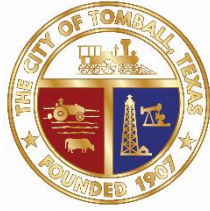


**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR  
MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, May 10, 2021  
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, May 10, 2021 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- C. Reports and Announcements
- D. Approval of Minutes
  - 1. Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 12, 2021.
- E. New Business
  - 2. Consideration to Approve Final Plat of **BRTR-ONE**: Being a 4.3437 acre tract situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being out of and part of a called 44.787 acre tract as described in deed recorded in Clerk's File Number 20080043179, of the Real Property Records of Harris County, Texas.
  - 3. Consideration to Approve Preliminary Plat of **PINE TRAILS**: A subdivision of 13.3775 acres of land out of the Joseph House League Survey, Abstract 34, City of Tomball, Harris County, Texas.

4. Consideration to Approve **Zoning Case P21-168**: Request by Southwest Momentum Properties LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case P21-168**

5. Consideration to Approve **Zoning Case P21-169**: Request by Prakash Patel for a Conditional Use Permit to operate a mini warehouse / self-storage facility at 601 Malone Street. The property is approximately 0.3214 acres, legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas, and is zoned Old Town & Mixed Use District.

Conduct Public Hearing on **Zoning Case P21-169**

F. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of May 2021 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](http://www.ci.tomball.tx.us).

Item 1.

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

**MONDAY, APRIL 12, 2021**



**6:00 P.M.**

1.0 The meeting was Called to Order by Chair Tague at 6:00 p.m. Other members present were:

Commissioner Richard Anderson  
Commissioner Dane Dunagin  
Commissioner Tana Ross

Commissioner Darrell Roquemore – Excused Absence

Others present:

Craig Meyers – Community Development Director  
Loren Smith – City Attorney  
Amelia Lindley – City Planner

**Draft**

2.0 No Public Comments were received.

3.0 Reports and Announcements:

- Craig Meyers, Community Development Director, announced the following:
  - **Zoning Case P21-011**, rezoning request by David Weekly Homes to rezone approximately 13.4 acres of land on the south side of Brown Road between SH 249 and Quinn Road from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District, was approved at City Council.
  - **Zoning Case P21-010**, rezoning request by Daniel Valdez with META Planning + Design LLC to rezone approximately 34.4945 acres of land on the west side of FM 2978 at Winfrey Lane from the Planned Development (PD-6) District to the Planned Development (PD-15) District, was approved at City Council.
  - **Zoning Case P20-442**, rezoning request by Joshua Buzzell to rezone approximately 5 acres of land at 1333 Pitchford Road from the Agricultural District to the Planned Development (PD-12) District, was approved at City Council.
  - **Zoning Case P20-420**, rezoning request by Sam Dawoudi to rezone approximately 2.844 acres of land on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road from the Agricultural District to the Commercial District, was approved at City Council.

- **Zoning Case P21-056**, Request by the City of Tomball to amend Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances, was approved at City Council.
- **Zoning Case P21-055**, rezoning request by Baker Drive Ventures Series LLC to rezone approximately 0.3 acres of land at 200 Vernon Street from the Single-Family 6 District to the Old Town & Mixed Use District, was denied at City Council.

4.0 Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 8, 2021.

Roll call vote was called by Acting Commission Secretary Amelia Lindley.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to Approve Preliminary Plat of **BRTR-ONE:** Being a 4.3437 acre tract situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being out of and part of a called 44.787 acre tract as described in deed recorded in Clerk’s File Number 20080043179, of the Real Property Records of Harris County, Texas.

Craig Meyers, Community Development Director, presented a recommendation of approval with contingencies.

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

Roll call vote was called by Acting Commission Secretary Amelia Lindley.

Motion carried unanimously.

5.2 Consideration to Approve Final Plat of **GALZA INDUSTRIAL COMPLEX:** A subdivision of 3.7114 acre tract of land out of the John Soper Smith Survey, Abstract 730, City of Tomball, Harris County, Texas.

Craig Meyers, Community Development Director, presented a recommendation of approval with contingencies.

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

Roll call vote was called by Acting Commission Secretary Amelia Lindley.

Motion carried unanimously.

- 5.3      Consideration to Approve Final Plat of **GRAHAM ROAD ESTATES:**    A subdivision of 3.7491 acres of land, (163,311 Square Feet), situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County, Texas.

Craig Meyers, Community Development Director, 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 Acting Commission Secretary Amelia Lindley.

Motion carried unanimously.

- 5.4      Consideration to Approve **Zoning Case P21-121:** Request by the City of Tomball to amend the Comprehensive Plan by revising the Future Land Use and Major Thoroughfare Plan Maps.

Amelia Lindley, City Planner, presented the case and recommendation of approval.

The Public Hearing was opened by Chair Tague at 6:21 p.m.

Hearing no comments, the Public Hearing was closed at 6:22 p.m.

Motion was made by Commissioner Ross, second by Commissioner Anderson, to approve **Zoning Case P21-121.**

Commissioner Ross amended her motion, second by Commissioner Anderson, by recommending an exception that East Hufsmith and Zion Road stay Ranch and Rural Estate.

Roll call vote was called by Acting Commission Secretary Amelia Lindley.  
Vote was as follows:

|                       |                    |
|-----------------------|--------------------|
| Chair Tague           | <u>    Aye    </u> |
| Commissioner Anderson | <u>    Aye    </u> |
| Commissioner Dunagin  | <u>    Aye    </u> |
| Commissioner Ross     | <u>    Aye    </u> |

Motion carried unanimously.

6.0 Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to adjourn.

Roll call vote was called by Acting Commission Secretary Amelia Lindley.

Motion carried unanimously.

The meeting adjourned at 6:56 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Amelia Lindley  
City Planner/Acting Commission Secretary

\_\_\_\_\_  
Barbara Tague  
Commission Chair

# CITY OF TOMBALL

Plat Name: BRTR-ONE Plat Type: Final

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: May 10, 2021

The above Subdivision Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, Community Development recommends approval of this plat.



| LEGEND                                                                                |                    |
|---------------------------------------------------------------------------------------|--------------------|
|  | POWER POLE         |
|  | TELEPHONE PEDESTAL |
|  | CABLE MARKER       |
|  | MANHOLE            |
|  | PIPELINE MARKER    |
|  | VALVE              |
|  | GUY WIRE           |

|               |                    |                             |                |
|---------------|--------------------|-----------------------------|----------------|
| <b>Deputy</b> | <b>Firm Number</b> | <b>Tomball, Texas 73777</b> | <b>Z1-0069</b> |
|---------------|--------------------|-----------------------------|----------------|



# CITY OF TOMBALL

Plat Name: PINE TRAILS Plat Type: Preliminary

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: May 10, 2021

The above Subdivision 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:

- Add lot area table
- Rename Evergreen Lane
- Add City of Tomball utility easement
- Add City of Tomball P&Z names and titles for signature block
- Remove single family general note
- Show all easements listed in the title report
- Provide warranty deed to CHD-Pine Trails, LLC
- Provide unique plat title

Community Development recommends approval of this plat with contingencies.







**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
MAY 10, 2021  
&  
CITY COUNCIL  
MAY 17, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 10, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 17, 2021, 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 P21-167:** Request by Historymaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Multi-Family District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-168:** Request by Southwest Momentum Properties LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-169:** Request by Prakash Patel for a Conditional Use Permit to operate a *mini warehouse / self-storage* facility at 601 Malone Street. The property is approximately 0.3214 acres, legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas, and is zoned Old Town & Mixed Use District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

## CERTIFICATION

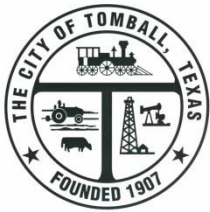
Item 4.

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 6<sup>th</sup> day of **May 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
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](http://www.tomballtx.gov).



## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P21-168

**APPLICANT/OWNER:** Southwest Momentum Properties LLC

**LOCATION:** Generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas

**PROPOSAL:** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)



Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

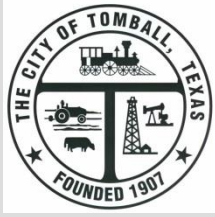
**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**

**Planning & Zoning Commission  
Public Hearing:  
Monday, May 10, 2021 6:00 PM**

**City Council Public Hearing:  
\*Monday, May 17, 2021 6:00 PM**

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

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



## Community Development Department

# Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 10, 2021

City Council Public Hearing Date: May 17, 2021

**Rezoning Case:** P21-168  
**Property Owner(s):** Depado Partners LTD  
**Applicant(s):** Southwest Momentum Properties LLC  
**Legal Description:** Tracts 81 81A 89A & 90D Tomball Outlots  
**Location:** Southwest corner of East Hufsmith Road and Hospital Road (Exhibit "A")  
**Area:** 3.208 acres  
**Comp Plan Designation:** Neighborhood Commercial (Exhibit "B")  
**Present Zoning and Use:** Agricultural District (Exhibit "C") / Undeveloped (Exhibit "D")  
**Request:** Rezone from the Agricultural District to the Commercial District

### Adjacent Zoning & Land Uses:

**North:** Agricultural and General Retail District / Single-family residence, office, mini-warehouse/self-storage

**South:** Single-Family 6 District / Undeveloped

**West:** Single-Family 6 District / Tomball Nursing Center and undeveloped property

**East:** Single-Family 6 District / Single-family residences

### BACKGROUND

City Staff received a Rezoning Application on April 5, 2021.

### ANALYSIS

The proposed rezoning is for approximately 3.21 acres out of a 4.36-acre site located on East Hufsmith Road. According to the Rezoning Application (Exhibit "E"), the applicant is proposing to construct "office warehouses and a gas station with a convenience store". Surrounding land uses in the area include a single-family residential house and an office/warehouse building to the north, single-family residences to the east, undeveloped property to the south and a nursing home and undeveloped property to the west.

According to Section 50-77 (*Commercial District*) of the Tomball Code of Ordinances, the Commercial District "is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses". Furthermore, the uses in this

district typically “have operation characteristics which are generally not compatible with residential uses”.

The property is designated as Neighborhood Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. Appropriate land uses in this area include restaurants, retail, professional services, clinics and offices. The Commercial Zoning District is not a compatible zoning district for this category.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on April 28, 2021. 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 is unable to recommend approval of Zoning Case P21-168.

- The rezoning is not consistent with the City’s Future Land Use Map.
- The proposed development is not compatible with the existing land uses in the area.
- The Commercial Zoning District is not compatible with the existing zoning districts in the area.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application



**Exhibit "A"**  
**Aerial Photo**





**Exhibit “B”  
Comprehensive Plan**

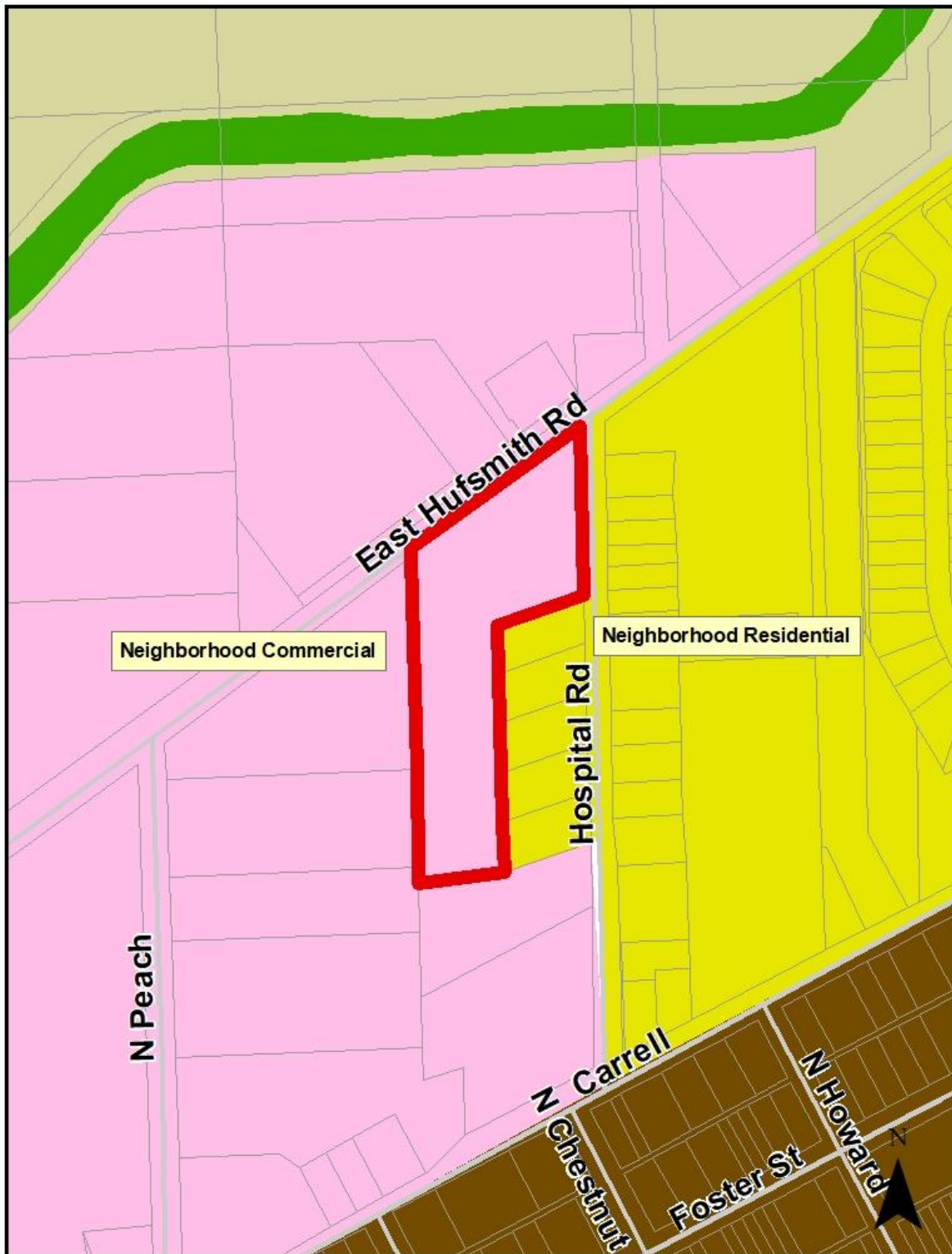
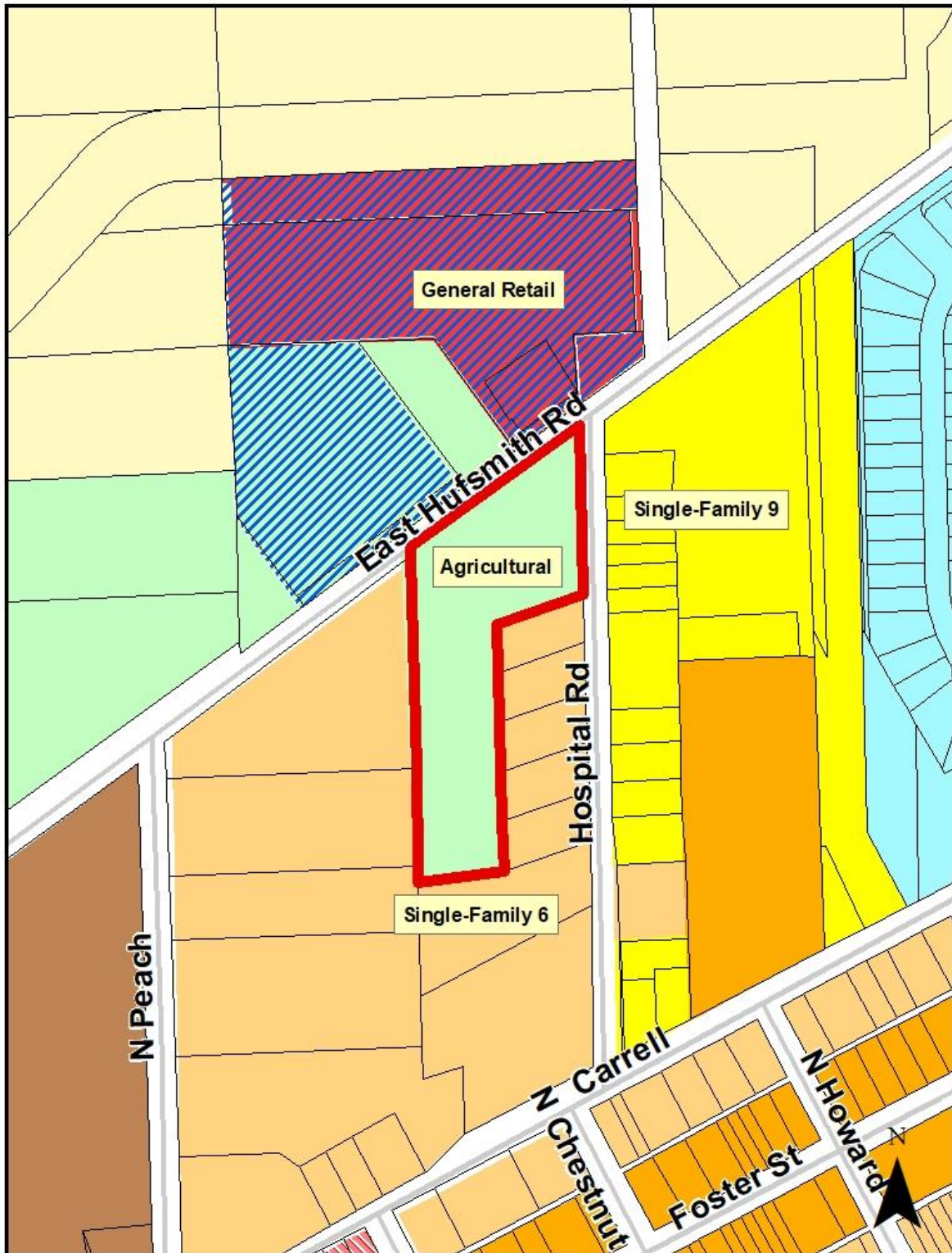


Exhibit "C"  
Zoning Map





**Exhibit “D”  
Site Photo**



## Exhibit "E"

### Rezoning Application



RECEIVED (KC)  
04/06/2021 1:51:09 PM

Revised 5/19/15

**P&Z #P21-168**

### APPLICATION FOR REZONING

Community Development Department  
Planning Division

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

**Applicant**

Name: Southwest Momentum Properties LLC Title: \_\_\_\_\_  
Mailing Address: 1525 FM 1486 City: Tomball State: TX  
Zip: 77354  
Phone: (281) 660-7805 Fax: (\_\_\_\_) \_\_\_\_\_ Email: nealmccraw@yahoo.com  
harlanmcox@gmail.com

**Owner**

Name: Southwest Momentum Properties LLC Title: \_\_\_\_\_  
Mailing Address: 1525 FM 1486 City: Magnolia State: TX  
Zip: 77354  
Phone: (281) 660-7805 Fax: (\_\_\_\_) \_\_\_\_\_ Email: nealmccraw@yahoo.com

**Engineer/Surveyor (if applicable)**

Name: DPK Engineering, LLC David Kelly Title: President  
Mailing Address: PO Box 823 City: Fulshear State: TX  
Zip: 77441  
Phone: (281) 346-2616 Fax: (\_\_\_\_) \_\_\_\_\_ Email: david.kelly@dpkengineering.com

**Description of Proposed Project:** Convenience Store and Office Warehouses

**Physical Location of Property:** On the southwest corner of E. Hufsmith and Hospital St  
[General Location – approximate distance to nearest existing street corner]

**Legal Description of Property:** Ralph Hubbard Survey, Abstract No. 383 TRS 81 81A 89A & 90D  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** AG - Agricultural District

**Current Use of Property:** Undeveloped

**Proposed Zoning District:** Commercial

**Proposed Use of Property:** Convenience Store and Office Warehouses

**HCAD Identification Number:** 0352830000256 **Acreage:** 3.2080

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



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

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

|                                               |                           |
|-----------------------------------------------|---------------------------|
| <p><u>X</u></p> <p>Signature of Applicant</p> | <p>4-2-21</p> <p>Date</p> |
| <p><u>X</u></p> <p>Signature of Owner</p>     | <p>4-2-21</p> <p>Date</p> |

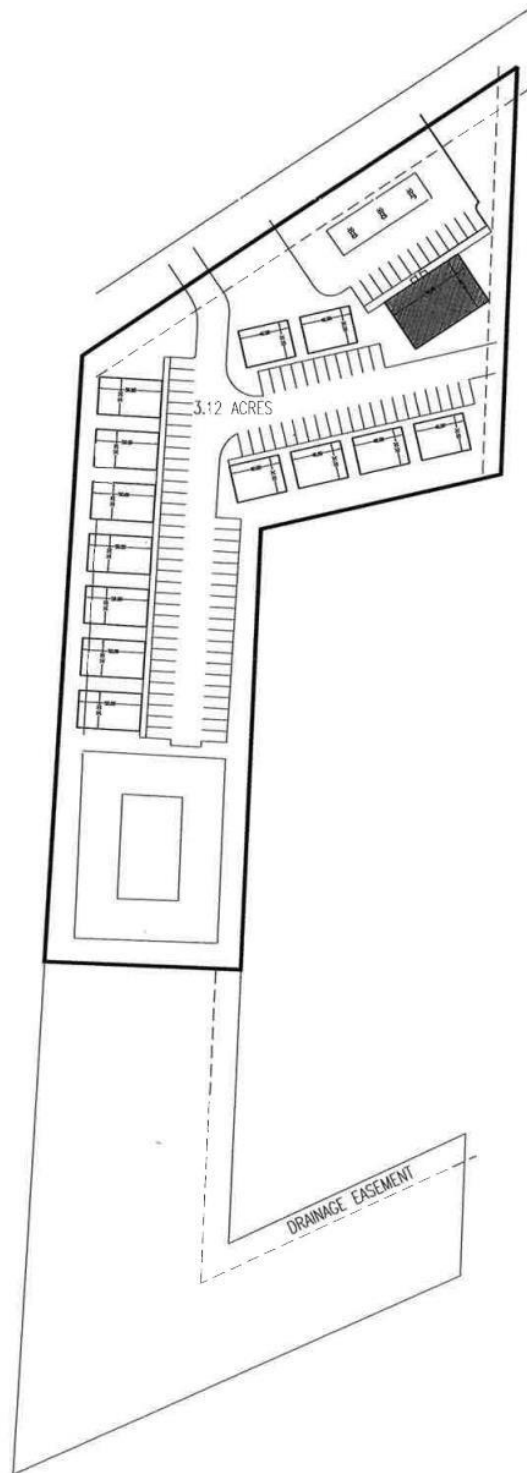
401 Market Street  
401 Market Street  
Tomball, TX 77375  
(281) 351-5484

DATE : 4/5/2021 2:09 PM  
OPER : TW  
TKBY : TW  
TERM : 5  
REC# : R01258435

130.0000 PLANNING AND ZONING 432.08  
SW Corner of e hufsmith and hospital st

Paid By:SW Corner of e hufsmith and hosp  
2-CK 432.08 REF:w 40528

|          |        |
|----------|--------|
| APPLIED  | 432.08 |
| TENDERED | 432.08 |
| CHANGE   | 0.00   |



To Whom it may concern,

I am requesting a portion of land on my business partner's property as defined by the attached metes and bounds to be rezoned from AG-Agricultural to C-Commercial district. Currently, the land is not in use. I plan to construct office warehouses and a gas station with a convenience store to support the economic growth in the area. It is our belief that the land, which is currently unutilized, would better serve the community as a hub for new business and a convenience store to serve the quickly growing neighboring communities. Thank you for your consideration.

Regards,

Daniel Rodano, representative for Southwest Momentum Properties LLC









FIELD NOTES  
FOR REZONING

Description of 3.2080 acres (139,740.17 square feet) of land situated in the Ralph Hubbard Survey, Abstract No. 383, Harris County, Texas; being a portion of a called 5.051 acres to DEPADO PARTNERS, LTD. as recorded under Harris County Clerk's File No. (H.C.C.F.No.) RP-2017-73889, said 3.2080 acre tract being more particularly described as follows (all bearings are based on the description of said 5.051 acre tract):

BEGINNING at a point in the southeasterly right of way of Tomball-Hufsmith Road (called 80' wide by deed), being the northwest corner of the herein described tract and the northeast corner of a called 3.1033 acre tract to City of Tomball as recorded under H.C.C.F.No. K895090;

THENCE, North 54°41'02" East, along the said southeasterly right-of-way of Tomball-Hufsmith Road and the north line of the herein described tract a distance of 420.71 feet to a point for the northeast corner of the herein described tract and the intersection of the southeasterly right-of-way of said Tomball-Hufsmith Road and the west right-of-way line of Hospital Road (called 60' wide);

THENCE, South 00°09'18" East, along the east line of the herein described tract and the west right-of-way of said Hospital Road a distance of 331.02 feet to a point for corner;

THENCE, South 75°11'42" West, along a south line of the herein described and a north line of two tracts to Timothy Shaver ETUX as recorded under H.C.C.F.No. E658026 a distance of 193.05 feet to a point for interior corner;

THENCE, South 00°09'53" East, along the common line of the herein described tract, said Shaver tract, a tract to Robin Davidson and Kevin Parker as recorded under H.C.C.F.No. 20080247435 and a portion of a tract to Sylvester Jones as recorded under H.C.C.F.No. U534971 a distance of 348.51 feet to a point for the southeast corner of the herein described tract;

THENCE, South 89°12'37" West, over and across said 5.051 acre tract a distance of 158.86 feet to a point for the southwest corner of the herein described tract and in the west line of said herein described tract and the east line of the aforementioned 3.1033 acre tract;

THENCE, North 00°02'08" East, along the west line of the herein described tract and the East line of said 3.1033 acre tract a distance of 487.84 feet to the POINT OF BEGINNING and containing a computed area of 3.2080 acres (139,740.17 square feet) of land. This document was prepared under 22TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared by Mark Sherley, Registered Professional Land Surveyor and dated March 4, 2021.

  
Mark L. Sherley  
Registered Professional Land Surveyor No. 5326



**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
MAY 10, 2021  
&  
CITY COUNCIL  
MAY 17, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 10, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 17, 2021, 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 P21-167:** Request by Historymaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Multi-Family District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-168:** Request by Southwest Momentum Properties LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-169:** Request by Prakash Patel for a Conditional Use Permit to operate a *mini warehouse / self-storage* facility at 601 Malone Street. The property is approximately 0.3214 acres, legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas, and is zoned Old Town & Mixed Use District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

## CERTIFICATION

Item 5.

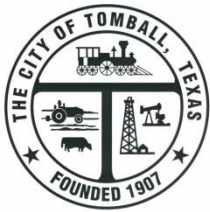
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6<sup>th</sup> day of **May 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
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](http://www.tomballtx.gov).





## Notice of Public Hearing

**YOU ARE INVITED TO ATTEND** the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P21-169

**APPLICANT/OWNER:** Prakash Patel

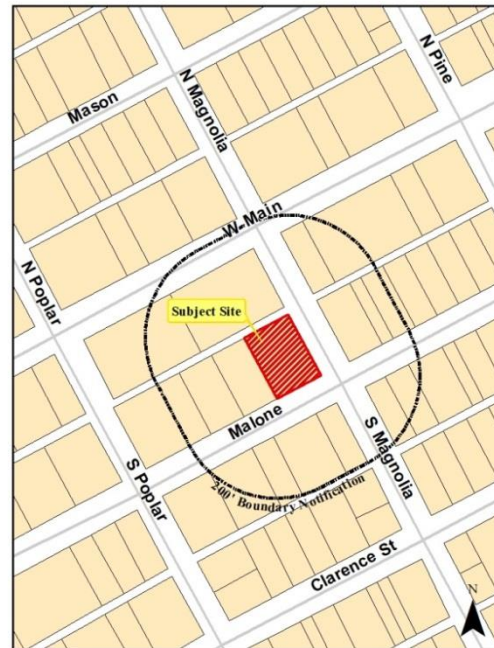
**LOCATION:** Generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas

**PROPOSAL:** A Conditional Use Permit to operate a *mini warehouse / self-storage* facility at 601 Malone Street. The property is approximately 0.3214 acres, legally described as Lot 1 Block 1 Patel Plaza, and is zoned Old Town & Mixed Use District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)



Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**

**Planning & Zoning Commission  
Public Hearing:  
Monday, May 10, 2021 6:00 PM**

**City Council Public Hearing:  
\*Monday, May 17, 2021 6:00 PM**

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

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

**From:** [Amelia Lindley](#)  
**To:** [Kimberly Chandler](#)  
**Subject:** FW: Zoning Case P21-169  
**Date:** Monday, May 10, 2021 11:01:10 AM

---

Amelia Lindley  
City Planner  
(281) 290-1410  
[Tomballtx.gov/cd](http://Tomballtx.gov/cd)

**From:** Joyce Willis <jpwillis44@yahoo.com>  
**Sent:** Monday, May 10, 2021 10:45 AM  
**To:** Amelia Lindley <alindley@tomballtx.gov>  
**Subject:** Re: Zoning Case P21-169

The purpose of this message is to submit my vote 'Against' this request.

I am the residential property owner who actually shares the property line with the subject property.

I was unaware of this request until this weekend and I have not seen any plans regarding the proposal, however, my concerns are:

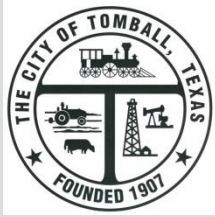
1. DEVALUATION of my Residential property which my mother and I have owned since 1960 when there was only the original hotel fronting Main Street and the Gregson home on the subject corner lots.
2. PARKING for restaurant and motel customers and employees? I would hate to see parked cars lining already somewhat narrow streets. The restaurant employees currently use that vacant lot to park.

As mentioned above I just learned of this request on Saturday and have not had time to speak to others in the neighborhood or to thoroughly think through the pros and cons of the request but generally I am against bringing anything else in that would further affect my privacy and more importantly SAFETY. (There is a bit of problem now with the motel but that is off-subject at this time.)

Please include my thoughts in the meeting as I am on my way to Methodist Hospital for a cancer treatment and may not be able to attend the meeting in person.

Thank you,

Joyce Willis  
606 Malone  
713-582-5754  
[Sent from Yahoo Mail on Android](#)



## Community Development Department

# Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: May 10, 2021

City Council Public Hearing Date: May 17, 2021

**Rezoning Case:** P21-169

**Property Owner(s):** Prakash Patel

**Applicant(s):** Prakash Patel

**Legal Description:** Lot 1 Block 1 Patel Plaza

**Location:** Northwest corner of Malone Street and Magnolia Street (Exhibit "A")

**Area:** 0.3214 acres

**Comp Plan Designation:** Old Town (Exhibit "B")

**Present Zoning and Use:** Old Town & Mixed Use District (Exhibit "C") / Undeveloped (Exhibit "D")

**Proposed Use(s):** "Mini warehouse / self-storage" (Exhibit "D")

**Request:** Conditional Use Permit (CUP) to allow the operation of a *mini warehouse / self-storage* facility

### Adjacent Zoning & Land Uses:

**North:** Old Town & Mixed Use District / Eating establishment (El Emperador) and motel

**South:** Old Town & Mixed Use District / Single-family residence

**West:** Old Town & Mixed Use District / Single-family residence

**East:** Old Town & Mixed Use District / Single-family residence

### BACKGROUND

City staff met with the applicant to discuss the development of the subject site earlier this year.

### 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 Comprehensive Plan identifies the subject site as Old Town. According to the Comprehensive Plan, the intent and character of the Old Town category is to be highly walkable and promote a sense of place. Appropriate land uses consist of a mixture of residential, office, retail, entertainment, restaurants and public facilities. The proposed use does not appear to meet the intent of the Old Town category.

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 imposition of certain standards and conditions.”

According to Section 50-79, the purpose of the Old Town & Mixed Use District is to provide an area for a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multi-family uses. The surrounding area consists of a mixture of uses including a church, eating establishment and hotel, washateria and multiple single-family residences. While the proposed use would add to the mixed-use feel of the area, a mini-warehouse / self-storage facility is typically not compatible with single-family residences. It appears this property would be better suited for two single-family residences, or a duplex unit, or a small office building, which are permitted by-right in the OT&MU District.

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

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review. Since the lot abuts a single-family residence, additional regulations will be required, such as landscape buffers, screening and increased building setbacks.

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 does not appear to be compatible with the adjacent developments. There are mostly single-family residences in the area. The eating establishment and hotel front onto Main Street and are separated from the subject site by an alley. There is also a church on the same block as the site, however churches are typically compatible with single-family uses. There is also a washateria on the opposite corner of Magnolia Street and Malone Street.

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

Staff does not anticipate any adverse effects on surrounding properties.

### **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on April 28, 2021. 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 is unable to recommend approval of Zoning Case P21-169.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan



**Exhibit "A"**  
**Aerial Photo**

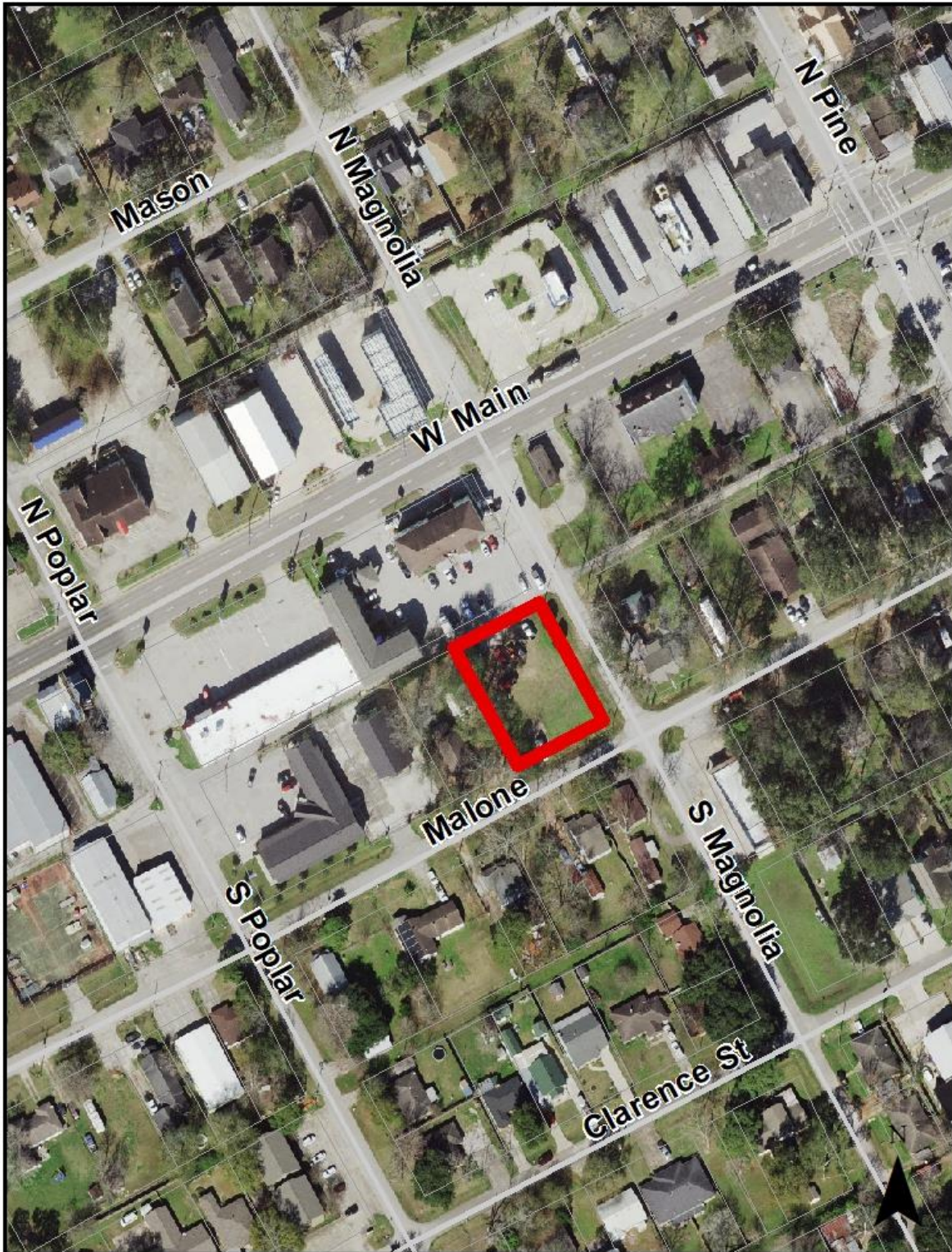




Exhibit "B"  
Comprehensive Plan

Item 5.

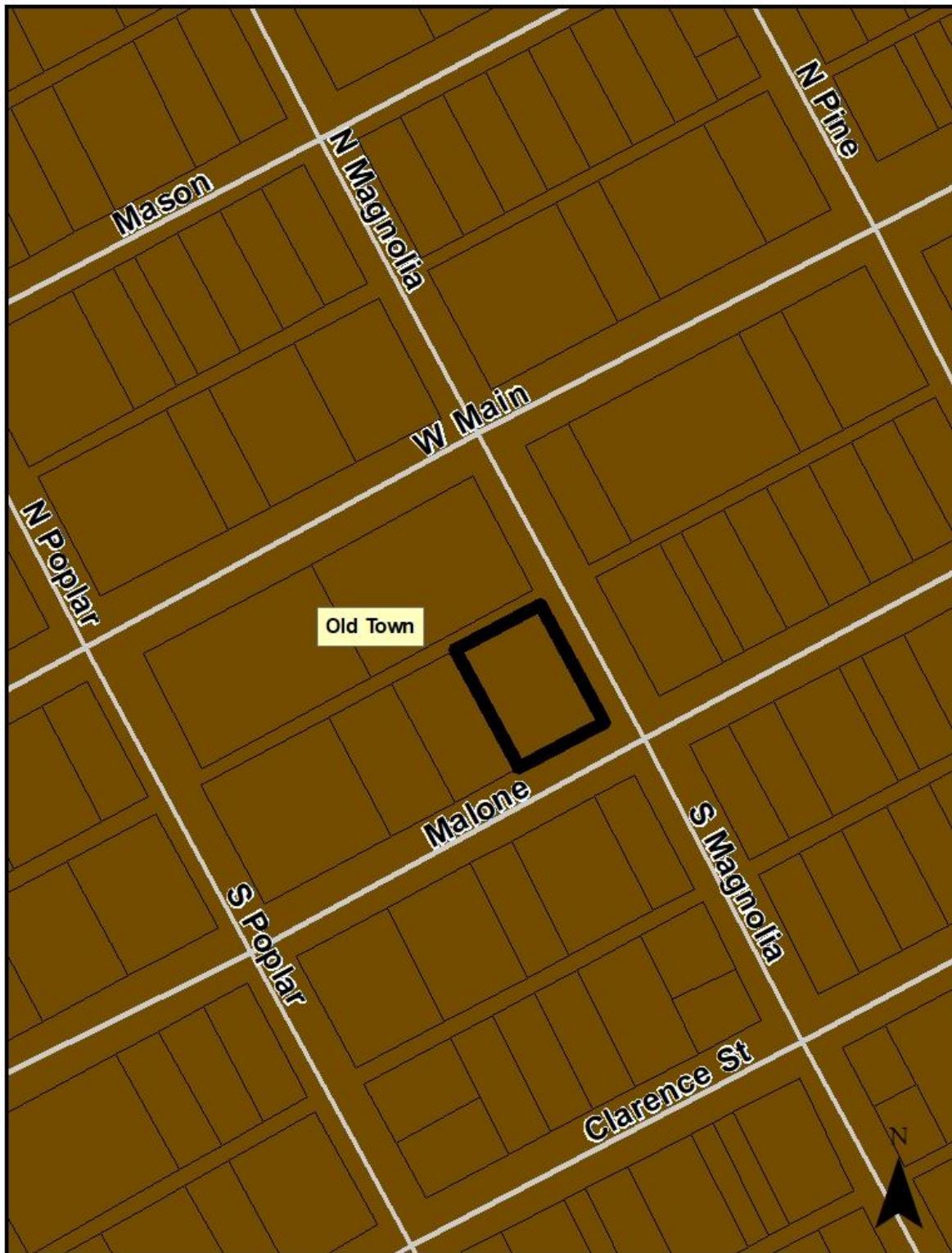
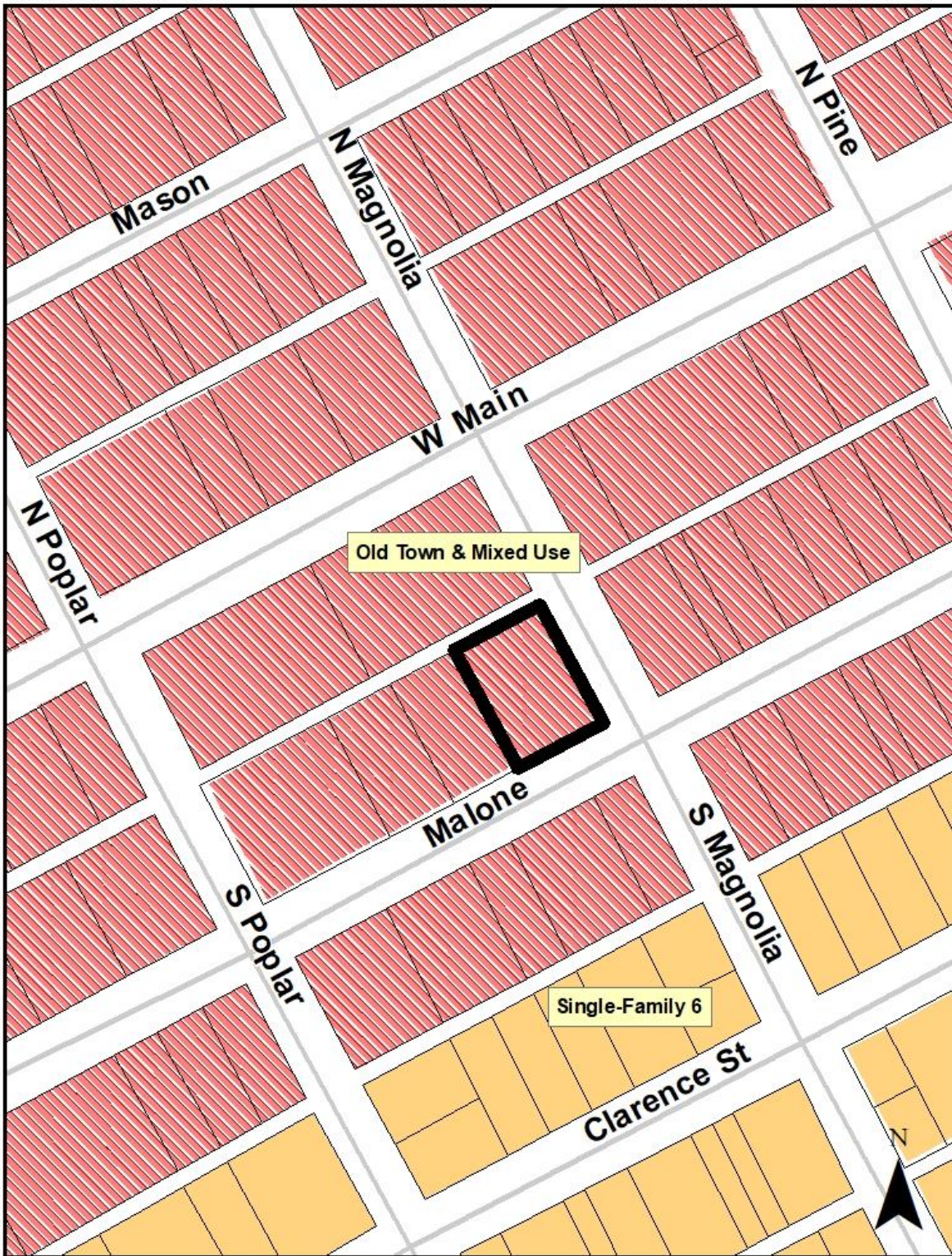




Exhibit "C"  
Zoning Map

Item 5.





**Exhibit “D”  
Site Photo**



Exhibit "E"  
CUP Application

Item 5.



RECEIVED (KC)  
04/06/2021 1:51:14 PM

Revised 5/19/15  
P&Z #P21-169

**APPLICATION FOR  
CONDITIONAL USE PERMIT**  
Community Development Department  
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.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50-34 of the Code of Ordinances.

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

**Applicant**

Name: PRAKASH PATEL Title: OWNER  
Mailing Address: 22002 HOLLY LAKES DR City: TOMBALL State: TX  
Zip: 77377  
Phone: (281) 797-5378 Fax: ( ) Email: PRAKASH1970@MSN.COM.

**Owner**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**

Name: E.I.C. SURVEYING CO. Title: \_\_\_\_\_  
Mailing Address: 12345 JONES RD City: HOUSTON State: TX  
Zip: 77070  
Phone: (281) 955-2772 Fax: ( ) Email: \_\_\_\_\_



Description of Proposed Project: STORAGE UNITS

Physical Location of Property: 601. MALONE ST TOMBALL, TX 77375  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LOT 1 & 2 IN BLOCK 41 OF TOMBALL TOWNSITE  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 133-953-001-0001 Acreage: .3214

Current Use of Property: VACANT LOT

Proposed Use of Property: STORAGE UNITS

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  4.2.21.  
 Signature of Applicant Date

X  4.2.21.  
 Signature of Owner Date



---

**Prakash Patel**

22002 Holly Lakes Drive  
Tomball, TX 77377  
281-797-5378  
Prakash1970@msn.com

March 25th, 2021

To whom it may concern

I am hoping to build a new storage facility at 601 Malone Street in the coming months. This facility would hold around 46 storage units of various sizes.

Sincerely,



**Prakash Patel**

**Figure “F”**  
**Concept Plan**

