

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



**Monday, January 13, 2025
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, January 13, 2025 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 December 9, 2024.
- E. New Business Non-Action Items
 - [E.1](#) Minor Plat of **The Cottage Green**: A subdivision of 25.4270 acres, (1,107,599 Square Feet), of land, being a replat of Lot 1 Brown-Hufsmith Commercial Film Code No. 622259 M.R.H.C., being a replat of Lots 2 & 3 and a portion of Lot 1 The Shoppes at Spring Commons, Section One, Film Code No. 622085 M.R.H.C. situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

E.2 Minor Plat of **Chavez Tract**: Being a subdivision of 0.4769 acres of land and being a partial replat of Lot 35, Block 4 of Tomball Hills Addition, a subdivision per plat recorded under Volume 279, Page 111 of the Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

F. New Business

F.1 Conduct a public hearing and consideration to approve **Conditional Use Permit Case CUP25-01**: Request by Mike Matheson, for a Conditional Use Permit to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

F.2 Conduct a public hearing and consideration to approve **Zoning Case Z25-01**: Request by Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, within the City of Tomball, Harris County, Texas.

G. 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 January 2025 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) 290-1019 for further information.

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

Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date: January 13, 2025

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of December 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, DECEMBER 9, 2024



6:00 P.M.

draft

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

Others present:

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

- B. No Public Comments were received.
- C. Reports and Announcements:

Craig Meyers, Community Development Director announced the following:

- City Council Approved **Zoning Case Z24-18**: Request by John and Tracy Randall, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 36.408 acres of land legally described as being three tracts of land situated in the Jesse Pruett Survey, Abstract No. 629 from Single-Family Estate Residential (SF-20-E) to the Light Industrial (LI) zoning district. The property is located at 21725 Hufsmith Kohrville Road, within the City of Tomball, Harris County, Texas.

- D. Approval of Minutes:

D.1 Motion was made by Commissioner Moore, second by Commissioner Pye, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 11, 2024.

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

Motion Carried unanimously.

- D.2 Motion was made by Commissioner Harris, second by Commissioner Ross, to approve the Minutes of the Special Planning and Zoning Commission Meeting of November 13, 2024.

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

Motion Carried unanimously.

- D.3 Motion was made by Commissioner Ross, second by Commissioner Pye, to approve the Minutes of the Special Planning and Zoning Commission Meeting of November 14, 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 **Isidrows Tomball**: A subdivision of 10.1572 acres of land, being a replat of Lots 372 and 373, corrected map of Tomball Outlots, recorded in Volume 4, Page 75, H.C.M.R., located in the Jesse Pruett Survey, Abstract No. 629, City of Tomball, Harris County, Texas.
- E.2 Minor Plat of **Kleimann and Hitchcock One**: A Plat of a 0.3818-acre tract of land in the Joseph House Survey, Abstract No. 34, in 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 **Interchange 249 Business Park Partial Replat No. 5**: A subdivision of 3.9420 acres, (171,713 square feet), being a replat of Lot 100, Block 2, Interchange 249 Business Park Partial Replat No. 2, Film Code No. 703892, H.C.M.R., situated in the Auguste Senechal Survey, Abstract No. 722, City of Tomball, Harris County, Texas.

Benjamin Lashley, Assistant City Planner, presented with Staff Approval with 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 Approved (Unanimously).

F.2 Conduct a public hearing and consideration to approve **Zoning Case Z24-20**: Request by Indus Equities LLC, represented by Windrose Land Services, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.800 acres of land legally described as being a 1.800-acre tract of land situated in the John M. Hooper Survey, Abstract No. 375 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 14615 FM 2920, within the City of Tomball, Harris County, Texas.

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

Nandu Konat, Owner of Indus Equities, LLC, (14518 Winding Springs Drive, Cypress, TX 77429), spoke on behalf of the request.

The Public Hearing was opened by Chairman Anderson at 6:16 p.m.

Hearing no comments, the Public Hearing was closed by Chairman Anderson at 6:16 p.m.

Motion was made by Commissioner Pye, second by Commissioner Harris, to approve **Zoning Case Z24-20**.

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 Harris | <u>Aye</u> |
| Commissioner Pye | <u>Aye</u> |
| Commissioner Moore | <u>Aye</u> |

Motion Approved (Unanimously).

F.3 Discussion and action regarding updates to the City of Tomball’s adopted building codes.

Craig Meyers, Community Development Director, presented the updates and staff recommendation of approval.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve updates to the City of Tomball’s adopted building codes.

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 Harris	<u>Aye</u>
Commissioner Pye	<u>Aye</u>
Commissioner Moore	<u>Aye</u>

Motion Approved (Unanimously).

G. Adjournment

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

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

Motion Carried unanimously.

The meeting adjourned at 6:35 p.m.

PASSED AND APPROVED this _____ day of 2025.

Kim Chandler
Community Development Coordinator/
Commission Secretary

Richard Anderson
Commission Chairman

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: January 13, 2024

Topic:

Minor Plat of **The Cottage Green**: A subdivision of 25.4270 acres, (1,107,599 Square Feet), of land, being a replat of Lot 1 Brown-Hufsmith Commercial Film Code No. 622259 M.R.H.C., being a replat of Lots 2 & 3 and a portion of Lot 1 The Shoppes at Spring Commons, Section One, Film Code No. 622085 M.R.H.C. situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff approved with no 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: The Cottage Green

Plat Type: Minor

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

Plat within City Limits

Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: January 13, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.

STATE OF TEXAS
COUNTY OF HARRIS

We, HMFA Tomball Owner, LLC, a Delaware limited liability company, acting by and through Timothy P. Crawford, Manager, hereinafter referred to as Owners of the 25.4270 acre tract described in the above and foregoing plat of THE COTTAGE GREEN, 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 on the land so dedicated.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of 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 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 HMFA Tomball Owner, LLC, a Delaware limited liability company has caused these presents to be signed by Timothy P. Crawford, its Manager, thereunto authorized, this ___ day of _____, 202__.

HMFA Tomball Owner, LLC, a Delaware limited liability company

By: _____
Timothy P. Crawford, Manager

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Timothy P. Crawford, Manager of HMFA Tomball Owner, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of _____, 202__.

Notary Public in and for the State of Texas

My Commission expires:

By: _____
Print Name: _____
Title: _____

We, Rhine Valley Holdings LLC, owner and holder of a lien against the property described in the plat known as THE COTTAGE GREEN, said lien being evidenced by instrument of record in the Clerk's File No. RP-2024-407498 of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and We hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, _____, Rhine Valley Holdings LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

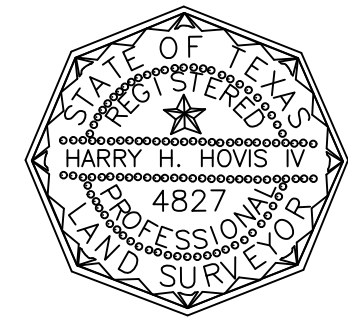
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of _____, 202__.

Notary Public in and for the State of Texas

Print Name: _____

My Commission expires:

I, Harry H. Hovis IV, 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 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 eighths (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, South Central Zone.



Harry H. Hovis IV
Texas Registration No. 4827

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of THE COTTAGE GREEN 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 _____, 202__.

By: _____
Craig Meyers
Director of Community Development

I, Tenneshia 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 _____, 202__, at _____ o'clock ___M., and duly recorded on _____, 202__, at _____ o'clock ___M., and at Film Code Number _____ of the Map Records of Harris County for said county.

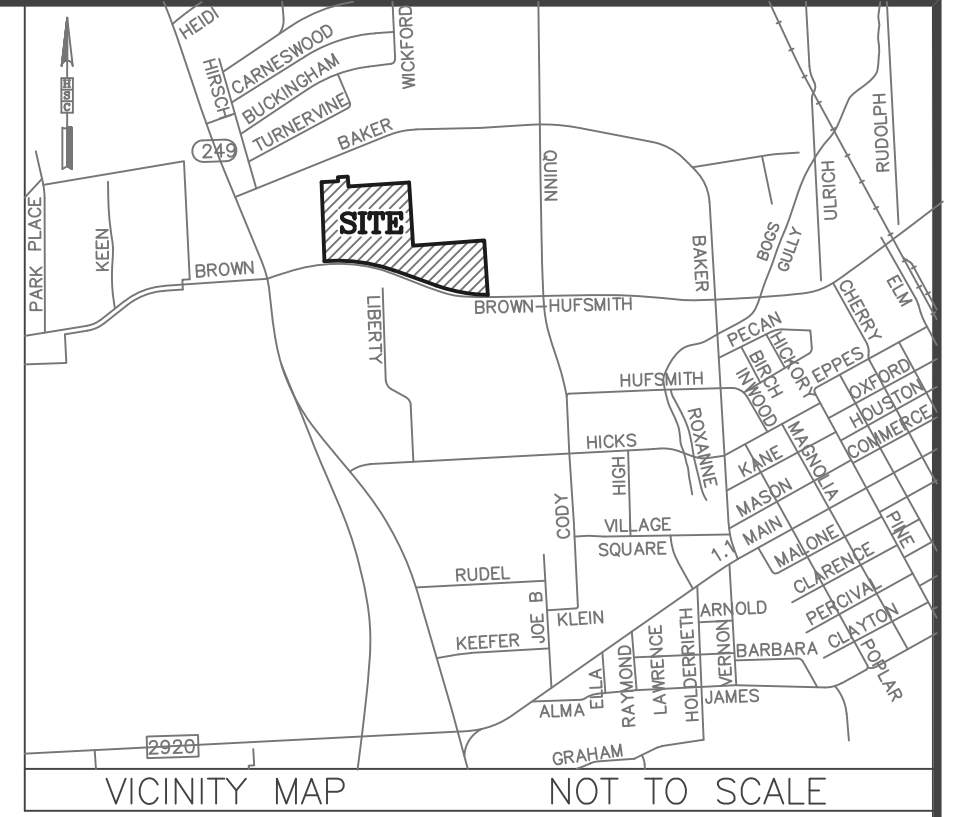
Witness my hand and seal of office, at Houston, the day and date last above written.

Tenneshia Hudspeth
County Clerk
of Harris County, Texas

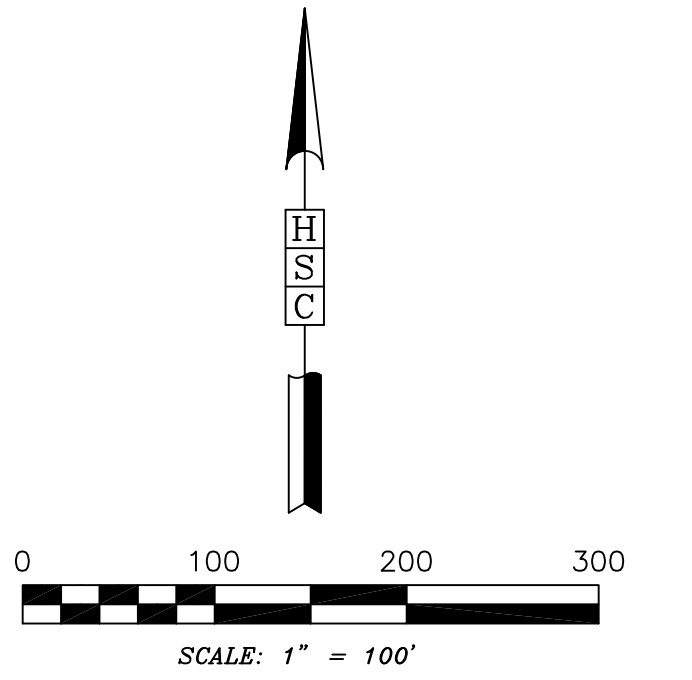
By: _____
Deputy

NOTES

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown or noted hereon.
- All oil/gas wells 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.
- 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 Map Number 48201C0210L, Panel Number 480315 0210 L, (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204).
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.999953021.
- C.T.U.E. indicates City of Tomball Utility Easement, D.R.H.C. indicates Deed Records Harris County, F.C. indicates Film Code, H.C.C.F. indicates Harris County Clerk's File Number, M.R.H.C. indicates Map Records Harris County, R.O.W. indicates right-of-way, STM.S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer, Easement, U.E. indicates Utility Easement, W.L.E. indicates Water Line Easement.
- The square footage shown hereon is based on a mathematically closed figure and does not indicate the accuracy of the survey.
- Subject to unlocated pipeline right-of-way easements in favor of Stanolind Pipe Line Company and recorded under Volume 940, Page 151, Volume 940, Page 152 and Volume 961, Page 515 D.R.H.C.
- Subject to unlocated pipeline easement granted to Magnolia Pipe Line Company and recorded under Volume 959, Page 247 D.R.H.C.
- Subject to unlocated pipeline easement granted to Humble Oil & Refining Company and recorded under Volume 1321, Page 124 D.R.H.C.
- Subject to Restrictive Covenants as set out in Film Code Nos. 358131, 622085 and 622259 both of the M.R.H.C. and H.C.C.F. No RP-2021-451617.
- Absent written authorization by the affected utilities, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by the property owner. Any unauthorized improvements or obstructions may be removed by any public utility at the property owner's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lots lines are permitted, they too may be removed by public utilities at the property owner's expense should they be an obstruction. Public Utilities may put said wooden posts and paneled wooden fences back up, but generally will not replace with new fencing.
- Drainage for the area included in this subdivision plat is being conveyed South to Tomball Drainage One Subdivision.



KeyMap Page No. 288B



THE COTTAGE GREEN

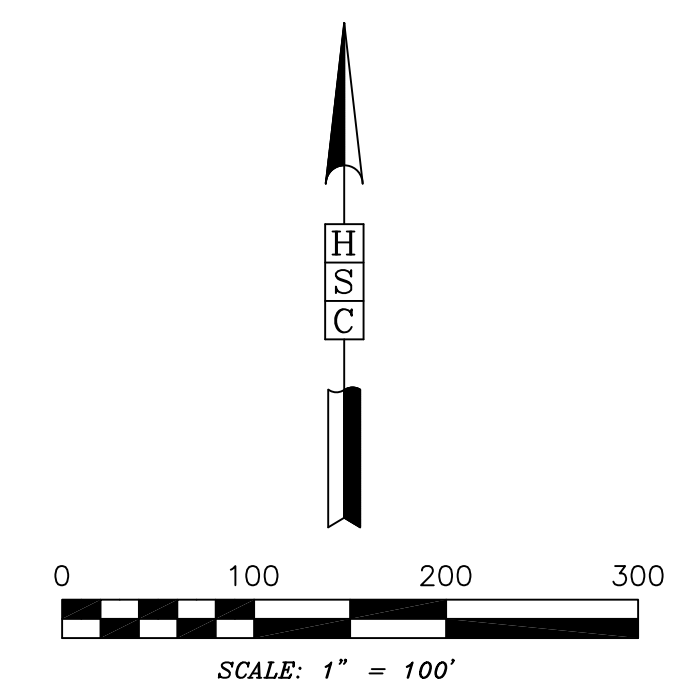
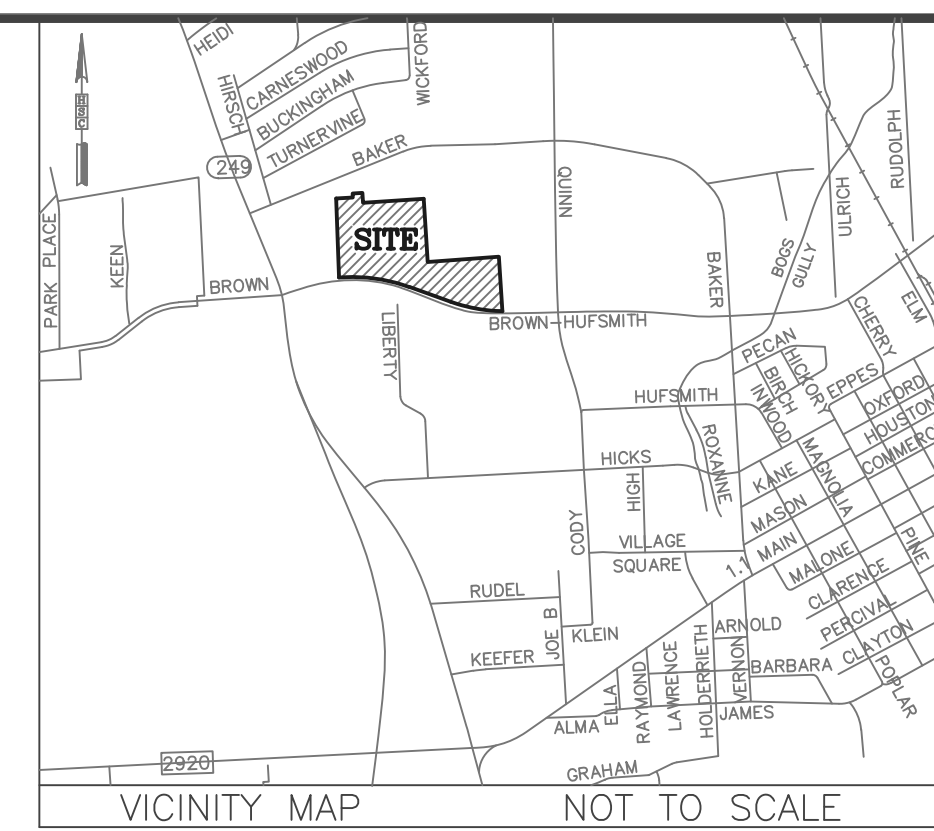
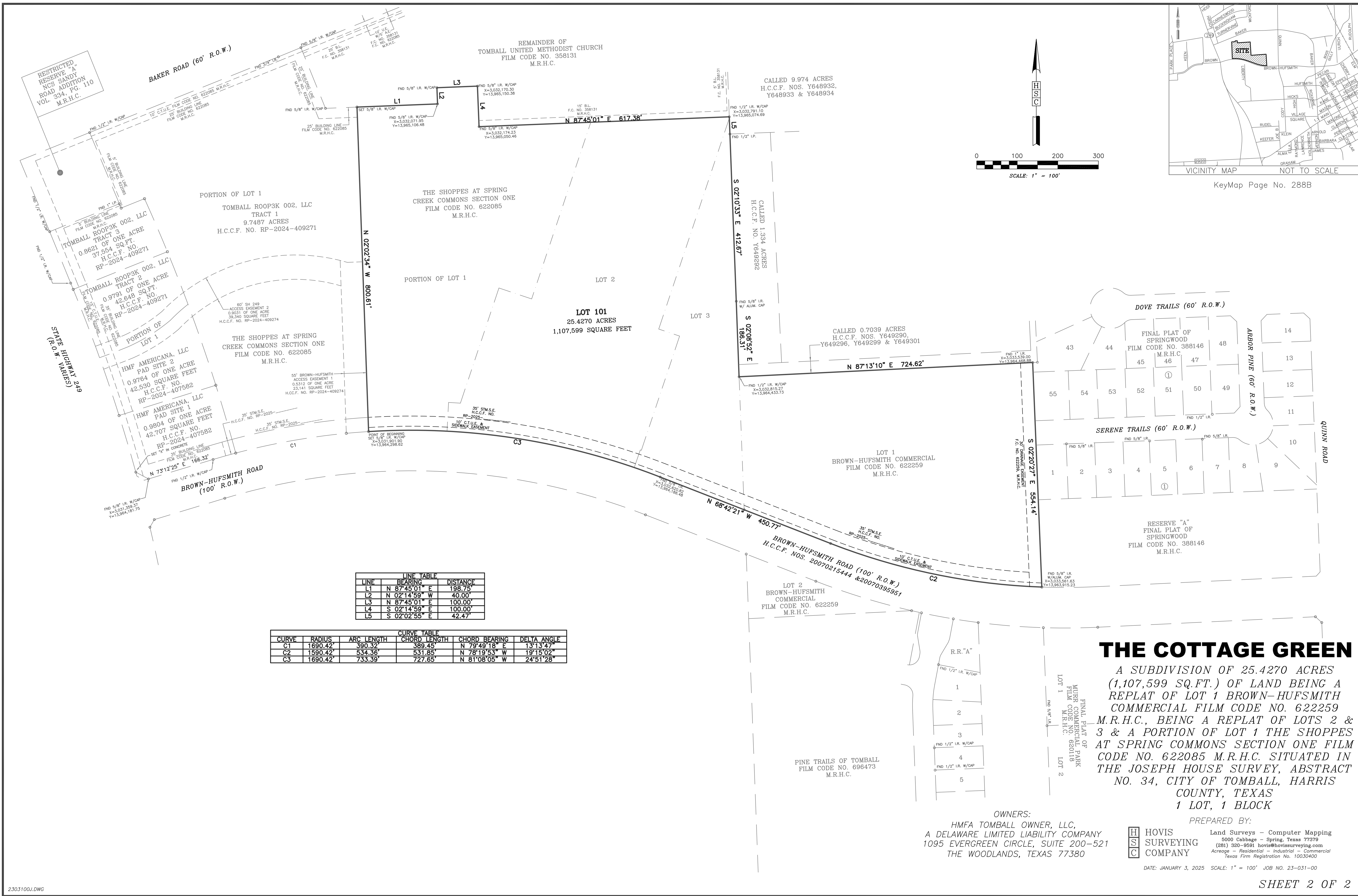
A SUBDIVISION OF 25.4270 ACRES (1,107,599 SQ.FT.) OF LAND BEING A REPLAT OF LOT 1 BROWN-HUFSMITH COMMERCIAL FILM CODE NO. 622259 M.R.H.C., BEING A REPLAT OF LOTS 2 & 3 & A PORTION OF LOT 1 THE SHOPPES AT SPRING COMMONS SECTION ONE FILM CODE NO. 622085 M.R.H.C. SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34, CITY OF TOMBALL, HARRIS COUNTY, TEXAS
1 LOT, 1 BLOCK

OWNERS:
HMFA TOMBALL OWNER, LLC,
A DELAWARE LIMITED LIABILITY COMPANY
1095 EVERGREEN CIRCLE, SUITE 200-521
THE WOODLANDS, TEXAS 77380

HOVIS
SURVEYING
COMPANY

Land Surveys - Computer Mapping
5600 Cabbage - Spring, Texas 77379
(281) 320-9591 hovis@hovissurveying.com
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

DATE: JANUARY 3, 2025 SCALE: 1" = 100' JOB NO. 23-031-00



LINE	BEARING	DISTANCE
L1	N 87°45'01" E	198.75'
L2	N 02°14'59" W	40.00'
L3	N 87°45'01" E	100.00'
L4	S 02°14'59" E	100.00'
L5	S 02°02'55" E	42.47'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1690.42'	390.32'	389.45'	N 79°49'18" E	13°13'47"
C2	1590.42'	534.36'	531.85'	N 78°19'53" W	19°15'02"
C3	1690.42'	733.39'	727.65'	N 81°08'05" W	24°51'28"

THE COTTAGE GREEN

A SUBDIVISION OF 25.4270 ACRES (1,107,599 SQ.FT.) OF LAND BEING A REPLAT OF LOT 1 BROWN-HUFSMITH COMMERCIAL FILM CODE NO. 622259 M.R.H.C., BEING A REPLAT OF LOTS 2 & 3 & A PORTION OF LOT 1 THE SHOPPES AT SPRING COMMONS SECTION ONE FILM CODE NO. 622085 M.R.H.C. SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34, CITY OF TOMBALL, HARRIS COUNTY, TEXAS
1 LOT, 1 BLOCK

OWNERS:
HMFA TOMBALL OWNER, LLC,
A DELAWARE LIMITED LIABILITY COMPANY
1095 EVERGREEN CIRCLE, SUITE 200-521
THE WOODLANDS, TEXAS 77380

PREPARED BY:
HOVIS SURVEYING COMPANY
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 320-9591 hovis@hovisurveying.com
Accege - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

DATE: JANUARY 3, 2025 SCALE: 1" = 100' JOB NO. 23-031-00

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: January 13, 2025

Topic:

Minor Plat of **Chavez Tract:** Being a subdivision of 0.4769 acres of land and being a partial replat of Lot 35, Block 4 of Tomball Hills Addition, a subdivision per plat recorded under Volume 279, Page 111 of the Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff approved with no 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: Chavez Tract

Plat Type: Minor

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

Plat within City Limits

Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: January 13, 2025

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the Community Development Department and Engineering Division approved this minor plat at the administrative level.

STATE OF TEXAS
COUNTY OF HARRIS

WE, CHAVEZ SOLUTIONS & CONSTRUCTIONS LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH OMAR CHAVEZ CAGUA, MANAGING MEMBER, OWNERS OF THE 0.4769 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF CHAVEZ TRACT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

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

IN TESTIMONY WHEREOF, THE CHAVEZ SOLUTIONS & CONSTRUCTIONS LLC, A TEXAS LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY OMAR CHAVEZ CAGUA, MANAGING MEMBER, AND ITS COMMON SEAL HERETO AFFIXED THIS ____ DAY OF _____, 20__.

CHAVEZ SOLUTIONS & CONSTRUCTIONS LLC, A TEXAS LIMITED LIABILITY COMPANY

BY: _____
OMAR CHAVEZ CAGUA, MANAGING MEMBER

STATE OF TEXAS
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 202__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL HAS APPROVED THIS PLAT AND SUBDIVISION OF CHAVEZ TRACT 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 _____, 202__.

CRAIG T. MEYERS, P.E., CFM
COMMUNITY DEVELOPMENT DIRECTOR

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICITY WAS FILED FOR REGISTRATION IN MY OFFICE ON ____ 202__, AT ____ O'CLOCK ____ M., AND DULY RECORDED ON ____ 202__ AT ____ O'CLOCK ____ M., AND AT FILM CODE NUMBER ____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

TENESHIA HUDSPETH
COUNTY CLERK
OF HARRIS COUNTY

BY: _____
DEPUTY

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

SEAN CONLEY
TEXAS REGISTRATION NUMBER 6739



CALLED 6.6268 ACRES
HARRIS COUNTY
FLOOD CONTROL DISTRICT
H.C.C.F. NO. RP-2020-178704

LOT 35
④
**TOMBALL HILLS
ADDITION**
VOL. 279, PG. 111 H.C.M.R.

ZONE AE

16' U.E., VOL. 279, PG. 111 H.C.M.R.

FIND 5/8" I. ROD
W/LJA CAP
BRS. N24°43'W, 0.32'

LOT 36
SYLVIA LEIGH HILDRETH
H.C.C.F. NO. T161686

④
**TOMBALL HILLS
ADDITION**
VOL. 279, PG. 111 H.C.M.R.

LOT 31
EDGAR R. MCNUTT AND
CATHERINE CHILES MCNUTT
H.C.C.F. NO. 20150213615

16' U.E., VOL. 279, PG. 111 H.C.M.R.

16' U.E., VOL. 279, PG. 111 H.C.M.R.

①
LOT 1
0.4769 ACRE
20,775 SQ. FT.

16' U.E., VOL. 279, PG. 111 H.C.M.R.

FIND 5/8" I. ROD
W/LJA CAP

LOT 32
JAMIE ELLIS MARSH AND
WILLIAM ROBERT MARSH II
H.C.C.F. NO. RP-2023-464558

@79.84'
FIND 1/2" I. ROD

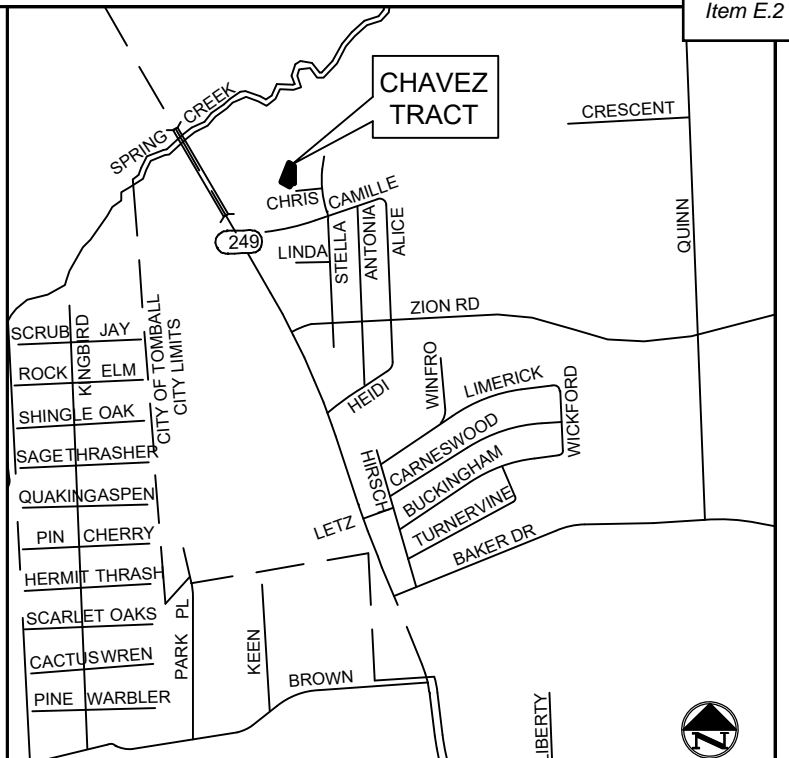
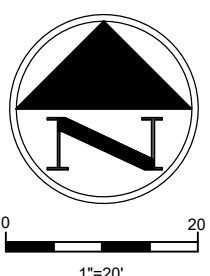
LOT 34
JOY CRINER
H.C.C.F. NO. M912768

④
**TOMBALL HILLS
ADDITION**
VOL. 279, PG. 111 H.C.M.R.

CHRIS LANE
(50' R.O.W.)
VOL. 279, PG. 111 H.C.M.R.

LOT 38

LOT 37



VICINITY MAP
SCALE: 1" = 2000'
KEY MAP 248X

LEGEND

- B.L. BUILDING LINE
- FND. FOUND
- G.B.L. GARAGE BUILDING LINE
- H.C.C.F. NO. HARRIS COUNTY CLERK'S NUMBER
- H.C.M.R. HARRIS COUNTY MAP RECORDS
- I. IRON
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- SQ. FT. SQUARE FEET
- U.E. UTILITY EASEMENT

NOTES

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
2. ACCORDING TO FEMA FIRM PANEL NO. 48201C0210L (EFFECTIVE DATE 06/18/2007), THIS PROPERTY IS IN ZONE "X" AND ZONE "AE" AND WITHIN THE 1% ANNUAL CHANCE FLOOD PLAIN.
3. THIS SURVEY WAS MADE IN RELIANCE OF THAT CERTAIN CITY PLANNING LETTER ISSUED BY INTEGRITY TITLE, JOB NO. 2444668A, DATED EFFECTIVE NOVEMBER 14, 2024.
4. 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.
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.
10. SPECIAL FLOOD HAZARD AREAS DELINEATED HEREON ARE BASED ON FEMA GIS DATA AND HAVE NOT BEEN FIELD VERIFIED.

CHAVEZ TRACT

BEING A SUBDIVISION OF 0.4769 ACRE OF LAND AND BEING A PARTIAL REPLAT OF LOT 35, BLOCK 4 OF TOMBALL HILLS ADDITION, A SUBDIVISION PER PLAT RECORDED UNDER VOLUME 279, PAGE 111 OF THE HARRIS COUNTY MAP RECORDS SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34 CITY OF TOMBALL HARRIS COUNTY, TEXAS

1 BLOCK, 1 LOT

SCALE: 1" = 20'
DATE: DECEMBER, 2024

OWNER
CHAVEZ SOLUTIONS & CONSTRUCTIONS LLC
17900 MOUND ROAD, APT. 2107
CYPRESS, TX 77488

SURVEYOR

CONLEY LAND SERVICES, LLC

11003 BUTTOWOOD CREEK TRAIL
TOMBALL, TX 77375
TEL: 832-729-4997
CONLEYLAND.COM
TBPELS FIRM NO. 10194732

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: January 13, 2025

Topic:

Conduct a public hearing and consideration to approve **Conditional Use Permit Case CUP25-01**: Request by Mike Matheson, for a Conditional Use Permit to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

Background:

Origination: Mike Matheson

Recommendation:

Staff recommends approval of **Conditional Use Permit Case CUP25-01**

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)
JANUARY 13, 2025**

&

~~CITY COUNCIL~~ Re-scheduled to the Regular City
~~JANUARY 20, 2025~~ Council Meeting, February 3, 2025.



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, January 13, 2025, at 6:00 P.M.** and by the ~~City Council of the City of Tomball on Monday, January 20, 2025, 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:

Conditional Use Permit Case CUP25-01: Request by Mike Matheson, for a Conditional Use Permit to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-01: Request by Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, 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 the 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 January 2025 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
CITY COUNCIL
FEBRUARY 3, 2025**



Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, February 3, 2025, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such date, the City Council will consider the following:

Conditional Use Permit Case CUP25-01: Request by Mike Matheson, for a Conditional Use Permit to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-01: Request by Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, within the City of Tomball, Harris County, Texas.

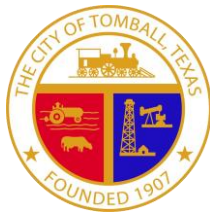
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative 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.

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

I hereby certify that the above notice of the 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 31st day of January 2025 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: Conditional Use Permit Case CUP25-01

12/26/2024

The Planning & Zoning Commission will hold a public hearing on **January 13, 2025 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, for a Conditional Use Permit to allow the land use of "Child day care center (business)" within the City of Tomball's Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. 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 the area which is highlighted in green on the map is being considered for a **Conditional Use Permit**. The hatched area is the 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 the City Council for First Reading with public hearing on **January 20, 2025 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 #: CUP25-01

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:

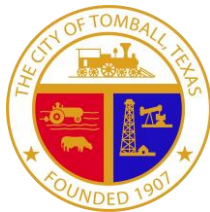
Email: blashley@tomballtx.gov

I am in favor

I am opposed

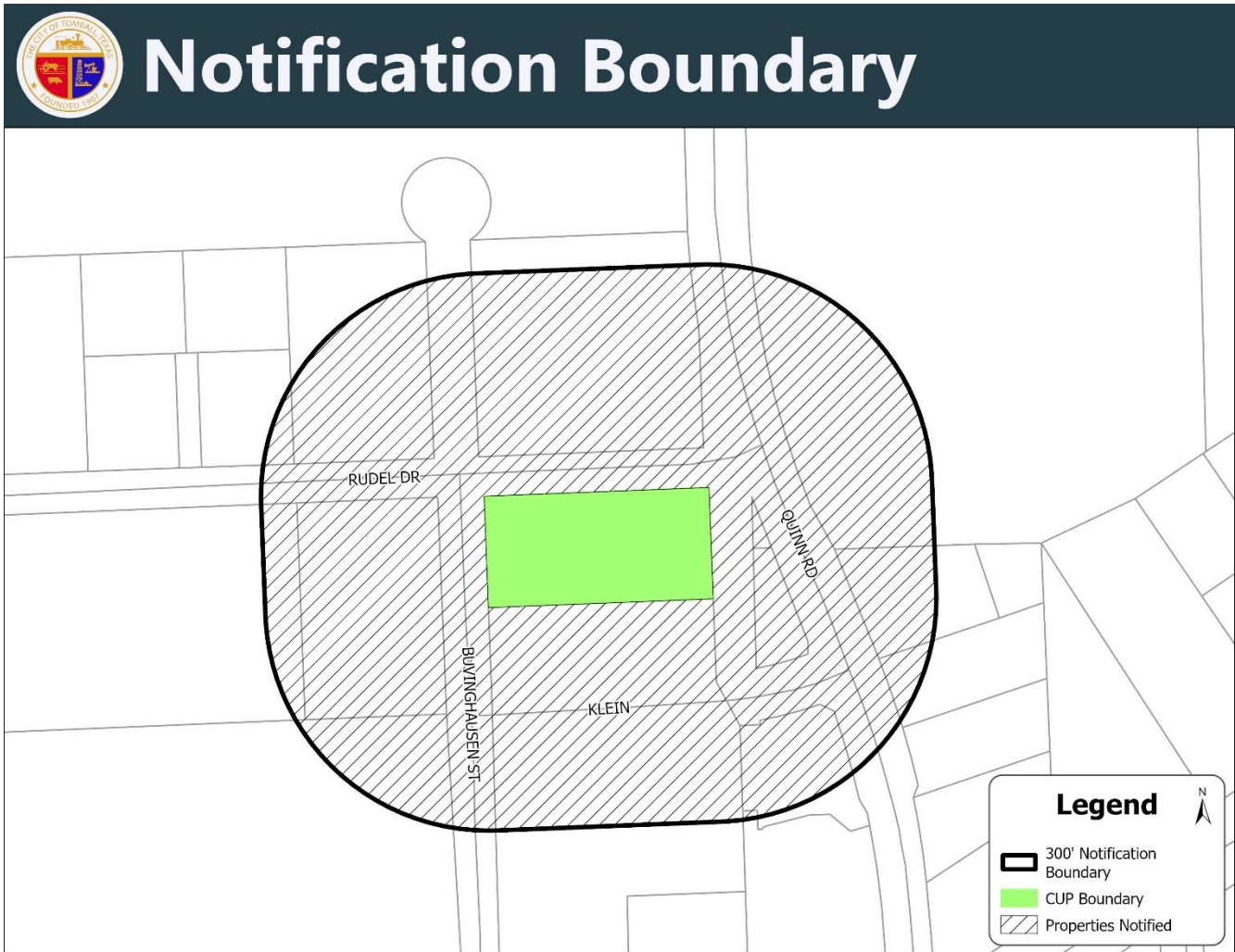
Additional Comments:

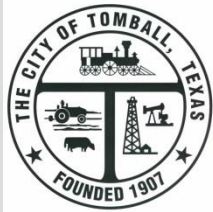
Signature: _____



City of Tomball
Community Development Department

CUP25-01





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: January 13, 2025
City Council Public Hearing Date: February 3, 2025

Rezoning Case: CUP25-01

Property Owner(s): Mike Matheson

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: The granting of a Conditional Use Permit (CUP) to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning 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 have the land use of *Child day care center (business)* occupy one of the buildings, which is only allowed within the Office (O) zoning district with the issuance of a CUP.

ANALYSIS

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

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

The property is designated as Neighborhood Commercial by the Comprehensive Plan's Future Land Use Map. The Neighborhood Commercial designation 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. The desire to establish a child day care center at this location will promote a development that creates a complimentary relationship between differing land uses, which is an objective of the Comprehensive Plan. The proximity of the subject property to a wide variety of residential housing, professional offices, and existing schools makes the desired land use mutually beneficial to the surrounding area.

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

According to the Zoning Ordinance, "a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through the imposition of certain standards and conditions."

The property was first zoned within the Commercial district when zoning was adopted in 2008 but was rezoned into the Office district in 2023. The subject property is surrounded by the Commercial, Multifamily, and Old Town & Mixed-Use zoning districts. The nature of the area is a mixture of schools, offices, commercial and other non-residential uses, along with single-family and multi-family uses. The Comprehensive Plan endorses the continuation of the mixture of uses in this area of the city, and specifically states that retail, offices, clinics, and government facilities are the most appropriate uses. The Office district was established to create an appropriate setting for low intensity office and professional uses

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

No, the proposed use will not meet all supplemental standards outlined in Chapter 50 of the Code of Ordinance. Chapter 50, Article IV, Section 50-112 (d)(3) requires:

"Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas."

No such driveway orientation has been proposed on the property.

Additionally, it does not appear that the number of parking spaces allocated for the desired use within the office complex as illustrated on the Concept Plan will meet the minimum parking requirement for a “*Child day care center (business)*”. Chapter 50, Article III, Section 50-82(b) requires one parking space per three children.

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

The proposed use is consistent with surrounding land uses and would provide a beneficial service to the area. With this Conditional Use Permit, the City is recommending conditions that are aimed at helping alleviate potential nuisances that could arise due to this land use such as traffic congestion. Said conditions may include but are not limited to signage and staggered pick up and drop off times.

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

With the other future businesses that will be established on the property, it does not appear that the minimum parking requirements for a “*Child day care center (business)*” (one space per three children) will be met. Since the applicant has indicated that the child day care facility will operate with extended hours and have staggered drop-off and pick-up times, City Staff does not anticipate adverse impacts to Rudel Drive nor the surrounding properties.

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 December 27, 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 Conditional Use Permit Case CUP25-01 with the following conditions:

- ❖ The curb for the proposed sidewalk along Rudel Drive shall be painted red for no parking.
- ❖ “No Stopping or Standing” signage shall be placed along the entire Rudel Drive frontage.
- ❖ Three parking spaces within the development shall be clearly marked with signage and paint for drop-off and pick-up only.

Note that the Planning & Zoning Commission may recommend, and the City Council may impose any additional conditions as are reasonably necessary.

EXHIBITS

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

Exhibit "A" Aerial Location Map

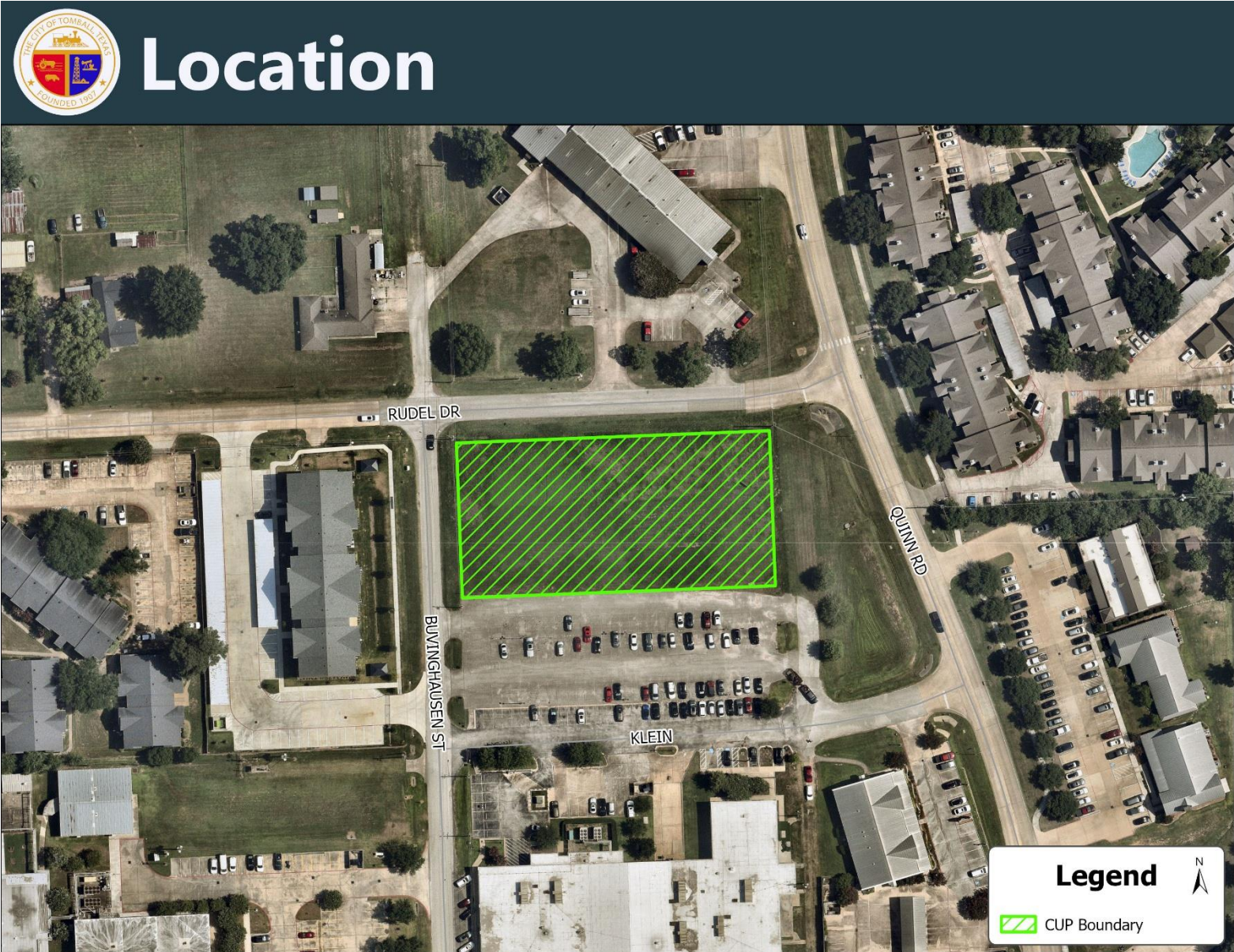


Exhibit "B" Future Land Use Plan

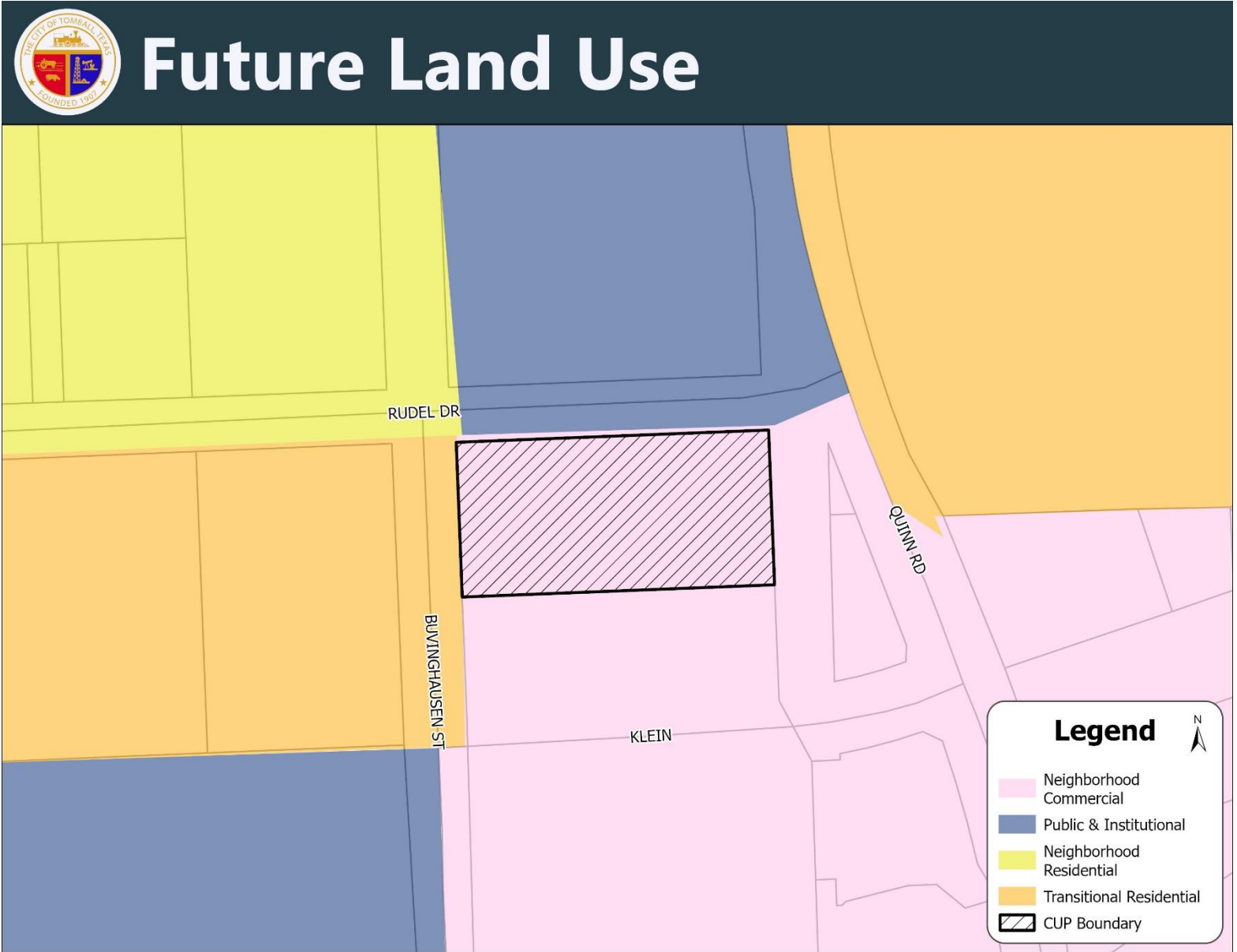


Exhibit "C" Zoning Map

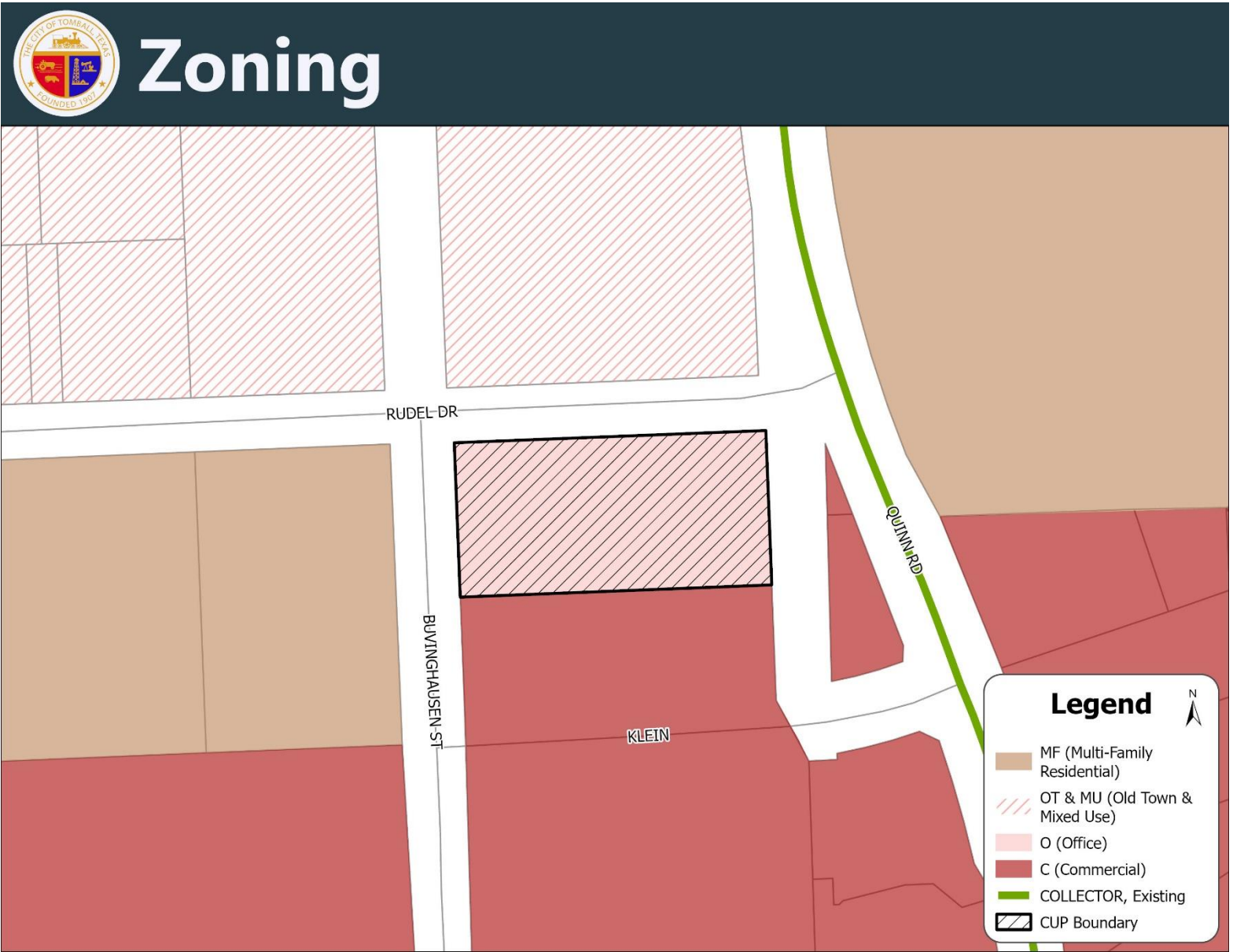


Exhibit "D"
Site Photos

Subject Site



Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E"
Rezoning Application

Revised: 10/1/2022



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Planning Division

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

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

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for Conditional Use Permit (CUP) request

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

SMARTGOV WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Mike Matheson Title: Owner
Mailing Address: 14315 Arlington Pl. City: Tomball State: Tx
Zip: 77429 Contact: 281-658-7526
Phone: 281-658-7526 Email: info@redgrip11c.com

Owner

Name: Same as Applicant Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

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

Revised: 10/1/2022

Description of Proposed Project: Two 4,620 sq ft Buildings, One Building is a daycare

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

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

HCAD Identification Number: 1333950020001 Acreage: 1.04

Current Use of Property: Undeveloped but zoned as Office

Proposed Use of Property: 1 of the 2 Buildings to have CUP to allow for a Daycare/Early Learning Center

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 11-21-24
Signature of Applicant Date

X Michael Matheson 11-21-24
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.

Conditional Use Permit 1211 Rudel

November 21st, 2024

Dear Members of the City Council

I am writing to request that the 1.04 acres at the corner of Quinn and Rudel Road to be approved for a Conditional Use Permit to accommodate a Daycare/Early Learning facility for one of our two buildings that will be going up. We currently have a pre-lease with Discovery Learning Center which we are planning to finish construction in July or August. We have consulted with a couple of members of the City Council and they advised to cancel the rezone request for General Retail and instead keep zoned as zoned for Office and just have a Conditional Use Permit for the Daycare.

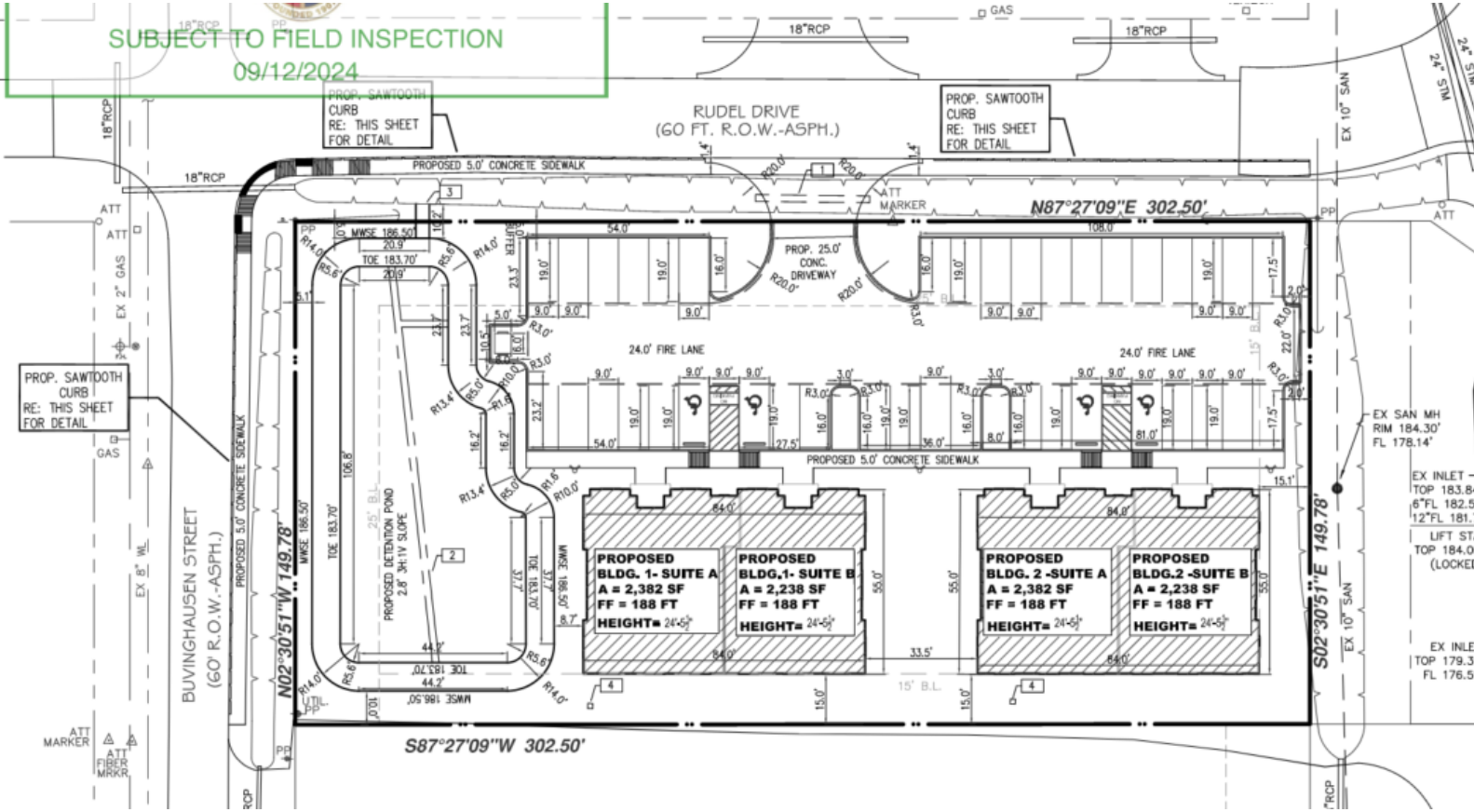
The Daycare owners have met with the TEDC and we have done a Pre-development meeting with Tomball. We are referring to this as a Daycare however it is actually a Early Learning Center as it is curriculum heavy unlike a Daycare.

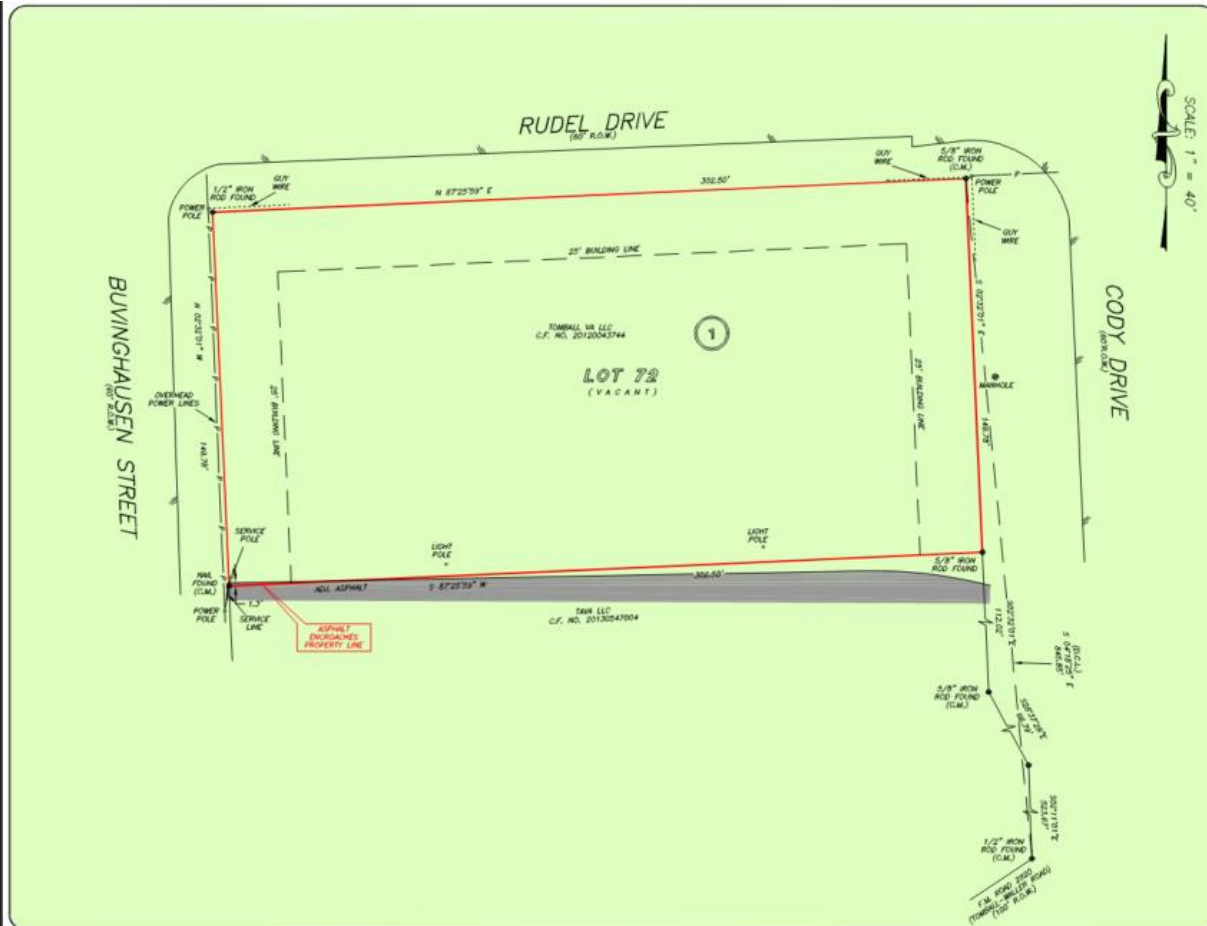
We do not foresee any issues with this CUP as we feel that the Daycare will serve the area well when there is a shortage of Daycare facilities. There are three large apartment complexes that surround the property that would be well-served by the Daycare/Early learning facility. The owners of the Daycare have 20 years of experience and the husband is a retired Police Chief of a small town in Nebraska where they are originally are from.

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





GF. NO. 1609703 STEWART TITLE
 ADDRESS: RUDEL DRIVE
 TOMBALL, TEXAS 77375
 BORROWER: MICHAEL MATHESON

**LOT 72, BLOCK 1
 ACQUEST TOMBALL REPLAT NO. 1**

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 658, PAGE 107 OF THE MAP/PLAT RECORDS
 OF HARRIS COUNTY, TEXAS

NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR
 ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.
 NOTE: AN EASEMENT IF ANY, TOGETHER WITH AN ADJACENT
 50' WIDE EXTENDING UPWARD AS PER C.F. NO. 20120163704.

THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48201C 0210 L
 MAP REVISION: 06/18/2007
 ZONE: 1

BASED ONLY ON VISUAL EXAMINATION OF MAPS;
 INACCURACIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
 METHOD BEARING: 101.659, PLS. 450, H.C.M.P.R.
 DRAWN BY: PM

I HEREBY CERTIFY THAT THIS SURVEY
 PLAT CORRECTLY REPRESENTS THE FACTS
 FOUND AT THE TIME OF SURVEY AND THAT
 THIS PROFESSIONAL SERVICE CONFORMS TO
 THE CURRENT TEXAS SOCIETY OF PROFESSIONAL
 SURVEYORS STANDARDS AND SPECIFICATIONS
 FOR A CATEGORY 1A CONTEMPORANEOUS SURVEY.

JAMES P. WALKOVIAK
 PROFESSIONAL LAND SURVEYOR
 NO. 5971
 EXP. 03/31/2026
 MARCH 31, 2022

	 OF HOUSTON JANE MATHESON 281-357-8277		 PRECISION surveyors	1-800-LANDSURVEY www.precisionsurveyors.com 281-496-1588 FAX 281-496-1867 210-829-6941 FAX 210-829-1555 850 THREEKNEE STREET SUITE 150 HOUSTON, TEXAS 77059 1777 HE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217 FIRM NO. 10063700	
--	--	--	-----------------------------------	---	--

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



Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: January 13, 2025

Topic:

Conduct a public hearing and consideration to approve Zoning Case Z25-01: Request by Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, within the City of Tomball, Harris County, Texas.

Background:

Origination: Kitchens Real Estate Family Partnership LTD., represented by J. Edwards

Recommendation:

Staff recommends approval of Zoning Case Z25-01.

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)
JANUARY 13, 2025**

&

~~CITY COUNCIL~~ Re-scheduled to the Regular City
~~JANUARY 20, 2025~~ Council Meeting, February 3, 2025.



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, January 13, 2025, at 6:00 P.M.** and by the ~~City Council of the City of Tomball on Monday, January 20, 2025, 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:

Conditional Use Permit Case CUP25-01: Request by Mike Matheson, for a Conditional Use Permit to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-01: Request by Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, 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 the 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 January 2025 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
CITY COUNCIL
FEBRUARY 3, 2025**



Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, February 3, 2025, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such date, the City Council will consider the following:

Conditional Use Permit Case CUP25-01: Request by Mike Matheson, for a Conditional Use Permit to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No. 1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

Zoning Case Z25-01: Request by Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, within the City of Tomball, Harris County, Texas.

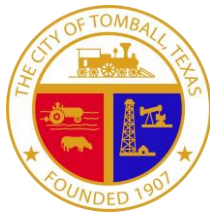
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative 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.

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

I hereby certify that the above notice of the 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 31st day of January 2025 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 Z25-01

12/26/2024

The Planning & Zoning Commission will hold a public hearing on **January 13, 2025 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 Kitchens Real Estate Family Partnership LTD., represented by J. Edwards Concrete & Construction LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.2618 acres of land legally described as being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No.632 from Agricultural (AG) to the Commercial (C) zoning district. The property is located at 27223 SH 249, 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 the area which is highlighted in green on the map is being considered for **Re-Zoning**. The hatched area is the 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 the City Council for First Reading with public hearing on **January 20, 2025 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 #: Z25-01

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

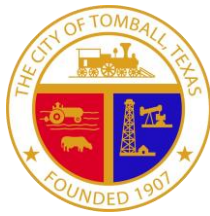
Email: blashley@tomballtx.gov

I am in favor

I am opposed

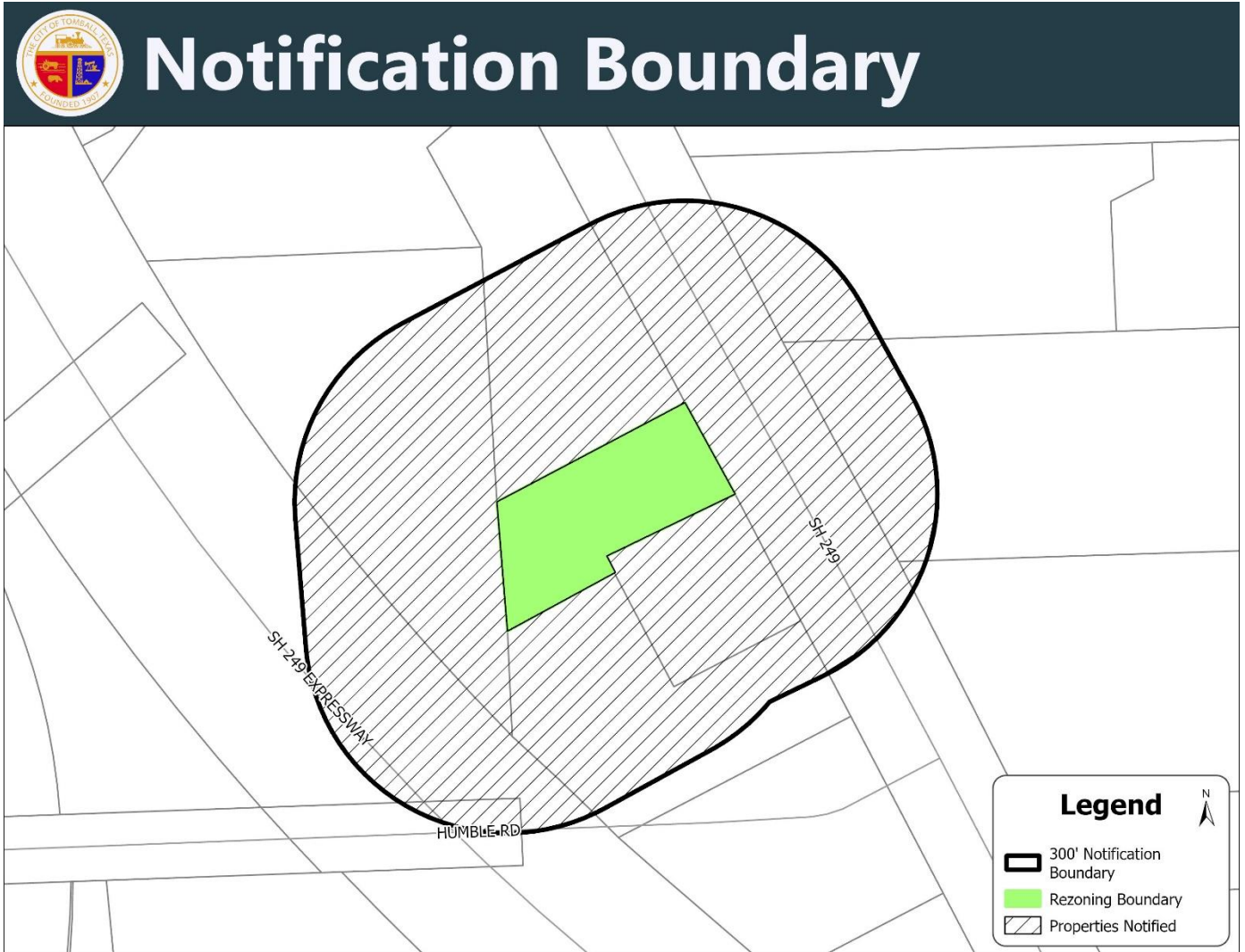
Additional Comments:

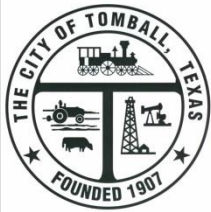
Signature: _____



City of Tomball
Community Development Department

Z25-01





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: January 13, 2025
City Council Public Hearing Date: February 3, 2025

- Rezoning Case:** Z25-01
- Property Owner(s):** Kitchens Real Estate Family Partnership LTD
- Applicant(s):** J. Edwards Concrete & Construction LLC
- Legal Description:** Being all of the 1.2035 and 0.0740 acre tracts (2L and 2Y) out of a called 160 acre tract, located in the C.N. Pillot Survey, Abstract No. 632
- Location:** 27223 SH 249 (Exhibit "A")
- Area:** 1.2618 acres
- Comp Plan Designation:** Corridor Commercial (Exhibit "B")
- Present Zoning:** Agricultural (AG) District (Exhibit "C")
- Request:** Rezone from the Agricultural (AG) to the Commercial (C) District
- Adjacent Zoning & Land Uses:**
 - North:** Commercial (C) with CUP (Manufactured Home Display and Sales) / Clayton Homes
 - South:** Commercial (C) and Agricultural (AG) / Gas Station, vacant shop building, and Tomball Rental Center
 - East:** Commercial (C) / Palm Harbor Homes - Tomball
 - West:** Agricultural (AG) / Undeveloped land

BACKGROUND

The subject property currently has approximately 4,800 square feet of office space and covered equipment storage being utilized by Tomball Rental Center. This rezoning request aims to satisfy a requirement associated with an Existing Commercial Building Permit that was applied for by the applicant. This building permit is for the construction of a new 3,600 metal building. For the city to issue any building permits for the subject property it must be zoned appropriately. The existing buildings on the property were constructed prior to zoning and are considered legally nonconforming.

ANALYSIS

Comprehensive Plan Recommendation: The property is designated as “Corridor Commercial” by the Comprehensive Plan’s Future Land Use Map. The Corridor Commercial designation is intended for predominantly nonresidential uses along high-traffic, regionally serving thoroughfares.

According to the Comprehensive Plan, land uses should consist of regional commercial businesses, professional offices, multi-family, retail, entertainment, dining, hotels, and brew pubs/distilleries. Appropriate secondary uses include private gathering spaces, local utility services, government facilities, and transportation uses.

The Comprehensive Plan identifies the following zoning districts as compatible with the Corridor Commercial designation: Office (O), General Retail (GR), Commercial (C), Mixed Use (MU), and Multi-family (MF). Also identified in the Comprehensive Plan is development guidance, which focuses on providing primary access from an arterial street while incorporating safe and comfortable pedestrian enhancements.

Staff Review Comments: The request to rezone the subject property to the Commercial (C) District is in conformance with the Future Land Use Plan. Furthermore, the subject property has frontage onto SH 249 which is designated as a Major Arterial on Tomball’s Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that can be expected within the Commercial District. The approval of the requested rezoning will allow the applicants to grow their business, which is consistent with the type of development patterns and character endorsed by the Future Land Use 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 December 27, 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 Z25-01.

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

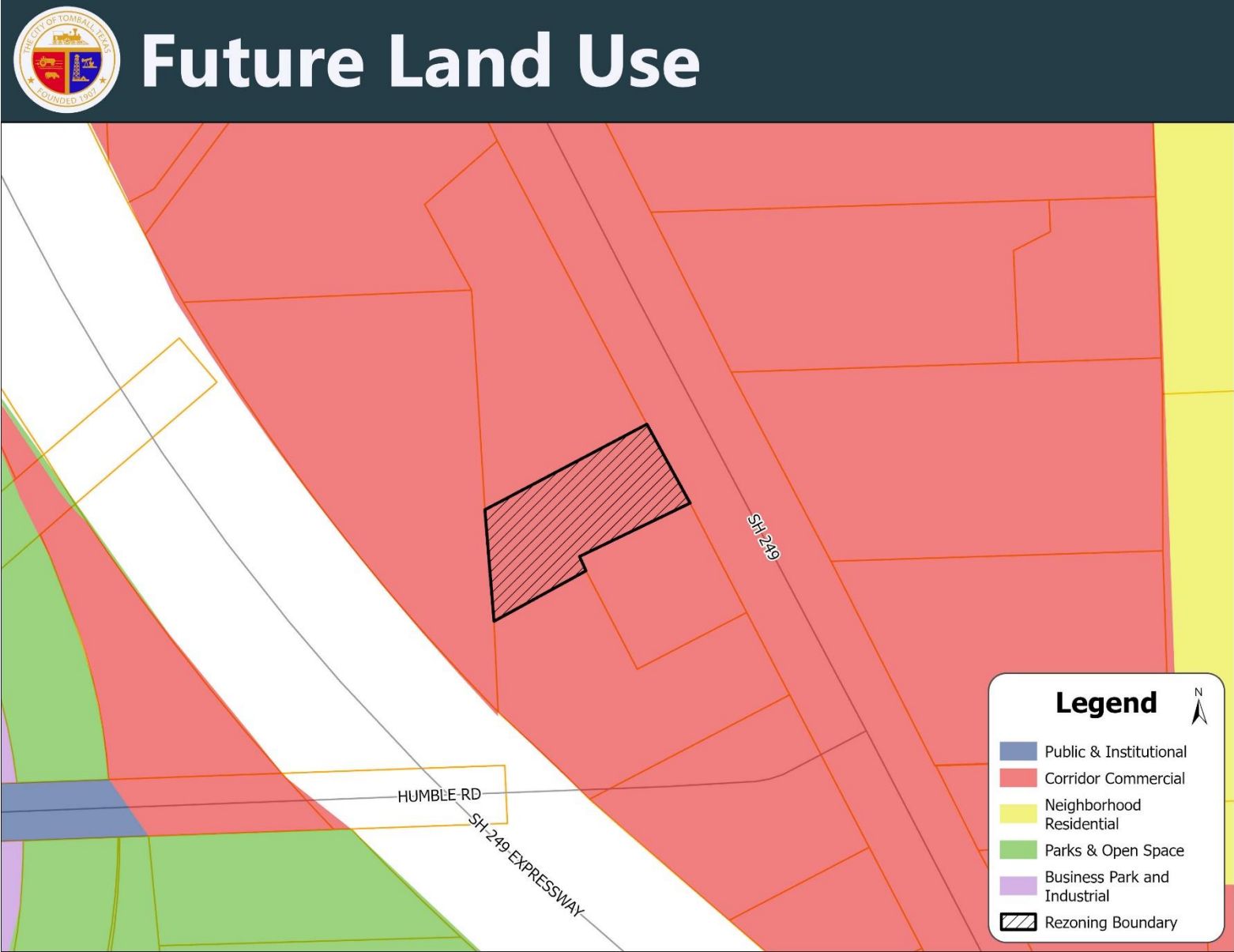
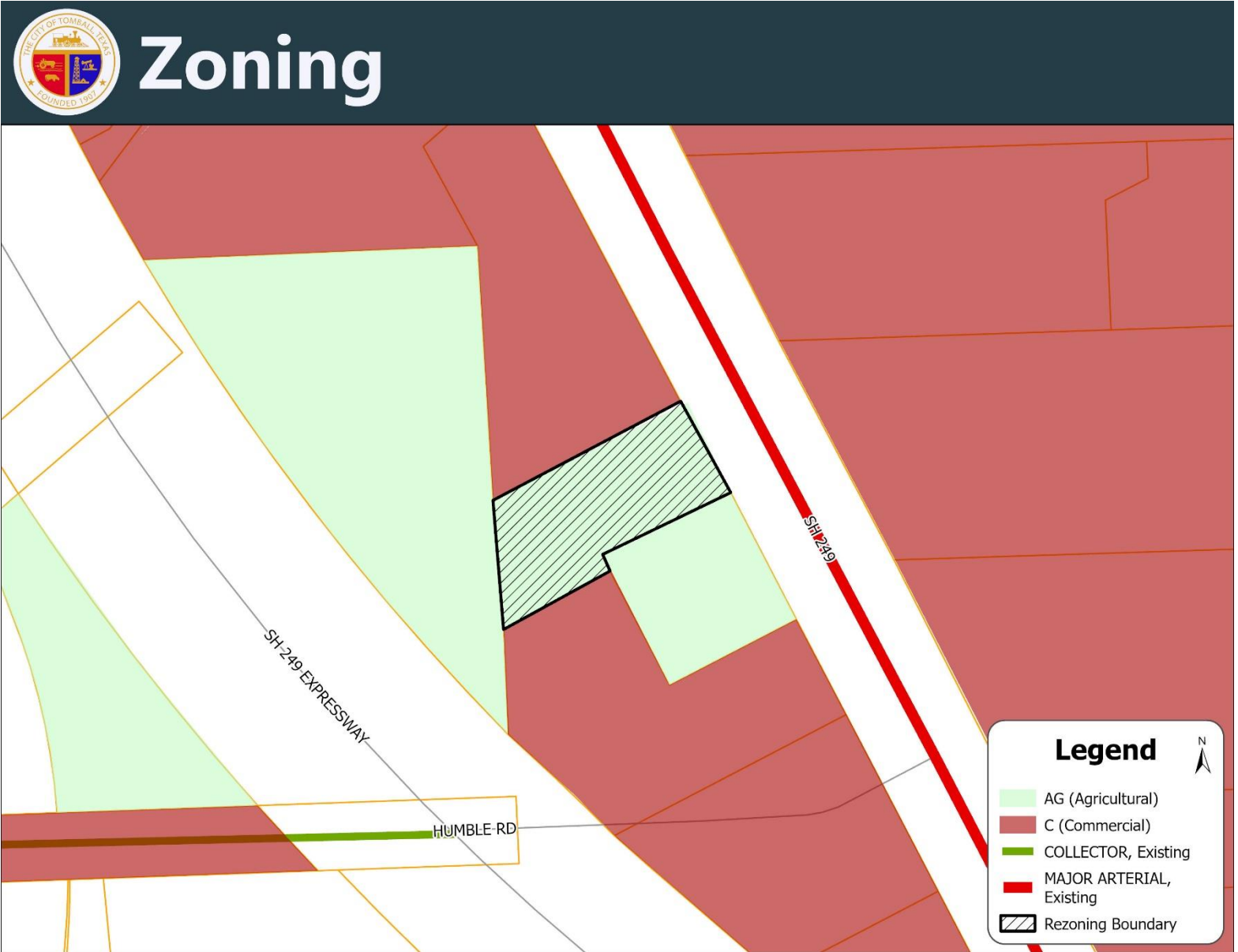


Exhibit "C" Zoning Map



**Exhibit “D”
Site Photo(s)
Subject Site**



Neighbor (North)



Neighbor (South)



Neighbor (South)



Neighbor (East)



Neighbor (West)

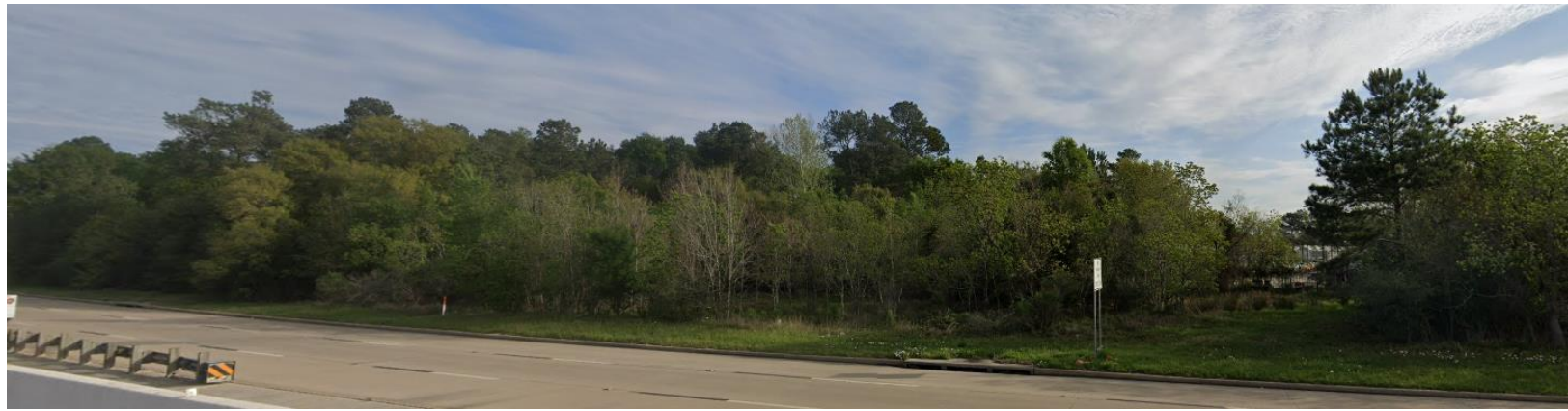


Exhibit "E" Rezoning Application



Revised: 08/25/2023

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.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: J Edwards Concrete & Construction LLC Title: Office Manager
 Mailing Address: 10915 Crawford Circle City: Montgomery State: TX
 Zip: 77316 Contact: Sarah Louviere
 Phone: (348) 225-9886 Email: sarah@jedwardsconcrete.com

Owner

Name: Keith Kitchens / Kitchens Real Estate Family Partnership LTD Title: President
 Mailing Address: 27219 State Highway 249 City: Tomball State: TX
 Zip: 77375 Contact: Keith Kitchens
 Phone: (281) 351-8144 Email: keith@tomballrental.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Storage Warehouse

Physical Location of Property: 27223 State Highway 249
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TRS 2L & 2Y ABST 632 C N PILLOT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (AG) : Agricultural

Revised: 08/25/2023

Current Use of Property: STORAGE

Proposed Zoning District: ~~(AC) Agricultural~~ Commercial

Proposed Use of Property: STORAGE

HCAD Identification Number: 044058000009 Acreage: 1.2

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

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

X [Signature] 10/30/24
 Signature of Applicant Date

X [Signature] 10-30-2024
 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.



J EDWARDS CONCRETE & CONSTRUCTION, LLC.

10915 Crawford Circle,
Montgomery, TX 77316
346-225-9686 * 281-323-1615
sarah@jedwardsconcrete.com
john@jedwardsconcrete.com

To Whom it May Concern,

We are planning to start a project at 27219 State Highway 249, Tomball, TX 77375 that requires a permit. In order to get approval for building permit we need to rezone from the current AG zone into the appropriate zoning district.

Please see attached Deficiency Notice received from the City of Tomball.

Please advise of next steps.

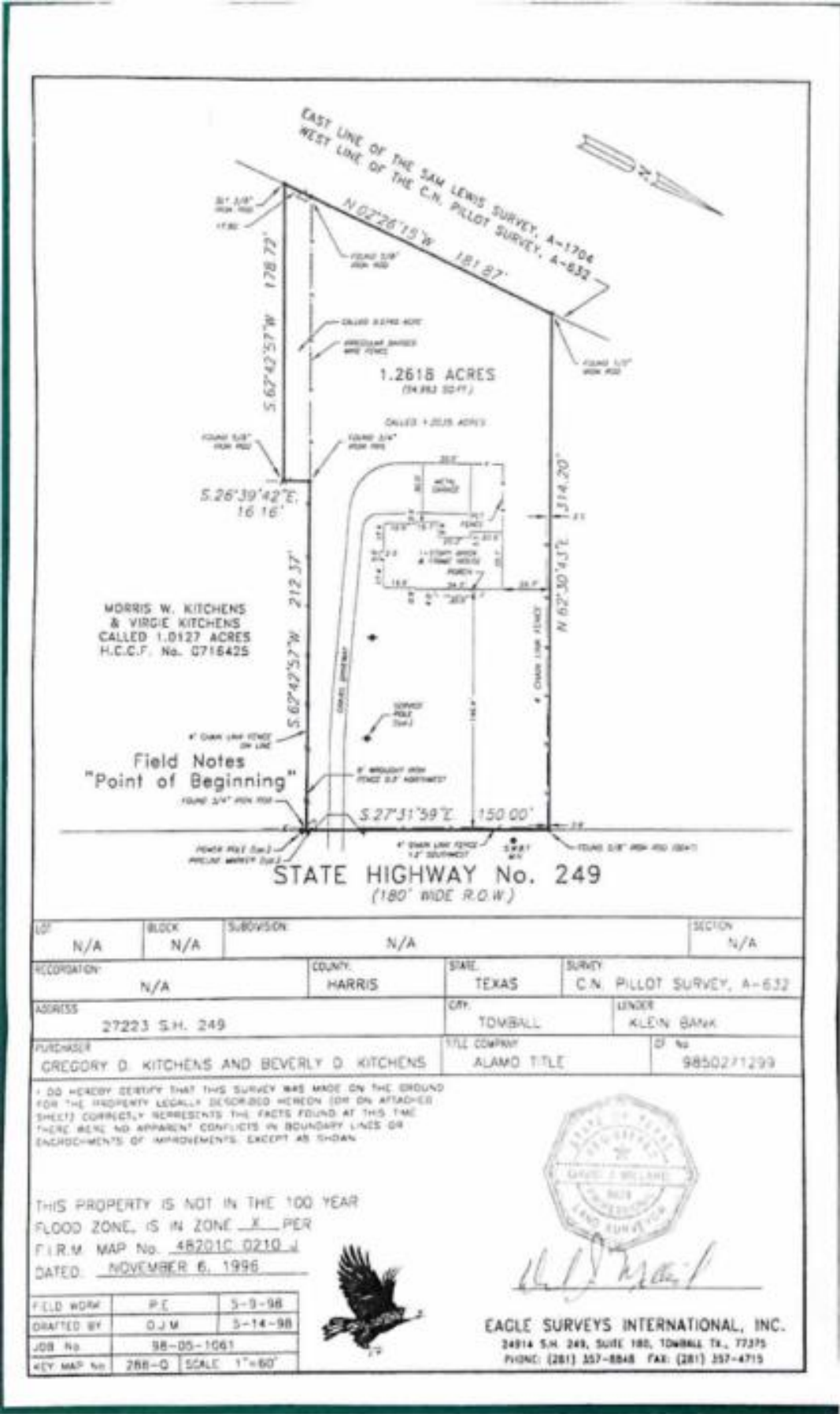
Sincerely,

J Edwards Concrete & Construction, LLC.

4. [Page 1] [Subject Text Box] [Author Benjamin T Lashley] [Status None] Drawing.pdf

10/16/2024

The land use exercised on this property is currently "Nonconforming" within the Agricultural zoning district. Before any expansions can be approved, this property needs to be rezoned into an appropriate zoning district. Please contact blashley@tomballtx.gov for more information. This property is not platted and will require a formal subdivision plat to be reviewed and approved by the City and Recorded at the Harris County Clerk's Office before this Site Permit can be issued. Please contact jsalgado@tomballtx.gov for more information.



LOT	N/A	BLOCK	N/A	SUBDIVISION	N/A	SECTION	N/A
RECORDATION	N/A			COUNTY	HARRIS	STATE	TEXAS
ADDRESS	27223 S.H. 249			CITY	TOMBALL	SURVEY	C.N. PILOT SURVEY, A-632
PURCHASER	GREGORY D. KITCHENS AND BEVERLY D. KITCHENS			TITLE COMPANY	ALAMO TITLE	UNDER	KLEIN BANK
						OF No	9850271299

I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND FOR THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET) CORRECTLY REPRESENTS THE FACTS FOUND AT THIS TIME THERE WERE NO APPARENT CONFLICTS IN BOUNDARY LINES OR ENCROACHMENTS OR IMPROVEMENTS, EXCEPT AS SHOWN.

THIS PROPERTY IS NOT IN THE 100 YEAR FLOOD ZONE, IS IN ZONE X PER F.I.R.M. MAP No. 48201C 0210 DATED NOVEMBER 6, 1996

FIELD WORK	P.E.	5-9-98
DRAFTED BY	D.J.M.	5-14-98
JOB No	98-05-1061	
REV. MAP No	288-Q	SCALE 1"=60'




David J. Williams
EAGLE SURVEYS INTERNATIONAL, INC.
 34914 S.H. 249, SUITE 180, TOMBALL, TX, 77375
 PHONE: (281) 357-8848 FAX: (281) 357-4715

RP-2022-481318
09/27/2022 ER \$30.00

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 of record in the public records: your social security number or your driver's license number.

SPECIAL WARRANTY DEED
(with Vendor's Lien)

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

THAT **GREGORY D. KITCHENS AND BEVERLY D. KITCHENS**, owning property in the County of **Harris**, Texas, hereinafter called "Grantor" (whether one or more), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration to Grantor in hand paid by **KITCHENS REAL ESTATE FAMILY PARTNERSHIP, LTD.**, hereinafter called "Grantee" (whether one or more), whose mailing address is 23015 Kobs Road, Tomball, Texas 77375, the receipt and sufficiency of which are hereby acknowledged and confessed, and for the further consideration of the execution and delivery by said Grantee of one certain Promissory Note in the principal sum of **Two Hundred Ninety-Six Thousand Dollars and 00/100 (\$296,000.00)**, of even date herewith, payable to the order of **GREGORY D. KITCHENS AND BEVERLY D. KITCHENS**, hereinafter called "Mortgagee", bearing interest at the rate therein provided; said Note containing an attorney's fee clause and various acceleration of maturity clauses in case of default, and being secured by Vendor's Lien and Superior Title retained herein in favor of said Grantor and assigned to Mortgagee, and also being secured by a Deed of Trust of even date herewith from Grantee to **Timothy Radman**, Trustee; and

WHEREAS, Mortgagee has, at the special instance and request of Grantee, paid to Grantor a portion of the purchase price of the property hereinafter described, as evidenced by the above-described Note, said Vendor's Lien and Superior Title against said property securing the payment of said Note is hereby assigned, transferred and delivered without recourse to Mortgagee, Grantor hereby conveying to said Mortgagee the said Superior Title to said property, subrogating said Mortgagee to all the rights and remedies of Grantor in the premises by virtue of said lien;

And Grantor has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto said Grantee, the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto said Grantee, his personal representatives, heirs, successors and assigns, FOREVER. Grantor does hereby bind himself, his personal representatives, heirs, successors and assigns, TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, its 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.**

RP-2022-481318

UNOFFICIAL COPY

This Deed is executed, delivered and accepted subject to all and singular any liens securing the payment of any debt created or assumed in connection herewith if such liens are described herein, standby fees, ad valorem taxes for the current and all subsequent years, subsequent assessments for prior years due to changes in land usage or ownership, zoning ordinances, utility district assessments and standby fees, if any, applicable to and enforceable against the above described property, and all valid utility easements created by the dedication deed or plat of the subdivision in which said real property is located, covenants, restrictions common to the platted subdivision in which said real property is located, mineral reservations, maintenance fund liens, and any title or rights asserted by anyone, including, but not limited to, persons, corporations, governments or other entities to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or to any land extending from the line of the harbor or bulkhead lines as established or changed by any government or to filled-in lands, or artificial islands, or to riparian rights or other statutory water rights, or the rights or interests of the State of Texas or the public generally in the area extending from the line of mean low tide to the line of vegetation or the right of access thereto, or right of easement along and across the same, if any, applicable to and enforceable against the above described property as shown by the records of the County Clerk of the County in which said real property is located.

It is expressly agreed that the Grantor herein reserves and retains for himself, his personal representatives, heirs and assigns, a Vendor's Lien, as well as the Superior Title, against the above-described property, premises and improvements, until the above-described Note and all interest thereon have been fully paid according to the terms thereof, when this Deed shall become absolute.

WHEN this Deed is executed by more than one person, or when the Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed correspondingly, and when executed by or to a corporation, the words, "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns".

Reference to any gender shall include either gender and, in the case of a corporation, shall include the neuter gender, all as the case may be.

DATED this the 9 day of September, 2022.

GRANTORS:

Gregory D. Kitchens
Gregory D. Kitchens

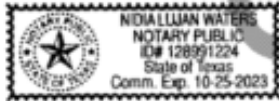
Beverly D. Kitchens
Beverly D. Kitchens

RP-2022-481318

ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Harris

This instrument was acknowledged before me on the 9 day of September, 2022, by **Gregory D. Kitchens.**

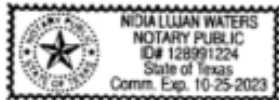


[Signature]
Notary Public, State of Texas
Nidia L. Waters
Printed Name

ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Harris

This instrument was acknowledged before me on the 9 day of September, 2022, by **Beverly D. Kitchens.**



[Signature]
Notary Public, State of Texas
Nidia L. Waters
Printed Name

RP-2022-481318

RETURN TO:
Kitchens Real Estate Family Partnership, LTD.
24227 Cougar
Magnolia, Texas 77355

WARRANTY DEED – Page 3 of 4 Pages

UNOFFICIAL

EXHIBIT "A"

A 1.2618 acre tract of land (54,963 square feet) being all of a called 1.2035 acre tract as described in a deed recorded in Volume 7326, Page 570 of the Harris County Deed Records and all of a called 0.0740 acre tract out of a called 160 acre tract as described in Volume 3395, Page 47 of the Harris County Deed Records, located in the C.N. Pillot Survey, Abstract 632, City of Tomball, Harris County, Texas, said 1.2618 acre tract being more particularly described as follows:

BEGINNING at a ¼ inch iron rod found in the southwesterly right of way line of State Highway No. 249 (a 180 foot wide right-of-way), said point being the southeast corner of said 1.2035 acre tract and the northeast corner of a called 1.0127 acre tract as described under Harris County Clerk's File No. G716425;

THENCE, South 62° 42' 57" West, along a common northerly line of said 1.0127 acre tract and the southerly line of said 1.2035 acre tract, a distance of 212.37 feet to a ¼ inch iron pipe found for a southwest corner of said 1.0127 acre tract and the northwest corner of said 0.0740 acre tract;

THENCE, South 26° 39' 42" East, along the common northeast line of said 0.0740 acre tract and a southwest line of said 1.0127 acre tract, a distance of 16.16 feet to a 5/8 inch iron rod found for corner;

THENCE, South 62° 42' 57" West, along a common northerly line of said 1.0127 acre tract and the southerly line of said 0.0740 acre tract, a distance of 178.72 feet to a 5/8 inch iron rod set for the southwest corner of said 0.0740 acre tract and of the herein described tract, said point being in the common west line of the aforesaid C.N. Pillot Survey and the east line of the Sam Lewis Survey, Abstract No. 1704;

THENCE, North 02° 26' 15" West, along said survey line, at 17.80 feet passing a 5/8 inch iron rod found for the southwest corner of said 1.2035 acre tract, in all a distance of 181.87 feet to a ½ inch iron rod found for the northwest corner of said 1.2035 acre tract;

THENCE, 62° 30' 43" East, along the northerly line of said 1.2035 acre tract, a distance of 314.20 feet to a 5/8 inch iron rod found for the northwest corner of said 1.2035 acre tract and of the herein described tract, said point being in the southwesterly right-of-way line of said State Highway No. 249;

THENCE, South 27° 31' 59" East, along the southwesterly right-of-way line of said State Highway No. 249, a distance of 150.00 feet to the POINT OF BEGINNING and containing a computed area of 1.2618 acres of land.

This description is based on a ground survey completed on May 9, 1998, and is submitted in conjunction with a survey drawing dated May 14, 1998, Eagle Surveys International, Inc., Job No. 98-05-1061.

RP-2022-481318
Pages 5
09/27/2022 10:57 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RP-2022-481318

COPY UNOFFICIAL

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.



Teneshia Hudspeth

COUNTY CLERK
HARRIS COUNTY, TEXAS