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



# Monday, February 08, 2021 6:00 PM

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, February 08, 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 January 11, 2021.
- E. New Business
  - Consideration to Approve Replat of ARROWHEAD PROPERTIES, PARTIAL REPLAT NO. 1: A Subdivision of 0.5853 Acre Tract (25,499.04 Square Feet) being a replat of Lots 2, 3, 4 and 5, Block 1, of Arrowhead Properties, as recorded in Film Code No. 687278, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
  - 3. Consideration to Approve Replat of **DEVELOPMENT ON SPELL:** A Subdivision of 3.1201 Acres of Land being a partial replat of Unrestricted

Reserve "C" of Tomball Greens, as recorded in Film Code No. 440128 H.C.M.R. and located in the Elizabeth Smart Survey, Abstract No. 70, Harris County, Texas.

- 4. Consideration to Approve Replat of **PROFESSIONAL MEDICAL PLAZA**, **REPLAT NO. 1:** A Subdivision of 5.0595 Acre Tract (89,711 Square Feet) being a replat Restricted Reserve "A" Block 1, Professional Medical Plaza as recorded in Film Code 680784, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- 5. Consideration to Approve Replat of <u>ULRICH ACRES, REPLAT NO. 1:</u> Being 1.197 Acre (52,141.32 Square Feet) tract of land situated in the Ralph Hubbard Survey, A-383, Harris County, Texas, being a replat of a portion of Outlot 42, of the Tomball Townsite, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas.
- 6. Consideration to Approve Replat of <u>WILKINSON CORNERS</u>: Being a 0.7660 Acre Tract and being a replat of Lots 17, 18, 19, 20 and a portion of Lot 16, of Anderson's Subdivision, a Subdivision situated in the W. Hurd Survey, Abstract Number 371, of Harris County, Texas, according to the map or plat thereof recorded in Volume 321, Page 44, of the Deed Records of Harris County, Texas.
- Consideration to Approve Zoning Case P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

### Conduct Public Hearing on **Zoning Case P20-420**

8. Consideration to Approve Zoning Case P20-442: Request by Joshua Buzzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case P20-442** 

9. Consideration to Approve Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case P21-010** 

10. Consideration to Approve Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case P21-011** 

#### F. Adjournment

#### CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of February 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.

Agenda Planning and Zoning Commission Regular Meeting February 08, 2021 Page 4 of 4

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

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

## MONDAY, JANUARY 11, 2021



6:00 P.M.

1.0 The meeting was Called to Order by Chair Tague at 6:02 p.m. Other members present were:

Commissioner Richard Anderson Commissioner Darrell Roquemore Commissioner Tana Ross

Commissioner Dane Dunagin – Excused Absence

#### Others present:

Amelia Lindley – City Planner Wesley Stolz – City Engineer



- 2.0 No Public Comments were received.
- 3.0 Reports and Announcements:
  - Amelia Lindley, City Planner, announced the following:
    - Zoning Case P20-321, rezoning request on the north side of Holderrieth Road at 12118 Holderrieth Road, was approved at City Council.
    - Zoning Case P20-332, rezoning request for Cherrywood Estates on the east side of Cherry Street, across from the Cherry Pines Subdivision, was approved at City Council.
    - Zoning Case P20-338, rezoning request by David Weekley Homes on the south side of Brown Road between SH 249 and Quinn Road, no action was taken at City Council.
  - Wesley Stolz, City Engineer and Amelia Lindley, City Planner, presented the 2020 Planning & Zoning Commission Summary.
- 4.0 Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of December 14, 2020.

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

Motion carried unanimously.

#### 5.0 New Business:

5.1 Consideration to Approve Replat of <u>ALEXANDER ESTATES</u>, <u>REPLAT NO. 3:</u> A Subdivision of 69.8866 Acres of Land being a part of The Elizabeth Smith Survey, A-70 Harris County, Texas. Also being a partial replat of Alexander Estates for the reason of easement modifications as recorded in CF No. RP-2019-117075 and CF No. RP-2020-170771 H.C.M.R.

Wesley Stolz, City Engineer, presented a recommendation of approval with contingencies.

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

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

Motion carried unanimously.

5.2 Consideration to Approve Preliminary Plat of <u>CHERRYWOOD ESTATES:</u> A Subdivision of 20.78 Acres recorded in Clerk's File Number 20130447597 of Official Public Records of Real Property of Harris located in the C.N. Pillot Survey, A-632 Harris County, Texas.

Wesley Stolz, City Engineer, 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 Acting Commission Secretary Amelia Lindley.

Motion carried unanimously.

5.3 Consideration to Approve Replat of <u>HUFFSMITH-2978</u>, <u>REPLAT NO 1</u>: A Subdivision of 5.7869 Acre Tract, 252,076.56 Square Feet being a replat of Lot 1, Block 1, Huffsmith-2978 as recorded in Film Code 620122, Harris County Map Records, Situated in the Jesse Pruitt Survey, Abstract 629, City of Tomball, Harris County, Texas.

Wesley Stolz, City Engineer, presented a recommendation of approval with contingencies.

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

Minu Item 1.

## Planning & Zoning Commission Meeting January 11, 2021 Page 3 of 3

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

Motion carried unanimously.

5.4 Consideration to Approve Final Plat of <u>WOOD LEAF RESERVE, SECTION 1:</u> A Subdivision of 33.3778 Acres of Land being a part of The Claude N. Pillot Survey, A-632 Harris County, Texas.

Wesley Stolz, City Engineer, presented a recommendation of approval with contingencies.

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

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

Motion carried unanimously.

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

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

Motion carried unanimously.

The meeting adjourned at 6:23 p.m.

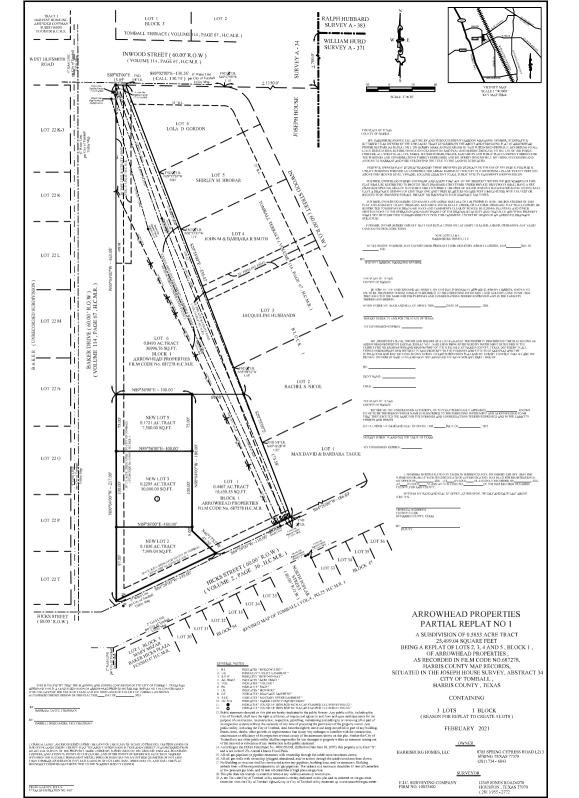
PASSED AND APPROVED this	day of		2021.
Waslaw Stale		Dambara Tagua	
Wesley Stolz		Barbara Tague	
City Engineer/Board Secretary		Commission Chair	

# **CITY OF TOMBALL**

Plat Name:	Arrowhead Properties Partial Re	plat No 1	Plat Type:	Replat
Construction I	Orawings for Public Facilities	s required?	Yes No	N/A X
Plat within Cit	y Limits X	Within Ext	traterritorial Ju	risdiction
Planning and Z	Zoning Commission Meeting	Date: F	February 8, 202	21
City of Tomball,	ivision Plat has been reviewed for, Texas. Based on this review, ng Commission for consideration	the following	g comments are	

- Fix typo
- Remove city utility lines from plat

Community Development recommends approval of this plat with contingencies.



# **CITY OF TOMBALL**

Plat Name:	Development on Spell		Plat Type:	Replat
Construction I	Drawings for Public Facilities	required?	Yes No	N/A X
Plat within Cit	y Limits X	Within Ext	raterritorial Ju	risdiction
Planning and Z	Zoning Commission Meeting	Date: Fo	ebruary 8, 202	21
	ivision Plat has been reviewed for Texas. Based on this review, Co.		_	

of this plat.

STATE OF TEXAS

COUNTY OF HARRIS

WE, ABYAN PROPERTY, LLC, ACTING BY AND THROUGH NAZIMUDDIN MAREDIA, ITS PRESIDENT, BEING AN OFFICER OF ABYAN PROPERTY, LLC, OWNER (OR OWNERS) IN THIS SECTION AFTER REFERED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 3. 1201 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF DEVELOPMENT ON SPELL, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED: AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND

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 HAVE A NET DRAINAGE OPENING AREA OF A 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 (1-3/4) SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH

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 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

IN TESTEMONY WHEREOF, THE ABYAN PROPERTY, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY NAZIMUDDIN MAREDIA, ITS PRESIDENT, HEREUNTO AFFIXED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2021.

ABYAN PROPERTY, LLC

NAZIMUDDIN MAREDIA PRESIDENT

STATE OF TEXAS COUNTY OF HARRIS

STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NAZIMUDDIN MAREDIA, PRESIDENT, 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 HEREIN STATED, AND AS THE ACT AND DEED OF SAID COMPANY. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY

AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN

NOTARY PUBLIC IN AND FOR THE

MY COMMISSION EXPIRES: \_\_\_\_\_

THIS IS TO CERTIFY THAT THE PLANNING & ZONING COMMISSION OF TH CITY OF TOMBALL, HAS APPROVED THIS PLAT AND SUBDIVISION OF DEVELOPMENT ON SPELL IN CONFORMANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_, 2021.

BARBARA TAGUE CHAIRMAN

DARRELL ROQUEMORE VICE CHAIRMAN

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 \_, 2021, AT \_\_\_\_\_ O'CLOCK \_\_, M., AND DULY RECORDED ON \_, 2021, 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

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

MICHAEL A. ZUMSTEG, R. P. L. S.

TEXAS REGESTRATION No. 5127

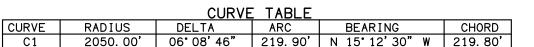
TOMBALL BUSINESS

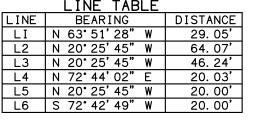
AND TECHNOLOGY PARK

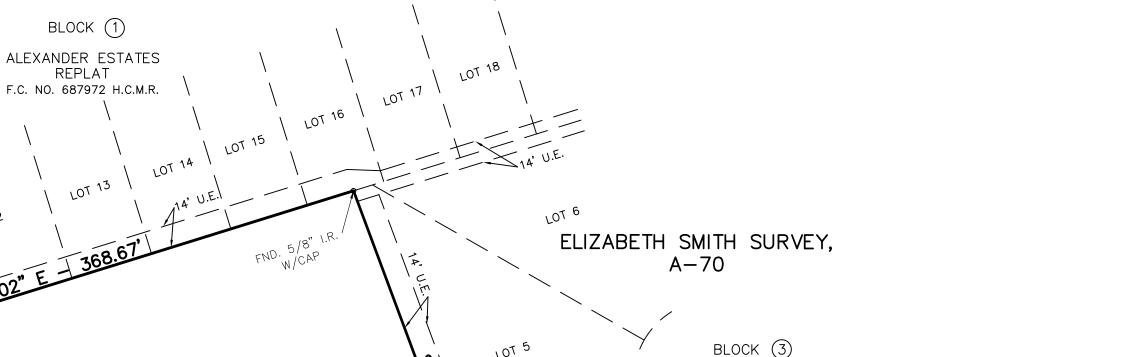
F.C. NO. 653006 H.C.M.R.

LOT 1









LOT 4

BLOCK (1)

ALBURY TRAILS ESTATES

SEC. 1 F.C. NO. 606119 H.C.M.R. ALEXANDER ESTATES

REPLAT NO. 2

F.C. NO. 691268 H.C.M.R.

BLOCK (2)

BLOCK (1)

JO NANCY NEAL

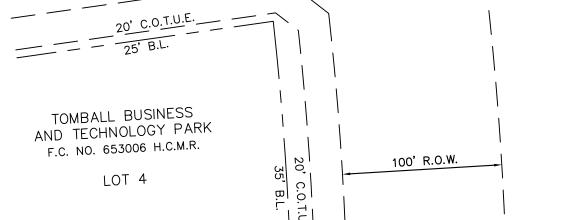
TRUSTEE, CALLED 8.52 AC.

H.C.C.F. NO. 20130544175

RESTRICTED RESERVE "A"

3.0338 AC., 132,153.51 SQ. FT.

SPELL ROAD (WIDTH VARIES) F.C. NO. 653006 H.C.M.R.



GRAPHIC SCALE: 1" = 60"**LEGEND** I.R. - IRON ROD VOL. - VOLUME PG. – PAGE R.O.W. - RIGHT-OF-WAY ESMT. - EASEMENT FND. – FOUND SQ. FT. - SQUARE FEET N - NORTH SOUTH EAST W - WEST

NO. - NUMBER F.C. - FILM CODE C.O.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT U.E. - UTILITY EASEMENT B.L. — BUILDING LINE H.C.C.F. NO. - HARRIS COUNTY CLERK'S FILE H.C.D.R. - HARRIS COUNTY DEED RECORDS H.C.M.R. - HARRIS COUNTY MAP RECORDS S.S.E. - SANITARY SEWER EASEMENT O.P.R.O.R.P. - OFFICIAL PUBLIC RECORDS

OF REAL PROPERTY

**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 RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND

UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTIANING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURRING 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 EFFICENCY OF IT'S RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

VICINITY MAP N.T.S. KEY MAP NO. 289 P

LOCATION

ACCORDING TO FEMA FIRM PANEL NO. 48201C0230L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN UNSHADED ZONE "X" AND IS NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

1- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE

SUBDIVISION HAVE BEEN SHOWN. 2- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE)

THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

3- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CNTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.

4- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR

5- 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

6- BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).

# DEVELOPMENT ON SPELL

A SUBDIVISION OF 3.1201 ACRES OF LAND BEING A PARTIAL REPLAT OF UNRESTRICTED RESERVE "C" OF TOMBALL GREENS, AS RECORDED IN FILM CODE NO. 440128 H.CM.R. AND LOCATED IN THE ELIZABETH SMART SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, **TEXAS** 

1 BLOCK 1 RESERVE

SCALE: 1" = 60' DATE: JANUARY, 2021

REASON FOR REPLAT: TO CREATE ONE RESERVE

ABYAN PROPERTY, LLC 11234 SPELL ROAD, TOMBALL TEXAS, 77375



e-mail: dmassiatte@centuryengineering.com T.B.P.E. FIRM REGISTRATION NO. F-380 T.B.P.L.S. FIRM REGISTRATION NO. 100965-0

OFFICE: (713) 780-8871 FAX: (713) 780-7662

(QW25) SPELL.COR CEI JOB NO. 20095-01.00 N:\SURVEY\MISC SURVEYS\LOT SURVEYS\TOMBALL GREENS HUFFSMITH AT SPELL\DEVELOPMENT ON SPELL PLAT.DWG

# CITY OF TOMBALL

Plat Name:	Professional Medical Plaza Ro	eplat No 1	Plat Type:	Replat
Construction I	Orawings for Public Facilities	s required?	Yes No	N/A X
Plat within Cit	y Limits X	Within Ext	traterritorial Ju	risdiction
Planning and Z	Zoning Commission Meeting	; Date: <u>F</u>	February 8, 202	21
City of Tomball	ivision Plat has been reviewed for, Texas. Based on this review, ng Commission for consideration	the following	comments are	
• C	orrect the vicinity map			

Community Development recommends approval of this plat with contingencies.

WE, CARDIOLOGY VENTURES, LTD, A TEXAS LIMITED PARTNERSHIP ACTING BY AND THROUGH WAQAR KHAN, REISIDENT, AND SARAH KHAN, SECRETARY, BEING OFFICERS OF CARDIOLOGY VENTURES INC., A TUXAS LIMITED PARTNERSHIP, OWNER HEBERNAFTER REFERRED TO AS OWNERS OF HEE. 20595 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF PROFESSIONAL MEDICAL PLAZA REPLAT NO 1, DO HEREBY MAKE AND ESTABLISH OF SAD SUBDIVISION PROPERTY ACCORDING TO ALL LIENS. DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY MAKE AND HALL EVENS, LIENS, AND HALL STREETS, ALL EYS, LARKS, WATERCOLLESS, DEARNS, EASEMENTS AND PUBLIC ACCES SHOWN THREED FOR THE PURPOSES AND CONSIDERATION THERE IN CONTROL OF THE PUBLIC PROPERTY.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PRINCE OF THE PRINCE

FULTIFIE, OWNERS BY JEREBY COVENANT, AND AGREE THAT, ALLOF THE PROPERTY MITHIN THE BOUNDAINS OF THIS PLAY PROPERTY MITHIN THE BOUNDAINS OF THIS PLAY PROPERTY MITHIN THE BOUNDAIN PROPERTY BOUNDAIN PROPERTY BOUNDAINS OF THE BOUNDAINS OF THE BOUNDAIN PROPERTY BOUNDAINS OF THE B

FURTHER, OWNERS DO HEREBY COVENANTS AND AGREE THAT ALL OF THE PROPERTY WITH THE BOOLDARIES OF THIS LAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SECULD RRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SECULD RRAINAGE WAY SHAD EASEMENTS CLEAR OF FENCES, BULLDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTING PROPERTY BLALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

IN TESTIMONY WHEREOF, THE CARDIOLOGY VENTURES, LTD, A TEXAS LIMITED PARTNERSHIP HAS CAUSED THESE PRESENTS TO BE SIGNED BY WAQAR KHAN, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS SECRETAY, SARAH KHAN, THIS. DAY OF \_\_\_\_\_2021.

CARDIOLOGY VENTURES, LTD A TEXAS LIMITED PARTNERSHIP

BY: WAQAR KHAN, PRESIDENT ATTEST:
SARAH KHAN, SECRETARY

STATE OF TEXAS COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, WAQAR KHAN AND SARAH KHAN, KNOWN TO ME TO BE THE PERSONS WHOSE WAMES ARE SUBSCRIBED TO THE FOREGOING NORSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, STATED, AND AS THE CAT AND ACCOUNT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_\_ DATE OF \_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

BY : BARBARA TAGUE, CHAIRMAN

DARRELL ROQUEMORE, VICE CHAIRMAN

I, CRAIG A LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HERBEY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PERPARED FROM AN ACTUAL SURVEY OF THE PROFERTY MAD UNDER MY SUFFEYISION ON THE GOODING, THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH BROW OR SUTTRALE PERMANENT HERAL PIPES OR ROUB HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE CLASTICES THAN THREE PERMANENT HERAL PIPES OR ROUB HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE FIELT (3), AND THAT THE PLAT FOUNDAMY CONNERS HAVE BEEN THE OT THE REAR REST MENUTY FOR THE PROFESSION.

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

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN , TENESHIA HUDSPEHL, COUNTY CLEEK OF HARRIS COUNTY, DO HERBIS CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENIXATION WAS TILED FOR REGISTRATION IN MY OFFICE AT THE COUNTY OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY, MAND AT FIRM CODE NO.

OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY, OF 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

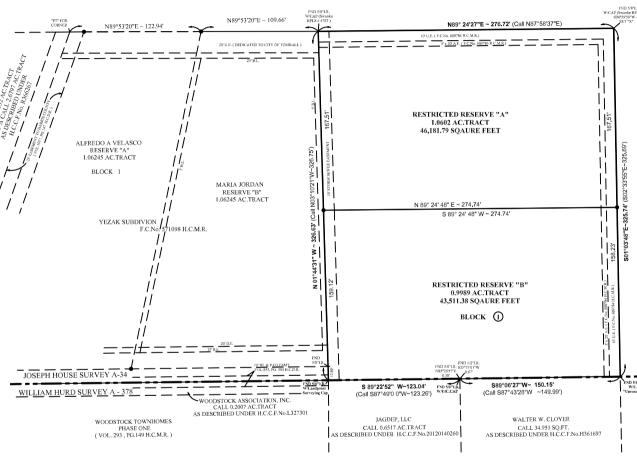
WE, WELLS FARGO FINANCIAL NATIONAL BANK, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS PROFESSIONAL MEDICAL PLAZA. REPLAT NO 1, SAID LIEN BEING FÜDENCED BY INSTRUMENT OF RECORD IN THE CHER'S THE LON. RE-2017-4938S AND PE-2017-4938S OF THE O FE OR. P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBJOIDATE OUR NITERS IT IS ALD PROPERTY TO THE PURPOSES AND EFFECTOR OF SAID PLAT AND THE DEBLOATIONS AND BESTICHOUS SHOWN RIERIN TO SAID SUBJOINED AND THE AND THE PLATE OF ANY PLAT THE AND THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME FOR ANY PLAT THEM OF THE PRESENT OWNER OF THE

WELLS FARGO FINANCIAL NATIONAL BANK

PRINT NAME: TITLE:

VRENCE AVENUE (60.00' R.O.W) SUBLIME PROPERTIES LP JUANITA MARTIN LOT 1 LOT 6 BLOCK 1 BLOCK 8 NORTHWEST HOUSTON HEART CENTER MAIN STREET ADDITION F.C.No. 621269 H.C.M.R. VOL. 18, PG. 43 H.C.M.R. ALMA STREET (60.00' R O W )

(H.C.C.F.No. E637820 & VOL.378, PG.121 H.C.D.R.)



HEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS TAY PERSONALLY APPEARED.

. KNOWN
OM ETO BET HE PERSON WHOOR NAME IS STREASCHED TO THE FORE FROM THE STREAM FROM THE FORE
THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY
THEREIN AND HEREIN, STATER, AND AS THE ACT AND DEED OF SAUD CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_\_ DATE OF \_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES :

- 1. Public essements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right set all times, of ingress and egress to and from and upon said essements for the purpose of construction, recenstruction, inspection, partialling, maintaining and adding to or erroring all or part of its respective systems whom 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, flexes, trees, shirts, other growds or improperments that in any way endanger or interfere with the construction, maintenance or efficiency of its espective systems on any of the essements shown on this plan. Neither the City of Tomball to ray on the public utility shall be responsible for any damages to property within an exactorn arising out of the removal or
- relocation of any obstruction in the public easement.

  According to the FEMA Firm Panel No. 4803150210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the

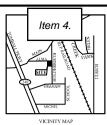
- 0.2% Annual Chance Flood Plain.

  3. All Oil gas palgisines or pipeline essentents with ownership through the subdivision have been shown.

  4. All oil gas wells with ownership (plugged, shandaeed, and or active) through the subdivision have been shown.

  5. All oil gas wells with ownership (plugged, shandaeed, and or active) through the subdivision have been shown to the property of the plugged of the plugged





NOT TO SCALE KEY MAP 288-L

PROFESSIONAL MEDICAL PLAZA REPLAT NO 1 A SUBDIVISION OF 5.0595 ACRE TRACT,

Indicates 'Right-of-way
Indicates' Film Code Number '
Indicates' Films County Map Record '
Indicates' Harris County Deed Record ''
Indicates' Harris County Deed Record ''
Indicates' Theris County Clerk's Film Number ''
Indicates' Theris County Clerk's Film Number ''
Indicates' Found 5'8' Iron Rod with Cap stamped EIC.Surveying Co.''

Indicates " Building Lines

89,711 SOUARE FEET BEING A REPLAT RESTRICTED RESERVE "A" BLOCK 1.

PROFESSIONAL MEDICAL PLAZA AS RECORDED IN FILM CODE 680784, HARRIS COUNTY MAP RECORDS ,

SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34, CITY OF TOMBALL

HARRIS COUNTY, TEXAS

CONTAINING 2 LOTS 1 BLOCK (REASON FOR REPLAT TO CREATE TWO COMMERCIAL RESERVES) JANUARY 2021

#### OWNER

CARDIOLOGY VENTURES, LTD, A TEXAS LIMITED PARTNERSHII

400 HOLDERRIETH BLVD. SUITE 104 TOMBALL, TEXAS 77375 (281) 704 - 4844

#### SURVEYOR

E.I.C. SURVEYING COMPANY FIRM NO. 10033400

HOUSTON (281) 955 -

13

# CITY OF TOMBALL

Plat Name:	Ulrich Acres Replat No 1		Plat Type:	Replat	
Construction I	Orawings for Public Facilities	s required?	Yes No	N/A	X
Plat within Cit	y Limits X	Within Ex	traterritorial Ju	urisdiction [	
Planning and Z	Zoning Commission Meeting	Date: <u>F</u>	February 8, 202	21	

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:

- Provide 10' right of way and easement dedication along Ulrich Road
- Add ROW film code
- Remove building line
- Improve area accuracy

Community Development recommends approval of this plat with contingencies.

# THE STATE OF TEXAS

# COUNTY OF HARRIS

We, <u>Joanie Phuksahome</u> and <u>Tommy Phuksahome</u>, owners hereinafter referred to as owners of the 1.197 acre tract described in the above and foregoing plat of ULRICH ACRES REPLAT NO. 1, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

WITNESS OUR HANDS in the	City of Tomball,	Texas, this _	day of	, 202_

JOANIE PHUKSAHOME

TOMMY PHUKSAHOME

THE STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_

Notary Public in and for the State of Texas

My Commission Expires:

THE STATE OF TEXAS

**COUNTY OF HARRIS** 

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_day of \_\_\_\_\_\_, 202\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires:

Barbara Tague

Vice Chairman

Chairman

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

02_

Darrell Roquemore

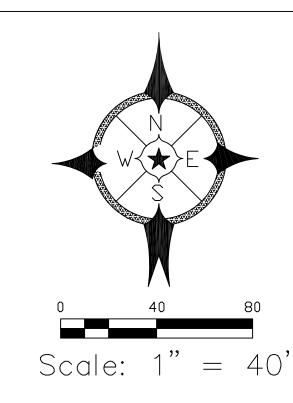
Harris County Clerk Certificate of Filing:

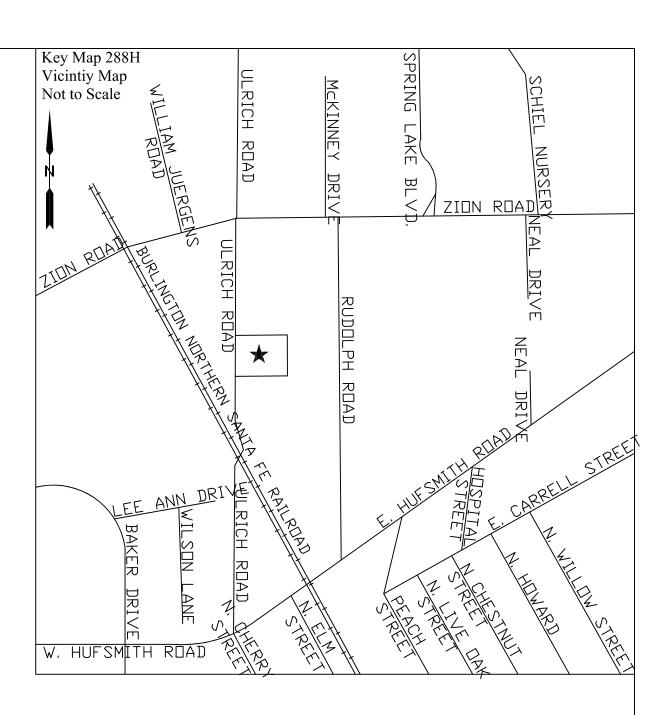
I, Teneshia Hudspeth, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on , 202 , at o'clock .M., and duly recorded on o'clock .M., and at Film Code Number of the Map Records of Harris County for said County.

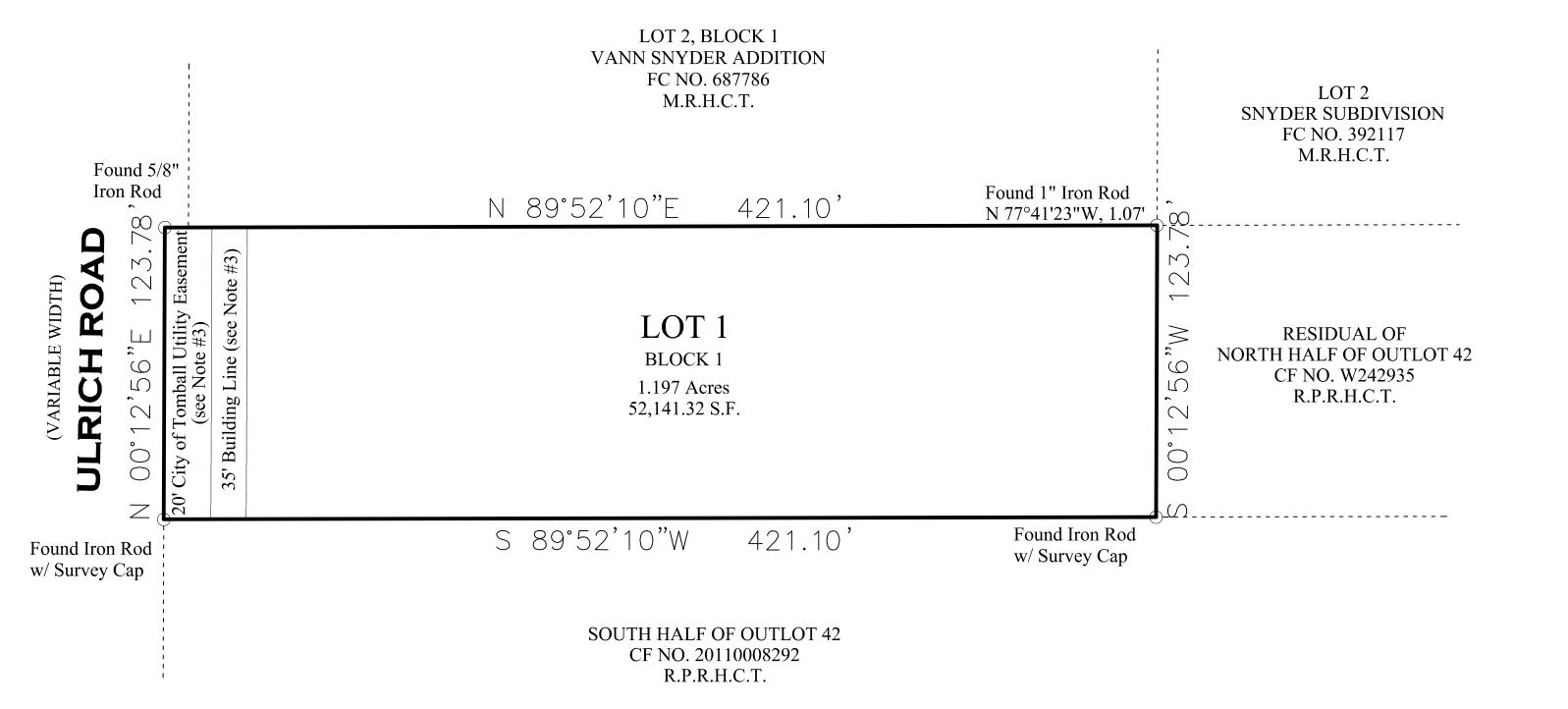
Witness my hand and seal of office, at Houston, the day and date last above written.

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

Steven L. Crews Texas Registration Number 4141







Flood Information: According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain. 1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown. 2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown. 3. No building or structure shall be constructed across any pipelines, building lines, and/or easements Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines. 4. This plat does not attempt to amend or remove any valid restrictions or covenants. 5. A ten foot wide City of Tomball utility easement is hereby dedicated by this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter. 6. Public Easements: Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the

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

construction, maintenance or efficiency of it's respective systems on any of the

removal or relocation of any obstruction in the public easement.

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

# ULRICH ACRES REPLAT NO. 1

Being 1.197 acre (52,141.32 sq. ft.) tract of land situated in the Ralph Hubbard Survey, A-383, Harris County, Texas, being a replat of a portion of Outlot 42 of the TOMBALL TOWNSITE, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas.

1 Lot, 1 Block

Owner: JOANIE PHUKSAHOME TOMMY PHUKSAHOME 12502 Brentleywood Lane

Houston, Texas 77070

Surveyor: C & C Surveying Inc. Firm Number 10009400 7424 FM 1488, Suite A Magnolia, Texas 77354 Office: 281-356-5172 survey@ccsurveying.com www.ccsurveying.com

February 2021 Sheet 1 of 1 20 - 0107

15

# CITY OF TOMBALL

Plat Name:	Wilkinson Corners	Plat Type: Replat
Construction I	Orawings for Public Facilities requir	red? Yes No N/A X
Plat within Cit	y Limits X Withi	in Extraterritorial Jurisdiction
Planning and 2	Zoning Commission Meeting Date:	February 8, 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:

- Provide title report or deed showing property ownership change.
- Add City of Tomball gas note
- Add existing right of way film code.

Community Development recommends approval of this plat with contingencies.

THE STATE OF TEXAS

COUNTY OF HARRIS

I, Ryan T. Wilkinson, acting individually, owner hereinafter referred to as owners of the 0.7660 acre tract described in the above and foregoing plat of WILKINSON CORNERS, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

approved drainage structure.
WITNESS my hand in the City of Tomball, Texas, this day of, 202
RYAN T. WILKINSON
THE STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared Ryan T. Wilkinson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this day of, 202
Notary Public in and for the State of Texas
My Commission Expires:
We, Pavillion Bank, owners and holder of a lien against the property described in the plat

We, Pavillion Bank, owners and holder of a lien against the property described in the plat known as WILKINSON CORNERS, said lien being evidenced by instrument of record in the Clerk's File Numbers RP-2021-16137 and RP-2021-16136 of the O.P.R.O.R.P of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

effects of said plat and the dedications and restrictions shown herein to said subdivision
plat and we hereby confirm that we are the present owners of said lien and have not
assigned the same nor any part thereof.
By:
<i>Dy</i>
of Pavillion Bank
STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared
of Pavillion Bank, known to me to be the person whose name is

subscribed to the foregoing instrument and acknowledged to me that \_\_\_ executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated, and as the act and deed of said bank.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Notary Public in and for the State of Texas
My commission expires:

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

State of Texas and the ordinances of the City of Ton recording of this plat
this, day of, 202
By: Barbara Tague Chairman

Darrell Roquemore

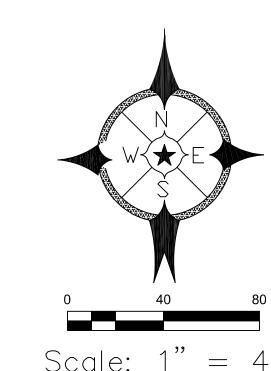
Vice Chairman

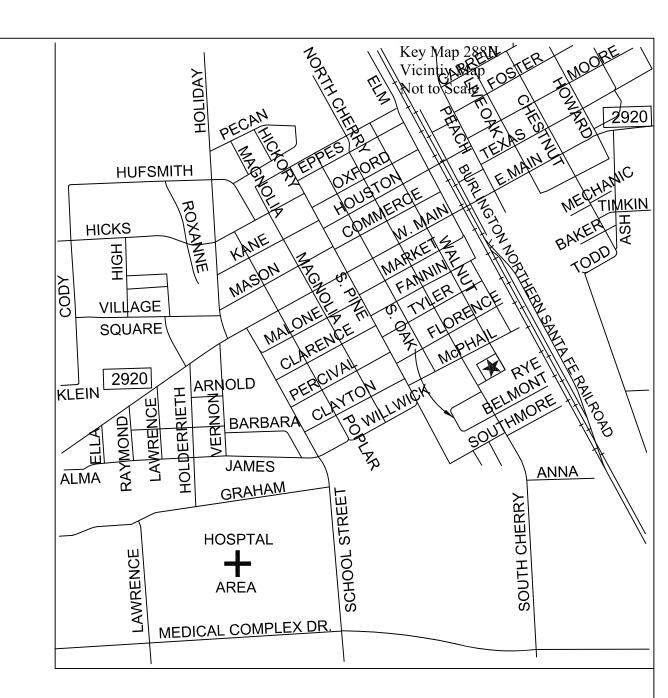
Harris County Clerk Certificate of Filing:

I, Teneshia Hudspeth, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_\_, 202\_\_, at \_\_\_\_\_o'clock \_\_.M., and duly recorded on \_\_\_\_\_\_, 202\_\_, at \_\_\_\_\_o'clock \_\_.M., and at Film Code Number \_\_\_\_\_ of the Map Records of Harris County for said County.

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

Teneshia Hudspeth
County Clerk
of Harris County, Texas





Item 6.

Flood Information:

According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

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

2. All oil/gas wells with ownership (plugged, abandoned, and/or active)

through the subdivision have been shown.

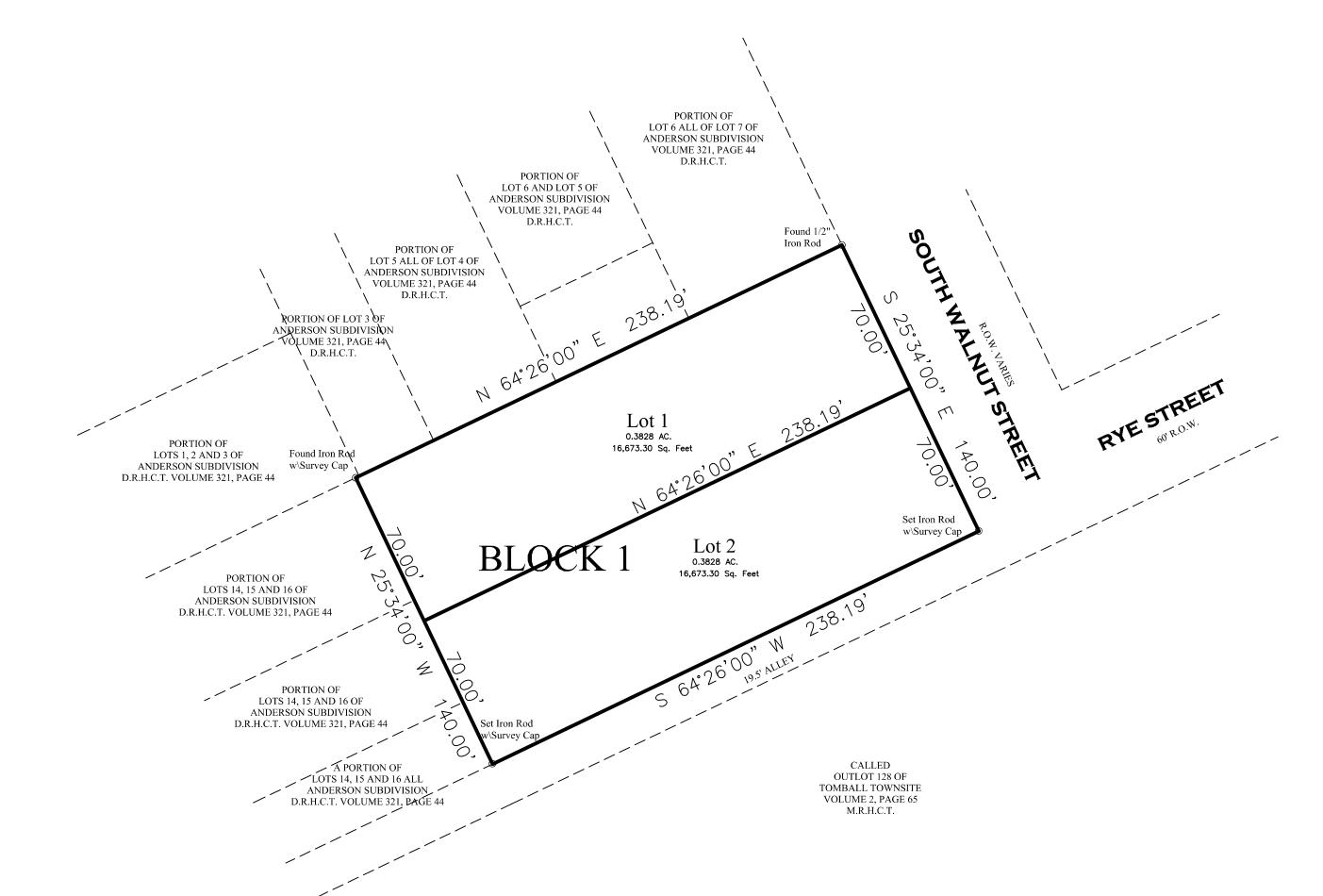
3. No building or structure shall be constructed across any pipelines, building lines, and/or easements Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of

high pressure gas lines.
4. This plat does not attempt to amend or remove any valid restrictions or covenants.

5. Public Easements:

Public Easements:

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



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

Steven L. Crews Texas Registration Number 4141

# WILKINSON CORNERS

Being a 0.7660 acre tract and being a replat of Lots 17, 18, 19, 20 and a portion of Lot 16, of ANDERSON'S SUBDIVISION, a subdivision situated in the W. Hurd Survey, Abstract Number 371, of Harris County, Texas, according to the map or plat thereof recorded in Volume 321, Page 44, of the Deed Records of Harris County, Texas,.

2 Lots, 1 Block

Owner:
RYAN T. WILKINSON
Phone Number 214-907-1299
915 Mackintsoh Drive

Magnolia, Texas 77354

Surveyor:
C & C Surveying Inc.
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172

February 2021 Sheet 1 of 1 20-0078

# NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) FEBRUARY 8, 2021 &

# CITY COUNCIL FEBRUARY 15, 2021



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday**, **February 8**, **2021**, **at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday**, **February 15**, **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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be

Item 7.

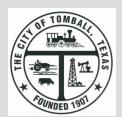
heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained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

#### 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 4<sup>th</sup> day of **February 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 <a href="https://www.tomballtx.gov">www.tomballtx.gov</a>.



# 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: P20-420

APPLICANT/OWNER: Sam Dawoudi

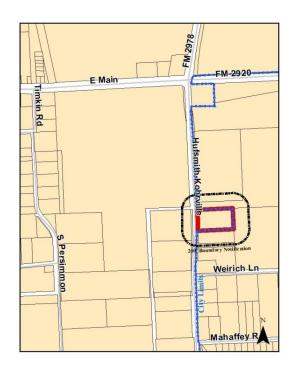
**LOCATION:** Generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas

**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District.

CONTACT: Amelia Lindley, City Planner PHONE: (281) 290-1410 E-MAIL: 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.



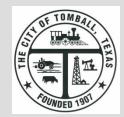
Planning & Zoning Commission Public Hearing: Monday, February 8, 2021 6:00 PM

City Council Public Hearing: \*Monday, February 15, 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: February 8, 2021 City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P20-420

Property Owner(s): Rickey Mattern
Applicant(s): Sam Dawoudi

**Legal Description:** Tracts 467A, 467B & 468A Tomball Outlots

**Location:** East side of Hufsmith-Kohrville Road at 22828 Hufsmith-

Kohrville Road (Exhibit "A")

**Area:** 2.844 acres

**Comp Plan Designation:** Corridor Commercial (Exhibit "B")

Present Zoning and Use: Agricultural District (Exhibit "C") / Single-family residence

(Exhibit "D")

**Proposed Use(s):** Commercial office/warehouse and retail buildings (Exhibit "E")

**Request:** Rezone from the Agricultural District to the Commercial District

**Adjacent Zoning & Land Uses:** 

**North:** Outside City limits / Undeveloped property

**South:** Outside City limits / Detention pond

West: Agricultural District / Single-family residence and warehouse

**East:** Outside City limits / Drainage channel

#### **BACKGROUND**

The property was annexed into the City limits in 2018 and designated as Agricultural District.

#### **ANALYSIS**

The subject site is approximately 2.8 acres located on the east side of Hufsmith-Kohrville Road. Most surrounding properties are outside the City limits. Properties to the north and east are owned by Klein ISD and are currently undeveloped. Property to the south is utilized as a detention pond for Harris County. The property to the west, across Hufsmith-Kohrville Road, is developed as a single-family residence and a warehouse.

According to Section 50-77 (*Commercial District*), the intent of the Commercial District is 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

Item 7.

commercial uses". Additionally, uses envisioned for this district "will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses" and "convenient access to thoroughfares and collector streets is also a primary consideration". Based on the location of the site, along Hufsmith-Kohrville Road, which is a major arterial, the size of the site and the proposed uses on the site, the Commercial District is appropriate.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for "predominantly nonresidential uses along high-traffic, regionally-serving thoroughfares". The Commercial District is a compatible zoning district in this category. The proposed rezoning meets the intent of the Future Land Use category.

#### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within the city limits and within 200 feet of the project site were mailed notification of this proposal on January 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 recommends approval of Zoning Case P20-420.

#### **EXHIBITS**

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

## Exhibit "A" Aerial Photo



## Exhibit "B" Comprehensive Plan

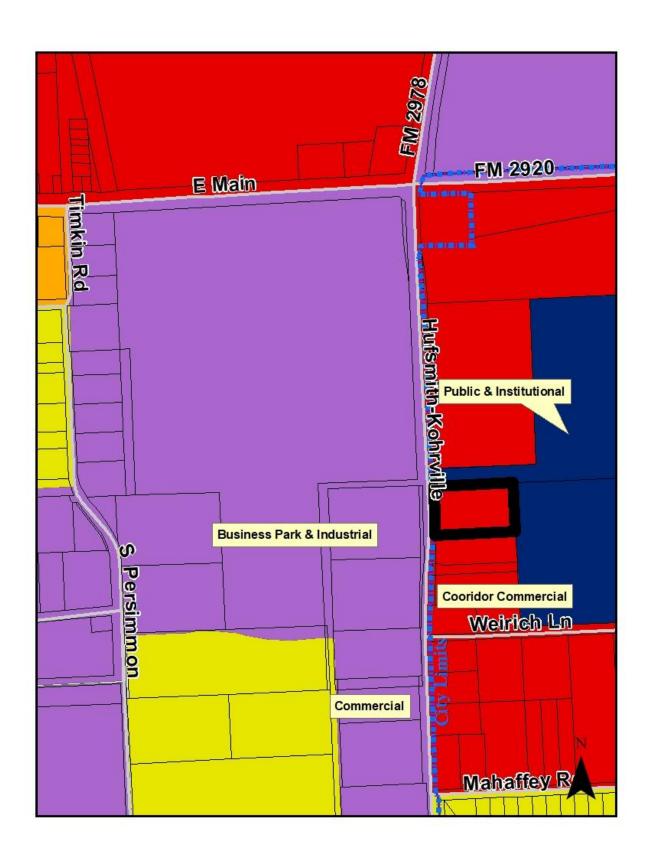


Exhibit "C" Zoning Map

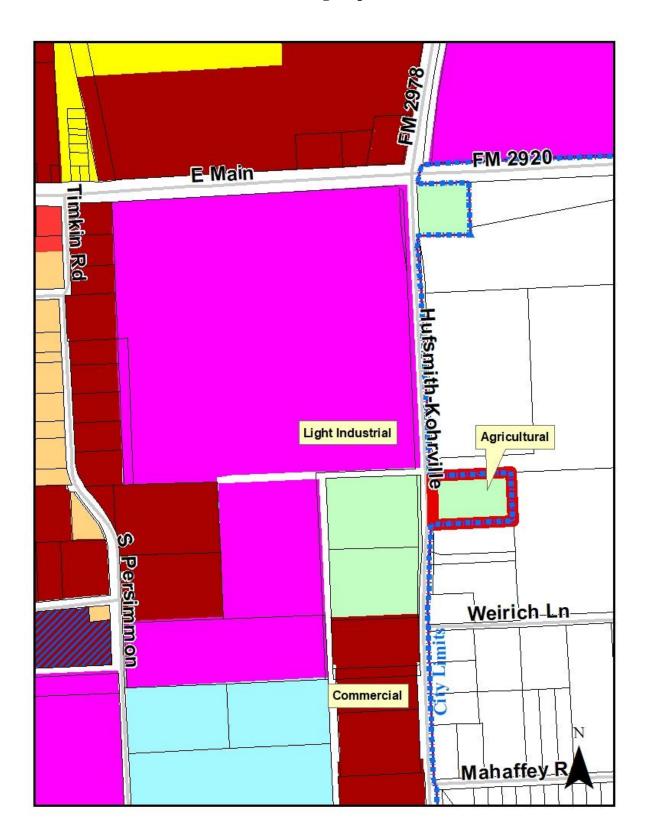
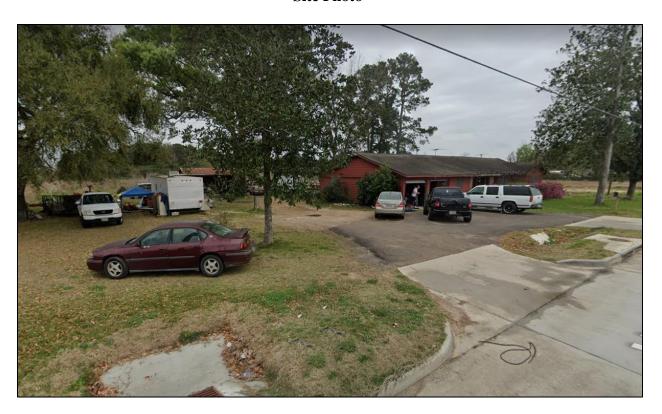


Exhibit "D"
Site Photo



# **Exhibit "E" Rezoning Application**



#### RECEIVED (KC) 12/09/2020 8:16:41 AM

Revised: 4/13/2020 P&Z -20-420 \$420.00 PD

### APPLICATION FOR RE-ZONING

Community Development Department Planning Division

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

Applicant  Name: SAM DAWOUD! Title: Engineer  Mailing Address: 8846 CRA2 THORSE TR. City: Houston State: Tx.  Zip: 77064 Contact: SAM DAWOUD!  Phone: (281) 235-2811 Email: SAM @CSDENGROUP.COM
Owner  Name: RICKEY MATTERN  Mailing Address: 15805 TAHOE DR.  Zip: 77040  Contact: RICKEY MATTERN  Phone: (7/3) 937-7/39  Email: manicured Landscapes @ aol. Low
Engineer/Surveyor (if applicable)  Name: SAM DAWOWN  Mailing Address: 8846 CRAZT HORSE TR. City: HOUSTON State: TX.  Zip: 77064 Contact: SAM DAWOUDI  Phone: (281) 235-2811 Fax: (
Physical Location of Property: 22828 HUFSMITH-KOHRVILLE Rd. Tombul, Ty 77375  [General Location – approximate distance to nearest existing street corner]
Legal Description of Property: 2.844 TRACT IN The Josse Pruitt Survey Abstract No. 629  TRS 467A, 467B & 468A  Current Zoning District: Pesidential  Current Use of Property: Residential  Proposed Zoning District: Commercial District
Proposed Use of Property: Commercial  HCAD Identification Number: 035 296 0000 467 Acreage: 2.844  City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 4/13/202

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.

Signature of Applicant

Date

Signature of Owner

Date

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

www.tomballtx.gov

Revised 1/20/2020

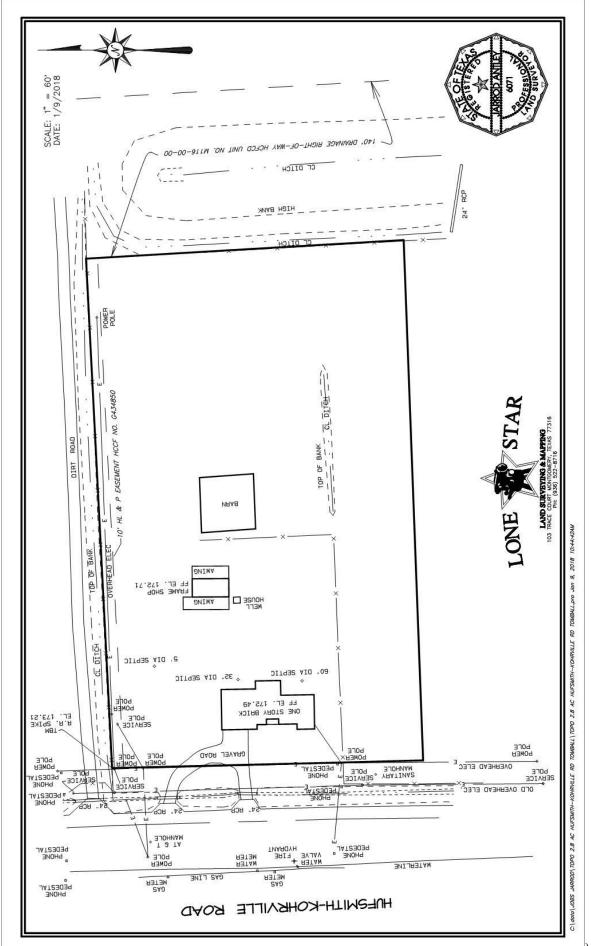


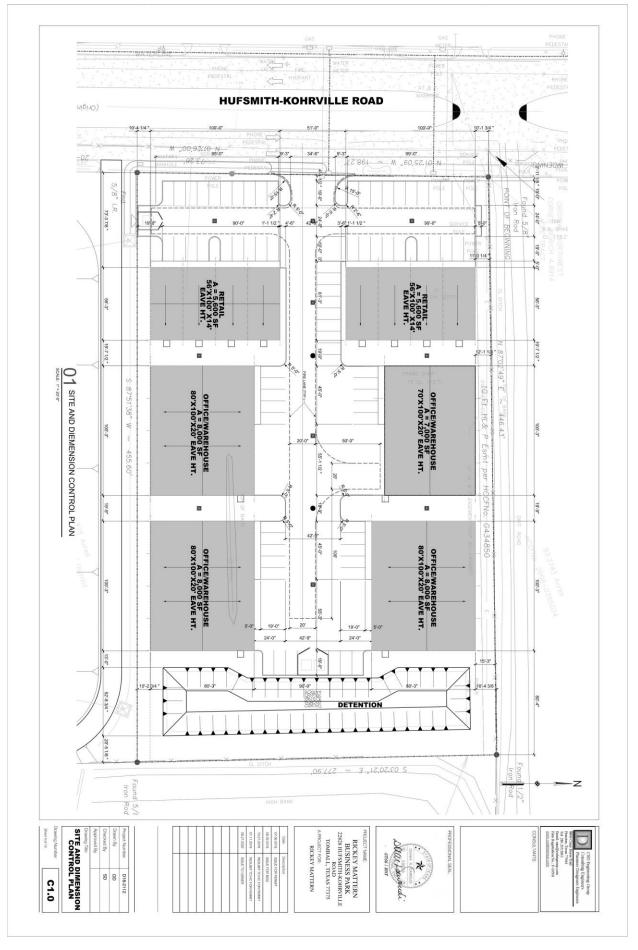
# BUILDING PERMIT (DEMOLITION) APPLICATION

CITY OF TOMBALL

(G) serious (M)	James Street
	ball, Texas 77375 )290-1402 (281) 351-4735 Fax
1163	.ci.tomball.tx.us Date: 12/08/2020
Formand	Permit Number:
ONDER 13	(Assigned by Permit Office)
22020 U.fa	amith Kaharilla Bood Tomball, Toyas 77375
hysical Address of Project: 22828 Huis	smith-Kohrville Road Tomball, Texas 77375  E-Mail: manicuredlandscapes@aol.com Phone: 713-937-7139
Owner's Name: Rickey Mattern	
enant's Name:	E-Mail:Phone:
ngineer: Sam Dawoudi, PE	E-Mail: sam@csdengroup.com Phone: 281-235-2811
Architect:	E-Mail: Phone: Phone: 713-937-7139
Contractor: Manicured Lanscapes	
Address: 15808 Tahoe Dr	City: Jersey Village State: Texas Zip: 77040
Contractor Contact: Rickey Mattern	E-Mail: manicuredlandscapes@aol.com
☐ COMMERCIAL	☐ PLUMBING ☐ OTHER
RESIDENTIAL	ELECTRICAL
	MECHANICAL
DESCRIPE WORK BEING BONE	Demolish eviating Consistent brisk House with Born and Shed
DESCRIBE MORK BEING DONE	Demolish existing Oone story brick House with Barn and Shed
PLEASE NOTE:	
** Construction debris will not be collect	
** Construction debris will not be collect ** All dumpsters, including roll-offs mu	cted with the regular trash service. ust be ordered directly from WCA @281-368-8397 or
** Construction debris will not be collect  ** All dumpsters, including roll-offs mu cshouston@wcamerica.com.	ist be ordered directly from WCA @281-368-8397 or
** Construction debris will not be collect  ** All dumpsters, including roll-offs mu cshouston@wcamerica.com.  ** Contractor must provide Liability Ins	ust be ordered directly from WCA @281-368-8397 or surance with a minimum of \$500,000 of combined single limit coverage
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** Construction debris will not be collect  ** All dumpsters, including roll-offs mucshouston@wcamerica.com.  ** Contractor must provide Liability Ins Equal to or Greater than the contract  "Certificate Holder" on the policy.	ust be ordered directly from WCA @281-368-8397 or surance with a minimum of \$500,000 of combined single limit coverage at amount, whichever is greater. The City of Tomball must be listed as the
** Construction debris will not be collect  ** All dumpsters, including roll-offs mucshouston@wcamerica.com.  ** Contractor must provide Liability Ins Equal to or Greater than the contract  "Certificate Holder" on the policy.	ust be ordered directly from WCA @281-368-8397 or surance with a minimum of \$500,000 of combined single limit coverage
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City of Tomball, 501 James Street, Tomball, Texas 77375 Phone: 281-290-1402 www.tomballtx.go





# **CSD Engineering Group Consulting Engineers**

Firm Registration No.: F-10500

December 08, 2020

City of Tomball Community Development Department Planning Division 501 James Street Tomball, Texas 77375

Ref.: Re-Zoning Request for property located at: 22828 Hufsmith-Kohrville Road Tomball, Texas 77375.

I, Sam Dawoudi, PE the Engineer of Record for Rickey Mattern, the Owner of the property located at 22828 Hufsmith-Kohrville Road in Tomball Texas.

This property is zoned as Residential - Single Family and we are requesting to Re-Zone this property to Commercial.

I am attaching the Application for Re-Zoning and the Proposed Site Plan for your review and Consideration.

OSAMA N. (DAWOUDI & S9889

DALLI LEGUSTUCI

Sam Dawoudi, PE

CSD Engineering Group 8846 Crazy Horse Trail Houston, Texas 77064 Telephone 281**-235-2811** Email: <u>sam@csdengroup.com</u>

Item 8.

# NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) FEBRUARY 8, 2021 &

# CITY COUNCIL FEBRUARY 15, 2021



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on Monday, February 8, 2021, at 6:00 P.M., and by the City Council of the City of Tomball on Monday, February 15, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be

Item 8.

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 <a href="mailto:alindley@tomballtx.gov">alindley@tomballtx.gov</a>.

#### 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 4<sup>th</sup> day of **February 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 <a href="https://www.tomballtx.gov">www.tomballtx.gov</a>.



# 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: P20-442

APPLICANT/OWNER: Joshua Buzzell

**LOCATION:** Generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas

**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District.

CONTACT: Amelia Lindley, City Planner PHONE: (281) 290-1410
E-MAIL: 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.



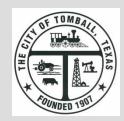
Planning & Zoning Commission Public Hearing: Monday, February 8, 2021 6:00 PM

City Council Public Hearing: \*Monday, February 15, 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: February 8, 2021 City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P20-442

**Property Owner(s):** Joshua Buzzell / Edwin Escobar / Regal Pools

**Applicant(s):** Joshua Buzzell

**Legal Description:** Lot 280 Tomball Outlots

**Location:** East side of Pitchford Road at 1333 Pitchford Road (Exhibit "A")

**Area:** 5 acres

**Comp Plan Designation:** Business Park and Industrial (Exhibit "B")

**Present Zoning and Use:** Single-Family 20 Estate District (Exhibit "C") / Undeveloped

(Exhibit "D")

**Proposed Use(s):** Office/warehouse (Exhibit "E")

**Request:** Rezone from the Single-Family 20 Estate Districts to the

Commercial District

#### **Adjacent Zoning & Land Uses:**

North: Manufactured Home Park District / Manufactured Home Park (Sutton Place

Park)

**South:** Single-Family 20 Estate District / Single-family residence

West: Single-Family 20 Estate District / Single-family residence

East: Single-Family 20 Estate District / Undeveloped

#### **BACKGROUND**

In January 2021, City staff met with the applicant to discuss the development of an office/warehouse on the subject site.

#### **ANALYSIS**

The subject site is approximately 5 acres of land. The applicant, Joshua Buzzell, on behalf of Regal Pools, plans to develop an office and storage facility. The subject site is zoned Single-Family 20 Estate District and currently has a metal building on it, but is mostly undeveloped. Surrounding properties are zoned Manufactured Home Park to the north, Single-Family 20 Estate to the south, east and west. Surrounding properties in the area include a few single-family residences and Sutton Place Park, a manufactured home park.

Item 8.

The Commercial Zoning 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". The proposed use appears to meet the goals of the Commercial District general purpose.

The property is designated as Business Park and Industrial by the City's Comprehensive Plan Future Land Use Map. This category is intended for "office, warehousing, light manufacturing (with indoor operations), brewers/distilleries, equipment sales, contractor services, and corporate campuses". The Commercial District is compatible in this Future Land Use category.

#### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 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 recommends approval of Zoning Case P20-442.

### **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

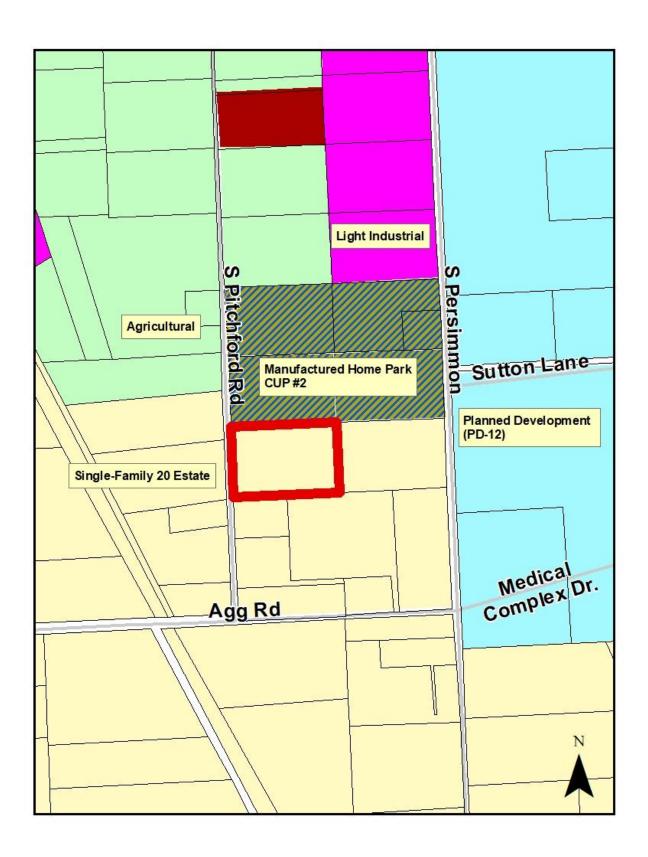
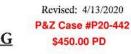


Exhibit "D"
Site Photo



## **Exhibit "E" Rezoning Application**

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## APPLICATION FOR RE-ZONING

Community Development Department Planning Division

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

Applicant Toll	ACCOUNT
Name: Joshua Buzzell	Title: OWNER
Mailing Address: 9930 Boudse	
Zip: 77375 Conta	
Phone: (713) 344 - 5344 Email	: Joshua C Regal Pool Design. Com
	J - J
Owner	/M
Name: Joshy Byzull / EDWIN	ESCOLA - Regal Pools Title:
Mailing Address: 9430   Boud reary	Rd City: Tombell State: TX
	ct Josh Bress!"
Phone: () Email:	
SC DO STATE OF STATE	
Engineer/Surveyor (if applicable)	
Name:	Title:
	City: State:
	ct
Phone: () Fax: (	) Email:
	ALL Office Brisking For Pool Company
	Pitchford Rd. Tomball , TX 77375
[General Le	ocation - approximate distance to nearest existing street corner]
Legal Description of Property: LT	280 Tomball Outlots
	[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
Current Zoning District: Residental	
Current Use of Property: N/A	
Proposed Zoning District: Commercial	
Proposed Use of Property: To Build	out Small office + Storage for Pool Company
HCAD Identification Number: 0352	1880000 410 Acreage: 5,00/7 Acres
City of Tomball, Texas 501 James Street, Tom	aball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 4/13/2020

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.

Signature of Applicant

Signature of Owner

12/28/20

12/28/20 Date

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

DATE : 12/30/2020 12:44 PM

OPER : DR TKBY : dr TERM : 6 REC# : R01247416

130.0000 PLANNING AND ZONING 450.00 1333 pitchford rd rezoning app regal poo

Paid By:1333 pitchford rd rezoning app r 2-CK 450.00 REF:w3712

APPLIED 450.00 TENDERED 450.00 CHANGE 0.00

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

www.tomballtx.gov



9930 Boudreaux Rd. Tomball, TX 77375
P: 281-251-0044
F: 832-953-2902
info@regalpooldesign.com

12-28-20

To whom it may concern,

The reason for the requests to re-zone this property into a commercial zone is due to the fact our growing company needs more storage space to operate. We currently have our headquarters at 9930 Boudreaux Rd. Tomball, TX 77375. We have our sales / design / build division from that office. This property at 1333 Pitchford Rd. Tomball 77375 would be used for our service / cleaning department. Traffic would be minimal, and we plan to keep a lot of the forestation on the outer edges of property for screening / security. Our infrastructure will be at a minimum.

God Bless,



Creative Designs.

Passionate People.

Quality Life.









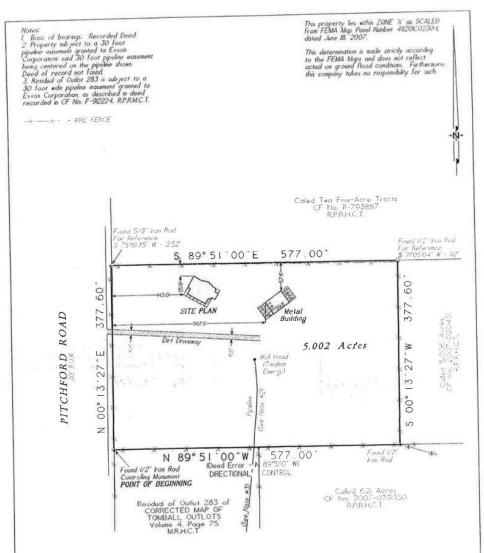






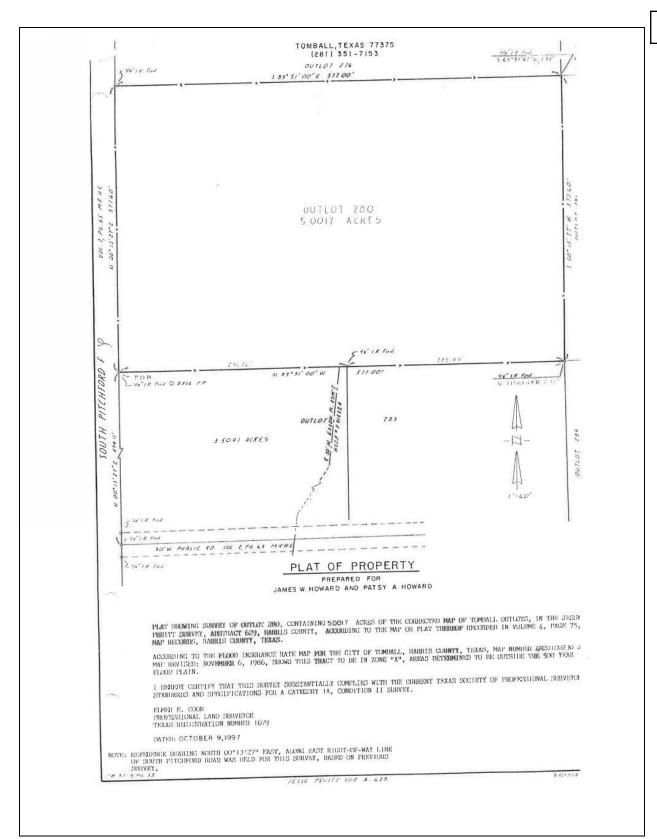






Being a 5.002 acre tract of land, situated in the Jesse Pruitt Survey. Abstract Number 629, of Harris County, Texas, and being the same land called 5.0017 acres, described in deed recorded in Clerk's File Number 2006-0074369 of the Real Property Records of Harris County, Texas, and being known as Outlot 280 of the CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas; said 5.002 acres being more particularly described by metes and bounds attached.

Oute July 18, 2006	OF No. 86124595			Geraled To: Stewart Title Company Glout Rudy J. Svetlik & Kunterley L. Svetlik
Jul No. 08-0272	Scala 1' - 120'			
Autors 1333 Pitchford Road		Drawn Dy JCN	The second of the second	I HEREBY CERTIFY THIS SURVEY WAS MIKE ON THE CROUND, AND
Cuy muse Totaball, Texas	Zg 77375	Rox 0	MA SOLD SOLD SOLD SOLD SOLD SOLD SOLD SOLD	THAT THIS PLAT CORRECTLY REPRESENTS THE FICTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFIDENCE TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYURS
C & C Su.  7424 F.M. 1488, Suite Office: 281-259-437 Fax:	A. Magnolia, T.	exas 77354	A141	STANDARS, AND SYCEPHATING FOR A ORIGINAL IN, CONSTITUTE III. SHOKEY, AND THAT THERE HER HIS DESCRIPTIONAL IS CONSTITUTE OF ASSESSMENT STORY RESPECTABLE.  STOYER L. CICHES. (RP.L.S. J. 414)



## C & C Surveying, Inc.

7424 F.M. 1488, Suite A Magnolia, Texas 77354 Office: 281-259-4377 Metro: 281-356-5172 Metro Fax: 281-356-1935

#### Metes and Bounds

5.002 Acres Jesse Pruitt Survey, A-629 Harris County, Texas

Being a 5.002 acre tract of land situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and being the same land called 5.0017 acres described in deed recorded in Clerk's File Number 2006-0074369 of the Real Property Records of Harris County, Texas, and also being known as Outlot 280 of the CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas; said 5.002 acres being more particularly described as follows with all bearings based on the recorded deed;

BEGINNING at a 1/2 inch iron rod, found for the Southwest corner of the herein described tract, common with the Northwest corner of Outlot 283 of said subdivision, same being in the East right-of-way line of Pitchford Road, 30 feet wide, and proceeding:

THENCE N 00°13'27" E, a distance of 377.60 feet, along the West line of the herein described tract, common with the East right-of-way line of Pitchford Road, to a point for the Northwest corner of the herein described tract, common with the Southwest corner of a called Two Five-Acre Tracts described in deed recorded in Clerk's File Number R-793887 of said Real Property Records, and from which a 5/8 iron rod, found for reference, bears S 75°19'35" W, 2.52 feet;

THENCE S 89°51'00" E, a distance of 577.00 feet, along the North line of the herein described tract, common with the South line of the Two Five-Acre Tracts, to a point for the Northeast corner of the herein described tract, common with the Northwest corner of a called 5.006 acre tract described in deed recorded in Clerk's File Number 2007-0120431 of said Real Property Records, and from which a 1/2 inch iron rod, found for reference, bears S 71°05'04" W, 1.12 feet;

THENCE S 00°13'27" W, a distance of 377.60 feet, along the East line of the herein described tract, common with the West line of the 5.006 acre tract, to a 1/2 inch iron rod, found for the Southeast corner of the herein described tract, common with the Southwest corner of the 5.006 acre tract, same being in the North line of a called 6.21 acre tract described in deed recorded in Clerk's File Number 2007-0391350 of said Real Property Records;

THENCE N 89°51'00" W (Deed Error - N 89°51'10" W), a distance of 577.00 feet, along the South line of the herein described tract, common with the North line of the 6.21 acre tract and the North line of Outlot 283, back to the **POINT OF BEGINNING** and containing 5.002 acres of land as computed based on the survey and plat prepared by C & C Surveying, Inc., dated July 3, 2008

Steven L. Crews, Registered Professional Land Surveyor, Number 4141

06/03/08

12/21/2020 **Print Details** 

## HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION 0352880000410

Tax Year: 2020

= Print

		Ov	vner and	d Property Inf	for	mation			
Owner Name & SVETLIK RUDY J & KIMBERLEY L 1918 WESTLOCK DR TOMBALL TX 77377-7950				Legal Description: LT 280 TOMBALL OUTLOTS Property Address: 1333 PITCHFORD F TOMBALL TX 77375					
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhoo	od	Neighborhood Group	Market Area	Map Facet	Key Map <sup>i27</sup>
A1 Real, Residential, Auxiliary Buildings	2001 Residential Improved	217,800 SF	0 SF	2581.06		26001	400 ISD 26 - Tomball ISD	4871C	2893

#### **Value Status Information**

Value Status	Notice Date	Shared CAD
Noticed	03/31/2020	No

**Exemptions and Jurisdictions** 

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2019 Rate	
None	026	TOMBALL ISD		Certified: 08/21/2020	1.290000	1.290000
040	040	HARRIS COUNTY		Certified: 08/21/2020	0.407130	0.391160
	041	HARRIS CO FLOOD CNTRL		Certified; 08/21/2020	0.027920	0.031420
042	042	PORT OF HOUSTON AUTHY		Certified: 08/21/2020	0.010740	0.009910
	043	HARRIS CO HOSP DIST		Certified: 08/21/2020	0.165910	0.166710
	044	HARRIS CO EDUC DEPT		Certified: 08/21/2020	0.005000	0.004993
	045	LONE STAR COLLEGE SYS		Certified: 08/21/2020	0.107800	0.107800
	083	CITY OF TOMBALL		Certified: 08/21/2020	0.341455	0.337862
	679	HC EMERG SERV DIST 8		Certified: 08/21/2020	0.096700	0.097000

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

#### **Valuations**

Value as of January 1, 2019			Value as of January 1, 2020				
	Market	Appraised		Market	Appraised		
Land	272,250		Land	272,250			
Improvement	15,260		Improvement	12,614			
Total	287,510	287,510	Total	284,864	284,864		

https://public.hcad.org/records/Print.asp?crypt=%94%AD%AE%A9%C4%8F%B5%CF%8C%7Chf%8Eb%B8%A7%8B%B8ea%5Dm%5C%92%5Cd%... 1/2

Item 8.

12/21/2020 Print Details

Land

							Lanu					
						Market	: Value	Land				
Line	Description	Site Code	Unit Type		Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	2001 Res Improved Override	AC0	AC	5.0000	1.00	1.00	1.00		1.00	54,450.00	54,450.00	272,250.00

**Building** Vacant (No Building Data)

#### **Extra Features**

Line	Description	Quality	Condition	Units	Year Bulit
1	Bank Barn	Poor	Poor	2,400.00	1999
2	4 Side closed Metal Pole Barn	Poor	Poor	800.00	2000

 $https://public.hcad.org/records/Print.asp?crypt=\%94\%AD\%AE\%A9\%C4\%8F\%B5\%CF\%8C\%7Chf\%8Eb\%B8\%A7\%8B\%B8ea\%5Dm\%5C\%92\%5Cd\%... \begin{tabular}{ll} 2/2 &$ 

From: dustinvacek@yahoo.com Subject: 1333 Pitchford Rd Pipeline Date: Dec 15, 2020 at 10:23:51 AM

To: Joshua Buzzell joshua@regalpooldesign.com

Hi Josh,

According to the Texas Railroad Commission website, there is no pipeline on the property. Just the gas well that's set to be plugged and abandoned.



Regards,

Texas Real Estate Commission Consumer Protection Notice
Texas Real Estate Commission Information About Brokerage Services



Dustin Vacek
RE/MAX Opportunities

DIRECT (281) 610-8653 Phone: (979) 793-5454 Fax: (979) 793-5465

Email: dustin.vacek@remax.net

A. Settlement Statement

U.S. Department of Housing and Urban Development

OMB No. 2502-0265

B. Type of Loan						
1. □ FHA 2. □ FmHA 3. □ Conv Unins 4. □ VA 5. □ Conv Ins. 6. □ Seller Finance 7. ☒ Cash Selc.	6. File Number 022016396		7. Loan Numbe			s Case Number
C. Note: This form is furnished to give you a statemen	t of actual settlement cos	ts. Amo	ints paid to and b	y the settleme	est agent are shown	. Items marked
"(p.o.c.)" were paid outside the closing; they D. Name & Address of Borrowe:	R. Name & Address of S	agnonal t	urposes and are	not included a	the totals, Address of Lender	Page and Proposition
N02 Property Development, LLC, a Texas limited	Rudy J. Svetlik and Ki	mberley	L. Svetlik	F. Ivalile & A	Address of Lender	
liability company	11918 Westlock Dr					
9930 Broadway Road Tomball, TX 77375	Tomball, TX 77377					
	Lancing Control of the Control of th					
G. Property Location		H. Settle	ment Agent Nam	ie		
Tomball Outlots, Out lot 280, Harris County, Texas	1	4400 Po	t Oak Parkway	Suite 2535		
1333 Pitchford Rd		Houston	TX 77027 To	x ID: 27-136	3400	
Tomball, TX 77375		Underw	Settlement	National Title	Insurance Comp	
		Select 7	Itle, LLC			I. Settlement Date 12/30/2020
		1117 F	4 359, Suite 110			Fund: 12/30/2020
		Richmo	ad, TX 77486			Construction of the Constr
J. Summary of Borrower's Transaction			nmary of Seller		ū	
100. Gross Amount Due from Borrower			ross Amount D			
101. Contract Sales Price	\$305,000.00	401. 0	Contract Sales Pri	ice		5305,000.0
102. Personal Property		402. I	ersonal Property			
103. Settlement Charges to borrower 104.	\$791.80	403.		- C		
104.		404.				_
Adjustments for items paid by seller in advance		0.555	ments for Items	mald besself	- In a day	
106. City property taxes		406 0	hents for items	paid by selle	г на адуписе	
107. County property taxes 12/31/20 thru 12/31	1/20 \$18.97		ounty property t		2/31/20 thru 12/31/	/20 \$18.9
108. Assessment Taxes	1.037	408. /	ssessment Taxes		vi e a mar 17(51)	\$18.9
109. School property taxes			chool property to			
110. MUD taxos		410. N	fUD taxes		-	
111. Other taxes		411. 0	ther taxes			
112.		412.				
113.		413.				
114.		414.				
116.		415.	-		Section 1	
120. Gross Amount Due From Borrower	\$305,810.77					
200. Amounts Paid By Or in Behalf Of Barrower	3305,810.77	_	ross Amount D			\$305,018.97
201. Deposit or earnest money	\$3,050.00		eductions in Am xcess Deposit	ount Due to S	Seller	
202. Principal amount of new loan(s)	33,030,00		ettlement Charge	e to Saller /lie	a 1/(00)	\$40,562.8
203. Existing loan(s) taken subject to			xisting Loan(s)			349,304.8
204. Loan Amount 2nd Lien			ayoff of first mod		to	
205.		505. P	ayoff of second r		to	
206.		506.				
207.		507.				
208.		508.				
209.		509.				
Adjustments for Items unpaid by seller 210. City property taxes		Adjust	ments for Items	unpaid by sel	ller	
211. County property taxes		511 0	ity property taxe ounty property to	Yes.		
212. Assessment Taxes		512. A	ssessment Taxes			
213. School property taxes			chool property te	xes		_
214. MUD taxes		514. N	UD taxes			
215. Other taxes			ther taxes			
216,		516.				
217.		517.				
218,		518.				
219. 220. Total Paid By/For Borrower	\$3,050.00	519.	tel Ded 11			
300, Cash At Settlement From/To Borrower	\$3,050.00		tal Reduction A			540,562.87
301, Gross Amount due from borrower (line 120)	\$305,810.77	601 C	oss Amount due	to seller Oir	tan)	
302. Less amounts paid by/for borrower (line 220)	\$3,050,00	602, Le	88 reductions in a	emt, due seller	(line 520)	\$305,018.97 \$40,562.87
303. Cash From Borrower	\$302,760.77		sh To Seller		(may 320)	\$264,456.10
lection 5 of the Real Estate Settlement Procedures Act ollowing: • HUD must develop a Special Information B orrowing money to finance the purchase of residensia understand the nature and costs of real estate settlement servi- beach lender must provide the booklet to all applicants from whom it prepares a written application to borrow money to	or real estate to better bes; whom it receives or for finance the purchase of ute with the Booklet a wer is likely to incur in	Section form to impose design process	4(a) of RESPA be used at the fir d upon the borre ed to provide the in order to be a b	borrower with etter shopper.	pertinent informati	d prescribe this standard il disclosure of all charges party disclosures that are ion during the settlement formation is estimated to or reviewing instructions ag the data needed, and a not required to complete
whom it prepares a written application to borrow money to residential real estate; * Lenders must prepare and distrib Good Faith Estimate of the settlement costs that the borrow connection with the settlement. These disclosures are mandat	ory.	This ap	tency may not co m, unless it disal-	lect this inform	nation, and you are valid OMB control =	not required to complete
residential real estate; * Lenders must prepare and distrib Good Faith Estimate of the settlement costs that the borrow connection with the settlement. These disclosures are mandat Previous Editions are Obsolete	огу.	PHIE TO	m, umess it dispid	lys a currency v	nation, and you are valid OMB control n I itself to confidentia	tumber.

Page 16 of 39

le No		

700. Total Sales/Broker's Commission bas	ed on price \$305,000.00 @5 % ~ \$15,250.00	Paid From	Paid From
Division of Commission (line 700)	as follows:	Borrower's	Seller's
701. 512,200.00	to Re/Max Opportunities	Funds at	Funds at
702. \$3,050.00	to RE/MAX Opportunities	Settlement	Settlement
703. Commission Paid at Settlement		\$0.00	\$15,250.
704. The following parties, persons, firms of	to		
705. corporations have received a portion of			
706. the real estate commission shown abov			
707. Dustin Vacek; Peyton Dale	to		
800. Items Payable in Connection with Lo			- 3
801. Loan Origination Fee % 802. Loan Discount %	to		
OCAL ESTAT DESCRIPTION	to		
803. Appraisal Fee 804. Credit Report	to to		
805. Lender's Inspection Fee	to		
806. Mortgage Insurance Application	to		
807. Assumption Fee	to		
900. Items Required by Lender To Be Paid			
901. Interest from 12/30/2020 to 1			-
902. Mortgage Insurance Premium for month			
903. Hazard Insurance Premium for years	to		
1000. Reserves Deposited With Lender			_
001, Hazard insurance	months @ per month		
002. Mortgage insurance	months @ per month		
1003. City property taxes	menths @ per month		_
1004. County property taxes	months @ \$578.48 per month		
1005. Assessment Taxes	months @ per month		
1006. School property taxes	months @ per month		
007. MUD taxes	months @ per month		
008. Other taxes	months @ per month		
011. Aggregate Adjustment			
1100. Title Charges			
101. Settlement or closing fee	to Select Title, LLC		
102. Abstract or title search	to Select Title, LLC		
103. Title examination	to Select Title, LLC		
104. Title insurance binder	to Select Title, LLC		
105. Document preparation - Deed	to The Elder Law Firm		\$150.0
106. Notary fees	to		
107. Attorney's fees	to		
(includes above items numbers:			1. 74 3 TA
108. Title insurance	to Select Title, LLC		\$1,912.0
(includes above items numbers:		)	NEW STR
109. Lender's coverage	\$0.00/\$0.00 .	EXCELS 2017.10	
110. Owner's coverage	\$305,000.00/\$2,198.80		
111.	to		
112. State of Texas Policy Guaranty Fee.	Texas Title Insurance Guaranty		\$2.0
113. Escrow/Closing Fee	Association to Select Title, LLC		1000
114. Tax Certificate Fee	to TITLE TAX LLC	\$450.00	\$450.0
115. Document/Delivery Fee			\$79.5
		\$25.00	\$45.0
116. Survey Amendment (OTP only)	to Select Title, LLC	\$286.80	
200. Government Recording and Transfer 201. Recording Fees Deed \$26.00; Morty			
201. Recording Fees Deed \$26.00; Morta 202. City/county tax/stamps Deed ; Morta		\$26.00	
203. State tax/stamps Deed ; Mortg			
204. Tax certificates	to National TaxNet		
205. Courier/Messenger Fee	to Select Title, LLC		
206. Additional Recording Fees	to Select Title, LLC		
207. Additional Recording Fees	to Select Title, LLC		
208. e-Recording Fee	to Select Title, LLC	64.00	
300. Additional Settlement Charges		\$4.00	
301. Property Tax Due Suit#2019-86010	to Harris County - Mike Sullivan		81 445
	to Tomball ISD Tax Office		\$4,755.6
	to Harris County District Clerk		\$17,483.4
302. Property Tax Due Suit#2019-86010			\$81.0
302. Property Tax Due Suit#2019-86010 303. Tax Suit Fees Suit#2019-86010			
302. Property Tax Due Suit#2019-86010 303. Tax Suit Fees Suit#2019-86010 304. Tax Suit Fees Suit#2019-86010	to Harris County District Clerk		\$81,0
302. Property Tax Due Suit#2019-86010 303. Tax Suit Fees Suit#2019-86010 304. Tax Suit Fees Suit#2019-86010 305. Title Abstract Fees Suit#2019-86010			\$81,0 \$271.3
302. Property Tax Due Suit#2019-86010 303. Tax Suit Fees Suit#2019-86010 304. Tax Suit Fees Suit#2019-86010	to Harris County District Clerk Marilyn Burgess, Harris County District		

These carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and besief, it is a true and accurate statement of all receipts and disburrenceds made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1, 2 and 3 of this HUD-1 Settlement Statement.

L94971

GAS LEASE

134-61-1878

and an exercise president and an

THE STATE OF TEXAS & COUNTY OF HARRIS &

KNOW ALL MEN BY THESE PRESENTS: THAT

THIS AGREEMENT, made as of 7:00 A.M., on the ZND day of OCTOBE/2, A.D. 1988, between Exxon Corporation hereinafter called "Lessor," and Star Properties 1984 Ltd.
hereinafter called "Lessee,"

WITNESSETH:

1. Lessor, in consideration of Ten Dollars (\$10.00) and other valuable considerations, in hand paid, of the royalties herein provided, and of the agreements of Lessee herein contained, hereby grants, leases and lets exclusively unto Lessee for the purpose of investigating, exploring, prospecting, drilling and mining for and producing gas only, laying pipe lines, building tanks, power stations, telephone lines and other structures thereon to produce, save, take care of, treat, transport, store and own said products, the following described lands situated in Harris County, to-wit:

See Exhibits A and B attached hereto and incorporated herein by reference.

- 2. It is understood and agreed that this lease affects only gas and the rights thereto produced from a gas well located upon the above described land, as the terms "gas", "gas rights" and "gas well" are defined in paragraph 5 of the Joint Operating Contract attached hereto and, as so defined, the said terms "gas", "gas rights" and "gas well" are referred to herein.
- 2(a). Subject to the other provisions herein contained, this lease shall be for a term of one (1) year from this date (called "primary term") and so long thereafter as gas is produced from said land or drilling or reworking operations are prosecuted as is hereinafter provided.
- 3. The royalties to be paid to Lessor by Lessee, which royalties shall be free of cost or expense of production, are: On gas produced from said land and sold or used off the premises or in the manufacture of gasoline or other product therefrom, the market value at the well of one-eighth (1/8) of the gas so sold or used, provided that on gas sold at the wells the royalty shall be one-eighth (1/8) of the amount realized from such sale. Lessee shall have free use of gas and water from said land for all operations hereunder,

Title Data, Inc. NR TDI41125 HA L949711.001

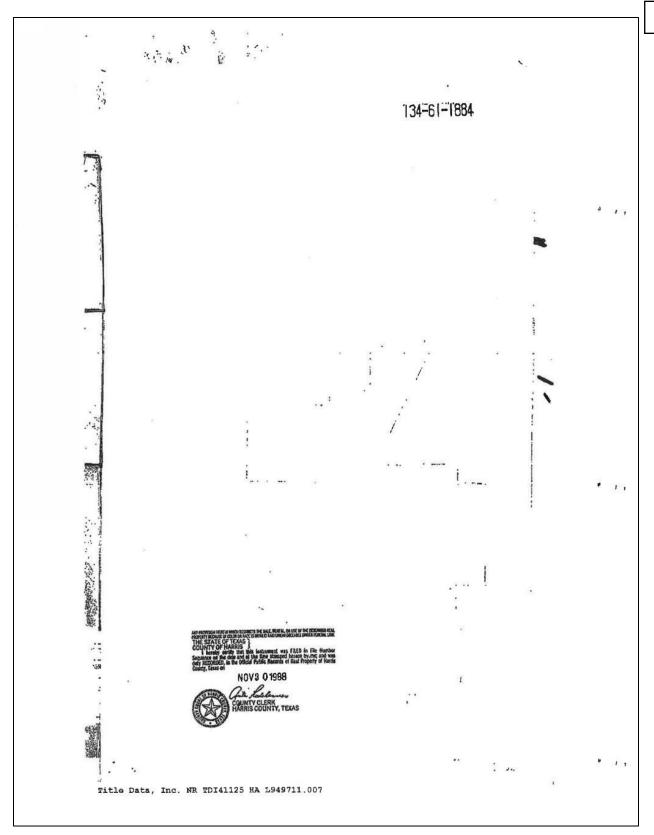
### 134-61-1879

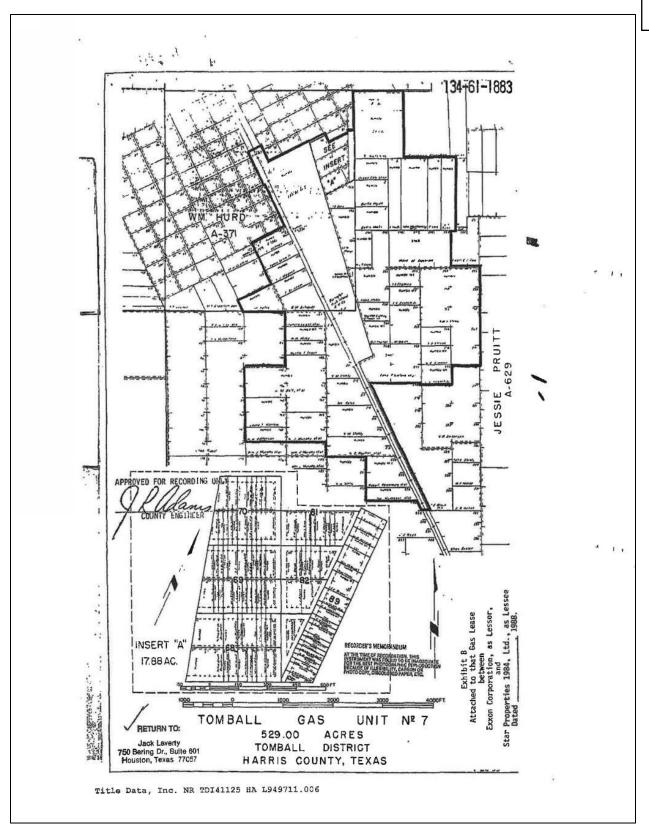
and the royalty on gas shall be computed after deducting any so used. Lessor agrees with Lessee that if Lessor's interest in the gas and gas rights under the above described land be less than the whole thereof, then the royalties specified to be paid by Lessee hereunder shall be reduced to one-eighth (1/8) of the fractional interest in said gas and gas rights in and under said land which is actually owned by Lessor. The royalties provided for herein are inclusive of all royalties, if any, accruing to others under the terms of conveyances by, through or under which Lessor claims title to the land or gas covered hereby.

00

- 4. If at the expiration of the primary term gas is not being produced from the land covered hereby, but Lessee is then engaged in drilling or reworking operations on some part of the land hereunder, this lease shall not terminate if Lessee does not allow more than sixty (60) days to elapse between the abandonment of one well and the commencement of drilling or reworking operations on another until production is obtained. After the discovery of gas in paying quantities on the land, all of Lessee's rights shall remain in effect as long as gas is produced therefrom; and if the production of gas in paying quantities should cease from any cause, this lease shall not terminate if Lassee, until production is again procured, does not allow more than sixty (60) days to elapse between the cessation of production and the commencement of additional drilling or reworking operations in a bona fide effort to again obtain production, and successive attempts may be made so long as not more than sixty (60) days are allowed to elapse between the completion or abandonment of one well and the commencement of operations on another until production in paying quantities is again obtained.
- 5. In the event a well or wells producing gas in paying quantities should be brought in on adjacent land and within 330 feet of and draining the leased premises, Lessee agrees to drill such offset well or wells as a reasonably prudent operator would drill under the same or similar circumstances. Lessee may at any time execute and deliver to Lessor or place of record a release or releases covering any portion or portions of the above described premises and thereby surrender this lease as to such portion or portions and be relieved of all obligations as to the acreage surrendered.
- 6. Lessee shall have the right at any time during or after the expiration of this lease to remove all property and fixtures placed by Lessee on said land, including the right to draw and remove all casing. When required by Lessor, Lessee will bury all pipe lines below ordinary plow depth, and no well shall be drilled within two hundred (200) feet of any residence or barn now on said land without Lessor's consent.

Title Data, Inc. NR TDI41125 HA L949711.002





Item 8.

SEP 26 2006 Title Data, Inc. NR TDI41125 HA 20060074369.004

134-61-1880

7. The breach by Lessee of any obligation arising hereunder shall not work a forfeiture or termination of this lease not cause a termination or reversion of the estate created hereby nor be grounds for cancellation hereof in whole or in part. In the event Lessor considers that operations are not at any time being conducted in compliance with this lease, Lessor shall notify Lessee in writing of the facts relied upon as constituting a breach hereof and Lessee, if in default, shall have sixty (60) days after receipt of such notice in which to commence the compliance with the obligations imposed by virtue of this instrument. After the discovery of gas in paying quantities on said premises, Lessee shall reasonably develop the acreage retained hereunder.

8. Should Lessee be prevented from complying with any expressed or implied covenant of this lease, from conducting drilling or reworking operations thereon or from producing gas therefrom by reason of scarcity of or inability to obtain or to use equipment or material, or by operation of force majeure, any Faderal or State law or any order, rule or regulation of governmental authority, then while so prevented, Lessee's obligation to comply with such covenant shall be suspended, and Lessee shall not be liable in damages for failure to comply therewith; and this lease shall be extended while and so long as Lessee is prevented by any such cause from conducting drilling or reworking operations on or from producing gas from the leased premises; and the time while Lessee is so prevented shall not be counted against Lessee, anything in this lease to the contrary notwithstanding.

- 9. No assignment by Lessee of any rights accruing to him under the terms hereof shall be binding upon Lessor unless Lessor shall evidence its consent thereto in writing.
- 10. The provisions hereof shall extend to and be binding upon the successors and assigns of the parties hereto.
- This lease is executed without warranty, either expressed or implied, and is so accepted by Lessee.

IN EVIDENCE WHEREOF, this instrument is executed in duplicate originals on the date first above written.

EXXON CORPORATION

LESSOR Michael J. Robinson

STAR PROPERTIES 1984 LTD.

LESSEE John E. Hine - General Partner

Title Data, Inc. NR TDI41125 HA L949711.003

134-61-1881

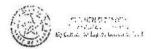
THE STATE OF TEXAS

Rob p in.

COUNTY OF HARRIS

Before, me, the undersigned authority, on this day personally appeared MILHALL J. C.C. BINISEN , known to me to be the person whose name is subscribed to the foregoing instrument, as Agent and Attorney-in-Fact of Exxon Corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Exxon Corporation.

Given under my hand and seal of office this the ZMP day of October, A.D., 1988.



Notary Public in and for the State of Texas

My Commission Expires 10/5/88

THE STATE OF TEXAS
COUNTY OF HARRIS

appeared John E. Hine person whose name is subscribed to the foregoing instrument, as General Partner of Star Properties 1984 Ltd. and as the act and deed of said Star Properties 1984 Ltd.

Given under my hand and seal of office this the \_\_\_\_\_\_1 day of \_\_\_\_\_\_, A.D., 1988.



Notary Public in and for the State of Texas
My Commission Expires 12-30-89

Title Data, Inc. NR TDI41125 HA L949711.004

4 };	E A STORY	·				* ,,
, is			13	4-61-1882		
		EXHIBIT A	×			
EXXON MIN PEE LSE ND	GRANTOR	Grantee	DATE VOL	. PAGE	•	
39805 B.S. 40106 GRACE 40136 LAURA 40137 G.C. 40140 GRACE 40140 GR	BRITTON & R. RIESENBERG E. ZIMMER S. & ROY L. HARLOW RENCH, JR ROYALE AND CO. RENCH, JR. W. MCCORMICK FPORMAL, ET UX RESSON, ET UX GOVELL ET UX . TROITER MILEY	NUMBLE OIL & REF. CO. HUMBLE OIL & REF. CO.	06/02/33 06/14/33 06/14/33 06/22/33 07/24/33 07/24/33 07/24/33 07/26/33 04/31/34 08/22/33 08/22/33 08/22/33 08/22/33 08/22/33 08/22/33 08/22/33	27 389 225 225 255 223 455 23 455 31 34 455 31 32 44 32 259 32 359 359 359 359 359 359 359 359 359 359	`	• ,,
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DEED WITHOUT WARRANTY

509-67-2637

Effective Time:

June 1, 1996

69/03/96 300069773 9099288

\$25.00

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Checute 1 and.

1000 CO 1200 C

Exxon Corporation P. O. Box 2305

Houston, Texas 77252-2305

Grantee (including address):

Grantor (including address):

Merit Energy Corporation P. O. Box 351

Midland, Texas 79702

Consideration:

Ten Dellars and other good and valuable consideration

Property:

The surface fee described on Exhibit A attached

Reservations From and Exceptions to Convoyance:

 This conveyance is subject to all matters of record in Harris County, Texas, enforceable against the Property at the Effective Time.

Ad valorem taxes assessed against the Property assigned in this Assignment for the year 1996 are apportloned between Grantor and Grantee as of the Effective Time.

3. Grantee acknowledges that the Property has been used for exploration, development, and production of oil and gas and that there may be petroleum, produced water, wastes, or other materials located on or under the Property. The Property may contain asbestos, hazardous substances, or naturally occurring radioactive material ("NORM"). NORM may affix or attach itself to the inside of wells, materials, and equipment as scale, or in other forms; the wells, materials, and equipment located on the Property may contain NORM and other wastes or hazardous substances; and NORM-containing material and other wastes or hazardous substances may have been buried, come in contact with the soil, or otherwise been disposed of on the Property. Special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the Interests and Property.

Grantee will store, handle, transport, and dispose of or discharge all material, substances, and wastes from the Property (including produced water, drilling fluids, NORM, and other wastes), whether present before or after the Effective Time, in accordance with applicable local, state, and federal laws and regulations. Grantee will keep records of the types, amounts, and location of materials, substances, and wastes that are stored, transported, handled, discharged, released, or disposed of onsite and offsite. When any lease terminates, an interest in which has been assigned under this Deed Without Warranty, Grantee will take additional testing, assessment, closure, reporting, and remedial action with respect to the Property as is necessary to satisfy all local, state, and federal requirements directed in effect at that time and necessary to restore the Property.

Grantee recognizes, and will perform properly and in accordance with applicable law, all obligations
to abandon, restore, and remediate the Property, whether arising before or after the Effective Time,
including obligations to:

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After recording, seturn to: Conun, Bledsee, Tighe & Daw Atta: Bill Howard P.O. Box 2776 Midland Tayns, 79702-7776

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Page 26 of 39

509-87-2638

- plug, abandon, and reabandon (if necessary) each well located on the Property (abandoned and unabandoned), as required under applicable law;
- (b) remove all equipment and facilities, including flowlines and pipelines;
- (c) close all pits; and
- (d) restore the surface and subsurface associated with the Property, as appropriate and in accordance with all requirements under law, including the rules, regulations, and requirements of all governmental authorities with jurisdiction, and in accordance with all obligations, express or implied, applicable to the Property.
- 5. The terms <u>Claim</u> or <u>Claims</u> mean, collectively, claims, demands, causes of action, and lawruits asserted or filed by any person, including an artificial or natural person, a local, state, or federal governmental entity; a person holding rights under any instrument applicable to the Property; an Associated Party of Grantor or Grantee; or a third party. The term <u>Liability</u> or <u>Liabilities</u> means, collectively, all damages (including consequential and punitive damages), including those for personal injury, death, or damage to personal or real Property (both surface and subsurface) and costs for remediation, restoration, or clean up of contamination, whother the injury, death, or damage occurred or occurs on or off the Property by migration, disposal, or otherwise, losses, fines, penaltics, expenses, costs to remove or modify facilities on or under the Property, plugging liabilities for all wells, attorneys' fees, court and other legal costs incurred in definding any Claim, liens, and judgments, whether these damages and other costs are known or unknown, foreseeable or unforeseeable at the Effective Time. The term <u>Associated Parties</u> means successors, assigns, directors, officers, employees, agents, contractors, and affiliates.

Grantee releases and discharges Grantor and its Associated Parties from each and every Claim and Liability relating to the Property, or this transaction, regardless of when or how the Claim or Liability arose or arises or whether the Claim or Liability arose of arises or whether the Claim or Liability arose of Grantor and its Associated Parties includes Claims and Liabilities resulting in any way from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, Joint, concurrent, or sole. There are no exceptions to Grantee's release of Grantor and its Associated Parties, and this release is binding on Grantoe and its successors and assigns.

Grantee covenants not to sue Granter or its Associated Parties with regard to any Claim or Liability relating to the Property, or this transaction, regardless of when or how the Claim or Liability arose or arises or whether the Claim or Liability was foresceable or unforesceable. Grantee's covenant not to sue Granter or its Associated Parties includes Claims and Liabilities resulting in any way from the negligence or strict liability of Granter or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole. There are no exceptions to Grantee's covenant not to sue Grantor or its Associated Parties and this covenant is binding on Grantee and its successors and assigns.

Grantee will indemnify, defend, and hold Granter and its Associated Parties harmless from all Claims and Liabilities arising at any time, whether before or after the Effective Time, whether foresecable or unforesecable, made by any person and arising out of or resulting from:

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- (a) the ownership of the Property by Grantor, or acts or emissions by Grantor or its Associated Parties in connection with the Property or under this Deed Without Warranty, In each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, Joint, concurrent, or sole;
- (b) the ownership of the Property by Grantce, or the acts or omissions of Grantce or its Associated Parties in connection with the Property or under this Deed Without Warranty, in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole; or
- (c) the acts or omissions of third parties relating to the Proporty, In each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.

Grantee's duty to indemnify, defend, and hold Granter and its Associated Parties hamiless includes Claims and Liabilities arising in any manner from the physical or environmental condition of the Property, including Claims and Liabilities under applicable laws and regulations now enacted or that may be enacted in the future, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time.

- Pipelines, fixtures, equipment, and interests in land owned by third parties, including Grantor's
  affiliates are excluded.
- 7. Computer equipment (including Rosemont transmitters), telecommunications equipment, vehicles (except for the four trucks conveyed separately), boats, tools, pulling machines, warehouse stock, and other equipment and material temporarily located on the lands associated with the Property, including the Microwave Tower and equipment as referenced in the two Assignments from Exxon Pipeline Company to Exxon Corporation, recorded in Film Code 178-98-2551 and 178-98-2555 of the Harris County Real Property Records are excluded.
- 8. Grantor's Interest in a gas processing plant not listed on Exhibit A is excluded,
- Grantor's interest in personal property, fixtures, equipment, pipelines, facilities and buildings located
  on the land associated with the Property, but either currently in use in connection with the ownership
  or operation of other property not included in the Property or excluded on Exhibit A are excluded.
- 10. Grantor's claims, rights, and causes of action of any kind concerning the Property against royalty owners, overriding-royalty owners, working-interest owners, gas purchasers, gas transporters, and other third parties that accrued before the Effective Time, whether discovered before or after the Effective Time are excluded.
- 11. If originals or final copies of the Documents have been provided to Grantee, Granter may have access to them at reasonable times and upon reasonable notice during regular business hours for as long as any Interest is in effect after the Effective Time (or for twenty-one years in the case of a mineral fee or other non-leasthold interest or a longer period if required by law or governmental regulation). Granter may, during this period and at its expense, make copies of the Documents

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pursuant to a reasonable request. Without limiting the generality of the two preceding sentences, for a pariod as long as any Interest is in effect after the Effective Time (or for twenty-one years in the case of a mineral fee or other non-leasthold interest or for a longer period if required by law or governmental regulation). Grantee may not destroy or give up possession of any original or final copy of the Documents without first offering Grantor the opportunity, at Grantor's expense, to obtain the original, the final copy, or another copy. After this period expires, Grantee must offer to deliver the Documents (or copies) to Grantor, at Grantor's expense, before giving up possession or destroying them.

12. To the extent that Grantor has reserved or continues to own an interest (including rights to obtain data from the Interests as described on Exhibit A, overriding-royalty interests, minoral-fee or leasehold interests, deep rights, or facilities, equipment, or pipelinos) after the Effective Time for which Grantor requires access across the land associated with the Proporty in order to exercise its rights, Grantor reserves concurrent interests in all applicable casements, rights-of-way, contracts, and other rights relating to the reserved interests and necessary as reasonably required for exploring, drilling, producing, storing, or marketing oil, gas, and other hydrocarbons from the respective zones or interests of the parties, including rights to lay pipelines, water lines, and power lines; dig pits; erect structures; and perform any other act reasonably necessary to Grantor's interests.

Grantor, for the consideration and subject to the Reservations From and Exceptions to Conveyance, conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee and Grantee's heirs, successors and assigns, forever, without express or implied warranty. All warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

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

The provisions of this Deed Without Warranty are severable. If a court of competent jurisdiction finds any part of this Deed Without Warranty to be void, invalid, or otherwise unenforceable (except for the release, waiver, defense, and indemnity provisions), this holding will not affect other portions that can be given effect without the invalid or void portion.

All covenants and agreements in this Deed Without Warranty bind and inure to the benefit of the heirs, successors, and assigns of Grantor and Grantee; are covenants running with the land; and are effective as stated, whether or not the covenants and agreements are memorialized in assignments and other conveyances executed and delivered by the parties and their respective heirs, successors, and assigns from time to time.

Recitation or reference to any agreement or other instrument in this Deed Without Warranty, including its exhibits, does not operate to ratify, confirm, revise, or reinstate the agreement or instrument if it has lapsed or expired.

This Deed Without Warranty and its performance will be construed in accordance with, and governed by, the internal laws of the State of Texas, without regard to the choice of law rules of any jurisdiction, including Texas.

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The word <u>includes</u> and its syntactical variants mean "includes, but not limited to" and its corresponding syntactical variants. The rule of <u>plusdem generis</u> may not be invoked to restrict or limit the scope of the general term or phrase followed or preceded by an enumeration of particular examples.

All exhibits referenced in and attached to this Deed Without Warranty are incorporated into it.

This instrument may be executed in counterparts, all of which together will be considered one instrument.

This instrument is executed by the parties contemporaneously with the Assignment and Bill of Sale with an Effective Time of 7 a.m. on June 1, 1996 between Grantor and Grantoe wherein Grantor assigned cortain mineral properties to Grantee and these two instruments are to be construed together as one

Executed on the dates indicated below, but effective at the Effective Time.

MERIT ENERGY CORPORATION

**EXXON CORPORATION** 

Title: Agent and Attorney-in-Fact

Anest: Jim & lulp Jim 6. Cup, Secretary

Title Data, Inc. NR TDI41125 HA 8099288.005

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1 .	509-67-2642	
	STATE OF TEXAS § COUNTY OF HARRIS §	
	This instrument was acknowledged before me on August 29, 1996 by J. R. Kalm, Jr., Agent and Attorney in Fact for Exxon Corporation, a New Jersey corporation, on behalf of said corporation.	
	Perent an	
	Notary Public, State of Texas	
}	į	
	STATE OF TEXAS S COUNTY OF HARRIS	
	This instrument was acknowledged before me on August 30, 1926 by  Toc. Bulard President of MERIT  ENERGY CORPORATION, a Colorado corporation, on behalf of said corporation.	
	Peacy Law Notary Public, State of Texas	
÷,	PEGGY L. CARR History Pethot. State of Taxas My Commissions Express 01-17-1999	
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٠		TOMBALL FIE HARRIS COUNTY,		509-87-2643				
	Exxon Pee File No.	Grantor	Date	Recording Vol./Page(s)				
	327343 Description	Sam Lewis, et al Sam Lewis Survey, A-1704	06-28-33	934 / 027				
	39944 Description	R. B. Wheny E. Smith Survey, A-70 (East of Hufsmith-Kohrvitle Road) EXXON RESERVES AND RETAINS UNTO ITSELF THE ACREAGE WEST OF THE TAKING LINE OF HUFSMITH-KOHRVILLE ROAD, FOR ILLUSTRATIVE PURPOSES SHOWN ON EXHIBIT B, BEING CALLED 7.44 ACRES.	05-28-33	923 / 327		I .		<i>i</i> ,
	40093 Description	H. A. Briggs, et ux Outlots 384,385,386,387	05-29-33	923 / 335		1		
	40237 Description	C. A. French, Jr. Outlot 280 only EXXON RESERVES AND RETAINS UNTO ITSELF OUTLOT 273.	06-23-33	928 / 353		-		
	40252 Description	T. A. Frymire Outlot 48 and Outlot 57 only. EXXON RESERVES AND RETAINS UNTO ITSELF OUTLOT 329.	06-09-33	932 / 072		:		
	40459 Description	H. B. Goldthwalte W. Hurd Survey, A-371	07-24-33	931 / 354				
	41003 Description	J. T. McMahen J. M. Hooper Survey, A-375	07-05-33	932 / 100				
	41010 Description	Emil Doege L. H. Marshburn part of Exxon Fee File no. 41012 referenced below	05-01-41 10-30-33	1223 / 415 936 / 694				
	41011 Description	Roy L. Reese C. Goodrich Survey, A-311	10-04-33	929 / 478		:		
	41012 Description	J. H. Dunn C. Goodrich Survey, A-311	10-04-33	929 / 478				
	41501 Description	B. S. Britton J. Pruitt Survey A-829	10-26-33	939 / 360				
	42702 Description	Sadle B. Davis, Trustee, et al Part of Outlots 306,307,308	10-29-81	198 / 85 / 2286	7	•		•
	44204 Description	W. D. Thormal, et ux Outlot 284	05-25-34	950 / 564				
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Page 32 of 39

EXHIBIT A

509-67-2644

#### TOMBALL FIELD HARRIS COUNTY, TEXAS

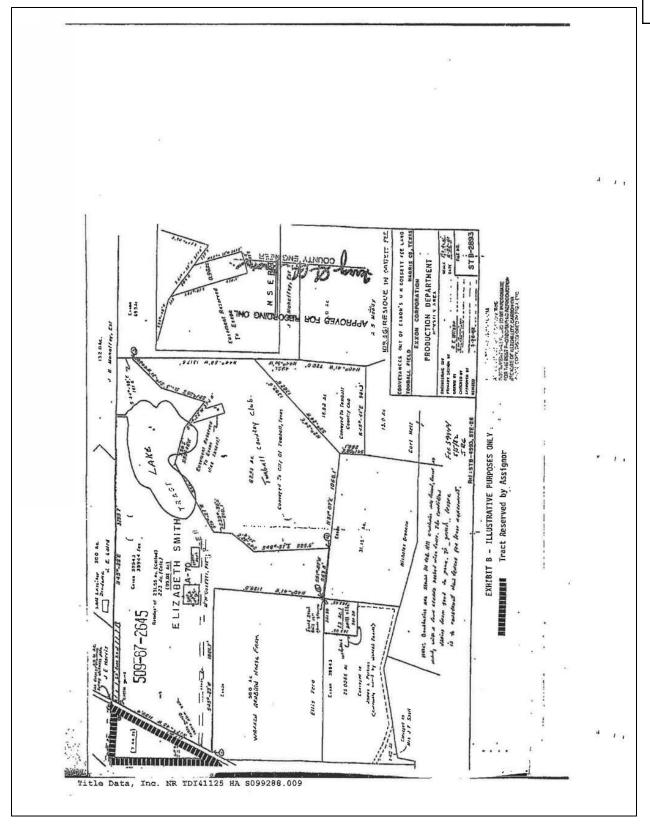
Exxon Fee File No.	Grantor	Date	Recording Vol./Page(s)
50904 Description	W. L. Pickens Outlot 244	05-24-36	887 / 100
55762 Description	Keystone Oil Company Lots 1 and 2, Block 43, Townsite	07-01-36	1026 / 189
59205 Description	Sam Lewis, et al Sam Lewis Survey, A-1704	03-29-37	1047 / 621
60386 Description	Sam Lewis, et al Sam Lewis Survey, A-1704	09-22-37	1070 / 156
66280 Description	Keystone Oil Company 10 Lots in Block 3, Linebarger Bros. Oil Tract	01-27-38	1080 / 337
68490 Description	W. B. Scherer, et ux C. Goodrich Survey, A-311	11-17-39	1149 / 375
77405 Description	Jacob Theis, et al C. Goodrich Survey, A-311	04-30-41	1223 / 413
40277 Description	Or. John D. Reld, et al C. Goodrich Survey, A-305	06-14-33	932 / 098

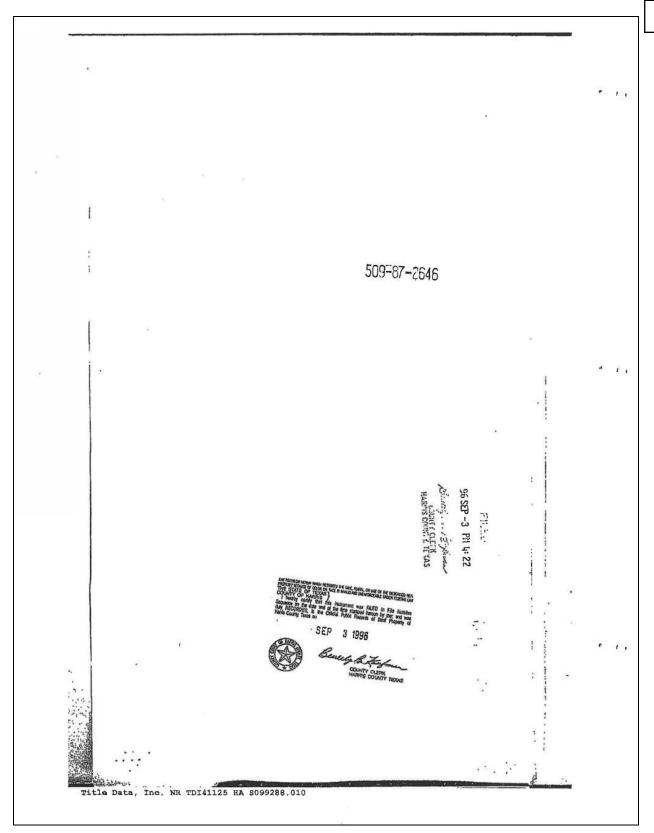
All recording references are to the Contract Records, Deed Records, or Official Public Records of Harris County, Texas.

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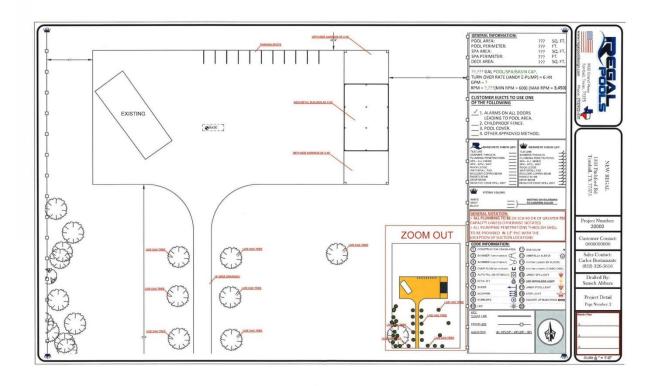
Page 2 of 2

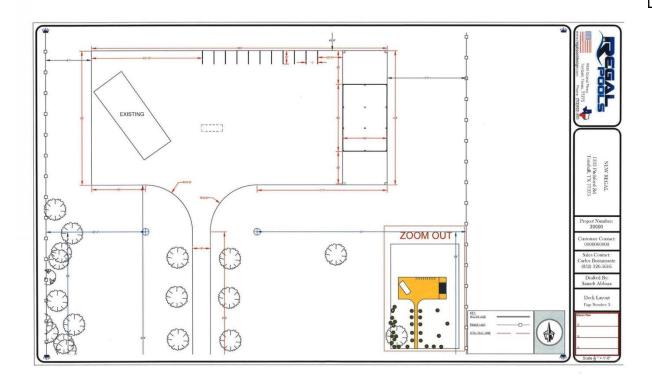
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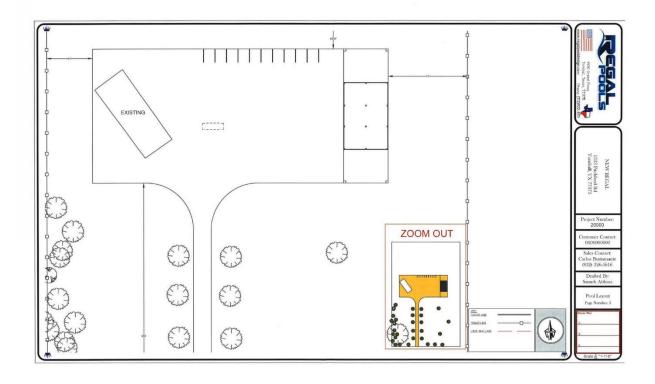




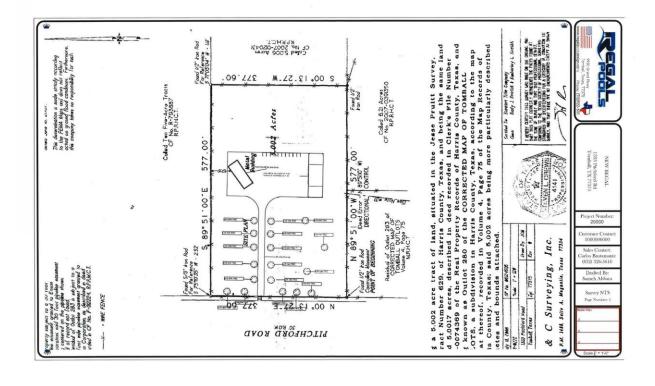


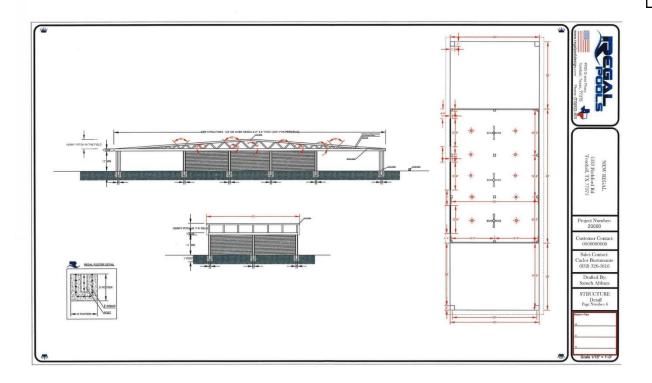












Item 9.

## NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) FEBRUARY 8, 2021 &

# CITY COUNCIL FEBRUARY 15, 2021



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on Monday, February 8, 2021, at 6:00 P.M., and by the City Council of the City of Tomball on Monday, February 15, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be

Item 9.

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 <a href="mailto:alindley@tomballtx.gov">alindley@tomballtx.gov</a>.

#### 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 4<sup>th</sup> day of **February 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 <a href="https://www.tomballtx.gov">www.tomballtx.gov</a>.

#### Community Development Departme



## 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: P21-010

**APPLICANT/OWNER:** Daniel Valdez with META Planning + Design

**LOCATION:** Generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas

**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District.

CONTACT: Amelia Lindley, City Planner PHONE: (281) 290-1410
E-MAIL: 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, February 8, 2021 6:00 PM

City Council Public Hearing: \*Monday, February 15, 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: February 8, 2021 City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P21-010

**Property Owner(s):** 2978 Panormus, LP – Damon Palermo

**Applicant(s):** Daniel Valdez – META Planning + Design LLC

**Legal Description:** Reserve A & B Block 1 Peck Station

**Location:** West side of FM 2978 at Winfrey Lane (Exhibit "A")

Area: 31.7 acres

**Comp Plan Designation:** Corridor Commercial (Exhibit "B")

**Present Zoning and Use:** Planned Development (PD-6) District (Exhibit "C") / Undeveloped

(Exhibit "D")

**Proposed Use(s):** Single-family residential subdivision (age-restricted) (Exhibit "E")

**Reguest:** Rezone from the Planned Development (PD-6) District to the

Planned Development (PD-15) District

**Adjacent Zoning & Land Uses:** 

**North:** Single-Family 9 District / Undeveloped **South:** Single-Family 9 District / Undeveloped

West: Single-Family 9 and Commercial Districts / Center Point highline, undeveloped

property, office/warehouse facility

**East:** Single-Family 9 and Commercial Districts / Undeveloped

#### **ANALYSIS**

The property is zoned Planned Development (PD-6) District. Surrounding properties are zoned, Commercial, and Single-Family 9 District. Surrounding land uses include mostly undeveloped property, a Center Point highline, a metal fabricator facility and an office/warehouse facility on Snook Lane.

Section 50-80(a)(1) of the Tomball Code of Ordinances outlines the general purpose and description of the Planned Development District:

"The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g.,

Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a. To provide for a superior design on lots or buildings;
- b. To provide for increased recreation and open space opportunities for public use and enjoyment;
- c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
- e. To protect or preserve existing historical buildings, structures, features or places;
- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the standards of this chapter."

According to the Planned Development Application (Exhibit "E") and the development regulations, the proposed Planned Development will be an age-restricted single-family residential community with a maximum number of 130 lots, and will include amenities such as a recreational reserve with benches and trails. Other potential amenities may include a clubhouse, swimming pool and/or pickle ball court.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This "category is intended for predominantly nonresidential uses along high-traffic, regionally-serving thoroughfares". While Planned Development Districts are appropriate in this category, the proposed single-family residential development does not meet the intent of the Corridor Commercial designation. However, this site does not have direct access to FM 2978, but rather has access from a collector street, Winfrey Lane. Additionally, there is mostly undeveloped property surrounding the site and it is believed these properties will be developed as retail/commercial, which will allow for an opportunity for pedestrian accommodations for the residents.

#### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

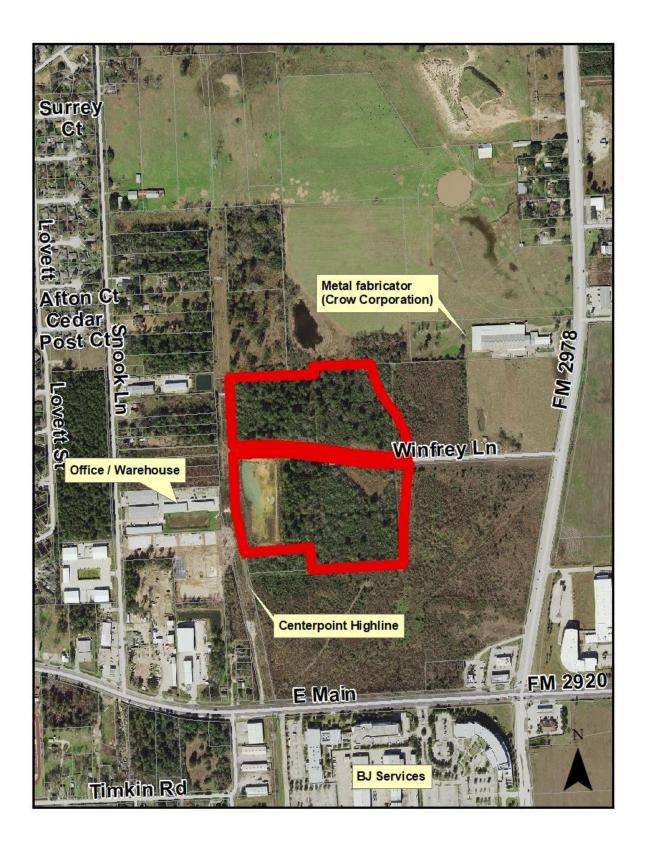
#### **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-010.

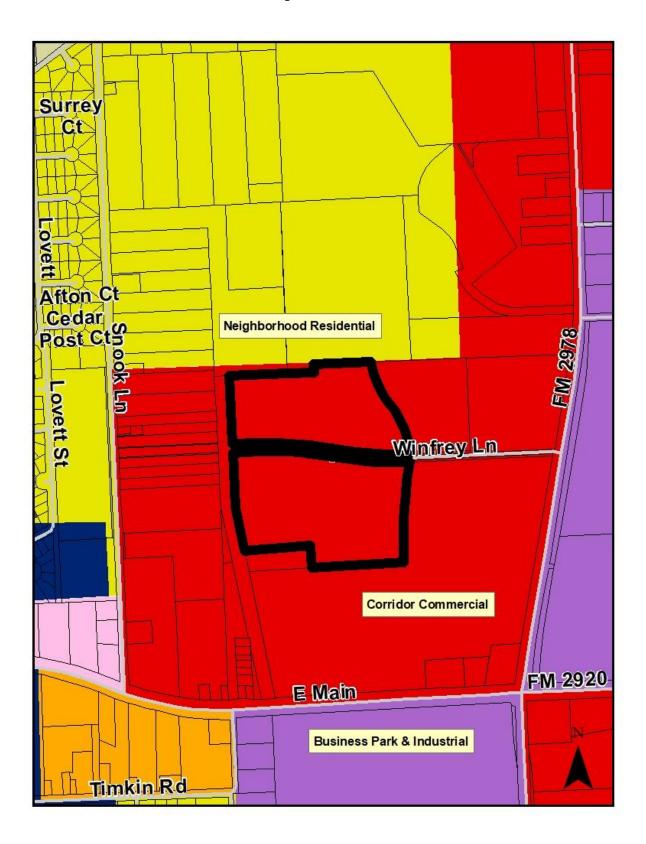
#### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application, Regulations and Concept Plan

#### Exhibit "A" Aerial Photo



# Exhibit "B" Comprehensive Plan



# Exhibit "C" Zoning Map

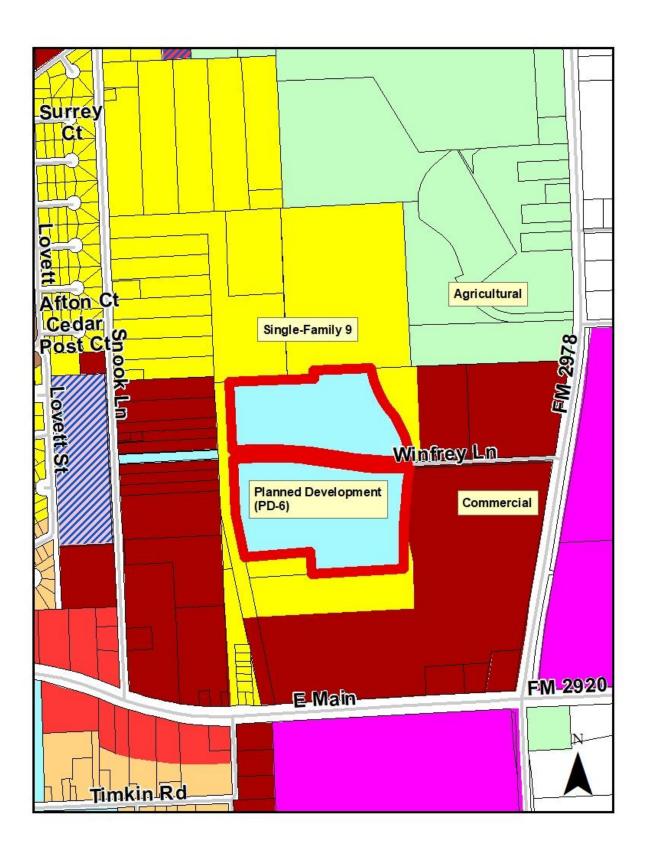


Exhibit "D"
Site Photo



# Exhibit "E" Planned Development Application, Regulations and Concept Plan



#### RECEIVED (KC) 01/06/2021 3:48:25 PM

Revised 5/19/15 P&Z #P21-010 \$1,000

# APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

**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	Tial Sen	ior Planner
Name: Dan Valdez - META Planning + Design LLC  Mailing Address: 24275 Katy Freeway, Suite 200		State: Texas
Zip: 77494  Phone: (281) 810-1422  Fax: ()	Email: dvalde	z@metaplanningdesign.com
Owner Name: 2978 Panormus, LP - Damon Palermo Mailing Address: 10200 Grogans Mill Rd Ste 550 Zip: 77380	Title: City: <u>Spring</u>	State: TX
Phone: (713) 816-0001 Fax: ()  Engineer/Surveyor (if applicable)  Name:		alermo@palermocrea.com
Mailing Address:	City:	State:
Zip:	Email:	
Description of Proposed Project: ±34.4945 Acre Single	e-family residential com	munity
Physical Location of Property: West of Huffsmith-Kohrville F [General Location – approx	Road (FM 2978), East of Si imate distance to nearest exi	
City of Tomball, Texas 501 James Street, Tomball, Texas 77375	Phone: 281-290-1405	www.tomballtx.gov

Reserves A & B, Blocks 1 & 2, Peck Station Legal Description of Property:				
	[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]			
HCAD Identification	C-0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.000, 0.00	Acreage:	34.4945	
Current Use of Property: Vacant				
Proposed Use of Property: Single-family residential (age-restricted)				
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.				
nearing process and	will be removed when the case if	as been processed.		
771. 1		- : COMPLETE	TRUE I CORRECT	
and the under sig	hat the information on this for ned is authorized to make th	is application. I un	derstand that submitting	
delays and possible	loes not constitute approval, e denial.	and incomplete ap	oplications will result in	
Dal	$\prec$	12/21/2020		
Signature or Appur	Cain _	Date	<u>*                                      </u>	
	f D	04Jan 2021		
Signature of Owne		Date		
City of Tomball, Texas	501 James Street, Tomball, Texas 77375	Phone: 281-290-1405	www.tomballtx.gov	



January 6, 2021

Mayor and City Council City of Tomball 401 Market Street Tomball, Texas 77375

#### Re: WINFREY TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, ROC Homes/EPOC Communities, we are submitting the application for the creation of the Winfrey Tract Planned Development.

The developer intends to develop the 31-acre tract into an age-restricted single-family residential community. The tract is located west of Huffsmith-Kohrville Road (FM 2978), east of Snook Lane, north of East Main Street.

Below is a list of the items that are included with this submittal:

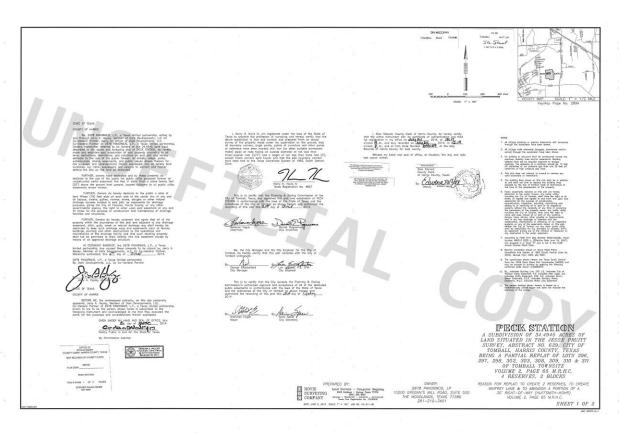
- 1) Completed application form
- 2) Copy of Recorded Peck Station Plat
- 3) Metes & Bounds descriptions that comprise the tract
- 4) Planned Development Text
- 5) Detailed Concept Plan
- 6) Open Space Plan
- 7) Tax statements showing all taxes paid (Harris County and Tomball ISD)

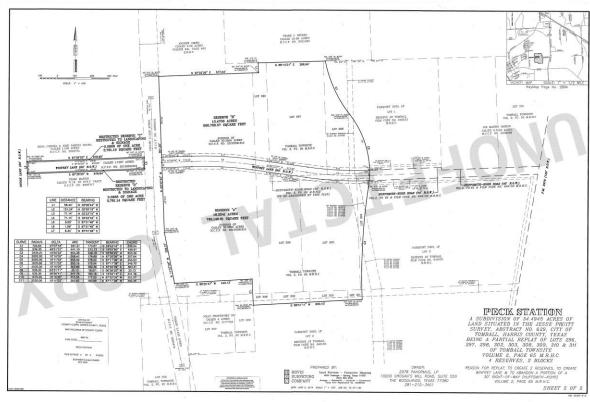
Feel free to contact me if you have any questions or need any additional information.

Sincerely,

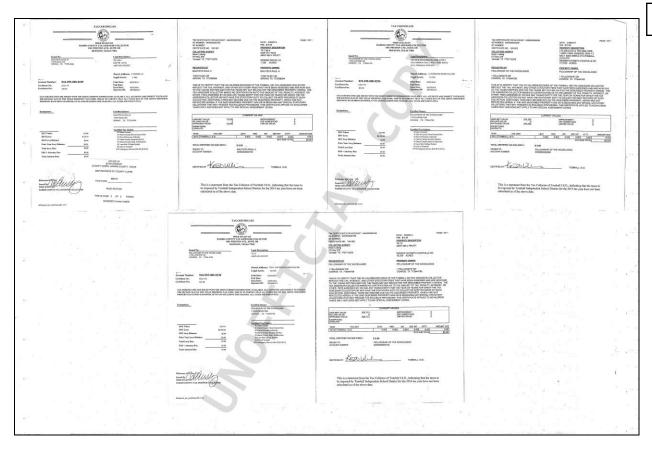
Dan Valdez Enclosure

24275 Katy Freeway, Suite 200 | Katy, Texas 77494 | 281-810-1422





Item 9.



#### STATE OF TEXAS COUNTY OF HARRIS **RESERVE "A"**

A 18.2541 ACRE TRACT OF LAND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, AND BEING ALL OF RESERVE "A" OF PECK STATION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 666109 OF THE HARRIS COUNTY MAP RECORDS, SAID 18.2541 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod found in the South limit of Winfrey Lane (based on a 60 foot wide public right-of-way) for the Northeast corner of said Reserve "A" and the herein described tract of land;

THENCE along the East limit of said Reserve "A", in a Southerly direction along a curve to the right having a Radius of 539.35 feet, an Arc Length of 33.14 feet and a Chord which bears South 06°38'20" West, a distance of 33.13 feet to a 5/8 inch iron rod with cap found for the point of tangency of a curve to the left:

THENCE continuing along the East limit of said Reserve "A", in a Southerly direction along a curve to the left having a Radius of 3,434.21 feet, an Arc Length of 654.38 feet and a Chord which bears South 02°56'25" West, a distance of 653.39 feet to a 5/8 inch iron rod with cap found for the Southeast corner of said Reserve "A" and the herein described tract of land;

THENCE South 86°41'11" West, along the South line of said Reserve "A", a distance of 630.10 feet to a 3/8 inch iron rod found for the Southern most Southwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 02°59'18" West, along the Southern most West line of said Reserve "A", a distance of 151.24 feet to a 3/8 inch iron rod found for an interior corner of said Reserve "A" and the herein described tract of land;

THENCE South 86°25'47" West, along the Northern most South line of said Reserve "A", a distance of 449.12 feet to a 5/8 inch iron rod found for the Western most Southwest corner of said Reserve "A" and the herein described tract of land:

THENCE North 11°37'05" West, along the West line of said Reserve "A", a distance of 299.27 feet to a 5/8 inch iron rod found for an angle point in the West line of said Reserve "A" and the herein described tract of land:

THENCE North 02°22'42" West, continuing along the West line of said Reserve "A", a distance of 374.67 feet to a point located in the said South limit of Winfrey Lane, said point being the Northwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 87°36'50" East, along the South limit of Winfrey Lane, a distance of 173.23 feet to the point of tangency of a curve to the right;

THENCE continuing along the South limit of Winfrey Lane, in an Easterly direction along a curve to the right having a Radius of 1,970.00 feet, an Arc Length of 350.16 feet and a Chord which bears South 87°17'38" East, a distance of 349.70 feet to the point of tangency;

THENCE South 82°12'07" East, continuing along the South limit of Winfrey Lane, a distance of 313.95 feet to the point of tangency of a curve to the left;

THENCE continuing along the South limit of Winfrey Lane, in an Easterly direction along a curve to the left having a Radius of 2,030.00 feet, an Arc Length of 363.80 feet and a Chord which bears South 87°20'09" East, a distance of 363.31 feet to the point of tangency;

THENCE North 87°31'48" East, continuing along the South limit of Winfrey Lane, a distance of 1.99 feet to the **POINT OF BEGINNING** of the herein described tract and containing within these calls 18.2541 Acres, or 795,147 Square Feet of land.

PAUL A COYNE REGISTERED PROFESSIONAL LAND SURVEYOR



Texas Board Of Professional Land Surveying Registration/License No. 10127500



#### STATE OF TEXAS COUNTY OF HARRIS RESERVE "B"

A 13.4708 ACRE TRACT OF LAND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, AND BEING ALL OF RESERVE "B" OF PECK STATION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 666109 OF THE HARRIS COUNTY MAP RECORDS, SAID 13.4708 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 5/8 inch iron rod found in the North limit of Winfrey Lane (based on a 60 foot wide public right-of-way) for the Southeast corner of said Reserve "B" and the herein described tract of land;

**THENCE** South 87°31'48" West, along the North limit of Winfrey Lane, a distance of 6.35 feet to the point of tangency of a curve to the right;

**THENCE** continuing along the North limit of said Winfrey Lane, in a Westerly direction along a curve to the right having a Radius of 1,970.00 feet, an Arc Length of 352.57 feet and a Chord which bears North 87°20'09" West, a distance of 352.57 feet to the point of tangency;

**THENCE** North 82°12'07" West, continuing along the North limit of said Winfrey Lane, a distance of 313.95 feet to the point of tangency of a curve to the left;

**THENCE** continuing along the North limit of said Winfrey Lane, in a Westerly direction along a curve to the left having a Radius of 2,030.00 feet, an Arc Length of 360.83 feet and a Chord which bears North 87°17'38" West, a distance of 360.35 feet to the point of tangency;

**THENCE** South 87°36'50" West, continuing along the North limit of said Winfrey Lane, a distance of 173.22 feet to a point located in the North limit of said Winfrey Lane, said point being the Southwest corner of said Reserve "B" and the herein described tract of land;

**THENCE** North 02°22'42" West, along the West line of said Reserve "B", a distance of 466.58 feet to a 5/8 inch iron rod with cap found for the Western most Northwest corner of said Reserve "B" and the herein described tract of land;

**THENCE** North 87°32'29" East, along the Southern most North line of said Reserve "B", a distance of 577.04 feet to a Bolt found for an interior corner of said Reserve "B" and the herein described tract of land:

**THENCE** North 02°09'44" West, along the Northern Most West line of said Reserve "B", a distance of 56.44 feet to a 3/8 inch iron rod found for the Northern most Northwest corner of said Reserve "B" and the herein described tract of land;

**THENCE** North 88°14'01" East, along the North line of said Reserve "B", a distance of 388.64 feet to a 5/8 inch iron rod with cap found for the Northeast corner of said Reserve "B" and the herein described tract of land;

**THENCE** along the East line of said Reserve "B", in a Southerly direction along a curve to the left having a Radius of 720.64 feet, an Arc Length of 341.22 feet and a Chord which bears South 24°53'42" East, a distance of 338.04 feet to a 5/8 inch iron rod with cap found for the point of tangency with a curve to the right;

**THENCE** continuing along the East line of said Reserve "B", in an Southerly direction along a curve to the right having a Radius of 539.35 feet, an Arc Length of 347.78 feet and a Chord which bears South 19°59'15" East, a distance of 341.78 feet to the **POINT OF BEGINNING** of the herein described tract and containing within these calls 13.4708 Acres, or 586,789 Square Feet of land.

PAUL A. COYNE
REGISTERED PROPESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6374

TETRA
SURVEYS & APPRAISALS
5304 ASHBROOK DR.
HOUNTON TEXAS 77081

ATX.com E-MAIL: SURVEY@TSATX.COM
Texas Board Of Professional Land Surveying
Registration/License No. 10127500

13-462-6100 (F) 713-432-1003



#### **Exhibit B**

#### **Planned Development**

#### 31 Acre Winfrey Tract

#### A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots and Reserves
- · Amenities and Landscape Regulations
- Open Space and Trails

#### **B.** General Provisions

- 1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in the SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extent the City regulation or provision conflicts with a provision in this ordinance.
- Except as otherwise provided herein, the words used in this Planned Development have the meaning established by Section 50-2 (Definitions).
- 3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C - Concept Plan

Exhibit C1 - Landscape and Open Space Plan

 As shown on Exhibit C, the PD encompasses 31.7 acres, located west of FM 2978, east of Snook Lane, north of East Main Street.

#### C. Land Uses.

1. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	
Drill Site	
Well Site	
Wetlands	

META Planning + Design

1

D. Development Regulations for Single Family Lots and Reserves – Maximum 130 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

- 1. The minimum lot width shall be 45 feet wide at building line.
- 2. Lots shown on Exbibit C
  - a. Minimum lots area:
    - i. 45' wide lots shall have a minimum area of 5,500 square feet.
  - b. Minimum lot width: 45 feet.
  - c. Minimum lot depth: 100 feet
  - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
- 3. Minimum building setbacks:
  - a. Front yard: 20 feet; (measured along front building line)
  - b. Rear yard: 14 feet;
  - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

Reserves within the PD shall be developed with the following regulations:

- 1. Minimum building setbacks
  - a. 10 feet; (measured along any adjoining right-of-way)
- E. Amenities and Landscape Regulations As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
  - 1. Recreation site and amenities:
    - a. A minimum one-half (0.5) acre recreational reserve, located within the development, may include benches and trails, etc.
    - b. A minimum of 5, off-street parking spaces shall be provided at the recreation center. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
    - c. Amenities may include (but are not limited to):
      - Clubhouse
      - Swimming Pool
      - Pickleball

2. Landscape buffers:

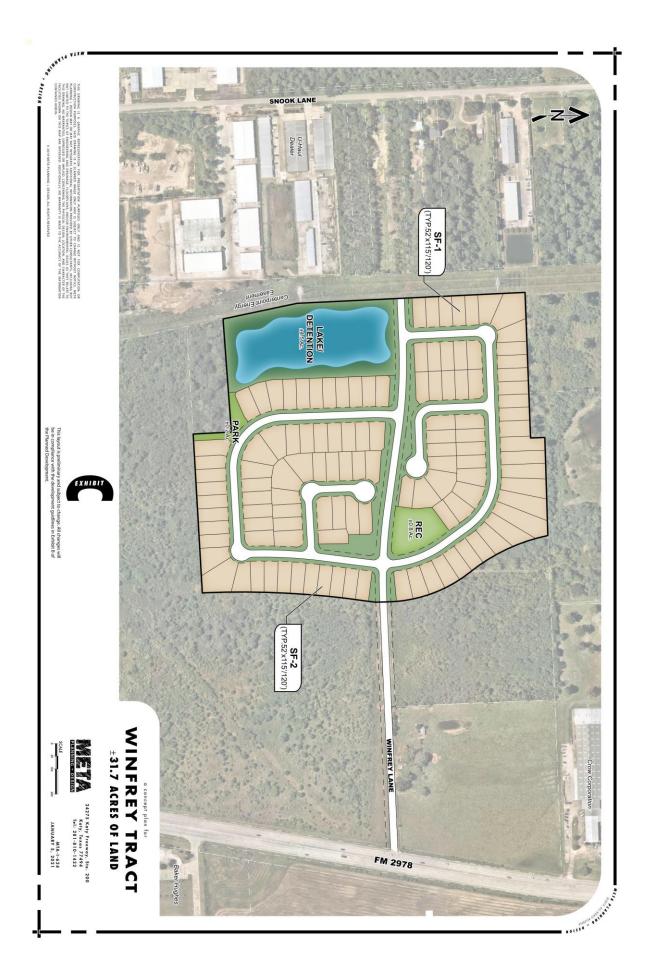
META Planning + Design

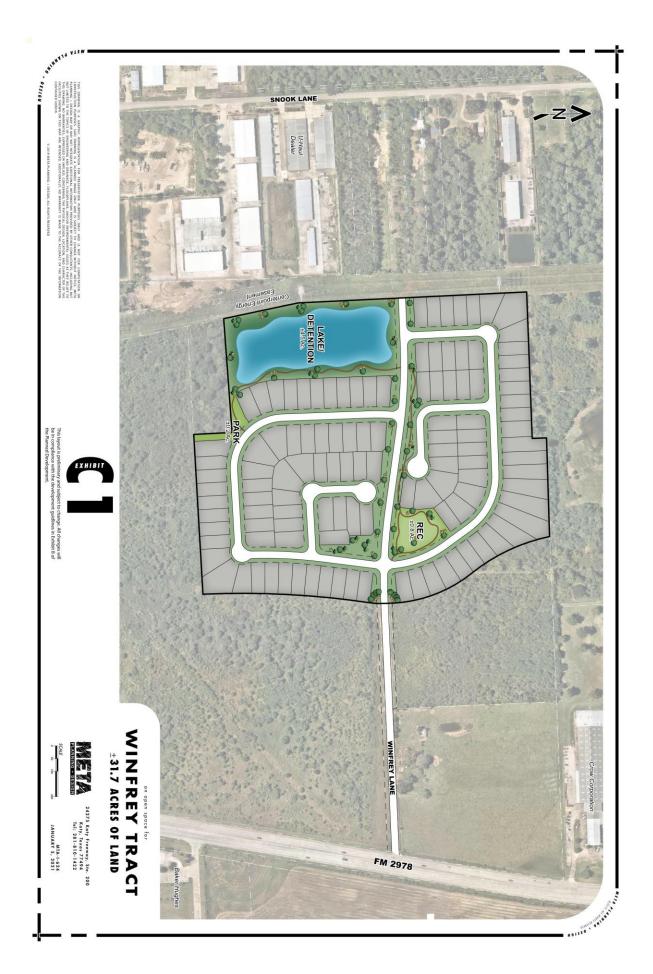
2

- a. 10' foot minimum buffer shall be provided along all major and minor arterials contiguous to lot lines. As shown on Exhibit C1
- 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1
- c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
- d. Required buffers may include trails.
- 3. Open Space:
  - a. Minimum 15% space, to be distributed as shown on Exhibit C1
  - Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
  - At a minimum 1 acre shall be provided as parks (total park acreage may be divided among multiple sites within the PD)
  - d. All required open space shall be owned and maintained by the Homeowners
     Association and shall be accessible to all residents within the PD's Homeowner's
     association. Exhibit C1
- F. Minor Modifications –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Community Development Director.
  - 1. Modifications to internal street patterns are allowed.
  - Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
  - Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
  - 4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

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Item 10.

## NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) FEBRUARY 8, 2021

# & CITY COUNCIL FEBRUARY 15, 2021



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on Monday, February 8, 2021, at 6:00 P.M., and by the City Council of the City of Tomball on Monday, February 15, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be

Item 10.

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.

#### 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 4<sup>th</sup> day of **February 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 <a href="https://www.tomballtx.gov">www.tomballtx.gov</a>.



## 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: P21-011

APPLICANT/OWNER: David Weekley Homes

**LOCATION:** Generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas

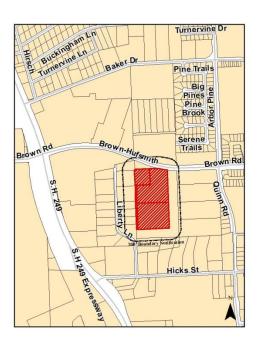
**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District.

CONTACT: Amelia Lindley, City Planner PHONE: (281) 290-1410

E-MAIL: 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, February 8, 2021 6:00 PM

City Council Public Hearing: \*Monday, February 15, 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.

February 4, 2021

City of Tomball

Attn: Amelia Lindley, City Planner

RE: <u>Case Number P21-011 – Proposal Rezoning 13.4 acres from Planned Development (PD-1) to Planned Development (PD-16)</u>

I have lived and worked in Tomball all my 72 years of life, except for the 4 years I attended college. Tomball is a great city: it has the best of both worlds, a small town feel with the perks of a big city. My grandfather, Allan H. Keefer, the first mayor of Tomball, told me that progress is good, just be sure we all have a hand in what gets done. I saw the town move from horses hitched at wooden rails at the downtown stores to the massive toll way running through town allowing us to easily connect to other neighboring areas.

Good residential development is good for all of us; it brings taxpayers and consumers to town, provides fees and taxes for the City to help accomplish their goals and demonstrates positive growth. David Weekley Homes is a quality developer; they do it the right way. Weekley provides quality living for the owners and adds value to the neighborhood. It is human nature to desire to be left alone in your neighborhood, however, blocking good development is not logical or doing what is best for the community.

I am **FOR** the requested Rezoning to amend Chapter 50 of the Code to change the 13.4 acre tract from Planned Development (PD-1) and Single-Family 20 Estates to the Planned Development (PD-16) District. Thank you for the opportunity to express my view FOR this project and zoning change.

Sincerely.

Allan K. Cox

P. O. Box 1546 Tomball, Texas

From: Belinda <bshaw0857@aol.com>
Sent: Thursday, February 4, 2021 1:12 PM

To: Amelia Lindley Subject: Case #P21-011

Have just heard about David Weekley's attempt to rezone a nearby area to our residence on Epps, for another Home on Top of Home development! We are opposed to the approval of this rezoning and or any further development of this type in Tomball Proper! Let's attempt to keep some semblance of Small Town, PLEASE!!

Would love it if our city government focus was on developing a plan to improve the current CURB APPEAL of businesses/homes/properties in Tomball Proper (especially Main Street), instead of relying on the intrusion of big business to improve city revenue. Such a missed opportunity! This little city is stuck and could be a much more attractive place to live as well as an ideal destination...if only the powers that be would do what is necessary to move in that direction. We have lived here for 20 years, praying that someone in city government would realize the potential and make the necessary changes! So far, not much if anything has changed!!!!

Please advise if you need something formal to record our NO vote to this rezoning request. Thank you for your time!

Yours in God's gracious care,
Belinda Abbott-Shaw
Home Stylist
~GraceReclaimed.blogspot.com~

From: Carl Hohl <carl.hohl@gmail.com>
Sent: Thursday, February 4, 2021 2:39 PM

To: Amelia Lindley

**Cc:** Roy Hohl; Ellen H. Stutts; ice Joe Stutts; Stephen Hohl

**Subject:** Weekley Homes Case P21-011

#### Dear Amelia:

The purpose of my note is to express my support for David Weekley's efforts to rezone the subject property to Planned Development.

This rezoning and revised development plan is at the recommendation of the City Council. The revision recommended is similar to nearby Weekley development called Yaupon Trails down Brown Road a short distance from this property. It will also allow larger houses and lots estimated to be priced in the low \$300's. City staff recommends approval. This property is "neighborhood residential" in the Future Land Use plan. Everything stated above is flying in formation with Tomball City Council's recommendations.

A David Weekley Homes neighborhood has been and will be an attractive addition to Tomball's residential choices. Roughly 50 new residents will move into Pine Trails and call Tomball home. They'll come for many of the same reasons that current Tomball citizens have. The shopping, medical facilities, schools (public and private) transportation infrastructure (tollways and roads) for example easy access to SH249, Beltway 8 and 99. They will be attracted 'like a moth to a flame' to the hometown feel that many say other suburban areas lack. Conservative estimates predict the tax valuations before and after development will grow from the current \$1,000,000 to roughly \$15,000,000

--

#### Carl Hohl (713) 705-8090



**Texas Realtor IABS** 

eXp Realty Fastest Growing Brokerage In the USA

Email: Carl.Hohl@exprealty.com Website: https://www.carlhohl.exprealty.com

"Snail Mail": 1400 Graham Drive, Ste. B300

Tomball, Texas 77375

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From: David McWhorter <davmcw@me.com>
Sent: Monday, February 1, 2021 9:25 PM

To: Amelia Lindley

Cc:matthew@bizfloor.bizSubject:Case Number P21-011

#### Ms. Lindley,

I oppose the proposed rezoning described in the subject case. As a resident of the adjacent neighborhood I support the Planning & Zoning committee's previous denial of the change and, having just attended a Zoom meeting hosted by David Weekly, I see only modest and insignificant changes in their planned reapplication. The proposed neighborhood is incongruous with adjacent properties and is a radical departure from the current zoning classification.

That city staff has actually recommended this zoning change is something I'm having a hard time understanding. Why? Is the goal to jam as many people possible into every square inch of Tomball...even for areas long zoned for 1/2 acre lots? The Planning and Zoning committee had it right the first time. Reject this proposal and require the current properties owners, or any new owners, to develop their property in way that is consistent with the current zoning classification. The residents on Liberty Lane are not against progress or the right of property owners to develop and profit from their property so long as that development is compliant with the current zoning requirements. The zoning requirements were in place when we all purchased our homes in this area and to so radically alter them in favor of a such a congested plan would be unfair, unwelcomed and unwarranted.

Sincerely,

David McWhorter 29607 Liberty Lane Tomball, TX 77375

From: Dena Chambers < Dena@breauxmachine.com>

Sent: Thursday, February 4, 2021 3:33 PM

To: Amelia Lindley

**Subject:** Oppose David Weekly Homes Case #P21-011 near Liberty Lane

#### Amelia,

I am strongly opposed to yet another Apartment, Starter home Neighborhood or "Boutique" Rental Community in this area of Tomball. I have no problem with progress and understand we must continue to grow, but let's give some consideration to the existing residents. It is not about quantity, it is about quality. Tomball City Council Members seem to have forgotten why Tomball citizens chose this town in the first place. Years ago Tomball was known for its Pine Trees............. You can see what the developers destroy

Thank You, Dena Chambers 1314 Big Pines Tomball Tx 713-201-9796

From: Ron Haffner <ron@tomballcpas.com>
Sent: Wednesday, February 3, 2021 1:40 PM

To: Amelia Lindley

Cc:stephen.hohl@edwardjones.comSubject:RE: Zoning Case Number: P20-338

#### Amelia:

I just wanted to follow up with you and let you and City Council know that my wife and I attended the Zoom meeting hosted by David Weekley to discuss the changes made to their application to the city for zoning change approval. The employees of David Weekley answered all the questions presented to them by those attending the meeting and provided drawings and diagrams to walk us through the proposed project.

As the owner of property that literally touches the property line of this project and would be one of the most impacted, I remain in favor of the rezoning request.

It would be nice if the 5 city councilmen and woman would acknowledge you and your staff's competence and due diligence in vetting this project and accept your recommendation to approve this zoning change.

Respectfully submitted

Ron & Amy Haffner 13827 Brown Rd Tomball, TX 77375

Sent from Mail for Windows 10

From: Amelia Lindley

Sent: Friday, December 11, 2020 1:14 PM

To: Ron Haffner

Cc: <a href="mailto:stephen.hohl@edwardjones.com">stephen.hohl@edwardjones.com</a>
Subject: RE: Zoning Case Number: P20-338

Mr. Haffner,

Thank you for your email. We will make sure the Planning & Zoning Commission and City Council receive your comments.

Amelia Lindley City Planner (281) 290-1410 Tomballtx.gov/cd

From: Hannah Hohl <hannahjhohl@gmail.com>
Sent: Wednesday, February 3, 2021 10:53 PM

To: Amelia Lindley

**Subject:** Approval of Case PS21-011

Amelia Lindley
February 3, 2021
City Planner, City of Tomball
RE: Zoning Case PS21-011

Dear Amelia,

I am writing to you in support of the proposed rezoning of the David Weekley Homes development off of Brown Road.

Though I have many reasons, I will share with you the two most important ones.

- 1) David Weekley Homes is a wonderful developer with a great track record. They have been extremely forthcoming with their plans for development so there will be no surprises with them. This, however, would not be the case with other prospective buyers. David Weekley Homes has also been extremely flexible and accommodating when they were asked to come back with an amended plan. This 13.4 acres of land would go to great use for many new families.
- 2) I am the granddaughter of the late Carolyn Hohl who was the original property owner of this land. This property has been in my family since 1964 and to be honest, we have made many meaningful memories there making the selling of this property personally difficult. On one hand, I can empathize with the Liberty Lane homeowners who are undoubtedly feeling this resistance to change. However, on the other hand, I am able to recognize the necessity of selling this property and want it to be developed well. This decision should not be made to appease anyone's personal preferences. It should be made for the good of our city. The selling of my Nana's property is inevitable and it is my hope that it would fall into the hands of a trusted developer such as David Weekley Homes.

Thank you so much for your time and consideration.

Hannah Hohl

From: Jean Solomon <jsolomon607@gmail.com>
Sent: Wednesday, February 3, 2021 9:12 PM

**To:** Amelia Lindley **Subject:** P21-011

I respectfully request the proposed rezoning/neighborhood expansion be denied. We already have a "boutique rental" neighborhood across from this proposed development. This rapid expansion of our once small town will ruin the close-knit community we once enjoyed. We do not want it--we want our trees and wildlife. Longtime residents are moving out, and those moving in do not appreciate the quality if life we want to continue. Just say NO to this rampant destruction of our town.

Respectfully Jean Solomon Tomball resident for 44 years February 4, 2021

Amelia Lindley City Planner City of Tomball

Re: Zoning Case P21-011

Dear Ms. Lindley,

Thank you for receiving my letter and for all the hard work and patience both you and the city staff continue to give. I would like to start by telling you that I am very upset over a statement that was posted on the social media app "NextDoor App" in reference to the SELLER of the 13.4 acres called Pine Trails. And I quote

"We must all be present to present our opposition or we will be crushed by two parties that have Zero interest in our community. On one side the Seller could care less about what he is leaving behind."

That Seller is the Estate of Roy & Carolyn Hohl. I am Joe Stutts and I am married to Ellen Hohl — daughter of Roy and Carolyn Hohl and let me assure you that the above statement is anything but true. Obviously that person does not know the Hohl Family and all that they have done for Tomball - which made me think. I realized that most of the folks serving now and giving of their time unselfishly to the City may not be aware of community leaders from the "Old Days".

So let me tell you about this Godly man who loved and served the City of Tomball for many years. Roy Hohl was a Naval Officer who served in WWII and was the skipper of LCT 809 (Landing Craft Tank). He and his crew participated in the Normandy Invasion in the early hours of the Invasion. After the War he returned home to Tomball and went to work with his father at the Hohl Motor Company on Main Street in Tomball. That Ford Dealership eventually through the years became Tomball Ford.

Roy Hohl was a founding member of the Tomball Rotary Club. He was also a founding member and director of the Cypress Creek YMCA and past President of the Tomball Chamber of Commerce. He served on the Board of Trustees of the North Harris County College and was instrumental in obtaining land for the Tomball Campus. Roy Hohl also served as President of Houston North Association. He played a vital role in acquiring right-of-way for the widening of Highway 149 (249 today) and naming it Tomball Parkway. He was a Commissioner of the Waco Methodist Home, Founding

member and officer of Houston Touchdown Club. He was instrumental in starting the original Tomball Hospital. He was named Tomball Citizen of the Year in 1984.

His son Stephen Hohl served as President of the Tomball Chamber of Commerce, President of the Tomball Rotary Club and numerous other Boards and Committees in Tomball. Stephen was also named Citizen of the Year.

Roy's daughter Ellen served on the Tomball Regional Hospital Board, Tomball College Planning Board as well as the Tomball School District Board of Education. She also served as Treasurer of the Tomball Museum.

And as a side note, Roy's father, Roy Hohl Sr., purchased the first football uniforms for Tomball High School.

So please do not tell me that this family, the sellers, does not care about Tomball!

The twenty acres in question for re-zoning was purchased by Roy & Carolyn Hohl in 1964. The only access to their property was a winding dirt oil field road off of Hicks Street. They eventually built a home on two acres on the far northwest portion of the land to be as isolated from traffic noise as possible.

Well now – Wouldn't you know - Four years later in 1978 Liberty Springs was developed and houses were built behind their secluded home.

In 2005 the City of Tomball came to Carolyn and informed her that she must sell 6.29 acres of her property to the City for retention ponds. She had no choice in the matter as the City could take legal action to acquire the property. The City then clear-cut all this property and dug a large drainage ditch and detention pond. This was to aid the City if there was flooding in the future and at the time to eliminate flooding at the intersection of Hicks Street and Liberty Lane.

The retention ponds cannot be utilized for any additional development on Carolyn's property. additional detention on her property must be created when the property is developed further – which is now.

We are left with 13+ acres. We have turned down more profitable contracts for sale due to zoning issues. If we could turn back time and build just like Liberty Springs is now – with open ditches, asphalt roads, no curbs and gutters and no detention – no internal drainage, no sewer lines as well as engineering, then development costs would come down substantially. We could produce larger lots with more trees. Unfortunately that is not possible due to Harris County flood control guidelines and City requirements which drive up the total cost of development.

We are writing to ask that the Council allow our pending property sale to go through as Planned Development. As you know we have contracted with Weekley Homes. They have been working diligently with help from the City to make this project work for all parties. We believe that Weekley Homes is highly respected in the area and will develop and build a neighborhood that we can all be proud of.

There will be a lovely new addition to our city with the completion of Pine Trails. The entrance will be on the North Side of the property at Brown Road. There will be no entrance from Hicks Street and no interference coming and going with the Liberty Springs neighbors.

We will see an economic benefit to the City of Tomball from increased property tax and local sales tax due to this addition. We believe that due to the increased sales value of the new homes older area homes will also rise in value.

Elem Wohl Stutts

Thank you again for all your work and for the time you devote to the City of Tomball.

Sincerely,

Joe & Ellen Hohl Stutts

Amelia Lindley February 1, 2021

City Planner, City of Tomball

Re: Zoning Case P21-011

Dear Amelia,

Thank you for your work in considering the rezoning of this case. We appreciate your time and patience in this matter very much and are hoping for a positive outcome in the city meetings over the next two weeks.

We are thankful for the service of our city's planning commissioners, the mayor, and of the council members. It is a huge sacrifice and commitment to serve in this capacity. Over 30 years ago, I worked for a City of Tomball Councilman, Lonnie Pace, and I personally witnessed the hours he spent on city business and conversations with citizens that took time away from his own surveying business. We greatly appreciate the thought and discernment our present city representatives are using to sift through this contentious rezoning case.

I'm married to Stephen Hohl, the youngest of the Hohl siblings who are selling the property, and I have a couple of points I'd like to bring before you that can be passed along to the Planning/Zoning Commission and also to City Council.

The acreage was purchased by Roy & Carolyn Hohl in 1964, and has remained virtually untouched since they built their home on it in 1974. They did not complain and protest when Liberty Springs was developed all along the west boundary of their property. They knew that Tomball was a good community and that people were smart to want to live here! She did not complain or protest (Roy was gone by that time) when Springwood was developed across the street, knowing that she was living in a desirable town, and that more people wanted to live here! She did not complain and protest when Brown Rd. was extended, bringing a lot more traffic by her driveway because she knew that more people had moved to the area and roads were needed to transport these new residents. In 2005 the City of Tomball came to Carolyn Hohl with the need of flood detention in the area and asked if she would sell them the land needed for the detention. She was not in love with the idea of large flood ditches, but agreed to sell her land for the greater good of the area. The flood control ditches directly benefit the residents of Liberty Lane and all along Hicks Street, just south of her property line.

The 6.29 acres used to construct the huge flood ditches was clear cut – every single tree taken down. We don't remember any complaints from neighboring property owners when the trees came down to build the flood ditches that would ultimately benefit them. However, there is a great deal of complaining and protesting from them now about future tree removal on the property that David Weekley wants to purchase and develop.

50 years is a long time for 13.4 acres to remain untouched in the city limits of Tomball. Liberty Springs was developed around 1980, and their residents have enjoyed 40 years of our raw land adjacent to their neighborhood. I don't think it is reasonable for the neighboring owners to expect it to stay the same OR for it to strictly adhere to their idea of how it should be developed.

Carolyn Hohl's property will be sold. The estate must be settled. We feel confident that David Weekley will build a high-quality residential neighborhood that will be an asset to the Tomball community. Tomball is a wonderful city to live in, as it has been for the Hohl family for nearly 100 years. We are happy to think that Carolyn's property could be used for 50 more families to call Tomball their home!

Thank you so much for weighing the input on both sides of this rezoning issue. I trust that you will use your discernment to make the best decision for the future of Tomball.

Yours very truly,

Lorel Hohl

From: Pam Hanks <pjhanks\_@hotmail.com>
Sent: Thursday, February 4, 2021 7:32 AM

To: Amelia Lindley
Cc: Matthew Martinez

**Subject:** Fight David Weekly Rezoning

Amelia, I sent you an email regarding this subject before Christmas. I have been a long time resident of Tomball and live near this property. I beg Tomball officials to please reject their request. To cram so many houses on such small amount of property is saying Tomball wants to be like Houston.

The uniqueness of Tomball that has always been "Tomball, a small town with a big heart" will become just another fallen community to big city thinking.

I know you all are thinking more revenue, but what will that cost City of Tomball otherwise? What about increased wear on our roads, more police, maintenance of utilities, etc. What about the leasing of homes near our elementary school? They are crammed in a small area. I know this will cause problems for us down the road.

Please be wise in this situation. Don't turn your backs on the citizens of Tomball. David Weekly should build his homes with the current zoning and "Be A Good Neighbor!"

Sincerely, Pamela Hanks Sent from my iPad

From: Phil Sandoz <phil.sandoz@gmail.com>
Sent: Thursday, February 4, 2021 1:25 PM

To: Amelia Lindley

**Subject:** Rezoning consideration - David Weekly

Ms. Amelia Lindsey February 4, 2021

I am following with great interest, the proposal by David Weekly to rezone approximately 13.4 acres of land North of Brown Road extension.

I have lived in the Tomball area for the past 20+ years and enjoy the peace and quiet of the area. Adding more homes as per the David Weekly proposal will create traffic congestion near the existing schools in the area and make Tomball a step closer to Houston in the look and feel.

I ask that you support a vote to table the recommendation on this case submitted by David Weekly and ask that more time be allowed for public input. Unfortunately, I cannot be at the Public Hearing meeting planned for Monday, February 15, 2021 as we have plans to be out of town.

I appeal to you to slow this effort down and offer more time for the citizens of Tomball to express their opinions.

Thanks you for your consideration in this matter. I await your response.

Phil Sandoz

philsandoz@gmail.com

281.384.6046

30630 William Juergens Dr.

Tomball, TX 77375

From: Rhondee Damon <rhondeedamon@gmail.com>

Sent: Thursday, February 4, 2021 2:22 PM

To: Amelia Lindley
Subject: David Weekly

Dear Ms. Lindley - as a homeowner on Hospital Street and as an advocate for more green space and less construction. I would like to *voice my objection* and opinion on the new construction David Weekly is proposing to be built along Brown-Hufsmith.

Enough is enough. Tomball has so much more to offer than more houses ... besides the fact that the construction of more homes would increase traffic congestion, more children will be added to school rolls with those schools close to or already at capacity. Next thing you know they will want to build another gas station, a strip mall, and restaurants. Not to mention the fact that we would need to increase police, fire and ambulance personnel.

Let David Weekly build somewhere else than "in town" -- have them move farther North or South.

As an aside, has anyone ever considered the impact this has on the wildlife in this area? Where are those misplaced deer, birds, and other animals supposed to live?

Thank you -

Rhondee Damon,

From: Roy Hohl <6rthohl5@att.net>
Sent: Monday, February 1, 2021 10:51 AM

**To:** Amelia Lindley

**Subject:** Zoning Case P21-011, Proposed Pine Trails

Hello Ms. Lindley, hope all is well,

I support the proposed rezoning, Case no. P21-011, the David Weekley Homes Development to be called Pine Trails, rezoned to PD-1.

It's my understanding the City of Tomball staff approves this project. The Weekley development is consistent with the Future Land Use Plan as <u>Neighborhood Residential</u>. Weekley Homes has a good track record with the City of Tomball. Weekley representatives are already working with the City to resolve flooding concerns, green space requirements, and the effect on wildlife. Further, the company is also offering three separate Zoom dates to Liberty Lane residents to address their questions.

The only entrance to the proposed Pine Trails will be from the north (Brown Road). Only entrance to Liberty Lane is from the south (off Hicks Street). Since Pine Trails residents could not enter from Hicks, it seems to me most of the increased traffic on Hicks Street would come from the Commercial and SF-20 zoning along Hicks between 249 and Quinn Road. Highway 249 is zoned Commercial on the east side between Hicks Street and Brown Road. The northward extension of 249 will increase traffic on the highway between Hicks Street and Brown Road. By 2023 the highway should be extended to Navasota. This extension will add more traffic to the Hicks St.-Brown Rd. area.

My wife Trudy and I live in Dallas, but I grew up in Tomball, graduated from Tomball High. We will consider moving back to Tomball in the future....and we would definitely look at Pine Trails as a place to live.

Finally, if P21-011 doesn't pass, this issue will not be dropped and the For Sale sign will still stand. My family needs to sell the property, If the Weekley plan is not approved, there is no telling who will buy the land or for what purpose.

I appreciate very much your time and consideration.

Roy C. Hohl III

From: Stephen Hohl <stephen.hohl@gmail.com>
Sent: Wednesday, February 3, 2021 10:10 PM

To: Amelia Lindley

**Subject:** David Weekley Homes Case P21-011

Dear Amelia,

I am writing in support of David Weekley Homes' Rezoning request to Planned Development.

David Weekley Homes has revised their original development plan and zoning request at the recommendation of the City Council. This revised plan is similar to the Yaupon Trails neighborhood east of the subject property on Brown Road with larger lots than SF-6 and larger houses estimated to be priced beginning in the low 300s. City Staff recommends approval. This property is designated to be neighborhood residential in the Future Land Use plan. All of these factors are in alignment with the City Council's recommendations.

A David Weekley Homes neighborhood will be an attractive addition to the City. Some 50 new residents in Pine Trails will call Tomball home. They will come here for many of the same reasons that current citizens have. They will shop here, dine out here, pay property taxes, go to doctors and have access to HCA Tomball Hospital; they will attend Lone Star College, send their school aged children to Tomball ISD, Concordia Lutheran or Rosehill Christian School. They will have access to excellent roads in and near the City with easy access to SH249, 99 and Beltway 8. They will be attracted to the hometown feel that Tomball has that some other nearby suburban areas do not. Conservatively, the appraised tax valuation will be approximately \$15,000,000 as opposed the current \$1,000,000 appraised valuation.

This property has been in the Hohl family since the mid 1960s. My parents, Roy and Carolyn Hohl, built their home in 1975. My father passed away in 1985 and my mother lived there until her death in 2017. The property has not been changed significantly by the Hohls since the home was built. The City of Tomball, however, has impacted the area in several ways: Brown Road extension to accommodate more east/west traffic flow, over 6 acres of drainage basin and channel on the east and south side of the Hohl property to provide better drainage, in particular to alleviate drainage problems that existed at the Liberty Lane/Hicks Street intersection. The Hohls did not object or try to stop the City's efforts because they realized these were improvements for the betterment of Tomball even if they may not have been the best scenario for the Hohl property.

I believe the City Council and the Planning and Zoning Commission are responsible to the entire city and its citizens, not only a few loud voices in opposition. I recommend **approval** of this rezoning request.

Thank you for your consideration.

Stephen Hohl 13607 Lost Creek Road Tomball, Texas 77375 832 368-3835 cell

Sent from Mail for Windows 10

TO: Amelia Lindley February 4, 2021

City Planner Tomball, Texas

FROM: Thomas Porter

29507 Liberty Lane Tomball, Texas 77375

SUBJECT: AGAINST Zoning Change for David Weekly Homes, Pine Trails Zoning Case P21-011

I have been a Tomball resident for 25 years and selected Tomball with my family to avoid high density housing in other areas of Harris County. I greatly continue to enjoy living in Tomball, even though the commute distance was longer than other alternatives.

I oppose David Weekly Homes proposal to change the zoning from its current SF-20 for the following reasons :

- Population density has repeatedly been shown to be a most significant indicator of urban problems. The proposed density with lots sizes between 6050 square feet and 6500 square feet could potentially bring with it urban problems.
- 2. David Weekly Homes compares their Pine Trails development to Yaupon Trails, but the proposed homes in Pine Trails will likely sell for much less than their claim of \$300,000 to \$350,000, because these homes will be smaller. The Yaupon trails website indicates an asking price of \$369.000 for a 2601 square foot home, which calculates \$141.87/sqft. David Weekly Homes proposes to build houses nearly half the size of the houses in Yaupon Trails, actually 65% of their size. David Weekly Homes proposes building 1600 square foot homes in Pine Trails compared to an average size of 2400 square feet reported for Yaupon Trails. Note 141.87 \$/sqft X 1600 sqft = \$227,000.
- 3. The David Weekly Homes plans to block the electrical easement adjacent to Liberty Lane with roughly 22 privacy fences, 6 to 7 foot tall, in the easement. Their proposal for Utility access to poles, lines, transformers, etc. would only be by entering from Liberty Lane yards, however their electrical design has not been finalized and will not be available until work from the power company is completed. The distance between Pine Trails houses is not anticipated to allow truck entry to the utility easment.
- 4. With the David Weekly Homes selection of 55 foot lot width, one of the residents of Liberty Lane will have 5 new neighbors along their back yard, in addition to their existing neighbors on each side, which sounds unreasonable. Other Liberty Lane residents would pick up 3 proposed additional new neighbors, which is also undesirable.

I am against zoning case P21-011 for its negative short term and potential long term impacts. Their proposal to cram roughly 6 homes onto one acre is not consistent with the current zoning plan or the spirit of living in Tomball. Please reject the requested zoning change. SF-20, i.e. 20,000 square foot lots, should be retained.

**Thomas Porter** 

From: Trudy Hohl <t.hohl@icloud.com>
Sent: Monday, February 1, 2021 4:03 PM

To: Amelia Lindley

**Subject:** Weekley Homes Zoning Case

#### Dear Ms. Lindley,

I am writing to support the 13.4 Acre David Weekley Homes project Pine Trails, zoning case number P21-011.

My husband Roy and I live in Dallas, but Roy grew up in Tomball and graduated from Tomball High School. I grew up in Dallas, but I see advantages in moving to a smaller town: less crime and less social unrest. I don't think it's a stretch to say there are Houston retirees who think like me and have their eyes on Tomball.

In the future Roy and I will strongly consider moving back to Tomball — count us as two people who would definitely look at Pine Trails as a place to live.

I understand that the City of Tomball staff approves the Weekley project and is already working with Weekley to resolve traffic issues, flooding concerns, and any effect on wildlife.

In addition Weekley representatives are offering three separate Zoom dates to answer residents' questions.

David Weekley Homes has a good track record with the City of Tomball and puts out a good product. I agree with the City staff...David Weekley Homes gets my stamp of approval, and I am in favor of the zoning change, case number P21-011.

Trudy Hinckley Hohl Sent from my iPhone

**From:** w <wkd91651@aol.com>

Sent: Thursday, February 4, 2021 3:05 PM

**To:** Amelia Lindley

**Subject:** Petition to halt David Weekly

Ms Lindley,

I am writing to ask that David Weekley's PD-16 rezoning request be denied. One thing we do not need is another close built homes in this area. We already have the new rental homes being built by the elementary school just down the street from this area.

Regards,

William Keith Dawson

From: Amber Michelle Webb <amichelle.webb@gmail.com>

Sent: Sunday, February 7, 2021 12:45 PM

To: Amelia Lindley Subject: David Weekley

Hello,

It has been brought to our attention by concerned neighbors that David Weekley once again is trying to petition the city to build homes on 6000 sf lots. I am asking Tomball Planning & Zoning Commision to not allow this heinous rezoning. Please think about drainage, traffic and the effect it will have on the trees and the wildlife that call this part of Tomball home. We are not anti-development by any means. If homes are to be built on this land, it should be for large, wooded lots that the land is originally zoned for. Let's keep the charm and beauty of Tomball intact to attract small businesses and homeowners who, like my husband and I, take pride in our community and continue to work to bring value to our home and neighborhood.

Thank you, Amber Michelle Webb Spring Pines Estates

From: Bekah Harrisberger < bekah.hohl@gmail.com>

Sent: Thursday, February 4, 2021 6:29 PM

To: Amelia Lindley

**Subject:** David Weekley Homes Zoning P21-011

Dear Amelia,

I hope this finds you well. I'm sure you are getting flooded with letters about this zoning case, and I'm thankful you are taking the time to read each and every letter being sent your way! I am writing to stand in support of this zoning change for case number P21-011, and I hope you will share some of my thoughts with the Planning/Zoning Commission and City Council.

I'm the youngest daughter of Stephen Hohl, one of the 4 Hohl siblings that is selling our Nana's property on Brown Road. I grew up in Tomball, along with nearly my entire family - aunts, uncles, cousins, and my Nana, Carolyn Hohl. The Hohl Family has been a part of Tomball since 1920, and I am so proud of that and all that they have done for Tomball! After graduating from Tomball High School in 2011, I moved to Austin to attend college. I ended up living in Austin for 7 years, and I always claimed to never be that girl who moved back to her hometown... but I just couldn't stay away. After getting married in 2018, I found myself back in Tomball for my husband's job. We lived in a tiny apartment for 2 years while we saved up for our first home. In early 2020 we signed a contract to build our first home with David Weekley Homes in the Grove Landing neighborhood off of Bogs Rd/2978 in Tomball. Throughout the entire process, we were blown away by the care and detail they put into every step. They were a wonderful company to work with and we highly recommend them to anyone who asks. I can hardly put into words how special it was to not only buy a house in my hometown of Tomball, but to build and design a beautiful home with such a reputable builder. We moved into our new home this summer, and the quality of the workmanship has exceeded our expectations. It's been so fun settling in and meeting new neighbors who are young couples like us, young families, and even retirees who are downsizing. I can't help but think that the proposed Pine Trails neighborhood could also have this wonderful sense of community and pride like our neighborhood does. Allowing the rezoning of the land and allowing David Weekley Homes to buy the property to develop Pine Trails would be a huge win for the city of Tomball and it's growth.

Tomball is growing, and for good reason. People are finding out how wonderful of a city it really is. The schools are excellent, the charm is unbeatable, the churches are thriving - and so much more. Many of our closest friends attend the Tomball campus of Bayou City Fellowship and I think it would be a huge perk for their church growth if a brand new neighborhood was built just minutes from them. What a wonderful way to welcome new families to Tomball by inviting them into a loving, Christ-centered community 2 minutes down the road.

My family has put so much thought and care into the decisions regarding this land. We will have Tomball's best interests in mind in how we sell this property. We love these 13.4 acres so much, but we know that the time has come for more families to love this land and create their own memories right in the heart of Tomball.

Best, Bekah Harrisberger

From: Bridget Cole <bc29506@sbcglobal.net>
Sent: Sunday, February 7, 2021 3:36 PM

**To:** Amelia Lindley **Subject:** Case Number P21-011

From: Bridget Cole

29506 Liberty Lane

Tomball, TX 77375

I'm so disappointed that we are having to address this issue again. David Weekley is now trying to rezone as a PD-16.

The case is really quite simple. The existing lots are SF-20 and they were zoned as such to protect our property values on Liberty Lane. Nothing has changed, we still need our property value protected, so this re-zoning should not occur.

Replacing the scenic, tree-lined views that all of Liberty Lane enjoys, with roofline after roofline is definitely NOT protecting our property values. If changing the lot size to these incredibly small lots happens, this company would be clearing all the trees out without any regard for the beauty of the land in order to cram houses as close together as possible.

I was on one of the Zoom meetings with David Weekley's representatives, and the one thing I kept hearing from them was, the concessions that couldn't be made because it was not economically feasible for them. What about what is economically feasible for us?

Item 10.

I don't know what David Weekley's net worth is, but I know things:

- 1. David Weekley's net worth far exceeds our net worth.
- 2. David Weekley is not a resident of Tomball, he is not our neighbor.
- 3. David Weekley's bottom line will not be adversely affected if this property is not re-zoned, but ALL of our properties will be adversely affected.

I am requesting the City of Tomball not re-zone this area in order to preserve all of our existing property values and the beauty of our city.

From: Brooke Gordon <brookemarie83\_3@hotmail.com>

**Sent:** Friday, February 5, 2021 7:54 AM

To: Amelia Lindley
Subject: David Weekly

Hello,

Please support Tomball residents, there has been enough new developments and homes built. This causes, flooding, too much traffic, and Tomball to lose its charm. As a home owner, I hope you will support the residents of this area and not big business. Help keep our community quaint.

Thank you,

**Brooke Gordon** 

Sent from my iPhone

From: Cheryl Longa <wethree2000@att.net>
Sent: Friday, February 5, 2021 6:12 PM

To: Amelia Lindley

Subject: P21-011

I am saddened to hear that yet again, there is a pending case P21-011 proposed by David Weekly Homes, or it's subsidiary.

As lifetime residents of Tomball (53 years), and my parents who are still living and have lived in Tomball 82 and 78 years, we are all against this proposal. I live in Springwood Subdivision which is right across from where this proposed subdivision would be. The homes being crammed into such small lot spaces is rampant in Tomball, we do not need another one.

There is a "boutique rental" neighborhood across from us as well on tiny lots where they are throwing up several houses a day. The quality of our neighborhoods and Tomball in general are in jeopardy with these small cookie cutter subdivisions.

I would ask that the mayor and board sincerely decline this case and that the current zoning for larger lots not be changed.

Respectfully yours, Cheryl Longa 1323 Serene Trail Tomball TX 77375

Sent from my iPhone

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

February 7, 2021

REF: Case Number: P21-011

City of Tomball:

I am <u>AGAIN</u> writing to express my strong opposition to CASE NUMBER: P21-011, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Cheyanne Guin Liberty Springs Estate 29503 Liberty Lane Tomball, TX 77375 City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

February 7, 2021

REF: Case Number: P21-011

City of Tomball:

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We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Jonna Guin Liberty Springs Estate 29503 Liberty Lane Tomball, TX 77375

From: Kathey Wright <txnbobkat@aol.com>
Sent: Saturday, February 6, 2021 3:27 PM

**To:** Amelia Lindley

Subject: P21-011

Ms. Lindley,

I am a resident of the City of Tomball for the last 26 years, and I'm devastated at the over build within the City of Tomball, especially due to the flooding that we've experienced in the past. I've recently seen deer and other animals wandering down the streets because of all the clear cutting done by developers, and I've experienced flooding due to paving over acreage that used to soak up water. I was appalled when they put so many homes in Sydneys Place and spaced them almost touching each other, but now I hear that David Weekley wants to build directly across the street. What on earth is happening to our once beautiful, peaceful, wonderful city! I ask that you please don't approve David Weekleys request to build more tract homes at the corner of Brown and Quinn. We must control this out of control building and preserve what little green space that we have left. I can't even imagine what all these houses will do to the traffic and flooding in this area.

Thank You,

Kathey Wright 1418 Spring Forest Way Tomball, TX 77375



# Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:	MATTHEW MARTINEZ	
(please print) Address:	29514 LIBRETY LANE	
Signature:	JUMBALL, TX 77375	
Date:	2/5/21	

X

I am FOR the requested Rezoning as explained on the attached public notice for Zoning Case P21-011. (Please state reasons below)

I am AGAINST the requested Rezoning as explained on the attached public notice for Zoning Case P21-011. (Please state reasons below)

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

Monday, February 8, 2021 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, February 15, 2021 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

JODPAY THE ROBING OF THE AREA BETIND MY HOUSE, HOSS OF PRIVARY POTENTY VOLUCES, LOSS OF PRIVARY POTENTY VOLUCES, LOSS OF PRIVARY POTENTIAL FLUODING, NOISE POLITATION, + 1055 OF OUR SMALL TOWN FEEL. PUSH encourage the CITY TO KEEP THE ZOE BONING IN place. - BEAUTIFUL 1/2 SLIVE ESTATE HOMES WILL ADD VALUE TO THE CITY NOT DIVINISHIT.

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

From: Melissa Larsen <salemlarsen@gmail.com>

**Sent:** Friday, February 5, 2021 11:52 AM

To: Amelia Lindley
Cc: Melissa Larsen

**Subject:** P21-011 - Opposed Zoning change

Ms. Lindley,

In regards to case P21-011, I would ask that the city of Tomball, specifically the City Planner and the Planning and Zoning Commission, deny the <u>current</u> plan of David Weekly Homes to put 50 homes into the 13.4 acre plot of land.

As a 12-year resident who lives very close to that plot of land, I already see drainage and flooding issues along parts of Brown Road and Quinn Road. I can not imagine that removing the tree canopy and ground cover, and coating it with cubic yards of nonporous concrete will improve the situation. The current infrastructure can hardly keep up with the current water runoff, leading to ponding and flooding on the streets.

The wildlife habitat will continue to diminish, the noise pollution will increase, the traffic will surge, and the litter problem will continue to mount. There have been recent zoning changes to allow residential development very near Abstract 34 J House tracts 17H, 17J, 17H-1, 17H-2, 17J-1, the most recent bringing a boutique rental community of 40 homes at Brown and Quinn Roads. How many people can we pack in to a small space?

I believe allowing the current proposed development of 50 more homes will move Tomball away from being a Hometown With a Heart, and closer to being just another generic suburb, a bedroom community for Houston.

The Hohl family wants to sell the property. David Weekly Homes wishes to purchase and develop it. They appear to have high quality product. I don't oppose David Weekly Homes as the builder, but I disagree with the approval of the current proposed zoning change. Please reconsider the change, by keeping the Single-Family 20 Estate Districts zoning. It will help prevent Tomball from becoming another commonplace community on the outskirts of a sprawling metropolis.

Thank you for your consideration in this matter.

#### Melissa Larsen

1120 Inwood St Tomball, TX 77375 City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

February 7, 2021

REF: Case Number: P21-011

City of Tomball:

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Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Scott Guin Liberty Springs Estate 29503 Liberty Lane Tomball, TX 77375

From: Suzanne Smith Reynolds <suzanne.s.reynolds@gmail.com>

Sent: Monday, February 8, 2021 7:36 AM

To: Amelia Lindley

**Subject:** Zoning Case P-21-011

To the attention of City of Planning and Zoning Commission and Tomball City Council:

I am FOR the requested Rezoning on the above referenced Z inning Case for the following reasons:

It is my understanding that David Weekly proposes to develop this property in a similar way to Yaupon Trails. I have several friends whom reside In YT. YT answered the needs of empty nesters; widows/widowers... people who would like a good sized home without a big lot / yard to maintain. A home where they can live the second half of their lives. The demand for this type of home is evidenced by the fact that the homes sold quickly, and from what I can see, there has been very little turnover in that neighborhood.

David Weekly has been building homes in the Houston area for decades. Only quality Developers/Builders can be successful over the long haul. My understanding is they have worked hard to answer the concerns of privacy for the neighbors who will be adjacent to this development.

Thank you for your consideration in this matter

Respectfully submitted

Suzanne Reynolds 201 Tyler St Tomball, TX. 77375

Sent from my iPhone

Amelia Lindley February 4, 2021

City Planner, City of Tomball

Re: Zoning Case P21-011

Dear Amelia,

My name is Zach Harrisberger, and I grew up in Austin, TX. I married Bekah Hohl, who is the daughter of Stephen Hohl (who is trying to sell this property). Bekah and I met in Austin but moved out to Tomball in August of 2018 for my work. At first, we lived in an apartment but knew we wanted to buy a house eventually. We had heard wonderful things about David Weekley and saw that a new development was in the works called Grove Landing off of Bogs Rd and 2978 in Tomball. We went over there at the beginning of 2020 to check it out and fell in love with the houses that Weekley was building, and we were also shocked that they fell into our price range because they were so nice! All that to say, we closed on our first home in July of 2020, here in Tomball, and are so thankful it is a David Weekley home. They were such a delight to work with - we have so much respect for Mr. Weekley and his company!

We have been saddened to hear of the opposition to Zoning Case P21-011, because we love Tomball and we love David Weekley and were able to purchase our first home here because of him! Tomball has been described as a small town with a big heart, and we couldn't be more excited at the possibility of more families or young couples like ourselves moving into town, buying a Weekley home, and enjoying this small town and big heart that we love. It is an amazing place to live and we want to see it thrive! We want families started, friendships made, and communities built here. We feel like Tomball is on the verge of blowing up, hearing of new things opening all the time, and we want people here to be a part of that!

My position on this may not carry much weight. I don't know all the logistics that have to go into these decisions and I am thankful that there are people like yourself who do an incredible job thinking through all of that! Because of you, our city is so much better, and so I thank you! But my opinion for this matter is this: if there is a way to keep good relations with David Weekley, while offering more beautiful, affordable homes to families, couples, or even singles, and ultimately bringing growth to Tomball, I see that as a great win for our town and I stand in favor!

Again, thank you to you and everyone involved in these decisions. We appreciate your leadership in our city and trust you will make the decision that is best for Tomball!

Blessings,

Zach Harrisberger

C. Travis Hohl 2112 Independence Drive Austin, Texas 78745

February 8, 2021

City of Tomball

Attn: Amelia Lindley, City Planner Via email: alindley@tomballtx.gov

RE: City of Tomball Zoning Proposal No. P21-011

Dear Ms. Lindley,

I am writing in order to join Tomball's city staff, Weekley Homes, neighbors of the 13.4 acre parcel, and the many residents of Tomball — including my father, Carl Hohl — who have already expressed their support for this zoning proposal.

The proposal would allow Weekley Homes to create a small neighborhood within walking distance of Tomball Elementary — an ideal location for families with young children, it would increase property tax and local sales tax revenue for the City of Tomball, and it would allow the community to make more efficient use of this land.

I appreciate your time and attention to this matter, and I hope you will continue to support the modest growth of this treasured town by approving the proposed zoning change.

C. Travis Hohl

Sincerely,

#### Community Development Department



### Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021 City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P21-011

**Property Owner(s):** Roy C & Carolyn Hohl **Applicant(s):** David Weekley Homes

**Legal Description:** Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House

**Location:** South side of Brown Road between SH 249 and Quinn Road

(Exhibit "A")

Area: 13.4 acres

**Comp Plan Designation:** Neighborhood Residential (Exhibit "B")

**Present Zoning and Use:** Planned Development (PD-1) and Single-Family 20 Estate District

(Exhibit "C") / Mostly undeveloped, single-family residence

(Exhibit "D")

**Proposed Use(s):** Single-family residential development (Exhibit "E")

**Request:** Rezone from the Planned Development (PD-1) and Single-Family

20 Estate Districts to the Planned Development (PD-16) District

#### **Adjacent Zoning & Land Uses:**

North: Office and Planned Development (PD-1) Districts / Office and undeveloped

property

**South:** Single-Family 20 Estate District / Drainage channel

**West:** Single-Family 20 Estate District / Single-family residences

East: Planned Development (PD-1) and Single-Family 20 Estate Districts / Drainage

channel

#### **BACKGROUND**

In June 2020, City staff met with the applicant to discuss the development of a single-family residential community. In December 2020, the applicant requested a rezoning to the Single-Family 6 District. The Planning & Zoning Commission recommended denial of the request and City Council took no action on the request. The applicant submitted a Planned Development District Application.

#### **ANALYSIS**

The subject site is comprised of three properties totaling approximately 13.4 acres of land. The applicant, David Weekley Homes, plans to develop a single-family residential subdivision with a maximum of 50 residential homes. The subject site is zoned Planned Development (PD-1) District on the northern portion and Single-Family 20 Estate District on the southern portion. Surrounding properties are zoned Office and Planned Development (PD-1) Districts to the north, Single-Family 20 Estate and Planned Development (PD-1) to the east, and Single-Family 20 Estate District to the south and west.

Surrounding properties in the area include single-family residences on Liberty Lane, a drainage channel to the south and east and an office to the north. There are two new single-family residential subdivisions on Brown Road in the area: Yaupon Trails (completed) and Sydney's Park (under construction). The proposed development appears to be appropriate for the area.

Section 50-80(a)(1) of the Tomball Code of Ordinances outlines the general purpose and description of the Planned Development District:

"The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a. To provide for a superior design on lots or buildings;
- b. To provide for increased recreation and open space opportunities for public use and enjoyment;
- c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
- e. To protect or preserve existing historical buildings, structures, features or places;
- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the standards of this chapter."

According to the Planned Development Application (Exhibit "E") and the development regulations, the proposed Planned Development will be a single-family residential community, and will include amenities such as an open space park reserve. The lots will have a minimum area of 6,500 square feet, a minimum lot width of 55' and a minimum lot depth of 110'. The residences in this PD will have a minimum floor area per dwelling unit of 1,600 square feet. The PD also includes landscaping requirements for the park and recreation facilities and the single-family lots.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached housing. The proposed Planned Development meets the intent of the Future Land Use category.

#### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 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 recommends approval of Zoning Case P21-011.

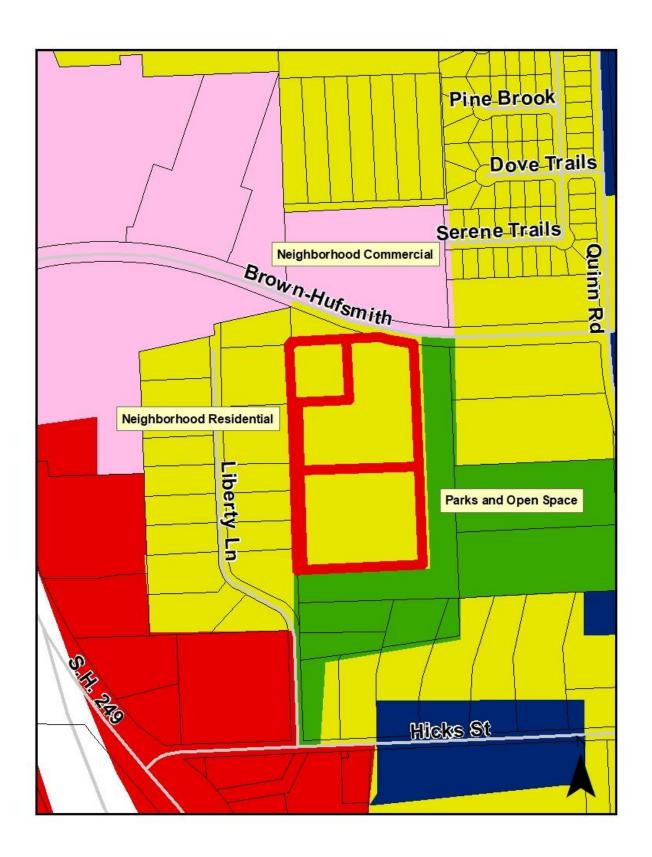
#### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application, Regulations & Concept Plan

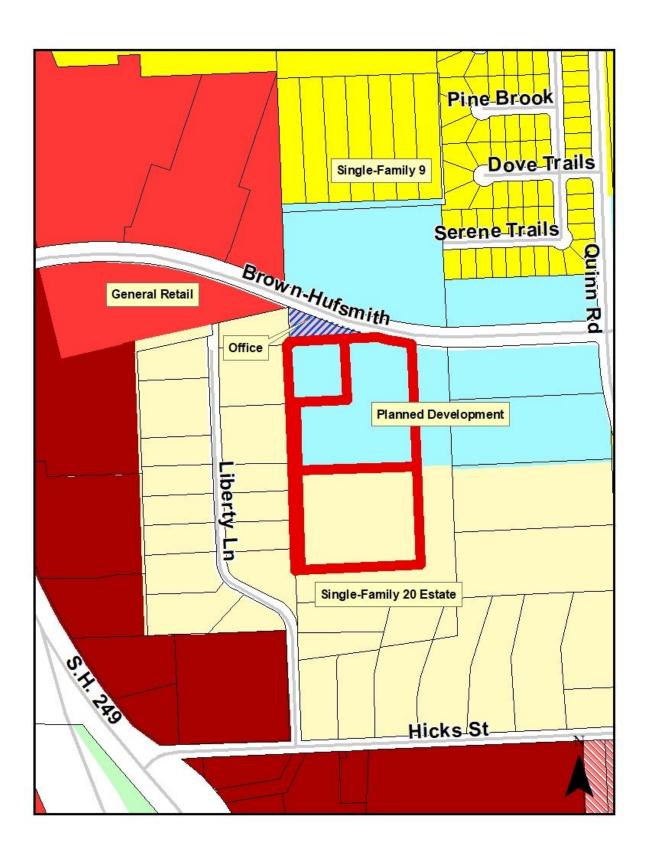
#### Exhibit "A" Aerial Photo



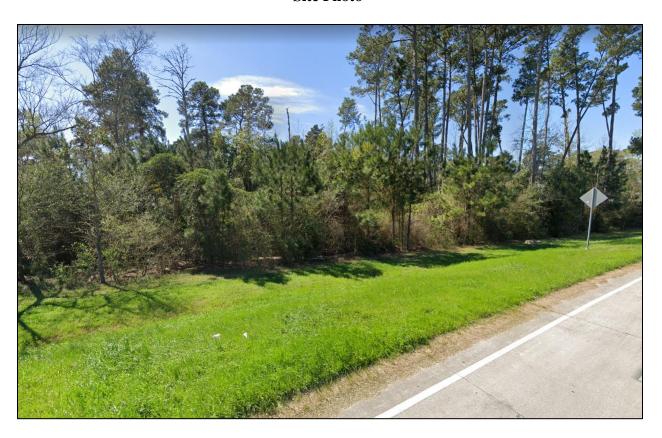
#### Exhibit "B" Comprehensive Plan



## Exhibit "C" Zoning Map



## Exhibit "D" Site Photo



## Exhibit "E" Planned Development Application, Regulations & Concept Plan



#### RECEIVED (KC) 01/06/2021 4:09:18 PM

P&Z #P21-011 \$1,000 PD

## APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

**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.

Name: David Weekley Hores	Title: Development Manager
Mailing Address: IIII N Post Osk	City: Harton State: 1X
Zip:77055	-11
Phone: (713) 545-9798 Fax: (-) -	Email: Thorgon D duhans, con
Owner Name: Ellen Hohl Stutts - Executor of Caroly	Athl Estetitle: Executor
Mailing Address: 40 Stepen Hohl 13607 Lost Cree	k City: Tomball State: XX
Zip: 77375	The state of the s
Phone: (832) 369 - 3835 Fax: ()	Email: Stephen. Har to Junil. con
Engineer/Surveyor (if applicable)	
Name: Crestine Engineering - Mark D Shaff	er PE Title: Principal
Name: Creative Engineering - Mark D Shalf Mailing Address: 1000 & Dun A Shord Ste 200	City: Hoston State: 18
Zip: 1167)	
Phone: (713) 314-7029 Fax: (-)	Email: man Derettreen com
	1 Parkletter Development
Description of Proposed Project: Sign Fam	) Keyerija i zacepi-zi
Physical Location of Property: South 6f 8 rou	in Road Approx Zood ext 249
'hysical Location of Property:	mate distance to nearest existing street corner]
City of Tomball, Texas 501 James Street, Tomball, Texas 77375	Phone: 281-290-1405 www.tomballtx.gov

Legal Description of Prop	erty: Those Survey A	bstreet S	4 Treets 17H, 17 s; or platted Subdivision Nat	me with Lots/Block	115,17
HCAD Identification Nun	04027000 10145		Acreage: 13.378		
Current Use of Property:_	0- 1 -0 -1	E			
	Planed Developpe				
Please note: A courtesy r hearing process and will	notification sign will be place be removed when the case	ed on the st has been pr	ubject property durir rocessed.	ng the public	
This is to certify that the and the under signed in this application does delays and possible der	s authorized to make the not constitute approval				
nu M			1-5-	2021	
Signature of Applicant	9		Date		
9.11 m D.	Ctutts		1-6-20	021	
Signature of Owner			Date		
					1 12

January 6th 2021

Building Dreams, Enhancing Lives.

### **David Weekley Homes**

City of Tomball Planning & Zoning Commission 401 Market Street Tomball, TX 77375

Dear City of Tomball Planning & Zoning Commission,

This letter is meant to serve as supplemental documentation to accompany the request of the Estate of Carolyn K Hohl and David Weekley Homes for the creation of a Planned Development on the referenced property near Brown Road and Quinn Road in Tomball, TX. Attached along with this letter is the Planned Development Application, Planned Development Regulations as well as Proposed Site Plan for the project.

David Weekley Homes, through its development company, CND Development, desires to develop an upscale community of 50 homes on this 13.378 acre property. The current zoned status of the property is a mix of Planned Development (PD-1 – Office w/Residential Look) as well as Single-Family Estate (SF-20-E).

The creation of this Planned Development will allow David Weekley Homes to develop the property into single family homes in line with the City of Tomball's Future Land Use Plan which is Neighborhood Residential. Our desire is to create a community with the aesthetic appeal and quality of one of our previous communities near the reference property, Yaupon Trails. After discussing with City Council at our last rezoning request, we have designed this Planned Development with Yaupon Trails in mind.

Planned Development Districts may be used to permit new or innovative concepts in land utilization and ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. We believe this Planned Development will do that by providing the following:

- To provide superior design on lots
  - o This will allow for a typical lot size (6,500 SF Minimum) that falls between SF-6 and SF-9.
- To provide open space opportunities for public use and enjoyment
  - There is a park at the south side of the project near the detention area that will be publicly
- · To provide an appropriate balance between the intensity of development
  - This PD will have the same minimum lot size as Yaupon Trails on the North side of Brown Road, be greater than the lots in Sydney's Park at Brown and Quinn and ease the transition from the SF-20-E lots to the West in Liberty Springs.
- · Exceed the standards of the City of Tomball
  - Homes within the PD will adhere to minimum building regulations and required landscaping on each lot. One example being the Minimum Floor Area per Dwelling Unit being 1,600 SF, which is the same as SF-20-E.

January 6th 2021

We believe that this development will allow David Weekley Homes to deliver an upscale new home community that will not only benefit those residents that purchase homes in the community, but contribute to the City of Tomball's continued success.

Thank you so much for your time and consideration of Planned Development request.

Sincerely,

Scott Black

David Weekley Homes

#### Planned Development Regulations

#### **Pine Trails**

#### Contents

- A. General Provisions
- B. Land Uses
- C. Development Regulations for Single Family Lots
- D. Landscape Regulations
- E. Building Regulations

#### A. General Provisions

The Planned Development (PD) approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 zoning district is not contained in this ordinance, all of the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance shall apply to this PD.

Except as otherwise provided herein, the words used in this Planned Development shall have the same meaning established by the Development Code.

#### B. Land Uses

Permitted Land Uses are listed below. All others are prohibited.

- Private Household Services SIC Code 8811
- Dwellings Single Family SIC Code 99 (Non-Classifiable)
- Parks and Recreational Facilities, Public or Private SIC Code 99 (Non-Classifiable)
- Residential Sales Office (Temporary)
- Drill Site

#### C. Development Regulations for Single Family Lots

- Maximum 50 lots permitted
- Minimum Lot Size 6,500 Square Feet
- Minimum Lot Width 55'

- Minimum Lot Depth 110'
- Minimum Front Setback 20'
- Minimum Side Setback 5'
- Minimum Rear Setback 10'
- Minimum Dwelling Unit Size 1,600 Square Feet
- Maximum Height 2 stories not to exceed 36' for the main building/house.
- Maximum Lot Coverage 60% including main buildings and accessory buildings

#### D. Landscape Regulations

Park and Recreation Facilities

A landscaped and open space park reserve shall be provided within the neighborhood.

Single Family Lot Requirements

- Each lot shall be fully landscaped with either trees, plants or otherwise covered with Bermuda Grass.
- Each lot shall have at least one existing mature tree or one 3.5" caliper shade tree shall be planted in the front yard setback.
- See attached Approved Plant List (Exhibit A) for approved plants and trees for the Planned Development

#### Exhibit A

### **Approved Plant List**

Botanical Name	Common Name	Botanical Name	Common Name
SHADE TREES		SHRUBS	
Carya illinoisis	Pecan	Aspidistra eliator	Aspidistra
Liquidambar styraciflua	Sweet Gum	Aucuba japonica	Japanese Aucuba
Magnolia grandiflora	Southern Magnolia	Azalea species	Azalea
Pistache chinensis	Chinese Pistache	Buddleia davidii.	Butterfly Bush
Platanus mexicana	Mexican Plane Tree	Buxus species	Boxwood
Quercus macrocarpa	Burr Oak	Callistemon citrinus	Dwarf Bottlebrush
Quercus nigra	Water Oak	'Austraflora', 'Firebrand',	
Quercus polymorphia	Mexican Oak	'Little John', and 'Splendens	
Quercus shumardii	Shurmard Oak	Camellia sasangua	Camellia
Quercus virginiana	Live Oak	Chanomelis speciosa	Flowering Quince
Ulmus parvifolia 'Drake'	Drake Elm	Cleyera japonica	Japanese Cleyera
		Elaeagnus macrophylla	Elaeagnus Ebbeningei
EVERGREEN TREES		Eriobotrya japonica	Coppertone Loquat
Ilex opaca	American Holly	Fatsia japonica	Aralia
Ilex opaca Savannah	Savannah Holly	Fiegoa sellowiana	Pineapple Guava
Cupressus sempervirens	Italian Cypress	Gardenia jasminoides	Gardenia
Pinus thunbergi	Japanese Black Pine	Ilex cornuta 'Burfordii'	Dwarf Burford Holly
Pinus taeda	Loblolly Pine	compacta	
	V. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2.	Ilex vomioria 'Nana'	Dwarf Yaupon
ORNAMENTAL TREES		Juniperus	Juniper species
Betula nigra	River Birch	Leucophyllum frutescens	Texas Sage
Cercis canadensis 'Oklahoma'	Redbud	Ligustrum japonicum	Wax Leaf Ligustrum
Chamcerops humilis	Mediterranean Palm	Mahonia aquifolium	Oregon Grape
Chionanthus virginica	Chinese Fringe Tree	Mahonia bealei	Leatherleaf
Crateagus marshalli	Parsley Hawthorn	Myrica cerifera	Southern Wax Myrtle
Cycas revoluta	Sago Palm	Myrica pussila	Dwarf Wax Myrtle
Lagerstroemia indica	Crepe Myrtle	Nandina domestica	Dwarf Nandina varieties
Magnolia liliiflora	Lily Magnolia	Nerium oleander	Oleander
Magnolia soulangeana	Saucer magnolia	Pittosporum tobira	Variegated Pittosporum
Magnolia stellata	Star Magnolia	'Variegata'	
Prunus mexicana	Mexican Plum	Pittosporum tobira	Dwarf Pittosporum
Pyrus calleryana	Flowering Pears	'Wheeleri'	
'Aristocrat' or 'Capitol'		Rhaphiolepsis indica	Indian Hawthorn
30000000000000000000000000000000000000		Rhododendron indicum 'Formosa'	Formosa Azalea
		Spirea bumalda or similar dwarf varieties	Spirea

#### Botanical Name

#### Common Name

Ajuga reptans

Ajuga

Ardisa Crenulata Asparagus sprengeri Carex morrowii Cuphea hyssopifolia Cyrtomium falcatum Dryopteris normalis Festuca ovina Festuca cinerea Ficus pumila

Festuca cinerea
Ficus pumila
Gelsimium sempervirens
Hemerocallis species
Hedera helix

Juniperus horizontalis, conferta, and procumbens 'Nana' Lantana camara 'Radiation' Liriope muscari Millettia reticulata

Ophiopogon jaburan Ophiopogon japonicum Rosa banksiae Santolina incana Trachelosperum jasminoides

Veronica latifolia, scrophulariaceae and spicata Wisteria chinensis, floribunda, megasperma, sinensis Ardisa
Sprengeri Fern
Japanese Sedge
Mexican Heather
Holly Fern
Wood Fern
Fescue
Fescue
Climbing Fig
Carolina Jasmine
Daylily
English Ivy

Low growing junipers species

Liriope Evergreen Wisteria Giant Liriope Monkey Grass Lady Bank's Rose Lavender

Asian Jasmine Confederate Jasmine Veronica

Wisteria

Lantana

#### "EXHIBIT A"

FIELD NOTES OF A TRACT OF LAND CONTAINING 13.378 ACRES SITUATED IN THE JOSEPH HOUSE LEAGUE, ABSTRACT 34, HARRIS COUNTY, TEXAS AND BEING THE RESIDUE OF A 10.00 ACRE TRACT 10.00 ACRE TRACT 11 AND THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 11 AND THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 11 CONVEYED TO ROY C. HOHL RECORDED BY DEED IN HARRIS COUNTY CLERK'S FILE NO.(S) B 899708 AND C 922066 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. SAID 13.378 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLAIN COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

BEGINNING at a 5/8" capped iron rod, found, being an exterior corner in the west line of a 6.292 acre tract of land conveyed to City of Tomball recorded by deed in Harris County Clerk's File No.(s) Y 538668 of the Real Property Records of said county and for the southwest corner of the herein described tract (X=3032877.6167, Y=13962802.4460), from which a 5/8" iron rod, found, being the southwest corner of said 6.292 acres bears S 02°08'27" E, a distance of 159.93 feet;

THENCE, N 02°08'27" W, along the west line of said Tract 1 and 2, a distance of 1035.76 feet to a ½" capped iron rod, set, being the southwest corner of Lot 2, Block 2, Brown-Hufsmith Commercial, a subdivision in said county according to the map or plat thereof recorded in Film Code #622259 of the Map Records of said county, the northwest corner of said Tract 2 and for the northwest corner of the herein described tract:

THENCE, N 87°12'47" E, along the south line of said Lot 2 and the north line of said Tract 2, a distance of 401.98 feet to a ½" capped iron rod, set, in the south right-of-way line of Brown-Hufsmith Road (100 foot right-of-way), the east corner of said Lot 2 and for the "Point of Curve" in the north line of the herein described tract:

THENCE, along a curve to the left with the south right-of-way line of said Brown-Hufsmith Road having a radius of 1690.42 feet and an arc length of 167.06 feet with a chord bearing of S 79°54'49" E, a distance of 166.99 feet to a 5/8" capped iron rod, set, being the northwest corner of sad 6.292 acres and for the northeast corner and "Point of Tangent" of the herein described tract;

THENCE, S 02°11'50" E, along the west line of said 6.292 acres, a distance of 999.00 feet to a 5/8" capped iron rod, set, being an interior corner in the west line of said 6.292 acres and for the southeast corner of the herein described tract:

THENCE, S 87°15'33" W, along an exterior line of said 6.292 acres, a distance of 566.17 feet to the "Point of Beginning" and containing 13.378 acres of land, more or less.

Surveyed: May 06, 2020

I, Mike H. Rubaiy, Registered Professional Land Surveyor No. 2907, do hereby certify that the foregoing field notes were prepared from a survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.

Mike H. Rubaiy R.P.L.S. No. 2907

Job No. 220107 Date: 06-17-2020

hh

Item 10.

