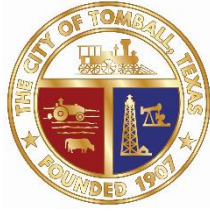


**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR
MEETING
CITY OF TOMBALL, TEXAS**



**Monday, October 14, 2024
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, October 14, 2024 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 an attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- C. Reports and Announcements
- D. Approval of Minutes
 - [D.1](#) Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 9, 2024.
- E. New Business
 - [E.1](#) Consideration to Ratify the approval of the Final Plat of **Tomball Hills Addition, Lot 24, Block 4, Replat No 2:** A subdivision of 23.2995 Acres (1,014,925 Square Feet), being a replat of Lot 24, Block 4, Replat of Lot 24, Block 4, replat revision 1-9-29-78, Tomball Hills Addition, Film Code No. 353041, H.C.M.R., situated in the Joseph House Survey, Abstract No. 34, City of Tomball city limits, Harris County, Texas, which is eligible for an automatic approval certification following the City's failure to act within the 30-day window outlined in Section 212.009 of the Texas Local Government Code.

- E.2 Conduct a public hearing and consideration to approve **Zoning Case Z24-14**: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.339 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the General Retail (GR) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.
- E.3 Conduct a public hearing and consideration to approve **Zoning Case Z24-15**: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 11.40 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the Duplex Residential (D) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.
- E.4 Conduct a public hearing and consideration to approve **Zoning Case Z24-16**: Request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

F. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 11th day of October 2024 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

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

Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date: October 14, 2024

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 9, 2024.

Background:

Origination: Community Development

Recommendation:

Approval

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

FUNDING (IF APPLICABLE)

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

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

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

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

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

MONDAY, SEPTEMBER 9, 2024



6:00 P.M.

- A. The meeting was Called to Order by Vice Chairman Harris at 6:00 p.m. Other Members present were:
 - Commissioner Tana Ross
 - Commissioner Scott Moore
 - Commissioner Colleen Pye
 - Commissioner Richard Anderson

Others present:

- Craig Meyers – Community Development Director
- Benjamin Lashley – Assistant City Planner
- Kim Chandler – Community Development Coordinator
- Tommy Ramsey – City Attorney
- Troy Toland – Assistant Public Works Director / City Engineer
- Jeffrey Salgado – Graduate Engineer

draft

- A.1 Election of Chairman and Vice Chairman:

Election of Chairman:

Commissioner Tana Ross nominated Commissioner Richard Anderson for Chairman.
Commissioner Colleen Pye nominated Commissioner Susan Harris for Chairman.

Commissioner Susan Harris declined the nomination for Chairman.

Roll call vote was called by Commission Secretary Kim Chandler.

Motion carried unanimously to appoint Commissioner Richard Anderson as Chairman.

Election of Vice Chairman:

Commissioner Scott Moore nominated Commissioner Tana Ross for Vice Chairman.
Commissioner Colleen Pye nominated Commissioner Susan Harris for Vice Chairman.

Roll call vote was called by Commission Secretary Kim Chandler.

Motion carried (3 Votes for Commissioner Tana Ross, 2 Votes for Commissioner Susan Harris) to appoint Commissioner Tana Ross as Vice Chairman.

B. Public Comments received:

B.1 Lisa Covington, (31210 Antonia Lane, Tomball, TX 77375) spoke in opposition of the Final Plat of **Tomball Hills Addition, Lot 24, Block 4, Replat No 2.**

C. Reports and Announcements:

Craig Meyers, Community Development Director announced the following:

- City Council Denied **Zoning Case Z24-10:** Request by TYKHE LLC, represented by JLS Real Estate, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 6.500 acres of land legally described as portions of Lot 187 & Tracts 188, 191A, and 192A of Tomball Outlots within the Jesse Pruitt Survey, Abstract 629 from Commercial (C) to Light Industrial (LI). The property is located at 1730 South Cherry Street, within the City of Tomball, Harris County, Texas.

D. Approval of Minutes:

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 12, 2024.

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

Motion Carried unanimously.

E. New Business Non-Action Items:

E.1 Minor Plat of **J&J Select Properties:** A subdivision of 0.75 acres of land, located in the John M. Hooper Survey, A-375, City of Tomball ETJ, Harris County, Texas.

Benjamin Lashley, Assistant City Planner, presented with Staff Approval with no conditions.

F. New Business:

F.1 Consideration to approve Final Plat of **Tomball Hills Addition, Lot 24, Block 4, Replat No 2:** 23.2995 Acres (1,014,925 Square Feet), being a replat of Lot 24, Block 4, Replat of Lot 24, Block 4, replat revision 1-9-29-78, Tomball Hills Addition, Film Code No. 353041, H.C.M.R., situated in the Joseph House Survey, Abstract No. 34, City of Tomball city limits, Harris County, Texas.

Benjamin Lashley, Assistant City Planner, presented with Staff Approval with conditions.

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

Motion was amended by Commissioner Anderson, second by Commissioner Pye, to table until the next Planning and Zoning Commission Meeting on October 14, 2024, with the following representatives present for discussion:

- Applicant
- Fire Marshal

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

Motion Carried unanimously.

- F.2 Conduct a public hearing and consideration to approve **Zoning Case Z24-11**: Request by Scott R. Wilson, represented by Mike Arledge, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.991 acres of land legally described as being a tract of land situated in the Jesse Pruitt Survey, Abstract 629 from Single-Family Residential - 6 (SF-6) to the Commercial (C) zoning district. The property is located in the 420 block (west side) of South Persimmon Street, within the City of Tomball, Harris County, Texas.

Craig Meyers, Community Development Director, presented the case and staff recommendation of denial.

Jon Arledge, (11902 Gatesden Drive, Tomball, TX 77377), spoke on behalf of the request.

The Public Hearing was opened by Vice Chairman Harris at 6:36 p.m.

Alan Jackson, (308 Blackshear Drive, Tomball, TX 77375), spoke in opposition of the request.

Scott Wilson, property owner, (17515 Spring Cypress Road, Suite #308, Cypress, TX 77429), spoke on behalf of the request.

Mike Arledge, (11902 Gatesden Drive, Tomball, TX 77377), spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:40 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Zoning Case Z24-11**.

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

Vote was as follows:

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

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

F.3 Conduct a public hearing and consideration to approve **Zoning Case Z24-12**: Request by the Estate of James D. Wilmoth, represented by Texas T 22 LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 10.89 acres of land legally described being a tract of land situated in the Jesse Pruitt Survey, Abstract 629 from Single-Family Estate Residential – 20 (SF-20-E) to the Light Industrial (LI) zoning district. The property is located at 21803 Hufsmith Kohrville Road, within the City of Tomball, Harris County, Texas.

Craig Meyers, Community Development Director, presented the case and staff recommendation of Approval.

Michael Evenson, representing Texas T 22, LLC, (12234 Queenston Boulevard, Suite #100, Houston, TX 77095), spoke on behalf of the request.

The Public Hearing was opened by Vice Chairman Harris at 6:50 p.m.

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

Motion was made by Commissioner Pye, second by Commissioner Ross, to approve **Zoning Case Z24-12**.

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

Vote was as follows:

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

Motion Carried (3 Votes Aye, 2 Votes Nay).

F.4 Conduct a public hearing and consideration to approve **Zoning Case Z24-13**: Request by Tim Littlefield, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.006 acres of land legally described as being Outlot 281 of the corrected map of Tomball Outlots from Light Industrial (LI) to the Commercial (C) zoning district. The property is located in the 1000 block (west side) of South Persimmon Street, within the City of Tomball, Harris County, Texas.

Craig Meyers, Community Development Director, presented the case and staff recommendation of Approval.

Tim Littlefield, (1310 S. Persimmon Street, Tomball, TX 77375), spoke on behalf of the request.

The Public Hearing was opened by Vice Chairman Harris at 7:04 p.m.

Hearing no comments, the Public Hearing was closed at 7:04 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Pye, to approve **Zoning Case Z24-13**.

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

Vote was as follows:

Chair Anderson	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>
Commissioner Pye	<u>Aye</u>

Motion Carried (Unanimously).

G. Adjournment

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

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

Motion Carried unanimously.

The meeting adjourned at 7:13 p.m.

PASSED AND APPROVED this _____ day of 2024.

Kim Chandler
Community Development Coordinator/
Commission Secretary

Richard Anderson
Commission Chairman

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: October 14, 2024

Topic:

Consideration to Ratify the approval of the Final Plat of **Tomball Hills Addition, Lot 24, Block 4, Replat No 2:** A subdivision of 23.2995 Acres (1,014,925 Square Feet), being a replat of Lot 24, Block 4, Replat of Lot 24, Block 4, replat revision 1-9-29-78, Tomball Hills Addition, Film Code No. 353041, H.C.M.R., situated in the Joseph House Survey, Abstract No. 34, City of Tomball city limits, Harris County, Texas, which is eligible for an automatic approval certification following the City’s failure to act within the 30-day window outlined in Section 212.009 of the Texas Local Government Code.

Background:

Origination:

Recommendation:

Staff approved with conditions.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

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

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

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

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

CITY OF TOMBALL

Plat Name: Tomball Hills Addition Lot 24 Block 4 Replat NO 2 Plat Type: Final

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

Plat within City Limits Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: October 14, 2024

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

Community Development approves this Plat with the following conditions.

- Engineered construction plans must be submitted to and approved by the City of Tomball illustrating how all required public improvements associated with this development will be constructed (i.e. streets/utilities).
- Prior to the recordation of this final subdivision plat all required public improvements associated with this development must be installed in accordance with the approved construction plans and/or suitable financial guarantee must be furnished to the city covering the overall costs of remaining improvements as deemed acceptable by the City Engineer (Sec. 212.0106 of Texas Local Government Code).

STATE OF TEXAS
COUNTY OF HARRIS

WE, Red Rock Capital Holdings, LLC, a Texas limited liability company, acting by and through Jason Hassenstab, its Managing Member, and John Doe, its Secretary, being officers of Red Rock Capital Holdings, LLC, owners in this section after referred to as owners (whether one or more) of the 23,299.5 acre tract described in the above and foregoing plat of **TOMBALL HILLS ADDITION LOT 24 BLOCK 4 REPLAT NO. 2**, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or 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 do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane 20 feet above the ground level upward, located adjacent to all public utility easements shown hereon.

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

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

IN TESTIMONY WHEREOF, Red Rock Capital Holdings, LLC, a Texas limited liability company, has caused these presents to be signed by Jason Hassenstab, its Managing Member, thereunto authorized, attested by its secretary, John Doe, and its common seal hereunto affixed this _____ day of _____, 2024.

Red Rock Capital Holdings, LLC,
a Texas limited liability company

By: _____
Jason Hassenstab,
Managing Member

By: _____
John Doe,
Secretary

STATE OF _____
COUNTY OF _____

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2024, A.D.

Notary Public in and for
The State of _____
Printed Name of Notary / Expires

STATE OF _____
COUNTY OF _____

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2024, A.D.

Notary Public in and for
The State of _____
Printed Name of Notary / Expires

SURVEYOR'S CERTIFICATION
STATE OF TEXAS

I, Michael R. O'Dell, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than 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 R. O'Dell
Registered Professional Land Surveyor
State of Texas No. 4942
Date

ENCUMBRANCES CERTIFICATE

I, Michael R. O'Dell, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the Red Rock Capital Holdings, LLC, owns or has a legal interest in.

Michael R. O'Dell
Registered Professional Land Surveyor
State of Texas No. 4942
Date

This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of **TOMBALL HILLS ADDITION LOT 24 BLOCK 4 REPLAT NO. 2** 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 _____, 2024.

By: _____ OR By: _____
Chair Vice Chair

I, Tenneshia 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 _____, 20____, at _____ o'clock _____M., and duly recorded on _____, 20____, at _____ o'clock _____M., and as 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.

Tenneshia Hudspeth
County Clerk
of Harris County, Texas

By: _____
Deputy

GENERAL NOTES

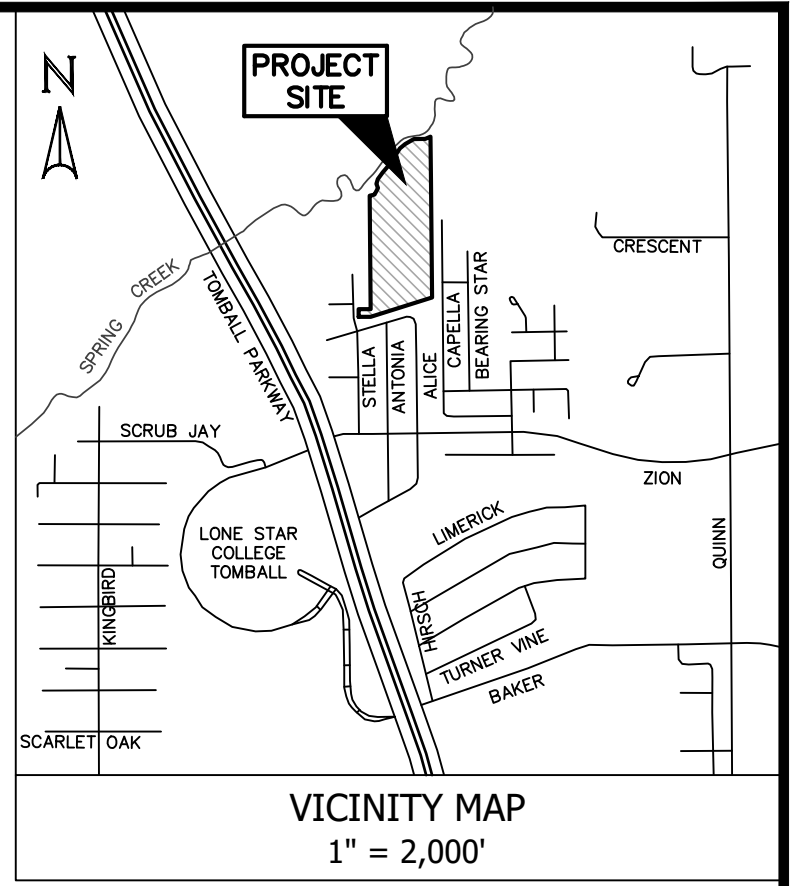
1) Abbreviations, unless otherwise stated, are as follows:

- B.L. - Building Line
- D.E. - Drainage Easement
- DOC - Document
- ESMT - Easement
- F.C. - Film Code
- FND - Found
- H.C.C.F. - Harris County Clerk's File
- H.C.D.R. - Harris County Deed Records
- H.C.M.R. - Harris County Map Records
- IP - Iron Pipe
- IR - Iron Rod
- NO. - Number
- O.P.R.O.R.P. - Official Public Records of Real Property
- PG - Page
- R.O.W. - Right-of-Way
- SQ.FT. - Square Feet
- U.E. - Utility Easement
- W.L.E. - Water Line Easement
- VOL. - Volume

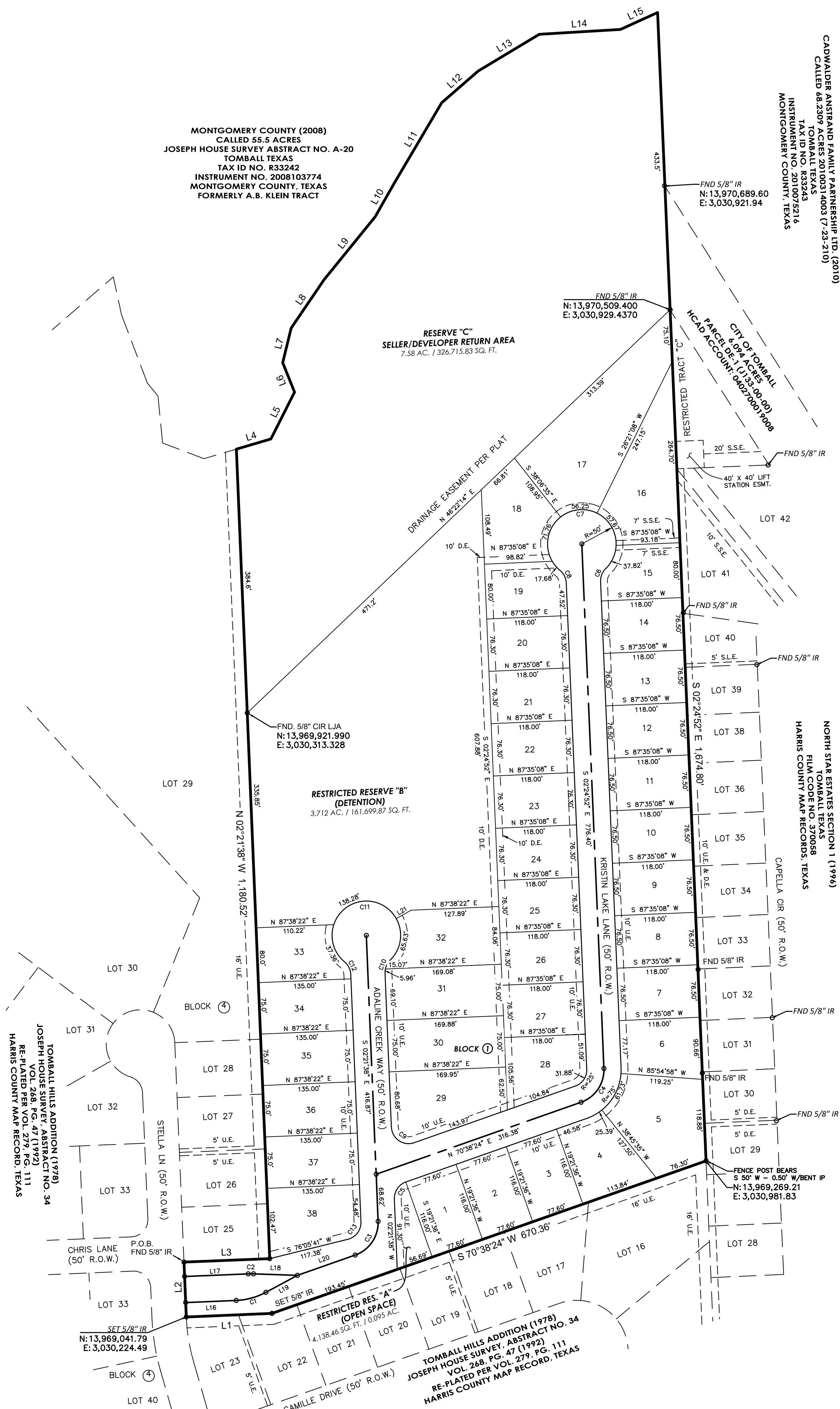
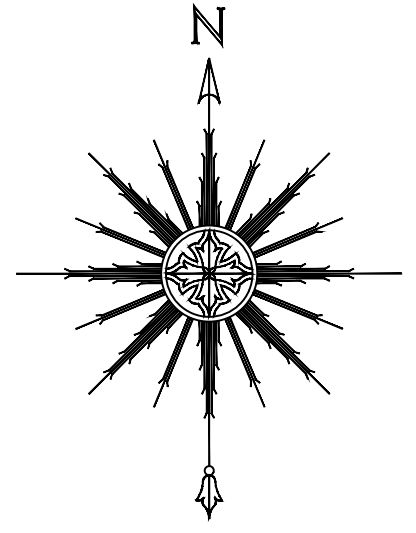
2) The bearings and coordinates shown hereon are based on TXSPC South Central Zone 4204, GRID NAD 83, using LEICA SMARTNET. Distances are surface and may be brought to grid by dividing by a combined scale factor of 1.0000466.

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

- 4) According to FEMA Firm Panel No. 48201C0210L (effective date June 18, 2007), this property is: 1) partially located within unshaded zone X, areas determined to be outside the 0.2% annual chance floodplain; 2) partially located within Unshaded Zone X, areas determined to be outside the 0.2% annual chance floodplain; 3) partially located within Shaded Zone X, areas of 0.2% annual chance of flood and areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and, areas protected by levees from 1% annual chance flood; and, 4) partially located within Zone AE, special flood hazard area subject to inundation by the 1% annual chance flood, with base flood elevations determined.
- 5) All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- 6) All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- 7) 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.
- 8) This plat does not attempt to amend or remove any valid covenants or restrictions.
- 9) A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.



GRAPHIC SCALE: 1" = 100'



**TOMBALL HILLS ADDITION
LOT 24 BLOCK 4 REPLAT NO 2**

A SUBDIVISION OF 23,299.5 AC. / 1,014,925.81 SQ. FT.,
BEING A REPLAT OF LOT 24, BLOCK 4,
REPLAT OF LOT 24, BLOCK 4, RE PLAT REVISION 1-9-29-78,
TOMBALL HILLS ADDITION, FILM CODE NO. 353041, H.C.M.R.,
SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34,
CITY OF TOMBALL CITY LIMITS, HARRIS COUNTY, TEXAS.

1 BLOCK 38 LOTS 3 RESERVES
SEPTEMBER 2024

Owners
Red Rock Capital Holdings LLC
5900 Balcones Drive, Suite 100,
Austin, TX 78731

Surveyor
AXIOM
LAND SURVEYING, LLC

AXIOM LAND SURVEYING, LLC
1304 Langham Creek Drive, Suite 140,
Houston, TX 77084
(832) 775-3180
www.AxiomLS.com
TBPELS FIRM #010194789

LINE	LINE TABLE	DISTANCE
L1	S 87°36'52" W	125.00'
L2	N 02°23'47" W	80.00'
L3	N 87°40'31" E	129.05'
L4	N 73°35'44" E	52.44'
L5	N 26°47'13" E	76.50'
L6	N 21°53'22" W	46.24'
L7	N 13°45'37" E	51.91'
L8	N 34°12'30" E	85.26'
L9	N 39°03'41" E	118.18'
L10	N 29°34'57" E	54.49'
L11	N 30°32'45" E	137.74'
L12	N 48°57'21" E	70.41'
L13	N 58°58'09" E	103.91'
L14	N 86°36'07" E	118.80'
L15	N 65°27'57" E	59.45'
L16	N 87°36'52" E	73.69'
L17	N 87°36'52" E	92.84'
L18	S 88°01'18" E	64.09'
L19	N 61°44'34" E	52.28'
L20	N 70°38'24" E	89.19'
L21	N 60°37'33" E	25.00'

CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	100.00'	25°52'18"	45.15'	N 74°40'43" E	44.77'
C2	100.00'	42°1'50"	7.62'	N 89°47'47" E	7.61'
C3	50.00'	73°00'02"	63.71'	N 34°08'23" E	59.48'
C4	50.00'	73°03'16"	63.75'	N 34°06'46" E	59.52'
C5	25.00'	73°00'02"	31.85'	N 34°08'23" E	29.74'
C6	25.00'	48°11'23"	21.03'	N 21°40'50" E	20.41'
C7	50.00'	276°22'46"	241.19'	S 87°35'08" W	66.67'
C8	25.00'	48°11'23"	21.03'	S 26°50'33" E	20.41'
C9	25.00'	106°59'58"	46.89'	N 55°51'37" W	40.19'
C10	25.00'	48°11'23"	21.03'	N 21°44'03" E	20.41'
C11	50.00'	276°22'46"	241.19'	S 87°38'22" W	66.67'
C12	25.00'	48°11'23"	21.03'	S 26°27'20" E	20.41'
C13	25.00'	78°27'19"	34.23'	S 36°52'01" W	31.62'

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 14, 2024

Topic:

Conduct a public hearing and consideration to approve **Zoning Case Z24-14**: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.339 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the General Retail (GR) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Background:

Origination: International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla

Recommendation:

Staff recommends approval of **Zoning Case Z24-14**.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

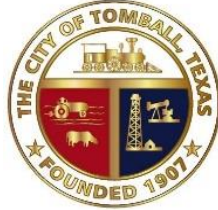
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 14, 2024
&
CITY COUNCIL
OCTOBER 21, 2024**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 14, 2024 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 21, 2024 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 Z24-14: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.339 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the General Retail (GR) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Zoning Case Z24-15: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 11.40 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the Duplex Residential (D) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Zoning Case Z24-16: Request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Benjamin Lashley, at (281) 290-1477 or at blashley@tomballtx.gov.

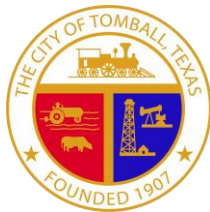
CERTIFICATION

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 11th day of October 2024 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Benjamin Lashley

Benjamin Lashley
Assistant 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) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z24-14

9/24/2024

The Planning & Zoning Commission will hold a public hearing on **October 14, 2024 at 6:00 PM**, in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.339 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the General Retail (GR) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is highlighted in green on the map is being considered for **re-zoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **October 21, 2024 at 6:00 PM** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions please contact Benjamin Lashley, Assistant City Planner, by telephone (281-290-1477) or by email address blashley@tomballtx.gov.

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z24-14

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

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

Name:
Parcel I.D.:
Address:

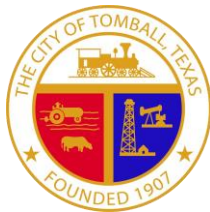
Email: blashley@tomballtx.gov

I am in favor

I am opposed

Additional Comments:

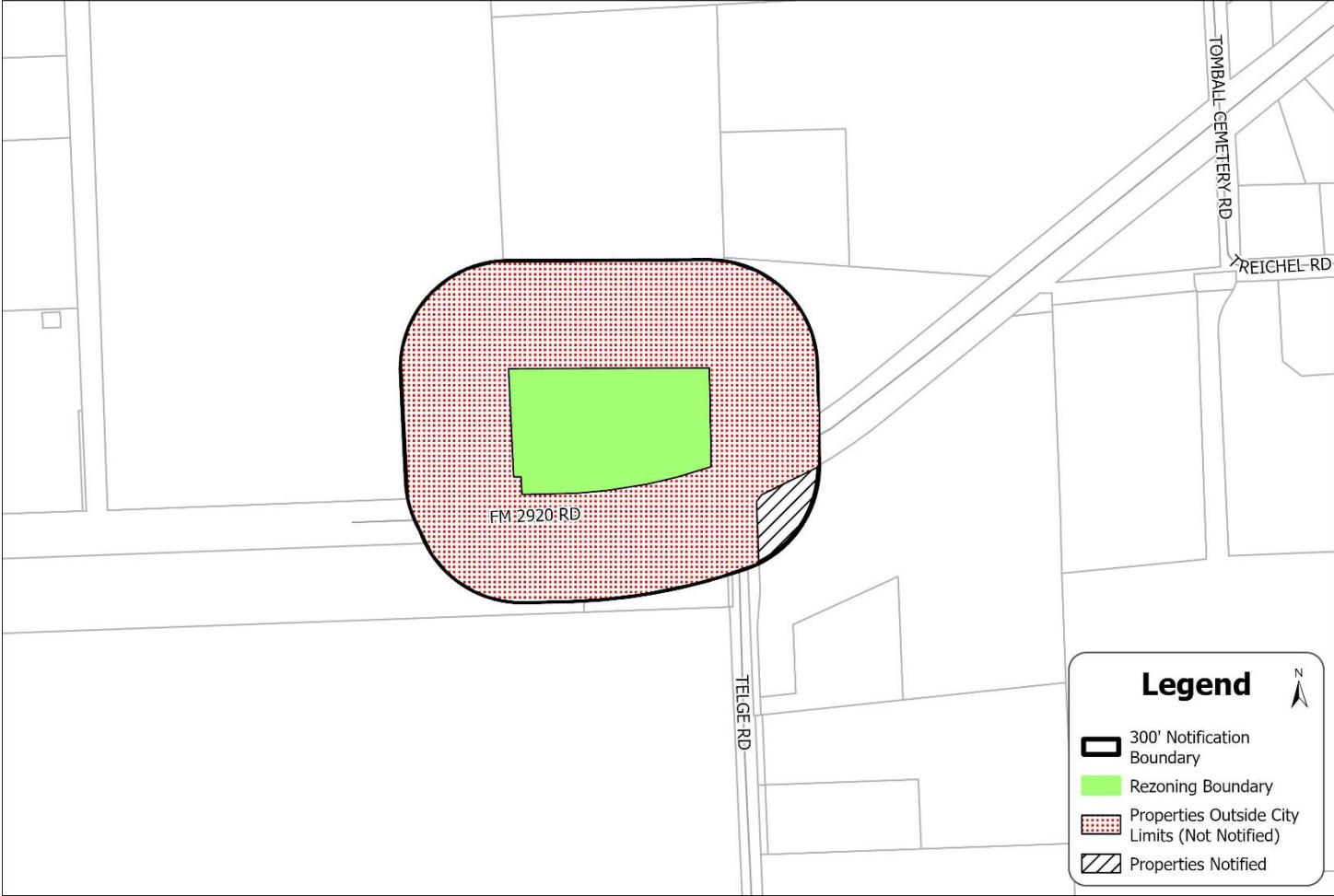
Signature: _____

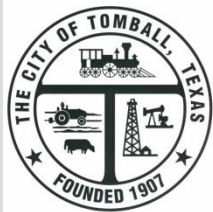


City of Tomball
Community Development Department

Z24-14

 **Notification Boundary**





**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: October 14, 2024
City Council Public Hearing Date: October 21, 2024

- Rezoning Case:** Z24-14
- Property Owner(s):** International Commercial Development Enterprise, LLC
- Applicant(s):** Ernesto Quintanilla
- Legal Description:** A tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311
- Location:** 16000 FM 2920 (Exhibit "A")
- Area:** 4.339 acres
- Comp Plan Designation:** None-recently annexed into the Tomball ETJ (Exhibit "B")
- Present Zoning:** None-currently outside the Tomball city limits (Exhibit "C")
- Request:** Rezone upon annexation from the Agricultural (Ag) zoning district to the General Retail (GR) zoning district.

Adjacent Zoning & Land Uses:

- North:** None / Proposed duplex development (currently undeveloped)
- South:** None / Convenience Store - Gas Station
- East:** None / Hans Crawfish
- West:** None / Single-family detached residence on large tract of land

BACKGROUND

The subject property is presently undeveloped and within the City of Tomball’s Extra Territorial Jurisdiction (ETJ). The applicant is requesting annexation into the City of Tomball and the simultaneous rezoning of the property to allow for the development of a fuel station and retail center.

ANALYSIS

Since the subject property was recently annexed into the City of Tomball's ETJ, the property is not currently included in the City of Tomball's Comprehensive Plan and does not have a Future Land Use designation. The General Retail (GR) zoning district is designed to accommodate nonresidential uses along high-traffic areas, intersections of major collector streets, and along regionally serving thoroughfares. Land uses found within the GR district should facilitate opportunities for local neighborhood shopping, create facilities for the retail sales of goods and services, and help create a network of supportive services for the surrounding community.

The request to rezone the subject property to the General Retail (GR) zoning district is consistent with the development of the area. Additionally, the subject property has proposed access onto FM 2920 and the future northern extension of Telge Road, which is an existing major arterial that currently terminates at FM 2920. High traffic volume can be anticipated at the intersection of these roads which would support the development desired by the applicant.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site, within city limits, were mailed notification of this proposal on September 24, 2024. 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 Z24-14.

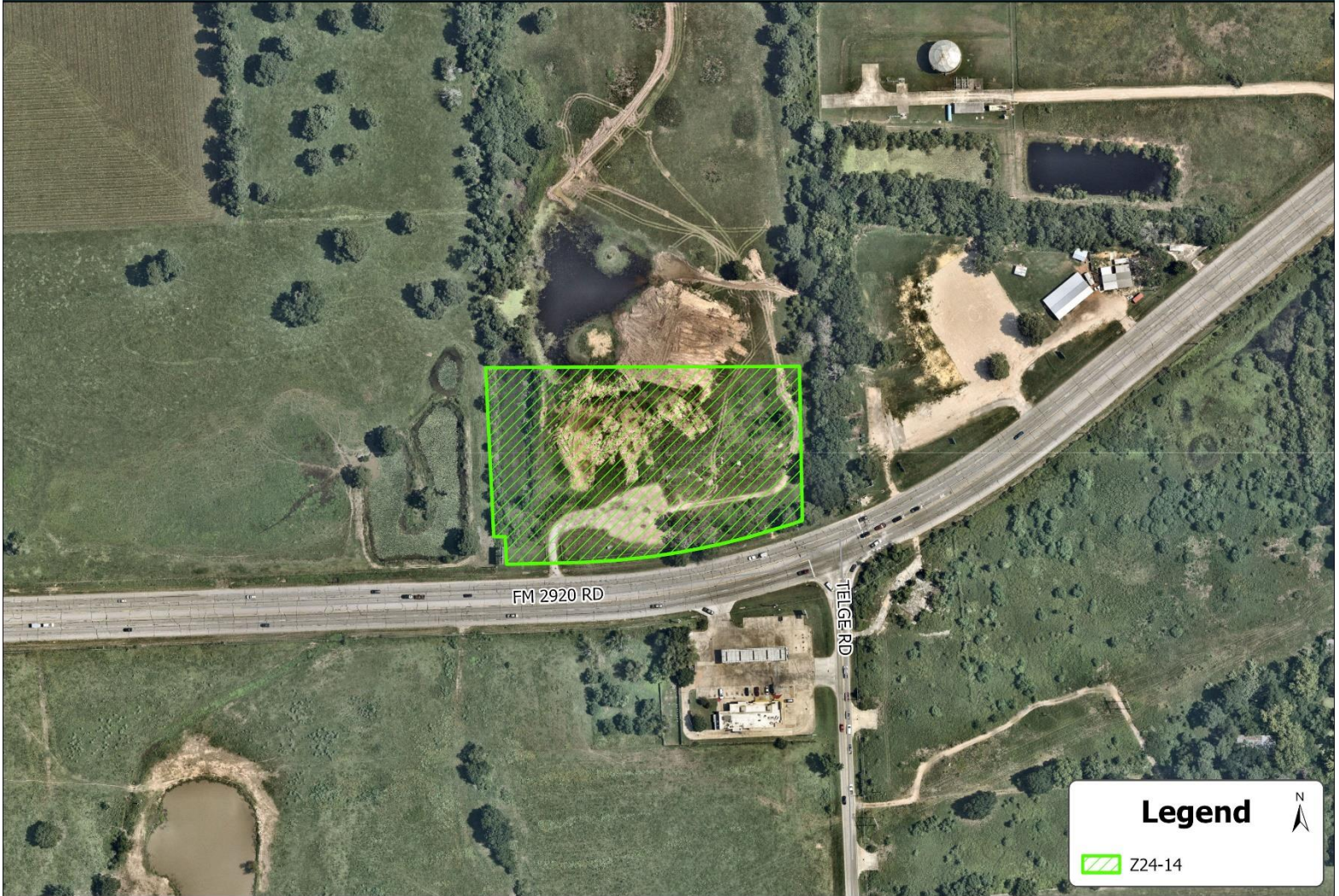
EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location



Legend 

 Z24-14

Exhibit "B"
Future Land Use Plan



Future Land Use

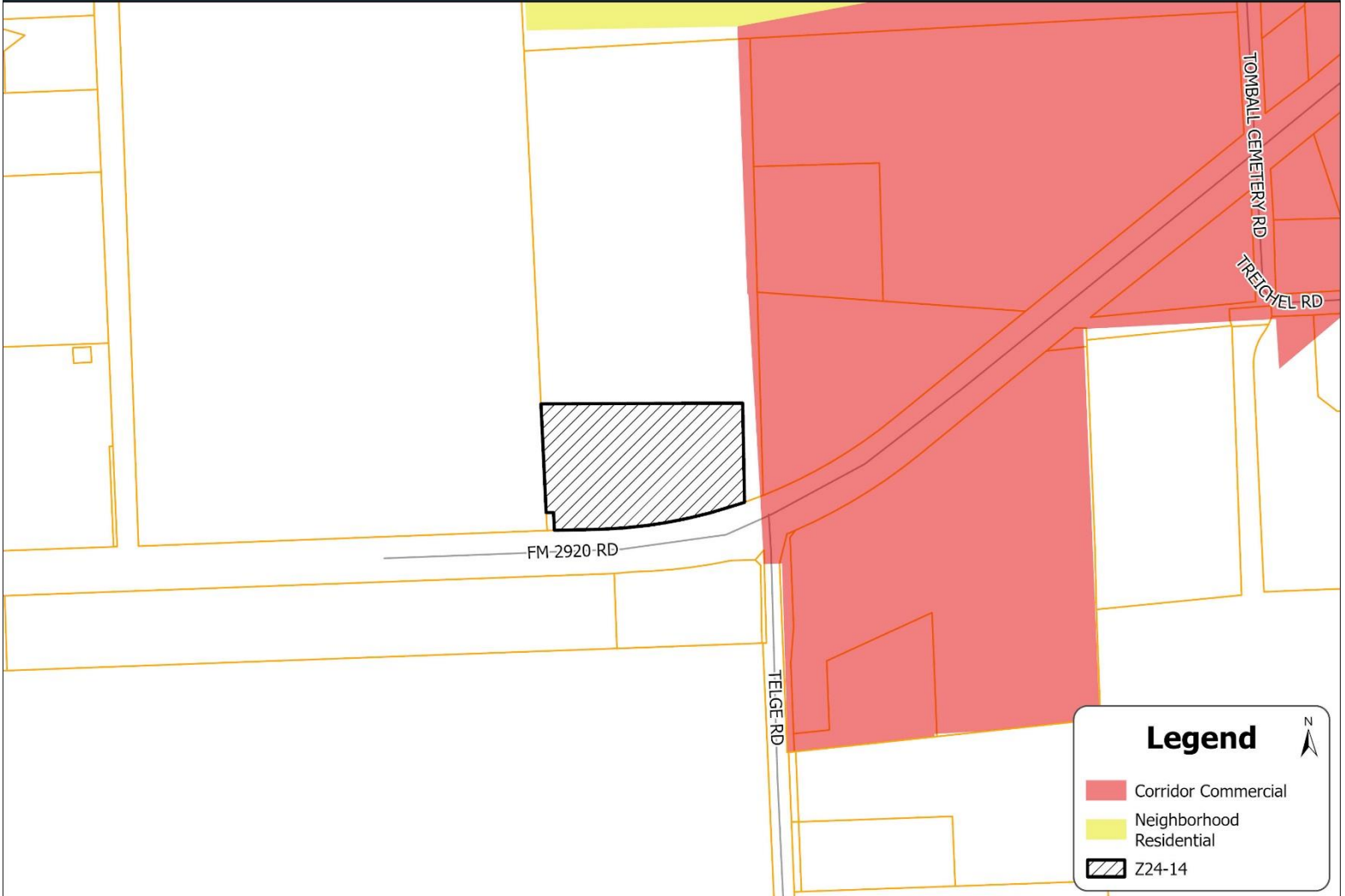
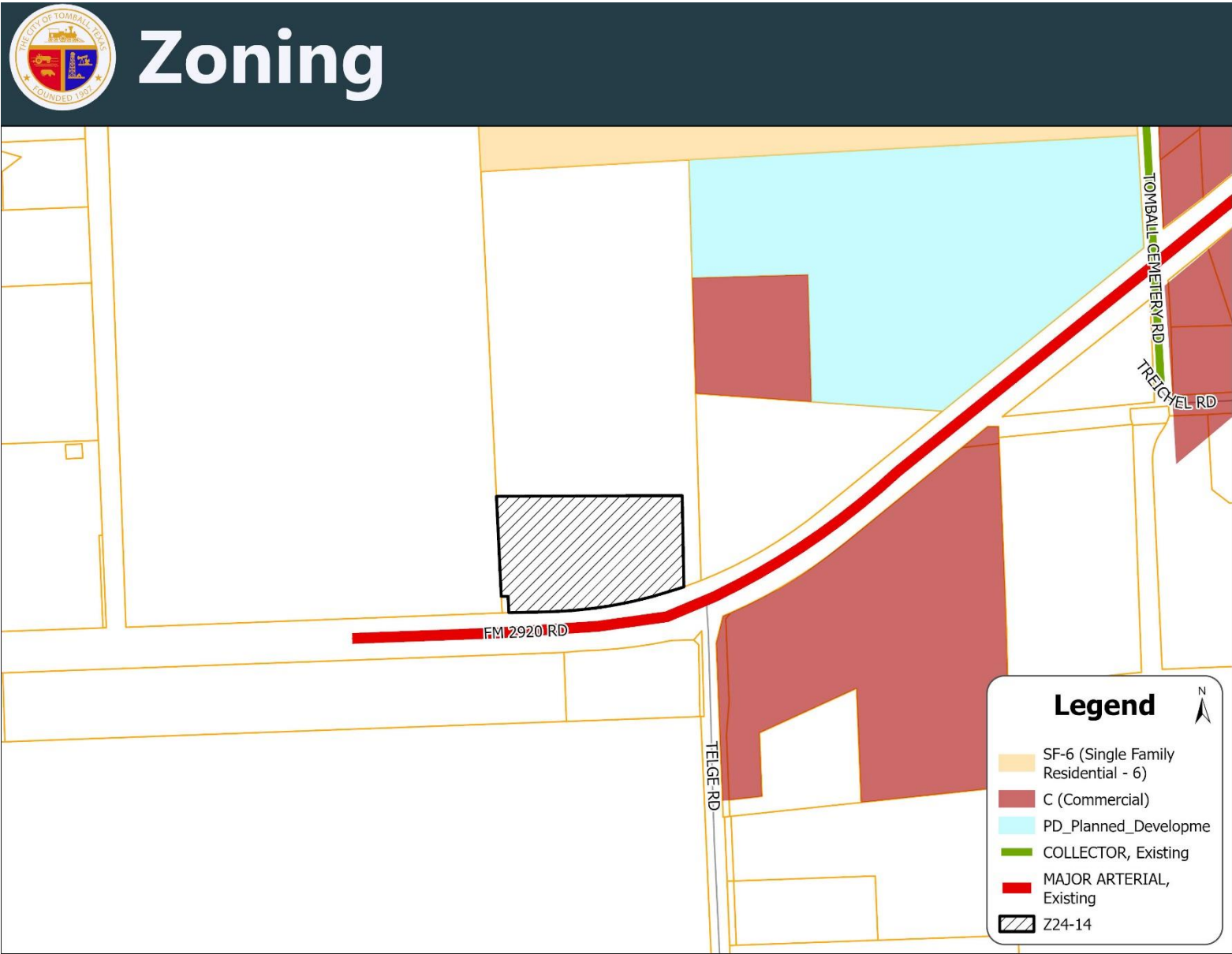


Exhibit "C" Zoning Map



**Exhibit “D”
Site Photo(s)**

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E" Rezoning Application

DocuSign Envelope ID: 406F359F-799B-4E0C-ADB2-515510680BA7

Revised: 10/1/2022



APPLICATION FOR RE-ZONING Community Development Department Planning Division

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

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

DIGITAL PLAN SUBMITTALS:

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

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

Applicant

Name: Ernesto Quintanilla Title: owners representative
Mailing Address: 810 S. Mason Rd. Suite 225 City: Katy State: TX
Zip: 77494 Contact: Ernesto Quintanilla
Phone: (210) 2559850 Email: quintanilla@concept-eandy.com

Owner

Name: International Commercial Development Ent. Title: owner
Mailing Address: 25420 Kuykendahl Rd. Ste D-400 City: Tomball State: TX
Zip: 77375 Contact: Ernesto Grey
Phone: (832) 888 3321 Email: ernestogrey100@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial Development

Physical Location of Property: 16000 FM 2920 Road Tomball TX, 77377
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 17 ABST 20 J H EDWARDS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Out of city limits.
Requesting for zoning at the same time with annexation.

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

DocuSign Envelope ID: 406F359F-799B-4E0C-ADB2-515510680BA7

Revised: 10/1/2022

Current Use of Property: Vacant property

Proposed Zoning District: GR General Retail

Proposed Use of Property: GR: - 2 retail plazas approx. 9,000sf
- gas station approx. 6,000sf

HCAD Identification Number: 0402200010065 Acreage: 18.75 AC

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

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

X  07/17/2024
Signature of Applicant Date

X  7/17/2024
Signature of Owner Date

Submittal Requirements

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

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

- **Application Fee: \$1,000.00**
- Completed application form
- *Copy of Recorded/Final Plat
- Letter stating reason for request and issues relating to request
- Conceptual Site Plan (if applicable)
- Metes & Bounds of property
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

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

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

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

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

CONCEPT E & Y LLC
810 S. MASON RD. SUITE 225
KATY, TX 77450

SUBJECT PROPERTY
16000 FM 2920 RD.
TOMBALL TX 77377
HCAD #
0402200010065



CONCEPT E | Y LLC
ARCHITECTURAL DESIGN SERVICES



REQUEST LETTER

To Whom it May Concern:

We are requesting re-zoning along with the annexation process for the subject property. This property will house General Retail development at the south side of the property and Duplex development at the north side of the property.

For the General Retail property, the development will be 2 Retail Plazas and a Gas Station with a Convenience Store.

For the Duplex development we are proposing 26 Duplex buildings, or a total of 52 residences.

The purpose for the annexation is to gain Public Utilities for our Water, Wastewater and Gas.

The property will be platted along with this request, including the extension of TELGE Rd.

Thank you

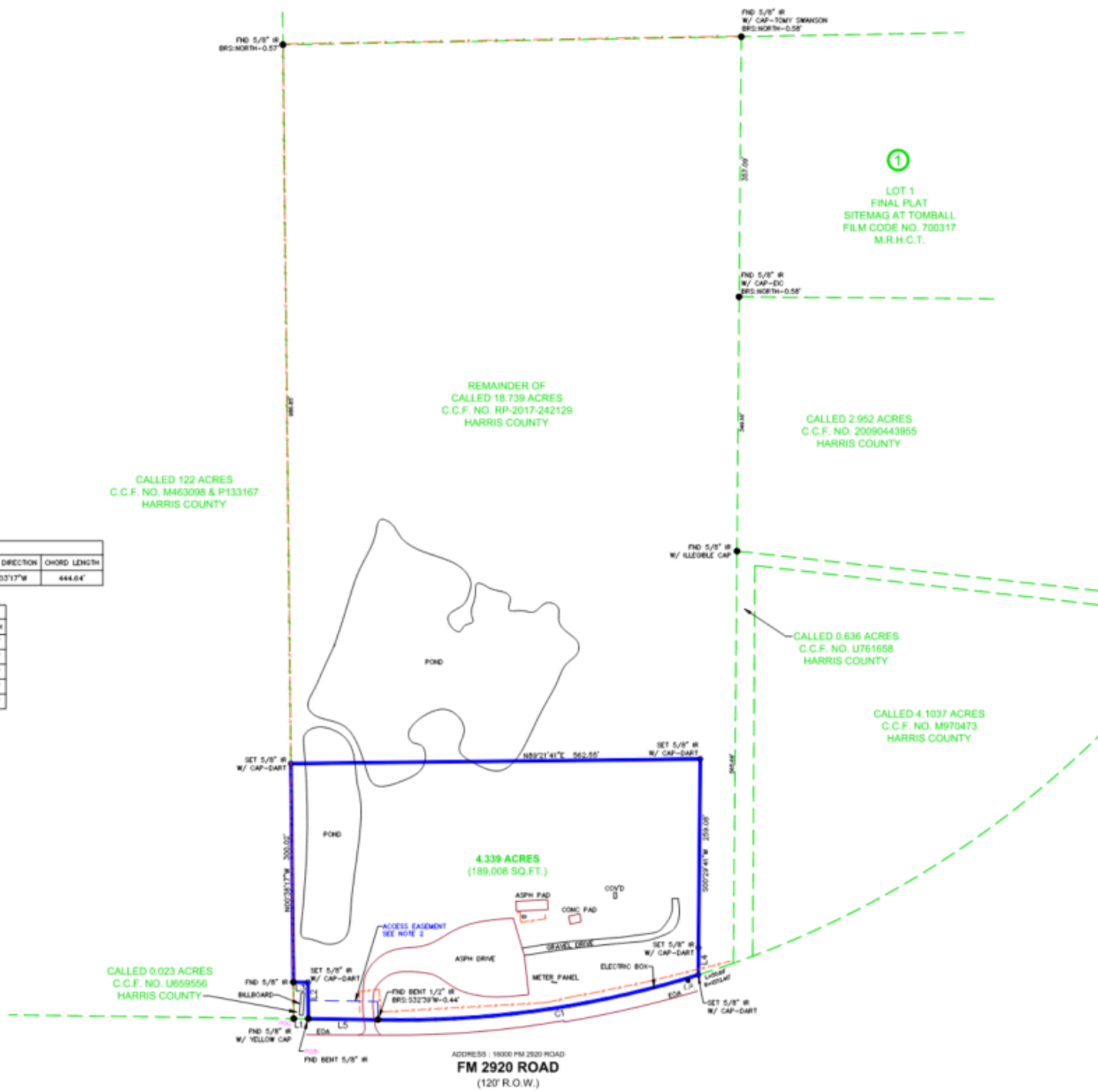
Sincerely,

Ernesto Quintanilla
Owners Representative
e: quintanilla@concept-eandy.com
p: (210) 255 9850

P-01
July 17, 2024

CURVE TABLE					
CURVE #	LEN TH	RADIUS	DELTA	CHORD DIRECTION	CHORD LEN TH
C1	446.60'	1372.40'	183°42'	S82°03'17"W	444.64'

LINE TABLE		
LINE #	DIRECTION	LEN TH
L1	N89°16'00"W	20.00'
L2	N00°38'17"W	50.00'
L3	N89°16'00"W	20.00'
L4	S00°38'59"W	37.22'
L5	N89°16'00"W	95.61'





14701 Saint Mary's Lane
Ste. 150
Houston, TX 77079
Office: 281-584-6688

**METES AND BOUNDS DESCRIPTION
4.339-ACRES (189,008 SQUARE FEET.)
JOHN EDWARDS SURVEY, ABSTRACT NO. 20 &
CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311
HARRIS COUNTY, TEXAS**

BEING 4.339-ACRES (189,008 SQUARE FEET) TRACT OF LAND SITUATED IN THE JOHN EDWARDS SURVEY, ABSTRACT NO. 20 AND CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311, IN HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 18.739-ACRES RECORDED UNDER COUNTY CLERK'S FILE NO. (C.C.F. NO.) RP-2017-242129, OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 4.339-ACRES TRACT MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING At a 5/8-inch iron rod with yellow cap found in the northerly Right-Of-Way (R.O.W.) line of FM 2920 Road (120 foot wide), being the southeast corner of that certain tract of land described as 122-acres tract recorded under C.C.F. NO. M463098 & P133167, O.P.R.H.C.T., and the southwest corner of that certain tract of land described as 0.023-acres tract recorded under C.C.F. NO. U659556, O.P.R.H.C.T.;

THENCE (L1) South 89°16'00" East, with the northerly R.O.W. line of said FM 2920 Road, a distance of 20.00 feet to a bent 5/8-inch iron rod found for the **POINT OF BEGINNING**, the southeast corner of said 0.023-acres tract and the southwest corner of the herein described tract;

THENCE (L2) North 00°38'17" West, with the east line of said 0.023-acres tract, a distance of 50.00 feet, to a 5/8-inch iron rod with cap (DART) set for the northeast corner of said 0.023-acres tract, and an interior angle point of the herein described tract;

THENCE (L3) North 89°16'00" West, with the north line of said 0.023-acres tract, a distance of 20.00 feet, to a 5/8-inch iron rod found for the northwest corner of said 0.023-acres tract, and an exterior angle point of the herein described tract;

THENCE North 00°38'17" West, with the east line of said 122-acres tract, a distance of 300.02 feet, to a 5/8-inch iron rod with cap (DART) set in the west line of said 18.739-acres tract, being the northwest corner of the herein described tract;

THENCE North 89°21'41" East, over and through said 18.739-acres tract, a distance of 562.55 feet, to a 5/8-inch iron rod with cap (DART) set for the northeast corner of the herein described tract;

THENCE South 00°29'41" West, over and through said 18.739-acres tract, a distance of 259.08 feet, to a 5/8-inch iron rod with cap (DART) set for an angle point in the east line of the herein described tract;

THENCE (L4) South 00°38'09" West, over and through said 18.739-acres tract, a distance of 37.22 feet, to a 5/8-inch iron rod with cap (DART) set in the northerly R.O.W. line of said FM 2920 Road, being the southeast corner of the herein described tract;

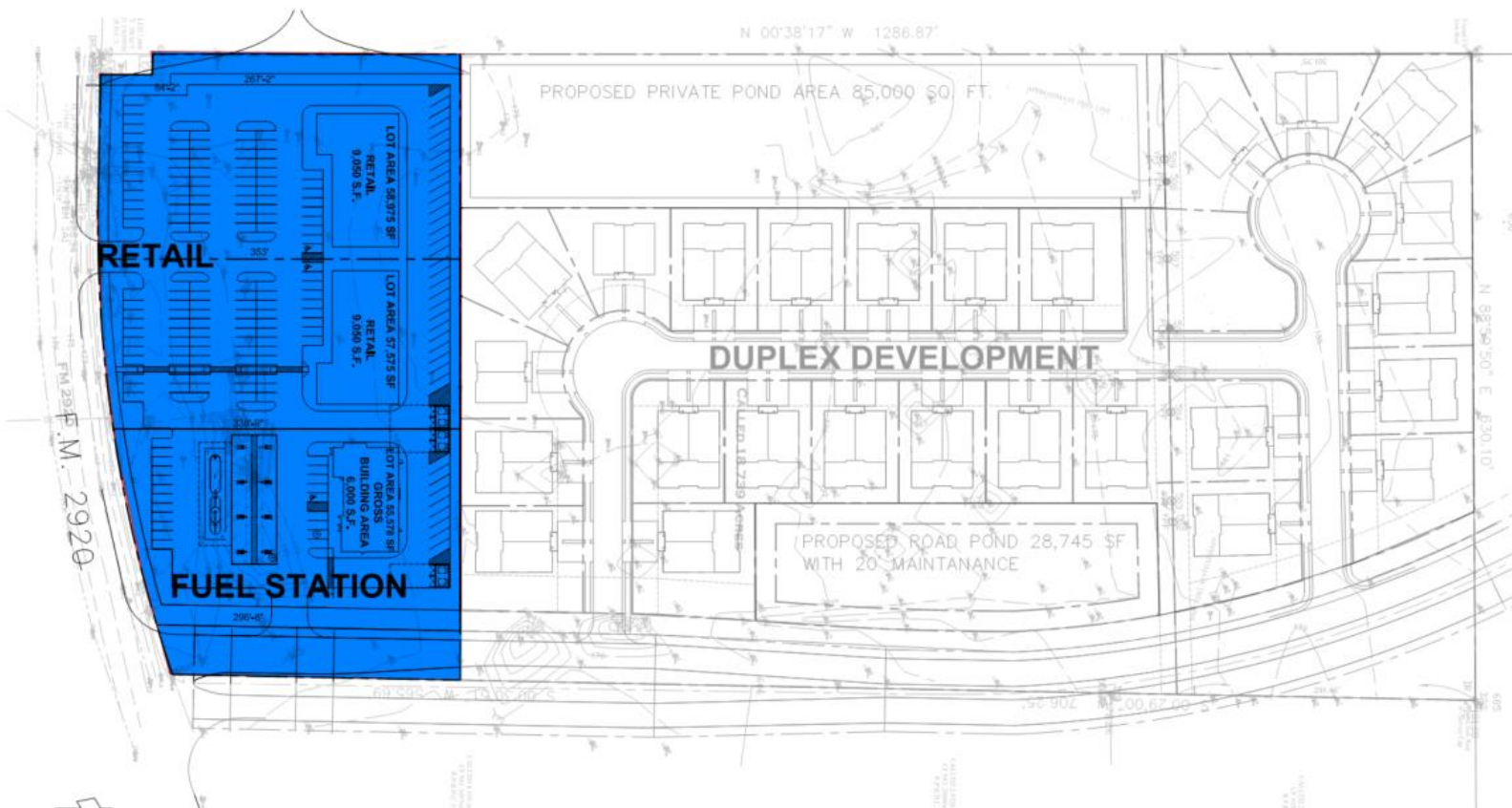
THENCE (C1) along a curve to the right with the northerly R.O.W. line of said FM 2920 Road, having a curve length of 446.60 feet, a radius of 1372.40 feet, a delta angle of 18°38'42", and a chord bearing and distance of South 82°03'17" West, 444.64 feet to the end of said curve, from which a bent 1/2-inch iron rod found bears South 32°39' West, 0.44 feet;

THENCE (L5) North 89°16'00" West, with the north line of said FM 2920 Road, a distance of 95.61 feet, to the **POINT OF BEGINNING** and containing 4.339-Acres (189,008 Square feet) more or less.

Benjamin Jauma
R.P.L.S. No. 6417
May 13, 2024



Job No. 2024-04-006
FIRM number 10194710




NORTH
SITE PLAN
NTS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

**THE STATE OF TEXAS §
 § **KNOW ALL BY THESE PRESENTS: THAT**
COUNTY OF HARRIS §**

FREDDY WIRT, A MARRIED MAN, NOT JOINED HEREIN BY MY SPOUSE AS THE PROPERTY HEREIN CONVEYED CONSTITUTES NO PART OF OUR HOMESTEAD ("Grantor"), whose mailing address is 20716 Cedar Ln, Tomball, Texas 77377, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration to Grantor in hand paid by **INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC,** a Texas limited liability company ("Grantee"), whose mailing address is 25420 Kuykendahl Rd, Suite D-400, Tomball, Texas 77375, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, has **GRANTED, SOLD AND CONVEYED,** and by these presents does **GRANT, SELL AND CONVEY,** unto Grantee, Grantor's entire undivided ownership interest in the real property, together with all improvements thereon, described as follows (the "Property"):

BEING A 18.739 ACRE TRACT OF LAND IN THE JOHN EDWARDS SURVEY (A-20), AND THE CHAUNCEY GOODRICH SURVEY, (A-311) IN HARRIS COUNTY, TEXAS, OUT OF THAT CERTAIN 130.971 ACRE TRACT OF LAND DESCRIBED UNDER CLERK'S FILE NO. T469927, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (OPRRPHCOTX), SAID 18.739 ACRES IS HEREAFTER REFERRED TO AS "THE SUBJECT TRACT" AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging to have and to hold unto Grantee, and Grantee's heirs, successors and assigns, forever; and Grantor does hereby bind itself and its heirs and successors to **WARRANT AND FOREVER DEFEND** all and singular the Property unto Grantee, Grantee's heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, provided, however, that this conveyance is made by Grantor and accepted by Grantee subject to (i) to the liens securing payment of ad valorem taxes for the current and all subsequent years and (ii) easements, liens, reservations, covenants, conditions, and restrictions of record in **Harris County, Texas,** or visible or apparent on the ground to the extent the foregoing affect the Property. By acceptance of this Deed, Grantee assumes and agrees to perform all of the obligations of Grantor under said easements, reservations, covenants, conditions and restrictions, and agrees to pay and indemnifies and agrees to hold Grantor harmless from and against all ad valorem taxes relating to the Property, for the current and all subsequent years.

17066933

**FILED BY
ALAMO TITLE COMPANY
(HOUSTON)**

RP-2017-242129

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

EXECUTED AS OF AND EFFECTIVE the 31 day of May, 2017.

GRANTOR:

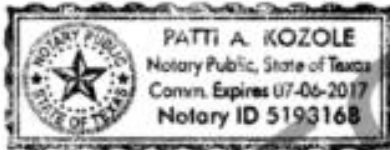
Freddy Wirt

FREDDY WIRT

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF Harris §

Before me, a Notary Public, on the 31 day of May, 2017, personally appeared **FREDDY WIRT**, who acknowledged that he did sign the foregoing instrument, and acknowledged to me that he executed the same for the uses and purposes and consideration therein expressed.



Patti A Kozole

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

THE HAY LEGAL GROUP PLLC
611 W. 5th Street, Suite 300
Austin, Texas 78701

RP-2017-242129

UNOFFICIAL COPY

LEGAL DESCRIPTION

Order No.: ATCH17066923

Being a 18.739 acre tract of land in the **John Edwards Survey (A-20)**, and the **Chauncey Goodrich Survey, (A-311)** in Harris County, Texas, out of that certain 130.971 acre tract of land described under Clerk's File No. T469927, of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCoTx), said 18.739 acres is hereafter referred to as "the subject tract" and is more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found lying in a curve in the North right-of-way line of FM 2920 (120 Ft. R-O-W), and marking the lower Southeast corner of the said 130.971 acre tract (hereafter called "parent tract"). Said point marks the Southeast corner of the subject tract, and the Southwest corner of a forty-foot-wide strip of land that is the old abandoned right-of-way of Tomball Waller Road;

THENCE in a westerly direction with a curve to the right along the North line of F. M. 2920 (Radius = 1372.40', Central Angle = 20°45'42", Chord = South 80°59'48" West - 494.58') an arc length of 497.30 feet to a 5/8 inch iron rod found marking the end of said curve;

THENCE North 89°16'00" West, continuing with the North line of F.M. 2920, a distance of 95.61 feet to a 5/8 inch iron rod found marking the lower Southwest corner the subject tract, and the Southeast corner of that certain twenty-by-fifty foot (20' X 50') tract of land described in deed to Salem Lutheran Church recorded under Clerk's File No. U659556;

THENCE North 00°38'17" West, departing the North line of F.M. 2920 a distance of 50.00 feet to a 5/8 inch iron rod found marking an interior corner of the subject tract, and the Northeast corner of the said Salem Lutheran Church tract;

THENCE North 89°16'00" West, a distance of 20.00 feet to a 5/8 inch iron rod found lying in the West line of the parent tract, in the East line of that certain 121 acre tract of land recorded in Volume 3948, Page 462, and Volume 962, Page 260 (HCDR) and marking the upper Southwest corner of the subject tract, and the Northwest corner of the said Salem Lutheran Church tract;

THENCE North 00°38'17" West, with the West line of the parent tract, a distance of 1286.87 feet to a 5/8 inch iron found marking the Northwest corner of the subject tract, and the Southwest corner of that certain 31.159 acre tract of land described under Clerk's File No. V256093;

THENCE North 88°59'50" East, departing the West line of the parent tract and with the South line of the said 31.159 acre tract, a distance of 630.10 feet to a 5/8 inch iron rod found marking the Northeast corner of the subject tract, and the Northwest corner of that certain 21.001 acre tract of land described under Clerk's File No. U682638;

THENCE South 00°29'00" West departing the South line of the said 31.159 acre tract, a distance of 706.25 feet to a 5/8 inch iron rod found marking the Southwest corner of the said 21.001 acre tract, an outside corner of a ninety-degree bend in the said old abandoned right-of-way of Tomball Waller Road, an interior corner of the parent tract, and a slight angle point in the East line of the subject tract;

THENCE South 00°30'51" West, with the West line of the said abandoned right-of-way, a distance of 565.69 feet to the **POINT OF BEGINNING** and containing 18.739 acres of land.

RP-2017-242129

UNOFFICIAL

RP-2017-242129
Pages 4
06/01/2017 02:18 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$24.00

RECORDERS MEMORANDUM

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

COPY

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 14, 2024

Topic:

Conduct a public hearing and consideration to approve **Zoning Case Z24-15**: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 11.40 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the Duplex Residential (D) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Background:

The subject property is presently undeveloped and within the City of Tomball’s Extra Territorial Jurisdiction (ETJ). The applicant is requesting annexation into the City of Tomball and the simultaneous rezoning of the property to allow for the development of a duplex community.

Origination: International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla

Recommendation:

Staff recommends approval of **Zoning Case Z24-15**.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

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

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

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

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 14, 2024
&
CITY COUNCIL
OCTOBER 21, 2024**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 14, 2024 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 21, 2024 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 Z24-14: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.339 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the General Retail (GR) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Zoning Case Z24-15: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 11.40 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the Duplex Residential (D) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Zoning Case Z24-16: Request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Benjamin Lashley, at (281) 290-1477 or at blashley@tomballtx.gov.

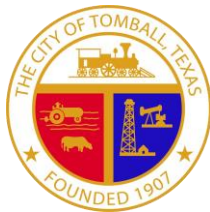
CERTIFICATION

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 11th day of October 2024 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Benjamin Lashley

Benjamin Lashley
Assistant 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) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



**City of Tomball
Community Development Department**

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z24-15

9/24/2024

The Planning & Zoning Commission will hold a public hearing on **October 14, 2024 at 6:00 PM**, in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 11.40 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the Duplex Residential (D) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is highlighted in green on the map is being considered for **re-zoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **October 21, 2024 at 6:00 PM** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions please contact Benjamin Lashley, Assistant City Planner, by telephone (281-290-1477) or by email address blashley@tomballtx.gov.

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z24-15

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

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

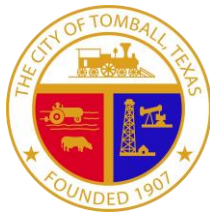
Name:
Parcel I.D.:
Address:
Email: blashley@tomballtx.gov

I am in favor

I am opposed

Additional Comments:

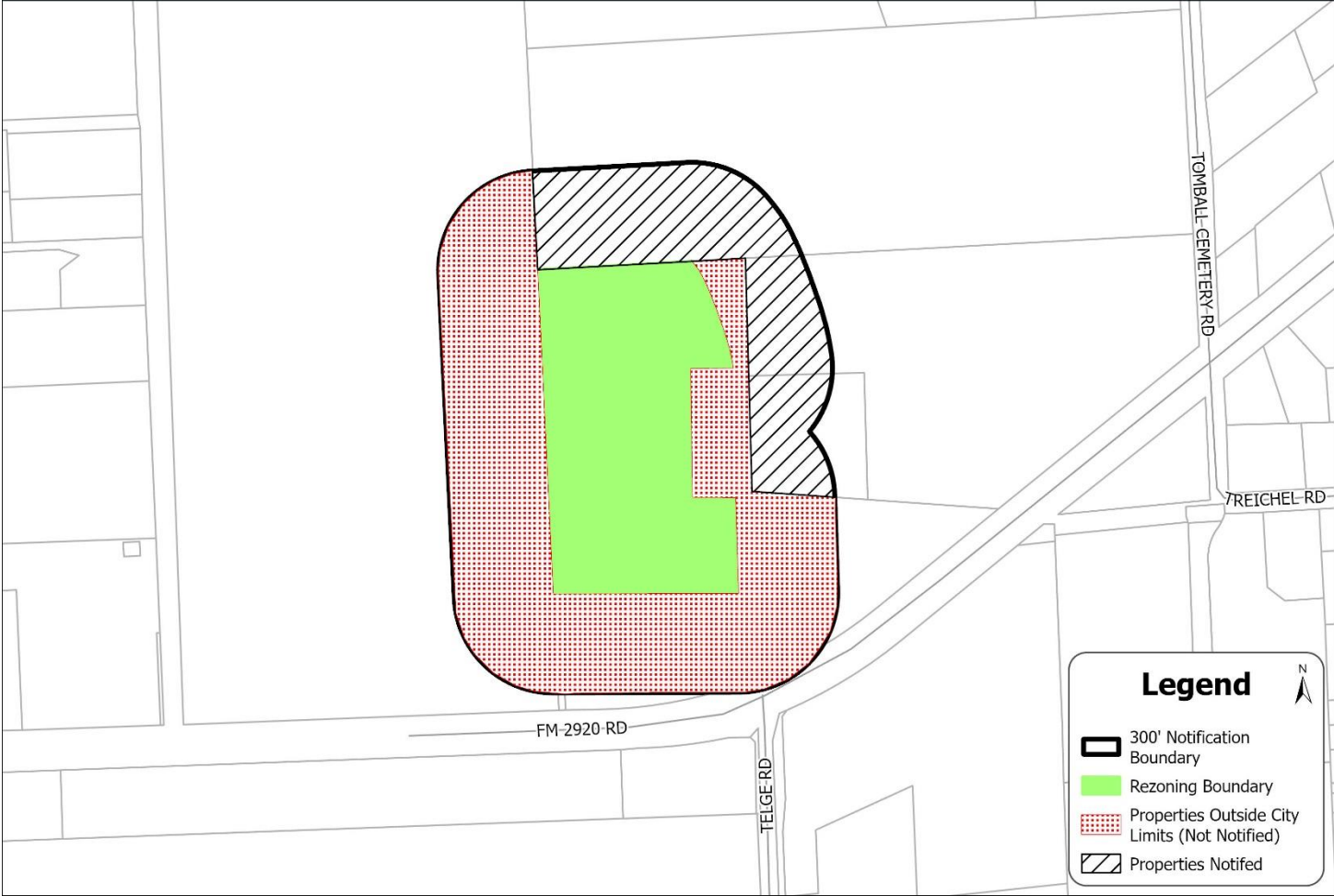
Signature: _____

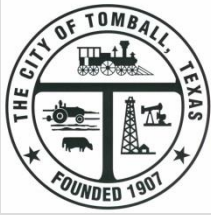


City of Tomball
Community Development Department

Z24-15

 **Notification Boundary**





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 14, 2024
City Council Public Hearing Date: October 21, 2024

Rezoning Case: Z24-15

Property Owner(s): International Commercial Development Enterprise, LLC

Applicant(s): Ernesto Quintanilla

Legal Description: A tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311

Location: 16000 FM 2920 (Exhibit “A”)

Area: 11.40 acres

Comp Plan Designation: None-recently annexed into the Tomball ETJ (Exhibit “B”)

Present Zoning: None-currently outside the Tomball city limits (Exhibit “C”)

Request: Rezone upon annexation from the Agricultural (Ag) zoning district to the Duplex (D) zoning district.

Adjacent Zoning & Land Uses:

- North:** Single-Family Residential–6 (SF-6) / Proposed single-family development (currently undeveloped)
- South:** None / Proposed retail development (currently undeveloped)
- East:** Commercial (C) and Planned Development District (PD-18) / City of Tomball water well, proposed multi-family development (currently undeveloped), and Hans Crawfish
- West:** None / Single-family detached residence on large tract of land

BACKGROUND

The subject property is presently undeveloped and within the City of Tomball’s Extra Territorial Jurisdiction (ETJ). The applicant is requesting annexation into the City of Tomball and the simultaneous rezoning of the property to allow for the development of a duplex community.

ANALYSIS

Since the subject property was recently annexed into the City of Tomball's ETJ, the property is not currently included in the City of Tomball's Comprehensive Plan and does not have a Future Land Use designation. The Duplex (Two-Family) Residential (D) zoning district is designed to accommodate medium density residential multiple-occupancy housing. This district is commonly used as a buffer or transition district between lower density residential areas and higher density residential uses, non-residential areas, or major thoroughfares.

The request to rezone the subject property to the Duplex (D) zoning district is compatible with the intent of the district and is consistent with the existing and proposed development of this area. The subject property would act as a transition district between FM 2920, a major arterial, and the Single-Family Residential-6 (SF-6) zoning district to the north and will expand the range of housing options for Tomball residents.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site, and within the city limits, were mailed notification of this proposal on September 24, 2024. 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 Z24-15.

EXHIBITS

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

Exhibit "A" Aerial Location Map



Location

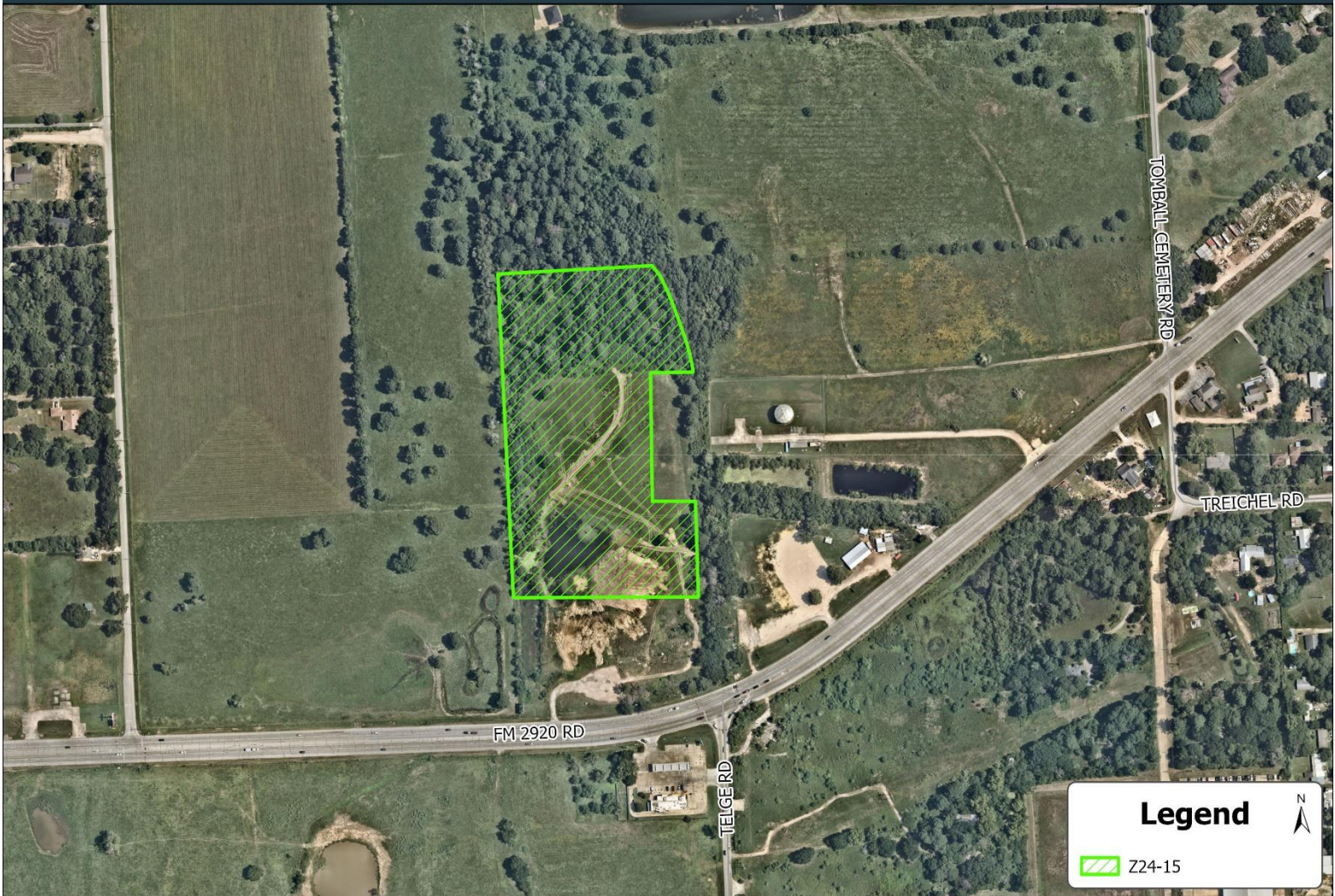


Exhibit "B"
Future Land Use Plan



Future Land Use

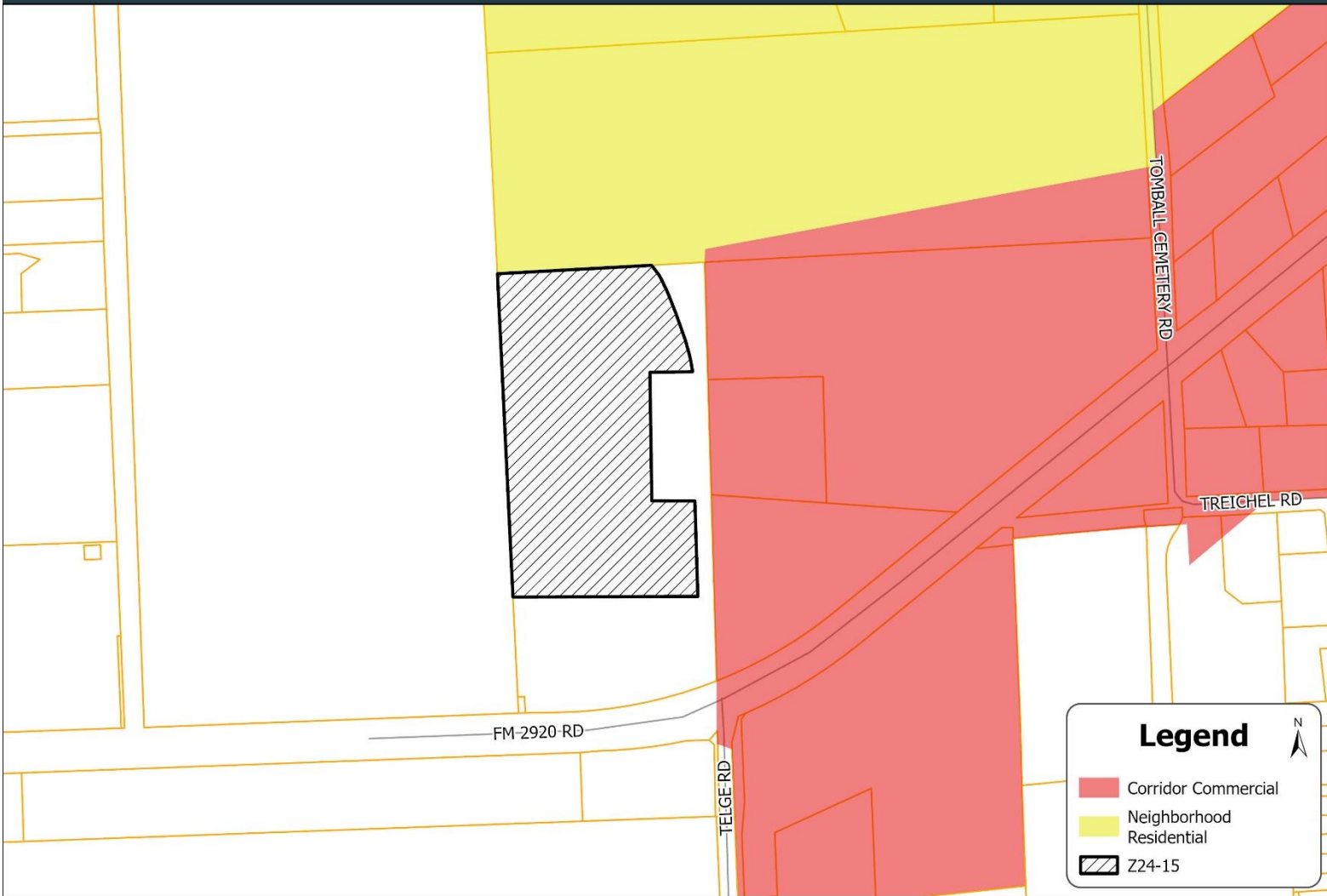
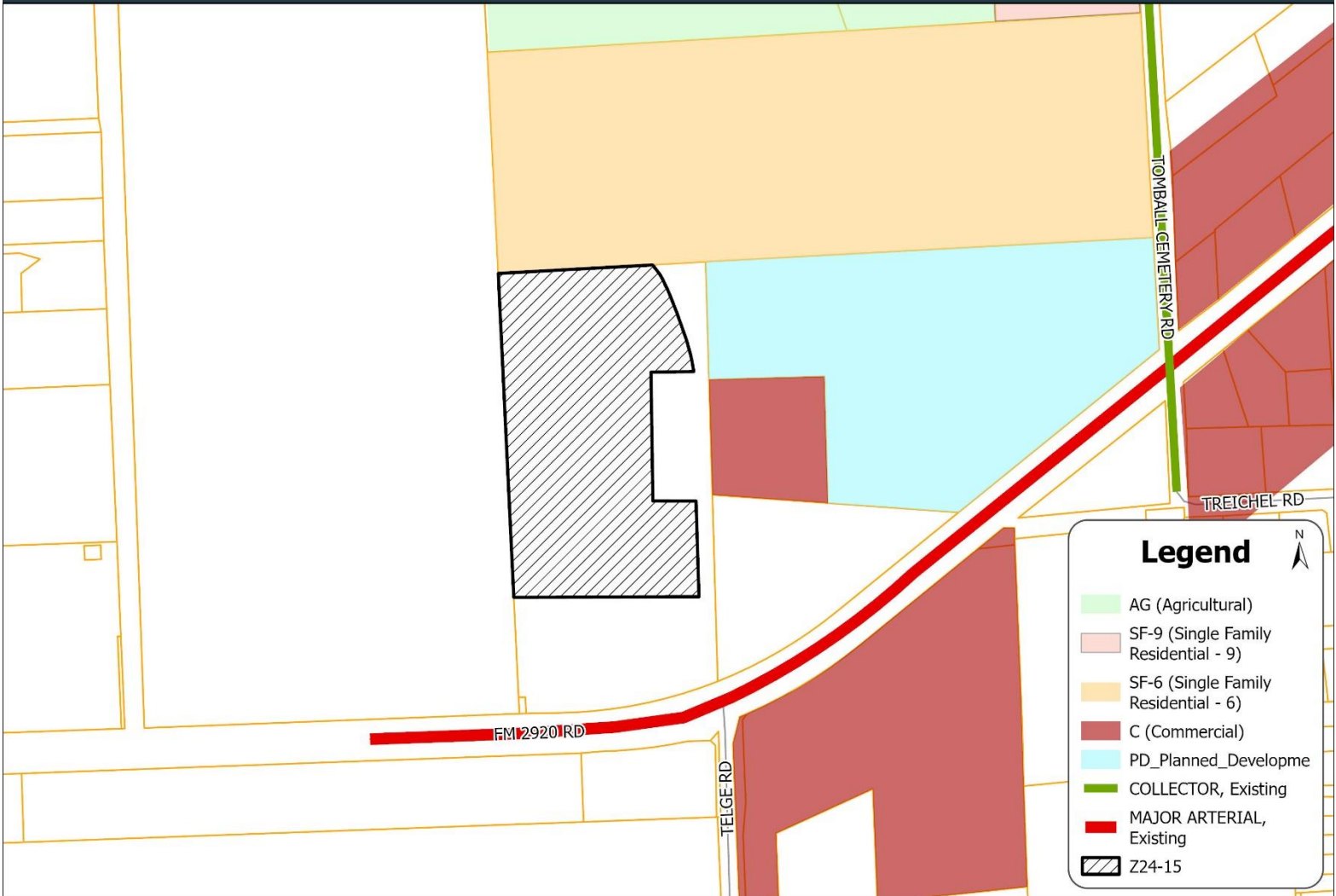


Exhibit "C"
Zoning Map



Zoning



Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (East)



Neighbor (West)



Exhibit "E" Rezoning Application

Docusign Envelope ID: 406F359F-799B-4E0C-ADB2-515510680BA7

Revised: 10/1/2022



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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

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

DIGITAL PLAN SUBMITTALS:

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

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

Applicant

Name: Ernesto Quintanilla Title: owners representative
Mailing Address: 810 S. Mason Rd. Suite 225 City: Katy State: TX
Zip: 77494 Contact: Ernesto Quintanilla
Phone: (210) 2559850 Email: quintanilla@concept-eandy.com

Owner

Name: International Commercial Development Ent. Title: owner
Mailing Address: 25420 Kuykendahl Rd. Ste D-400 City: Tomball State: TX
Zip: 77375 Contact: Ernesto Grey
Phone: (832) 888 3321 Email: ernestogrey100@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Duplex Residential Development

Physical Location of Property: 16000 FM 2920 Road Tomball TX, 77377
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 17 ABST 20 J H EDWARDS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Out of city limits.
Requesting for zoning at the same time with annexation.

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

DocuSign Envelope ID: 406F359F-799B-4E0C-ADB2-515510680BA7

Revised: 10/1/2022

Current Use of Property: Vacant property

Proposed Zoning District: D Duplex (two-family) Residential

Proposed Use of Property: D: - 26 Duplex, total of 52 residents

HCAD Identification Number: 0402200010065 Acreage: 18.75 AC

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.

	07/17/2024
X Signature of Applicant	Date

	7/17/2024
X Signature of Owner	Date

Submittal Requirements

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

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

- **Application Fee: \$1,000.00**
- Completed application form
- *Copy of Recorded/Final Plat
- Letter stating reason for request and issues relating to request
- Conceptual Site Plan (if applicable)
- Metes & Bounds of property
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

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

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

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

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

CONCEPT E & Y LLC
810 S. MASON RD. SUITE 225
KATY, TX 77450

SUBJECT PROPERTY
16000 FM 2920 RD.
TOMBALL TX 77377
HCAD #
0402200010065



CONCEPT E | Y LLC
ARCHITECTURAL DESIGN SERVICES



REQUEST LETTER

To Whom it May Concern:

We are requesting re-zoning along with the annexation process for the subject property. This property will house General Retail development at the south side of the property and Duplex development at the north side of the property.

For the General Retail property, the development will be 2 Retail Plazas and a Gas Station with a Convenience Store.

For the Duplex development we are proposing 26 Duplex buildings, or a total of 52 residences.

The purpose for the annexation is to gain Public Utilities for our Water, Wastewater and Gas.

The property will be platted along with this request, including the extension of TELGE Rd.

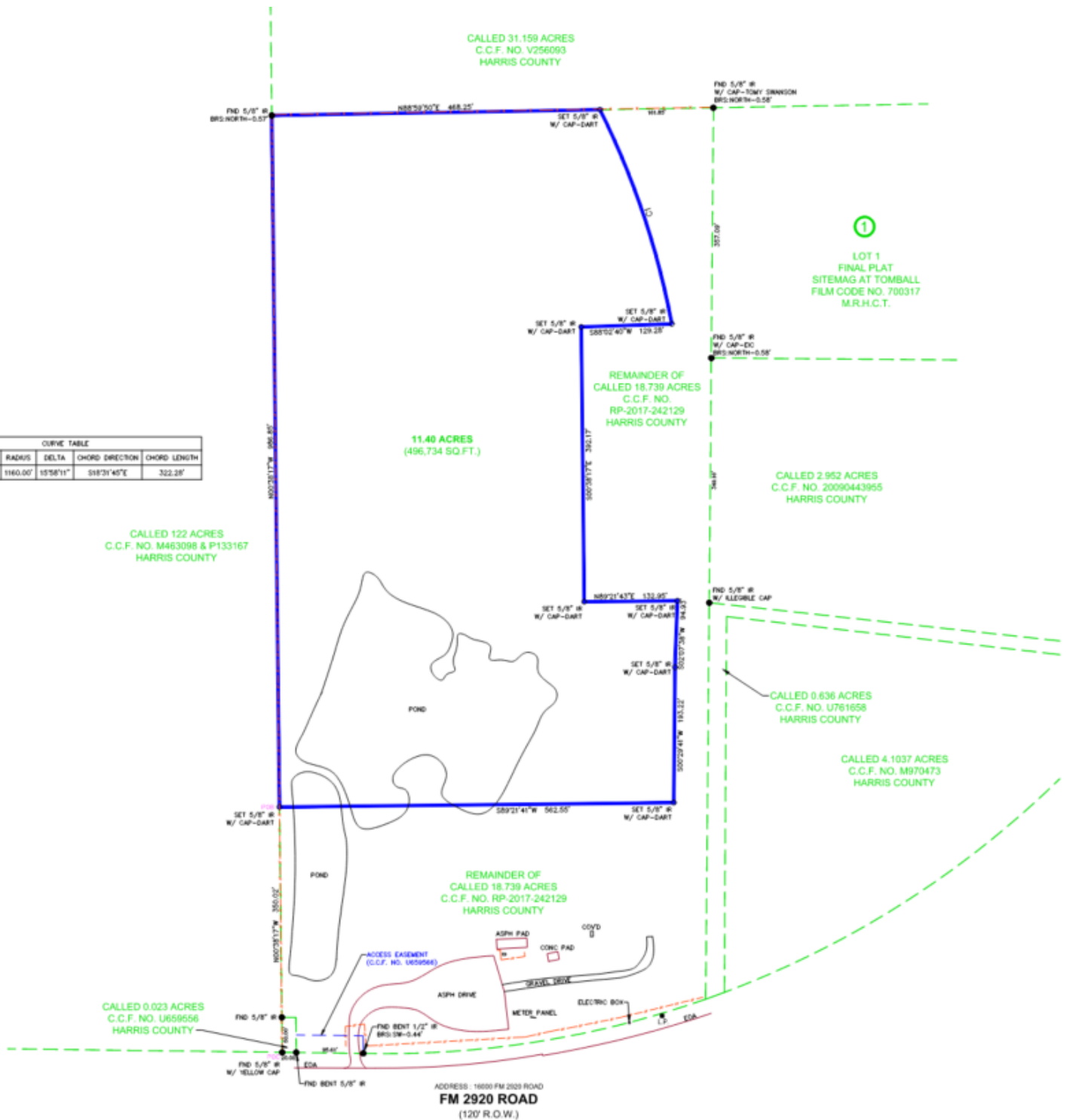
Thank you

Sincerely,

Ernesto Quintanilla
Owners Representative
e: quintanilla@concept-eandy.com
p: (210) 255 9850

P-01
July 17, 2024

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	323.32'	1160.00'	15°58'11"	S18°31'45"E	322.28'





14701 Saint Mary's Lane
Ste. 150
Houston, TX 77079
Office: 281-584-6688

METES AND BOUNDS DESCRIPTION
11.40-ACRES (496,734 SQUARE FEET.)
JOHN EDWARDS SURVEY, ABSTRACT NO. 20 &
CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311
HARRIS COUNTY, TEXAS

BEING 11.40 ACRES (496,734 SQUARE FEET) TRACT OF LAND SITUATED IN THE JOHN EDWARDS SURVEY, ABSTRACT NO. 20 AND CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311, IN HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 18.739-ACRES RECORDED UNDER COUNTY CLERK'S FILE NO. (C.C.F. NO.) RP-2017-242129, OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 11.40-ACRES TRACT MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING At a 5/8-inch iron rod with yellow cap found in the northerly Right-Of-Way (R.O.W.) line of FM 2920 Road (120 foot wide), being the southeast corner of that certain tract of land described as 122-acres tract recorded under C.C.F. NO. M463098 & P133167, O.P.R.H.C.T., and the southwest corner of that certain tract of land described as 0.023-acres tract recorded under C.C.F. NO. U659556, O.P.R.H.C.T.;

THENCE North 00°38'17" West, with the east line of said 122-acres tract, passing at a distance of 50.00 feet, a 5/8-inch iron rod found for the northwest corner of said 0.023-acres tract, continuing a total distance of 350.02 feet to a 5/8-inch iron rod with cap set for the **POINT OF BEGINNING**, and the southwest corner of the herein described tract;

THENCE North 00°38'17" West, continuing with the east line of said 122-acres tract, a distance of 986.85 feet, to the southwest corner of that certain tract of land described as 31.159-acres tract recorded under C.C.F. NO. V256093, O.P.R.H.C.T., and the northwest corner of the herein described tract, from which a 5/8-inch iron rod found bears NORTH - 0.57 feet;

THENCE North 88°59'50" East, with the south line of said 31.159-acres tract, a distance of 468.25 feet, to a 5/8-inch iron rod with cap (DART) set for the northeast corner of the herein described tract, and the beginning of a curve to the right;

THENCE along the following courses over and through said 18.739-acres tract:

-**(C1)** along said curve to the right, having a curve length of 323.32 feet, a radius of 1160.00 feet, a delta angle of 15°58'11", and a chord bearing and distance of South 18°31'45" East, 322.28 feet to a 5/8-inch iron rod with cap (DART) set;

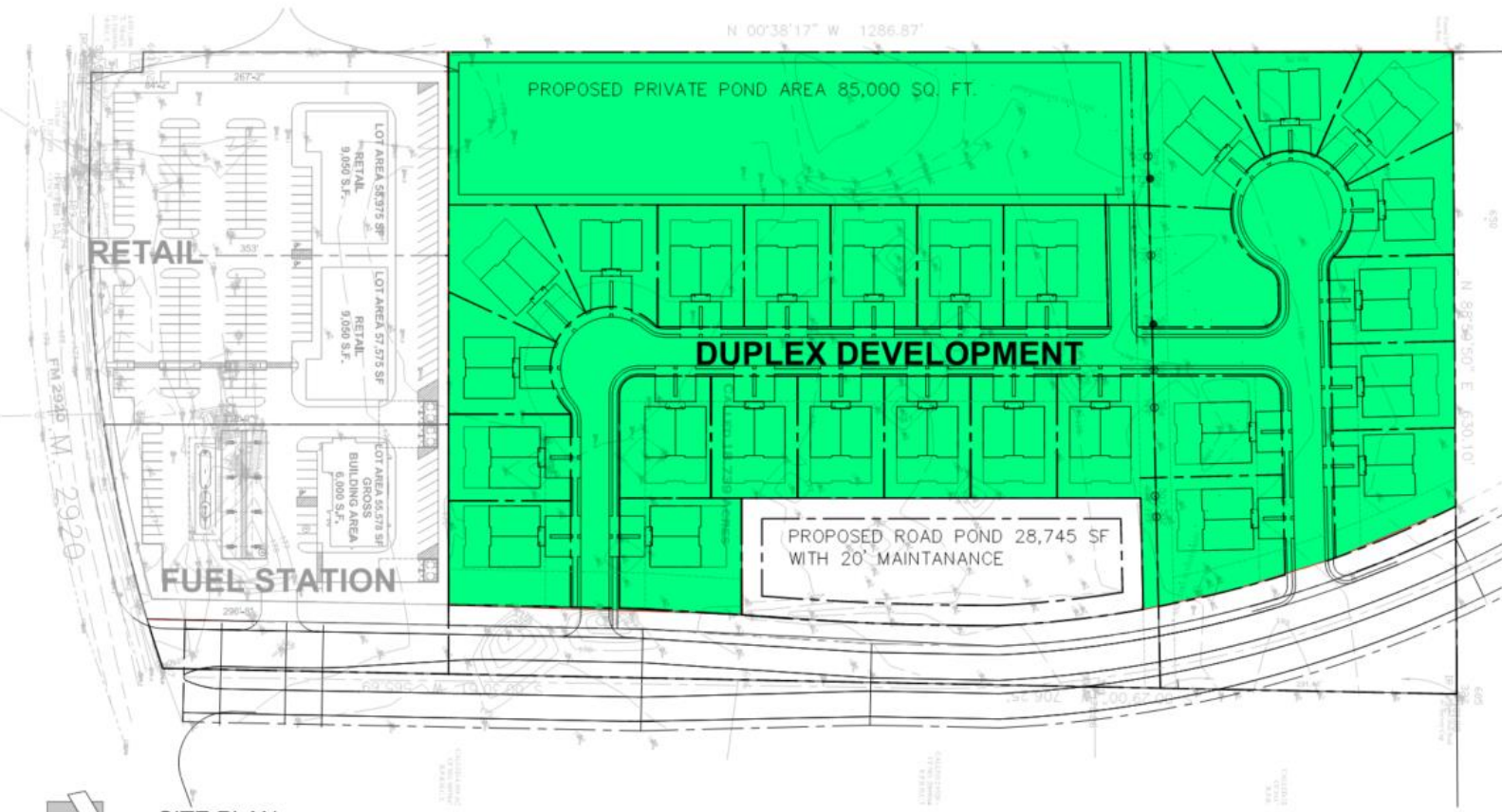
- South 88°02'40" West, a distance of 129.28 feet, to a 5/8-inch iron rod with cap (DART) set;
- South 00°38'17" East, a distance of 392.17 feet, to a 5/8-inch iron rod with cap (DART) set;
- North 89°21'43" East, a distance of 132.95 feet, to a 5/8-inch iron rod with cap (DART) set;
- South 02°07'38" West, a distance of 94.93 feet, to a 5/8-inch iron rod with cap (DART) set;
- South 00°29'41" West, a distance of 193.22 feet, to a 5/8-inch iron rod with cap (DART) set;

THENCE South 89°21'41" West, over and through said 18.739-acres tract, a distance of 562.55 feet, to the **POINT OF BEGINNING** and containing 11.40-Acres (496,734 Square feet) more or less.

Benjamin Jauma
R.P.L.S. No. 6417
May 10, 2024



Job No. 2024-04-006
FIRM number 10194710



SITE PLAN
NTS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

**THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS: THAT
COUNTY OF HARRIS §**

FREDDY WIRT, A MARRIED MAN, NOT JOINED HEREIN BY MY SPOUSE AS THE PROPERTY HEREIN CONVEYED CONSTITUTES NO PART OF OUR HOMESTEAD ("Grantor"), whose mailing address is 20716 Cedar Ln, Tomball, Texas 77377, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration to Grantor in hand paid by INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC, a Texas limited liability company ("Grantee"), whose mailing address is 25420 Kuykendahl Rd, Suite D-400, Tomball, Texas 77375, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee, Grantor's entire undivided ownership interest in the real property, together with all improvements thereon, described as follows (the "Property"):

BEING A 18.739 ACRE TRACT OF LAND IN THE JOHN EDWARDS SURVEY (A-20), AND THE CHAUNCEY GOODRICH SURVEY, (A-311) IN HARRIS COUNTY, TEXAS, OUT OF THAT CERTAIN 130.971 ACRE TRACT OF LAND DESCRIBED UNDER CLERK'S FILE NO. T469927, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (OPRRPHCOTX), SAID 18.739 ACRES IS HEREAFTER REFERRED TO AS "THE SUBJECT TRACT" AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging to have and to hold unto Grantee, and Grantee's heirs, successors and assigns, forever; and Grantor does hereby bind itself and its heirs and successors to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, provided, however, that this conveyance is made by Grantor and accepted by Grantee subject to (i) to the liens securing payment of ad valorem taxes for the current and all subsequent years and (ii) easements, liens, reservations, covenants, conditions, and restrictions of record in Harris County, Texas, or visible or apparent on the ground to the extent the foregoing affect the Property. By acceptance of this Deed, Grantee assumes and agrees to perform all of the obligations of Grantor under said easements, reservations, covenants, conditions and restrictions, and agrees to pay and indemnifies and agrees to hold Grantor harmless from and against all ad valorem taxes relating to the Property, for the current and all subsequent years.

17066933

**FILED BY
ALAMO TITLE COMPANY
(HOUSTON)**

RP-2017-242129

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

EXECUTED AS OF AND EFFECTIVE the 31 day of May, 2017.

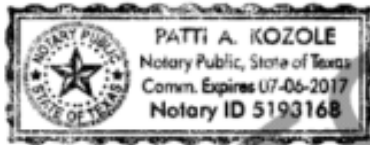
GRANTOR:

Freddy Wirt
FREDDY WIRT

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF Harris §

Before me, a Notary Public, on the 31 day of May, 2017,
personally appeared **FREDDY WIRT**, who acknowledged that he did sign the foregoing
instrument, and acknowledged to me that he executed the same for the uses and purposes and
consideration therein expressed.



Patti A Kozole
Notary Public, State of Texas

RP-2017-242129

UNOFFICIAL COPY

PREPARED IN THE OFFICE OF:

THE HAY LEGAL GROUP PLLC
611 W. 5th Street, Suite 300
Austin, Texas 78701

LEGAL DESCRIPTION

Order No.: ATCH17066923

Being a 18.739 acre tract of land in the **John Edwards Survey (A-20)**, and the **Chauncey Goodrich Survey, (A-311)** in Harris County, Texas, out of that certain 130.971 acre tract of land described under Clerk's File No. T469927, of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCoTx), said 18.739 acres is hereafter referred to as "the subject tract" and is more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found lying in a curve in the North right-of-way line of FM 2920 (120 Ft. R-O-W), and marking the lower Southeast corner of the said 130.971 acre tract (hereafter called "parent tract"). Said point marks the Southeast corner of the subject tract, and the Southwest corner of a forty-foot-wide strip of land that is the old abandoned right-of-way of Tomball Waller Road;

THENCE in a westerly direction with a curve to the right along the North line of F. M. 2920 (Radius = 1372.40', Central Angle = 20°45'42", Chord = South 80°59'48" West - 494.58') an arc length of 497.30 feet to a 5/8 inch iron rod found marking the end of said curve;

THENCE North 89°16'00" West, continuing with the North line of F.M. 2920, a distance of 95.61 feet to a 5/8 inch iron rod found marking the lower Southwest corner the subject tract, and the Southeast corner of that certain twenty-by-fifty foot (20' X 50') tract of land described in deed to Salem Lutheran Church recorded under Clerk's File No. U659556;

THENCE North 00°38'17" West, departing the North line of F.M. 2920 a distance of 50.00 feet to a 5/8 inch iron rod found marking an interior corner of the subject tract, and the Northeast corner of the said Salem Lutheran Church tract;

THENCE North 89°16'00" West, a distance of 20.00 feet to a 5/8 inch iron rod found lying in the West line of the parent tract, in the East line of that certain 121 acre tract of land recorded in Volume 3948, Page 462, and Volume 962, Page 260 (HCDR) and marking the upper Southwest corner of the subject tract, and the Northwest corner of the said Salem Lutheran Church tract;

THENCE North 00°38'17" West, with the West line of the parent tract, a distance of 1286.87 feet to a 5/8 inch iron found marking the Northwest corner of the subject tract, and the Southwest corner of that certain 31.159 acre tract of land described under Clerk's File No. V256093;

THENCE North 88°59'50" East, departing the West line of the parent tract and with the South line of the said 31.159 acre tract, a distance of 630.10 feet to a 5/8 inch iron rod found marking the Northeast corner of the subject tract, and the Northwest corner of that certain 21.001 acre tract of land described under Clerk's File No. U682638;

THENCE South 00°29'00" West departing the South line of the said 31.159 acre tract, a distance of 706.25 feet to a 5/8 inch iron rod found marking the Southwest corner of the said 21.001 acre tract, an outside corner of a ninety-degree bend in the said old abandoned right-of-way of Tomball Waller Road, an interior corner of the parent tract, and a slight angle point in the East line of the subject tract;

THENCE South 00°30'51" West, with the West line of the said abandoned right-of-way, a distance of 565.69 feet to the **POINT OF BEGINNING** and containing 18.739 acres of land.

RP-2017-242129

RP-2017-242129

UNOFFICIAL

RP-2017-242129
Pages 4
06/01/2017 02:18 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$24.00

RECORDERS MEMORANDUM

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

COPY

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: October 14, 2024

Topic:

Conduct a public hearing and consideration to approve Zoning Case Z24-16: Request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

Background:

The subject property is currently undeveloped; however, it is nearing completion of the city permitting process for the construction of two 4,764 square foot office buildings. This property was rezoned from the Commercial (C) zoning district to the Office (O) zoning district in June of 2023 with the goal of subdividing the property into two separate lots. The applicant now desires to keep the property as one lot and wishes to expand the properties potential tenant options by rezoning to the General Retail (GR) zoning district.

Origination: Mike Matheson

Recommendation:

Staff recommends approval of Zoning Case Z24-16.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley (Assistant City Planner)

FUNDING (IF APPLICABLE)

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

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

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

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 14, 2024
&
CITY COUNCIL
OCTOBER 21, 2024**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 14, 2024 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 21, 2024 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 Z24-14: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.339 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the General Retail (GR) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Zoning Case Z24-15: Request by International Commercial Development Enterprise LLC, represented by Ernesto Quintanilla, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 11.40 acres of land legally described as being a tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311 from Agricultural (AG) to the Duplex Residential (D) zoning district. The property is located at 16000 FM 2920 Road within the City of Tomball, Harris County, Texas.

Zoning Case Z24-16: Request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Benjamin Lashley, at (281) 290-1477 or at blashley@tomballtx.gov.

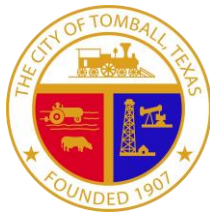
CERTIFICATION

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 11th day of October 2024 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Benjamin Lashley

Benjamin Lashley
Assistant 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) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z24-16

9/24/2024

The Planning & Zoning Commission will hold a public hearing on **October 14, 2024 at 6:00 PM**, in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is highlighted in green on the map is being considered for **re-zoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **October 21, 2024 at 6:00 PM** in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions please contact Benjamin Lashley, Assistant City Planner, by telephone (281-290-1477) or by email address blashley@tomballtx.gov.

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z24-16

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

Name:
Parcel I.D.:
Address:

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

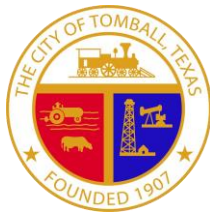
Email: blashley@tomballtx.gov

I am in favor

I am opposed

Additional Comments:

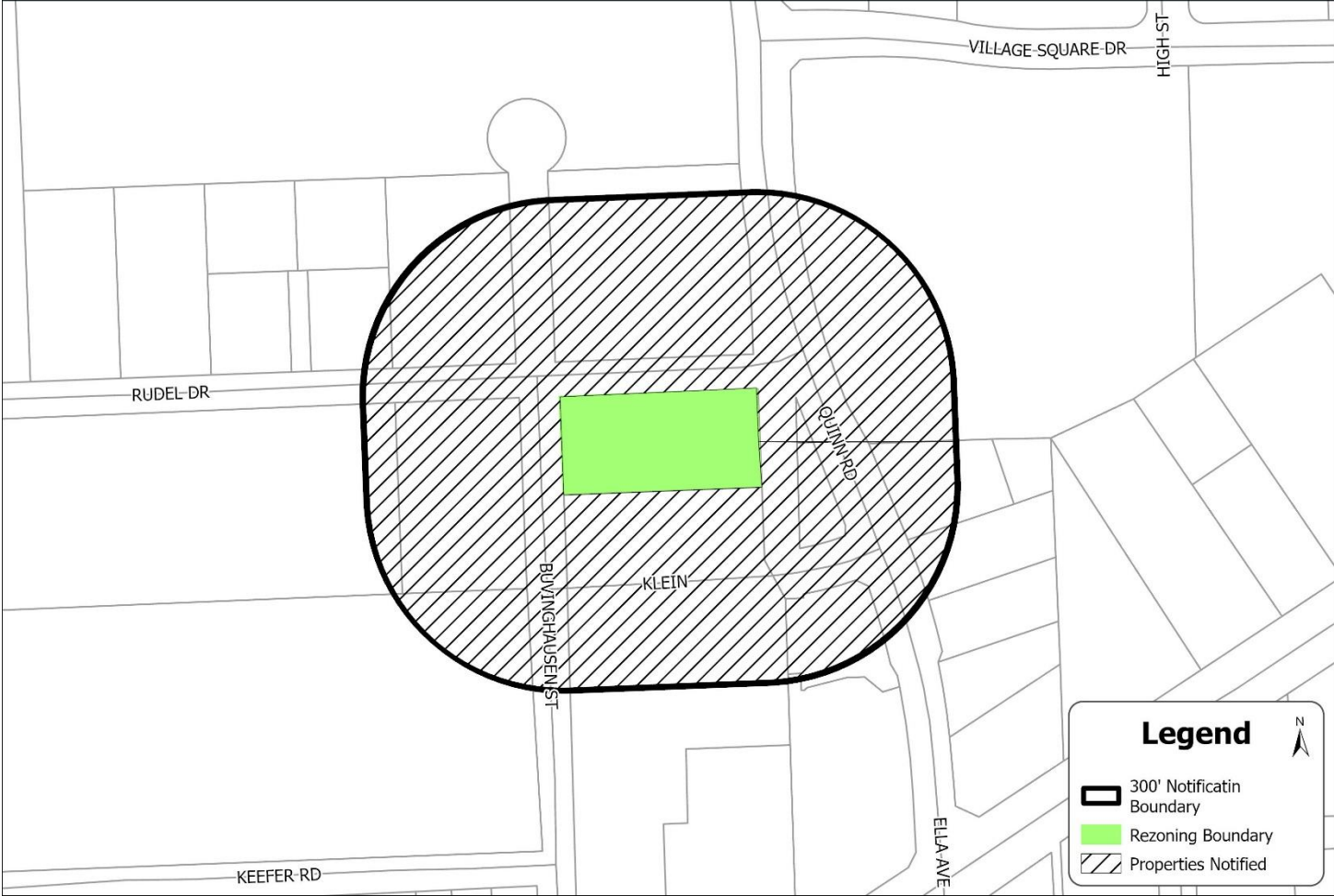
Signature: _____

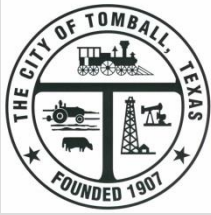


City of Tomball
Community Development Department

Z24-16

 **Notification Boundary**





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 14, 2024
City Council Public Hearing Date: October 21, 2024

Rezoning Case: Z24-16

Property Owner(s): Red Grip LLC

Applicant(s): Mike Matheson

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

Location: 1211 Rudel Drive (Exhibit “A”)

Area: 1.0402 acres

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

Present Zoning: Office (O) District (Exhibit “C”)

Request: Rezone from the Office (O) to the General Retail (GR) District

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use (OT&MU) / Tomball Fire Station 1

South: Commercial (C) / VA Tomball Outpatient Clinic

East: Multi-Family Residential (MF) and Commercial (C) / Fountains of Tomball Apartments and medical offices

West: Multi-Family Residential (MF) / Rudel Crossing Apartments

BACKGROUND

The subject property is currently undeveloped, however, it is nearing completion of the city permitting process for the construction of two 4,764 square foot office buildings. This property was rezoned from the Commercial (C) zoning district to the Office (O) zoning district in June of 2023 with the goal of subdividing the property into two separate lots. The applicant now desires to keep the property as one lot and wishes to expand the properties potential tenant options by rezoning to the General Retail (GR) zoning district.

ANALYSIS

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

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

The Comprehensive Plan identifies the Office (O) zoning district and General Retail (GR) zoning district as compatible with the Neighborhood Commercial designation.

The Comprehensive Plan states that Neighborhood Commercial developments should be located adjacent to collector streets or greater functional classification.

Staff Review Comments:

The request to rezone into the General Retail (GR) zoning District is in conformance with the Future Land Use Plan. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Comprehensive Plan for this area.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on September 24, 2024. 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 Z24-16.

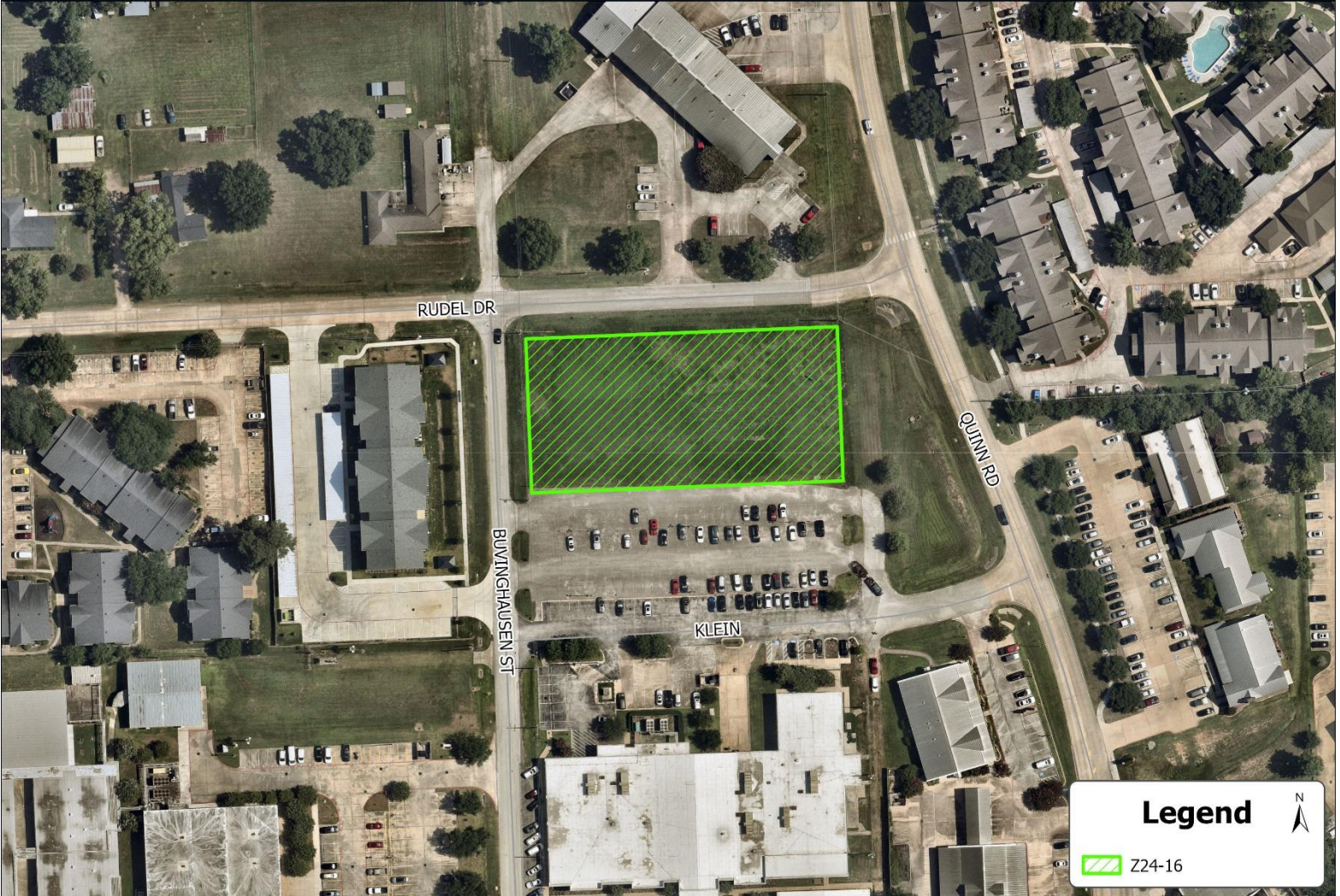
EXHIBITS


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

Exhibit "A"
Aerial Location Map



Location



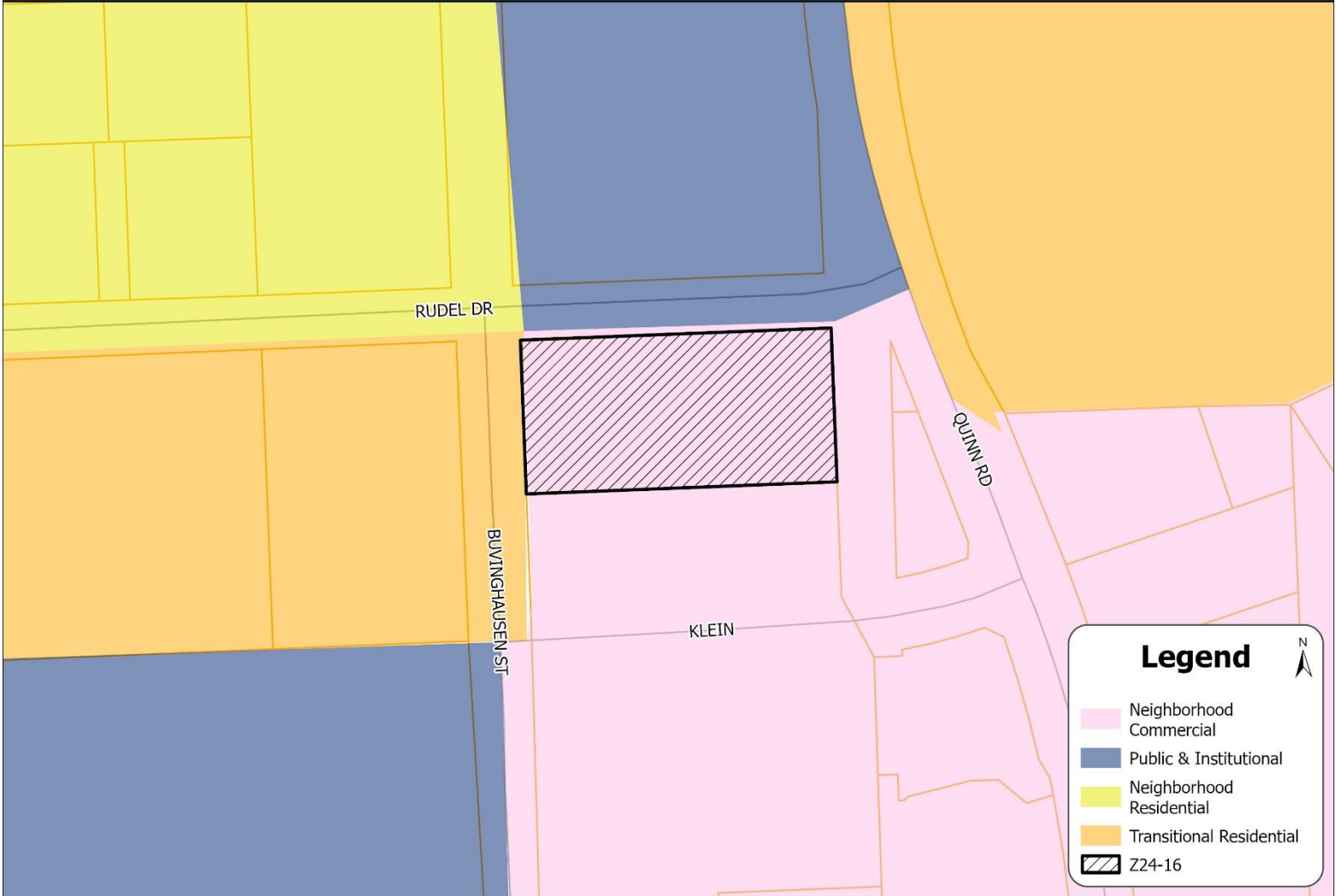
Legend 

 Z24-16

Exhibit "B"
Future Land Use Plan



Future Land Use



Legend

- Neighborhood Commercial
- Public & Institutional
- Neighborhood Residential
- Transitional Residential
- Z24-16

N

Exhibit "C" Zoning Map

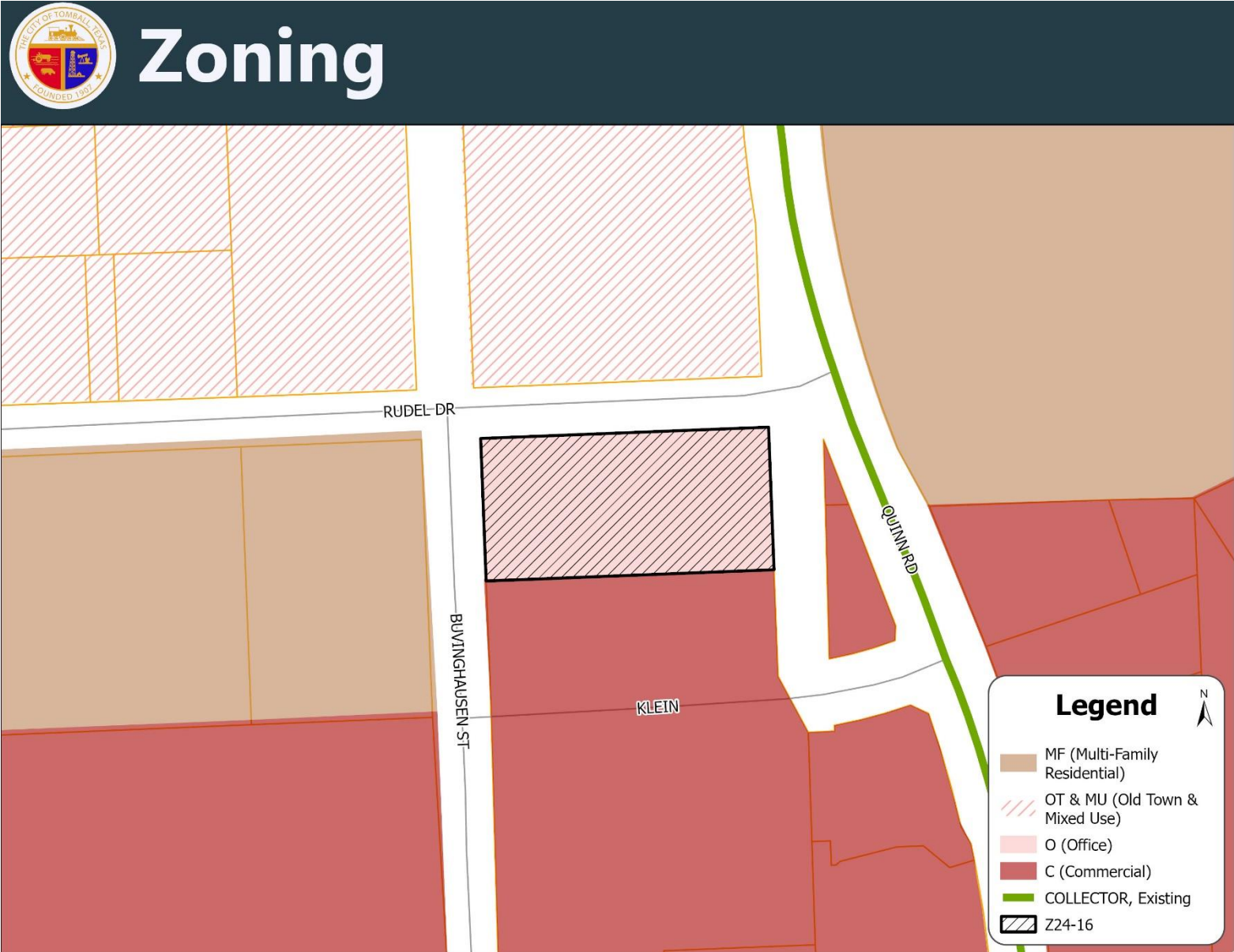


Exhibit "D"
Site Photo(s)

Subject Site



Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E"
Rezoning Application

Revised 5/19/15



APPLICATION FOR REZONING
Community Development Department
Planning Division

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

Applicant

Name: Mike Metherton Title: Owner
Mailing Address: 14315 Arlington Pl, Cypress City: Cypress State: Tx
Zip: 77429
Phone: (281) 658-7526 Fax: () Email: info@redgrip11.com

Owner

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

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: 2 4,620 sq ft Buildings, 1 is a Daycare

Physical Location of Property: 1211 Adel Rd, Corner of Quinn & Road 1
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lot 72 Block 1, Acquest Tomball
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Office (We rezoned to office from commercial)

Current Use of Property: Currently vacant

Proposed Zoning District: Zone back to commercial again General Retail (MG)

Proposed Use of Property: Daycare/Early Learning Facility

HCAD Identification Number: 1333950020001 Acreage: 1.04

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

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

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

X Michael Matheson 8-19-24
Signature of Applicant Date

X Michael Matheson 8-19-24
Signature of Owner Date

Revised: 08/25/2023

Submittal Requirements

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

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

- **Application Fee: \$1,000.00 (standard zoning) or \$1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

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

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

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

Revised: 08/25/2023

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

Re-Zoning 1211 Rudel

August 20th, 2024

Dear Members of the Planning and Zoning Commission,

I am writing to request that the 1.04 acres at the corner of Quinn and Rudel Road be re-zoned to be General Retail to accommodate a Daycare/Early Learning facility for one of our two buildings that will be going up. We purchased the land originally when it was zoned as Commercial however we re-zoned the property to office because we were going to re-plot the property and needed the smaller minimum lot size width requirements. We ended up not re-platting due to the complexity and timing of the re-plot process. We have advised the City Planning department to see how we should move forward with the zoning that makes the most sense and General Retail was advised that allows for Daycare as well as allows for some flexibility for the 2nd building since we are not 100% sure what will be in that building yet.

The Daycare owners' hand I have met with the TEDC and done a Pre-development meeting with Tomball who advised to seek the re-zoning.

We do not foresee any issues with this re-zoning as we feel that the Daycare will serve the area well when there is a shortage of Daycare facilities. There are three large apartment complexes that surround the property that would be well-served by the Daycare/Early learning facility. The owners of the Daycare have 20 years of experience and have owned 2 different Daycare facilities and they believe that this spot is perfect for their needs.

If you have alternative suggestions regarding this request, please share them with me so we can work together to find a workable and effective solution.

Sincerely, Mike Matheson

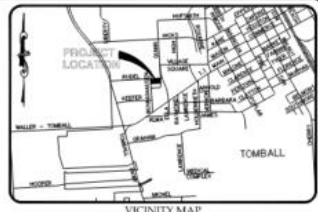
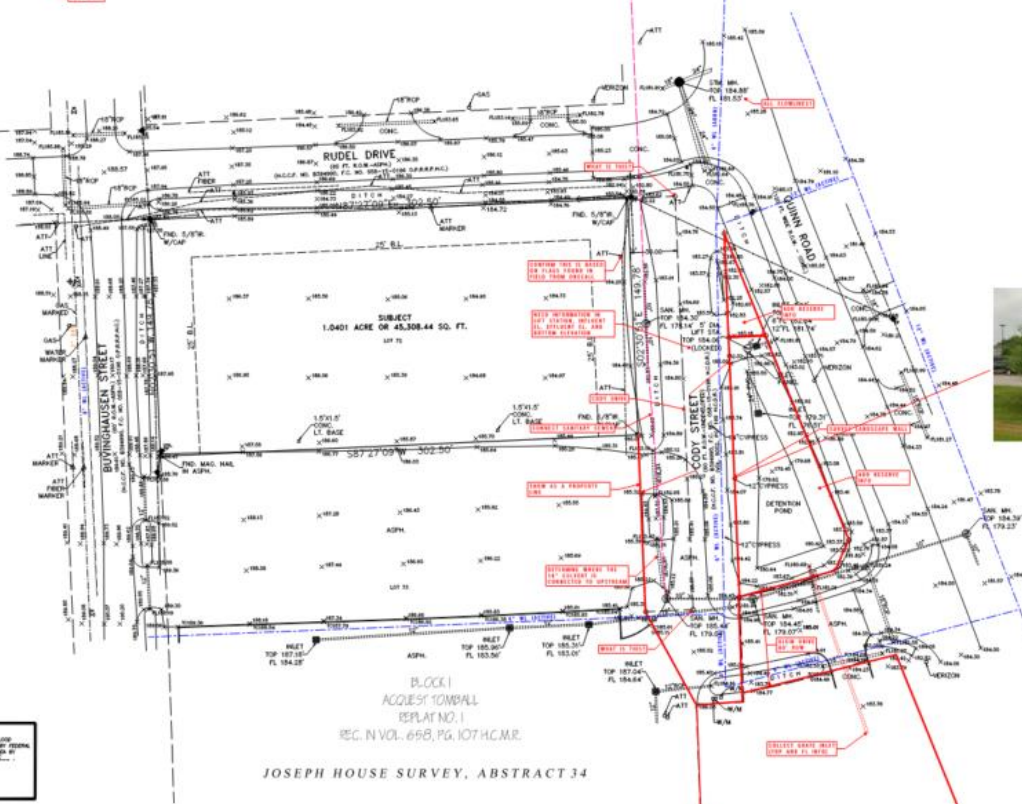
Red Grip LLC

BASE FLOOD: NEAREST 100 YR. AT 179.00 FT.
 BENCHMARK: USED FLOORPLAN FIG NO. 100370, EL. 181.83 FT. NUMBER W/2001 ADU, BRASS DISC STAMPING 100370, FROM THE INTERSECTION OF SH 249 AND FM 2920, EAST ALONG FM 2920 0.7 MILES TO BAKER, NORTH ALONG BAKER 0.4 MILES TO WINDO, WEST ALONG WINDO 0.2 MILES TO BENCHMARK ON LEFT.



GENERAL NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. ALL BEARINGS ARE TRUE BEARINGS.
3. ALL CORNERS ARE TO BE SET AND MARKED AS SHOWN.
4. ALL DISTANCES ARE TO BE MEASURED AS SHOWN.
5. ALL BEARINGS ARE TO BE RUN AS SHOWN.
6. ALL CORNERS ARE TO BE SET AND MARKED AS SHOWN.
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- NOTES:
- 1) BEARINGS REFERENCED TO STATE OF TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD 83).
 - 2) THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY; IT IS NOT TRANSFERABLE TO ADDITIONAL INSTRUMENTS OF SUBSEQUENT OWNERS.
 - 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - 4) BUILDER/CONTRACTOR MUST VERIFY ALL BUILDING LINES, EASEMENTS, BUILDING LINE RESTRICTIONS (DEED RESTRICTIONS, ETC.) AND ZONING ORDINANCES, UNDERSTANDING PRELIMINARY, IF ANY, THAT AFFECT SUBJECT PROPERTY, BEFORE STARTING CONSTRUCTION.
 - 5) ADDRESS: 11 WINDO DRIVE, TOMBALL, TEXAS 77375.



THIS INSTRUMENT IS BASED ON SURVEY PLAT NO. 1 OF THE JOSEPH HOUSE SURVEY, ABSTRACT 34, HARRIS COUNTY, TEXAS, RECORDS VOLUME 658, PAGE 107.

BLOCK 1 ACQUEST TOMBALL REPLAT NO. 1 REG. N VOL. 658, PG. 107 H.C.M.R.
 JOSEPH HOUSE SURVEY, ABSTRACT 34

I, C. PAUL JONES, SR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.

C. PAUL JONES, SR.
 R.L.S. 5480
 STATE OF TEXAS
 LICENSE/REGISTRATION NO. 10194684



OWNER: KES, INC., LLC
 A TEXAS LIMITED LIABILITY COMPANY
 SURVEYOR: TINSLEY SURVEY, LLC
 2100 W. 10TH ST., SUITE 100, F.W.O. BOX 700
 FROEDERICK, TEXAS 77949
 PHONE: (713) 475-1000
 EMAIL: info@tinsleysurvey.com

BOUNDARY & TOPOGRAPHY SURVEY
 OF 1.0401 ACRE OR 45,308.44 SQ. FT. BEING LOT 72, BLOCK 1 OF ACQUEST TOMBALL REPLAT NO. 1, AN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 658, PAGE 107 OF THE HARRIS COUNTY MAP RECORDS IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34 HARRIS COUNTY, TEXAS

SCALE: 1" = 30' DATE: SEPTEMBER 9, 2022

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

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

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

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

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

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

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



C. Paul Jones, Sr. R.P.L.S. 5480
P.O. Box 701
Friendswood, Texas 77549
Phone: (713)473-3502
Email: info@timelinesurvey.com
Date: May 1, 2023



Re-Zoning 1211 Rudel

August 20th, 2024

Dear Members of the Planning and Zoning Commission,

I am writing to request that the 1.04 acres at the corner of Quinn and Rudel Road be re-zoned to be General Retail to accommodate a Daycare/Early Learning facility for one of our two buildings that will be going up. We purchased the land originally when it was zoned as Commercial however we re-zoned the property to office because we were going to re-plot the property and needed the smaller minimum lot size width requirements. We ended up not re-platting due to the complexity and timing of the re-plot process. We have advised the City Planning department to see how we should move forward with the zoning that makes the most sense and General Retail was advised that allows for Daycare as well as allows for some flexibility for the 2nd building since we are not 100% sure what will be in that building yet.

The Daycare owners' hand I have met with the TEDC and done a Pre-development meeting with Tomball who advised to seek the re-zoning.

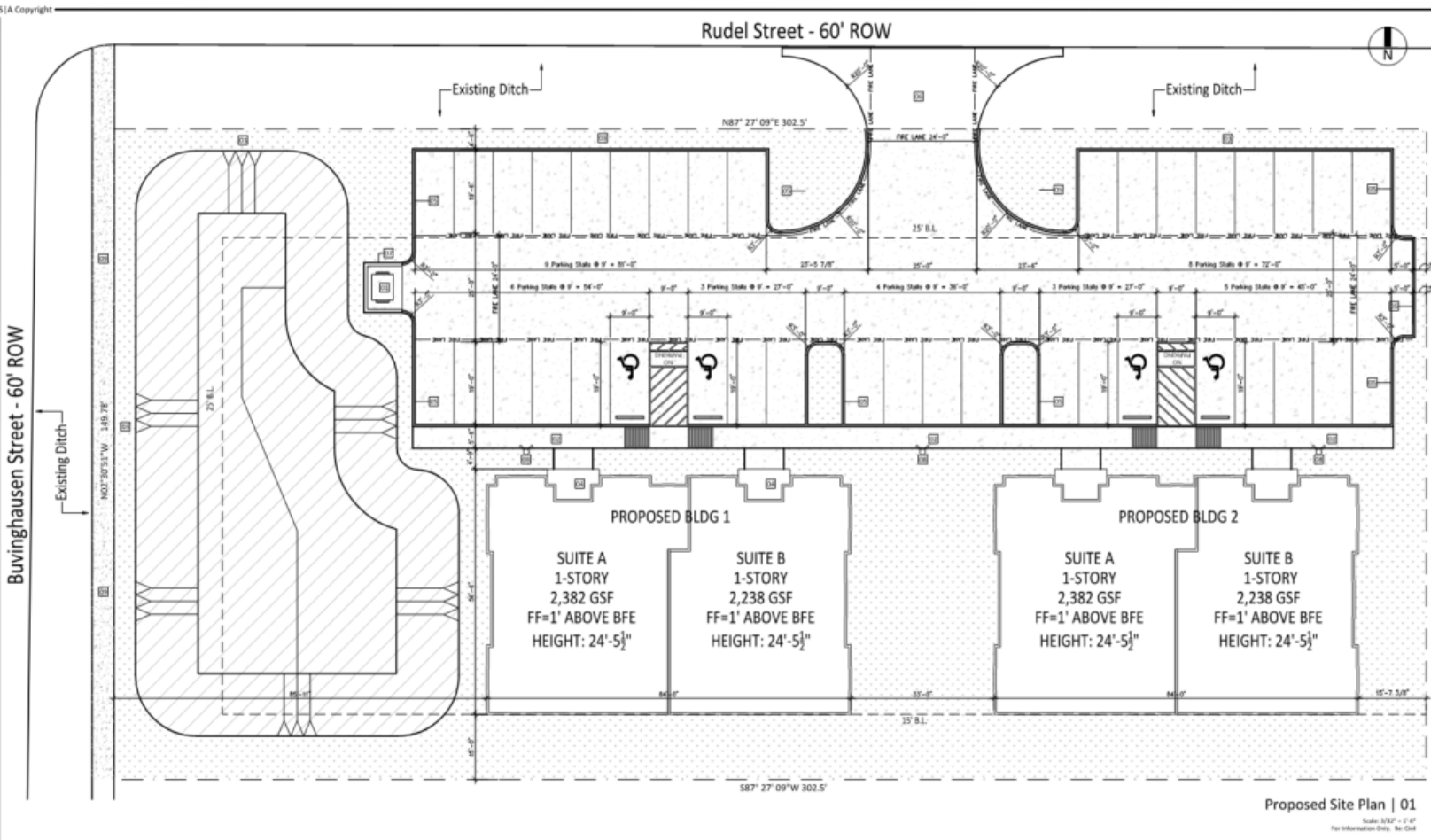
We do not foresee any issues with this re-zoning as we feel that the Daycare will serve the area well when there is a shortage of Daycare facilities. There are three large apartment complexes that surround the property that would be well-served by the Daycare/Early learning facility. The owners of the Daycare have 20 years of experience and have owned 2 different Daycare facilities and they believe that this spot is perfect for their needs.

If you have alternative suggestions regarding this request, please share them with me so we can work together to find a workable and effective solution.

Sincerely, Mike Matheson

Red Grip LLC

SJA Copyright



Proposed Site Plan | 01
Scale: 1/8" = 1'-0"
For Information Only - No Bid

RP-2022-253748
05/13/2022 ER \$22.00

**SPECIAL WARRANTY DEED
WITH VENDOR'S LIEN IN FAVOR OF MORTGAGEE**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

UNRECORDED

THAT THE UNDERSIGNED, **TOMBALL VA, LLC** (herein called "Grantor"), for and in consideration of the sum of \$10.00 cash and other good and valuable consideration to Grantor in hand paid by **RED GRIP, LLC**, a Texas limited liability company (herein called "Grantee"), whose address is 14315 ARLINGTON PLACE, CYPRESS, TEXAS 77429, the receipt of which is hereby acknowledged, and of further consideration of the execution and delivery by Grantee of that one certain Promissory Note of even date herewith, in the principal sum of **TWO HUNDRED FIFTY THOUSAND AND NO/100 (\$250,000.00) DOLLARS** (herein called the "Note"), payable to the order of **ALLEGIANCE BANK** (herein called "Mortgagee"), bearing interest from date at the rate specified, and containing provisions for attorney's fees, Mortgagee, at the special instance and request of the Grantee, advanced the sum of said Note as part purchase price for The Land herein conveyed, the receipt of which is hereby acknowledged, Mortgagee is hereby subrogated to all of the rights of Grantor herein; the Vendor's Lien and superior title is hereby expressly transferred to and retained in favor of Mortgagee to secure the payment of the Note, the same as if Mortgagee was the Grantor herein; the Note is further and additionally secured by a Deed of Trust of even date herewith from Grantee to **RAMON A. VITULLI, III, TRUSTEE**, containing provisions for foreclosure under power of sale, to which reference is here made for all purposes;

HAVE GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Grantee all that certain tract or parcel of land and all improvements located thereon (herein called "The Land"), more particularly described as follows:

LOT 71, IN BLOCK 1, OF ACQUEST TOMBALL REPLAT NO. 1, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN/UNDER VOLUME 658, PAGE 407 OF THE MAP/PLAT RECORDS OF HARRIS COUNTY, TEXAS.

The conveyance is made and accepted subject to the following matters, but only to the extent they are in effect at this time and only to the extent that they relate to The Land: The lien for current ad valorem taxes and maintenance assessments (if any) not in default, land use restrictions, deed restrictions, covenants, easements, outstanding mineral reservations, rights and royalties, if any, shown of record in the above mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, to which The Land is subject.

To have and to hold The Land together with all rights and appurtenances thereto in anywise belonging, subject to the foregoing terms, unto Grantee their heirs, executors, administrators, personal and legal representatives, successors and assigns forever, and Grantor does hereby bind themselves, their heirs, executors, administrators, personal and legal representatives, successors and assigns to warrant and forever defend The Land, subject to the foregoing terms, unto Grantee, their heirs, executors, administrators, personal and legal representatives, successors and assigns, against every person and entity whomsoever lawfully claiming or to claim the same or any part thereof, by through or under Grantor but not otherwise.

BUT IT IS EXPRESSLY AGREED AND STIPULATED that the **VENDOR'S LIEN**, including the **SUPERIOR TITLE**, is retained against The Land in favor of Mortgagee, its successors and assigns, until the Note and all accrued interest thereon, and all renewals and/or extensions thereof, together with all interest thereon, is fully paid according to its face and tenor, effect and reading, and together with all additional sums which may become due and payable by the terms of said Note and/or by the terms of the aforesaid Deed of Trust, when this Deed shall become absolute, and Grantor herein transfers unto said Mortgagee, its successors and assigns, the Vendor's Lien and Superior Title to The Land, in the same manner and to the same extent as if the Note had been payable to the order of Grantor and by said Grantor assigned to said Mortgagee without recourse.

Whenever used in this document, unless the context clearly indicates a contrary intent or unless otherwise specifically provided herein, the pronouns of any gender shall include the other genders, including the neuter, and either the singular or plural shall include the other.

RP-2022-253748

COPY

STEWART TITLE /48/ JM/1609703

Grantee joins in the execution of this Warranty Deed for the purpose of accepting delivery hereof, and to acknowledge, consent and agree to the terms and conditions of this instrument.

GRANTOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE CONDITION OR STATE OF REPAIR OF THE PROPERTY, OR ANY PORTION THEREOF, OR ANY VISIBLE OR HIDDEN DEFECTS IN MATERIAL, WORKMANSHIP OR CAPACITY OF THE PROPERTY, OR ANY PORTION THEREOF, AND THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AS TO THE PROPERTY OR ANY PORTION THEREOF, AND THAT THE DELIVERY OF THE PROPERTY IS "AS IS", "WHERE IS" AND "WITH ALL FAULTS" AND THAT GRANTOR HAS DISCLAIMED ANY IMPLIED WARRANTIES WITH RESPECT TO THE PROPERTY.

All ad valorem taxes and assessments on the Property have been prorated between the parties hereto as of the date of this Deed, and Grantee assumes liability for the payment thereof and for subsequent years.

EXECUTED THIS THE 11 day of MAY, 2022.

GRANTOR:

TOMBALL VA, LLC

[Signature]

MICHAEL C. HUNTRESS, MANAGER

GRANTEE:

RED GRIP, LLC, a Texas limited liability company

[Signature]

MICHAEL G. MATHESON, MEMBER

[Signature]

JUAN R. LOZANO, JR., MEMBER

THE STATE OF ~~TEXAS~~ New York

COUNTY OF ~~HARRIS~~ Erie

This instrument was acknowledged before me on the 9th day of MAY, 2022, by MICHAEL C. HUNTRESS, MANAGER of TOMBALL VA, LLC, in the capacity therein stated and on behalf of said limited liability company.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS

ROBERT J. SCARPELLO
NOTARY PUBLIC - STATE OF NEW YORK
No. 02SC6341463
Qualified in Erie County
My Commission Expires May 2, 2024

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the 11th day of MAY, 2022, by MICHAEL G. MATHESON and JUAN R. LOZANO, JR., MEMBERS of RED GRIP, LLC, a Texas limited liability company, in the capacity therein stated and on behalf of said limited liability company.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS

JANE K. MATHEWS
Notary Public, State of Texas
Commission Expires 01-21-2024
Notary ID 360782-2

RP-2022-253748

UNOFFICIAL COPY

RP-2022-253748

RP-2022-253748
Pages 3
05/13/2022 01:08 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$22.00

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

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



Tenesia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS