

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



**Monday, May 13, 2024
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, May 13, 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 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 April 8, 2024.
- E. New Business
 - [E.1](#) Consideration to approve Final Plat of **Mendoza Estates**: A subdivision of a 2.000 acre tract known as part of Tracts 7 and 8, as recorded under H.C.C.F. No. RP-2017-374990 of the J. Pruitt Survey, Abstract 629, Harris County, Texas.
 - [E.2](#) Consideration to approve Final Plat of **Tomball Shopping Center**: Being a commercial subdivision of 5.0008 acres of land in the Chauncey Goodrich Survey, A-311, in the City of Tomball, Harris County, Texas.

- E.3 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z24-07**: Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, 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 10th day of May 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: May 13, 2024

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 8, 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, APRIL 8, 2024



6:00 P.M.

draft

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

Others present:

Craig Meyers – Community Development Director
Jared Smith – City Planner
Kim Chandler – Community Development Coordinator
Tommy Ramsey – City Attorney
Benjamin Lashley – Assistant City Planner

- B. No Public Comments were received.

- C. Reports and Announcements:

Craig Meyers, Community Development Director announced the following:

- Jared Smith, City Planner, is leaving the City of Tomball to expand his career.

- D. Approval of Minutes:

Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 11, 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 **Breaux Tracts:** Being a subdivision of 4.915 acres of land and being a replat of Lot 19 of Tomball Outlots, a subdivision per plat recorded under Volume 2, Page 65 of the Harris County Map Records, situated in the Ralph Hubbard Survey, Abstract 383, City of Tomball, Harris County, Texas.

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

F. New Business:

- F.1 Consideration to approve Final Plat of **Holderrieth Business Park:** A subdivision of 11.9902 acres of land, located in the Elizabeth Smith League, A-70, & Claude N. Pillot Survey, A-632, Harris County, Texas.

Jared Smith, City Planner, presented the plat and staff recommendation for approval with minor conditions.

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

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

Motion Carried unanimously.

- F.2 Consideration to approve Final Plat of **Six Star Center:** A subdivision of a 1.5551 acre tract, (67,740.15 Square Feet), being a replat out of Lots 24, 30 and 24 of Tomball Outlots subdivision as recorded in Volume 2, Page 56, Harris County Map Records, situated in the Ralph Hubbard Survey, A-383, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the plat and staff recommendation for approval with minor conditions.

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

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

Motion Carried unanimously.

- F.3 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z24-03:** Request by Ken & Betty Vairin, represented by META Planning & Design, Inc., to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 31.12 acres of land legally described as being portions of the J H Edwards Survey, Abstract 20 and the C Goodrich Survey, Abstract 311 from the Agricultural (AG) to Single Family Residential – 6 (SF-6) zoning. The property is generally located within 22100 block (west side) of Tomball Cemetery Road, within the City of Tomball, Harris County, Texas.

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

Caitlyn King, representing Meta Planning & Design, (3306 S. Fry Rd., Katy, TX 77450), spoke on behalf of the request.

Jeff Anderson, representing Beazer Homes, (10235 W. Little York Rd., Suite 455, Houston, TX 77040), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:19 p.m.

Hearing no comments, the Public Hearing was closed at 6:20 p.m.

Motion was made by Commissioner Ross, second by Commissioner Harris, to approve **Re-Zoning Case Z24-03**.

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

Vote was as follows:

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

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

- F.4 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z24-04**: Request by Houston Deco Balloons LLC, to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.87 acres of land legally described as being a portion of Tomball Outlot 286 from Single Family Residential – 20 (SF-20) to Commercial (C) zoning. The property is generally located in the 900 block (North Side) of Agg Road, within the City of Tomball, Harris County, Texas.

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

A representative of Houston Deco Balloons, LLC, (12307 Northpointe Ridge Lane, Tomball, TX 77377), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:43 p.m.

Hearing no comments, the Public Hearing was closed at 6:44 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Re-Zoning Case Z24-04**.

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

Vote was as follows:

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

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

G. Adjournment

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

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

Motion Carried unanimously.

The meeting adjourned at 6:52 p.m.

PASSED AND APPROVED this _____ day of 2024.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair

CITY OF TOMBALL

Plat Name: Mendoza Estates

Plat Type: Final

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

Plat within City Limits

Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: May 13, 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 conditions:

- Prior to the final approval and recording of this subdivision plat, engineered construction plans (“Public Infrastructure 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 (Specifically being the extension of Water, Sewer, and Gas Mains as well as a public/private Street).
- Prior to the recording of this 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 provided covering the overall costs of remaining improvements as deemed acceptable by the City Engineer.
- All staff comments provided below must be revised for and addressed in full:
 - Improve legibility of East Main Street.
 - Improve legibility of "Persimmon" and include reference to both nearest cross streets (Timkin).
 - Utilize a fill color to better identify the subject property.
 - Provide Scale for Vicinity Map.
 - Parcels west of the subject property need to be illustrated and Ownership and Legal instrument numbers must be provided.
 - Identify planned means of establishing permanent monuments for ALL NEW lot corners being created by this subdivision plat.

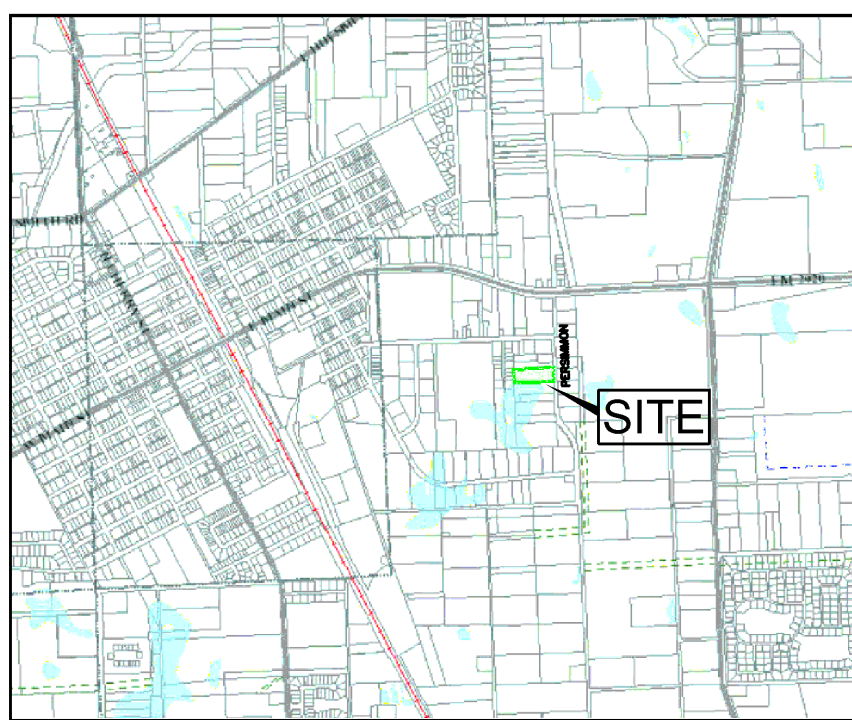
- To avoid confusion pertaining to street name and/or purpose please MODIFY this to have the following format:

MENDOZA COURT

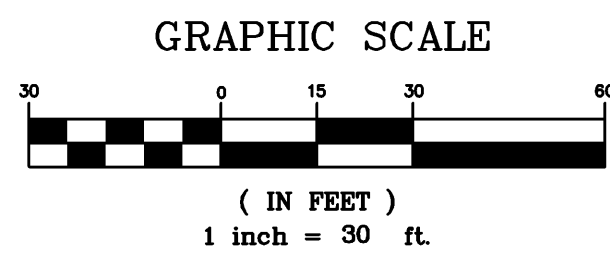
(Reserve B - Private Street & City of Tomball Utility Easement)

NOTE: If the intent of this street is to be "private" (i.e. not owned/maintained by the City of Tomball), please make it a Reserve. Additionally, the street MUST be constructed to City of Tomball standards, however, ownership and maintenance responsibilities will default to the owner of "Reserve B".

- Identify "1' Landscape Reserve" as being a 1-foot-wide "Non-Access Easement" located within the boundaries of "Reserve B" (i.e. Mendoza Court)
- The subdivision plat of "Persimmon Flats" identifies "approximately 52-feet of right-of-way available for South Persimmon Street. The subsequent subdivision plat of "Persimmon Flats, Section 2" does not identify the right-of-way width for South Persimmon Street, however it does indicate 12-feet of dedication towards South Persimmon Street leading city staff to conclude that the amount of right-of-way presently available for South Persimmon Street (adjacent to this subdivision plat) is approximately 64-feet. Precisely illustrate and identify the amount of right-of-way presently available for South Persimmon Street (at the narrowest point). Furthermore, South Persimmon Street is identified on the City of Tomball's major thoroughfare plan as being a "minor arterial street" for which a minimum right-of-way of 80-feet is required. Dedicate the remaining amount necessary to achieve this desired right-of-way width for South Persimmon Street (believed to be 16-feet, not 10-feet).
- Identify the dimensional extent of right-of-way made available for South Persimmon Street following this dedication.
- Illustrate and identify Point of Beginning.
- Illustrate and identify platted lots east of South Persimmon Street.
- Provide Metes & Bounds description within the margin of this plat.
- Revise Vice Chairman to Susan Harris.
- Square footage of the subdivision must be provided and delineated by two digits to the right of the decimal point.
- Total acreage must be provided, delineated by four digits to the right of the decimal point.



VICINITY MAP
N.T.S.



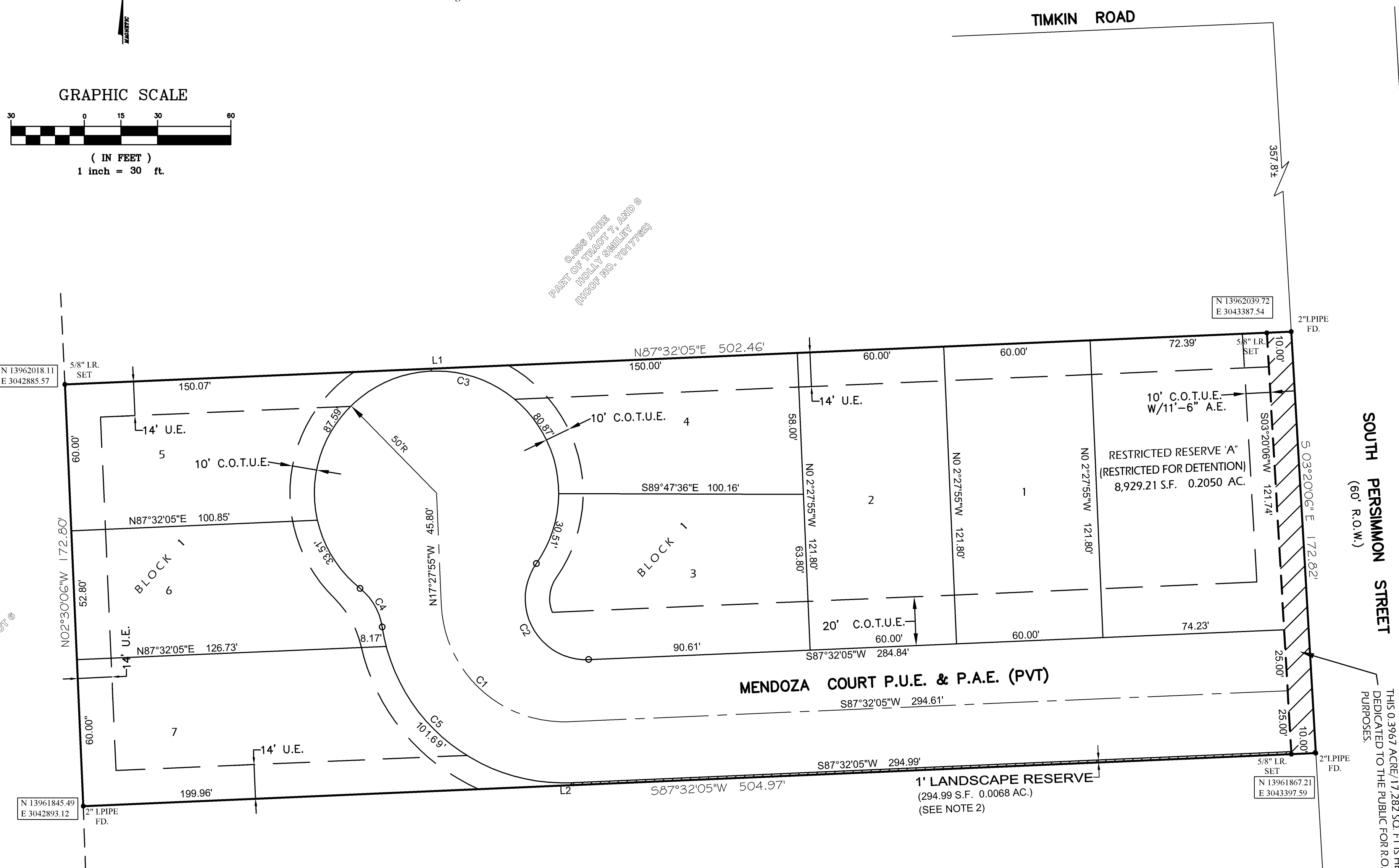
GENERAL NOTES:

- All bearings shown are referenced per gps observations.
- No access allowed over 1' LANDSCAPE RESERVE on south line of plat.
- G & V Finance & Investment LLC, shall be responsible and liable for the maintenance of all private streets, all drainage related facilities and all wastewater facilities. Responsibility and liability shall not be assigned by developer except to a lawfully created community or home owners association having jurisdiction over the properties to which these planned private streets, access & utility easements and all drainage related facilities and easements provide access infrastructure, or pursuant to deed restrictions or other covenants which are applicable to lots within the subdivision which utilize such facilities.
- C.O.T.U.E. - denotes City of Tomball utility easement.
- P.U.E. denotes Public Utility Easement.
- P.A.E. denotes Permanent Access Easement.
- This subdivision contains one or more private streets that have not been dedicated to the public or accepted by Harris County as public rights-of-way. Harris county has no obligation to maintain or improve any private street within the subdivision.
- The Private Road is hereby dedicated as a P.U.E. & P.A.E.

NOTES:

- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 48201C0230L, (Effective Date June 18, 2007), this property is in Zone "X" and is not within the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas Main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.

LOT TABLE		
LOT NO.	LOT AREA (S.F.)	LOT AREA (AC.)
1	7,308.00	0.1678
2	7,308.00	0.1678
3	7,183.47	0.1649
4	6,153.21	0.1413
5	6,592.21	0.1513
6	6,048.20	0.1388
7	8,771.95	0.2014



LINE TABLE				
LINE	BEARING	DISTANCE		
L1	N02°27'55"W	1.00'		
L2	S02°27'55"E	1.00'		

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CH LENG	CH BEARING
C1	50.00'	78.54'	90d00'00"	70.71'	N47d27'55"W
C2	25.00'	55.69'	127d38'16"	44.87'	S28d38'47"E
C3	50.00'	232.48'	176d24'09"	72.90'	N81d58'17"E
C4	25.00'	18.62'	42d40'46"	18.19'	N29d53'25"W
C5	75.00'	109.86'	83d54'54"	100.29'	S50d30'28"E

STATE OF TEXAS
COUNTY OF HARRIS

WE, G & V FINANCE & INVESTMENT LLC, their successors in office and assigns, whose address is 10611 Den Oak Dr., Houston, Texas, 77065 owner hereinafter referred to as Owners of the 2.000 acre tract described in the above and foregoing plat of MENDOZA ESTATES, do hereby male and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, my successors and assigns to warrant and forever defend the title to the alnd so sedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unrestricted aerial easement seven feet six inches (7'-6") in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that the drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18 inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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 operations and maintenance of the drainage facilities and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

Further, We hereby relinquish all rights of access to major larger streets or highways shown hereon except by way of platted streets shown.

In Testimony Whereof, G & V Finance & Investment LLC, has caused these presents to be signed by Raul Mendoza, Owner, thereunto authorized and its common seal hereon affixed this _____ day of _____, 2024.

G & V FINANCE & INVESTMENT LLC, Owner

By: _____
Raul Mendoza, Owner

STATE OF TEXAS
COUNTY OF HARRIS

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

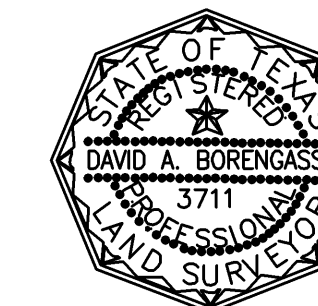
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2024.

Notary Public in and for the State of Texas

Printed name

My commission expires: _____

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



David A Boregasser, P.E., R.P.L.S.
Texas Registration No. 3711

This is to certify that the City Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Mendoza Estates, in conformance with the laws of the State of Texas and the ordinances of the City of Tomball, as shown hereon and authorized the recording of this plat this _____ day of _____, 2024.

By: _____
Barbara Tague, Chairman

By: _____
Darrell Roquemore, Vice Chairman

I, Teneshia Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on this _____ day of _____, 2024, at _____ o'clock _____M., and duly recorded on the _____ day of _____, 2024, at _____ o'clock _____M., and at Film Code Number _____ of the Map Records of Harris County.

WITNESS MY HAND AND SEAL OF OFFICE, at Houston, the day and date last above written.

Teneshia Hudspeth
Clerk of the County Court
Harris County, Texas
By: _____
Deputy

MENDOZA ESTATES

A SUBDIVISION OF A 2.000 ACRE TRACT KNOWN AS PART OF TRACT 7 AND 8, AS RECORDED UNDER H.C.C.F. NO. RP-2017-374990 J. PRUITT SURVEY, ABSTRACT 629, HARRIS COUNTY, TEXAS 7 LOTS 1 BLOCK 1 RESERVE APRIL, 2024

OWNER:
G & V FINANCE & INVESTMENT LLC
10611 DEN OAK DR
HOUSTON TX 77065-3736
PH: (832) 618-3071

SURVEYOR:
A&E SURVEYING
1122 Cushman Lane
Houston, Texas 77090
(713)416-8894
Firm #10194070

APPLICANT:
RP & ASSOCIATES
2935 S Houston Ave
Humble, Texas 77396
(713)416-8894

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: May 13, 2024

Topic:

Consideration to approve Final Plat of **Tomball Shopping Center**: Being a commercial subdivision of 5.0008 acres of land in the Chauncey Goodrich Survey, A-311, in the City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff recommends approval 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 Shopping Center

Plat Type: Final

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

Plat within City Limits

Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: May 13, 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 conditions:

- Prior to the final approval and recording of this subdivision plat, engineered construction plans (“Public Infrastructure 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 (Specifically being a Water Main extension and if applicable, the extension of an adequate Gas line as specified by the City Engineer).
- Prior to the recording of this 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 provided covering the overall costs of remaining improvements as deemed acceptable by the City Engineer.

THE STATE OF TEXAS
COUNTY OF HARRIS:

WE, STI REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH TANVEER IQBAL, ITS MANAGING MEMBER OF STI REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNERS IN THIS SECTION REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 5.001 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TOMBALL SHOPPING CENTER, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'-6") FOR TEN FEET (10'-0") PERMETER EASEMENTS OR SEVEN FEET, SIX INCHES (7'-6") FOR FOURTEEN FEET (14'-0") PERMETER EASEMENTS OR FIVE FEET, SIX INCHES (5'-6") FOR SIXTEEN FEET (16'-0") PERMETER EASEMENTS FROM A PLANE TWENTY FEET (20'-0") ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENT THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21'-6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'-0") FOR TEN FEET (10'-0") BACK-TO-BACK EASEMENTS, OR EIGHT FEET (8'-0") FOR FOURTEEN FEET (14'-0") BACK-TO-BACK EASEMENTS OR SEVEN FEET (7'-0") FOR SIXTEEN FEET (16'-0") BACK-TO-BACK EASEMENTS, FROM A PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'-0") IN WIDTH.

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

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

IN TESTIMONY WHEREOF, THE STI REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY TANVEER IQBAL, ITS MANAGING MEMBER, THEREUNTO AUTHORIZED, COMMON SEAL HERELIANT AFFIXED

THIS ____ DAY OF _____, 20__

STI REALTY LLC,
A TEXAS LIMITED LIABILITY COMPANY

TANVEER IQBAL, MANAGING MEMBER

THE STATE OF TEXAS
COUNTY OF HARRIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TANVEER IQBAL, MANAGING MEMBER OF STI REALTY, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE UNDERSIGNED AUTHORITY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
THIS ____ DAY OF _____, 20__

NOTARY PUBLIC IN AND FOR _____
COUNTY, STATE OF TEXAS.
MY COMMISSION EXPIRES _____

WE, THE CHASEWOOD BANK, OWNERS AND HOLDERS OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS TOMBALL SHOPPING CENTER, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD UNDER COUNTY CLERK'S FILE NUMBER RP-2023-304632 AND ASSIGNED BY COUNTY CLERK'S FILE NUMBERS RP-2023-304633 & RP-2023-304634 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN IN THIS SECTION TO SAID PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF

BY: _____
PRINTED NAME: _____
TITLE: _____

THE STATE OF TEXAS
COUNTY OF HARRIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ OF THE CHASEWOOD BANK, THE UNDERSIGNED AUTHORITY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
THIS ____ DAY OF _____, 20__

NOTARY PUBLIC IN AND FOR _____
COUNTY, STATE OF TEXAS.
MY COMMISSION EXPIRES _____

CERTIFICATE OF ENGINEER OR SURVEYOR:

I, JEFFREY MOON, 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



JEFFREY MOON
TEXAS REGISTRATION NUMBER 4639

CERTIFICATE FOR THE PLANNING AND ZONING COMMISSION:
THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL HAS APPROVED THIS PLAT AND SUBDIVISION OF TOMBALL SHOPPING CENTER 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 _____, 20__

BARBARA TAQUE, CHAIRMAN
SUSAN HARRIS, VICE CHAIR

I STEPHEN TROY TOLAND, COUNTY ENGINEER OF HARRIS COUNTY, TEXAS, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

STEPHEN TROY TOLAND, P.E.
COUNTY ENGINEER

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20__ AT _____ O'CLOCK ____ .M., AND DULY RECORDED ON _____, 20__ AT _____ O'CLOCK ____ .M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY. WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH,
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

JOE SWINBANK FAMILY
LIMITED PARTNERSHIP
CALLED 36.648 ACRES
C.C.F.N. RP-2020-194281
O.P.R.H.C.T.

RAMON UMANZOR
CALLED 1.597 ACRES
C.C.F.N. RP-2021-243627
O.P.R.H.C.T.

MAJED, INC.
CALLED 9.4852 ACRES
C.C.F.N. RP-2016-317524
O.P.R.H.C.T.

A.W.M. SCHULTZ & VERA MAE SCHULTZ
CALLED 11.6877 ACRES
C.C.F.N. L051386
O.P.R.H.C.T.

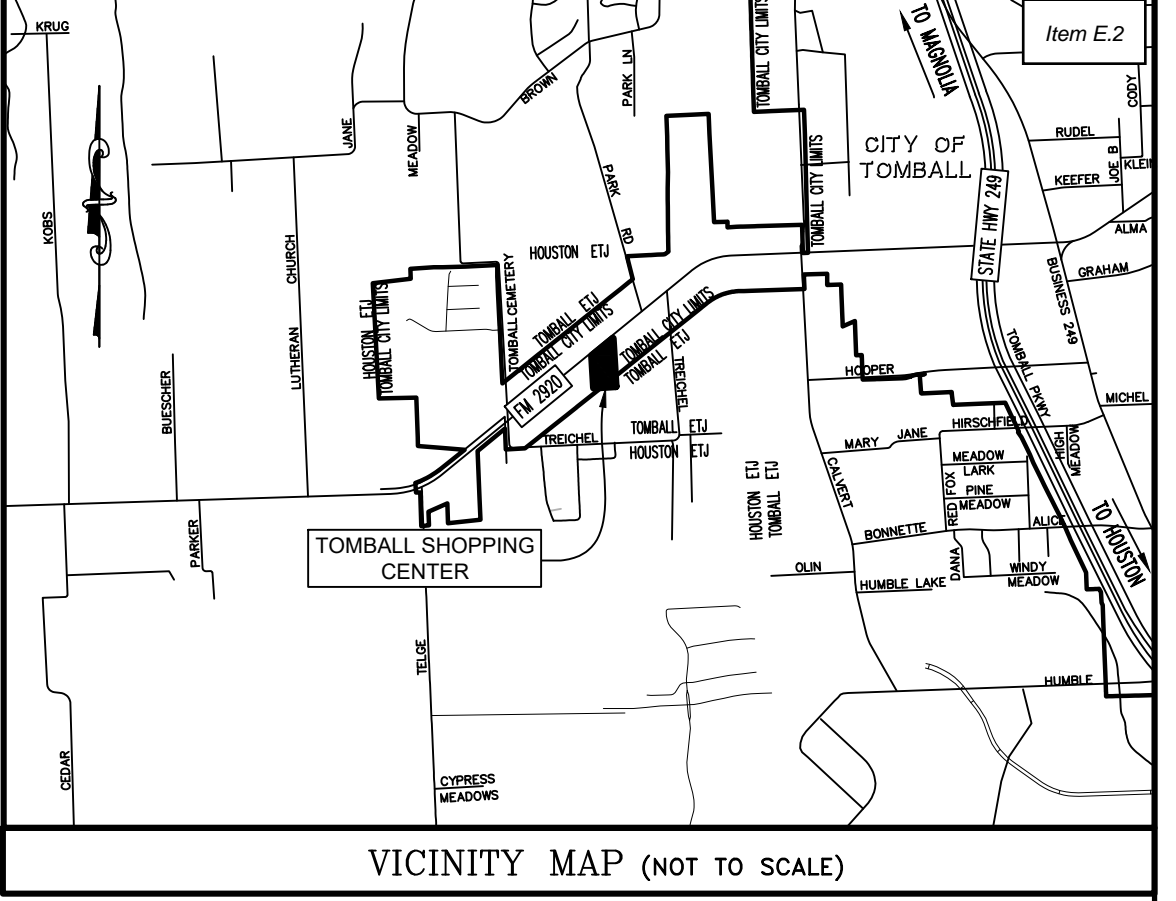
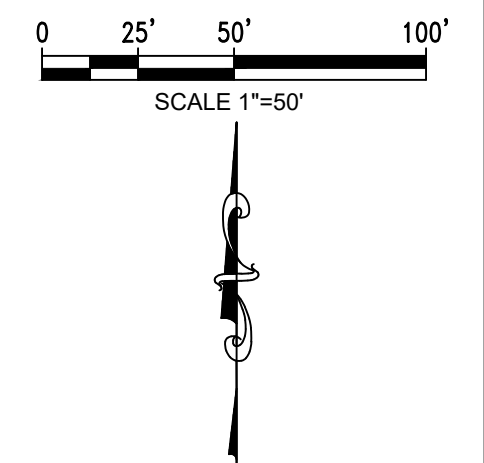
R.V. CLARK INVESTMENTS, LLC.
CALLED 5.3195 ACRES
C.C.F.N. 2013-0437682
O.P.R.H.C.T.

LOT 1
(5.0008 ACRES)
(217,837 SQ. FT.)

LOT 1
BLOCK 1
DICKIE PROPERTIES
FILM CODE 808208
M.R.H.C.T.

PLAT NOTES:
Harris County Landscape Note:
The plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the approval and acceptance of infrastructure.
SWO Note:
Any new development within the subdivision plat shall obtain a Storm Water Quality Permit before the issuance of any development permits.
Private Water Well Note:
A private pressure cemented Water Well cannot be constructed within 50 feet of the property line. A private Non-pressure cemented Water Well cannot be constructed within 100 feet of the property line.
Drainage Note:
Site drainage for the future development of this Lot must be submitted to the Harris County Flood Control District and Harris County Engineering Department.

R.V. CLARK INVESTMENTS, LLC.
CALLED 5.3195 ACRES
C.C.F.N. 2013-0437682
O.P.R.H.C.T.



CERTIFICATE FOR COUNTY CLERK:
I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20__ AT _____ O'CLOCK ____ .M., AND UNDER FILM CODE NUMBERS _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY. WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH, COUNTY CLERK
OF HARRIS COUNTY, TEXAS
BY: _____
DEPUTY

- GENERAL NOTES:
- PUBLIC EASEMENTS: PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL 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 ENHANCE 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.
 - 5/8" IRON RODS WITH SURVEY CAP MARKED "JEFF MOON R.P.L.S. 4639" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - FLOOD INFORMATION: ACCORDING TO FEMA FIRM PANEL NO. 48201C0210L (EFFECTIVE DATE: JUNE 18, 2007), THIS PROPERTY IS IN ZONE "AE" AND IS INSIDE THE 1% ANNUAL CHANCE FLOOD PLAIN.
 - ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 - ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 - NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
 - THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
 - A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OF CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.
 - ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS SOUTH CENTRAL ZONE (2002 ADJ) (FIPS 4204). ALL COORDINATES ARE GRID AND CAN BE ADJUSTED TO SURFACE BY APPLYING A COMBINED SCALE FACTOR OF 0.9999448821. ALL DISTANCES SHOWN HEREON ARE GROUND MEASUREMENTS.
 - ELEVATIONS ARE BASED UPON GPS OBSERVATIONS, AND ARE ADJUSTED TO TSARP RM 120205, NAVD '88 2001 ADJ., GEOID99, ELEVATION 173.56
 - THE BENCHMARK SET ON THIS TRACT OF LAND IS 3 INCH BRASS DISK IN CONCRETE NEAR THE NORTHWEST CORNER OF RESTRICTED RESERVE "A" SHOWN HEREON. ELEVATION IS 171.35'. (SEE NOTE 10)
 - AN EASEMENT FOR PUBLIC UTILITY PURPOSES GRANTED TO THE CITY OF TOMBALL BY INSTRUMENT RECORDED UNDER CLERK'S FILE NO. X587754 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS.
 - EASEMENT AND RIGHT-OF-WAY GRANTED TO HUMBLE OIL & REFINING CO., BY INSTRUMENT RECORDED IN VOLUME 942, PAGE 519 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, ASSIGNED TO HUMBLE PIPE LINE CO., BY INSTRUMENT RECORDED IN VOLUME 1221, PAGE 22 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, AND AS AFFECTED BY RIGHT-OF-WAY CONVEYANCE TO TENNESSEE GAS TRANSMISSION CO., RECORDED IN VOLUME 1991, PAGE 528 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, (EASEMENT CAN NOT BE LOCATED BLANKET)
 - STANDARD ABBREVIATIONS:
B.L. BUILDING LINE
C.O.T.U.E. CITY OF TOMBALL UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
R.O.W. RIGHT-OF-WAY
C.C.F.N. COUNTY CLERK'S FILE NUMBER
D.R.H.C.T. DEED RECORDS OF HARRIS COUNTY, TEXAS
M.R.H.C.T. MAP RECORDS OF HARRIS COUNTY, TEXAS
O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS

TOMBALL SHOPPING CENTER

BEING A COMMERCIAL SUBDIVISION OF 5.0008 ACRES OF LAND IN THE CHAUNCEY GOODRICH SURVEY, A - 311, IN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

CONTAINING: 1 LOT IN 1 BLOCK

APRIL 2024

OWNER/DEVELOPER
STI REALTY LLC,
A TEXAS LIMITED LIABILITY COMPANY
2503 CHERRY STREET
TOMBALL, TEXAS 77375
PHONE: (713) 534-3976
TANVEER.IQBAL@OUTLOOK.COM

JEFFREY MOON & ASSOCIATES, INC.
LAND SURVEYORS
www.moonsurveying.com
TBPELS FIRM No. 10112200
P.O. Box 2501 Conroe Texas 77305
PHONE: (936)756-5266
FAX: (936)756-5281
All rights reserved Copyright 2024 Jeffrey Moon & Assoc., Inc.

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: May 13, 2024

Topic:

Conduct a Public Hearing and Consideration to Approve Zoning Case Z24-07: Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

Background:

The subject property was created in 2004 as part of the Pine Meadows subdivision and appears on the recorded plat as a commercial reserve. Because the City of Tomball governs land use by zoning and not by declaration on recorded plats, the property assumed the same zoning district of the entire community, (SF-6) when zoning was established in 2008. The property is currently vacant with no structures present. The applicants are requesting the rezoning of the subject property to Neighborhood Retail – NR to allow the development of an approximately 18,000 square foot retail shopping center.

Origination: Theis Lane and South Cherry Street LLC

Recommendation:

Staff recommends approval of Zoning Case Z24-07.

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)
MAY 13, 2024
&
CITY COUNCIL
MAY 20, 2024**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 13, 2024 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 20, 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 Z24-07: Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

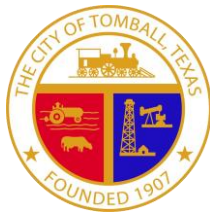
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the 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 10th day of May 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) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z24-07

04/15/2024

The Planning & Zoning Commission will hold a public hearing on **May 13, 2024 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve "A", Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Road and South Cherry Street, within the City of Tomball, Harris County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **May 20, 2024 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Benjamin Lashley, Assistant City Planner at 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 #: Z24-07

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:

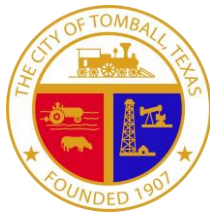
Mailing To: Community Development Department
501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

I am in favor
Additional Comments:

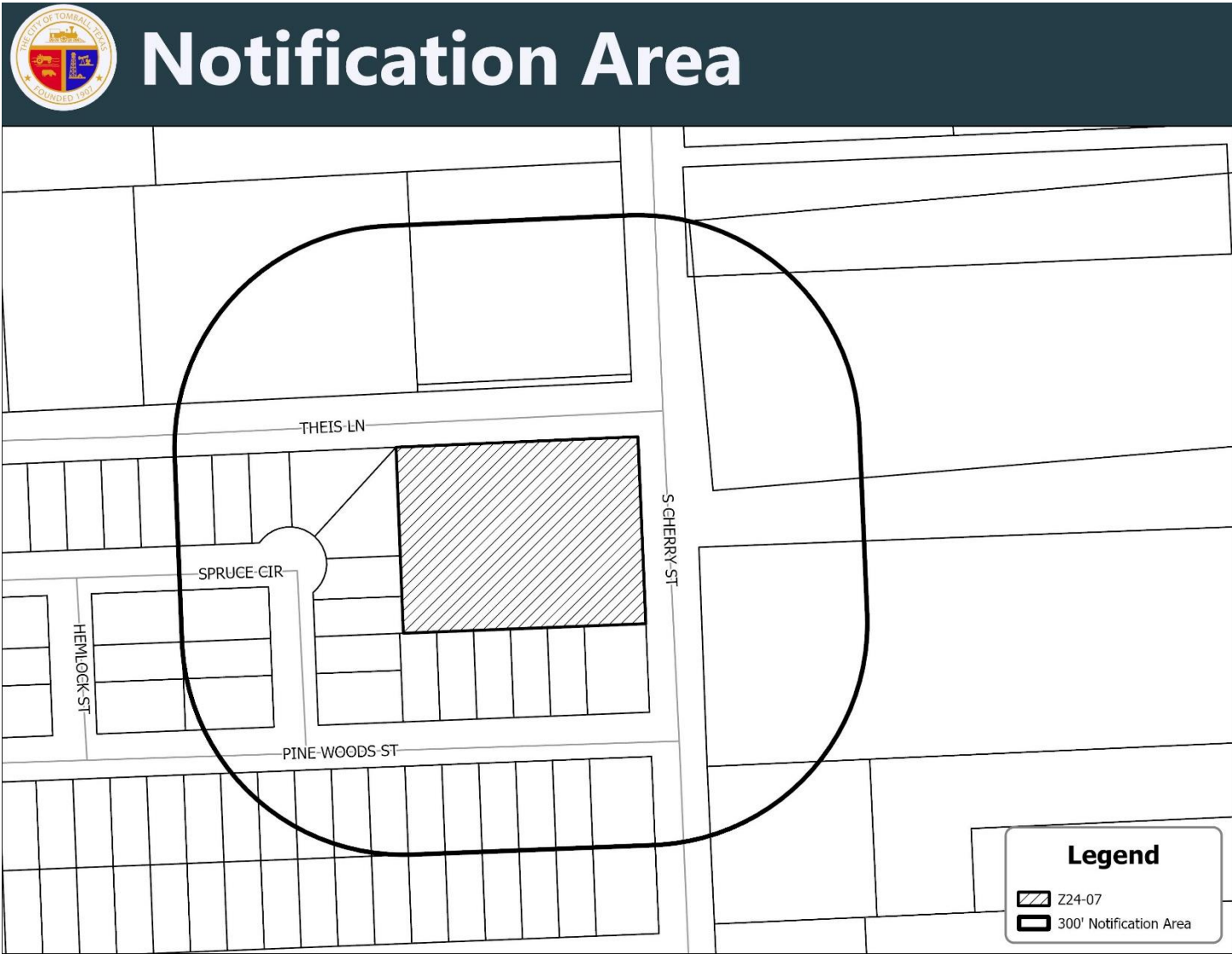
I am opposed

Signature: _____



City of Tomball
Community Development Department

Z24-07



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

Item E.3

CASE #: Z24-07

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: MANESS TOMMY E & GAYLE M
Parcel I.D.: 1252560050006
Address: 12703 SPRUCE CIR

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

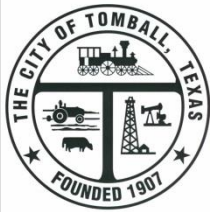
Email: blashley@tomballtx.gov

I am in favor
Additional Comments:

I am opposed

Signature: Tommy E. Maness
12703 SPRUCE CIR

501 James Street • TOMBALL, TEXAS 77375



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 13, 2024
City Council Public Hearing Date: May 20, 2024

Rezoning Case: Z24-07

Property Owner(s): Thisis Lane and South Cherry Street LLC

Applicant(s): Thisis Lane and South Cherry Street LLC

Legal Description: Reserve “A” of Pine Meadows Final Plat

Location: 12703 Thisis Lane (Exhibit “A”)

Area: 1.905 acres

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

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

Request: Rezone from the Single-Family Residential – 6 (SF-6) to the Neighborhood Retail (NR) District

Adjacent Zoning & Land Uses:

- North:** Commercial (C) / Operating Business and Vacant Lot
- South:** Single-Family Residential – 6 (SF-6) / Single Family residence(s)
- East:** Light Industrial (LI) and Single-Family Residential – 20 (SF-20) / Single-family residence(s) and a Vacant Lot
- West:** Single-Family Residential – 6 (SF-6) / Single Family residence(s)

BACKGROUND

The subject property was created in 2004 as part of the Pine Meadows subdivision and appears on the recorded plat as a commercial reserve. Because the City of Tomball governs land use by zoning and not by declaration on recorded plats, the property assumed the same zoning district of the entire community, (SF-6) when zoning was established in 2008. The property is currently vacant with no structures present. The applicants are requesting the rezoning of the subject property to Neighborhood Retail – NR to allow the development of an approximately 18,000 square foot retail shopping center.

ANALYSIS

Description: The subject property is comprised of 1.905 acres, located on the southwest corner of Theis Lane and South Cherry Street. Currently the subject property is located within the SF-6 zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Across Theis Lane, to the north of the subject property, is an existing distribution/warehouse facility, along with a vacant lot which are both within the Commercial (C) zoning district. South and west of the subject site are multiple single-family residences within the SF-6 zoning district. East of the subject property, across South Cherry Street are single family residences within the SF-20 and Light Industrial (LI) zoning districts.

Comprehensive Plan Recommendation: The property is designated as “Neighborhood Residential” by the Comprehensive Plan’s Future Land Use Map. The Neighborhood Residential category is intended for areas predominantly comprised of single-family detached housing. The land uses that are to be promoted in this category should focus on creating safe and desirable neighborhoods.

According to the Comprehensive Plan, land uses should consist of single-family detached residential, with appropriate secondary uses of parks, schools, public facilities, single-family attached residential, and limited commercial services. Commercial services that do not require large parking lots would be appropriate within this category where residential collector streets meet arterials such as Theis Lane and South Cherry Street.

The Comprehensive Plan recommends the zoning districts of Single-Family Estate Residential – 20 (SF-20-E), Single-Family Residential–9 (SF-9), Single-Family Residential–6 (SF-6), and Planned Development (PD) for the Neighborhood Residential land use category.

The Comprehensive Plan identifies the need to promote the location of community facilities and services, as well as limited commercial services within and near existing and proposed neighborhoods to create mutually beneficial synergies and a higher quality of life. According to the Comprehensive Plan, it is important to ensure that appropriate compatibility is achieved between differing intensities of land uses.

Staff Review Comments: The Neighborhood Retail Zoning District was recently drafted by City Staff and adopted by City Council with the goal of promoting a more enriched living environment within and adjacent to the residential areas in Tomball. The requested rezoning district is not found in the recommendations of the Comprehensive Plan largely due to the recent creation of the Neighborhood Retail District. However, this request is aligned with the Comprehensive Plan’s emphasis on providing supporting services and appropriate land uses that are compatible with residential areas. Uses permitted in the Neighborhood Retail District include lower intensity non-residential uses that promote more complete neighborhoods by providing convenient access to goods and services. Also, the subject property is located at the intersection of two minor arterial streets which serve as the site’s only roadway access. Additionally, the subject property is in close proximity to many large neighborhoods, commercial business, and industrial land uses that could be served by a retail facility.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on April 15, 2022. 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 Z24-07.

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



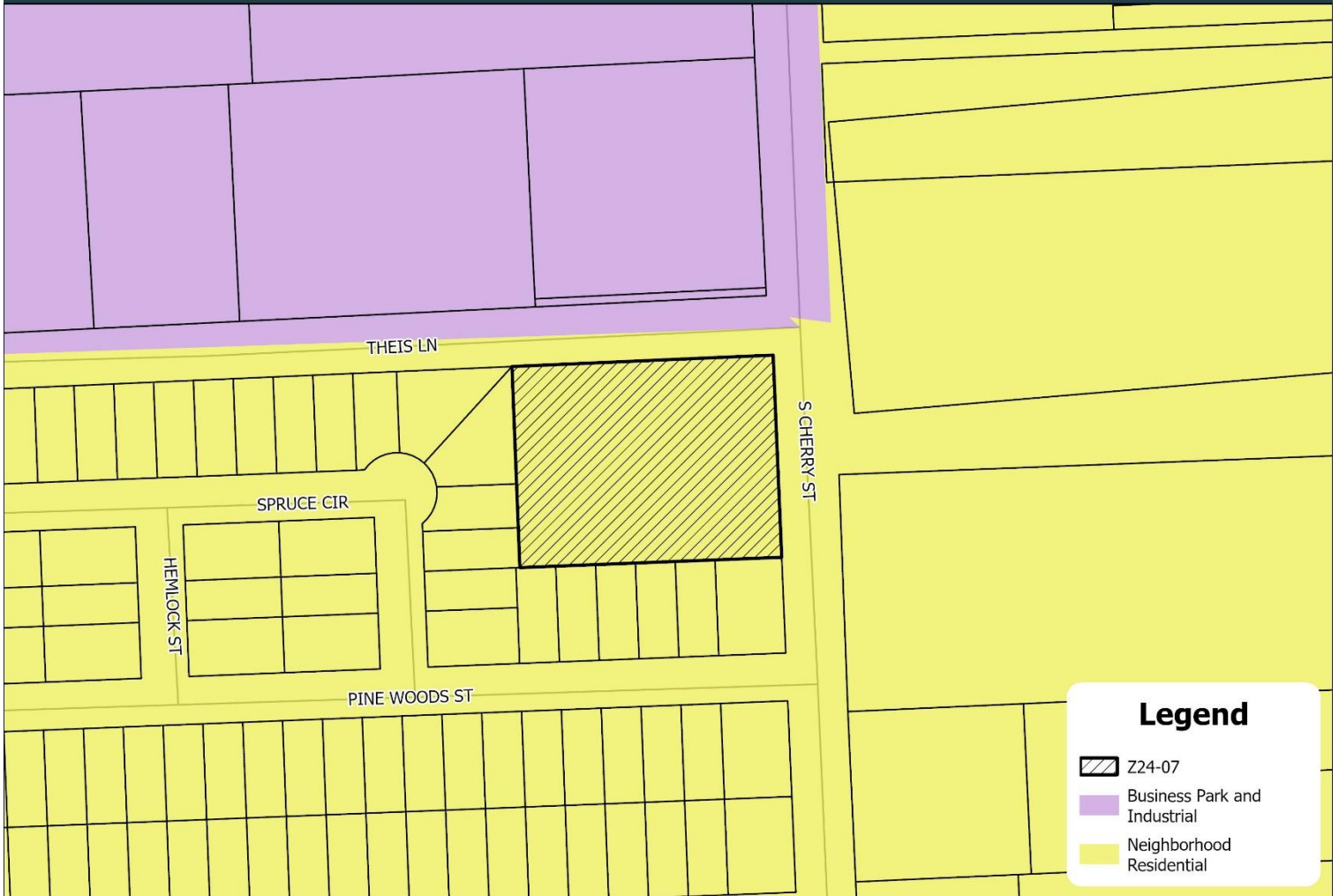
Legend

 Z24-07

Exhibit "B" Future Land Use Plan



Future Land Use



Legend

- Z24-07
- Business Park and Industrial
- Neighborhood Residential

Exhibit "C"
Zoning Map

Item E.3



Zoning

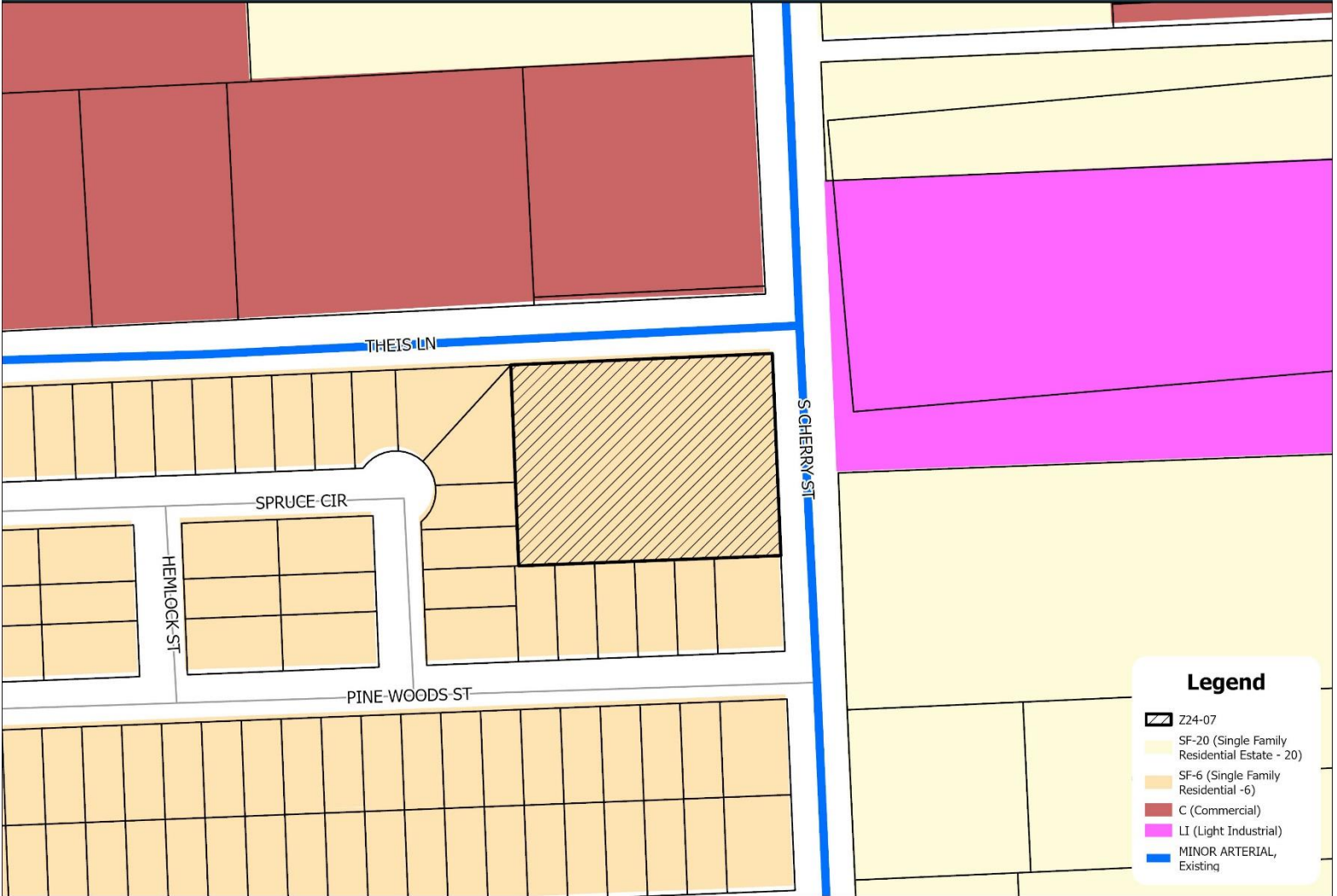


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (East)



Neighbor (South)



Neighbor (West)



Exhibit "E" Rezoning Application

Revised: 10/1/2022



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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

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

DIGITAL PLAN SUBMITTALS:

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

WEBSITE: tomballtx.gov/secure send
USERNAME: tombalredd
PASSWORD: Tomball1

Applicant

Name: Theis Lane and South Cherry Street LLC Title: Owner
Mailing Address: 16023 Rudgewick Lane City: Spring State: TX
Zip: 77379 Contact: William J. Lawrence
Phone: (346) 241-1000 Email: bill@wj.l.me

Owner

Name: Theis Lane and South Cherry Street LLC Title: Owner
Mailing Address: 16023 Rudgewick Lane City: Spring State: TX
Zip: 77379 Contact: William Lawrence
Phone: (346) 241-1000 Email: bill@wj.l.me

Engineer/Surveyor (if applicable)

Name: Pickering & Associates, Registration #: 10165200 Title: Surveyor
Mailing Address: 7702 Pin Oak Street City: Montgomery State: TX
Zip: 77316 Contact: Roger Pickering
Phone: (936) 447-4703 Fax: (____) _____ Email: rpickering@hotmail.com

Description of Proposed Project: Retail shopping center with two buildings totalling 18,500 square feet.

Physical Location of Property: Southwest corner of Theis Lane and Cherry Street.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: All 1.899 acre tract in the Jesse Pruitt Survey, A-629, Reserve A of Pine Meadows
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Residential

Revised: 10/1/2022

Current Use of Property: Unused land

Proposed Zoning District: Neighborhood Residential

Proposed Use of Property: Retail / Office / Family Medical

HCAD Identification Number: 1252560030038 Acreage: 1.899

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  03/01/2024
Signature of Applicant Date

X  03/01/2024
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 un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Revised: 10/1/2022

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.



March 1, 2024

Dear City of Tomball Community Development Department,

My name is Bill Lawrence, and I am the general partner at LoneStarDevelopment. We are a small, family-owned business that owns and manages small office/warehouse parks and small retail shopping centers in and around Houston.

We have been in business for over 30 years, and my son Matthew Lawrence and lifelong business partner Jason Snell have purchased the vacant piece of land at the southwest corner of Theis Lane and South Cherry Street.

It is our intention to develop this into a small, approximately 18,000-square-foot shopping center, that will cater to the neighborhood and surrounding residential developments. We will pre-select our tenants who will offer a mix of quality food service establishments, professional and home services, and possibly a health, beauty, and drugs establishment.

As in all our other developments, we have committed to ourselves and will commit to our future neighbors, that this property will be extremely well-managed and well-cared for. You can visit any of our properties in Houston and can quickly see the attention to detail, cleanliness, and professionalism that is on display.

Currently, this piece of property is zoned for residential use. It is situated at the intersection of two major roads, making it an ideal candidate for a small retail center that can serve the needs of the local community.

As the neighborhood behind the parcel (Pine Meadows) is already fully built-out with infrastructure in place, there is no feasible way to incorporate this small (under 2 acres) additional parcel into this subdivision. Furthermore, the small size is incompatible with any type of high-density housing like apartments or townhomes.



That is why we are proposing a small neighborhood retail shopping center. It is a perfect location for a neighborhood café, coffee shop, medical practice, or donut/sandwich shop. We will be including a lot of architectural features and different building materials such as masonry and decorative wall panel systems to distinguish this center as an upscale fitting companion to the growing residential neighborhoods that adjoin the site.

We have included a rendering of the project along with a preliminary site plan for your consideration and review.

I also invite you to call either Matt Lawrence (832) 953-3000 or Jason Snell (281) 389-6023 and ask any question you might have or can think of. We want to be great neighbors, and though the amount of our investment is considerable, it pales in comparison to the value of our reputation that we hold in the highest regard.

We believe that it won't take long for you to feel the same. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "William J. Lawrence".

William J. Lawrence, General Partner

GF# ATCH21111202A

FILED BY
ALAMO TITLE COMPANY
(HOUSTON)
2111202A

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

Date: November 30, 2022

Grantor: MARITIA, L.P., an Arizona Limited Partnership

Grantor's Mailing Address:

MARITIA, L.P.
2944 N. 44th St., Ste 250
Phoenix, Maricopa County, AZ 85018-7290

Grantee: THEIS LANE AND SOUTH CHERRY STREET LLC, a Texas limited liability company

Grantee's Mailing Address:

THEIS LANE AND SOUTH CHERRY STREET LLC
16023 Rudgewick Ln.
Spring, Harris County, TX 77379

Consideration:

Cash and other good and valuable consideration, the receipt of which is acknowledged.

Property (including any improvements):

ALL THAT CERTAIN 1.899 ACRE (82,729 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE JESSE PRUITT SURVEY, A-629, HARRIS COUNTY, TEXAS AND BEING ALL OF RESERVE "A" OF PINE MEADOWS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 555232 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; SAID 1.899 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET FOR THE NORTHEAST CORNER OF SAID RESERVE "A" AND THE HEREIN DESCRIBED TRACT, SAID CORNER MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE (WIDTH VARIES) AND THE WEST RIGHT-OF-WAY LINE OF CHERRY STREET (80 FEET WIDE);

THENCE, S 02° 27' 37" E-253.44 FEET (CALLED S 02° 27' 37" E-253.53 FEET) ALONG THE EAST LINE OF SAID RESERVE "A" AND THE WEST RIGHT-OF-WAY LINE OF SAID CHERRY STREET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, S 87° 42' 38" W-327.63 FEET (CALLED S 87° 42' 38" W-328.67 FEET) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 02° 20' 06" W-252.01 FEET (CALLED N 02° 17' 22" W-252.10 FEET) TO A 5/8 INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE AND MARKING THE NORTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 87° 27' 39" E-327.07 FEET (CALLED N 87° 27' 39" E-327.92 FEET) ALONG THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE TO THE POINT OF BEGINNING AND CONTAINING 1.899 ACRES (82,729 SQUARE FEET) OF LAND, MORE OR LESS.

together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting the Property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from the Property and any of Grantor's rights to use same; (v) any and all mineral rights and interests of Grantor relating to the Property (present or reversionary); (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit the Property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of the Property; and (viii) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding the Property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to the Property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to the Property and (d) any and all reversionary interests in and to the Property. Notwithstanding anything contained herein to the contrary, however, with respect to the rights and interests described in (iv), (vi) and (viii) directly above, Grantor is hereby only granting, selling and conveying any of Grantor's right, title and interest in and to same without warranty (whether statutory, express or implied).

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

The matters listed or contained in Exhibit "A" labelled "Permitted Encumbrances" which is attached hereto, incorporated herein and made a part hereof for all purposes, to the full extent same are valid and subsisting and affect the Property. Property taxes for 2022 have been prorated between the parties and Grantee assumes and agrees to pay same.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, **GRANTS, SELLS** and **CONVEYS** to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to **WARRANT AND FOREVER DEFEND** all and singular the property to Grantee and 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 exceptions to conveyance and warranty.

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

MARITIA, L.P.

By East Lyons, Inc., its General Partner

By: 
Louis H. Smulders, Executive VP

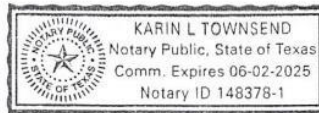
STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on November 30, 2022, by Louis H. Smulders, Executive VP of East Lyons, Inc., a Nevada corporation, acting in its capacity as Manager of MARITIA, L.P., an Arizona limited partnership, on behalf of said limited partnership.


NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE OFFICE OF:
Anthony T. Sortino, Attorney
500 W. Main Street
Tomball, Texas 77375



THE SHOPS AT THEIS AND CHERRY

