

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



**Monday, May 08, 2023
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, May 08, 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
 - A.1 Election of Vice Chair
- 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 Revised Minutes of the Regular Planning and Zoning Commission Meeting of March 13, 2023 to include conditions outlined by staff.
 - D.2 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 10, 2023.
- E. New Business Non-Action Items
 - E.1 Minor Plat of **GARZA RANCH:** Being a subdivision of 4.3321 acres of land situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

E.2 Minor Plat of **MEDICAL COMPLEX AT HUFSMITH KOHRVILLE**: A subdivision of 1.8379 acre tract, (80,060.00 Square Feet), being a replat of Reserve “C” of Calveary Baptist of Tomball Subdivision as recorded in Film Code No.520133, Harris County Map Records, situated in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas.

F. New Business

F.1 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-04**: Request by Rosehill Estates, LLC represented by George Jarkey to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

F.2 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-06**: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

F.3 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-03**: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

F.4 Conduct a Public Hearing and Consideration to Approve **Case CUP23-03**: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

F.5 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-05**: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

F.6 Conduct a Public Hearing and Consideration to Approve **Case CUP23-04**: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

G. 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 5th day of May 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: May 8, 2023

Topic:
Consideration to Approve the Revised Minutes of the Regular Planning and Zoning Commission Meeting of March 13, 2023 to include conditions outlined by staff.

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, MARCH 13, 2023



6:00 P.M.

A. The meeting was Called to Order by Chairwoman Tague at 6:01 p.m. Other Members present were:

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

Others Present:

- Jared Smith – City Planner
- David Olson – City Attorney

draft

B. No Public Comments were received.

C. No Reports and Announcements were heard.

D. Motion was made by Commissioner Harris, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 13, 2023.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

E. New Business Non-Action Items:

E.1 Minor Plat of **GRAHAM ROAD ESTATES REPLAT NO. 1**: A subdivision of 3.7491 acres, (163,311 Square Feet), being a replat of Lot 1, Block 1 of Graham Road Estates, Film Code No. 695147, H.C.M.R. situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County Texas.

- E.2 Minor Plat of **TOMBALL PD LOT:** A subdivision of 0.4017 acre tract, (17,500 Square Feet), being a replat of Lots 27, 28, 29, 30 and 31, Block 97, of Revised Map of Tomball, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented Minor Plats with Staff Approval.

F. New Business:

- F.1 Consideration to Approve Final Plat of **GRAND PARKWAY TOWN CENTER:** Being a subdivision of a 65.3516 acre tract of land being in the C.W. Hall Survey, Abstract No. 1639, and in the William Perkins Survey, Abstract No. 621, and in the T.A. Duclos Survey, Abstract No. 1473, City of Tomball, Harris County Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Ross, second by Commissioner Anderson, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

- F.2 Consideration to Approve Preliminary Plat of **RABURN RESERVE, SECTION 3:** Being a subdivision of 33.7724 acres out of the Jesse Pruett, A-269, City of Tomball, Harris County, Texas; also, being a partial replat of Reserve "G" of Raburn Reserve, Section 1, recorded under F.C. No. 692320, H.C.M.R.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Harris, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

- F.3 Consideration to approve Preliminary Plat of **TIM LITTLEFIELD LLC:** Being a commercial subdivision of 3.951 acres of land in the Jesse Pruitt Survey, A-629 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 a recommendation of approval with contingencies.

Motion was made by Commissioner Ross, second by Commissioner Moore, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

F.4 Consideration to approve Final Plat of **TOMBALL SOUTH COMMERCIAL NO. 3**: A subdivision of 7.1229 acres, (310,274 Square Feet), being all of Lot 2, and a portion of Reserve “B”, Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

F.5 Conduct a Public Hearing and Consideration to approve **Case CUP-23-01**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

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

Michael Pierce, (13607 Arcott Bend, Tomball, TX 77379), spoke on behalf of the request.

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

Chet Halloway, (1519 Coe Road, Pinehurst, Texas 77362), spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 6:36 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Case CUP-23-01**, subject to the following conditions outlined by staff:

- Hours of operation: 7:00 AM to 10:00 PM
- No more than 12 outdoor vendors/booths/tents shall be permitted in total on Lots 17 through 24, Block 18 in Revised Map of Tomball.
- Restroom facilities must be provided during the open-air market hours of operation. Said restrooms may be provided on site or within adjacent businesses located within the boundaries of this Conditional Use Permit. Portable restroom facilities are prohibited.
- Adhere to Section 50-116 (d.2.a) *Temporary Outdoor Sales*, with an exception on the required distances from “main building”.
 - o “Shall not be placed/located more than 30 feet from the main building in GR, and C Districts, and not more than 12 feet from the main building in the Old Town area.”

- An opaque fence/wall must be provided along the western boundary of Lot 17.
- Booths/tents and outdoor sales/displays must adhere to non-residential setback standards in OT & MU. Being the following:
 - o Front & Rear setback – No Minimum
 - o Side Setback (adjacent to commercial use) – No Minimum
 - o Side Setback (adjacent to residential use) – 20 feet (20’) Minimum

Roll call vote was called by City Secretary, Tracylynn Garcia.

Vote was as follows:

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

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

F.6 Conduct a Public Hearing and Consideration to approve **Case CUP-23-02**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

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

Michael Pierce, (13607 Arcott Bend, Tomball, TX 77379), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:21 p.m.

Hearing no comments, the Public Hearing was closed at 7:22 p.m.

Motion was made by Commissioner Moore, second by Commissioner Ross, to approve **Zoning Case Z23-02**, subject to the following conditions outlined by staff:

- Hours of operation: 7:00 AM to 10:00 PM
- No more than four (4) mobile food vendors shall be permitted in total on Lots 17 through 24, Block 18 in Revised Map of Tomball.
- Restroom facilities must be provided during the mobile food court hours of operation. Said restrooms may be provided on site or within adjacent businesses located within the boundaries of this Conditional Use Permit. Portable restroom facilities are prohibited.
- Adhere to Section 50-116 (j) *Site Development Standards for mobile food courts*.
- An opaque fence/wall must be provided along the western boundary of Lot 17.

- Mobile food vendors must adhere to non-residential setback standards in OT & MU. Being the following:
 - Front & Rear setback – No Minimum
 - Side Setback (adjacent to retail use) – No Minimum
 - Side Setback (adjacent to residential use) – 20 feet (20') Minimum

Roll call vote was called by City Secretary, Tracylynn Garcia.

Vote was as follows:

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

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

G. Adjournment

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

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

The meeting adjourned at 7:29 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 Meeting
Agenda Item
Data Sheet**

Meeting Date: May 8, 2023

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 10, 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, APRIL 10, 2023



6:00 P.M.

Draft

- A. The meeting was Called to Order by Chairwoman Tague at 6:00 p.m. Other Members present were:

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

Others Present:

Nathan Dietrich – Community Development Director
Jared Smith – City Planner

- B. No Public Comments were received.
- C. No Reports and Announcements were heard.
- D. Motion was made by Commissioner Ross, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 13, 2023.

Motion was amended by Commissioner Ross to add the conditions outlined by staff on Case CUP23-01 and Case CUP23-02 to the Minutes of the Regular Planning and Zoning Commission Meeting of March 13, 2023.

- E. New Business Non-Action Items:

- E.1 Minor Plat of **CROSSBAR**: A subdivision of 4.005 acres, (174,451 Square Feet), situated in the Claude N. Pilot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.
- E.2 Minor Plat of **HABITAT SITE**: A subdivision of 0.1607 acre, (7,000 Square Feet), of land situated in the William Hurd Survey, Abstract No. 371, Harris County, Texas.
- E.3 Minor Plat of **NULISCH ESTATES**: Being a 0.1607 acre, (7,000 Square Feet), tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 41 and 42, in Block 44, of the revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

E.4 Minor Plat of **THORNTON HOMESTEAD**: A subdivision of 0.1607 acre tract, (7,000 Square Feet), being a replat of Lots 21 and 22, Block 62, of revised Map of Tomball, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented Minor Plats with Staff Approval.

F. New Business:

F.1 Consideration to approve Preliminary Plat of **WALLACE CORNER**: A subdivision of 0.0417 acre, being a replat of Lots 18, 19 and 20, in Block 51 of revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas and the south half of Lots 5 and 6 in Block 51 of Town of Tomball, an addition 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, said Block 51 lying in the William Hurd Survey (A-371).

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve with contingencies.

Roll call vote was called by Community Development Director, Nathan Dietrich.

Motion Carried unanimously.

F.2 Consideration to approve Final Plat of **WOOD LEAF RESERVE, SECTION 2**: A subdivision of 18.02 acres of land out of the Claude N. Pillot survey, A-632, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve with contingencies.

Roll call vote was called by Community Development Director, Nathan Dietrich.

Motion Carried unanimously.

G. Adjournment

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

Roll call vote was called by Community Development Director, Nathan Dietrich.

Motion Carried unanimously.

The meeting adjourned at 6:12 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: 05/08/2023

Topic:

Minor Plat of **GARZA RANCH**: Being a subdivision of 4.3321 acres of land situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff recommends approval

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: Garza Ranch Plat Type: Minor

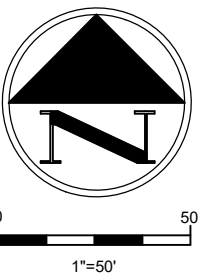
Construction Drawings for Public Facilities required? Yes No N/A

Plat within City Limits Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: May 8, 2023

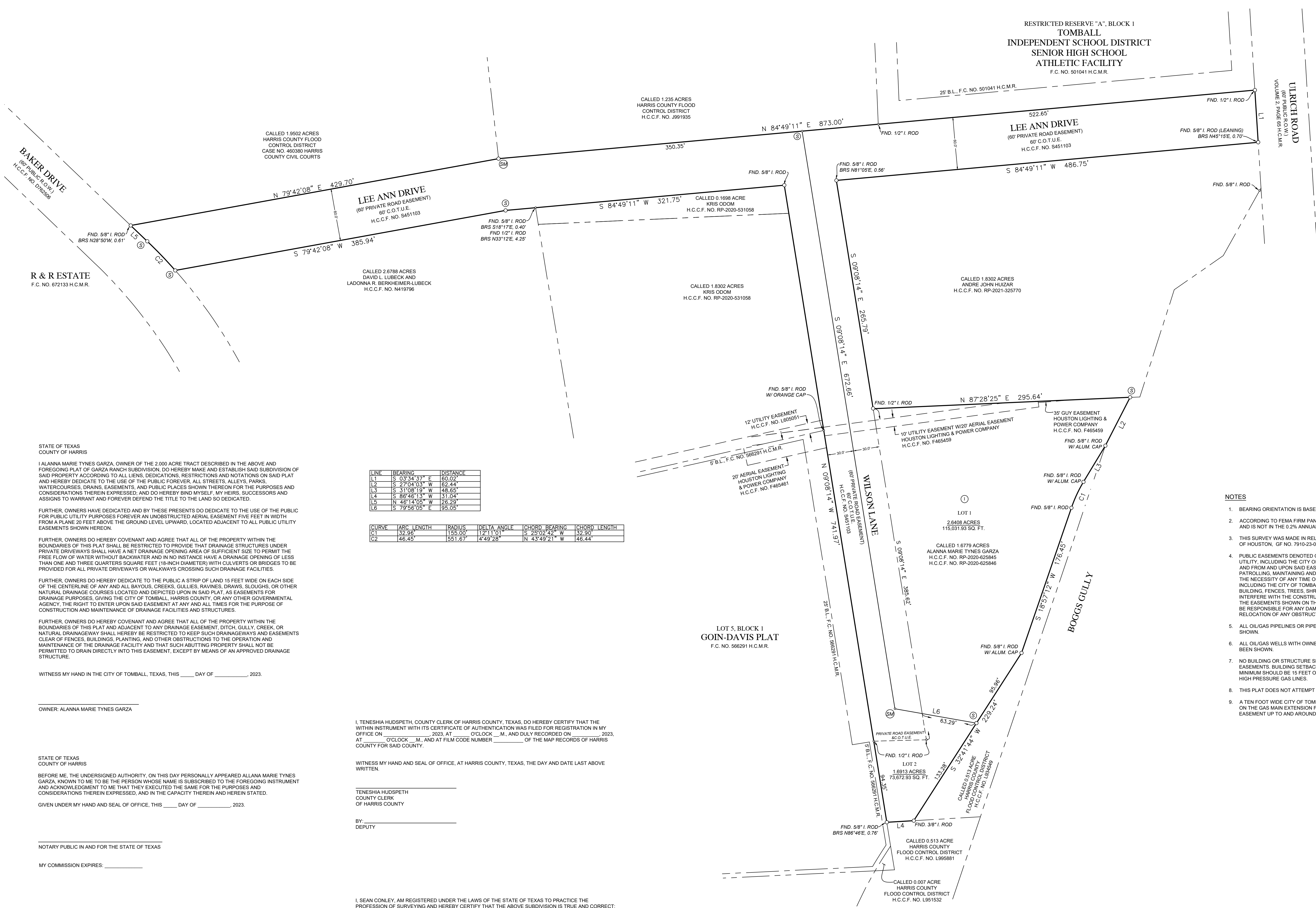
The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves this plat with no contingencies.



LEGEND

- ALUM ALUMINUM
- B.L. BUILDING LINE
- C.O.T.U.E. CITY OF TOMBALL UTILITY EASEMENT
- F.C. NO. FILM CODE NUMBER
- FND. FOUND
- H.C.C.F. NO. HARRIS COUNTY CLERK'S NUMBER
- H.C.M.R. HARRIS COUNTY MAP RECORDS
- IRON IRON
- R.O.W. RIGHT-OF-WAY
- SQ. FT. SQUARE FEET
- SM SET 5/8" IRON ROD W/ CONLEY RPLS 6739 CAP
- SM SET MAG NAIL IN ASPHALT



LINE	BEARING	DISTANCE
L1	S 03°34'37" E	60.02
L2	S 27°02'03" W	62.44
L3	S 31°08'19" W	48.65
L4	S 86°46'13" W	31.04
L5	N 48°14'05" W	26.29
L6	S 79°56'05" E	95.05

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	32.96	155.00	12°11'01"	S 25°02'42" W	32.90
C2	46.45	551.67	4°49'28"	N 43°49'21" W	46.44

STATE OF TEXAS
COUNTY OF HARRIS

I, ALANNA MARIE TYNES GARZA, OWNER OF THE 2.000 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF GARZA RANCH SUBDIVISION, 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 MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE 20 FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND 15 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGEWAY 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 ADJUTING 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.

OWNER: ALANNA MARIE TYNES GARZA

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALANNA MARIE TYNES GARZA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGMENT TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

NATHAN DIETRICH
COMMUNITY DEVELOPMENT DIRECTOR

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 _____, 2023, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2023, 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 HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY

BY: _____
DEPUTY

I, SEAN CONLEY, 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. THIS 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 INCH AND A LENGTH OF NOT LESS THAN THREE FEET, AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

SEAN CONLEY
TEXAS REGISTRATION NUMBER 6739



NOTES

- BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
- ACCORDING TO FEMA FIRM PANEL NO. 4820102230L (EFFECTIVE DATE 06/18/2007), THIS PROPERTY IS IN ZONE "X" AND IS NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAN.
- THIS SURVEY WAS MADE IN RELIANCE OF THAT CERTAIN CITY PLANNING LETTER ISSUED BY ABSTRACT SERVICES OF HOUSTON, GF NO. 7910-23-0094, DATED MARCH 31, 2023.
- 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.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- A TEN FOOT WIDE 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.

GARZA RANCH SUBDIVISION

BEING A SUBDIVISION OF
4.3321 ACRES OF LAND
SITUATED IN THE
JOSEPH HOUSE SURVEY, ABSTRACT 34
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

1 BLOCK, 2 LOTS
SCALE: 1" = 50'
DATE: MAY, 2023

OWNER
ALANNA MARIE TYNES GARZA
824 WILSON LANE
TOMBALL, TX 77375

SURVEYOR
CONLEY LAND SERVICES, LLC

11003 BUTTINWOOD CREEK TRAIL
TOMBALL, TX 77375
TEL: 832-799-4997
CONLEYLAND.COM
TBPELS FIRM NO. 10194732

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 05/08/2023

Topic:

Minor Plat of **MEDICAL COMPLEX AT HUFSMITH KOHRVILLE**: A subdivision of 1.8379 acre tract, (80,060.00 Square Feet), being a replat of Reserve "C" of Calveary Baptist of Tomball Subdivision as recorded in Film Code No.520133, Harris County Map Records, situated in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff recommends approval

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: Medical Complex at Hufsmith Kohrville Plat Type: Minor

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

Plat within City Limits Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: May 8, 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.

STATE OF TEXAS
HARRIS COUNTY

WE, THE CITY OF TOMBALL, A MUNICIPAL CORPORATION, OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 1.8379 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF MEDICAL COMPLEX AT HUFSMITH KOHRVILLE, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS TO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE 20 FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY, OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15' 0") WIDE ON EACH SIDE OF THE CENTER LINE 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 HOUSTON, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 65th LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

FURTHER, OWNERS HEREBY CERTIFY THAT THIS REPLAT DOES NOT ATTEMPT TO ALTER, AMEND, OR REMOVE ANY COVENANTS OR RESTRICTIONS.

WITNESS OUR HANDS IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2023.

THE CITY OF TOMBALL, A MUNICIPAL CORPORATION

BY:
DAVID ESQUIVEL CITY MANAGER

STATE OF TEXAS
HARRIS COUNTY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID ESQUIVEL CITY MANAGER, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2023.

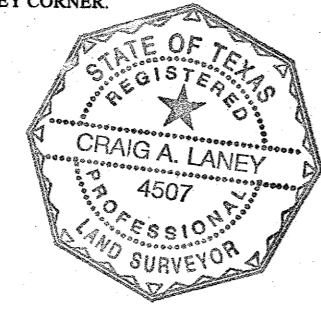
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

Craig A. Laney
CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



THIS IS TO CERTIFY THAT THE CITY OF TOMBALL, TEXAS, IS APPROVED THIS PLAT AND MAP OF THE MEDICAL COMPLEX AT HUFSMITH KOHRVILLE IN CONFORMANCE WITH THE STATE OF TEXAS AND ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THE PLAT, THIS _____ DAY OF _____, 2023.

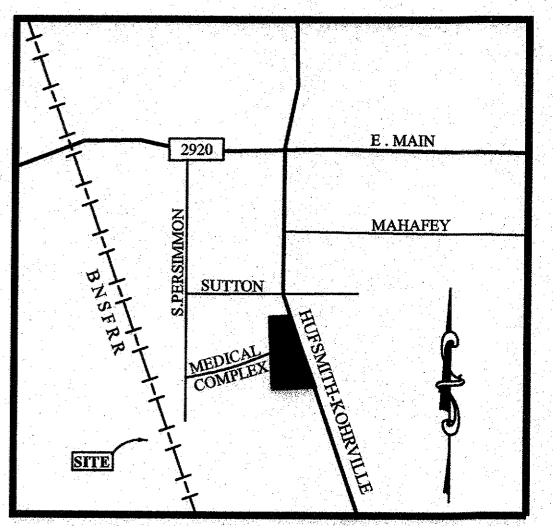
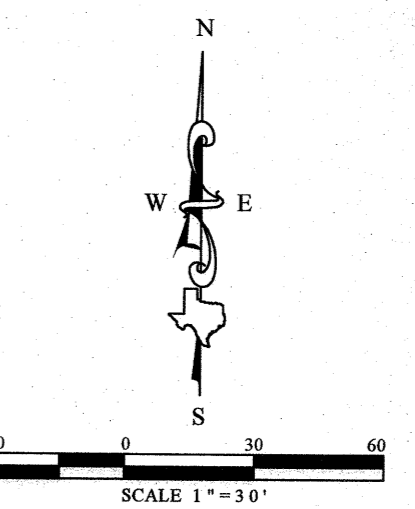
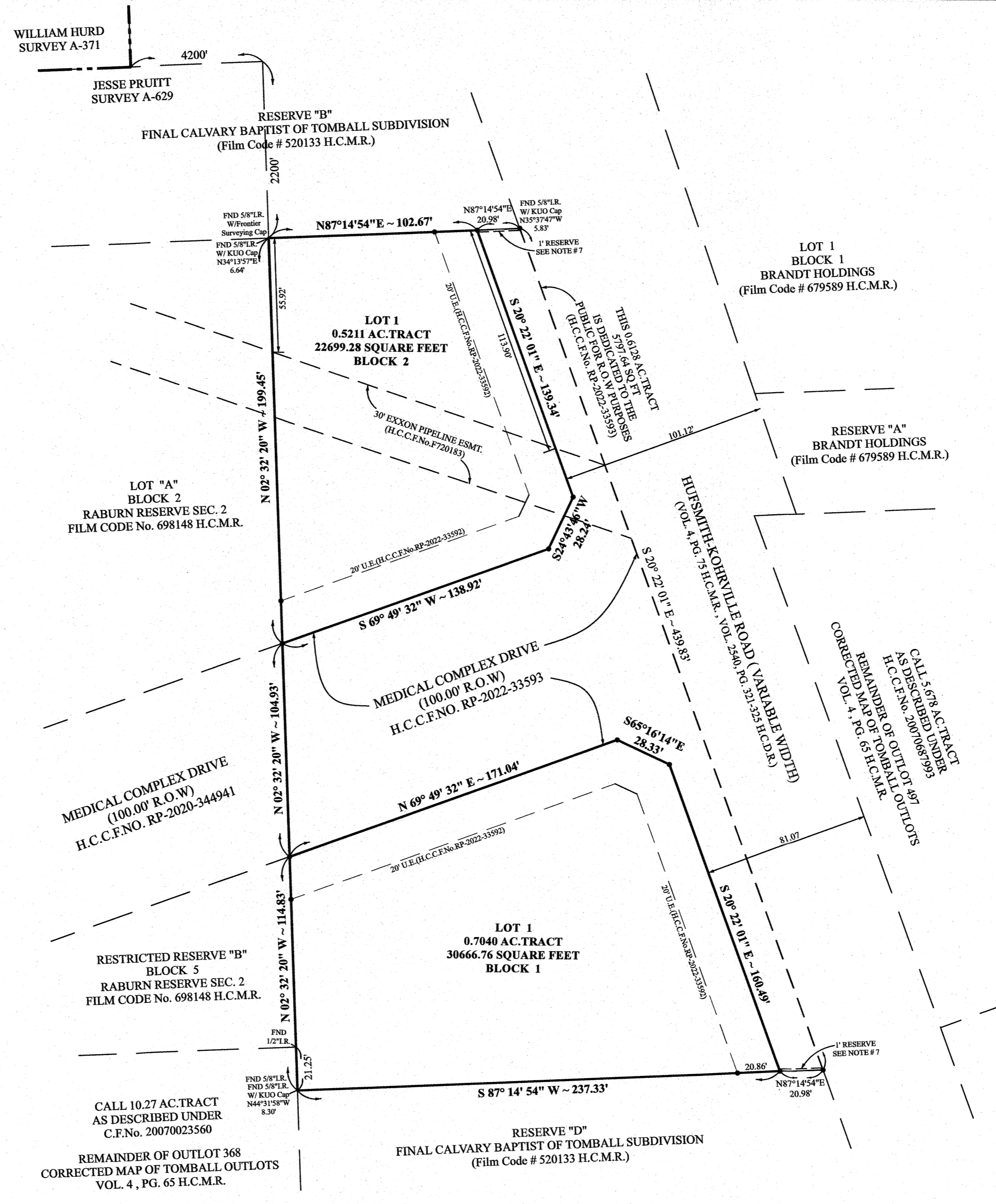
NATHAN DIETRICH
COMMUNITY DEVELOPMENT DIRECTOR

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 _____, 2023, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2023, AT _____ O'CLOCK _____ M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY:
DEPUTY



ABBREVIATION

1. U.E.	INDICATES "UTILITY EASEMENT"
2. A.E.	INDICATES "AERIAL EASEMENT"
3. B.L.	INDICATES "BUILDING LINE"
4. VOL.	INDICATES "VOLUME"
5. PG.	INDICATES "PAGE"
6. I.R.	INDICATES "IRON ROD"
7. FND	INDICATES "FOUND"
8. R.O.W.	INDICATES "RIGHT-OF-WAY"
9. ESMT.	INDICATES "EASEMENT"
10. H.C.C.F. NO.	INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
11. H.C.M.R.	INDICATES "HARRIS COUNTY MAP RECORD"
12. H.C.D.R.	INDICATES "HARRIS COUNTY DEED RECORD"
13. ●	INDICATES "FOUND 5/8" IRON ROD WITH A CAP STAMPED EIC.SURVEYING CO."

- GENERAL NOTES:**
- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHTS 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.
 - ACCORDING TO THE FEMA FIRM PANEL NO. 4802870230L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN ZONE "X" IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
 - ALL OIL / GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 - ALL OIL / GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND / OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 - NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND / OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL / GAS PIPELINES. THE SETBACK AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
 - THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
 - ONE-FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR SIDE OR END OF STREETS WHERE SUCH STREETS ABOUT ADJACENT PROPERTY. THE CONDITION OF THIS DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RESUBDIVIDED IN A RECORDED SUBDIVISION PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVERT IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS.

MEDICAL COMPLEX AT HUFSMITH KOHRVILLE
A SUBDIVISION OF 1.8379 ACRE TRACT
80,060.00 SQUARE FEET
BEING A REPLAT OF RESERVE "C"
OF CALVEARY BAPTIST OF TOMBALL SUBDIVISION
AS RECORDED IN FILM CODE NO. 520133,
HARRIS COUNTY MAP RECORDS,
SITUATED IN THE JESSE PRUITT SURVEY, A-629
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS
CONTAINING
2 LOTS 1 BLOCK
APRIL 2023
(REASON FOR REPLAT TO CREATE 2 COMMERCIAL LOTS)

OWNER
THE CITY OF TOMBALL,
A MUNICIPAL CORPORATION
401 W MARKET STREET STE C
TOMBALL TEXAS 77375
(832) 948 - 2840

SURVEYOR
E.I.C. SURVEYING COMPANY
FIRM NO. 10033400
12345 JONES ROAD #270
HOUSTON, TEXAS 77070
(281) 955-2772

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: 05/08/2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-04**: Request by Rosehill Estates, LLC represented by George Jarkey to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. 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 1907. According to Harris County Appraisal District records a single-family residential dwelling has been located on the subject property since at least 1990. In September of 2022 it was brought to city staff’s attention that the property is being utilized for commercial purposes and subsequent notices of zoning violation for unlawful land use within Single Family Residential -20 zoning were sent to the owner of the property. Following conversations with the applicant it has been confirmed that the property is presently being utilized for office purposes. To bring the property into legal land use conformance the applicant is seeking a change of zoning to the Commercial (C) zoning district to continue to allow the use of the property for commercial purposes. If the zoning is to be approved, the site will need to obtain all necessary building permits and plan approvals from the City of Tomball to bring the building and site up to commercial building standards.

Origination: Rosehill Estates, LLC represented by George Jarkey

Recommendation:

City staff recommends approval of Zoning Case Z23-04.

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)
MAY 8, 2023
&
CITY COUNCIL
MAY 15, 2023



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 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:

Zoning Case Z23-03: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-04: Request by Rosehill Estates, LLC represented by George Jarkey to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-05: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-06: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Case CUP23-03: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact 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 5th day of May 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

HLJ SPEARS INVESTMENTS LLC
23722 WILLOW SWITCH RD

SPRING, TX 77389-3473

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-04

04/14/2023

The Planning & Zoning Commission will hold a public hearing on **May 8, 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 Rosehill Estates, LLC represented by George Jarkey to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. 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 **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

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

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

CASE #: Z23-04

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: HLJ SPEARS INVESTMENTS LLC
Parcel I.D.: 1187930010002
Address: 211 S PERSIMMON ST

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

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

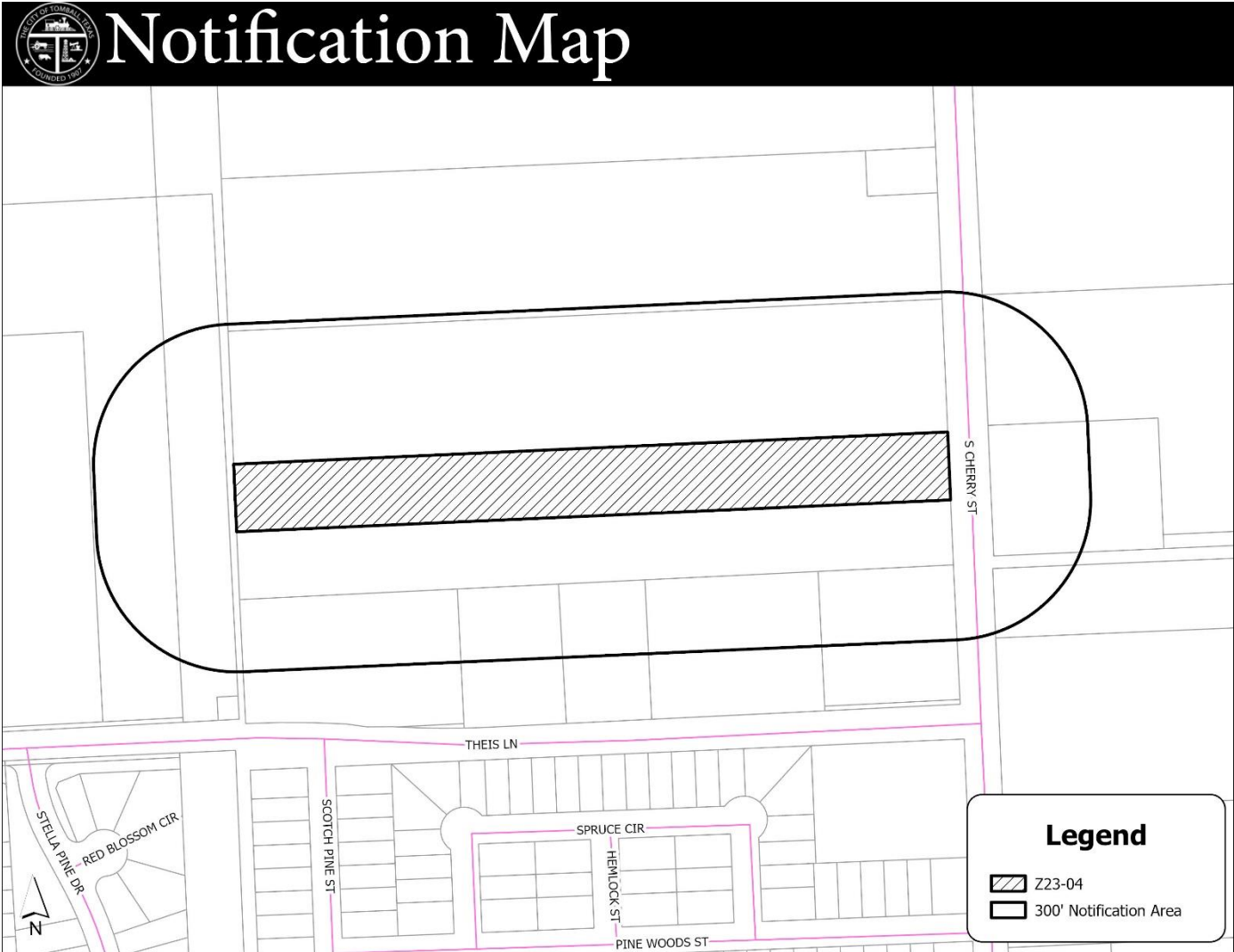
I am opposed

Signature: _____



City of Tomball
Community Development Department

Z23-04



Jared Smith

From: Wilson Lori - Houston <Lori.Wilson4@hcahealthcare.com>
Sent: Friday, April 21, 2023 12:07 PM
To: Jared Smith
Subject: 1820 s. Cherry Zone Change Case #Z23-04

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

I am perfectly fine with the zoning change. Lori

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

CASE #: Z23-04

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: WALLACE LORI A
Parcel I.D.: 0352880000193
Address: 1821 S CHERRY 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

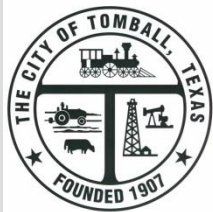
Lori Wilson
Director, Physician and Provider Relations

HCA Houston Healthcare Tomball
P 281-401-7215 | M 832-549-4079
605 Holderrieth Blvd, Tomball, TX, 77375

Lori.Wilson4@hcahealthcare.com | HCAHoustonHealthcare.com

HCA Mission: Above all else, we are committed to the care and improvement of human life.

CONFIDENTIAL – Contains proprietary information. Not intended for external distribution.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

- Rezoning Case:** Z23-04
- Property Owner(s):** Rosehill Estates, LLC
- Applicant(s):** Rosehill Estates, LLC
- Legal Description:** Lot 2, Block 1 of Swinghammer/Hauck Subdivision
- Location:** 1820 S. Cherry St. (Exhibit “A”)
- Area:** 5.11 acres
- Comp Plan Designation:** Business Park & Industrial (Exhibit “B”)
- Present Zoning:** Single-Family Residential -20 Estate District (Exhibit “C”)
- Request:** Commercial (C) zoning
- Adjacent Zoning & Land Uses:**
 - North:** Commercial (C)/ Office/warehouse and Electronic Assembly
 - South:** Single-Family Residential – 20 (SF-20)/ Single-Family Residence
 - West:** Agricultural (AG) / City of Tomball Drainage Channel
 - East:** Single-Family Residential – 20 (SF-20) / Single-Family Residence

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. According to Harris County Appraisal District records a single-family residential dwelling has been located on the subject property since at least 1990. In September of 2022 it was brought to city staff’s attention that the property is being utilized for commercial purposes and subsequent notices of zoning violation for unlawful land use within Single Family Residential -20 zoning were sent to the owner of the property. Following conversations with the applicant it has been confirmed that the property is presently being utilized for office purposes. To bring the property into legal land use conformance the applicant is seeking a change of zoning to the Commercial (C) zoning district to continue to allow the use of the property for commercial purposes. If the zoning is to be approved, the site will need to obtain all necessary building permits and plan approvals from the City of Tomball to bring the building and site up to commercial building standards.

ANALYSIS

Description: The subject property comprises about 5.11 acres, located 1820 S. Cherry Street. Currently the property is located within the Single Family Residential – 20 (SF-20) zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Properties east and south of the subject property are also located within the Single Family Residential – 20 district and occupied by single family residences. North of the subject property is existing Commercial (C) zoning which was adopted in 2009 by City Council (P09-099) this Commercial zoning is presently occupied by an office/warehouse and electronic assembly land use. West of the subject property is Agricultural (AG) zoning and is a City of Tomball drainage channel.

Comprehensive Plan Recommendation: The property is designated as “Business Park & Industrial” by the Comprehensive Plans Future Land Use Map. This Business Park & Industrial category is intended to create opportunities for employment. This area is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. These areas may require intensive screening and buffering from surrounding development.

According to the Comprehensive Plan, appropriate land uses include office, warehouse, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses.

The Comprehensive Plan recommends the zoning districts of – Light Industrial (LI), Commercial (C), Office (O), or Planned Developments (PD).

Staff Review Comments:

The request to rezone the subject property to Commercial (C) is in direct alignment with the Comprehensive Plans goal and objective of establishing the Business Park & Industrial land use category. Further, the subject property and the neighboring property to the south are remnant Single Family Residential zoning districts wedged between Commercial zoning to the north (adopted in 2009) and south (adopted in 2015). This current arrangement of large lot single family residential zoning districts wedged between two commercial zoning districts is creating a residential spot zoning instance which could be considered an undesirable arrangement. The request to rezone to commercial zoning will help to improve this arrangement. Lastly, the subject property fronts on S. Cherry Street and is approximately 400-linear feet north of the intersection of S. Cherry Street and Theis Lane, two minor arterial streets. Thoroughfares such as this are customarily considered appropriate for commercial zoning districts and activities as they provide convenient vehicular access as well as exposure to large volumes of traffic which is often considered necessary for commercial success.

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 April 18, 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 Z23-04.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location Map

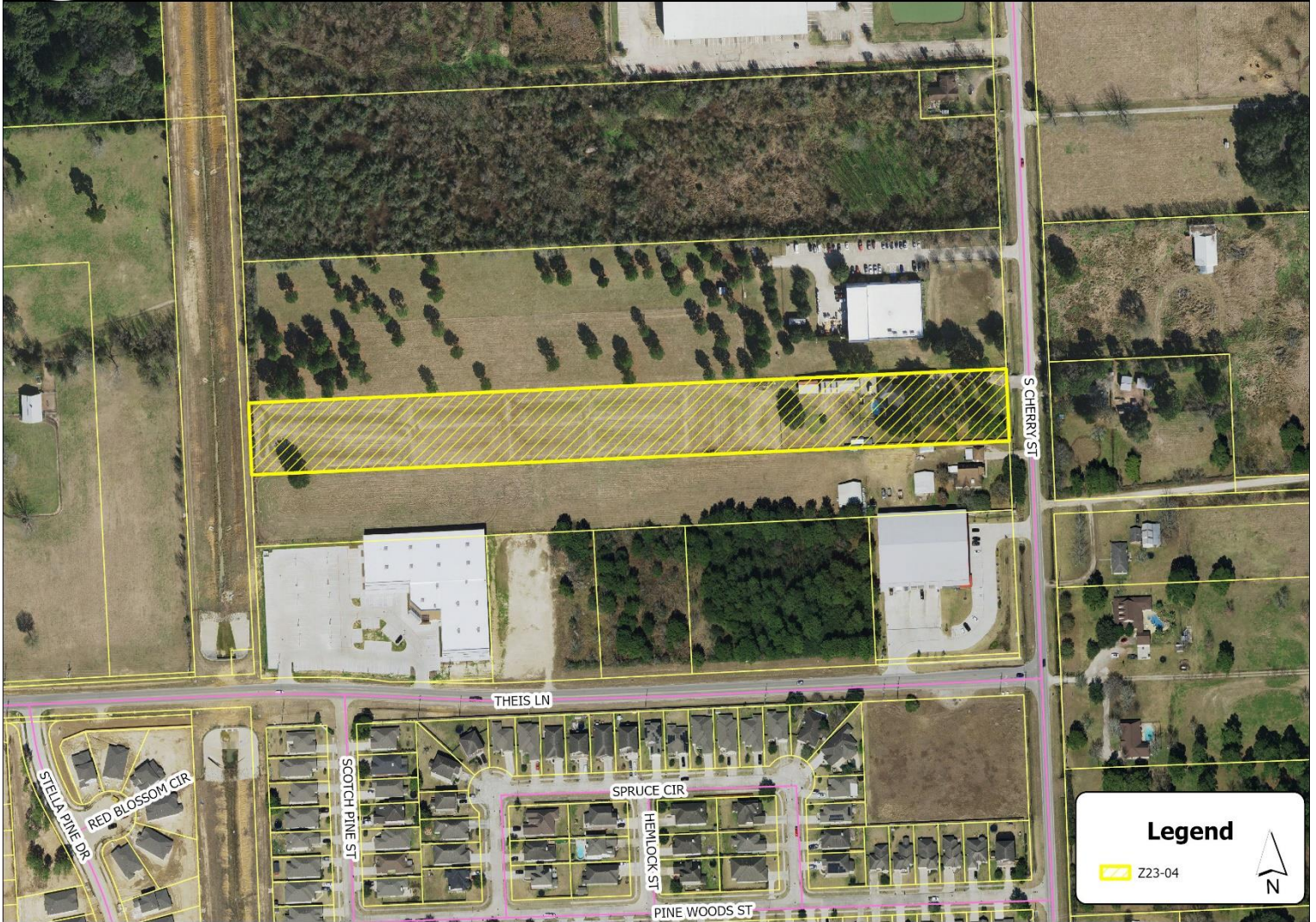
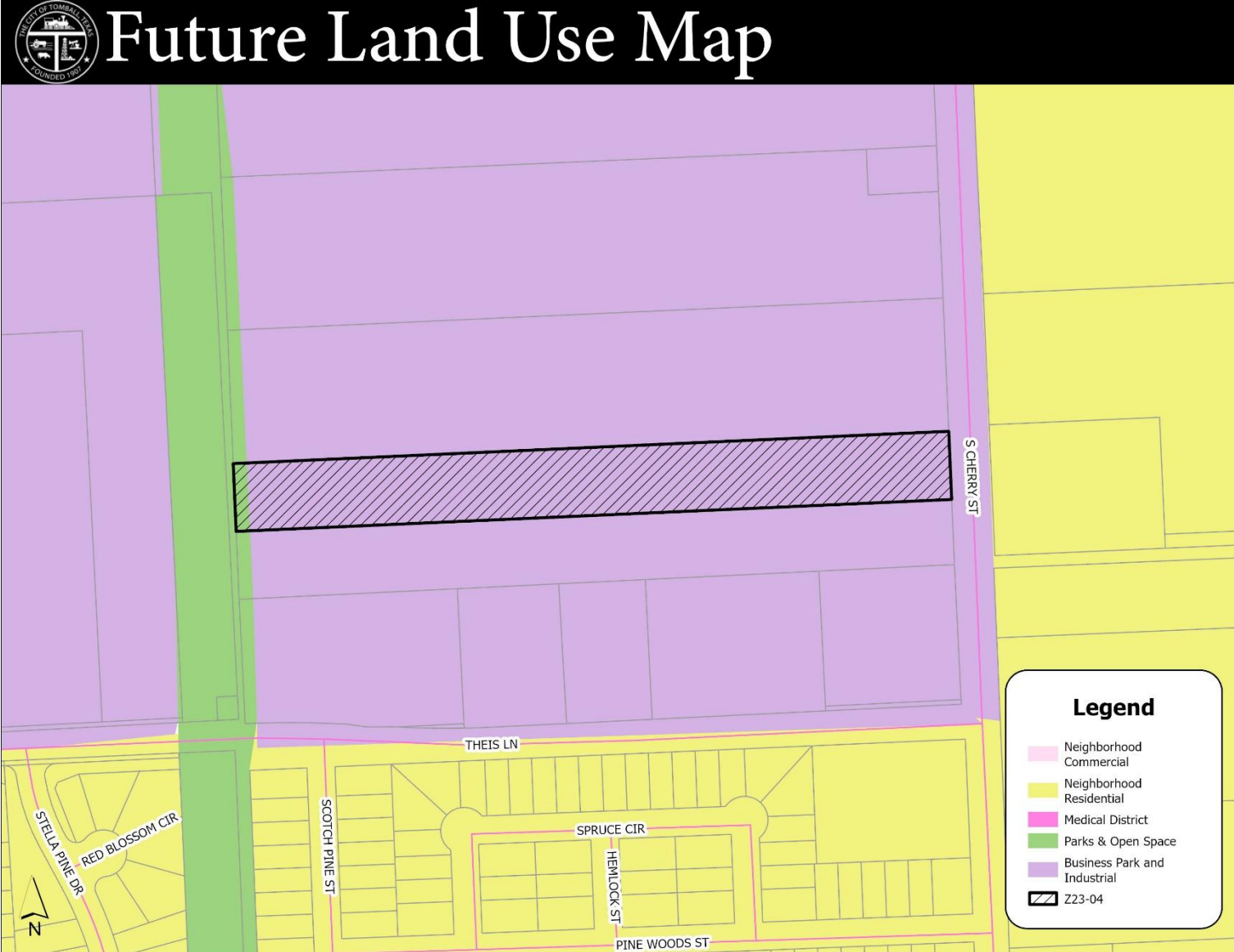


Exhibit "B"
Future Land Use Plan



Legend

- Neighborhood Commercial
- Neighborhood Residential
- Medical District
- Parks & Open Space
- Business Park and Industrial
- Z23-04

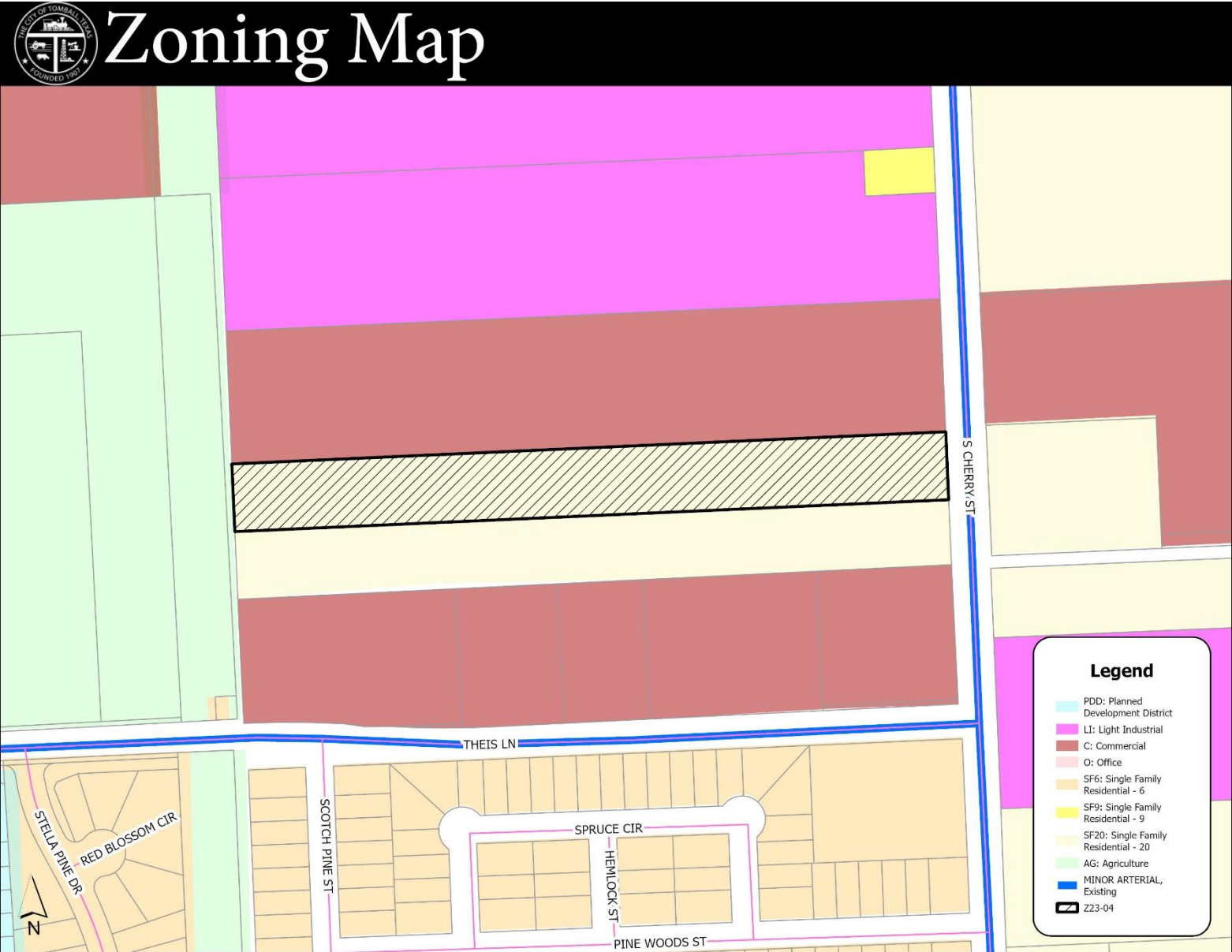


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (South)



Neighbor (North)

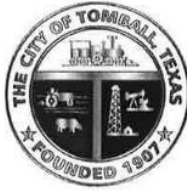


Neighbor (East)



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/securesend
USERNAME: tombalcedd
PASSWORD: Tomball1

Applicant

Name: Rosehill Estates, L.L.C., by George Jarquesy Title: Manager
Mailing Address: 1820 S. Cherry St. City: Tomball State: Texas
Zip: 77375 Contact: George Jarquesy
Phone: (281) 290 - 6655 Email: george@jarquesy.com

Owner

Name: Rosehill Estates, L.L.C., by George Jarquesy Title: Manager
Mailing Address: 1820 S. Cherry St. City: Tomball State: Texas
Zip: 77375 Contact: George Jarquesy
Phone: (281) 290- 6655 Email: george@jarquesy.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Use residence as office space, and for future commercial development.

Physical Location of Property: 1820 S. Cherry St Tomball, Tx 77375

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

Legal Description of Property: Lot Two, in Block One (1), of SWINGHAMMER/HAUCK SUBDIVISION

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

Current Zoning District: SF-20

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

Revised: 10/1/2022

Current Use of Property: Home Office

Proposed Zoning District: Commercial - C

Proposed Use of Property: Office

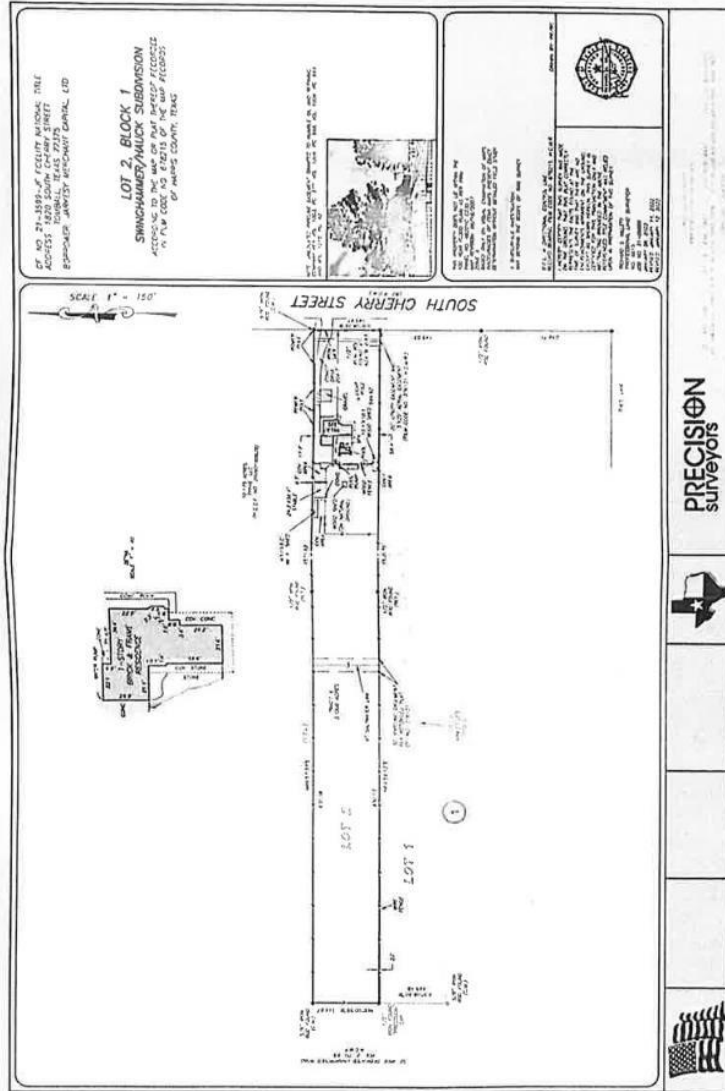
HCAD Identification Number: 13798600010002 Acreage: 5.1 Acre

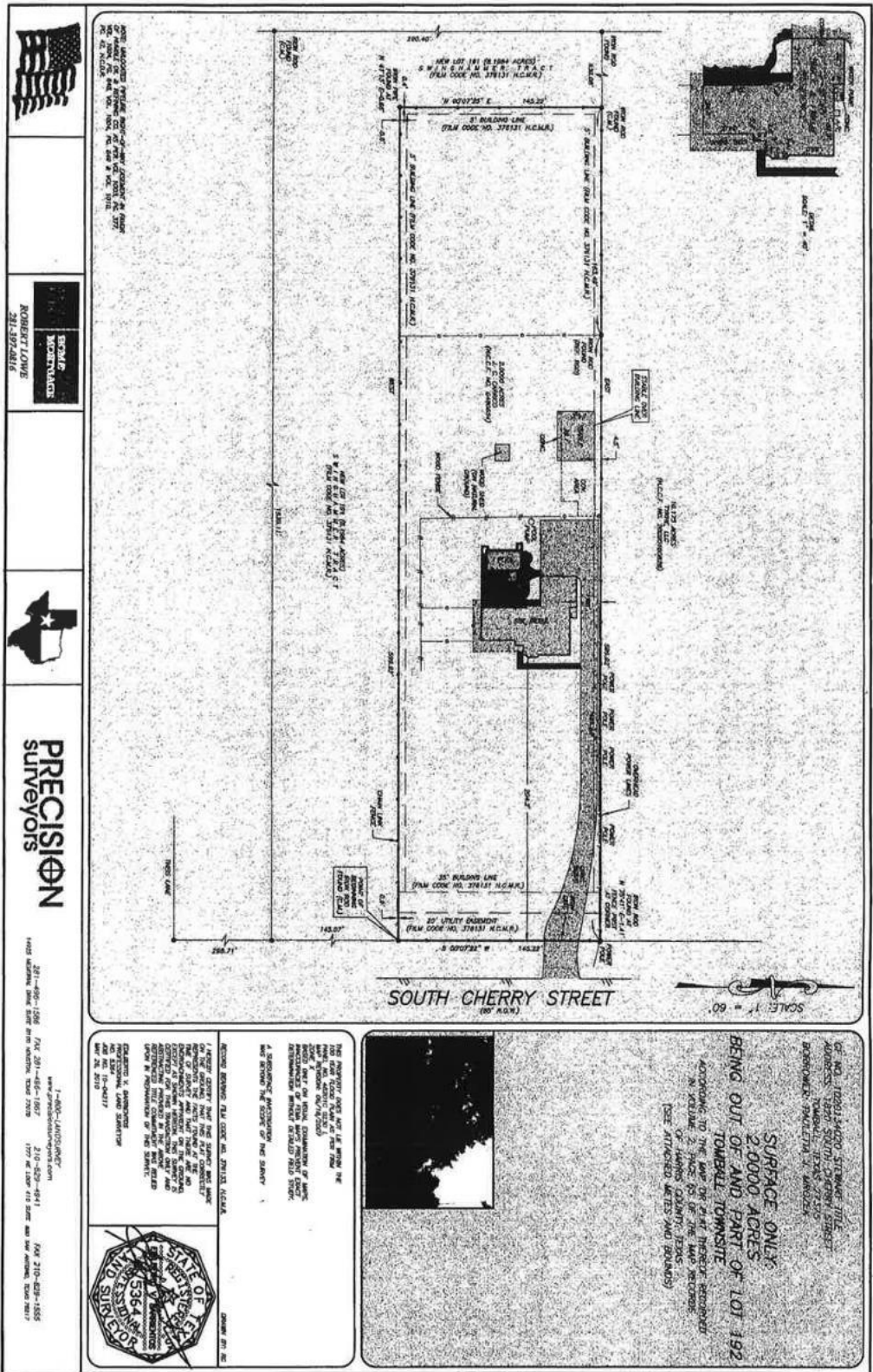
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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  3-14-2023
Signature of Applicant Date

X  3-14-2023
Signature of Owner Date





OF NO. 1029134-000 STORAGE TITLE ADDRESS: 1200 SOUTH CHERRY STREET BOSSBOROER, TARRANT, TEXAS

**SURFACE ONLY:
2.0000 ACRES
BEING OUT OF AND PART OF LOT 192
TARRANT TOWNSITE**





ACCORDING TO THE MAP OF SAID TARRANT TOWNSITE AS KEPT IN THE OFFICE OF THE COUNTY CLERK OF TARRANT COUNTY, TEXAS (SEE ATTACHED DEEDS AND BOUNDS)

THIS INSTRUMENT AND ALL PARTS THEREOF, INCLUDING THE ORIGINAL AND ALL COPIES, SHALL BE KEPT IN THE OFFICE OF THE COUNTY CLERK OF TARRANT COUNTY, TEXAS, AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT ALL TIMES.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Texas at Austin, Texas, this 15th day of August, 2011.

ROBERT L. LARME, Surveyor



281-450-1500 Fax: 281-450-1941 1-800-4-LANDSURVEY
 4402 Westpark Blvd. Suite 1000 Dallas, Texas 75244 281-450-1500
 1717 W. 14th St. Suite 200 W. Irving, Texas 75039



Rosehill Estates LLC, 1820 S. Cherry St. Tomball, Tx 77375

To the City of Tomball,

We are submitting this request asking to Re-zone our residential property to a commercial property.

We would like to use this residential property as our home office for our 5 Employees. We are willing to take necessary action to bring this space up to code standards. This Office space will not be open to the public and has no plans of ever doing so.

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: 05/08/2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-06**: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Background:

The subject property is presently vacant. City staff has met on multiple occasions over the course of the past year to discuss the potential development of an office complex on the subject property. According to information provided by the applicant, there are plans to construct two office buildings which will be divided into suites. The intention is to split these buildings by property boundaries so that each respective suite occupant can own their respective office spaces. To achieve this goal and create the desired number of suites for purchase the applicants are requesting to rezone to Office (O) zoning which has a minimum lot area of 6,000 square feet as opposed to the current Commercial (C) zoning minimum lot area of 10,000 square feet.

Origination: Red Grip LLC., represented by Mike Matheson

Recommendation:

City staff recommends approval of Zoning Case Z23-06.

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)
MAY 8, 2023
&
CITY COUNCIL
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 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:

Zoning Case Z23-03: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-04: Request by Rosehill Estates, LLC represented by George Jarkesy to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-05: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-06: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Case CUP23-03: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact 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 5th day of May 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

«mailto»
«mail_addr_»
«mail_addr1»
«mail_city», «mail_state» «mail_zip»

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-06

04/17/2023

The Planning & Zoning Commission will hold a public hearing on **May 8, 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 Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel 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 **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 **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

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

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

CASE #: Z23-06

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: «mailto»
Parcel I.D.: «HCAD_NUM»
Address: «LocAddr»

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

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

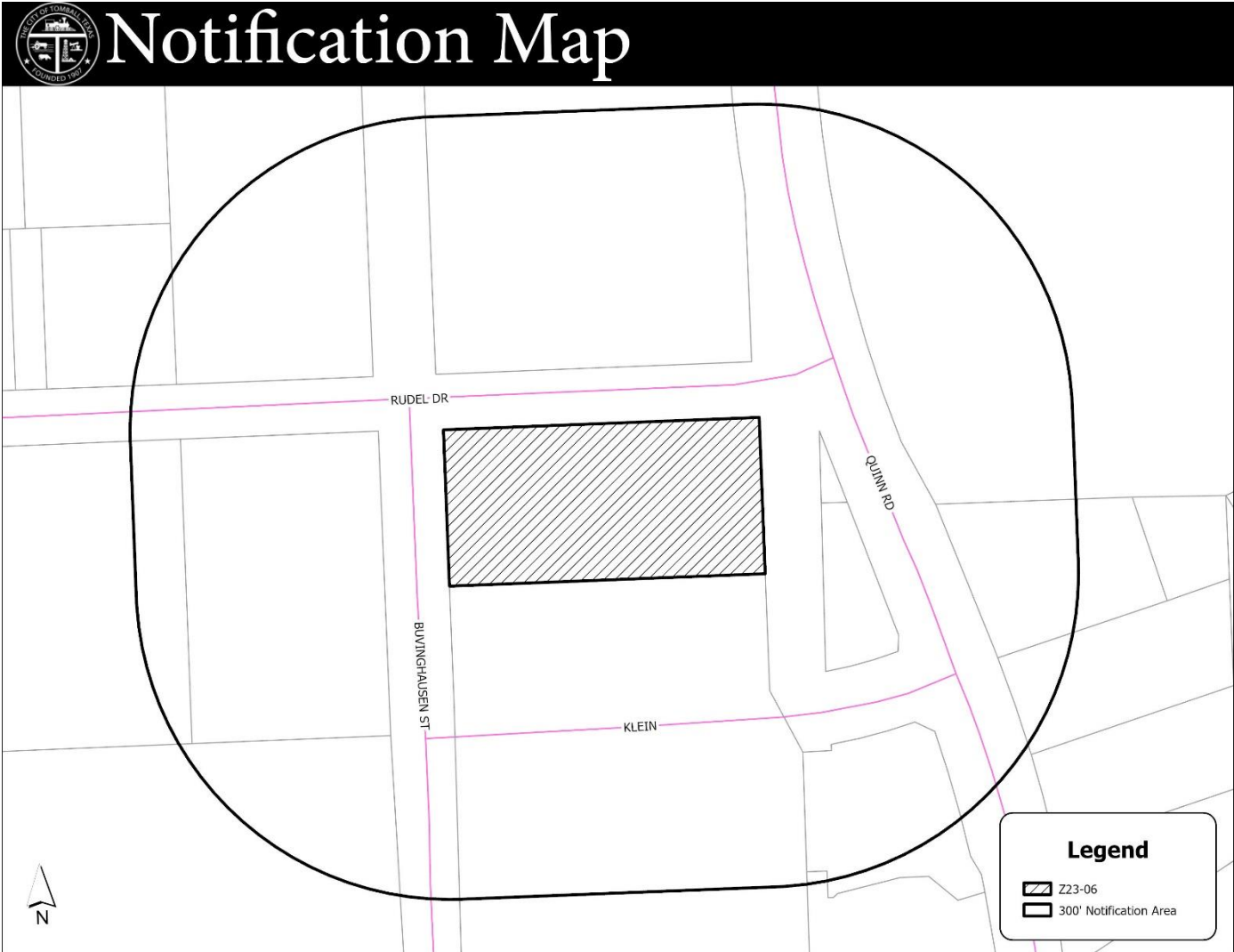
I am opposed

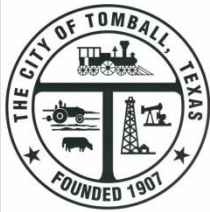
Signature: _____



City of Tomball
Community Development Department

Z23-06





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

Rezoning Case: Z23-06

Property Owner(s): Mike Matheson

Applicant(s): Red Grip LLC.

Legal Description: Lot 72, Block 1 of Acquest Tomball Replat No.1

Location: 1200-1300 blocks (southside) of Rudel Drive. (Exhibit “A”)

Area: 1.04 acres

Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)

Present Zoning: Commercial District (Exhibit “C”)

Request: Rezone from Commercial (C) to the Office (O) district

Adjacent Zoning & Land Uses:

- North:** Old Town & Mixed Use (OT&MU)/Fire Station #1
- South:** Commercial (C)/Office, professional and general business
- West:** Multi-Family Residential (MF)/Apartments
- East:** Commercial (C)/Drainage/Detention Pond

BACKGROUND

The subject property is presently vacant. City staff has met on multiple occasions over the course of the past year to discuss the potential development of an office complex on the subject property. According to information provided by the applicant, there are plans to construct two office buildings which will be divided into suites. The intention is to split these buildings by property boundaries so that each respective suite occupant can own their respective office spaces. To achieve this goal and create the desired number of suites for purchase the applicants are requesting to rezone to Office (O) zoning which has a minimum lot area of 6,000 square feet as opposed to the current Commercial (C) zoning minimum lot area of 10,000 square feet.

ANALYSIS

Description: The subject property comprises approximately 1.04 acres, located in the 1200-1300 block (south side) of Rudel Drive. Currently the subject property is located within the Commercial zoning district and has been within this zoning designation since the City of Tomball adopted zoning in 2008. Immediately north of the subject property is Old Town & Mixed Use zoning which is presently occupied by Fire Station #1. West of the subject property is existing Multi-Family zoning within which an apartment complex is presently being constructed. East of the subject site

is existing Commercial zoning which is occupied by detention/drainage facilities. Immediately south of the subject property is existing Commercial zoning presently occupied by a clinical office building.

Comprehensive Plan Recommendation: The property is designated as “Neighborhood Commercial” by the Comprehensive Plans Future Land Use Map. This Neighborhood Commercial category is intended for commercial uses that are developed with the appropriate context, scale and design to complement residential development. These areas are intended to be accessible by both vehicles and pedestrians.

According to the Comprehensive Plan, land uses should consist of restaurants, retail, professional services, clinics, and offices. Appropriate secondary uses may include places of assembly or event venues, local utility services, and government facilities.

The Comprehensive Plan recommends the zoning districts of – Office (O), General Retail (GR) or Planned Developments (PD) for the Business Park & Industrial land use category.

The Comprehensive Plan states that Neighborhood Commercial developments should be located adjacent to an intersection of a collector street or greater functional classification. Additionally, the Comprehensive Plan identifies the need to promote development that creates complimentary relationships between differing land uses. According to the Comprehensive Plan locating community facilities, services, and limited commercial uses within and near existing and proposed neighborhoods has the potential to create mutually beneficial synergies and promote a higher quality of life for Tomball residents. The Comprehensive Plan encourages development that creates complimentary relationships between differing land uses. According to the Comprehensive Plan it is important to transition or buffer land uses by “stepping down” land uses from more intense to less intense uses.

Staff Review Comments:

The request to rezone to Office zoning is in direct alignment with the Future Land Use Plan. The adoption of Office zoning will promote an appropriate transitional land use buffering, “stepping down” the intensity of land use as you move further north from FM 2920 and closer to existing multi-family and single-family residential land uses. According to the Comprehensive Plan locating limited commercial services near residential neighborhoods/communities can encourage a mutually beneficial relationship between these land uses.

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 April 18, 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 Z23-06.

EXHIBITS

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

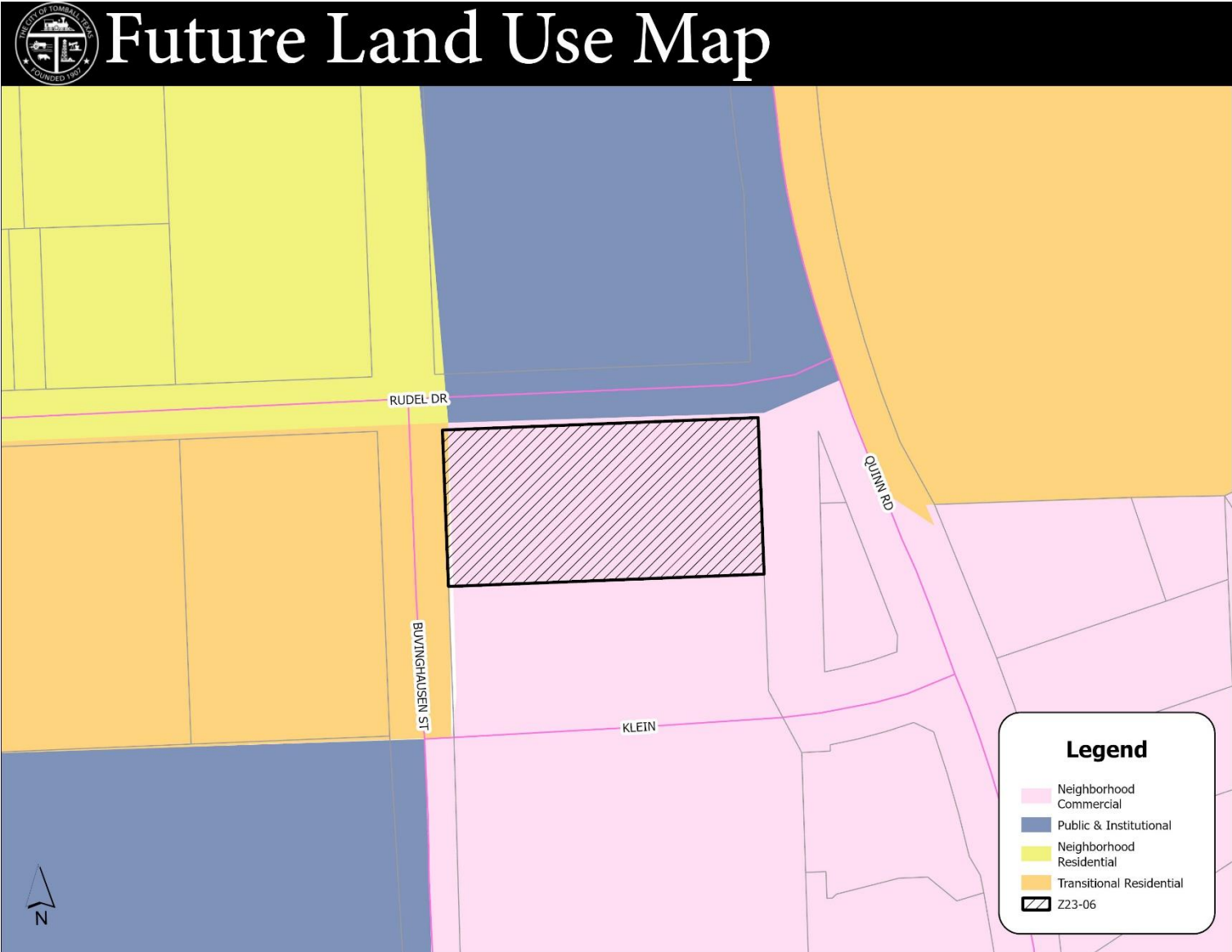
Exhibit "A"
Aerial Location Map



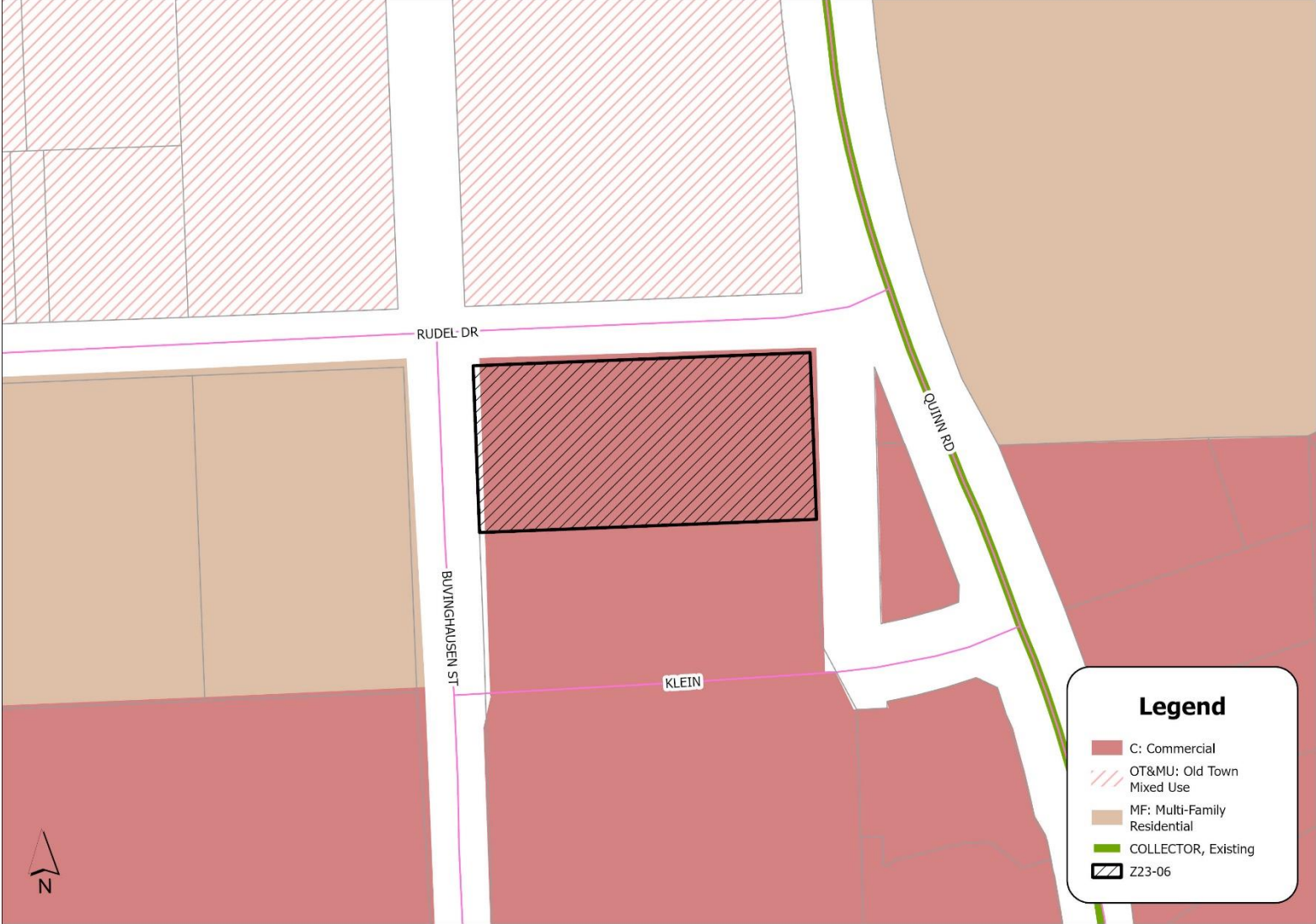
Location Map



Exhibit "B"
Future Land Use Plan



 **Zoning Map**



Legend

- C: Commercial
- OT&MU: Old Town Mixed Use
- MF: Multi-Family Residential
- COLLECTOR, Existing
- Z23-06

Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)

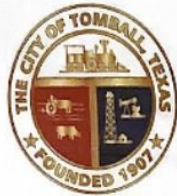


Neighbor (South)



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: tomballdd
PASSWORD: Tomball1

Applicant

Name: Mike Matheson Title: Owner
Mailing Address: 14315 Arlington Place City: Cypress State: TX
Zip: 77429 Contact: 281-658-7526
Phone: (281) 658-7526 Email: info@redgrip llc.com

Owner

Name: Same as above Title: _____
Mailing Address: 11750 Katy Freeway City: Katy State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: Patrick Rummel Title: Civil Eng.
Mailing Address: 11750 Katy Freeway City: Katy State: TX
Zip: 77079 Contact: _____
Phone: (404) 285-9267 Fax: (____) _____ Email: prummel@ardurra.com

Description of Proposed Project: Office Buildings @ Rudel

Physical Location of Property: 72 Block 1 on Rudel Street, 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Acquestrop LAT NO. 1, HCMR Vol 658 Pg. 107
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: 7214 Commercial (C)

Revised: 10/1/2022

Current Use of Property: Vacant
 Proposed Zoning District: 7214 Office (O)
 Proposed Use of Property: Office Buildings
 HCAD Identification Number: 133395002001 Acreage: 1.04

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.

Michael Matheson 3-28-23
 Signature of Applicant Date

Michael Matheson 3-28-23
 Signature of Owner Date

METES AND BOUNDS DESCRIPTION OF 1.0401 ACRE TRACT – RED GRIP, LLC, A TEXAS LIMITED LIABILITY COMPANY

A TRACT OR PARCEL OF LAND CONTAINING 1.0401 ACRE BEING LOT 72, BLOCK 1 OF ACQUEST TOMBALL REPLAT NO. 1, AN ADDITION IN HARRIS COUNTY ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 658, PAGE 107 OF THE HARRIS COUNTY MAP RECORDS IN THE JOSEPH HOUSE SURVEY, ABTRACT 34 IN HARRIS COUNTY, TEXAS, SAID 1.0401 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

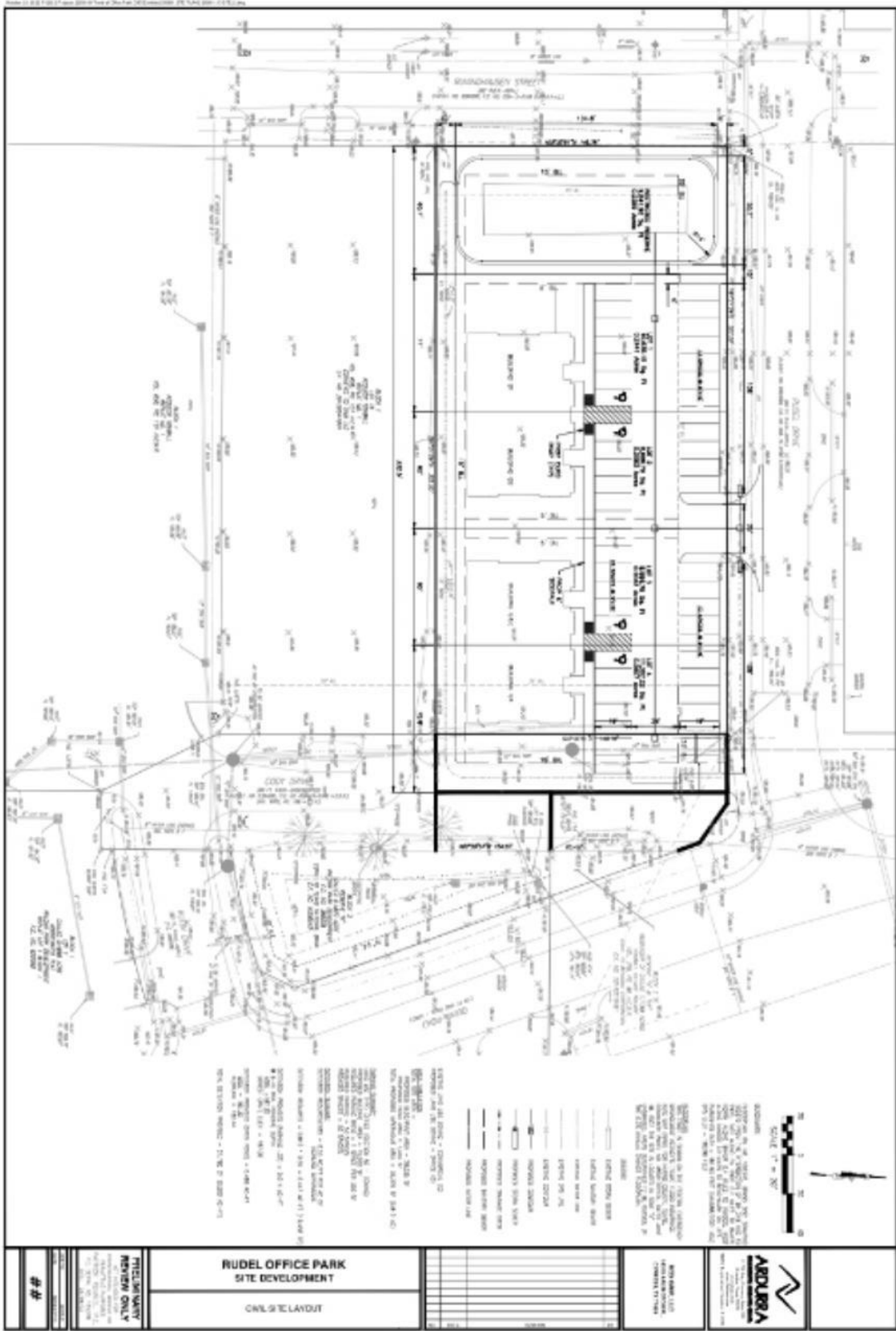
BEGINNING at a 3/8 inch iron rod set with cap marking the Northwest corner of the herein described tract being at the intersection of the East right-of-way line of Buvinghausen Street (60 ft. right-of-way) and the South right-of-way line of Rudel Drive (60 ft. right-of-way);

THENCE North 87 degrees 27 minutes 09 seconds East with the Southerly right-of-way line of said Rudel Drive a distance of 302.50 ft. to a 5/8 inch iron rod found with cap at the Northeast corner of the herein described tract being in the West right-of-way line of Cody Drive (undeveloped);

THENCE South 02 degrees 30 minutes 51 seconds East with the West right-of-way line of said Cody Drive a distance of 149.78 ft. to a 5/8 inch iron rod found with cap marking the Southeast corner of the herein described tract and the Northeast corner of Lot 73;

THENCE South 87 degrees 27 minutes 09 seconds West with the division line between Lots 72 and 73 a distance of 302.50 ft. to a mag nail found in asphalt marking the Southwest corner of the herein described tract, the Northwest corner of Lot 73 in the East right-of-way line of said Buvinghausen Street;

THENCE North 02 degrees 30 minutes 51 seconds West with the Easterly right-of-way line of said Buvinghausen Street a distance of 149.78 ft. to the PLACE OF BEGINNING and containing 1.0401 acre of land.



RED GRIP LLC

CYPRESS, TEXAS

March 24th, 2023City Planning and Zoning Commission
TomballTx.gov/securisent**Dear City Planning and Zoning Commission:**

We are requesting that the property located at Lot 72 Block 1 on Rudel Street in Tomball, Texas 77375 be rezoned from Commercial to Office. Currently in Google and HCAD # is 1333950020001

The recorded plat for this property is Tomball Acquestrep LAT NO. 1, HCMR VOL 658 PG. 107. The development intends to erect 2 separate buildings and subdivide the one lot into three separate lots based on the city's ordinances, the site plan does not comply with the minimum commercial lot size of 10,000 sq./ft. therefore we are requesting a rezoning to office with a minimum of 6,000 sq./ft.

This was discussed in a pre-development meeting with the City Planner on March 9th with myself Mike Matheson, Juan Lozano, Kyle Bertrand, Jared Smith and Patrick Rummel present.

Reference: 50-77 Tomball Ordinance

We appreciate your consideration in this matter.

Sincerely,**Mike Matheson and Juan Lozano****Owners of Red Grip LLC**

UNOFFICIAL COPY

ACQUEST TOMBALL REPEAT NO 1

A REVISION OF THIS ACQUISITION PLAN (AP) IS BEING SUBMITTED TO THE ENGINEERING DIVISION, CITY OF TOMBALL, ARIZONA. THIS PLAN IS BEING SUBMITTED TO THE ENGINEERING DIVISION, CITY OF TOMBALL, ARIZONA, FOR REVIEW AND APPROVAL. THIS PLAN IS BEING SUBMITTED TO THE ENGINEERING DIVISION, CITY OF TOMBALL, ARIZONA, FOR REVIEW AND APPROVAL.

PLANS 1 BLOCK

REVISIONS FOR REPEAT
 TO CORRECT ERRORS IN THE PLAN AS SHOWN IN BLOCK 1

DATE: 10/15/2014
 DRAWN BY: J. L. [Signature]

The document includes a site plan showing property boundaries and a grid. Below the plan are several forms from the City of Tomball and Tomball Independent School District, including 'Final Conditions' and 'Final Conditions' forms, each with a signature and date.

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: 05/08/2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-03**: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Background:

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting to rezone the subject property to General Retail to locate their Exterminator Service/Company on the subject property. Exterminator services is a land use that is not permitted within the current Single Family Estate Residential zoning district that the property falls within. In addition to this exterminator service, the applicants are also seeking a separate Conditional Use Permit to allow “Residential Use” within this desired General Retail district to construct their single-family residence on the subject property if the General Retail zoning is to be adopted.

Origination: Chris & Tiona Campbell

Recommendation:

City staff recommends denial of Zoning Case Z23-03.

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)
MAY 8, 2023
&
CITY COUNCIL
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 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:

Zoning Case Z23-03: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-04: Request by Rosehill Estates, LLC represented by George Jarkesy to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-05: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-06: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Case CUP23-03: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact 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 5th day of May 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

AMERICO ENERGY REAL ESTATE HOLDINGS LTD
7575 SAN FELIPE STE 200

HOUSTON, TX 77063-1778

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-03

04/17/2023

The Planning & Zoning Commission will hold a public hearing on **May 8, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **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 **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

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

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

CASE #: Z23-03

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: AMERICO ENERGY REAL ESTATE HOLDINGS LTD
Parcel I.D.: 0352820000135
Address: 0 RUDOLPH RD

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

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

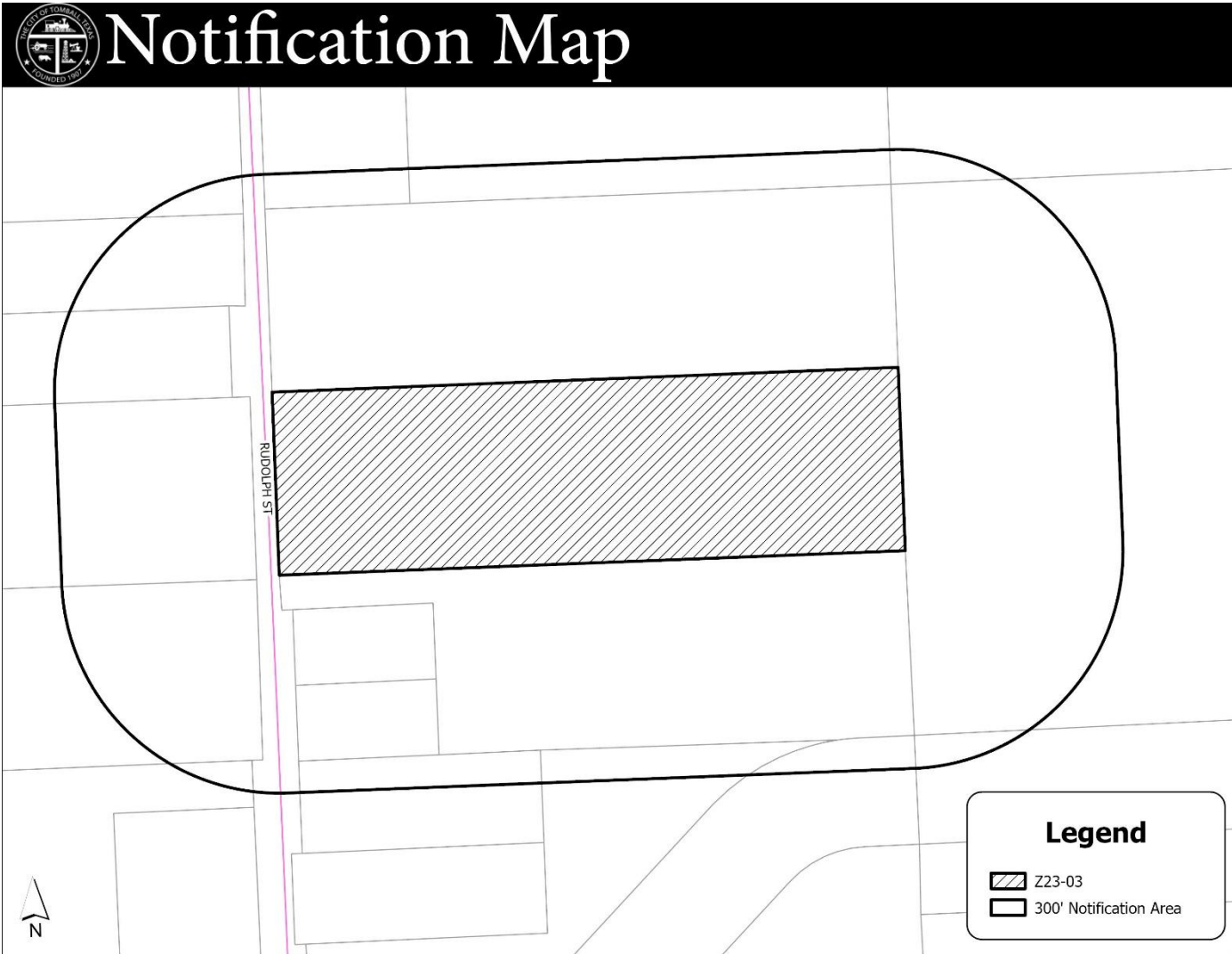
I am opposed

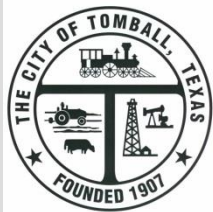
Signature: _____



City of Tomball
Community Development Department

Z23-03





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

- Rezoning Case:** Z23-03
- Property Owner(s):** Chris & Tiona Campbell
- Applicant(s):** Chris & Tiona Campbell
- Legal Description:** Portion of Lot 48 in Tomball Townsite
- Location:** 11100-11200 blocks (east side) of Rudolph Road (Exhibit “A”)
- Area:** 4.940 acres
- Comp Plan Designation:** Ranch Rural & Estate (Exhibit “B”)
- Present Zoning:** Single-Family Residential -20 Estate District (Exhibit “C”)
- Request:** General Retail (GR) district
- Adjacent Zoning & Land Uses:**
 - North:** Single-Family Residential -20 (SF-20)/ Vacant
 - South:** Single-Family Residential – 20 (SF-20)/ Vacant
 - West:** Single-Family Residential – 20 (SF-20) / Jerry Matheson Park
 - East:** Single-Family Residential – 20 (SF-20) / Vacant and Water Treatment Plan

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting to rezone the subject property to General Retail to locate their Exterminator Service/Company on the subject property. Exterminator services is a land use that is not permitted within the current Single Family Estate Residential zoning district that the property falls within. In addition to this exterminator service, the applicants are also seeking a separate Conditional Use Permit to allow “Residential Use” within this desired General Retail district to construct their single-family residence on the subject property if the General Retail zoning is to be adopted.

ANALYSIS

Description: The subject property comprises about 4.94 acres, located in the 11100-11200 block on the east side of Rudolph Road. Currently the subject property is located within Single Family Residential – 20 zoning and has been within this zoning classification since the City of Tomball adopted zoning in 2008. All properties within the immediate vicinity are also located within this

Single Family Residential – 20 zoning designation. Properties to the north, south, and east are currently vacant. The property located on the west side of Rudolph Road is Jerry Matheson Park.

Comprehensive Plan Recommendation: The property is designated as “Ranch Rural & Estates” by the Comprehensive Plans Future Land Use Map. This Ranch Rural & Estates category is intended to create areas of bucolic character. The land use category is defined by an abundance of natural landscape and may include agricultural enterprises.

According to the Comprehensive Plan, appropriate land uses should consist of large lot residential, conservation subdivisions, and agricultural enterprises. The built environment should be complimented by large amounts of green space such as mature woodlands or pasture. Secondary uses include bed & breakfast lodging, home professions, cottage industries, and accessory dwelling units.

The Comprehensive Plan recommends the zoning districts of – Agricultural (AG), Single Family Estate Residential – 20 (SF-20-E), or Planned Developments (PD).

Staff Review Comments:

The request to rezone the subject property to General Retail (GR) would create spot zoning of general retail on property which is generally surrounded by residential zoning & land uses. Spot zoning refers to when a particular property receives a zoning designation which is drastically different from the zoning which is applicable to the surrounding properties within the immediate vicinity. The requested general retail zoning is also in direct conflict with the goals and objectives of the Comprehensive Plans established with the City of Tomball’s Future Land Use map which identifies the Single-Family Estate Residential land use as the desired character for the subject property and surrounding properties. This land use category is intended to continue the promotion of large lot residential and agricultural land uses.

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 April 18, 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 denial of Zoning Case Z23-03.

EXHIBITS

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

Exhibit "A"
Aerial Location Map

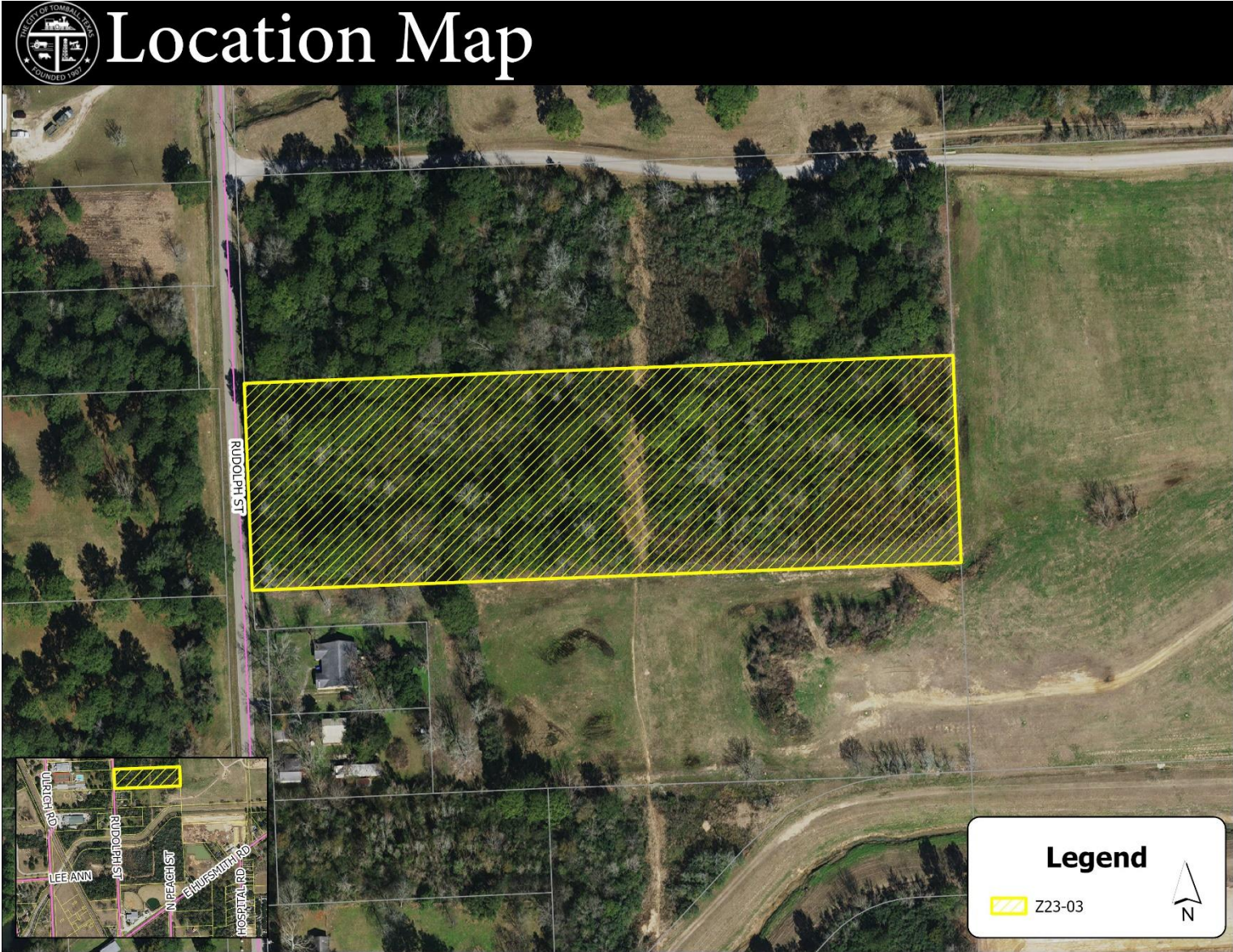
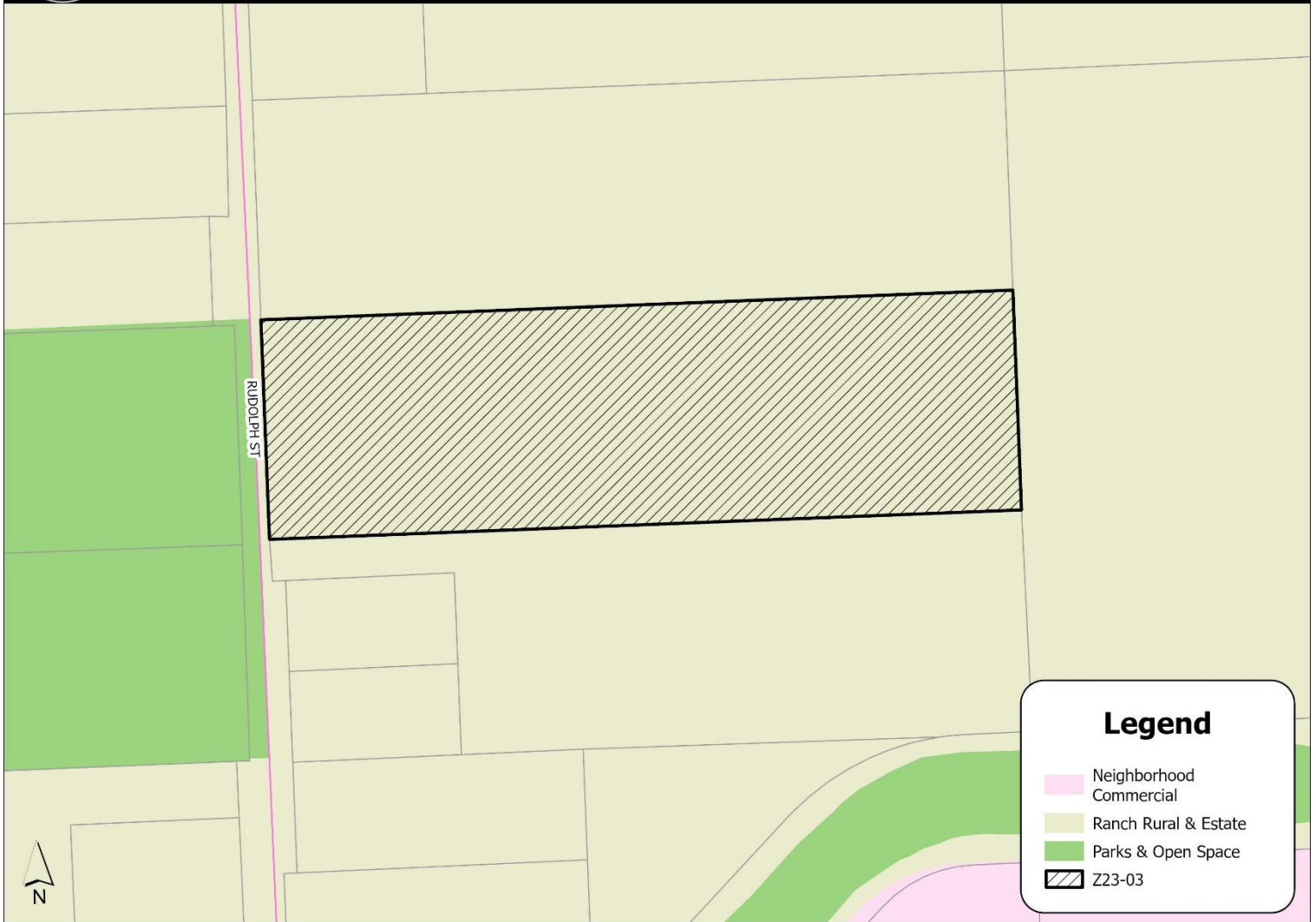


Exhibit "B"
Future Land Use Plan



Future Land Use Map



Legend

- Neighborhood Commercial
- Ranch Rural & Estate
- Parks & Open Space
- Z23-03

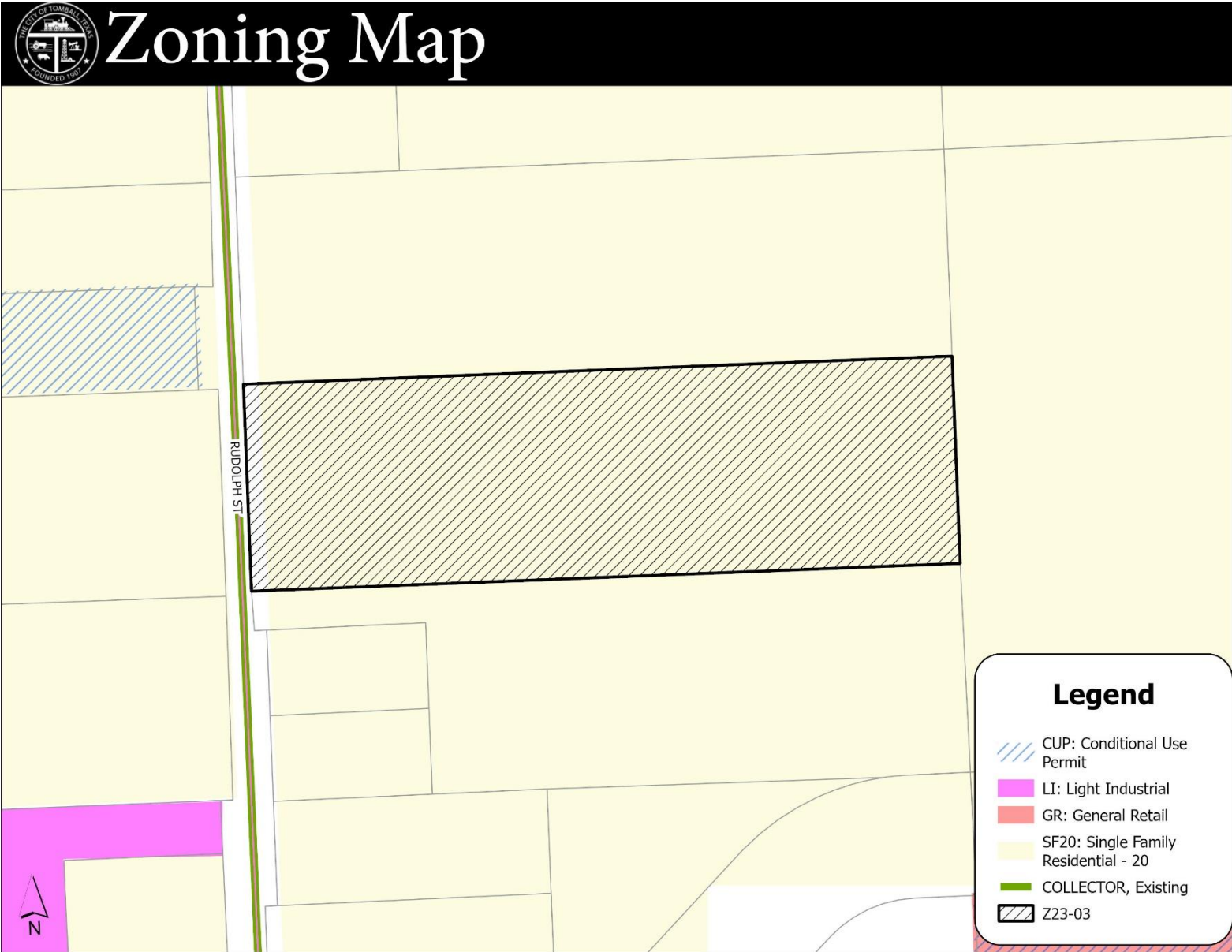


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (South)



Neighbor (North)



Neighbor (West)



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/securesend
USERNAME: **tombalcedd**
PASSWORD: **Tomball**

Applicant

Name: Chris & Tiona Campbell Title: Owner's
Mailing Address: 26402 I-45 City: Spring State: TX
Zip: 77386 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@Bellodomain.com

Owner

Name: Chris & Tiona Campbell Title: Owner's
Mailing Address: 26402 I-45 City: Spring State: TX
Zip: 77386 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@Bellodomain.com

Engineer/Surveyor (if applicable)

Name: C+C Surveying Inc Title: _____
Mailing Address: 33300 Egypt Lane City: Magnolia State: TX
Zip: 77354 Contact: Steven L Crews
Phone: (281) 356-5172 Fax: () _____ Email: Survey@C+Csurveying.com

Description of Proposed Project: Re-Zoning of Property to be used as a office

Physical Location of Property: 1120 Rudolph Rd, Tomball TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lot 48 Clerk's File # 2022-215079
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E

Revised: 10/1/2022

Current Use of Property: undeveloped

Proposed Zoning District: General Retail (GR) Zoning

Proposed Use of Property: office + storage

HCAD Identification Number: 035282000083 Acreage: 4.940

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.

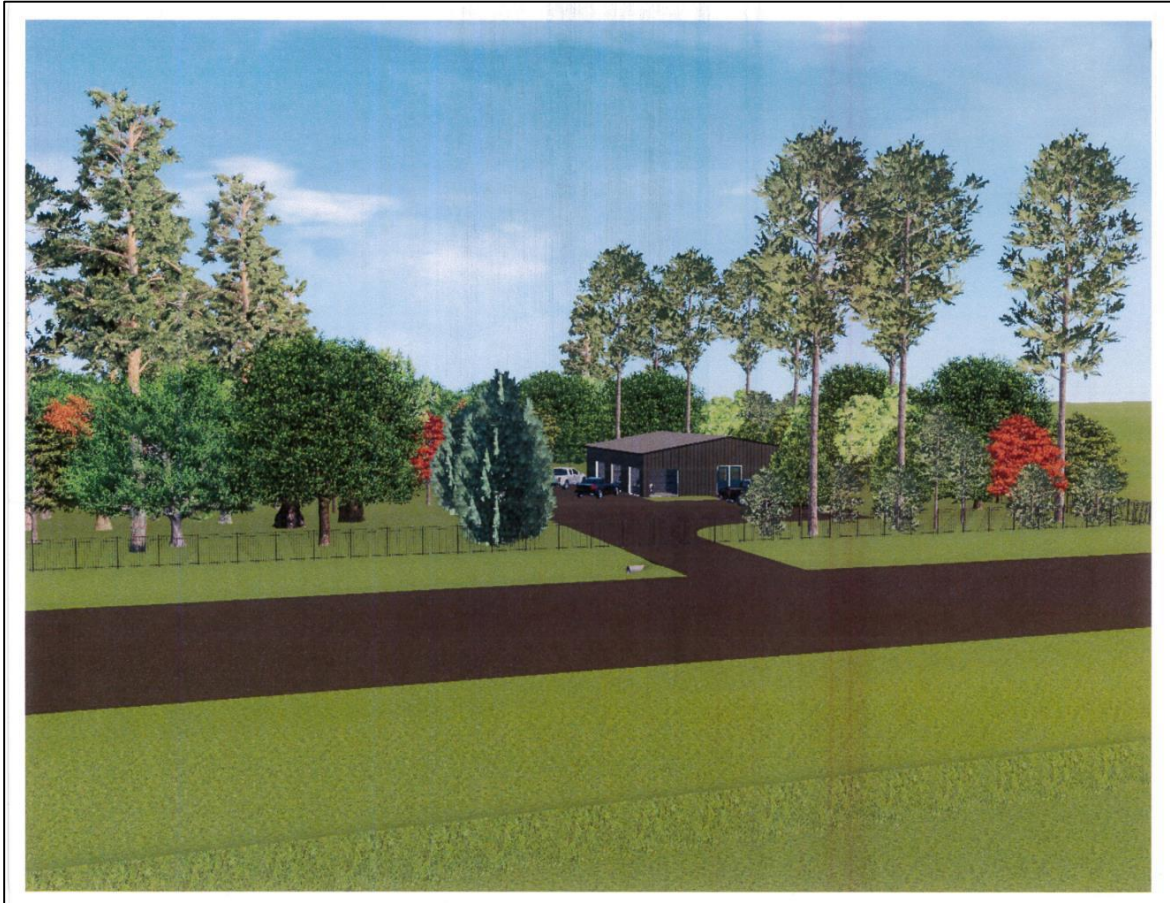
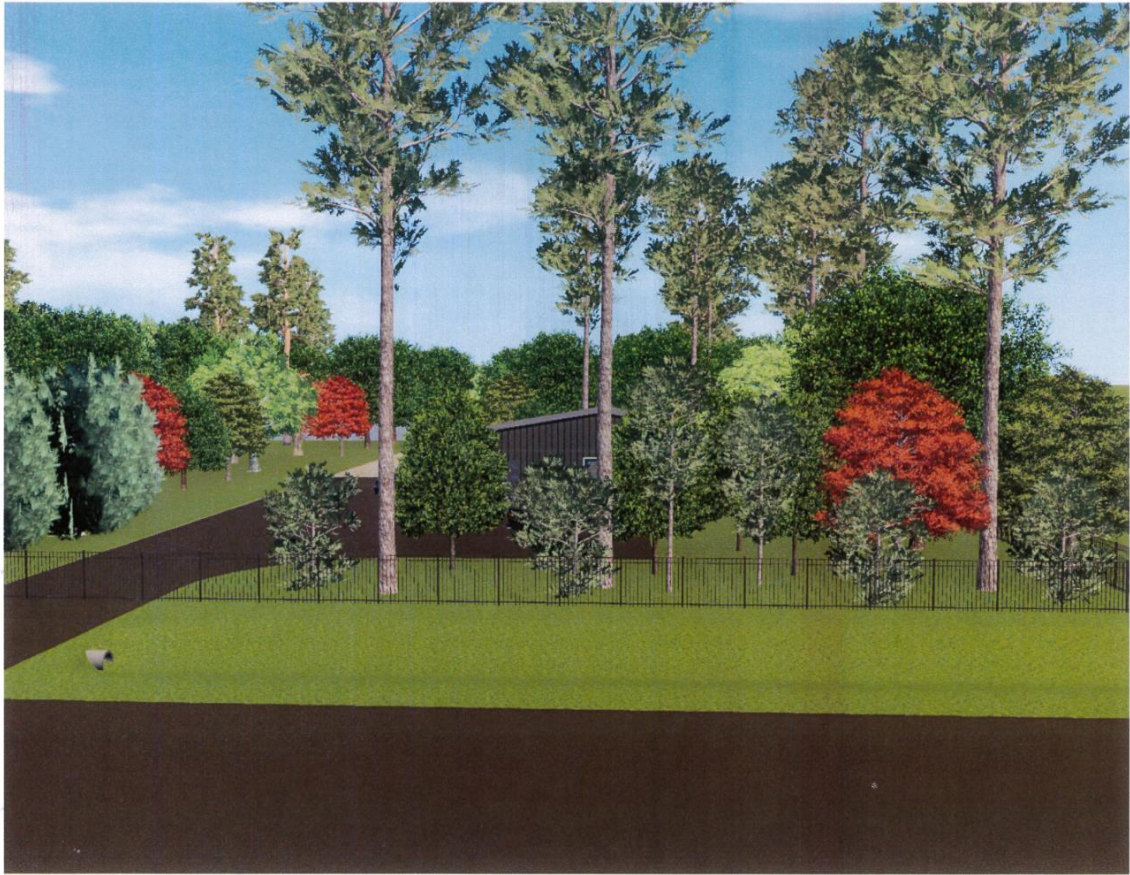
This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

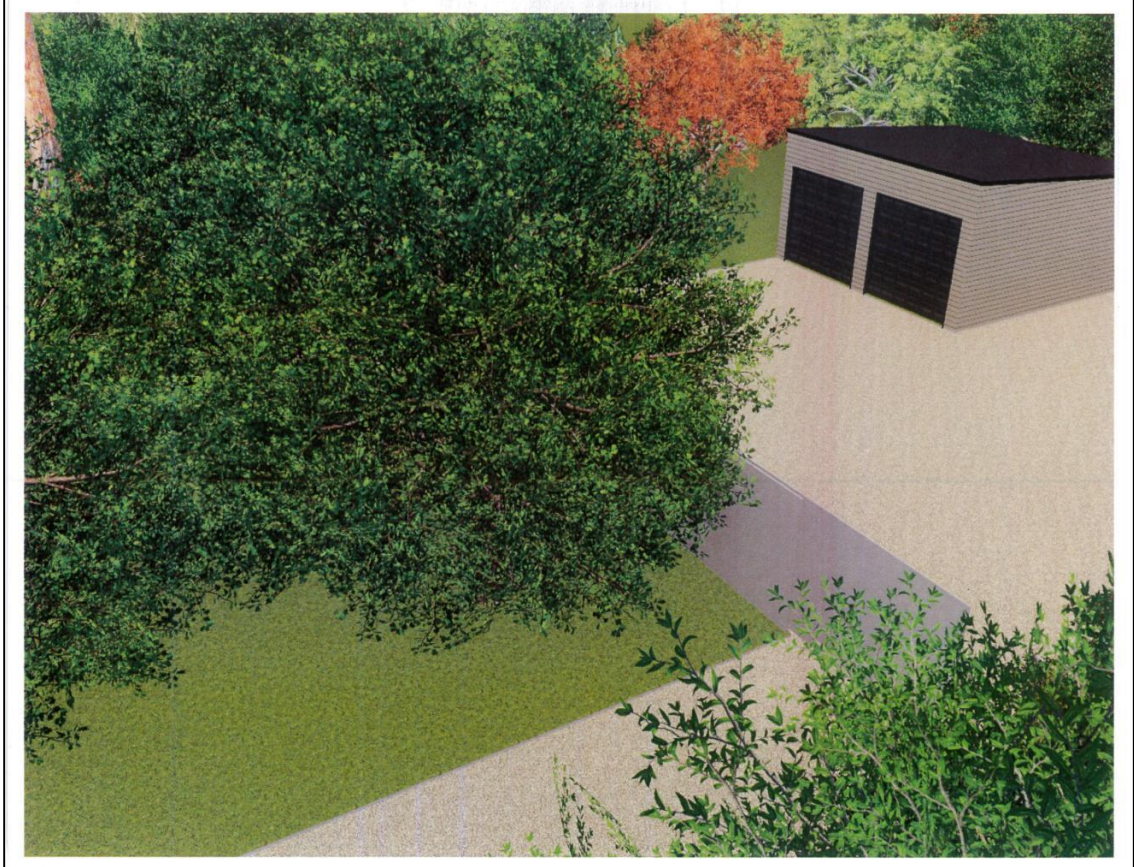
Chris Lytle / Juna Campbell 3-13-23
Signature of Applicant Date

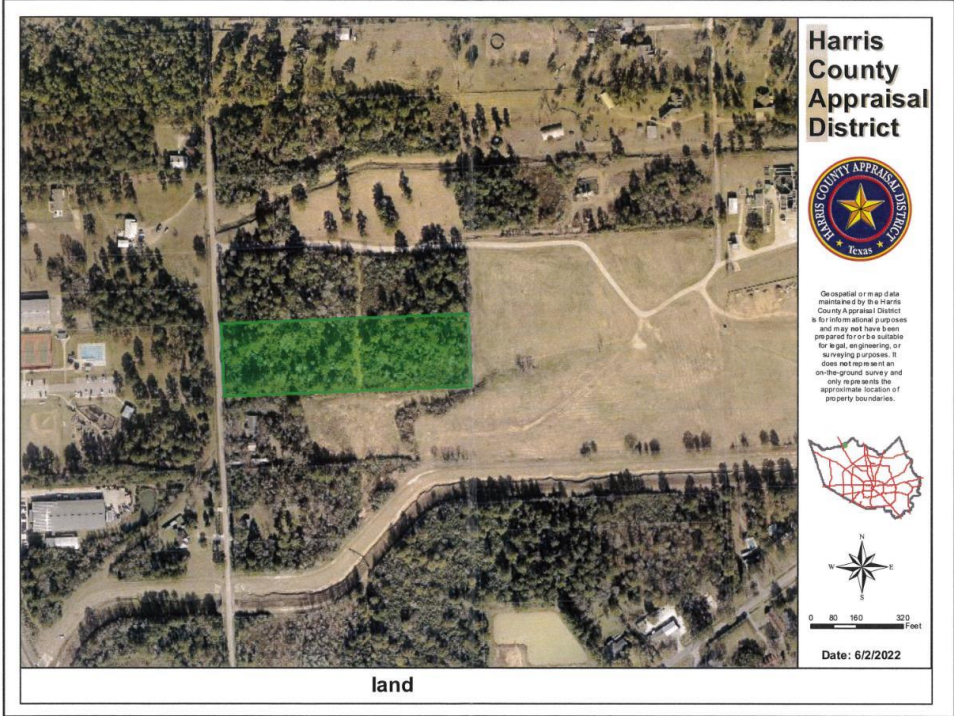
Chris Lytle / Juna Campbell 3-13-23
Signature of Owner Date

Dear, Whom it may concern

My family and I would be honored to be a part of the Tomball community with our business and our home. Our plan would be to move our business and Family where we can grow for many years and generations to come. Our hope is to build an office that has a 1950's-1960's style to match our classic trucks which we use for service. We would love to become more involved with the community throughout the years. Our location would not affect the flow of traffic since there will not be any retail customers or regular deliveries. We want to preserve as many trees as possible and plant more landscaping after the build out is completed. We believe our business would be a benefit to the Tomball area as we would bring in more business to the local community with the additional gas for the work trucks, Resturants where our family and employees would support daily. we would do additional shopping at the local grocery and hardware stores, also all taxes that comes with us moving to the area. We have been in business since 1998 and want to move to Tomball and be a staple for the community with our antique trucks and welcoming service.





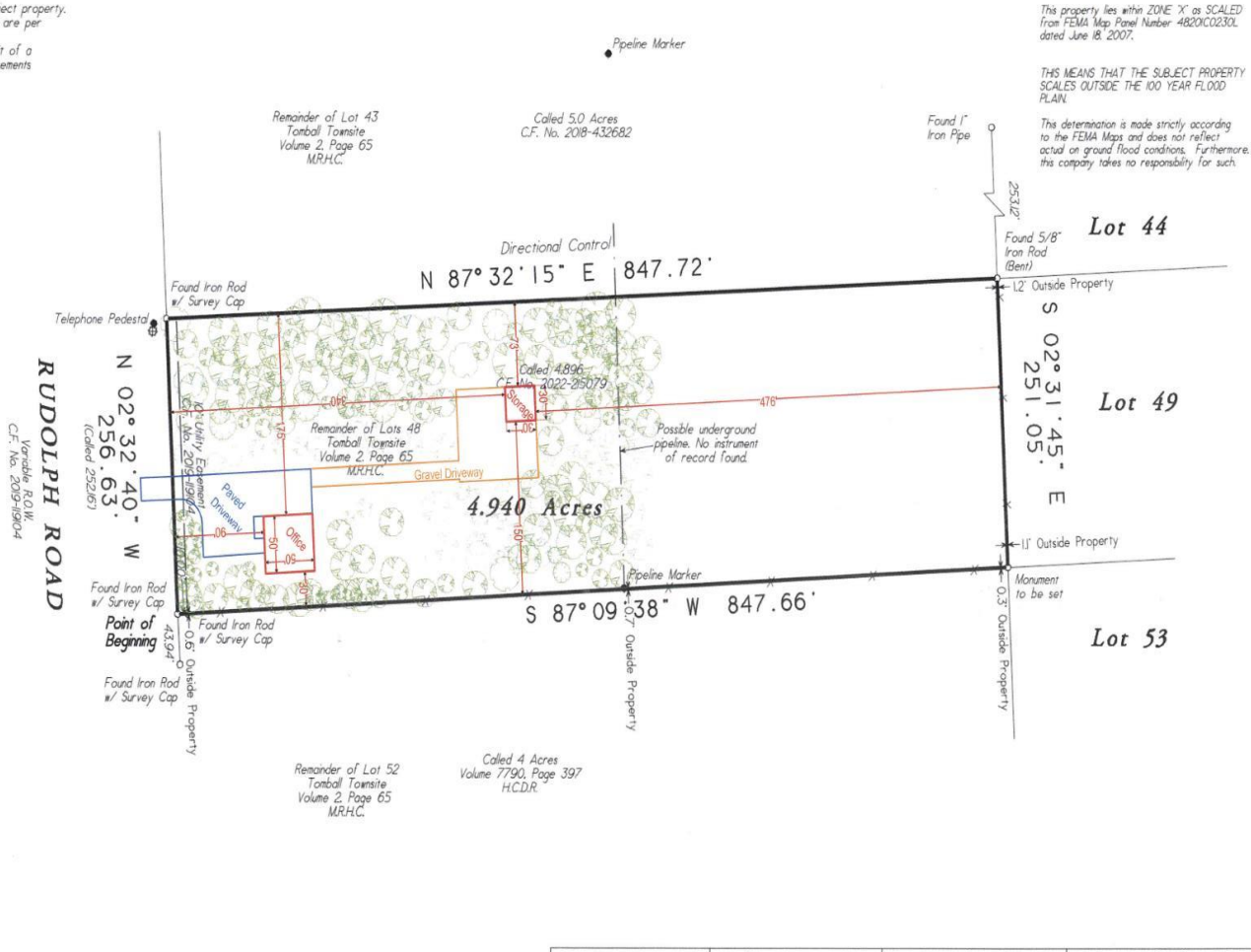


Rezoning				
Map Revised	Ord. No.	Ord. Date	Case No.	Description
6/6/2008	2008-05	5/5/2008	P08-006	SF-6 to C
6/6/2008	2008-08	6/2/2008	P08-005	SF-6 to C
6/6/2008	2008-10	6/2/2008	P08-012	D to C
8/21/2008	2008-09	7/21/2008	P08-008	Ag to O (**Single Story-30' Max)
8/21/2008	2008-17	8/4/2008	P08-025	AG & GR to C
8/21/2008	2008-18	8/4/2008	P08-029	SF-20-E to LI
8/21/2008	2008-20	8/4/2008	P08-036	AG & SF-20-E to SF-6 & C
11/3/2008	2008-28	10/6/2008	P08-056	SF-6 to C
11/3/2008	2008-29	10/6/2008	P08-060	SF-6 to D
4/14/2009	2009-09	4/6/2009	P08-074	AG to SF-20-E
4/14/2009	2009-10	4/6/2009	P09-099	AG to C
6/9/2009	2009-14	6/1/2009	P09-115	AG to C
10/5/2009	2009-22	9/8/2009	P09-128	D to C
10/5/2009	2009-23	9/8/2009	P09-129	D to C
10/5/2009	2009-25	9/8/2009	P09-146	SF-20-E to SF-9
10/5/2009	2009-29	10/5/2009	P09-158	SF-9 to C
11/2/2009	2009-32	11/2/2009	P09-161	SF-6 to OT&MU
1/26/2010	2009-34	1/4/2010	P09-180	SF-6 to D
11/2/2010	2010-08	5/3/2010	P10-208	SF-6 to OT&MU
11/2/2010	2010-10	6/7/2010	P10-226	AG to C
11/2/2010	2010-11	6/7/2010	P10-225	AG to C
11/2/2010	2010-23	11/1/2010	P10-273	O to SF-20-E
5/22/2012	2011-02	4/4/2011	P11-302	AG to C
5/22/2012	2011-11	7/26/2011	P11-333	SF-20-E to LI
5/22/2012	2011-21	10/3/2011	P11-347	AG to C
5/22/2012	2011-22	10/3/2011	P11-348	SF-6/C to LI
5/22/2012	2011-25	11/24/2011	P11-354	SF-20-E to Ag
5/22/2012	2011-27	12/5/2011	P11-360	C/OT&MU to C
5/22/2012	2011-28	12/5/2011	P11-362	C to OT&MU
5/22/2012	2011-32	1/3/2011	P11-375	AG to LI
5/22/2012	2012-05	5/7/2012	P12-421	AG to LI
7/24/2012	2012-09	6/4/2012	P12-427	D to C
7/24/2012	2012-10	6/4/2012	P12-428	D to C
7/24/2012	2012-11	6/4/2012	P12-429	D to C
10/9/2012	2012-26	9/4/2012	P12-457	D to O
10/9/2012	2012-33	10/1/2012	P12-459	SF-20-E to AG
10/9/2012	2012-34	10/1/2012	P12-468	AG to LI
10/9/2012	2012-35	10/1/2012	P12-469	AG, SF-20-E, and LI to LI
1/8/2013	2012-54	1/7/2013	P12-514	AG to LI
4/22/2013	2013-03	4/1/2013	P13-066	SF-6 to OT&MU
12/16/2013	2013-22	12/2/2013	P13-158	PD-1 to O
2/18/2014	2013-26	1/6/2014	P13-182	AG to LI
8/18/2014	2014-18	8/4/2014	P14-109	C & OT&MU to C
9/3/2014	2014-21	8/18/2014	P14-102	AG to SF-9
10/20/2014	2014-34	10/6/2014	P14-154	D to C
12/16/2014	2014-40	12/1/2014	P14-217	AG to SF-9
12/16/2014	2014-41	12/1/2014	P14-218	PD-1 to SF-20-E
1/21/2015	2014-44	1/5/2015	P14-232	MF to C
3/16/2015	2015-03	3/2/2015	P14-262	SF-6 to C
4/20/2015	2015-05	4/4/2015	P14-254	AG to LI
4/20/2015	2015-06	4/4/2015	P15-009	GR to C
11/30/2015	2015-21	11/16/2015	P15-107	AG to LI
11/30/2015	2015-22	11/16/2015	P15-108	AG to C
8/2/2016	2016-05	5/2/2016	P16-0020	AG to C
8/2/2016	2016-06	6/6/2016	P16-0048	AG to O
8/19/2016	2016-13	8/15/2016	P16-0083	SF-6 to OT&MU
8/19/2016	2016-15	8/1/2016	P16-0080	AG to C
11/21/2016	2016-27	11/7/2016	P16-0140	AG to C
1/9/2017	2016-30	12/19/2016	P16-0156	SF-20-E to C
1/26/2017	2016-31	1/3/2017	P16-0162	AG to C
4/17/2017	2017-06	4/3/2017	P17-0007	SF-6 to O
8/21/2017	2017-22	8/7/2017	P17-0069	SF9 to SF-6
8/21/2017	2017-21	8/7/2017	P17-0070	SF-20-E to SF-6
9/22/2017	2017-28	9/5/2017	P17-0083	AG to C
8/20/2017	2017-36	8/6/2018	P17-0115	AG to SF-20-E
11/21/2017	2017-38	11/6/2017	P17-0117	AG to C
1/17/2018	2018-02	1/2/2018	P17-0131	AG to C
2/19/2018	2018-03R	2/5/2018	P17-0137	AG to GR
3/19/2018	2018-09	3/5/2018	P18-004	SF-6 to OT&MU
3/19/2018	2018-10	3/5/2018	P18-008	SF-6 to OT&MU
6/7/2018	2018-18	5/21/2018	P18-035	Outside City Limits to C
7/5/2018	2018-19	6/4/2018	P18-055	SF-6 to OT&MU
8/22/2018	2018-22	8/6/2018	P18-079	AG to C
9/4/2018	2018-20	8/20/2018	P18-072	AG to SF-6
9/18/2018	2018-22	9/4/2018	P18-089	AG & GR to SF-6
9/18/2018	2018-23	9/4/2018	P18-120	SF-9 to PD-11
10/17/2018	2018-24	9/4/2018	P18-122	Outside City Limits to C
12/19/2018	2018-37	12/3/2018	P18-161	AG to LI
12/19/2018	2018-38	12/3/2018	P18-166	PD-2 to O
1/31/2019	2018-43	1/7/2019	P18-168	SF-6 to OT&MU
6/3/2019	2019-10	5/20/2019	P19-039	AG to C
6/17/2019	2019-11	6/3/2019	P19-053	AG to C
9/23/2019	2019-16	9/3/2019	P19-090	SF-9 to SF-6
11/27/2019	2019-27	11/4/2019	P19-120	LI to C
1/22/2020	2019-36	1/6/2020	P19-157	SF-6 to OT&MU
1/22/2020	2019-34	1/6/2020	P19-155	SF-20-E and AG to GR
8/20/2020	2020-09	8/3/2020	P20-069	SF-6 to O
8/20/2020	2020-20	8/3/2020	P20-099	SF-20-E to C
1/19/2021	2020-35	1/4/2021	P20-321	SF-20-E to LI
1/19/2021	2020-36	1/4/2021	P20-332	AG to SF-6
5/3/2021	2021-02	2/1/2021	P20-419	Outside City Limits to GR
5/3/2021	2021-10	4/5/2021	P20-420	AG to C
5/3/2021	2021-04	4/5/2021	P20-436	Outside City Limits to C
5/3/2021	2021-09	4/5/2021	P20-442	SF-20-E to C
8/25/2021	2021-24	8/2/2021	P21-252	SF-20-E to LI
8/25/2021	2021-26	8/2/2021	P21-266	AG to GR



Notes:
 1. Basis of bearings: North line of subject property.
 2. Easements and building lines as shown are per the recorded plat.
 3. Survey performed without the benefit of a title report and may be subject to easements and/or restrictions not shown.

—X—X— WIRE FENCE
 ⊕ POWER POLE



This property lies within ZONE X as SCALED from FEMA Map Panel Number 4820C0230L dated June 18, 2007.

THIS MEANS THAT THE SUBJECT PROPERTY SCALES OUTSIDE THE 100 YEAR FLOOD PLAIN.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.

Being a 4.940 acre tract situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a portion of Lot 48 of Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said portion of Lot 48 being recorded in Clerk's File Number 2022-215079 of the Real Property Records of Harris County, Texas.

Date	July 29, 2022	Off No.	N/A
Job No.	22-42303	Scale	1" = 100' (As Shown)
Address	Rudolph Road	Drawn By	DY
City, State	Tomball, Texas	Rec'd	0

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



Certified To: Chris & Tiana Campbell
 Client: Chris & Tiana Campbell

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CITY/STATE IN ACCORDANCE WITH STANDARD LAND SURVEY, AND THAT THERE ARE NO ENCUMBRANCES EXCEPT THOSE SHOWN.

Steven L. Crews RPLS #4141

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: 05/08/2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Case CUP23-03**: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Background:

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting a Conditional Use Permit (CUP) in conjunction with a separate request to rezone the property to General Retail (GR). The requested CUP is to allow residential use in the requested General Retail zoning district. According to information provided by the applicant the intent is to rezone the subject property to allow an Exterminator Service/Company on the subject property, in addition to having this exterminator services business on the parcel the applicants would also like to utilize the property to build their primary residence.

Origination: Chris & Tiona Campbell

Recommendation:

Staff recommends denial of CUP23-03.

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)
MAY 8, 2023
&
CITY COUNCIL
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 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:

Zoning Case Z23-03: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-04: Request by Rosehill Estates, LLC represented by George Jarkey to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-05: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-06: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Case CUP23-03: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact 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 5th day of May 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

«mailto»
«mail_addr_»
«mail_addr1»
«mail_city», «mail_state» «mail_zip»

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Case Number CUP23-03

04/14/2023

The Planning & Zoning Commission will hold a public hearing on May 8, 2023 at 6:00 PM, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **conditional use permit**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

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

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

CASE #: CUP23-03

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: «mailto»
Parcel I.D.: «HCAD_NUM»
Address: «LocAddr»

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

Email: jasmith@tomballtx.gov

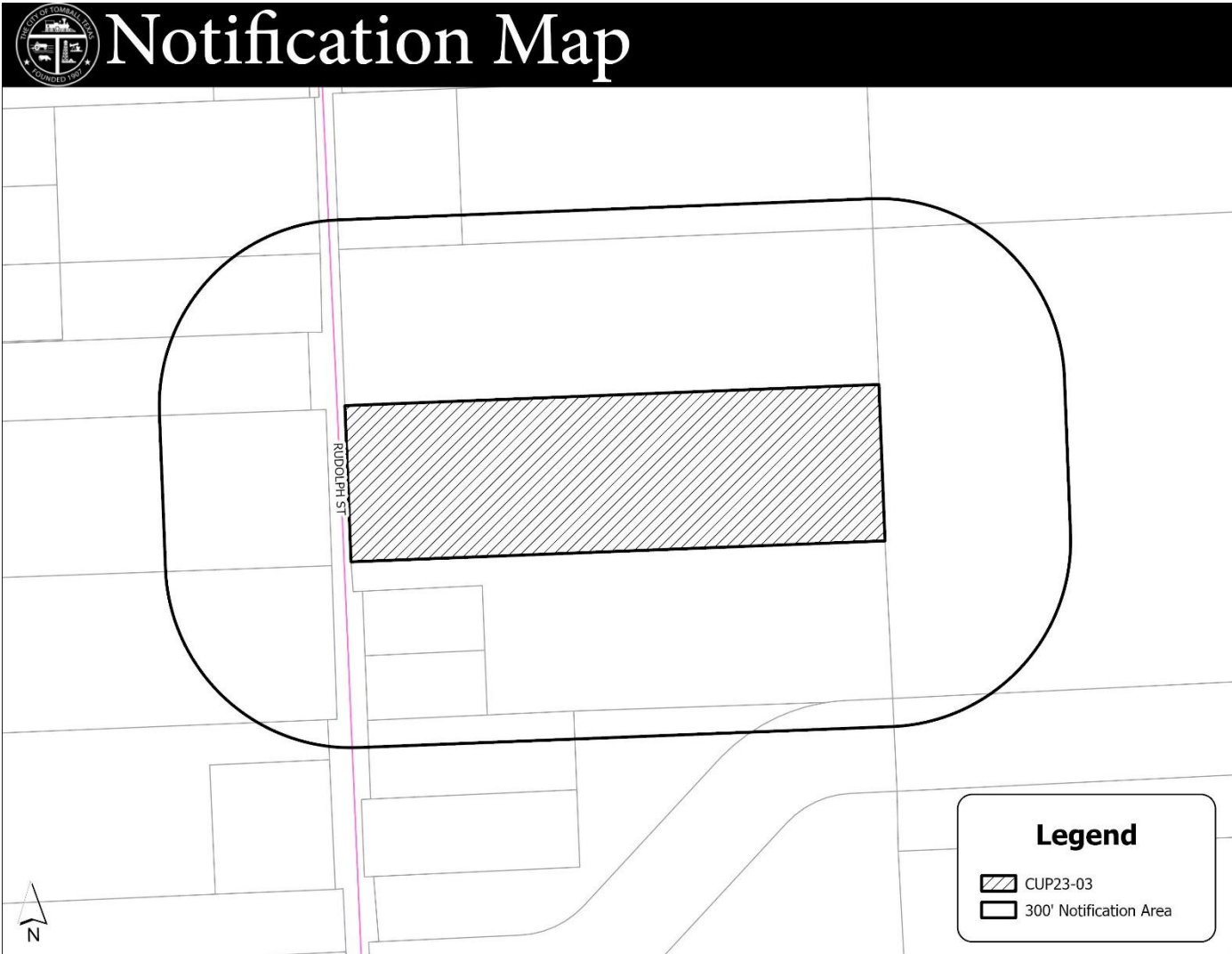
I am in favor I am opposed
Additional Comments:

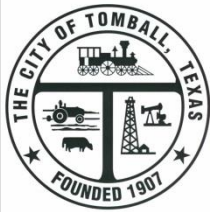
Signature: _____



City of Tomball
Community Development Department

CUP23-03





Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

- Rezoning Case:** CUP23-03
- Property Owner(s):** Chris & Tiona Campbell
- Legal Description:** Portion of Lot 48 in Tomball Townsite
- Location:** 11100-11200 blocks (east side) of Rudolph Road (Exhibit “A”)
- Area:** 4.940 acres
- Comp Plan Designation:** Ranch Rural & Estate (Exhibit “B”)
- Present Zoning and Use:** Single-Family Residential – 20 (SF-20) / Vacant (Exhibit “D”)
- Request:** Conditional Use Permit (CUP) to permit Residential Use in General Retail (GR) zoning

Adjacent Zoning & Land Uses:

- North:** Single-Family Residential -20 (SF-20)/ Vacant
- South:** Single-Family Residential – 20 (SF-20)/ Vacant
- West:** Single-Family Residential – 20 (SF-20) / Jerry Matheson Park
- East:** Single-Family Residential – 20 (SF-20) / Vacant and Water Treatment Plan

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting a Conditional Use Permit (CUP) in conjunction with a separate request to rezone the property to General Retail (GR). The requested CUP is to allow residential use in the requested General Retail zoning district. According to information provided by the applicant the intent is to rezone the subject property to allow an Exterminator Service/Company on the subject property, in addition to having this exterminator services business on the parcel the applicants would also like to utilize the property to build their primary residence.

ANALYSIS

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

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

The property is designated as Ranch Rural & Estate by the Comprehensive Plan Future Land Use Map. This category is intended to promote large lot single family residential uses. The intention of building a residence on the subject property is wholly compatible with the goals and objectives of the Comprehensive Plan by promoting residential use in the area. However, the requested rezoning to General Retail which is requiring the Conditional Use Permit for residential use is not consistent with the goals and objective of promoting large residential lots in the area.

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

The proposed residential use of this property is consistent with the Comprehensive Plans objective for the surrounding area. However, the General Retail zoning which is requiring a Conditional Use Permit for residential use is not compatible with the surrounding land uses nor is it consistent with the Comprehensive Plans objectives for the area.

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

Yes, if approved the use will be required to meet all supplemental standards outlined in Chapter 50 of the Code of Ordinance. Further, prior to operation, an official site plan shall be submitted to the City of Tomball Community Development Office to ensure that all relevant supplemental standards are being met (sidewalks etc.).

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

The proposed residential use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods.

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

The proposed residential use of this property is not materially detrimental to the public health, safety, convenience, and welfare of the public. Nor does this requested residential use of the property appear to result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENTS

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal. These notice letters were sent on April 18, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Although the residential use of the property is consistent with the goals & objectives of the City of Tomball Comprehensive Plan. This land use is permitted by right within the current Single Family Residential – 20 zoning that the property falls within. The requested General Retail zoning district (which is requiring the Conditional Use Permit for residential use) is not consistent with

the goals and objectives of the Comprehensive Plan. For these reasons, Staff is recommending denial of CUP23-03.

Item F.4

EXHIBITS

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

Exhibit "A"
Aerial Location Map

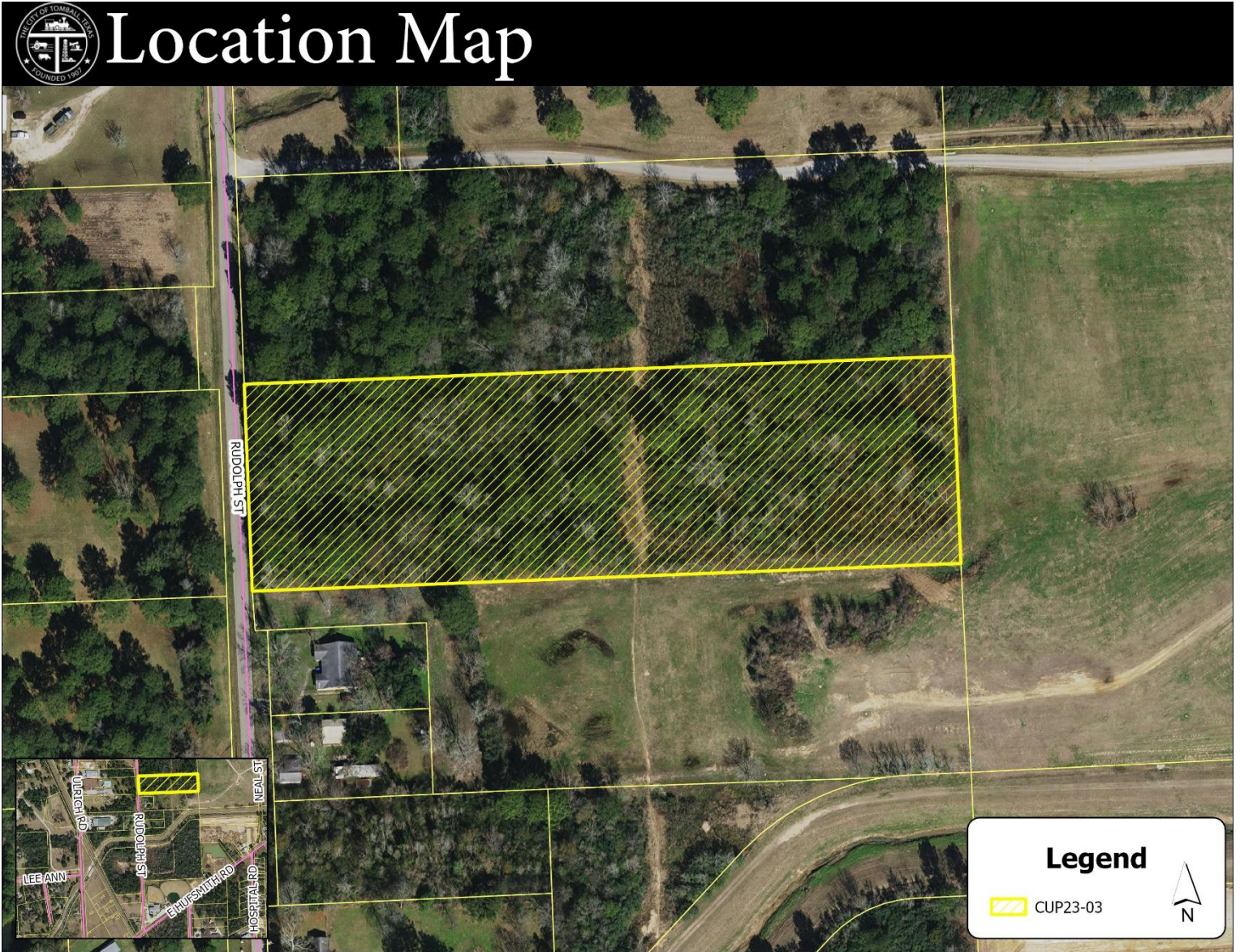
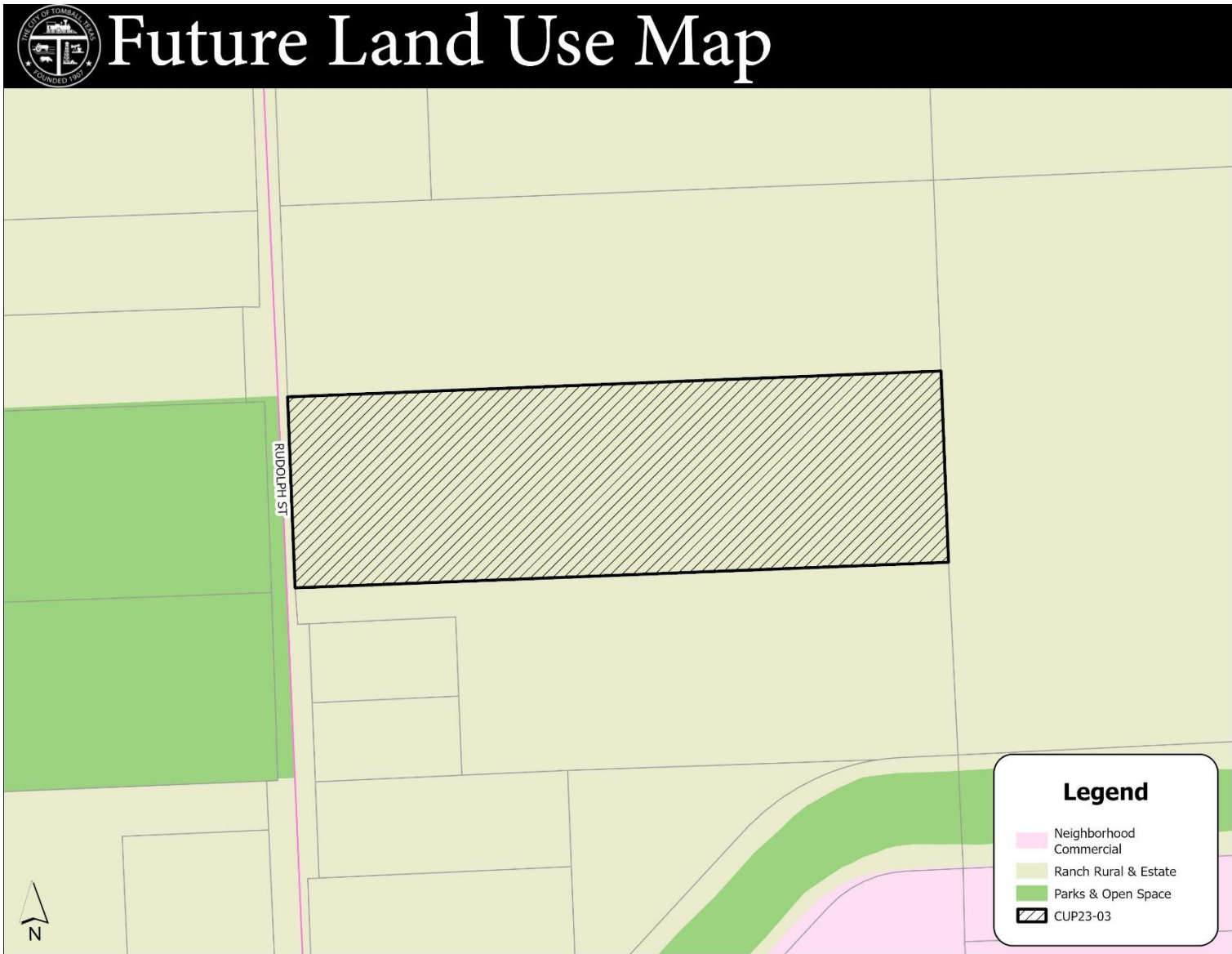


Exhibit "B"
Future Land Use Plan



Legend

- Neighborhood Commercial
- Ranch Rural & Estate
- Parks & Open Space
- CUP23-03

Exhibit "C"
Zoning Map

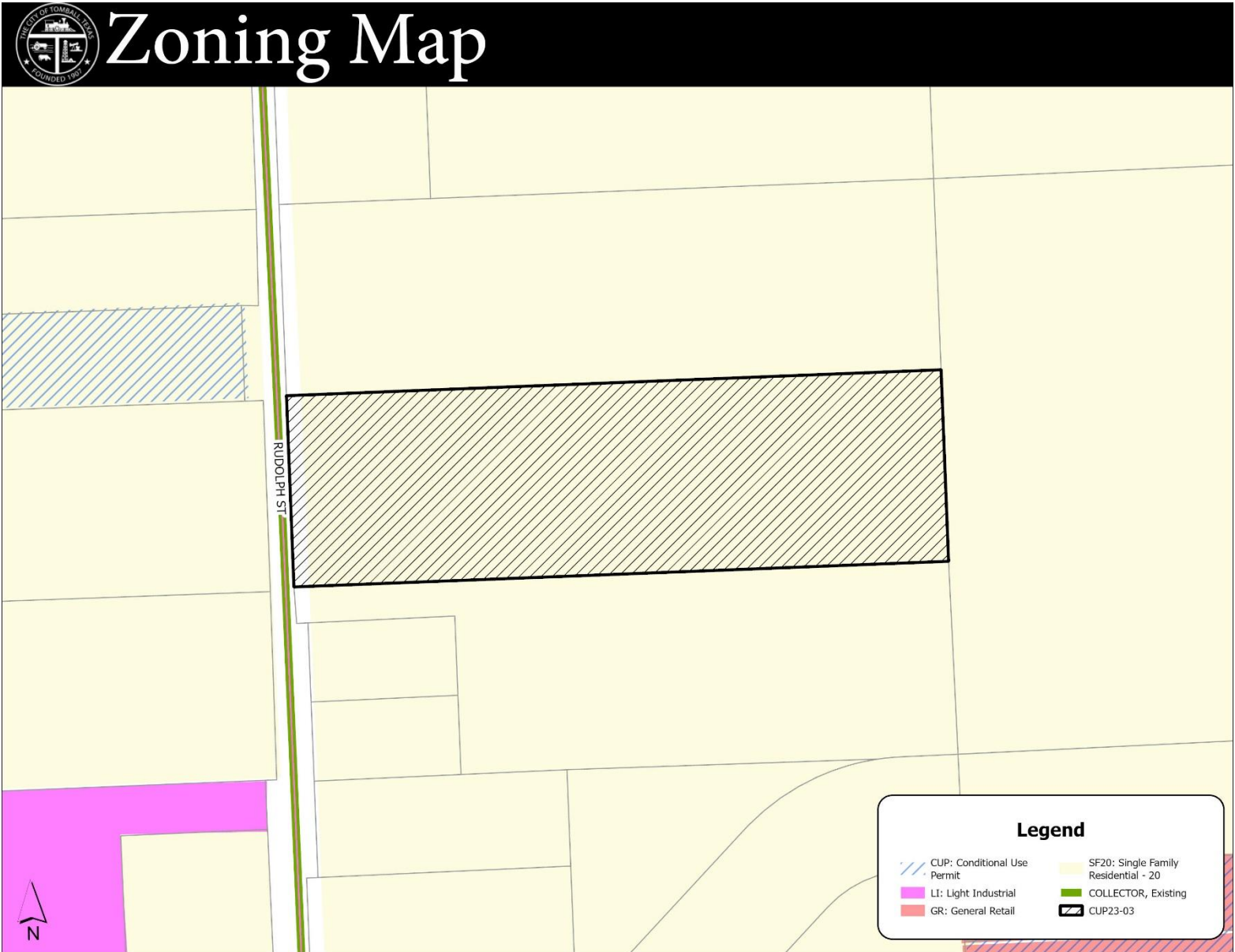


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (West)



Exhibit "E" Rezoning Application

Revised: 10/1/2022



APPLICATION FOR CONDITIONAL USE PERMIT Planning Division

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

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

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

DIGITAL PLAN SUBMITTALS:

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

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

Applicant

Name: Chris + Tiona Campbell Title: _____
Mailing Address: 19611 Glenfinch Lane City: Spring State: Tx
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928 6044 Email: Chris@Belladomani.com

Owner

Name: Chris + Tiona Campbell Title: _____
Mailing Address: 19611 Glenfinch Lane City: Spring State: Tx
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928 6044 Email: Chris@Belladomani.com

Engineer/Surveyor (if applicable)

Name: C&C Surveying + AL Title: _____
Mailing Address: 33306 Egypt Lane City: Magnolia State: Tx
Zip: 77354 Contact: Steven L Crews
Phone: (281) 356-5172 Fax: () ~~Survey~~ Email: Survey@CCSurveying.com

Revised: 10/1/2022

Description of Proposed Project: residential Home

Physical Location of Property: 1120 Rudolph Rd Tomball TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lot 48 Clerk's File # 2022-215079
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352820000083 Acreage: 4.940

Current Use of Property: undeveloped

Proposed Use of Property: residential Home

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] 3-24-23
Signature of Applicant Date

X [Signature] 3-24-23
Signature of Owner Date

Revised: 10/1/2022

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.

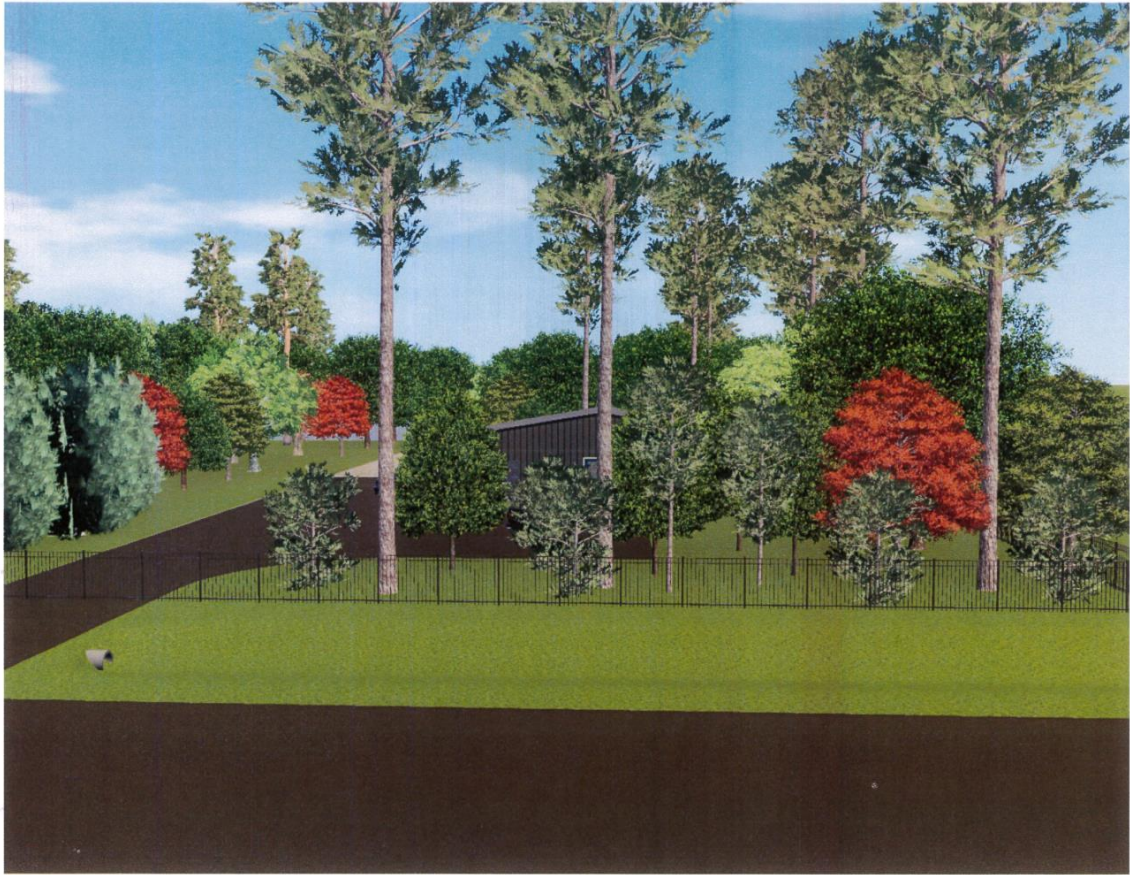
Applications must be delivered to the City at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- Application Fee: \$1,000 (Non-Refundable)**
- Completed application form**
- *Copy of Recorded/Final Plat**
- Concept/Site Plan**
- Letter stating reason for request and issues relating to request.**
- Metes & Bounds of property**
- Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Sec. 12.1 C of the Zoning Ordinance 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 Planning 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.





C & C Surveying, Inc.

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

Metes and Bounds

4.940 Acres
Tomball Townsite
Ralph Hubbard Survey, Abstract Number 383,
Harris County, Texas

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

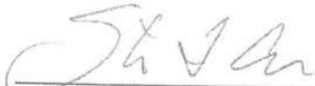
BEGINNING, at an iron rod with survey cap, found for the Southwest corner of the herein describe tract, common with Southeast corner of a 15 foot wide road dedication to the City of Tomball for Rudolph Road, as recorded in Clerk's File Number 2019-119104 of the Real Property Records of Harris County,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

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

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

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

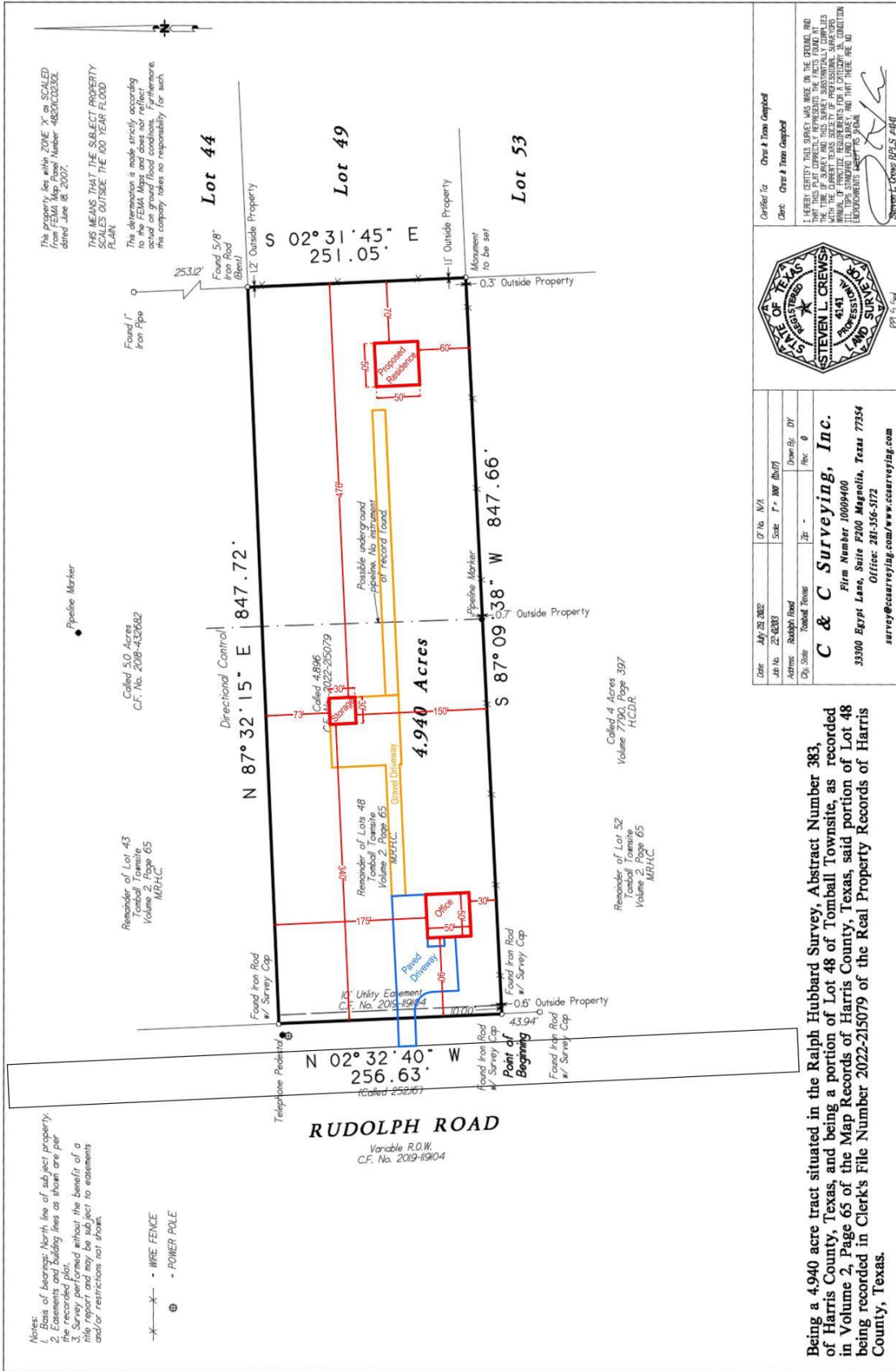
THENCE, South 87 degrees 09 minutes 38 seconds West, along the South line of the herein described tract, common with the South line of said Lot 48, being the North line of Lot 52, a distance of 847.66 feet, back to the **POINT OF BEGINNING** and containing 4.940 acres of land as computed based on the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



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



V:\FRM\KMS\2022\2022-2023.gxd -- 08/12/22 -- 08:12 AM -- Scale: 1:1200.0



Being a 4.940 acre tract situated in the Ralph Hubbard Survey Abstract Number 383, of Harris County, Texas, and being a portion of Lot 48 of Tomball Township, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said portion of Lot 48 being recorded in Clerk's File Number 2022-215079 of the Real Property Records of Harris County, Texas.

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: 05/08/2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-05**: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Background:

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting to rezone the subject property to Light Industrial in conjunction with a separate request for a Conditional Use Permit to allow an “Electric Storage System” land use. There has been a lot of interest in the development of an “Electric Storage System” within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the “Electric Storage System” land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. City staff met with the applicants on a few occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in such close proximity to Old Town Tomball and the nearby existing residences.

Origination: Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC.

Recommendation:

City staff recommends approval of Zoning Case Z23-05.

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)
MAY 8, 2023
&
CITY COUNCIL
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

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Zoning Case Z23-06: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Case CUP23-03: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact 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 5th day of May 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

«mailto»
«mail_addr_»
«mail_addr1»
«mail_city», «mail_state» «mail_zip»

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-05

04/17/2023

The Planning & Zoning Commission will hold a public hearing on **May 8, 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 Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

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

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

CASE #: Z23-05

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: «mailto»
Parcel I.D.: «HCAD_NUM»
Address: «LocAddr»

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

Email: jasmith@tomballtx.gov

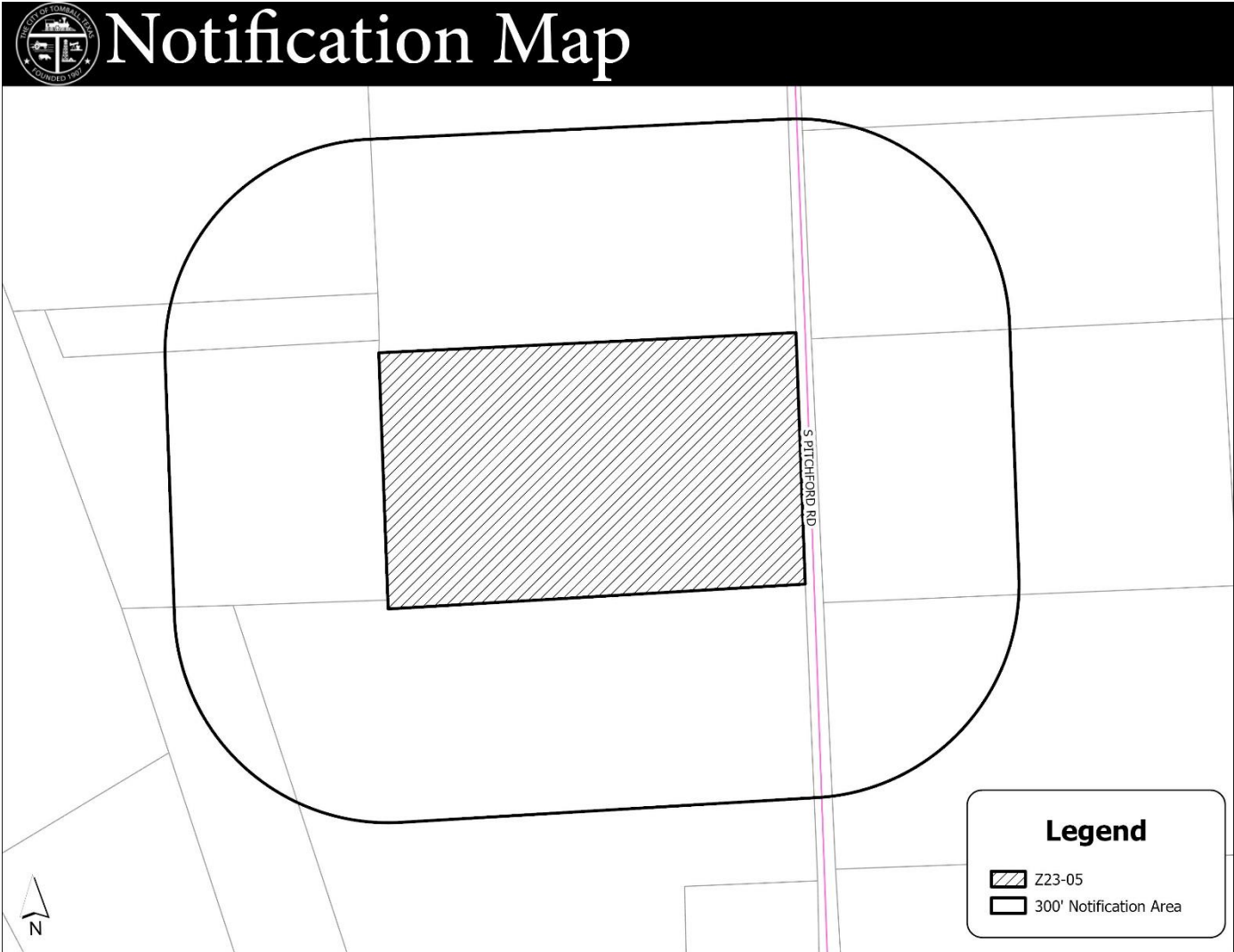
I am in favor I am opposed
Additional Comments:

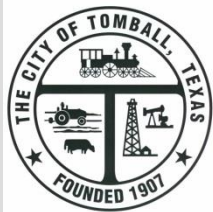
Signature: _____



City of Tomball
Community Development Department

Z23-05





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

- Rezoning Case:** Z23-05
- Property Owner(s):** Michael Kirtley
- Applicant(s):** Black Mountain Energy Storage II LLC.
- Legal Description:** Lot 265 of Tomball Townsite
- Location:** 900-1000 blocks (west side) of S. Pitchford Road
- Area:** 5.00 acres
- Comp Plan Designation:** Business Park and Industrial (Exhibit “B”)
- Present Zoning:** Agricultural (AG) (Exhibit “C”)
- Request:** Rezone from Agricultural (AG) to the Light Industrial (LI) district
- Adjacent Zoning & Land Uses:**
 - North:** Agricultural (AG)/ Vacant/Electric Utility Infrastructure
 - South:** Agricultural (AG)/ Single Family residence
 - West:** Agricultural (AG) / Single-family residence
 - East:** Agricultural (AG) / Agricultural Accessory Structures

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting to rezone the subject property to Light Industrial in conjunction with a separate request for a Conditional Use Permit to allow an “Electric Storage System” land use. There has been a lot of interest in the development of an “Electric Storage System” within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the “Electric Storage System” land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. City staff met with the applicants on a few occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in such close proximity to Old Town Tomball and the nearby existing residences.

ANALYSIS

Description: The subject property comprises 5.00 acres, located in the 900-1000 block (west side) of S. Pitchford Road. Currently the subject property is located within the Agricultural zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. All properties within the immediate vicinity are also located within the Agricultural zoning district. The neighboring property to the north is currently vacant property owned by CenterPoint Energy, this property is predominantly vacant aside from the electric utility infrastructure which is extending from the neighboring substation. The neighboring property to the south as well as the property immediately east of the subject property located on the east side of S. Pitchford Road are occupied by single family residences. The neighboring property to the west according to Harris County Appraisal District records is currently occupied by accessory agricultural structures.

Comprehensive Plan Recommendation: The property is designated as “Business Park & Industrial” by the Comprehensive Plans Future Land Use Map. This Business Park & Industrial category is intended to create opportunities for employment. The uses that are to be promoted in this designated land use should be uses that benefit from proximity to major thoroughfares which provide convenient access for vehicle traffic, including freight traffic.

According to the Comprehensive Plan, land uses should consist of office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Appropriate secondary uses may include things such as utility services, government facilities, and transportation/freight uses.

The Comprehensive Plan recommends the zoning districts of – Light Industrial (LI), Commercial (C), Office (O), or Planned Developments (PD) for the Business Park & Industrial land use category.

Staff Review Comments:

The request to rezone the subject property to Light Industrial (LI) is in direct alignment with the Future Land Use Plans objective of establishing the Business Park & Industrial land use category on the subject property. However, there are development concerns pertaining to access to an industrial site from S. Pitchford Road. As mentioned in the Comprehensive Plan, additional consideration should be taken toward the location of Business Park & Industrial land uses when evaluating the proximity of industrial sites to major thoroughfares. Such projects benefit most from sites that can provide convenient access to major thoroughfares for vehicle traffic, including freight traffic. Given that S. Pitchford Road currently has a pavement width of approximately 16-feet wide, it is not presently suited for freight traffic. Any potential development within the proposed Light Industrial zoning district which may generate freight traffic would likely require the submission of a traffic impact analysis and would potentially require improvement to S. Pitchford Road prior to the approval of Site/Building plans by the City of Tomball. This concern is ultimately to provide context and should hold no bearing on the decision of whether Light Industrial zoning is appropriate for the parcel. As any such improvement to S. Pitchford will be decided at the time of development.

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 April 18, 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 Z23-05.

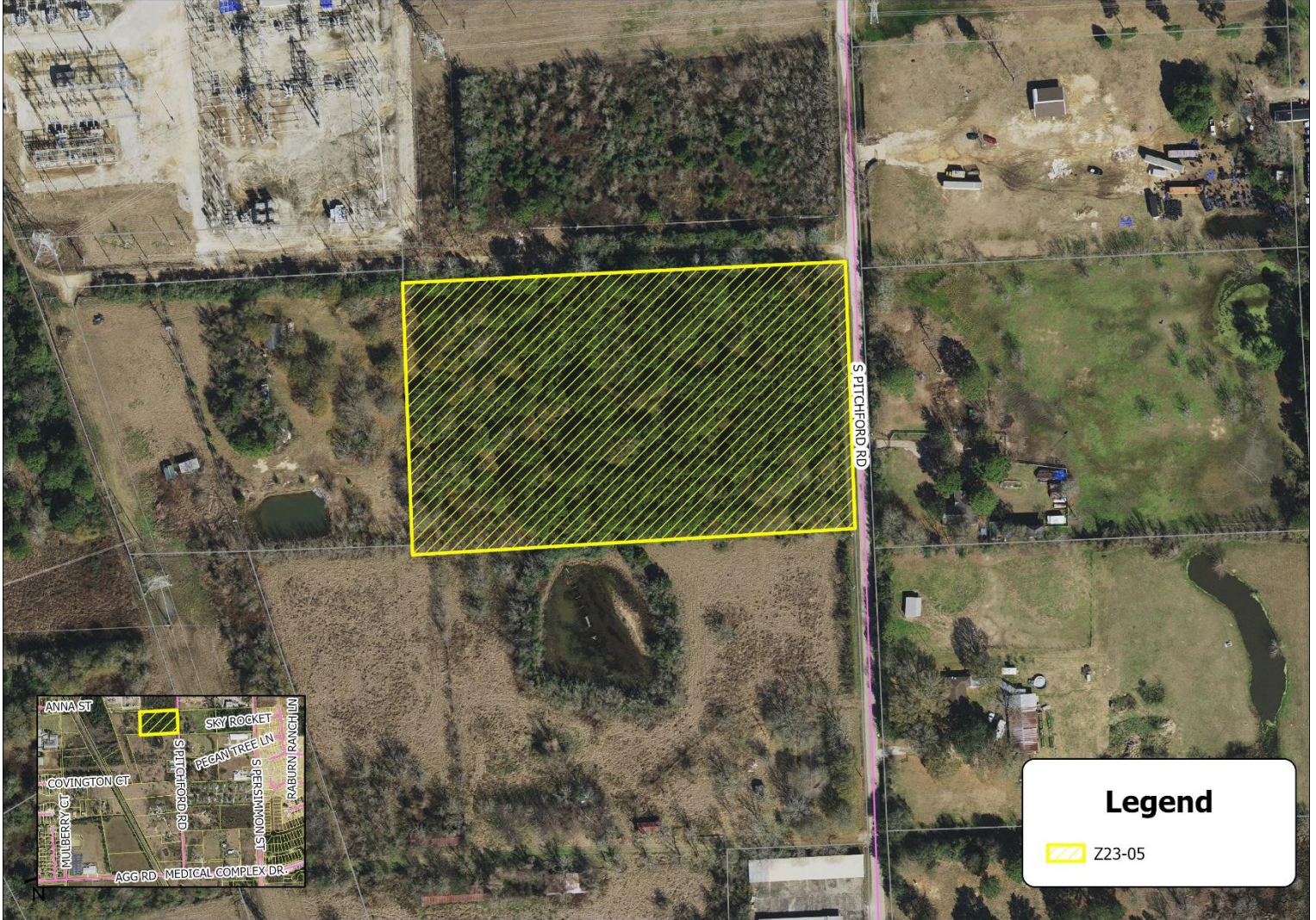
EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location Map



Legend


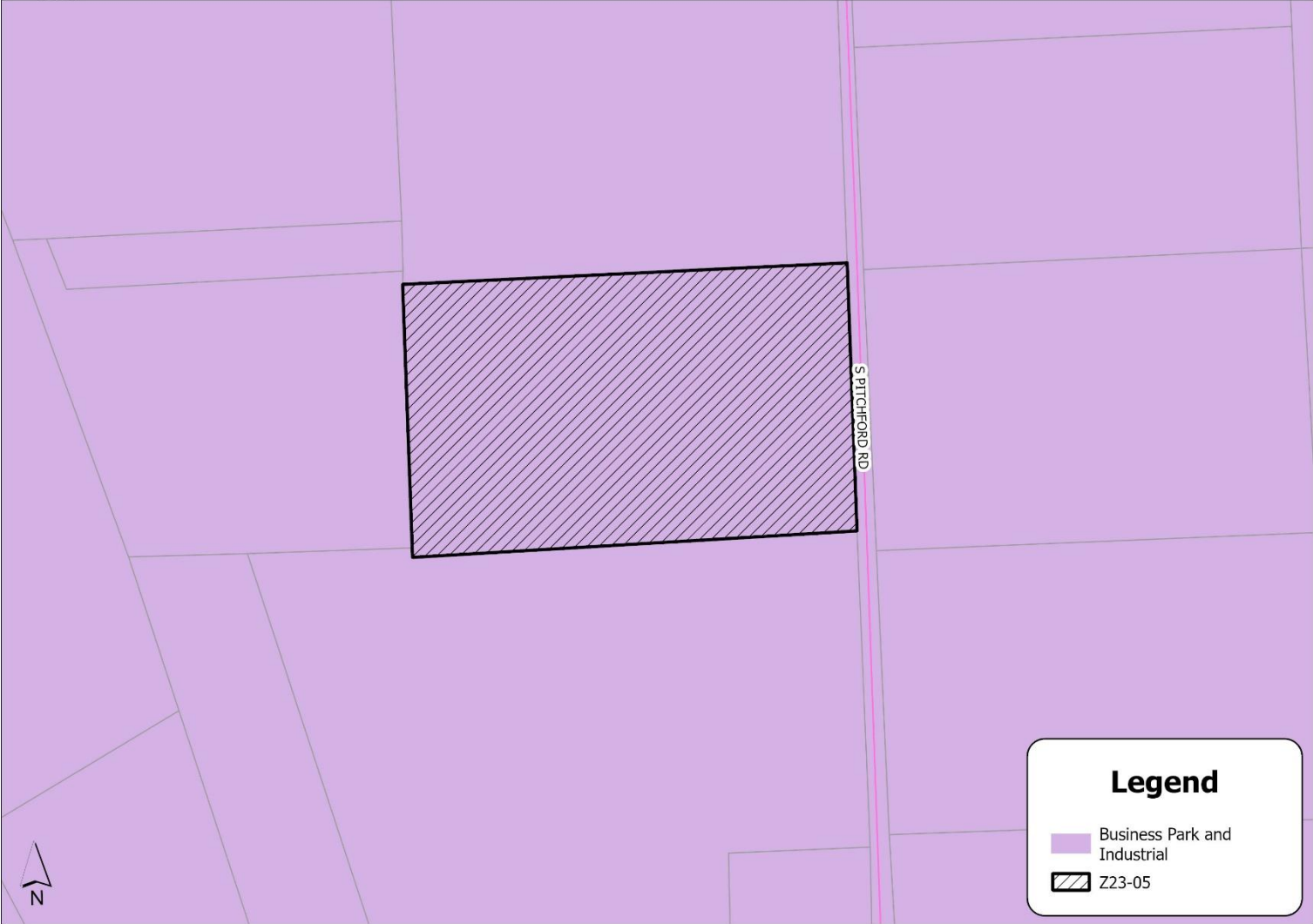
 Z23-05

Exhibit "B"
Future Land Use Plan



Future Land Use Map



Legend

-  Business Park and Industrial
-  Z23-05

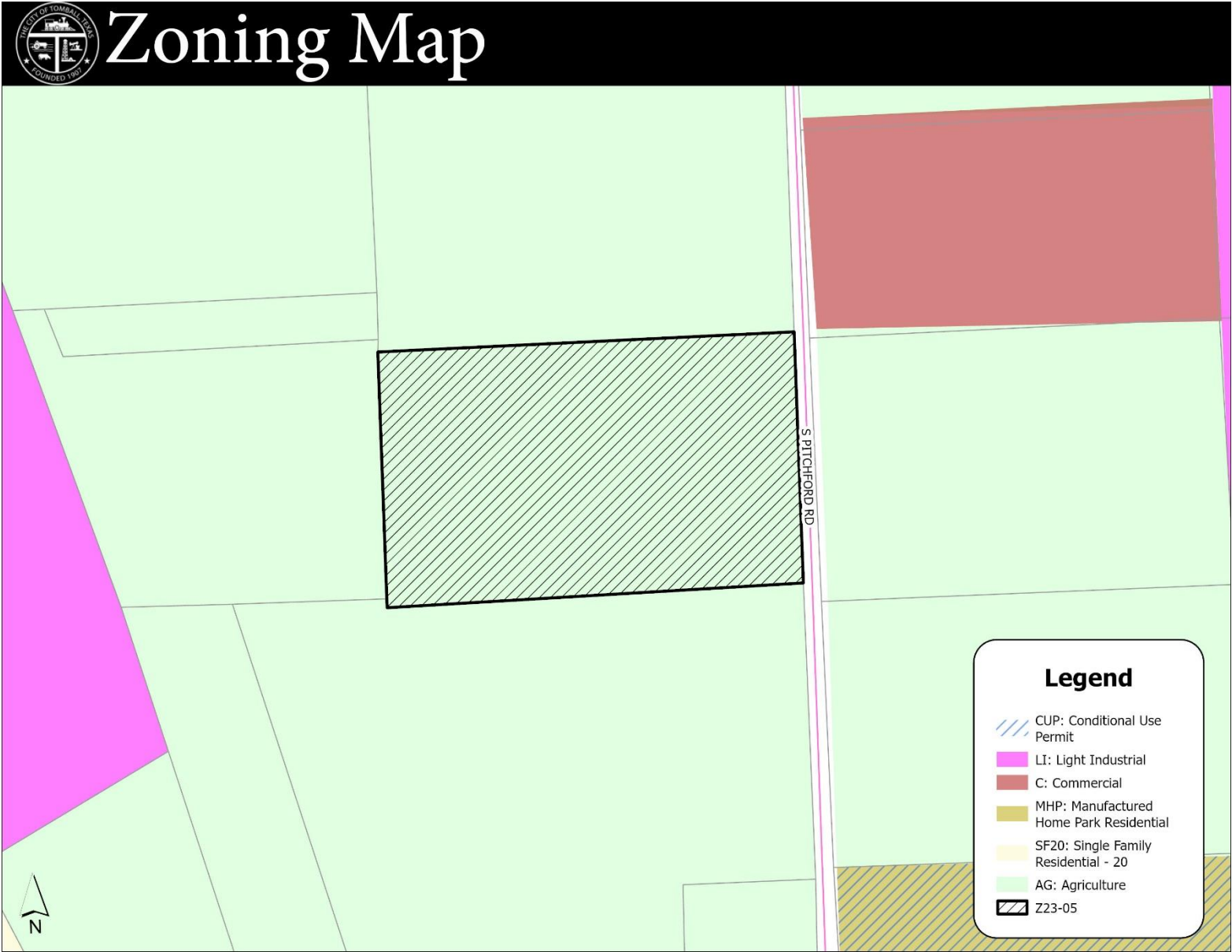


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (East)



Neighbor (South)



Neighbor (North)

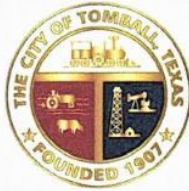


Neighbor (Northwest)



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: tomballedd
PASSWORD: Tomball

Applicant

Name: Sam Jackson Title: Director of Development
Mailing Address: 425 Houston Street, Suite 400 City: Fort Worth State: Texas
Zip: 76102 Contact: _____
Phone: (215) 022-0210 Email: sam.jackson@blackmtm.com

Owner

Name: Michael W. Kirtley Title: Landowner
Mailing Address: 15714 Oxenford Dr. City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (281) 932-4904 Email: mkk@houstone@yahoo.com

Engineer/Surveyor (if applicable)

Name: Justin W. Cantwell, RPLS Title: Survey Division Manager
Mailing Address: 8312 Upland Avenue City: Lubbock State: Texas
Zip: 79424 Contact: _____
Phone: (806) 570-9899 Fax: () Email: jcantwell@centerlineengineering.net

Description of Proposed Project: Utility-scale battery energy storage system (BESS) facility

Physical Location of Property: Property on the southwest corner of S. Live Oak St. and Pitchford Rd.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: All of lot 265 of Tomball Townsite - Volume 2, Page 265, Deed Records of Harris County
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agriculture

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

Revised: 10/1/2022

Current Use of Property: Unoccupied vegetation

Proposed Zoning District: Light Industrial

Proposed Use of Property: Battery Energy Storage System (BESS)

HCAD Identification Number: 0352880000265 Acreage: 4.8

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.

Samuel Jackson 3/15/2023
Signature of Applicant Date

Michael Kutley 3/21/2023
Signature of Owner Date

BC Global LP

Alberto P. Cardenas, Jr. beto@bcglobal.law
Office +1.713.731.1050 Mobile +1.713.818.2497

March 16, 2023

Mr. Jared Smith, City Planner
City of Tomball
401 Market Street
Tomball, Texas 77375

Dear Mr. Smith:

Please accept this letter together with the attached, completed applications for Re-Zoning and a Conditional Use Permit on behalf of our client GridStor, and the applicant company Black Mountain Energy Storage II, LLC (BMES), for consideration by the City of Tomball, Texas.

BMES and its development partner GridStor are proposing to develop and construct a 200 MW Battery Energy Storage System (BESS) within the City. The proposed project, with a targeted commercial operations date of June 2025, is being considered on a single, contiguous, five-acre parcel located at the corner of Pitchford Road and South Live Oak Street (Harris County Appraisal District Account No. 0352880000265). This land, secured by BMES via a Lease Agreement, had been previously used for energy related purposes and is currently zoned by the City for agricultural use. Should the project proceed, it would be adjacent to CenterPoint Energy’s substation and provide connectivity to the Electric Reliability Council of Texas (ERCOT) transmission grid via the City’s substation, providing ERCOT more flexibility to respond to extreme events and thereby helping reduce energy power prices for consumers.

We understand that the City recently amended its Code of Ordinances to define and allow “Energy Storage Systems” within Light Industrial Zones. Accordingly, our client is therefore requesting Re-Zoning of the property from Agricultural to Light Industrial. Further, we recognize that a Conditional Use Permit would be required and have therefore paired and provided both applications for the City’s consideration.

Included with this letter is additional information we believe will be helpful to the City as they review these applications. We look forward to working with you in the coming weeks to continue the discussions for this proposed project and its economic development opportunities.

Respectfully Submitted,



Alberto P. Cardenas, Jr.

BC Global LP
Law Offices of Alberto P. Cardenas, Jr., PLLC
Texas New York Washington

The Niels Esperson Building
808 Travis Street, Suite 1424
Houston, TX 77002
www.bcglobal.law

Proposed Project Background and Value Proposition

BMES filed an Interconnection Application with CenterPoint and ERCOT on March 22, 2022, to initiate the electrical study process required to support the interconnection of the proposed project to the existing CenterPoint Tomball substation. BMES and its employees have over 6 years of experience working with CenterPoint in scoping and interconnecting Battery Energy Storage Systems within Texas.

The project company has commissioned the following environmental studies to further de-risk the project site and ensure all environmental concerns are addressed: Phase 1 Environmental Site Assessment, Critical Issues Analysis, Wetland Delineation & Determination Report, Threatened & Endangered Species Report, and a Cultural & Historical Resources Report. All environmental studies have come back favorable, with no adverse environmental impacts anticipated as a result of development.

BESS provide significant benefits to Texans and the electric grid they depend upon, including:

Firm, dispatchable power to enhance grid reliability and balance the system. BESS delivers instantaneous power at times of peak energy demand, improving grid reliability and helping keep the lights on for homes, business owners, commercial and governmental facilities, and industrial users alike.

Energy to support Texas' economic development. Houston is forecasted to see a 10-15% increase in regional energy demand in the next 10 years, with a decline in firm power as older and uneconomic coal and gas plants retire and go offline. BESS will play a key role in replacing aging plants and supporting Texas' continued growth and economic development.

Energy bill savings by storing energy when power prices are low and discharging during high demand events, providing more power supply when needed the most.

Battery energy storage provides significant local investment opportunities in Texas communities, supports local landowners via land leases or acquisitions, and broadens local tax bases. This project is expected to provide tens of millions of dollars of property tax benefit to the City of Tomball and Harris County over two decades.

Technical Summary: Battery Energy Storage Systems

Battery Energy Storage Systems are the leading technology for the storage of electricity to provide resiliency to the electric grid. The main battery technology is lithium-ion and within that the two main chemistries are Nickel Magnesium Cobalt (NMC) and lithium iron phosphate (LFP). For this project, LFP is the intended chemistry to be used due to its safer properties.

The most basic block of a battery is the battery cell. Each cell is combined with other cells into a battery module which provides a more usable form factor for energy systems. These modules are

installed in racks inside a metal enclosure. These metal enclosures typically are 20 to 40 ft in length, 6-8 ft wide and 8 ft tall. An enclosure typically provides around 3-5 Megawatt Hours of energy.

A proposed project consists of many number of enclosures to create the required energy capacity. Since the batteries provide direct current (DC) power, an inverter is needed to convert the DC power into alternating current (AC) power. Inverters typically range from 1 to 5MW in size and may have one or several enclosures connected to each. Given the project is tied to the utility grid, the AC power is stepped up from ~600-690VAC from the inverter to 34.5kV or higher to tie into the grid. This step up is performed by the power transformers and may go through two sets (medium voltage transformer and a main power transformer). The main power transformer is located in a substation on site which provides high voltage control and protection.

The proposed project will have a site controller that will safely operate the batteries and all associated equipment. Market signals are sent to the site controller for the project to follow. Additionally, there will be a robust fire safety system for the site.

Fire Safety Considerations

National Safety Standards: One of the top considerations for battery energy storage systems is safety. The National Fire Protection Association and Underwriters Laboratory have established robust safety standards specific to lithium-ion battery energy storage systems. The most relevant standards are overviewed below:

Standard	Description (Project Context)	Scope
UL 9540	Safety standard for energy storage systems and equipment. Aggregation of 1973, 1741, and fire safety at a system level, not just stand-alone equipment.	System
UL 9540A	Standard for Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, prescribes procedure to perform cells –large scale fire testing.	DC Block
UL 1973	Safety standard for batteries used in stationary applications. Includes mechanical, electrical, and fire tests at cell level.	Inverter
UL 1741	Complement to IEEE 1547 –Interconnection of DR, functional, performance, and safety requirements for inverters.	Cells, Modules
NFPA 855	Standard for the installation of energy storage systems and references UL9540A test method	System/Facility

The Proposed Project will meet or exceed all applicable national safety standards.

Fire Safety Features: The industry has developed a multi-layered approach for monitoring and mitigating any fire safety event. As part of our approach to the project design, the safety features will be designed into an integrated system that is specific to the project needs.

Additional highlights and monitoring and mitigation features that may be deployed include:

- Battery Management System – continuously monitors health and safety of battery and provides controlled shutdown in abnormal conditions to provide early-fault detection and mitigation
- Smoke and heat detectors – may be designed either internally or externally to enclosure, providing detection and annunciation of an abnormal event.
- Gas detectors – monitors and detects off-gassing that may indicate early-stage abnormal event and provides controlled shutdown and ventilation to mitigate an explosive condition.
- Layout Separation Distance – UL 9540a is a large-scale fire test standard that determines the minimum separation distance between enclosures to prevent fire propagation. This separation distance is then utilized in the site spacing between battery enclosures.
- Module and Enclosure – batteries are encased in metal shells and enclosures to reduce propagation.
- Gas Ventilation/Deflagration Panels – prohibits the buildup of gases reaching unsafe conditions within an enclosure or allows controlled release of gases.
- Water suppression – water may be utilized to control fire propagation.
- Electrical safety design – devices such as fuses, circuit breakers, surge protection device, insulation monitoring device and others protect the electrical system from a fault condition.

Emergency Response Plan: An emergency response plan is a project specific document that details the procedure operators, first responders, and other stakeholders must follow during a safety event. For the project, there are 3 phases for the ERP including:

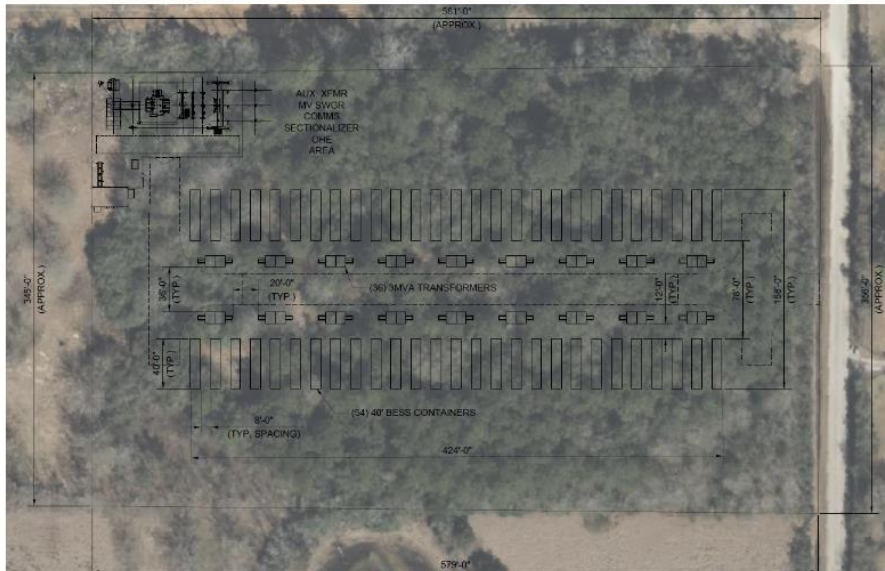
During Construction – City, Fire Department, Developer, equipment manufacturers, and fire safety consultants work together to establish the plan requirements based on land-use and resource protection limitations. This may include proximity to populated area(s), sensitive natural resources, and critical infrastructure. Once the requirements are established, the stakeholders will prepare a site-specific emergency response plan. The Plan will define the roles and responsibilities and covers potential emergency scenarios including fire. It is common to establish an agreed upon fire command center location onsite for first responders. The fire command center will typically include access for first responders to view the operating data of the site including cell temperatures, battery operating status, alarm status, and many other data points to help assess the situation.

Commissioning – During this phase, there will be onsite safety training of fire personnel and onsite project staff and covers all components of the emergency response plan.

Operations – During this phase, the emergency response plan is implemented. There will be ongoing drills, training, and refreshing of the plan as needed.

Hazard Mitigation: A hazard analysis report will be conducted to evaluate the site-specific impacts of a battery installation. The hazard analysis report will account for the expected lithium-ion battery technology and its data including temperature and quantity and types of gases generated during a thermal runaway event. This Report will be used to analyze impact to key receptors that have been identified. The goal of the hazard analysis is to provide quantitative analysis to the potential impacts of the project as well as provide for recommended mitigation strategies to minimize those impacts.

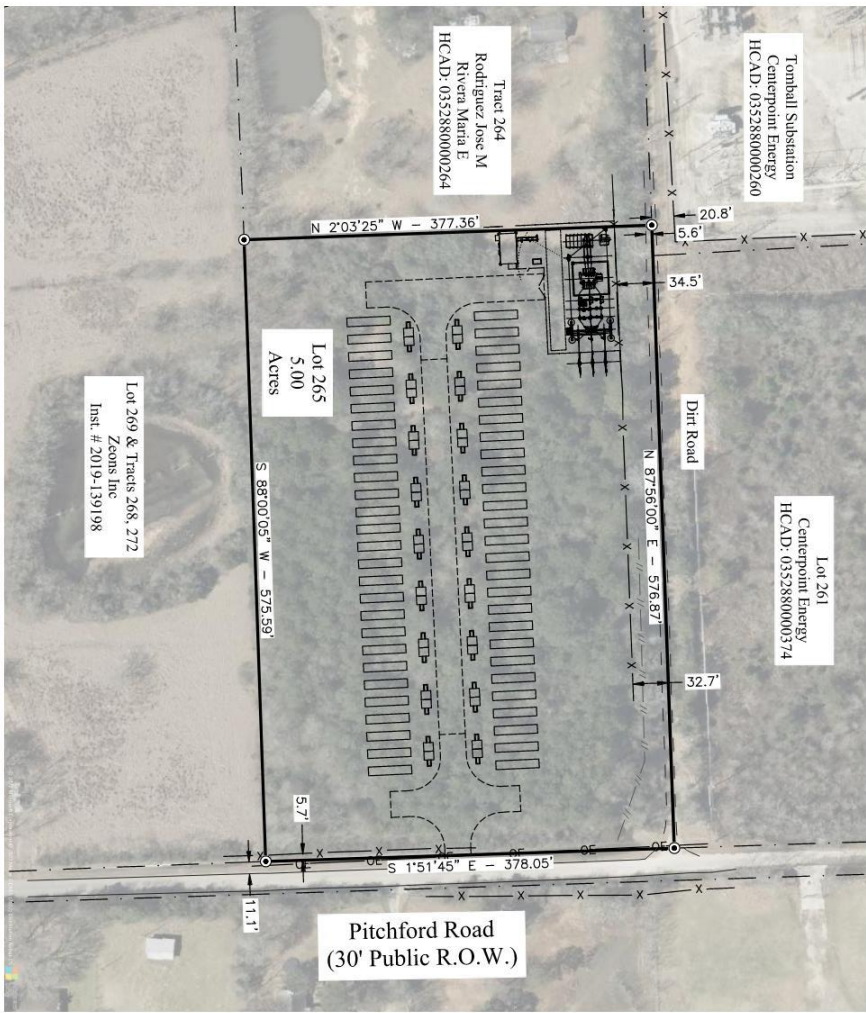
Site Configuration (Preliminary Design):



Site Configuration (Digital Renderings):

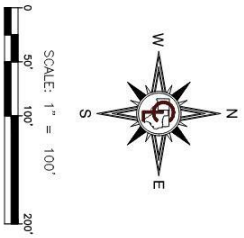


Note: Renderings are not specific to proposed site and are representative of BESS facilities.



- LEGEND**
- Found 1/2" Iron Rod
 - Property Line
 - - - Lot Line
 - x - x - Fence Line
 - / - / - Pipeline

HARRIS COUNTY, TEXAS
 All of Lot Two Hundred Sixty-Five (265) of Tomball Townsite, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Volume 2, Page 265, Deed Records of Harris County, Texas.

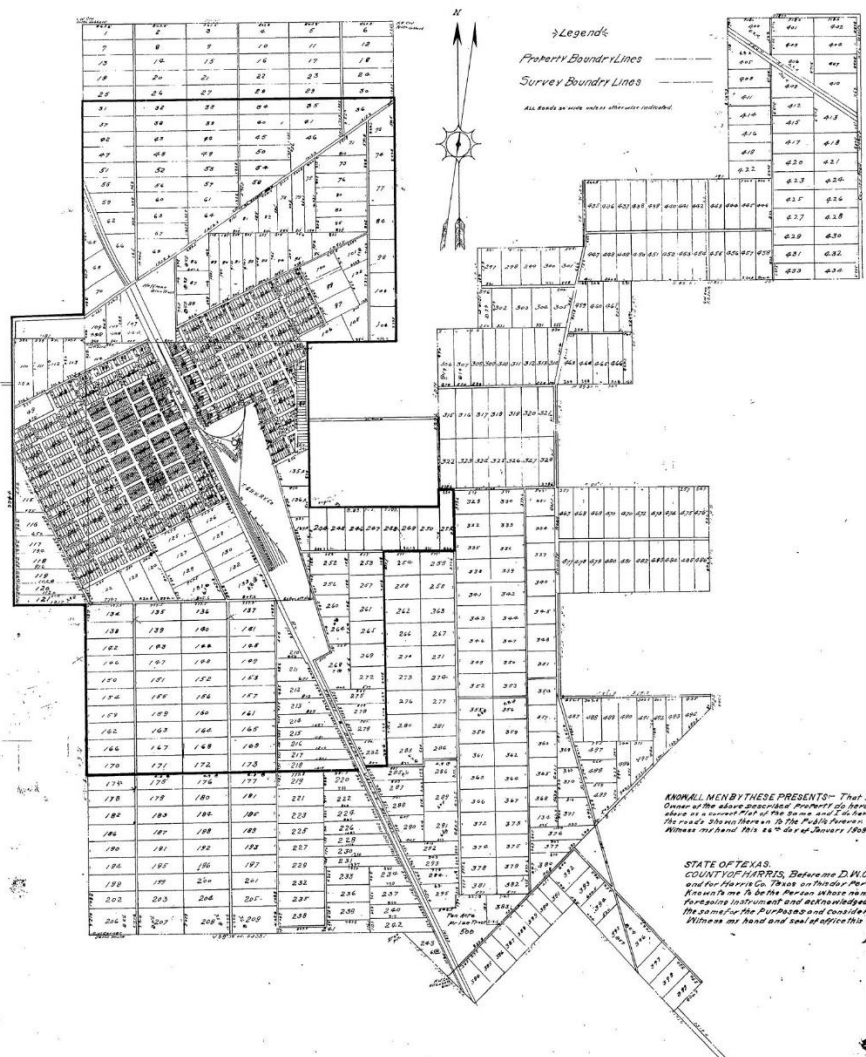


SITE LAYOUT

Merchant Site
 GF# 181873TTX
 Lot 265
 Tomball, Harris County, Texas

Bearings Based on GPS Observations; Texas State Plane Coordinate System, South Central Zone, NAD 83 Datum

ZENTRUM ENGINEERING & CONSULTING, LLC
 4100 Katy Road, Suite 1400
 Houston, Texas 77054
 (281) 470-8888
 Fax: (281) 470-8888
 www.zentrum.com
 ZENTRUM ENGINEERING & CONSULTING, LLC
 ENGINEERING & CONSULTING, LLC
 27-28-1188



KNOW ALL MEN BY THESE PRESENTS: That I, *Wm. Malone*, Owner of the above described property do hereby certify that the above is a correct plat of the same and I do hereby certify that the same is the property of the said *Wm. Malone*. Witness my hand and seal of office this 26th day of January, 1902.

William Malone

STATE OF TEXAS,
COUNTY OF HARRIS, Before me, *D.W. COOLEY*, a Notary Public, and for purposes of this act, a Person in the County of Harris, Texas, known to me to be the Person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, Witness my hand and seal of office this 26th day of January, 1902.

D.W. COOLEY
Notary Public, Harris Co., Tex.

FIVE ACRE TRACTS TOM BALL TOWNSITE.

Date Nov 15 1902. ORIGINAL Scale 1" = 40' reduced to 1" = 80'.
 W 48285.
 Filed for record May 16, 1902 at 2:25 P.M. Recorded AM 4910 at 5 P.M.
 Geo. Jones, County Clerk, and for Harris County, Texas.
B. H. Mingo, Deputy

65

Metes and Bounds

BEING all of Lot Two Hundred Sixty-five (265) of Tomball Townsite Addition to Harris County, Texas, as recorded in Volume 2, Page 265, Deed Records of Harris County, Texas, ad being further described by metes and bounds as follows:


BEGINNING at a 1/2 Inch Iron Rod Found for the Northeast Corner in the West Right-of-Way line Pitchford Road, same being the Southeast Corner of Lot 261 of said Tomball Townsite;

THENCE South 1°51'45" East - 378.05 feet along the West Right-of-Way line of said Pitchford Road to a 1/2 Inch Iron Rod Found for the Southeast Corner, same being the Northernmost Northeast Corner of Lot 269 of said Tomball Townsite;

THENCE South 88°00'05" West - 575.59 feet along the North line of said Lot 269 to a 1/2 Inch Iron Rod Found for the Southwest Corner, same being the Southeast Corner of Lot 264 of said Tomball Townsite;

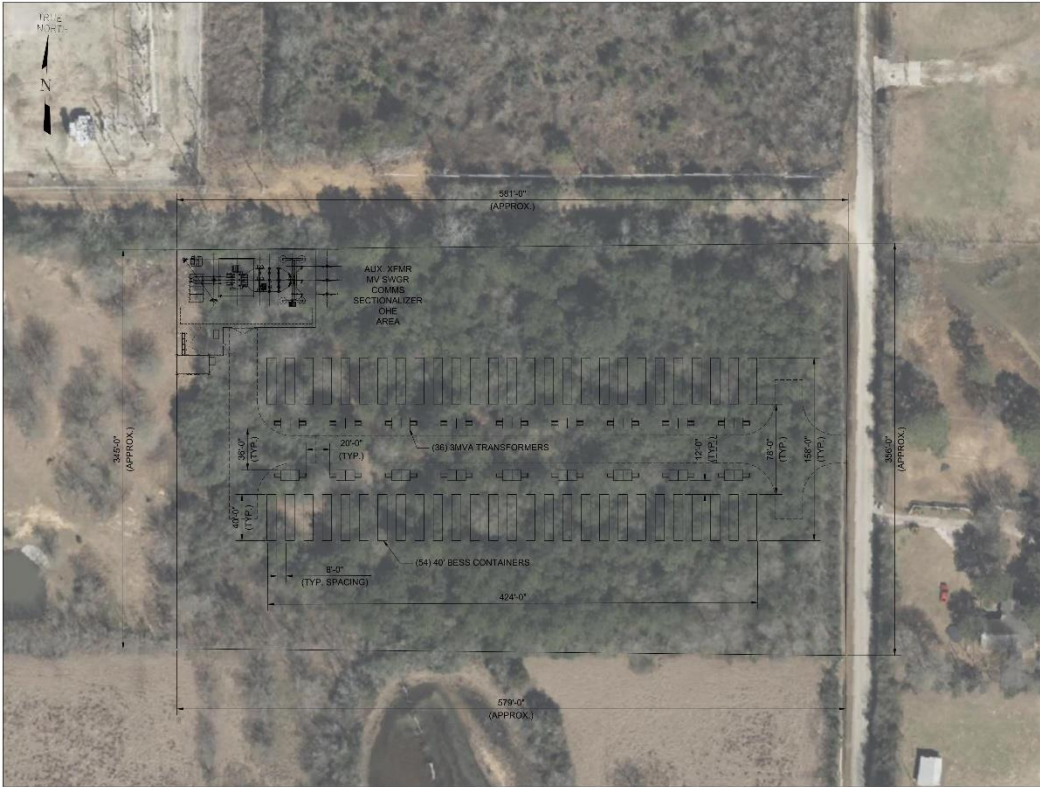
THENCE North 2°03'25" West - 377.36 feet along the East line of said Lot 264 to a 1/21Inch Iron Rod Found for the Northwest Corner, same being the Northeast Corner of said Lot 264;

THENCE North 87°56'00" East - 576.87 feet along the South line of said Lot 261 to the POINT OF BEGINNING and containing within these calls a calculated area of 5.00 Acres more or less.


Justin Cantwell, RPLS 6331

Date: March 15, 2023





THIS DOCUMENT IS THE PROPERTY OF SUNGRID. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SUNGRID. SUNGRID ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. SUNGRID IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT.

CONSULTANT

 10000 W. 40th Street, Suite 100
 Greenwood, OR 97030
 503-862-1145
www.sungrid.com

CLIENT

 BLACK MOUNTAIN ENERGY SERVICES
www.blackmountainenergyservices.com
 Fort Moore, TX 75762

REGISTRATION

ISSUE/REVISION

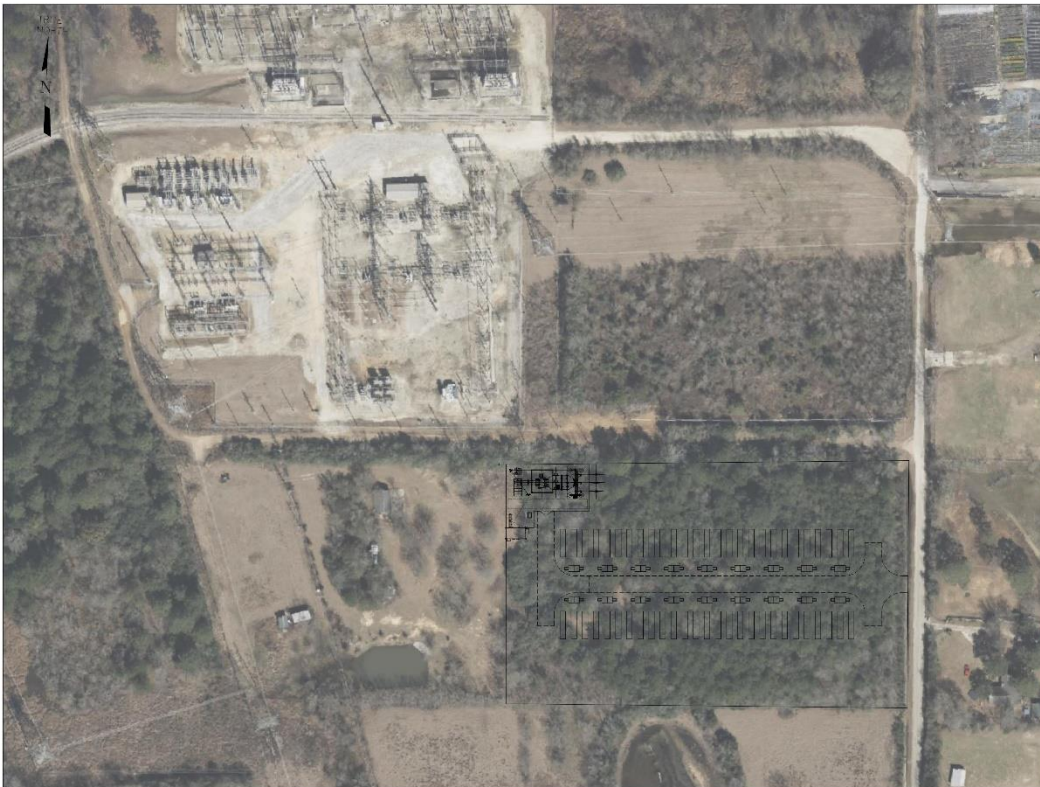
NO.	DATE	BY	DESCRIPTION
1	2/23/2018	JK	ISSUE
2	7/16/2018	JK	REVISION

PROJECT NUMBER
 9912

PROJECT
 MERCHANT BESS
 200 BESS SWGR COMMS BESS
 9912-001-01

SHEET TITLE
 GENERAL SITE PLAN

SCALE: 1"=60'
 SHEET NUMBER: REV. A
 9912 MERCHANT-ELE-PLAN-001



THIS DOCUMENT IS THE PROPERTY OF SUNGRID. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SUNGRID. SUNGRID ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. SUNGRID IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT.

CONSULTANT

 10000 W. 40th Street, Suite 100
 Greenwood, OR 97030
 503-862-1145
www.sungrid.com

CLIENT

 BLACK MOUNTAIN ENERGY SERVICES
www.blackmountainenergyservices.com
 Fort Moore, TX 75762

REGISTRATION

ISSUE/REVISION

NO.	DATE	BY	DESCRIPTION
1	2/23/2018	JK	ISSUE
2	7/16/2018	JK	REVISION

PROJECT NUMBER
 9912

PROJECT
 MERCHANT BESS
 200 BESS SWGR COMMS BESS
 9912-001-01

SHEET TITLE
 GENERAL SITE PLAN

SCALE: 1"=60'
 SHEET NUMBER: REV. A
 9912 MERCHANT-ELE-PLAN-001

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: 05/08/2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Case CUP23-04**: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Background:

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting a Conditional Use Permit (CUP) in conjunction with a separate request to rezone the property to Light Industrial (LI). The requested CUP is to allow an “Electric Storage System” land use. There has been a lot of interest in the development of an “Electric Storage System” within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the “Electric Storage System” land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. Electric storage systems are defined as “one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.” City staff met with the applicants on several occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in proximity to Old Town Tomball and the nearby existing residences.

Origination: Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC.

Recommendation:

City staff recommends denial of CUP23-04.

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)
MAY 8, 2023
&
CITY COUNCIL
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 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:

Zoning Case Z23-03: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-04: Request by Rosehill Estates, LLC represented by George Jarkesy to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-05: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case Z23-06: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Case CUP23-03: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact 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 5th day of May 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

HLJ SPEARS INVESTMENTS LLC
23722 WILLOW SWITCH RD

SPRING, TX 77389-3473

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Case Number CUP23-04

04/14/2023

The Planning & Zoning Commission will hold a public hearing on **May 8, 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 Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an "Electric Storage System" within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford 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 **May 15, 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 #: CUP23-04

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: HLJ SPEARS INVESTMENTS LLC
Parcel I.D.: 1187930010002
Address: 211 S PERSIMMON ST

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

Email: jasmith@tomballtx.gov

I am in favor
Additional Comments:

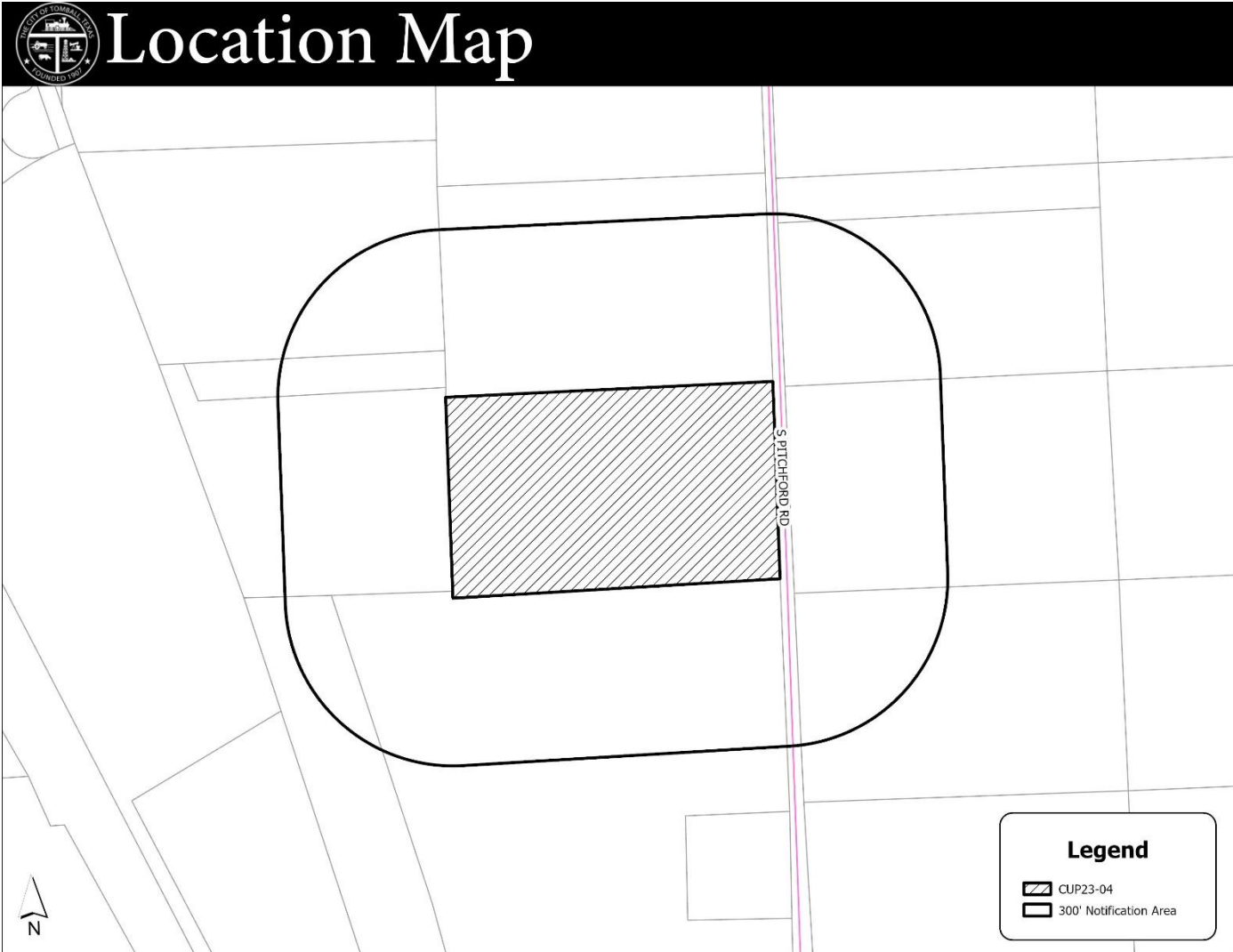
I am opposed

Signature: _____



City of Tomball
Community Development Department

CUP23-04





**City of Tomball
Community Development Department**

SHANNON IRENE ESTATE OF % CATHERINE CARRINGTON
810 LIZZIE LN
TOMBALL, TX 77375-6703

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Case Number CUP23-04 (Courtesy Notice)

04/17/2023

The Planning & Zoning Commission will hold a public hearing on **May 8, 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 Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an "Electric Storage System" within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

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For the PLANNING & ZONING COMMISSION
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CASE #: CUP23-04 (Courtesy Notice)

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CARRINGTON

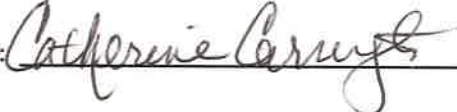
Parcel I.D.: 1324730010001
Address: 831 LIZZIE LN

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: 

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

Item F.6

CASE #: CUP23-04 (Courtesy Notice)

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: SHANNON SAMUEL & LATRELL
Parcel I.D.: 1324730010002
Address: 823 LIZZIE LN

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: *Samuel Shannon*
Latrell Shannon

(1) SAFETY AND HEALTH HAZARD CONCERNS

(2) TOO CLOSE TO RESIDENCES
501 James Street • TOMBALL, TEXAS 77375

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

CASE #: CUP23-04 (Courtesy Notice)

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: SHANNON SAMUEL
Parcel I.D.: 1174630020008 → D10 (3 LOTS)
Address: 823 LIZZIE LN

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: Samuel Shannon

(1) SAFETY AND HEALTH HAZARD CONCERNS
(2) TOO CLOSE TO RESIDENCES.

501 James Street • TOMBALL, TEXAS 77375

For the PLANNING & ZONING COMMISSION
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Name: SHANNON SAMUEL
Parcel I.D.: 1174630020008 → D10 (3 LOTS)
Address: 823 LIZZIE LN

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: Samuel Shannon

(1) SAFETY AND HEALTH HAZARD CONCERNS
(2) TOO CLOSE TO RESIDENCES.

501 James Street • TOMBALL, TEXAS 77375

For the PLANNING & ZONING COMMISSION
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CASE #: CUP23-04 (Courtesy Notice)

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Name: KLEIMANN CARL H
Parcel I.D.: 1174630010004
Address: 918 LIZZIE LN

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:  _____

501 James Street • TOMBALL, TEXAS 77375



City of Tomball
Community Development Department

NCA ENTERPRISES LLC
1430 ULRICH RD
TOMBALL, TX 77375-4320

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Case Number CUP23-04 (Courtesy Notice)

04/17/2023

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

CASE #: CUP23-04 (Courtesy Notice)

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Name: NCA ENTERPRISES LLC
Parcel I.D.: 0352880000310
Address: 1100 S PERSIMMON ST

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**

CARRINGTON JERRY
810 LIZZIE LN
TOMBALL, TX 77375-6703

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Case Number CUP23-04 (Courtesy Notice)

04/17/2023

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

CASE #: CUP23-04 (Courtesy Notice)

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: CARRINGTON JERRY
Parcel I.D.: 1174630010009
Address: 810 LIZZIE LN

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: _____

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

Item F.6

CASE #: CUP23-04 (Courtesy Notice)

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: WILKERSON THOMAS J & NELDA
Parcel I.D.: 0352880000418
Address: 1216 S PITCHFORD ST

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:



501 James Street • TOMBALL, TEXAS 77375

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

Item F.6

CASE #: CUP23-04 (Courtesy Notice)

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: WILKERSON THOMAS J & NELDA
Parcel I.D.: 0352880000427
Address: 1216 PITCHFORD RD

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



Community Development Department

Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

Rezoning Case:	CUP23-04
Property Owner(s):	Michael Kirtley
Applicant(s):	Black Mountain Energy Storage II LLC.
Legal Description:	Lot 265 of Tomball Townsite
Location:	900-1000 blocks (west side) of S. Pitchford Road (Exhibit "A")
Area:	5.00 acres
Comp Plan Designation:	Business Park and Industrial (Exhibit "B")
Present Zoning and Use:	Agricultural (AG) (Exhibit "C") / Vacant (Exhibit "D")
Proposed Use(s):	<i>Electric Storage System</i>
Request:	Conditional Use Permit (CUP) to permit Electric Storage System in Light Industrial (LI) zoning
Adjacent Zoning & Land Uses:	
	North: Agricultural (AG)/ Vacant/Electric Utility Infrastructure
	South: Agricultural (AG)/ Single Family residence
	West: Agricultural (AG) / Single-family residence
	East: Agricultural (AG) / Agricultural Accessory Structures

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting a Conditional Use Permit (CUP) in conjunction with a separate request to rezone the property to Light Industrial (LI). The requested CUP is to allow an "Electric Storage System" land use. There has been a lot of interest in the development of an "Electric Storage System" within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the "Electric Storage System" land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. Electric storage systems are defined as "one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency." City staff met with the applicants on several

occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in proximity to Old Town Tomball and the nearby existing residences.

ANALYSIS

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 property is designated as Business Park & Industrial by the Comprehensive Plan Future Land Use Map. This category is intended to create opportunities for employment and according to the Comprehensive Plan the uses promoted within this land use category should benefit from convenient access to major thoroughfares for vehicles to include freight. These areas may require intensive screening and buffering from surrounding developments. Based on the concept plan provided by the applicant, the proposed use does not appear to provide screening/buffering from existing nearby residences.

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 intended use of this property is consistent with the purpose and intent of the applicable zoning district, only if the concurrent zone change request is to be approved to rezone the property to Light Industrial (LI) zoning. This light industrial zoning designation is intended to allow the most intensive land use permitted within the City of Tomball.

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 be required to meet all supplemental standards outlined in Chapter 50 of the Code of Ordinance. Further, prior to operation, an official site plan shall be submitted to the City of Tomball Community Development Office identifying the planned arrangement of the electric storage system to ensure all standards required by the code of ordinance 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 proposed use appears compatible with the existing nearby substation; however, it does not preserve the character and integrity of the adjacent residential land uses. Ultimately, the Future Land Use plan calls for Business Park & Industrial for this location so the requested use and similar types of uses are to be expected and the preservation of existing nearby residential uses will become challenging. The concept plan provided does not currently identify any planned means of land use buffering between the project site and existing neighboring residential uses. The code of ordinance will require (at the time of site plan submission) a minimum 6-foot-tall opaque fence and 10-foot-wide landscape buffer yard along the southern and western property boundaries as prescribed in Section 50-115 – *Screening, buffering and fencing requirements*. By code, no such screening is required along the street side (east) property boundary between the project site and existing residential land use east of S. Pitchford Rd, however city staff believe this to be a reasonable condition to be added if the CUP is to be approved. In addition to this minimum screening & buffering standard, city staff is also recommending additional preservation of mature vegetative growth along the west, south, and east property boundaries to further address the need to screen the planned use from adjacent residential properties. Lastly, the subject property does not presently have direct access to a water main, nor convenient access to a fire hydrant. Given the nature of this proposed land use and the potential fire hazard it presents, city staff is recommending an additional condition for approval for a suitable water main to be extended “to-and-through” the frontage of this subject property and a fire hydrant must be supplied to provide opportunity for fire protection.

- 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.**

There are concerns regarding the potential hazards that this proposed land use presents to the public health and safety of other properties and their respective owners in the vicinity. Energy Storage Systems, specifically Battery Energy Storage Systems (BESS) utilizing lithium-ion batteries provide a great opportunity for creating energy resiliency, however these systems present significant safety hazards. Battery Energy Storage Systems and the use of lithium-ion batteries risk the phenomenon referred to as thermal runaway, this occurs when heat builds up in a battery faster than it can be dissipated, such buildup of heat may result from a battery being overcharged, overheated, or damaged. Thermal runaway is a process in which the battery cell enters an uncontrollable, self-heating state. Thermal runaway of the system often causes fire and the release of toxic materials and gases. In extreme circumstances thermal runaway may result in an explosion. According to an article published by the National Fire Sprinkler Association (NFSA) in 2023, these fires are extremely difficult to extinguish and fires resulting from thermal runaway can burn for hours or even days.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed a notification of this proposal. As a courtesy, and at the request of City

Council, City staff sent additional notice letters to owners of properties within 2,000 feet of the subject site. These notice letters were sent on April 18, 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 denial of CUP23-04:

If the CUP is approved city staff recommends the following conditions:

- An opaque fence/wall with a minimum height of 6-feet must be provided along the entire extent of the eastern property boundary.
- To provide additional screening from nearby residential uses a 20-foot-wide buffer yard with mature vegetation must remain undisturbed along the west, south, and eastern property boundaries. This mature vegetation must be sufficiently preserved/protected during and after construction. EXCEPTION: Mature vegetation may be removed to accommodate required fencing, driveway approaches, required sidewalks, and necessary utilities.
- To provide opportunity for fire prevention/protection adequate water main and fire hydrant(s) must be installed prior to the approval of site plan(s) and subsequent development

EXHIBITS

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

Exhibit "B" Zoning Map

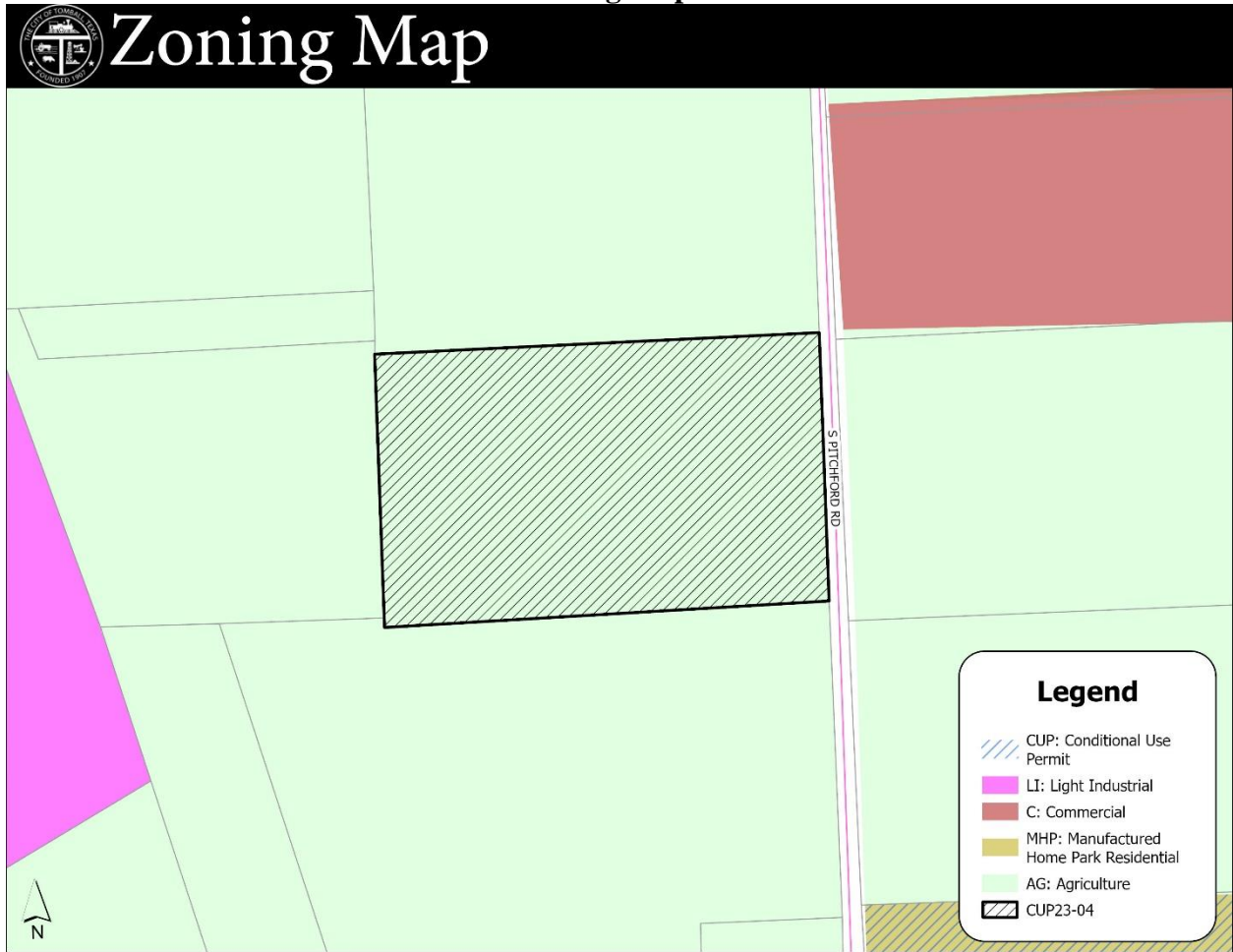


Exhibit "C"
Future Land Use Map

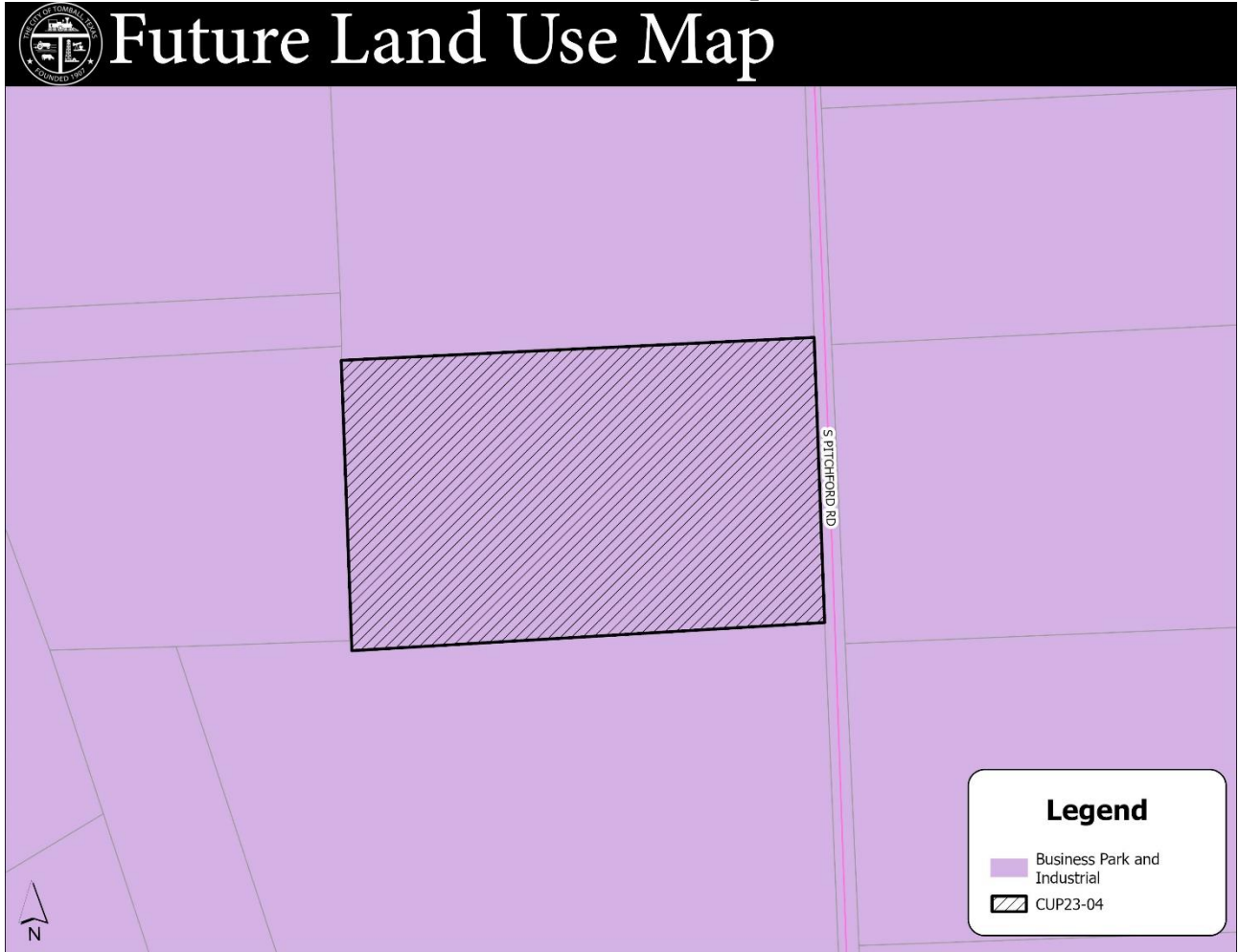
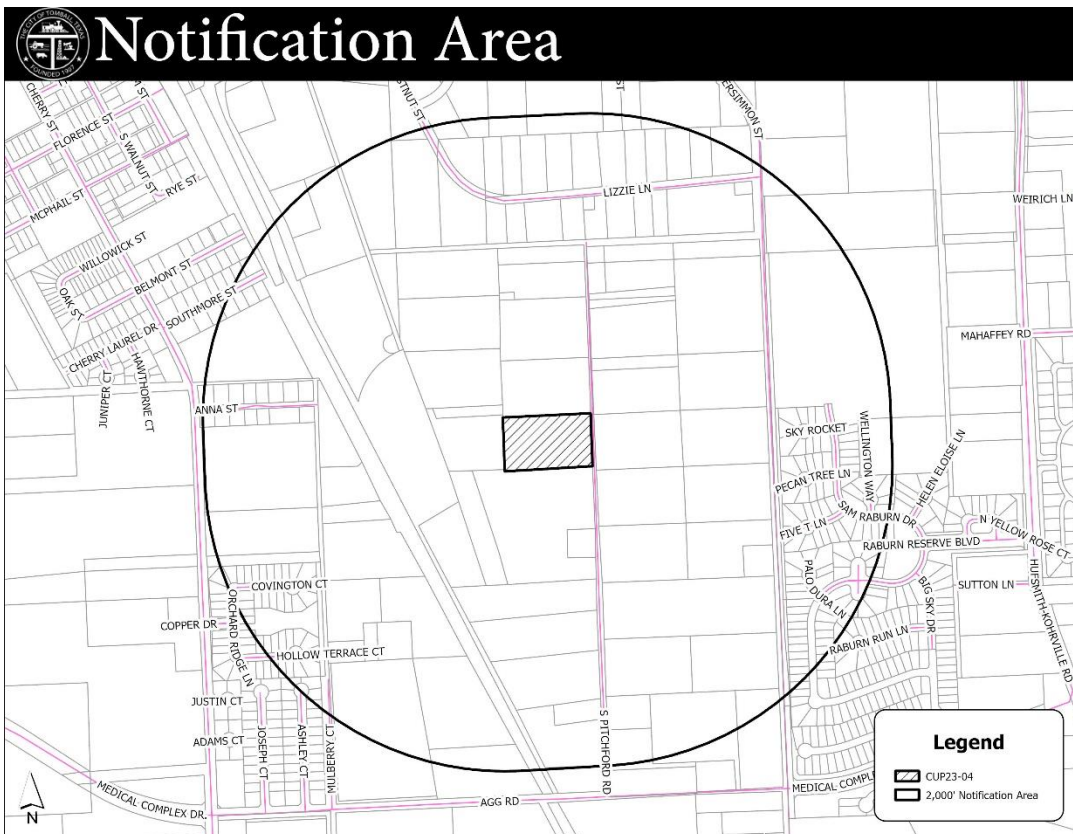
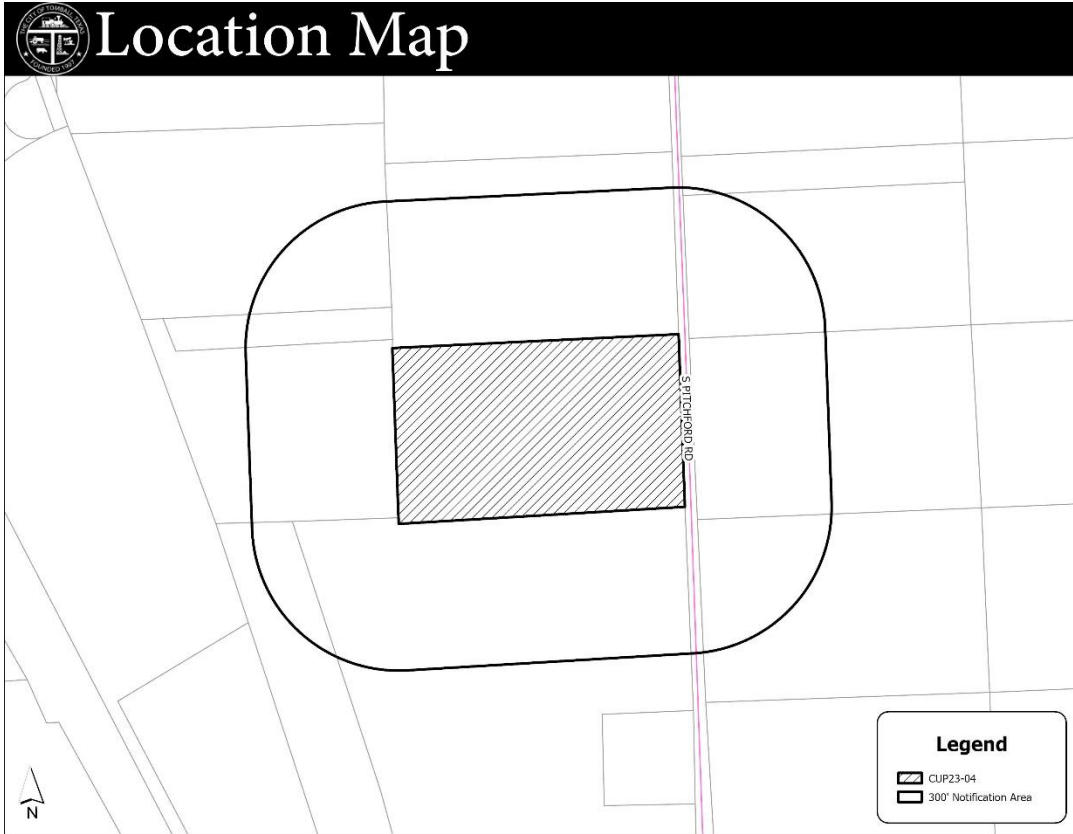


Exhibit "D" Notification Map(s)



Subject Site



Neighbor (East)



Neighbor (South)

Item F.6

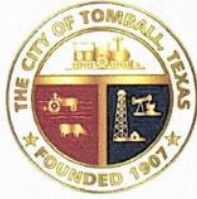


Neighbor (North)



Exhibit "F" CUP Application

Revised: 10/1/2022



APPLICATION FOR CONDITIONAL USE PERMIT Planning Division

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

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

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

DIGITAL PLAN SUBMITTALS:

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

WEBSITE: tomballtx.gov/secure/send
USERNAME: tomballdd
PASSWORD: Tomball

Applicant

Name: Sam Jackson Title: Director of Development
Mailing Address: 425 Houston Street, Suite 400 City: Fort Worth State: Texas
Zip: 76012 Contact: _____
Phone: (215) 622-0210 Email: sam.jackson@blackmtn.com

Owner

Name: Michael W. Kirtley Title: Landowner
Mailing Address: 15714 Oxenford Dr. City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (281) 932-4904 Email: mknthouston@yahoo.com

Engineer/Surveyor (if applicable)

Name: Justin W. Cantwell, RPLS Title: Survey Division Manager
Mailing Address: 8312 Upland Avenue City: Lubbock State: Texas
Zip: 79424 Contact: _____
Phone: (806) 570-9899 Fax: () Email: jcantwell@centerlineengineering.net

Revised: 10/1/2022

Description of Proposed Project: Utility-scale battery energy storage system (BESS) facility

Physical Location of Property: Property on the southwest corner of S. Live Oak St. and Pitchford Rd.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: All of lot 265 of Tomball Townsite - Volume 2, Page 265, Deed Records of Harris County
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352880000265 Acreage: 4.8

Current Use of Property: Unoccupied vegetation. Zoned Agriculture

Proposed Use of Property: Battery Energy Storage System (BESS). Zoned Light Industrial

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 Samuel Jackson 3/15/2023
Signature of Applicant Date

X Michael Kutley 3/31/2023
Signature of Owner Date

BC Global LP

Alberto P. Cardenas, Jr. beto@bcglobal.law
 Office +1.713.731.1050 Mobile +1.713.818.2497

March 16, 2023

Mr. Jared Smith, City Planner
 City of Tomball
 401 Market Street
 Tomball, Texas 77375

Dear Mr. Smith:

Please accept this letter together with the attached, completed applications for Re-Zoning and a Conditional Use Permit on behalf of our client GridStor, and the applicant company Black Mountain Energy Storage II, LLC (BMES), for consideration by the City of Tomball, Texas.

BMES and its development partner GridStor are proposing to develop and construct a 200 MW Battery Energy Storage System (BESS) within the City. The proposed project, with a targeted commercial operations date of June 2025, is being considered on a single, contiguous, five-acre parcel located at the corner of Pitchford Road and South Live Oak Street (Harris County Appraisal District Account No. 0352880000265). This land, secured by BMES via a Lease Agreement, had been previously used for energy related purposes and is currently zoned by the City for agricultural use. Should the project proceed, it would be adjacent to CenterPoint Energy's substation and provide connectivity to the Electric Reliability Council of Texas (ERCOT) transmission grid via the City's substation, providing ERCOT more flexibility to respond to extreme events and thereby helping reduce energy power prices for consumers.

We understand that the City recently amended its Code of Ordinances to define and allow "Energy Storage Systems" within Light Industrial Zones. Accordingly, our client is therefore requesting Re-Zoning of the property from Agricultural to Light Industrial. Further, we recognize that a Conditional Use Permit would be required and have therefore paired and provided both applications for the City's consideration.

Included with this letter is additional information we believe will be helpful to the City as they review these applications. We look forward to working with you in the coming weeks to continue the discussions for this proposed project and its economic development opportunities.

Respectfully Submitted,



Alberto P. Cardenas, Jr.

BC Global LP
 Law Offices of Alberto P. Cardenas, Jr., PLLC
 Texas New York Washington

The Niels Esperson Building
 808 Travis Street, Suite 1424
 Houston, TX 77002
www.bcglobal.law

Proposed Project Background and Value Proposition

BMES filed an Interconnection Application with CenterPoint and ERCOT on March 22, 2022, to initiate the electrical study process required to support the interconnection of the proposed project to the existing CenterPoint Tomball substation. BMES and its employees have over 6 years of experience working with CenterPoint in scoping and interconnecting Battery Energy Storage Systems within Texas.

The project company has commissioned the following environmental studies to further de-risk the project site and ensure all environmental concerns are addressed: Phase 1 Environmental Site Assessment, Critical Issues Analysis, Wetland Delineation & Determination Report, Threatened & Endangered Species Report, and a Cultural & Historical Resources Report. All environmental studies have come back favorable, with no adverse environmental impacts anticipated as a result of development.

BESS provide significant benefits to Texans and the electric grid they depend upon, including:

Firm, dispatchable power to enhance grid reliability and balance the system. BESS delivers instantaneous power at times of peak energy demand, improving grid reliability and helping keep the lights on for homes, business owners, commercial and governmental facilities, and industrial users alike.

Energy to support Texas' economic development. Houston is forecasted to see a 10-15% increase in regional energy demand in the next 10 years, with a decline in firm power as older and uneconomic coal and gas plants retire and go offline. BESS will play a key role in replacing aging plants and supporting Texas' continued growth and economic development.

Energy bill savings by storing energy when power prices are low and discharging during high demand events, providing more power supply when needed the most.

Battery energy storage provides significant local investment opportunities in Texas communities, supports local landowners via land leases or acquisitions, and broadens local tax bases. This project is expected to provide tens of millions of dollars of property tax benefit to the City of Tomball and Harris County over two decades.

Technical Summary: Battery Energy Storage Systems

Battery Energy Storage Systems are the leading technology for the storage of electricity to provide resiliency to the electric grid. The main battery technology is lithium-ion and within that the two main chemistries are Nickel Magnesium Cobalt (NMC) and lithium iron phosphate (LFP). For this project, LFP is the intended chemistry to be used due to its safer properties.

The most basic block of a battery is the battery cell. Each cell is combined with other cells into a battery module which provides a more usable form factor for energy systems. These modules are

installed in racks inside a metal enclosure. These metal enclosures typically are 20 to 40 ft in length, 6-8 ft wide and 8 ft tall. An enclosure typically provides around 3-5 Megawatt Hours of energy.

A proposed project consists of many number of enclosures to create the required energy capacity. Since the batteries provide direct current (DC) power, an inverter is needed to convert the DC power into alternating current (AC) power. Inverters typically range from 1 to 5MW in size and may have one or several enclosures connected to each. Given the project is tied to the utility grid, the AC power is stepped up from ~600-690VAC from the inverter to 34.5kV or higher to tie into the grid. This step up is performed by the power transformers and may go through two sets (medium voltage transformer and a main power transformer). The main power transformer is located in a substation on site which provides high voltage control and protection.

The proposed project will have a site controller that will safely operate the batteries and all associated equipment. Market signals are sent to the site controller for the project to follow. Additionally, there will be a robust fire safety system for the site.

Fire Safety Considerations

National Safety Standards: One of the top considerations for battery energy storage systems is safety. The National Fire Protection Association and Underwriters Laboratory have established robust safety standards specific to lithium-ion battery energy storage systems. The most relevant standards are overviewed below:

Standard	Description (Project Context)	Scope
UL 9540	Safety standard for energy storage systems and equipment. Aggregation of 1973, 1741, and fire safety at a system level, not just stand-alone equipment.	System
UL 9540A	Standard for Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, prescribes procedure to perform cells –large scale fire testing.	DC Block
UL 1973	Safety standard for batteries used in stationary applications. Includes mechanical, electrical, and fire tests at cell level.	Inverter
UL 1741	Complement to IEEE 1547 –Interconnection of DR, functional, performance, and safety requirements for inverters.	Cells, Modules
NFPA 855	Standard for the installation of energy storage systems and references UL9540A test method	System/Facility

The Proposed Project will meet or exceed all applicable national safety standards.

Fire Safety Features: The industry has developed a multi-layered approach for monitoring and mitigating any fire safety event. As part of our approach to the project design, the safety features will be designed into an integrated system that is specific to the project needs.

Additional highlights and monitoring and mitigation features that may be deployed include:

- Battery Management System – continuously monitors health and safety of battery and provides controlled shutdown in abnormal conditions to provide early-fault detection and mitigation
- Smoke and heat detectors – may be designed either internally or externally to enclosure, providing detection and annunciation of an abnormal event.
- Gas detectors – monitors and detects off-gassing that may indicate early-stage abnormal event and provides controlled shutdown and ventilation to mitigate an explosive condition.
- Layout Separation Distance – UL 9540a is a large-scale fire test standard that determines the minimum separation distance between enclosures to prevent fire propagation. This separation distance is then utilized in the site spacing between battery enclosures.
- Module and Enclosure – batteries are encased in metal shells and enclosures to reduce propagation.
- Gas Ventilation/Deflagration Panels – prohibits the buildup of gases reaching unsafe conditions within an enclosure or allows controlled release of gases.
- Water suppression – water may be utilized to control fire propagation.
- Electrical safety design – devices such as fuses, circuit breakers, surge protection device, insulation monitoring device and others protect the electrical system from a fault condition.

Emergency Response Plan: An emergency response plan is a project specific document that details the procedure operators, first responders, and other stakeholders must follow during a safety event. For the project, there are 3 phases for the ERP including:

During Construction – City, Fire Department, Developer, equipment manufacturers, and fire safety consultants work together to establish the plan requirements based on land-use and resource protection limitations. This may include proximity to populated area(s), sensitive natural resources, and critical infrastructure. Once the requirements are established, the stakeholders will prepare a site-specific emergency response plan. The Plan will define the roles and responsibilities and covers potential emergency scenarios including fire. It is common to establish an agreed upon fire command center location onsite for first responders. The fire command center will typically include access for first responders to view the operating data of the site including cell temperatures, battery operating status, alarm status, and many other data points to help assess the situation.

Commissioning – During this phase, there will be onsite safety training of fire personnel and onsite project staff and covers all components of the emergency response plan.

Operations – During this phase, the emergency response plan is implemented. There will be ongoing drills, training, and refreshing of the plan as needed.

Hazard Mitigation: A hazard analysis report will be conducted to evaluate the site-specific impacts of a battery installation. The hazard analysis report will account for the expected lithium-ion battery technology and its data including temperature and quantity and types of gases generated during a thermal runaway event. This Report will be used to analyze impact to key receptors that have been identified. The goal of the hazard analysis is to provide quantitative analysis to the potential impacts of the project as well as provide for recommended mitigation strategies to minimize those impacts.

Site Configuration (Preliminary Design):



Site Configuration (Digital Renderings):



Note: Renderings are not specific to proposed site and are representative of BESS facilities.



CENTERLINE ENGINEERING & CONSULTING, LLC.
8312 Upland Avenue, Lubbock, Texas 79424
(806) 470-8686
TBPE Reg. No. F-16713
TBPLS Reg. No. 10194378

Metes and Bounds

BEING all of Lot Two Hundred Sixty-five (265) of Tomball Townsite Addition to Harris County, Texas, as recorded in Volume 2, Page 265, Deed Records of Harris County, Texas, ad being further described by metes and bounds as follows:

BEGINNING at a 1/2 Inch Iron Rod Found for the Northeast Corner in the West Right-of-Way line Pitchford Road, same being the Southeast Corner of Lot 261 of said Tomball Townsite;

THENCE South 1°51'45" East - 378.05 feet along the West Right-of-Way line of said Pitchford Road to a 1/2 Inch Iron Rod Found for the Southeast Corner, same being the Northernmost Northeast Corner of Lot 269 of said Tomball Townsite;

THENCE South 88°00'05" West - 575.59 feet along the North line of said Lot 269 to a 1/2 Inch Iron Rod Found for the Southwest Corner, same being the Southeast Corner of Lot 264 of said Tomball Townsite;

THENCE North 2°03'25" West - 377.36 feet along the East line of said Lot 264 to a 1/21 Inch Iron Rod Found for the Northwest Corner, same being the Northeast Corner of said Lot 264;

THENCE North 87°56'00" East - 576.87 feet along the South line of said Lot 261 to the POINT OF BEGINNING and containing within these calls a calculated area of 5.00 Acres more or less.

Justin Cantwell, RPLS 6331

Date: March 15, 2023





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CONSULTANT



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CLIENT



BLACK MOUNTAIN ENERGY SERVICES
 www.blackmountainenergyservices.com
 Fort Worth, TX 76102

REGISTRATION

ISSUEREVISION

REV.	DESCRIPTION	ISS.	DATE
A	PROJ. FILED DESIGN	SC	2022/03/07

PROJECT NUMBER

0512

PROJECT

MERCHANT BESS
 200 BROWNS CREEK ROAD
 CAROLINA, ON N1S 2G8

SHEET TITLE

GENERAL SITE PLAN

SCALE

1"=30'

SHEET NUMBER

0512-MERCHANT-ELE-P1A-001

REV/A



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 BLACK MOUNTAIN
 www.blackmountainenergy.com
 1500 50th St. SW
 Calgary, Alberta T2C 0A8

REGISTRATION

ISSUE/REVISION

REV.	DESCRIPTION	ISS. DATE
A	FINAL DESIGN	05/20/2022

PROJECT NUMBER

6917

PROJECT

MERCHANT BESS

700 DOWNTOWN DOWNS BESS

SHEET TITLE

GENERAL SITE PLAN

SCALE

1:10

SHEET NUMBER

REV A
 0912/MERCHANT-ELE-PL-002