 1909 and is currently developed and being used as a baseball academy, with paved parking, baseball fields, batting cages, an administrative office building, and concession stand. This use is identified as being the “*Playfield or stadium (private)*” land use category in the Tomball Code of Ordinances. Per the applicant, the owner intends to make additional improvements to the site, including an enclosed technical training building, unenclosed covered bullpen areas, and unenclosed covered batting cages. The owner does not want to rezone the property currently and wants to continue to operate the existing facility strictly as a baseball academy. The *Playfield or stadium (private)* land use is permitted within the current Agricultural zoning district with the approval of a Conditional Use Permit (CUP). This CUP will bring the land use into legal conformity and thereby allow the planned expansion(s) to this land use on the subject property.

Conditional Use Permits provide opportunities to further consider whether a location is appropriate for the proposed use and to apply conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

Origination: Equalizer USA, Inc., represented by Morales Engineering Associates, LLC

Recommendation:

Staff recommends approval of **Conditional Use Permit Case CUP23-06.**

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)
SEPTEMBER 11, 2023
&
CITY COUNCIL
SEPTEMBER 18, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, September 11, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, September 18, 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:

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.

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.

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.

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.

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.

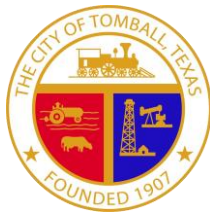
CERTIFICATION

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 8th day of September 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 CUP23-06

08/29/2023

The Planning & Zoning Commission will hold a public hearing on **September 11, 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 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.

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 **September 18, 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 #: CUP23-06

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:

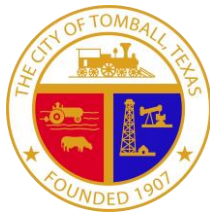
Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

I am opposed

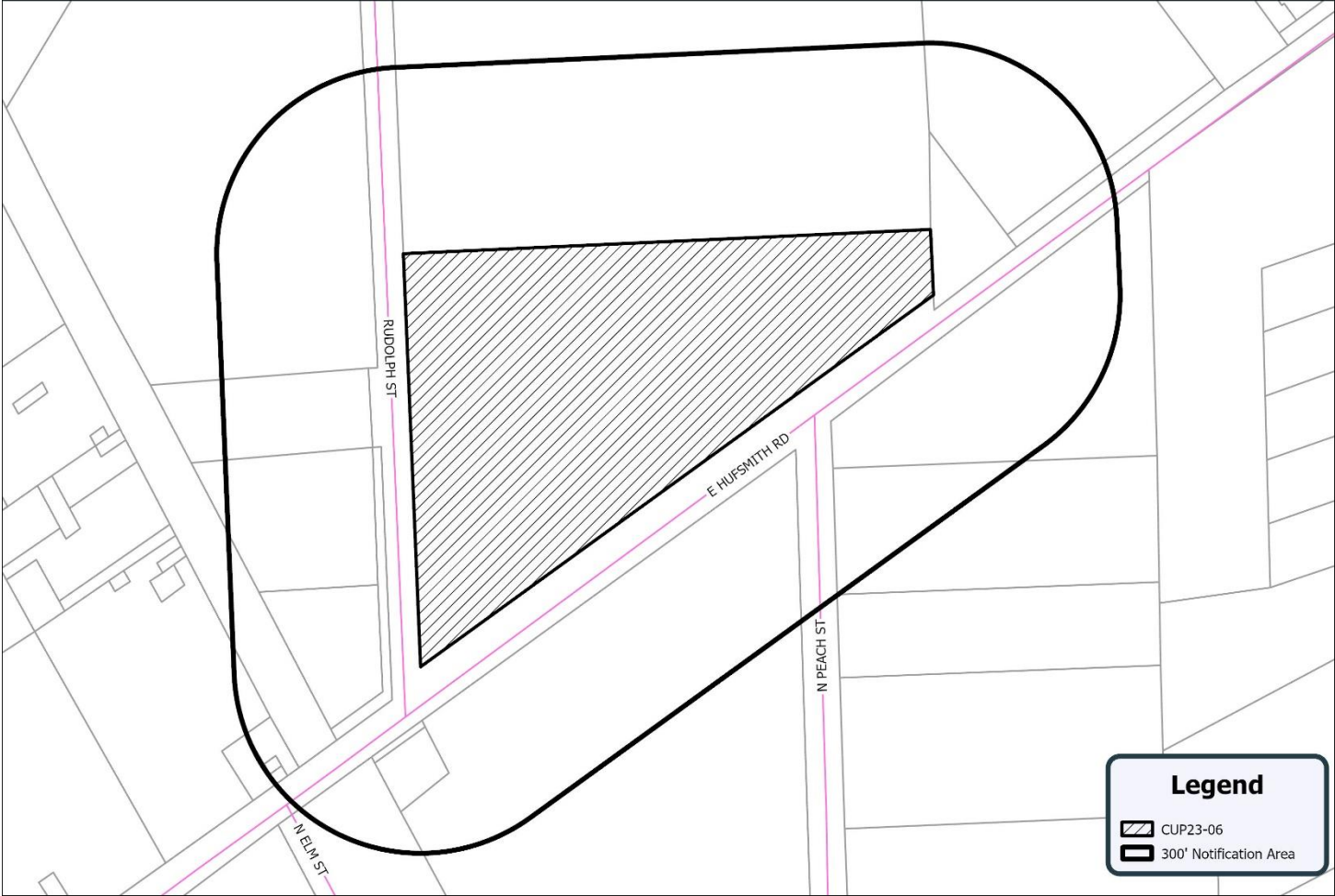
Signature: _____

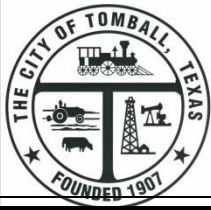


*City of Tomball
Community Development Department*

CUP23-06

 **Notification Area**





Community Development Department

Conditional Use Permit Staff Report

Planning & Zoning Commission Public Hearing Date: September 11, 2023
City Council Public Hearing Date: September 18, 2023

- Rezoning Case: CUP23-06
Property Owner(s): Equalizer USA, Inc.
Applicant(s): Morales Engineering Associates, LLC.
Legal Description: Lot 69 of Tomball Townsite Outlots
Location: Located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas. (Exhibit "A")
Area: 7.51 acres (approximately)
Comp Plan Designation: Neighborhood Commercial (Exhibit "B")
Present Zoning and Use: Agricultural (AG) (Exhibit "C") / Baseball Academy with Fields & Batting Cages (Exhibit "D")
Proposed Use(s): Playfield or stadium (private)
Request: Conditional Use Permit (CUP) for Playfield or stadium (private)

Adjacent Zoning & Land Uses:

- North: Agricultural (AG) / Vacant Land
South: E. Hufsmith Road, Multifamily Residential District (MF), Single Family Residential - 6 (SF-6) / Vacant Land
West: Rudolph Road, Commercial (C), Single Family-20 (SF-20) / Tru Expressions Photography, Vacant Land
East: Agricultural (AG) \ Single- Family Residence

BACKGROUND

The subject property has been located within the city limits of Tomball since at least 1909 and is currently developed and being used as a baseball academy, with paved parking, baseball fields, batting cages, an administrative office building, and concession stand. This use is identified as being the "Playfield or stadium (private)" land use category in the Tomball Code of Ordinances. Per the applicant, the owner intends to make additional improvements to the site, including an

enclosed technical training building, unenclosed covered bullpen areas, and unenclosed covered batting cages. The owner does not want to rezone the property currently and wants to continue to operate the existing facility strictly as a baseball academy. The *Playfield or stadium (private)* land use is permitted within the current Agricultural zoning district with the approval of a Conditional Use Permit (CUP). This CUP will bring the land use into legal conformity and thereby allow the planned expansion(s) to this land use on the subject property.

Conditional Use Permits provide opportunities to further consider whether a location is appropriate for the proposed use and to apply conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

ANALYSIS

Description: The subject property comprises approximately 7.51 acres, located at the northeast corner of E. Hufsmith Road and Rudolph Road. The property is presently located within the Agricultural (AG) zoning district and has been within this zoning designation since the adoption of zoning by the City of Tomball in 2008. Immediately north of the subject site is vacant land within the Agricultural (AG) zoning district. East of the subject property is an existing single family residence within the Agricultural (AG) district. To the south are vacant parcels within the Multi-Family Residential (MF) and Single Family Residential – 6 (SF-6) districts. West of Rudolph Road is a photography studio within Commercial (C) zoning.

Conformance with the Factors for Consideration of CUP (Sec. 50-81 (f)):

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

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

The subject property is designated as Neighborhood Commercial by the Comprehensive Plan’s Future Land Use Map (FLUM). This land use category is intended for commercial uses that complement residential development and have auto and pedestrian accessibility. Appropriate land uses include restaurants, retail, professional services, clinics, and offices. Recommended secondary uses include places of assembly or event venues, local utility services, and government facilities. Recommended zoning categories are O: Office, GR: General Retail, and PD; Planned Development. The proposed CUP for *Playfield or stadium (private)* provides active recreational opportunities which support nearby residential development.

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

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and

planned uses of adjoining property and the neighborhood can be mitigated through the imposition of certain standards and conditions.”

The property has been zoned Agricultural since the inception of zoning in 2008. According to *Chapter 50 (Zoning)* in the Tomball Code of Ordinances, this district is appropriate for ranching, propagation and cultivation of crops and similar uses of vacant land, and single-family uses on large lots. The Agricultural zoning district is also intended to be a temporary holding zone until permanent zoning is approved. *Playfield or stadium (private)* is permitted in this district with a CUP.

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

Yes, the proposed use will meet all supplemental standards outlined in Chapter 50 of the Code of Ordinances. Prior to expansion of operations, an official site plan shall be submitted to the City of Tomball Community Development Office identifying the planned location of all associated site improvements to ensure all standards applicable by the code of ordinances and/or required by this Conditional Use Permit are met.

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;

The use is currently existing and is consistent with the surrounding mix of land uses currently found in the area. Staff believes that a *Playfield or stadium (private)* use at this location would not be out of character with the surrounding area, particularly given that the use is in existence and the property is located at the intersection of two major thoroughfares E. Hufsmith Road (major arterial road) and Rudolph Road (collector road). Intersections such as this are ordinarily considered appropriate for commercial activities, as they provide convenient vehicular access and exposure often necessary for commercial success.

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.

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 300 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on August 29, 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 CUP Case CUP23-06 with the following condition(s);

- All future improvements associated with “*Playfield or stadium (private)*” land use must be in general conformance with the conceptual site exhibit provided by the applicant detailing the location of all planned structural improvements.

EXHIBITS

- A. Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo
- E. Conditional Use Permit Application

Exhibit "A"
Aerial Location Map



Exhibit "B"
Future Land Use Plan Map



Future Land Use

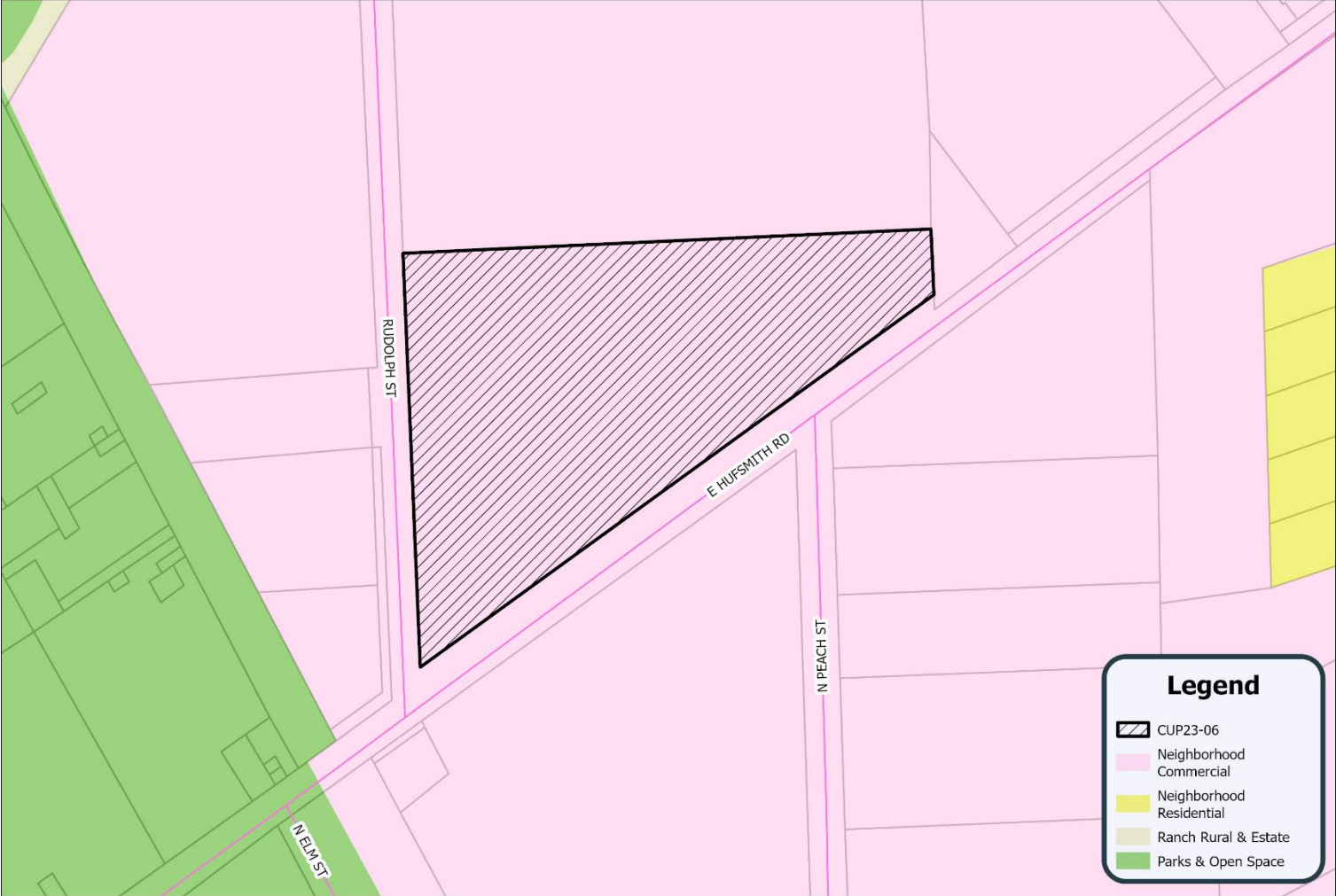


Exhibit "C"
Zoning Map



Zoning

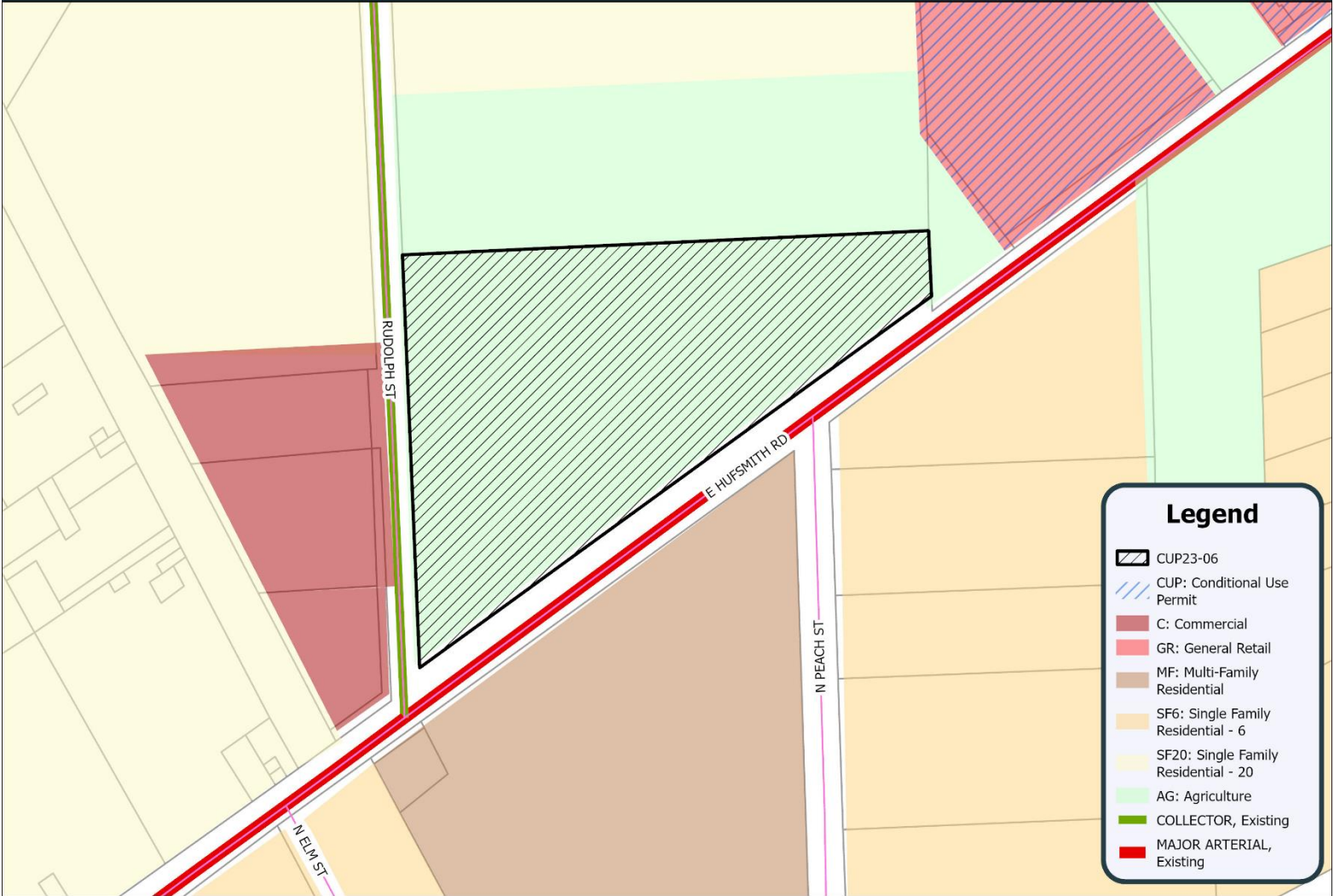


Exhibit "E"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)

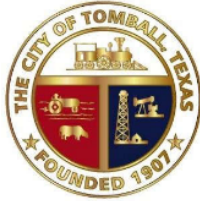


Neighbor (South)



Exhibit "E" Conditional Use Permit Application

RECEIVED (KC)
7/31/2023



Revised: 10/1/2022
CUP23-06
\$1,000 PD

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/secure/send
USERNAME: [tomballdd](#)
PASSWORD: TomballI

Applicant

Name: Morales Engineering Associates, LLC Title: Principal
Mailing Address: 2550 Gray Falls Dr., Ste. 330 City: Houston State: TX
Zip: 77077 Contact: Enrique Morales
Phone: (281) 496-6272 Email: emorales@moraleseng.com

Owner

Name: Equalizer USA, Inc. Title: _____
Mailing Address: 5446 E. 106 Ln. City: Winfield State: IN
Zip: 46307 Contact: Joseph Vetter
Phone: (219) 794-6230 Email: josephvetter@gmail.com

Engineer/Surveyor (if applicable)

Name: Same as Applicant Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Revised: 10/1/2022

Description of Proposed Project: Existing Baseball Academy with fields & batting cages

Physical Location of Property: 201 E. Hufsmith Rd., Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 7.5086 acres out of Lot 69, Tomball Five Acre Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 035-282-000-0151 Acreage: 7.5086 acres

Current Use of Property: Agricultural Land Use

Proposed Use of Property: Baseball Academy (batting cages, admin office, concessions) - CUP

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 Enrique Morales 7/18/23
Signature of Applicant Date

X Joseph Vetter 7/31/23
Signature of Owner Date

From: noreply@mail.tdr.tylerhosting.cloud
To: [Kimberly Chandler](#)
Subject: Receipt #R01374055
Date: Thursday, August 3, 2023 10:44:20 AM

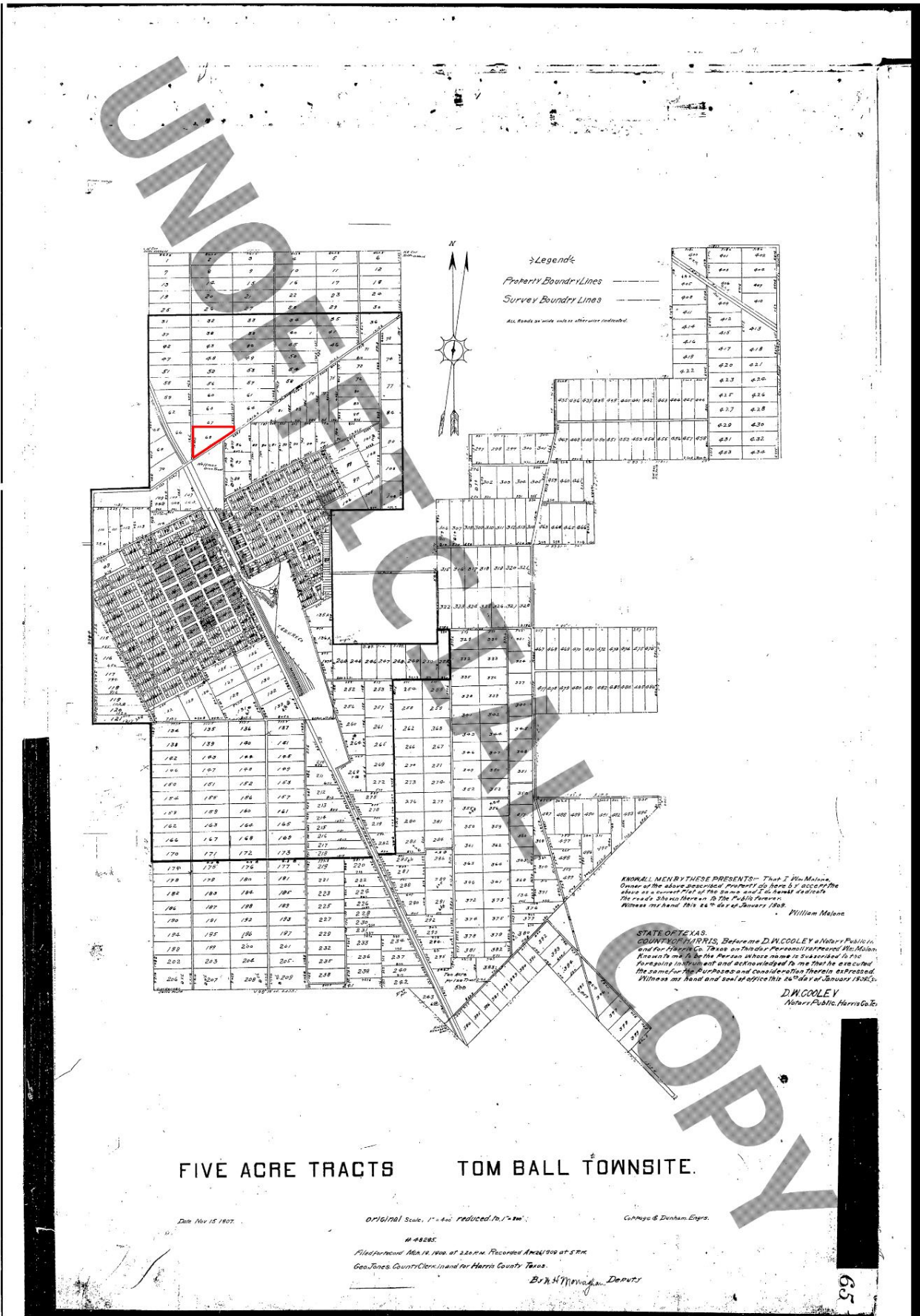
Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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

DATE : 8/1/2023 2:07 PM
OPER : AM
TKBY : Angelica Meza
TERM : 3
REC# : R01374055
130.0000 PLANNING AND ZONING
201 E Hufsmith Rd - CUP 1000.00

Paid By:201 E Hufsmith Rd - CUP
2-CK 1000.00 REF:w1557

RECORDED PLAT – TOMBALL FIVE-ACRE OUTLOT



Legend
 Property Boundary Lines
 Survey Boundary Lines
 All Bonds are made under the authority indicated.

KONRAD MENRY THESE PRESENTS: That I Konrad Menry, Owner of the above described Property do here by and through the above as a Power of Attorney of the same and I do hereby certify the same to be the Person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purposes and consideration therein expressed. Witness my hand and seal of office this 14th day of January, 1905.
 William Malone

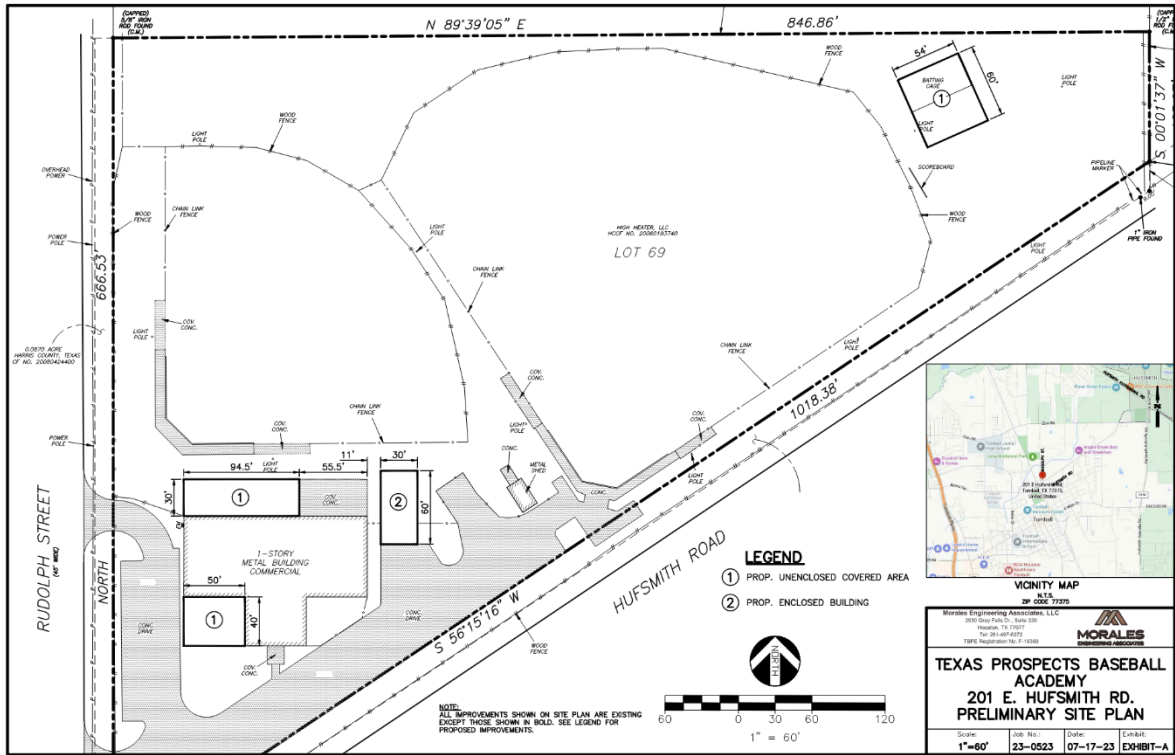
STATE OF TEXAS,
 COUNTY OF HARRIS, Before me D.W. COOLEY a Notary Public,
 and for Harris Co. Taxes on the said Personal Property of Konrad Menry, Present to me by the Person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Witness my hand and seal of office this 14th day of January, 1905.
 D.W. COOLEY
 Notary Public, Harris Co. Tex.

FIVE ACRE TRACTS TOM BALL TOWNSITE.

Date Nov 15, 1907.
 Original Scale, 1" = 400' reduced to 1" = 200'.
 W 48285.
 Filed for record, Nov. 18, 1909, at 2:25 P.M. Recorded April 1910 at 5 P.M.
 Geo. Jones, County Clerk and for Harris County Texas.
 B. H. McManis, Deputy

65

PROPOSED SITE PLAN



LETTER REQUESTING CONDITIONAL USE PERMIT (CUP)



July 31, 2023

Mr. Jared Smith
City Planner
City of Tomball
501 James Street
Tomball, Texas 77375

Re: 7.5086 Acres Out of Lot 69, Tomball Five Acre Outlots
201 E. Hufsmith Rd., Tomball, TX 77375
Texas Prospects Baseball Academy
Tomball, Texas

Dear Mr. Smith:

On behalf of our client, Equalizer USA, Inc., we are submitting the enclosed application for Conditional Use Permit (CUP) for the subject property. The property is currently developed and is an existing baseball academy consisting of paved parking, baseball fields, batting cages, administrative office building, and concession stand, which is currently within the administrative building. It is currently zoned as Agricultural District according to the City of Tomball's latest zoning map dated August 25, 2021.

The owner intends to make additional improvements consisting of an enclosed technical training building, unenclosed covered bull pen areas, and unenclosed covered batting cages. Please see attached site plan for locations and dimensions of proposed improvements. A CUP is being requested in order to be able to properly permit the proposed improvements given the property's current land use as an Agricultural District. A separate permit submittal for the proposed improvements will be made once the CUP is obtained. The owner does not intend to rezone the property at this time as the existing facility will continue to operate strictly as a baseball academy.

Please contact me at (281) 497-6272 if you have any questions or require additional information.

Sincerely,

Enrique Morales

Enrique Morales, P.E.
Principal

Attachment

cc: Joseph Vetter – Equalizer USA, Inc.

F:\Proposals\Texas Prospects Baseball Academy\Texas Prospects Baseball Academy - Tomball CUP Ltr.docx

METES & BOUNDS DESCRIPTION

STATE OF TEXAS §
§
§
§
COUNTY OF HARRIS §

Metes & Bounds Property Description

A tract of land containing 7.5086 Acres out of Lot 69 of Tomball Five-Acre Outlot according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, being the same tract recorded in the name of High Heater, LLC. under Harris County Clerk's File (H.C.C.F.) No. 20060193740 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 H.C.C.F. No. 20080424400 of the R.P.R.H.C.T.)

BEGINNING at a 1/2 Inch iron rod with a "Precision" cap set at the intersection of the northwest right-of-way line of Hufsmith Road and the east right-of-way line of Rudolph Street, being the southwest corner of this tract (from which a 1/2 Inch iron pipe found bears South 05° 04' 43" West, a distance of 25.67 Feet);

THENCE, **NORTH**, with said east right-of-way line, being a tract recorded in the name of Harris County, Texas under H.C.C.F. No. 20080424400 of the R.P.R.H.C.T., a distance of **666.53 Feet** to a 5/8 Inch iron rod found at the northwest corner of this tract (from which a second 5/8 Inch iron rod found bears North, a distance of 100.00 Feet, from said second 5/8 Inch iron rod found a third 5/8 Inch iron rod found bears North, a distance of 100.00 Feet);

THENCE, **NORTH 89° 39' 05" EAST**, with the south line of Lot 67, being a tract recorded in the name of Presario Properties, LLC. under H.C.C.F. No. 20060282474 of the R.P.R.H.C.T., a distance of **846.86 Feet** to a 1/2 Inch iron rod found at the northeast corner of this tract;

THENCE, **SOUTH 00° 01' 37" WEST**, with the west line of Lot 64, a distance of **105.97 Feet** to a 1/2 Inch iron rod with a "Precision" cap set on the aforementioned northwest right-of-way line of Hufsmith Road at the southeast corner of this tract (from which a 1 Inch iron pipe found bears South 00° 01' 37" West, 24.06 Feet and South 54° 05' 28" West, 9.00 Feet);

THENCE, **SOUTH 56° 15' 16" WEST**, with said northwest right-of-way line, being the aforementioned Harris County, Texas Tract, a distance of 1,018.38 Feet to the POINT OF BEGINNING and containing 7.5086 Acres.

(See attached drawing)



Terrance P. Mish
Registered Professional Land Surveyor
No. 4981
Job No. 22-03892
June 14, 2022

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: September 11, 2023

Topic:

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.

Background:

The subject property has been within the city limits of Tomball since at least 1909. Harris County Appraisal District records suggest that the commercial structure which occupies the property was constructed in 1979. The property was placed within a Single Family – 6 (SF-6) zoning district when the City of Tomball initially adopted zoning in 2008, this created a legally non-conforming commercial use of the property. Currently, the existing commercial structure is vacant. As per the applicant, the subject property has always been used for various commercial uses. The applicant’s request is to rezone the subject property to Old Town and Mixed-Use (OT & MU) to bring the commercial use of this property into legal conformity and allow the “highest & best” use of this property according to the applicant.

Origination: Paul & Delphine Michna

Recommendation:

Staff recommends approval of **Zoning Case Z23-12.**

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)
SEPTEMBER 11, 2023
&
CITY COUNCIL
SEPTEMBER 18, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, September 11, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, September 18, 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:

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.

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.

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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.

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.

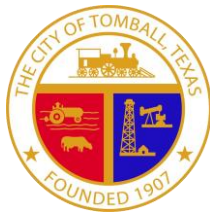
CERTIFICATION

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 8th day of September 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 Z23-12

08/29/2023

The Planning & Zoning Commission will hold a public hearing on **September 11, 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 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.

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 **September 18, 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 #: Z23-12

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:

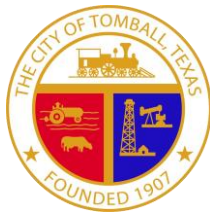
Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

I am opposed

Signature: _____



City of Tomball
Community Development Department

Z23-12

 **Notification Area**





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 11, 2023
City Council Public Hearing Date: September 18, 2023

Rezoning Case: Z23-12

Property Owner(s): Delphine Michna & Paul Michna

Applicant(s): Delphine Michna & Paul Michna

Legal Description: Lot 200 Block 10 Sansom Plaza

Location: Located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

Area: 0.29 acres (approximately)

Comp Plan Designation: Old Town (Exhibit “B”)

Present Zoning: Single-Family Residential District (SF-6) (Exhibit “C”)

Request: Single Family Residential – 6 (SF-6) to Old Town and Mixed-Use (OT & MU)

Adjacent Zoning & Land Uses:

North: Single Family Residential – 6 (SF-6)/Tomball Little League Facility

South: Single Family Residential – 6 (SF-6)/Single Family Residence

West: N. Cherry Street, Single Family Residential – 6 (SF-6)/Vacant Land

East: Single Family Residential – 6 (SF-6)/Tomball Little League Facility

BACKGROUND

The subject property has been within the city limits of Tomball since at least 1909. Harris County Appraisal District records suggest that the commercial structure which occupies the property was constructed in 1979. The property was placed within a Single Family – 6 (SF-6) zoning district when the City of Tomball initially adopted zoning in 2008, this created a legally non-conforming commercial use of the property. Currently, the existing commercial structure is vacant. As per the applicant, the subject property has always been used for various commercial uses. The applicant’s request is to rezone the subject property to Old Town and Mixed-Use (OT & MU) to bring the commercial use of this property into legal conformity and allow the “highest & best” use of this property according to the applicant.

ANALYSIS

Description: The subject property comprises about 0.29 acres and is located at 611 N. Cherry Street. Currently the subject property is zoned SF-6 and has been within this zoning classification since the City of Tomball adopted zoning in 2008. All surrounding properties are also zoned SF-6. Parcels on the north and east of the subject property contain the non-residential use of Tomball Little League. South of the subject property is a single-family residence. The property to the west across N. Cherry Street is vacant land owned by the City of Tomball.

Comprehensive Plan Recommendation: The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

Additionally, the Comprehensive Plan states – “The following considerations should be used as guidance for regulatory modifications or as part of decision-making: New development should encourage building to the street at a pedestrian scale, with no parking between the front building façade and the street. Pedestrian enhancements such as wide sidewalks, pedestrian furnishings, and street trees should be emphasized.”

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed Use District “is a mixture of retail, commercial and other non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. Additionally, Old Town & Mixed-Use zoning “is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”.

Staff Review Comments:

The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject property as being within the “Old Town” Future Land Use Category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. This is particularly true regarding growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. Additionally, this zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually-beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the City grows. Given that the entire block that the subject property falls within (aside from one lot) is utilized for commercial purposes and the subject property has been occupied by commercial businesses since at least 1979, the uses which would be allowed by Old Town & Mixed Use zoning would not appear out of character with the area

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 August 29, 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 Z23-12.

EXHIBITS

- A. Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Location

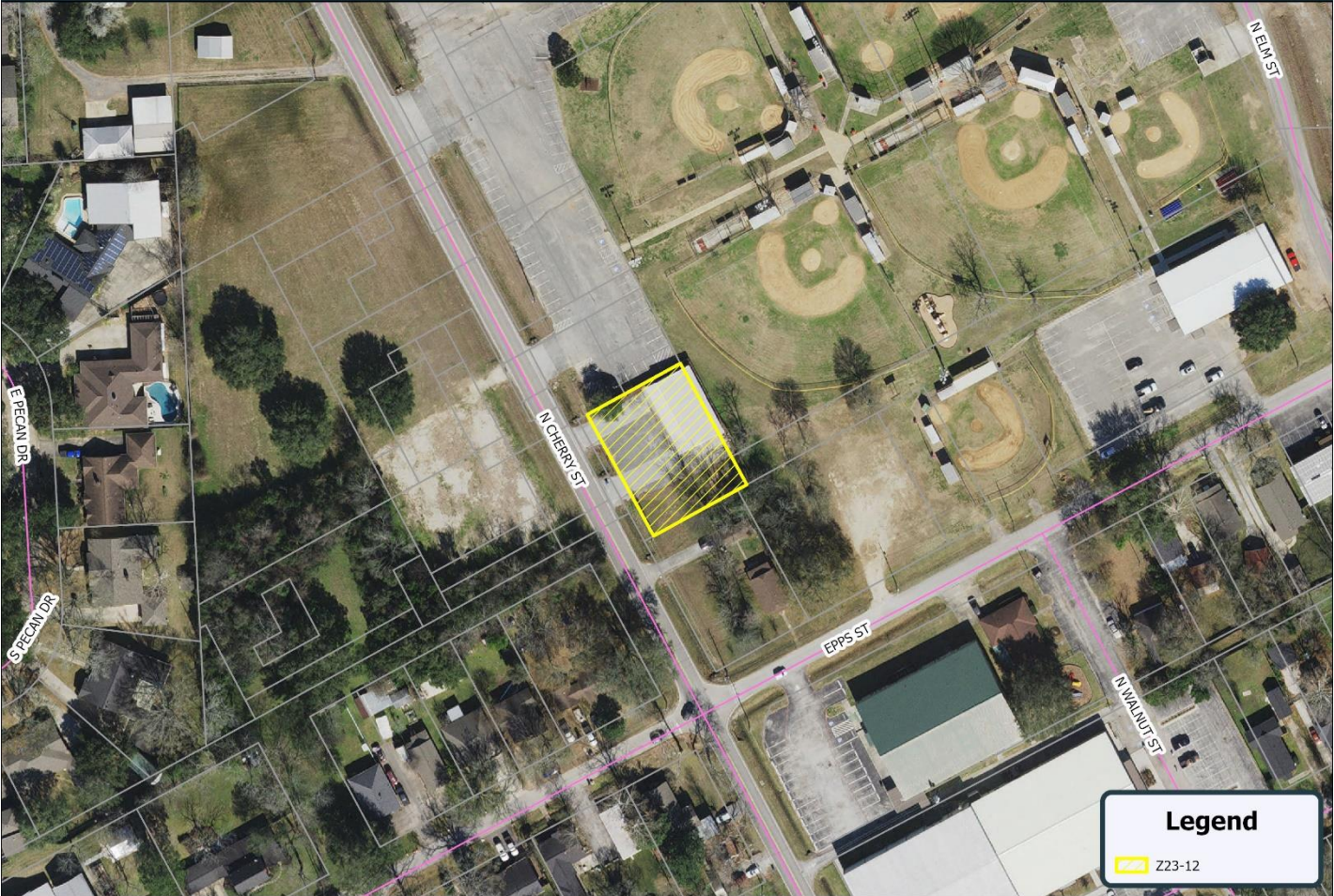
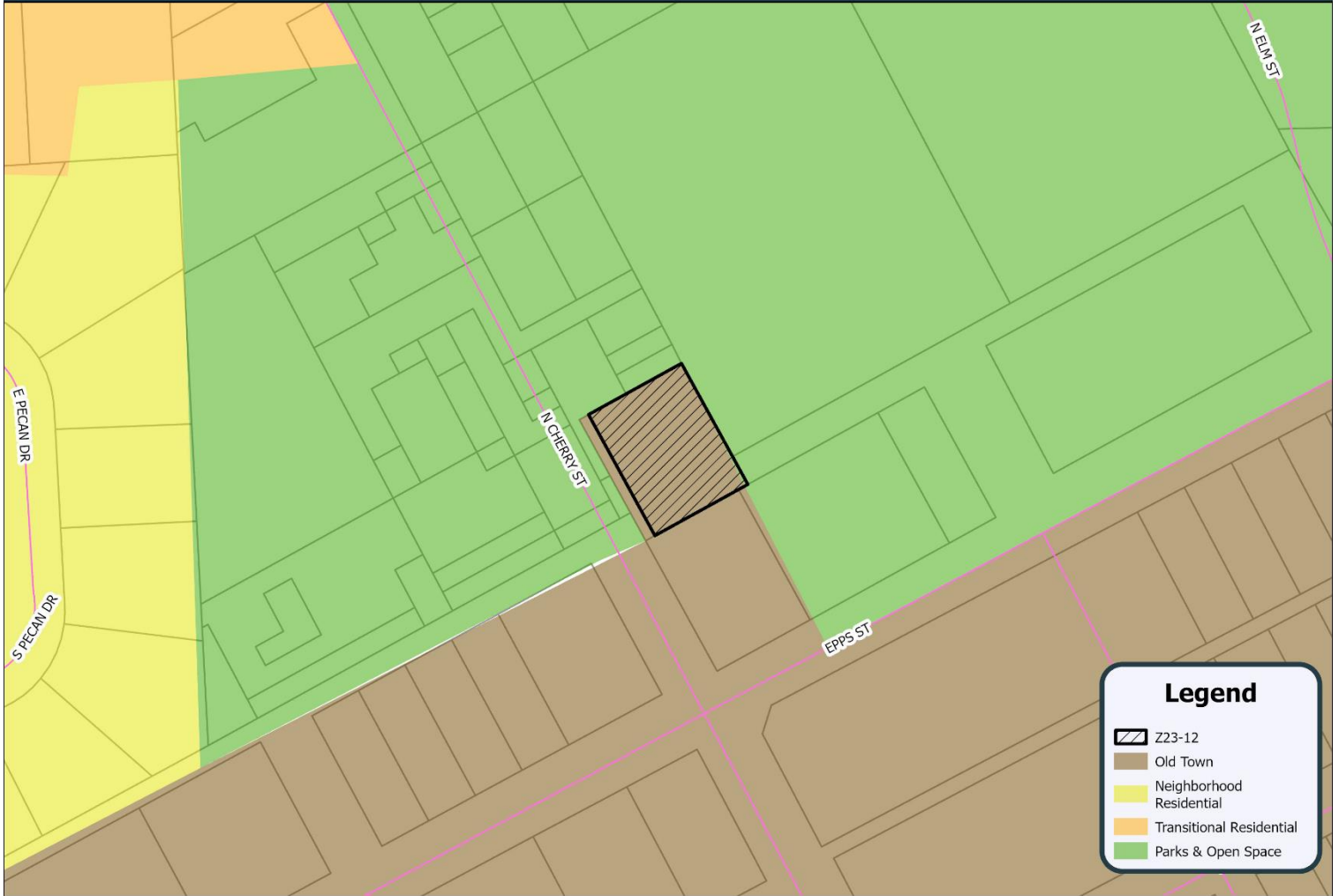


Exhibit "B"
Future Land Use Plan

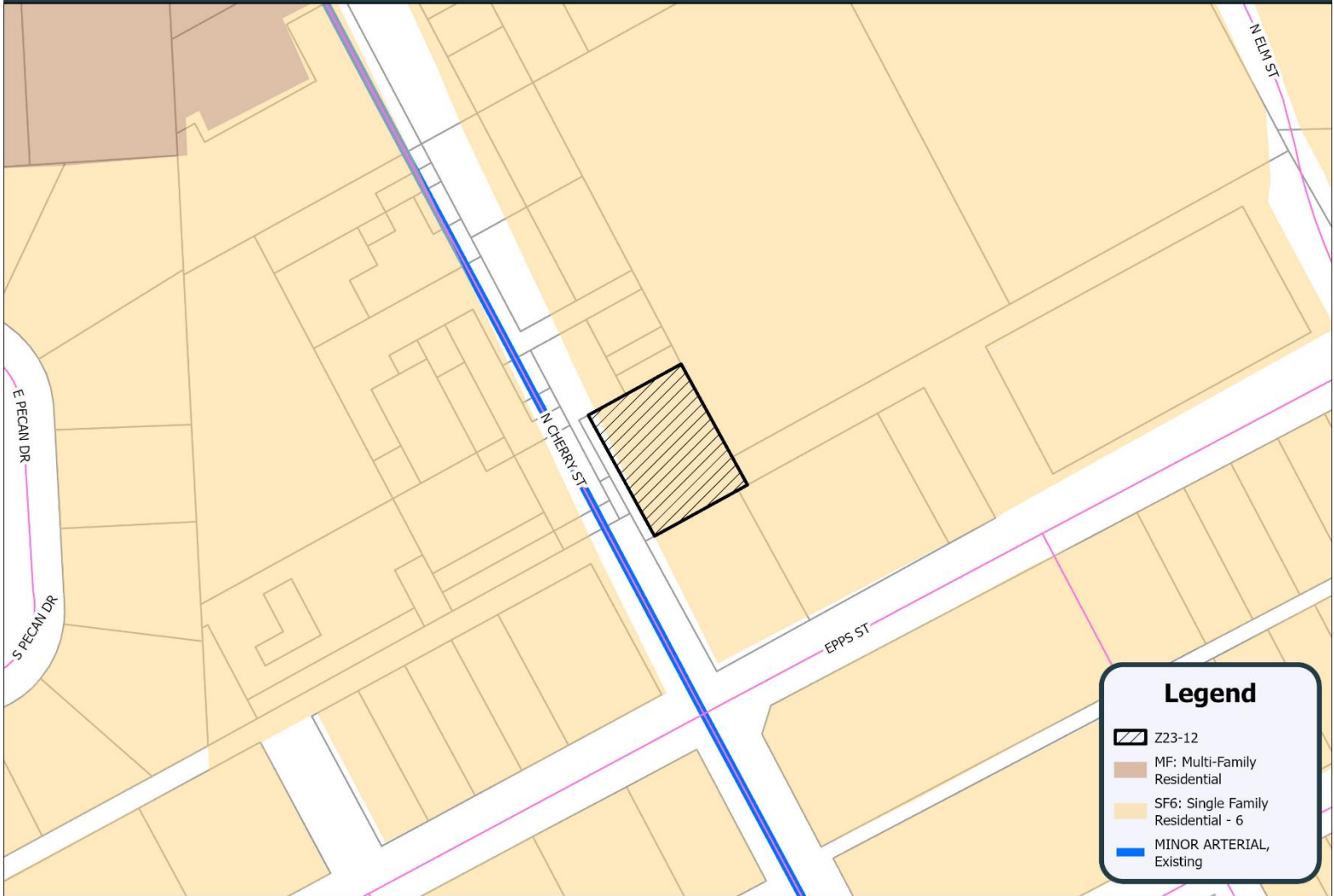


Future Land Use





Zoning



Legend

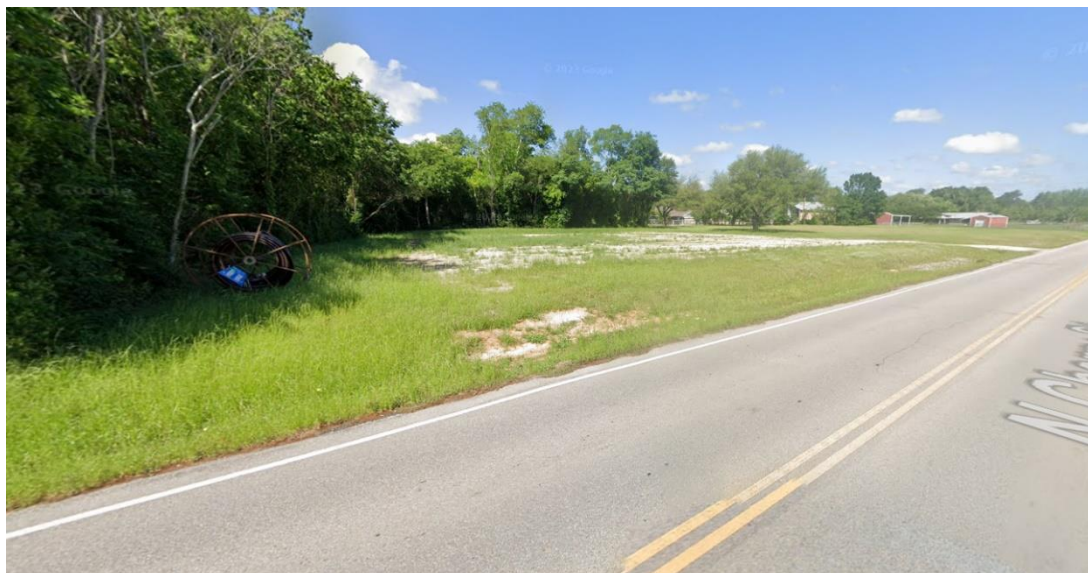
- Z23-12
- MF: Multi-Family Residential
- SF6: Single Family Residential - 6
- MINOR ARTERIAL, Existing

Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)

Item E.5



Neighbor (North)



Neighbor (South)



Exhibit "E" 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/secure/send
USERNAME: **tombalcedd**
PASSWORD: **Tomball1**

Applicant
Name: PAUL michiva Title: OWNER
Mailing Address: 1325 VIRGIE COMMUNITY City: MAGNOLIA State: TEXAS
Zip: 77354 Contact: PAUL michiva
Phone: (713) 376-8250 Email: CPmichiva@MSN.COM

Owner
Name: PAUL & Delphine michiva Title: OWNERS
Mailing Address: 1325 VIRGIE COMMUNITY City: MAGNOLIA State: TEXAS
Zip: 77354 Contact: PAUL michiva
Phone: (713) 376-8250 Email: CPmichiva@MSN.COM

Engineer (Surveyor) (if applicable)
Name: TONY SWONKE Title: OWNER
Mailing Address: 700 KANE City: TOMBALL State: TEXAS
Zip: 77375 Contact: _____
Phone: (281) 351-7789 Fax: (____) _____ Email: _____

Description of Proposed Project: COMMERCIAL/RETAIL

Physical Location of Property: 611 N. CHERRY TOMBALL, TEXAS 77354
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LOT 200 BLOCK TEN OF SANSUM PLAZA
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SINGLE FAMILY RESIDENTIAL

Revised: 10/1/2022

Current Use of Property: office / warehouse

Proposed Zoning District: OLD TOWN - MIXED USE

Proposed Use of Property: UNDETERMINED

HCAD Identification Number: 138 367 001 0001 Acreage: .328 Ac per Survey

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 Carey Murchio 8-30-23
Signature of Applicant Date

X Walter Lino Murchio 8/30/2023
Signature of Owner Date

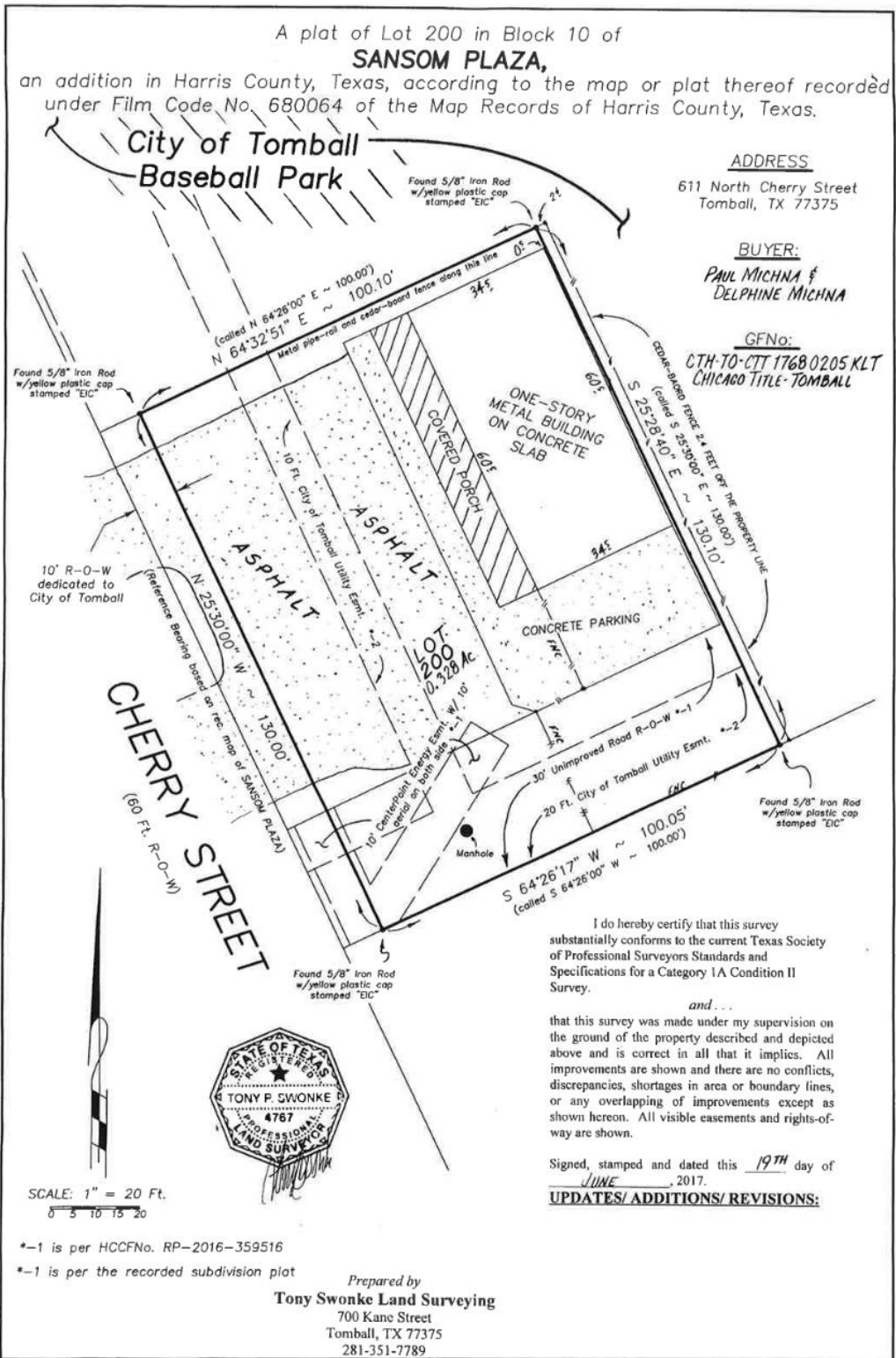
From: noreply@mail.tdr.tylerhosting.cloud
To: [Kimberly Chandler; customerservice](#)
Subject: Receipt #R01370474
Date: Wednesday, July 19, 2023 11:45:59 AM

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 : 7/19/2023 11:05 AM
OPER : SM
TKBY : SM
TERM : 6
REC# : R01370474
130.0000 PLANNING AND ZONING
611 n cherry 1000.00

Paid By:611 n cherry
2-CK 1000.00 REF:w 254



To whom it may concern:

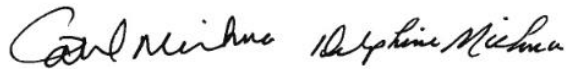
July 17, 2023

Thank you for the opportunity to seek a change in the zoning classification of our property at 611 N. Cherry. We are requesting the property be rezoned from Single Family Residential (SFR) to Old-Town Mixed Use (OT-MU).

The building was constructed in 1979 and has continually been used as a business or a commercial venture. There is only one residence in this entire block and, other than our building, Tomball Little League occupies the rest of the block.

Zoned as a (SFR) has restricted the property being used for its highest and best use. We believe rezoning the property will be mutually beneficial for all concerned. We thank the City Staff for their support of our attempt to rezone.

Thank you for your consideration of our request and look forward to discussing this matter with you.



Paul and Delphine Michna, Owners

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: September 11, 2023

Topic:

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.

Background:

The subject property has been within the city limits of Tomball since 1907. According to Harris County Appraisal District records a single family residence was constructed on the property in 1950. The applicant’s request is to rezone the subject property to Old Town and Mixed-Use (OT & MU) to make the property more desirable for future buyers. The proposed use is not specified by the applicant at this time.

Origination: Hightower Investments LTD

Recommendation:

Staff recommends approval of **Zoning Case Z23-13**.

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)
SEPTEMBER 11, 2023
&
CITY COUNCIL
SEPTEMBER 18, 2023**



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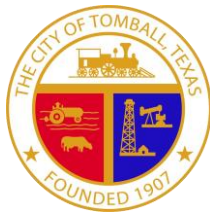
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Jared Smith

Jared Smith
City Planner

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**City of Tomball
Community Development Department**

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-13

08/29/23

The Planning & Zoning Commission will hold a public hearing on **September 11, 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 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.

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 **September 18, 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 #: Z23-13

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:

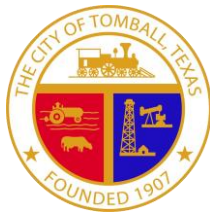
Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

I am opposed

Signature: _____





City of Tomball
Community Development Department

Z23-13

 **Notification Area**



Legend

-  Z23-13
-  300' Notification Area

PLANNING & ZONING COMMISSION

Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-13

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: HIGHTOWER INVESTMENTS LTD
Parcel I.D.: 0352690530001
Address: 400 N ELM ST

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

Email: jasmith@tomballtx.gov

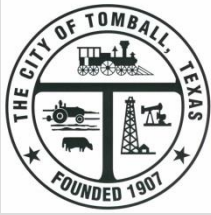
I am in favor

I am opposed

Additional Comments:

Signature: 

501 James Street • TOMBALL, TEXAS 77375



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 11, 2023
City Council Public Hearing Date: September 18, 2023

- Rezoning Case:** Z23-13
- Property Owner(s):** Hightower Investments Ltd.
- Applicant(s):** Hightower Investments Ltd.
- Legal Description:** Lots 1 & 2, Block 53 of Revised Map of Tomball
- Location:** Located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)
- Area:** 0.32 acres (approximately)
- Comp Plan Designation:** Old Town (Exhibit “B”)
- Present Zoning:** Single Family Residential – 6 (SF-6) (Exhibit “C”)
- Request:** Rezone from Single Family Residential – 6 (SF-6) to Old Town and Mixed-Use (OT & MU)

Adjacent Zoning & Land Uses:

- North:** Single Family Residential – 6 (SF-6)/Spring Creek Animal Hospital
- South:** Oxford Street, Single Family Residential – 6 (SF-6)/Single Family Residence
- West:** Single Family Residential – 6 (SF-6)/Single Family Residence (Homestead)
- East:** N. Elm Street, Single Family Residential – 6 (SF-6), Railroad/Vacant Land

BACKGROUND

The subject property has been within the city limits of Tomball since 1907. According to Harris County Appraisal District records a single family residence was constructed on the property in 1950. The applicant’s request is to rezone the subject property to Old Town and Mixed-Use (OT & MU) to make the property more desirable for future buyers. The proposed use is not specified by the applicant at this time.

ANALYSIS

Description: The subject property comprises about 0.32 acres and is located at 400 N. Elm Street, at the corner of N. Elm Street and Oxford Street. The subject property is zoned SF-6 and has been within this zoning classification since the City of Tomball adopted zoning in 2008. All surrounding properties are also zoned SF-6. The property immediately to the north of the subject property contains Spring Creek Animal Hospital, this commercial building was constructed in 1996 and is presently a legally non-conforming use. To the south of Oxford Street is a single-family residence. The property to the west also contains a single-family residence (homestead). To the east across N. Elm Street is vacant land and railroad tracks.

Comprehensive Plan Recommendation: The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

Additionally, the Comprehensive Plan states – “The following considerations should be used as guidance for regulatory modifications or as part of decision-making: New development should encourage building to the street at a pedestrian scale, with no parking between the front building façade and the street. Pedestrian enhancements such as wide sidewalks, pedestrian furnishings, and street trees should be emphasized.”

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed Use District “is a mixture of retail, commercial and other non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. Additionally, Old Town & Mixed-Use zoning “is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”.

Staff Review Comments:

The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject property as being within the “Old Town” Future Land Use Category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. This is particularly true regarding growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. Additionally, this zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually-beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the City grows. The property immediately north is an existing legally non-conforming commercial use, the western half of the block is occupied by another commercial use (Tomball Bible Church) and one-half block to the south is “Old Town”. Old Town is the area bounded by the railroad tracks, Houston, Pine, and Fannin Streets. This area

is largely comprised of a mixture of commercial uses alongside single family residences. That being said, the uses which would be allowed on the subject property within the requested Old Town & Mixed-Use zoning would continue to promote a mixture of land uses in the surrounding Old Town area and said uses would be in character with the properties.

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 August 29, 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 Z23-13.

EXHIBITS

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

Exhibit "B"
Future Land Use Plan Map



Future Land Use

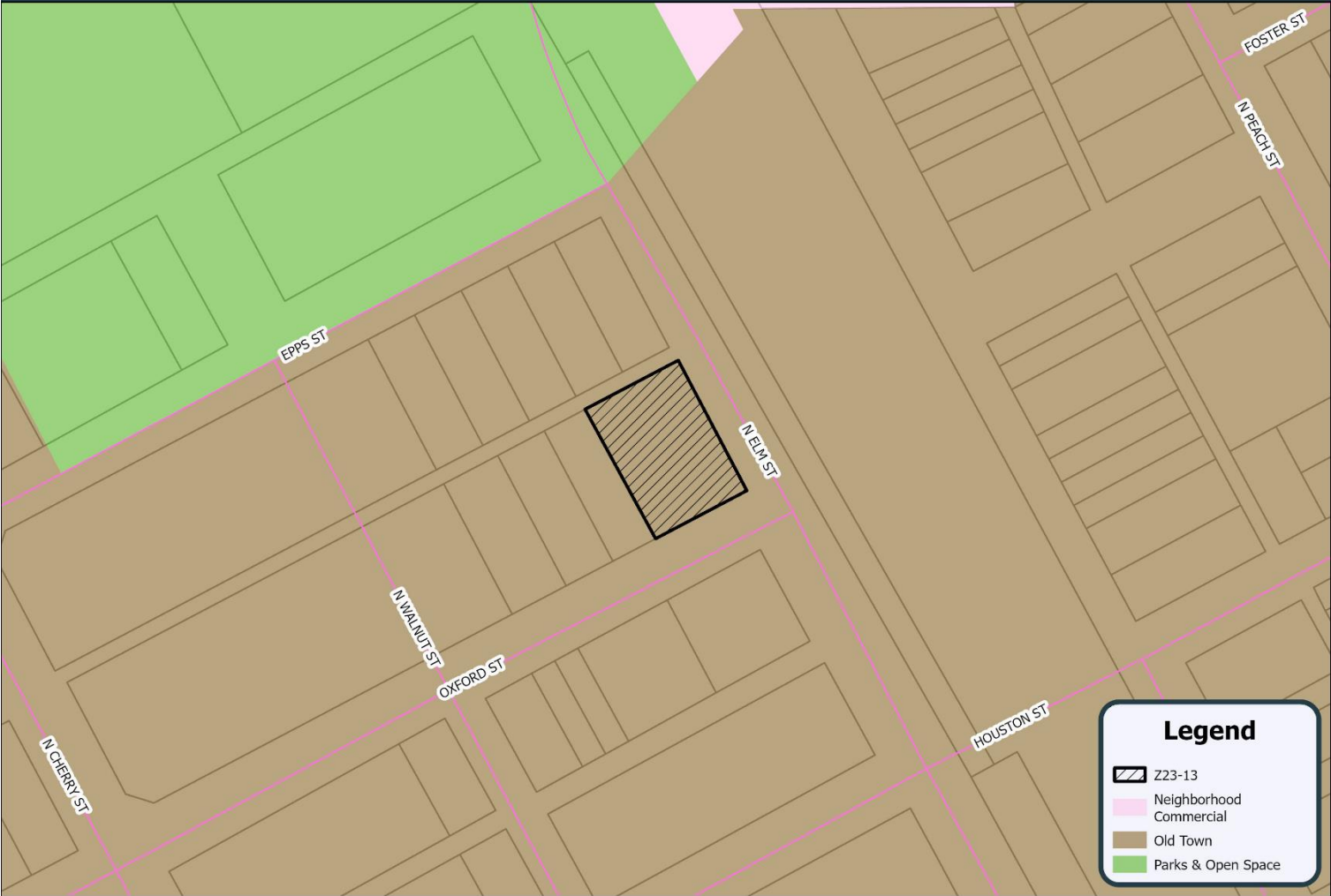


Exhibit "C"
Zoning Map



Zoning

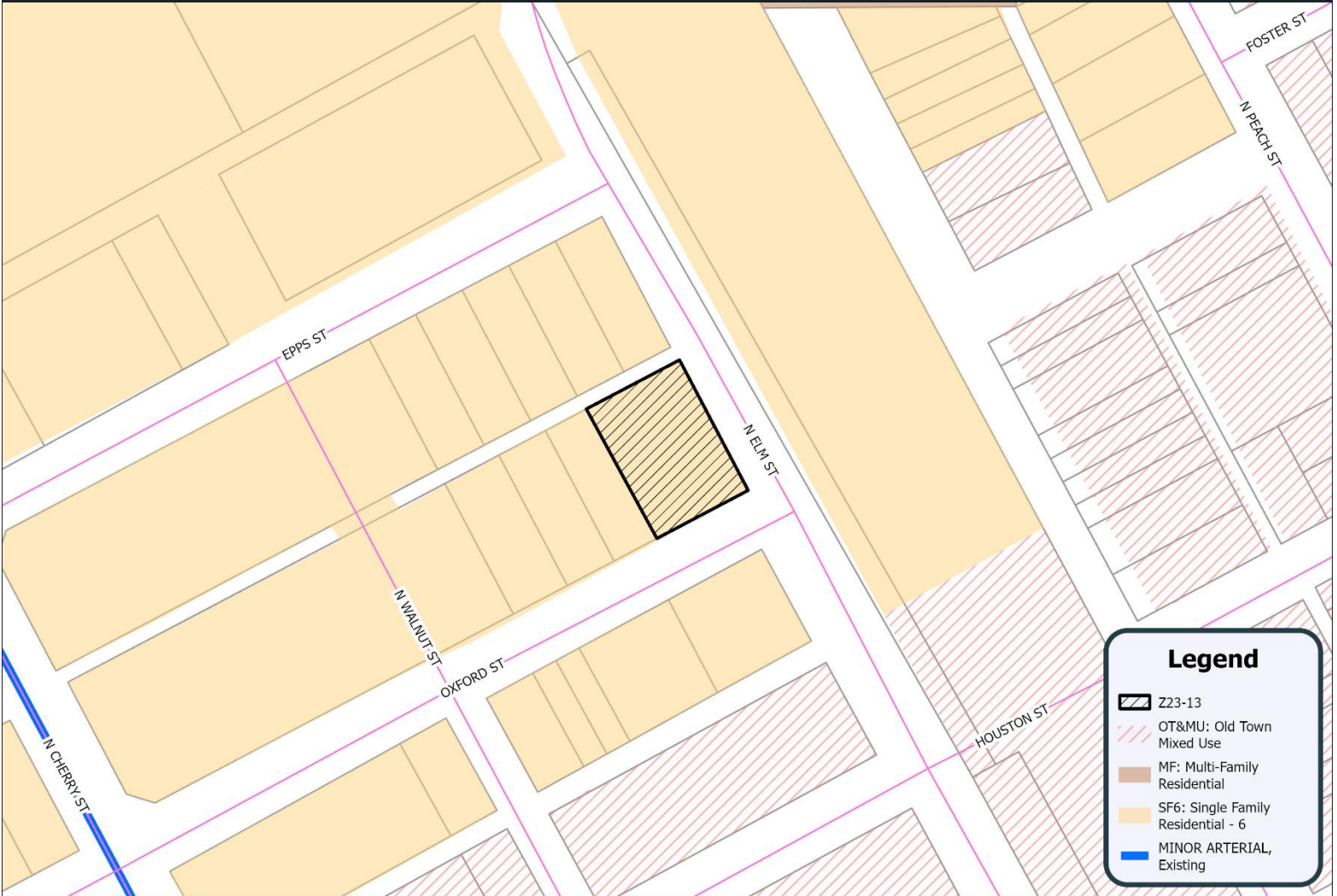


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)

Item E.6



Neighbor (North)



Neighbor (South)



Exhibit "E" Rezoning Application

Revised: 4/13/2020



APPLICATION FOR RE-ZONING Community Development Department Planning Division

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

Applicant

Name: HIGHTOWER INVESTMENTS LTD Title: PRESIDENT
Mailing Address: 6015 THEALL Rd. City: HOUSTON State: TX
Zip: 77066 Contact: Bill Hightower
Phone: (832) 473-0513 Email: bill@hightowerelectricltd.com

Owner

Name: HIGHTOWER INVESTMENTS LTD Title: PRESIDENT
Mailing Address: 6015 THEALL Rd. City: HOUSTON State: TEXAS
Zip: 77066 Contact: Bill Hightower
Phone: (832) 473-0513 Email: bill@hightowerelectricltd.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: CHANGE ZONING ONLY

Physical Location of Property: N.W. CORNER OF N. ELM AND OXFORD
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lts 1+2 Blk 53 TOMBALL 400 N. ELM ST.
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-6 SINGLE FAMILY 6 DISTRICT

Current Use of Property: RESIDENTIAL

Proposed Zoning District: OT & MU - OLD TOWN AND MIXED USE DISTRICT

Proposed Use of Property: TO MAKE MORE ATTRACTIVE TO A BUYER

HCAD Identification Number: 0352690530001 Acreage: 14000 Sq Ft.

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

Revised: 4/13/2020

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- Completed application form
- *Copy of Recorded/Final Plat *N/A*
- Check for \$400.00 + \$10.00 per acre (Non-Refundable)
- Letter stating reason for request and issues relating to request
- Conceptual Site Plan (if applicable) *N/A*
- Metes & Bounds of property *Survey*
- Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

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

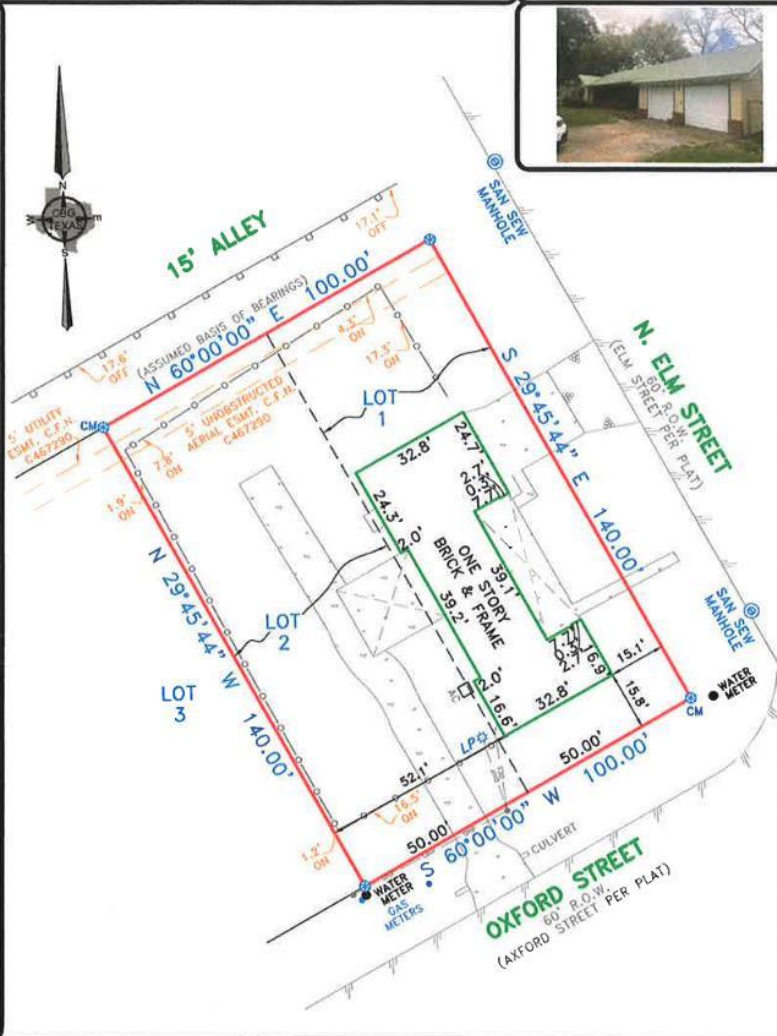
www.tomballtx.gov

400 N. Elm Street
 Lot 1, and 2, in Block 53, of TOWN OF TOMBALL, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 36 of the Map Records of Harris County, Texas.

stewart title
 Real partners. Real possibilities.™



- LEGEND**
- 1/2" ROD FOUND
 - ⊗ 1/2" ROD SET
 - 1" PIPE FOUND
 - ⊗ "X" FOUND/SET
 - ⊗ 5/8" ROD FOUND
 - ⊕ POINT FOR CORNER
 - FENCE POST FOR CORNER
 - CM CONTROLLING MONUMENT
 - AC AIR CONDITIONER
 - PE POOL EQUIPMENT
 - TE TRANSFORMER PAD
 - COLUMN
 - POWER POLE
 - ▲ UNDERGROUND ELECTRIC
 - △ OVERHEAD ELECTRIC
 - TELE TELEPHONE PEDESTAL
 - BL BUILDING LINE
 - AE AERIAL EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - GM GAS METER
 - WM WATER METER
 - LP LIGHT POLE
 - UE UTILITY EASEMENT
 - OHP— OVERHEAD ELECTRIC POWER
 - DES— OVERHEAD ELECTRIC SERVICE
 - CHAIN LINK
 - WOOD FENCE 0.5' WIDE TYPICAL
 - IL— IRON FENCE
 - X— BARBED WIRE
 - DOUBLE SIDED WOOD FENCE
 - EDGE OF ASPHALT
 - EDGE OF GRAVEL
 - CONCRETE
 - COVERED AREA
 - BRICK
 - STONE



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOLUME 2, PAGE 36

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY
 VOLUME 834, PAGE 295, VOLUME 974, PAGE 581,
 VOLUME 1221, PAGE 22, C.F.N. R358887

REVISION: 04-01-2022

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48201C0230L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Stewart Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Accepted by: _____ Purchaser
 Date: _____ Purchaser

Drawn By: HMM/CM
 Scale: 1" = 30'
 Date: 3-29-2022

GF No.: 1611147
 Job No.: 2206315

419 Century Plaza Dr., Ste. 210
 Houston, TX 77073
 P 281.443.9288
 F 281.443.9224
 Firm No. 10194280
 www.cbgtxtile.com

HIGHTOWER INVESTMENTS, LTD.

6115 THEALL RD, HOUSTON, TEXAS 77066

281-440-4405

FAX 281-440-4990

October 6, 2022

City of Tomball
Planning Commission
501 James Street
Tomball, TX 77375

Reference: 400 N. Elm Street

I would like to request a zoning change for 400 N. Elm Street from SF-6 – Single Family 6 District to OT & MU – Old Town & Mixed-Use District. I am requesting this change to make the property more desirable to a purchaser of said property in the future.

Thank you for your consideration.

Sincerely,



William G. Hightower
Hightower Investments LTD

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0352690530001

Tax Year: 2022

[Print](#)

Owner and Property Information							
Owner Name & Mailing Address: HIGHTOWER INVESTMENTS LTD 6115 THEALL HOUSTON TX 77066-1401				Legal Description: LTS 1 & 2 BLK 53 TOMBALL 400 N ELM ST TOMBALL TX 77375			
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	14,000 SF	1,512 SF	2593.06	26015	400 -- ISD 26 - Tomball ISD	4771B
							288H

Value Status Information		
Value Status	Notice Date	Shared CAD
Noticed	03/31/2022	No

Exemptions and Jurisdictions						
Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2021 Rate	2022 Rate
None	026	TOMBALL ISD		Certified: 08/19/2022	1.250000	1.230000
	040	HARRIS COUNTY		Certified: 08/19/2022	0.376930	
	041	HARRIS CO FLOOD CNTRL		Certified: 08/19/2022	0.033490	
	042	PORT OF HOUSTON AUTHY		Certified: 08/19/2022	0.008720	
	043	HARRIS CO HOSP DIST		Certified: 08/19/2022	0.162210	
	044	HARRIS CO EDUC DEPT		Certified: 08/19/2022	0.004990	
	045	LONE STAR COLLEGE SYS		Certified: 08/19/2022	0.107800	
	083	CITY OF TOMBALL		Certified: 08/19/2022	0.333339	
679	HC EMERG SERV DIST 8		Certified: 08/19/2022	0.094245		

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

Valuations			
Value as of January 1, 2021		Value as of January 1, 2022	
	Market	Appraised	
Land	68,250		Market 94,500
Improvement	92,571		Market 92,500
Total	160,821	160,821	Total 187,000

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value	SF1	SF	7,000	1.00	1.00	1.00	--	1.00	9.00	9.00	63,000.00
2	1001 -- Res Improved Table Value	SF3	SF	7,000	1.00	0.50	1.00	--	0.50	9.00	4.50	31,500.00

Building						
Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1950	Residential Single Family	Residential 1 Family	Average	1,512 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above attached garages is included in the square footage living area of the dwelling. Living area above detached garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Data		Building Areas	
Element	Detail	Description	Area
Cond / Desir / Util	Fair	BASE AREA PRI	1,512
Foundation Type	Crawl Space	MAS/BRK GARAGE PRI	528
Grade Adjustment	C	OPEN FRAME PORCH PRI	380
Heating / AC	None		
Physical Condition	Good		
Exterior Wall	Frame / Concrete Blk		
Element	Units		
Room: Total	6		
Room: Rec	1		

Room: Half Bath	1
Room: Full Bath	1
Room: Bedroom	2
Masonry Trim	1

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	Carport - Residential	Fair	Average	440.00	1997

From: noreply@tomballtx.gov
To: [Kimberly Chandler](#)
Subject: Receipt #R01336988
Date: Thursday, October 6, 2022 3:52:50 PM

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

DATE : 10/6/2022 3:44 PM
OPER : RP
TKBY : RP
TERM : 2
REC# : R01336988
130.0000 PLANNING AND ZONING
N ELM & OXFORD ST HIGHTOWER INVEST SF6-OTMU 400.00

Paid By:N ELM & OXFORD ST HIGHTOWER INVEST SF6-OTMU
2-CK 400.00 REF:w 1031