

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



**Monday, March 13, 2023  
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, March 13, 2023 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 February 13, 2022.
- E. New Business Non Action Items
  - E.1 Minor Plat of **GRAHAM ROAD ESTATES REPLAT NO. 1**: A subdivision of 3.7491 acres, (163,311 Square Feet), being a replat of Lot 1, Block 1 of Graham Road Estates, Film Code No. 695147, H.C.M.R. situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County Texas.
  - E.2 Minor Plat of **TOMBALL PD LOT**: A subdivision of 0.4017 acre tract, (17,500 Square Feet), being a replat of Lots 27, 28, 29, 30 and 31, Block 97, of Revised Map of Tomball, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

F. New Business

- [F.1](#) Consideration to Approve Final Plat of **GRAND PARKWAY TOWN CENTER:** Being a subdivision of a 65.3516 acre tract of land being in the C.W. Hall Survey, Abstract No. 1639, and in the William Perkins Survey, Abstract No. 621, and in the T.A. Duclos Survey, Abstract No. 1473, City of Tomball, Harris County Texas.
- [F.2](#) Consideration to Approve Preliminary Plat of **RABURN RESERVE, SECTION 3:** Being a subdivision of 33.7724 acres out of the Jesse Pruett, A-269, City of Tomball, Harris County, Texas; also, being a partial replat of Reserve “G” of Raburn Reserve, Section 1, recorded under F.C. No. 692320, H.C.M.R.
- [F.3](#) Consideration to approve Preliminary Plat of **TIM LITTLEFIELD LLC:** Being a commercial subdivision of 3.951 acres of land in the Jesse Pruitt Survey, A-629 Harris County, Texas, being a partial replat of Lots 284 and 286 of Tomball Outlots as recorded in Volume 2, Page 65 and in corrected map recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.
- [F.4](#) Consideration to approve Final Plat of **TOMBALL SOUTH COMMERCIAL NO. 3:** A subdivision of 7.1229 acres, (310,274 Square Feet), being all of Lot 2, and a portion of Reserve “B”, Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.
- [F.5](#) Conduct a Public Hearing and Consideration to approve **Case CUP-23-01:** Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.
- [F.6](#) Conduct a Public Hearing and Consideration to approve **Case CUP-23-02:** Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

G. Adjournment

## CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of March 2023 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

**Kimberly Chandler**  
*Community Development Coordinator*

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

AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

# Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date: March 13, 2022

**Topic:**  
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 13, 2022.

**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, FEBRUARY 13, 2023**



**6:00 P.M.**

A. The meeting was Called to Order by Chairwoman Tague at 6:02 p.m. Other Members present were:

Commissioner Tana Ross  
Commissioner Scott Moore  
Commissioner Susan Harris

Commissioner Richard Anderson – Excused Absence

Others Present:

Nathan Dietrich – Community Development Director  
Jared Smith – City Planner  
Tommy Ramsey – City Attorney

**draft**

B. No Public Comments were received.

C. No Reports and Announcements were heard.

D. Motion was made by Commissioner Ross, second by Commissioner Harris, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 9, 2023.

Roll call vote was called by Community Development Director, Nathan Dietrich.

Motion Carried unanimously.

E. New Business Non-Action Items:

E.1 Minor Plat of **ADAMS ACRES**: A Subdivision of 3.6496 acres or (158,975 Square Feet) of land being a replat out of portion of Lot 2, Block 1 of Adam’s Acres, recorded in Film Code No. 519064 of the Harris County Map Records in the Joseph Miller Survey, Abstract 50, Harris County Texas.

E.2 Minor Plat of **ELIM**: A Subdivision of a 0.2410 acre tract (10,500.00 Square Feet) being a replat of Lots 20, 21 and 22, Block 70, of Tomball Townsite, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

- E.3 Minor Plat of **HIRSCHFIELD ROAD STORAGE**: Lot 1, Block 1 (Total 3.533 Acres) being all of a tract called to be 3.5291 acres in Document 2022135108 OPRHCT, John M. Hooper Survey, Abstract 375, City of Tomball ETJ, Harris County, Texas.
- E.4 Minor Plat of **TOMBALL BUSINESS AND TECHNOLOGY PARK, LOTS 4 AND 8, REPLAT NO. 2**: A Subdivision of 2.3631 acres (102,937 Square Feet) being a replat of all of Lot 4-1 and a portion of Lot 8, Block 1, Tomball Business and Technology Park Lot 4 and 8 replat, Film Code No. 698466, H.C.M.R., situated in the Elizabeth Smith League, Abstract No. 70, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented Minor Plats with Staff Approval.

F. New Business:

- F.1 Consideration to Approve Preliminary Plat of **TOMBALL SOUTH COMMERCIAL NO. 3**: A subdivision of 6.9349 acres, being all of Lot 2, Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

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

Roll call vote was called by Community Development Director, Nathan Dietrich.

Motion Carried unanimously.

- F.2 Conduct a Public Hearing and Consideration to approve **Ordinance Amendment OAM23-01**: Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.

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

Jake Steinman, representing Apex Clean Energy, (120 Garrett Street, Suite #700, Charlottesville, VA 22902), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:23 p.m.

Texas Land and liberty coalition submitted a Public Comment in favor of the request.

Latrell Shannon, (823 Lizzie Lane., Tomball, TX 77375), spoke in opposition of the request.

Sam Shannon, (823 Lizzie Lane., Tomball, TX 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:27 p.m.

Motion was made by Commissioner Harris, second by Commissioner Ross, to approve **Ordinance Amendment OAM23-01**.

Roll call vote was called by Community Development Director, Nathan Dietrich.

Vote was as follows:

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

Motion Carried (3 Votes Aye, 1 Vote Nay).

- F.3 Conduct a Public Hearing and consideration to approve **Zoning Case Z23-02**: Request by RIAA Group, LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR). The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.

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

Arif Manknojiya, representing RIAA Group, LLC, (4814 Zacary Lane, Sugar Lane, TX 77479), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:16 p.m.

Linda Anne Schaefer, (1510 Joseph Court, Tomball, TX 77375), submitted a Public Comment in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 7:19 p.m.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve **Zoning Case Z23-02**.

Roll call vote was called by Community Development Director, Nathan Dietrich.

Vote was as follows:

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

Motion Carried (3 Votes Aye, 1 Vote Nay).

G. Adjournment

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

Roll call vote was called by Community Development Director, Nathan Dietrich.

Motion Carried unanimously.

The meeting adjourned at 7:19 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of 2023.

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Kim Chandler  
Community Development Coordinator/  
Commission Chair Commission Secretary

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Barbara Tague  
Commission Chair



# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Minor Plat of **GRAHAM ROAD ESTATES REPLAT NO. 1**: A subdivision of 3.7491 acres, (163,311 Square Feet), being a replat of Lot 1, Block 1 of Graham Road Estates, Film Code No. 695147, H.C.M.R. situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (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: Graham Road Estates, Replat No. 1 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: March 13, 2023

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

Community Development approves this plat with no contingencies.

STATE OF TEXAS  
COUNTY OF HARRIS

We, HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, acting by and through DEVIN LICATA and PETER LICATA, Owners, hereinafter referred to as Owners of the 3.7491 acre tract described in the above and foregoing map of GRAHAM ROAD ESTATES REPLAT NO 1, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, 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 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 (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

IN TESTIMONY WHEREOF, HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, has caused these presents to be signed by DEVIN LICATA and PETER LICATA, thereunto authorized, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY

By: \_\_\_\_\_  
DEVIN LICATA

By: \_\_\_\_\_  
PETER LICATA

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared DEVIN LICATA and PETER LICATA of HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, known to me to be the persons whose names are 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 \_\_\_\_\_, 20\_\_.

Notary Public in and for the  
State of Texas

My Commission Expires: \_\_\_\_\_

I, Lucas G. Davis, an authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five 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.

Lucas G. Davis  
Registered Professional Land Surveyor  
Texas Registration No. 6599

STATE OF TEXAS  
COUNTY OF HARRIS

We, CENTRAL BANK, owners and holders of a lien against the property described in the plat known as GRAHAM ROAD ESTATES, said liens being evidenced by instrument of record in Harris County Clerk's File Nos. RP-2021-241156, RP-2021-241157, RP-2021-241158, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: \_\_\_\_\_  
Craig Miller  
Officer

STATE OF TEXAS  
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the  
State of Texas

My Commission Expires: \_\_\_\_\_

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of GRAHAM ROAD ESTATES REPLAT NO 1 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Nathan Dietrich  
Community Development Director

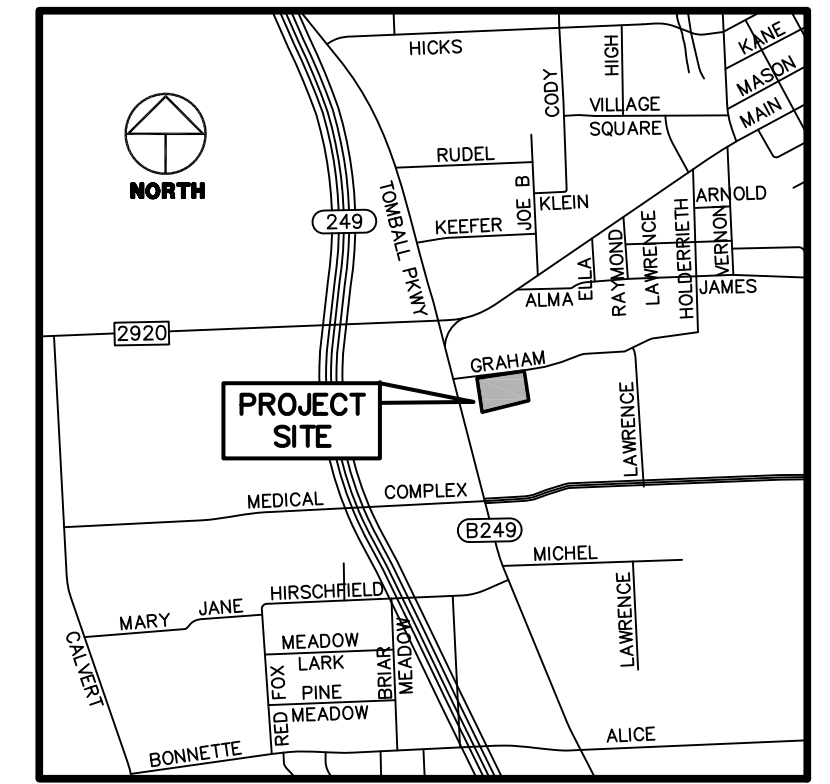
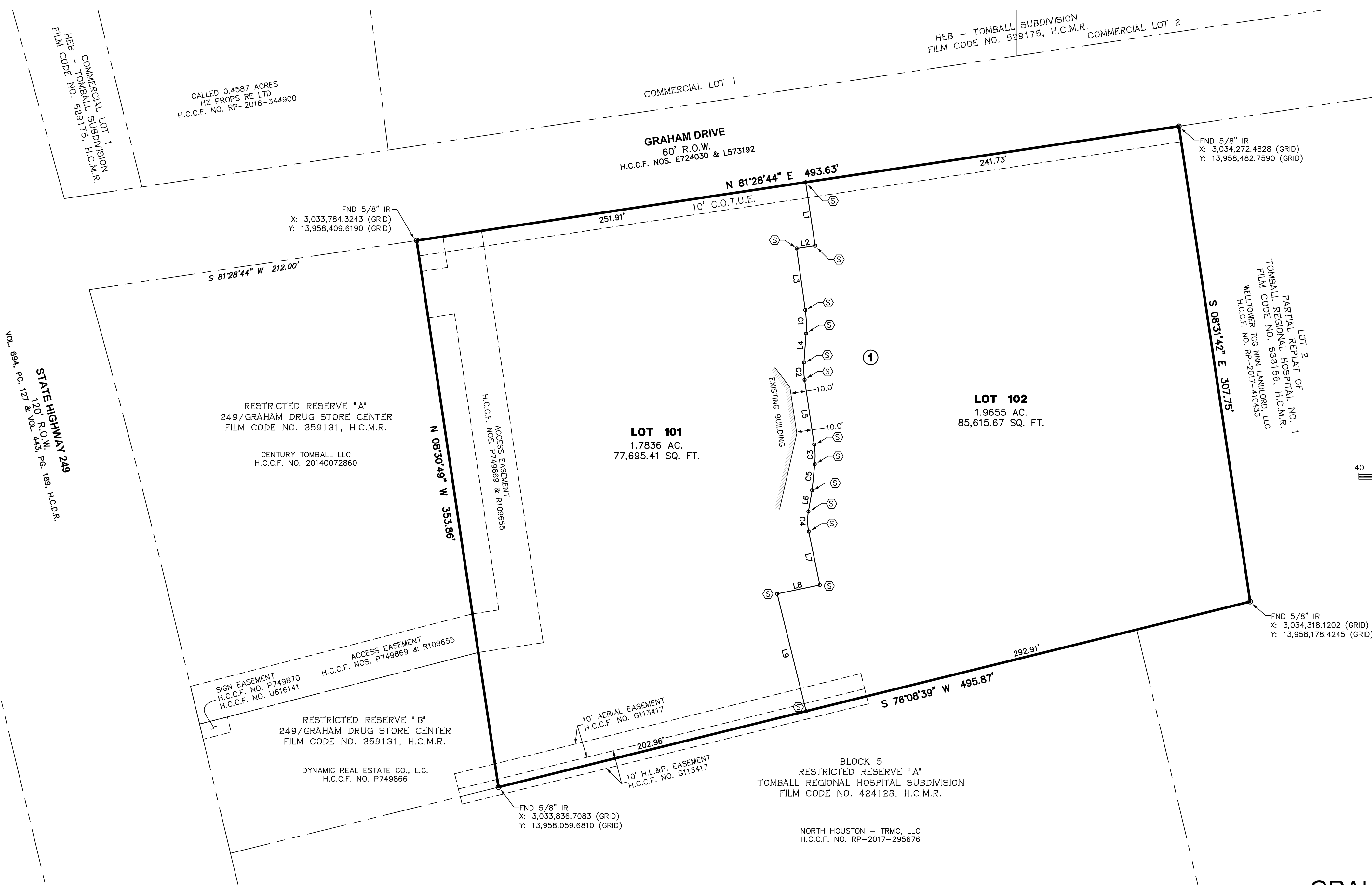
I, Tenneshia Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ 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.

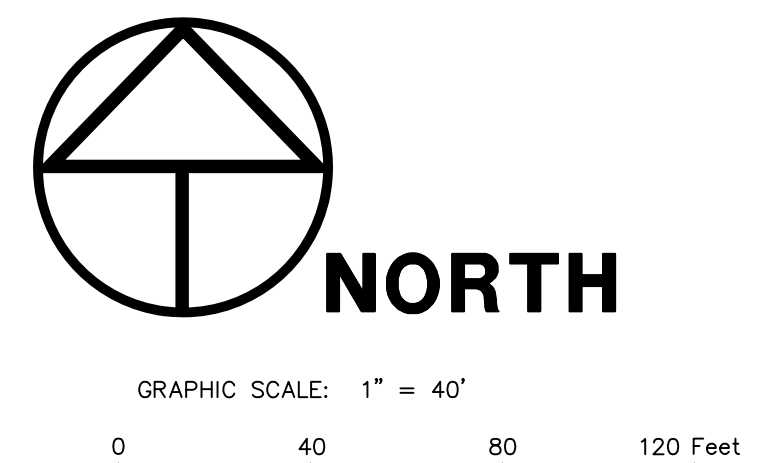
Tenneshia Hudspeth  
County Clerk  
Of Harris County, Texas

By: \_\_\_\_\_  
Deputy

2: 60362-1431 GRAHAM DRIVE--TOMBALL VILLAGE PLAT--REPLAT NO 1--56342--1228302.DWG - LAGANA - 03/10/22



CITY OF TOMBALL, HARRIS COUNTY, TEXAS  
**VICINITY MAP**  
SCALE: 1" = 2000'



- ABBREVIATIONS**
- FND - FOUND
  - H.C.C.F. - HARRIS COUNTY CLERK FILE
  - H.C.D.R. - HARRIS COUNTY DEED RECORDS
  - H.C.M.R. - HARRIS COUNTY MAP RECORDS
  - IP - IRON PIPE
  - IR - IRON ROD
  - NO - NUMBER
  - PG. - PAGE
  - R.O.W. - RIGHT-OF-WAY
  - SQ. FT. - SQUARE FEET
  - VOL. - VOLUME
  - ESMT. - EASEMENT
  - C.O.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
  - U.E. - UTILITY EASEMENT
  - H.O.A.E. - HOME OWNER'S ASSOCIATION EASEMENT
  - (S) - SET 5/8" CAPPED IR "WINDROSE"

**GENERAL NOTES**

- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, 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 THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C021Q1 REVISED/DATED JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO BE WITHIN UNSHADED ZONE "X". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.
- BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES AND MAY BE BROUGHT TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.999944548.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- ALL OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- 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 THE CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE AND VALID COVENANTS OR RESTRICTIONS.
- A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT 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.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 08°33'00" E	41.02'
L2	S 81°27'00" W	11.99'
L3	S 08°00'48" E	39.88'
L4	S 04°13'50" W	18.61'
L5	S 08°29'45" E	41.88'
L6	S 10°02'55" W	13.71'
L7	S 11°44'34" E	35.00'
L8	S 78°15'26" W	27.90'
L9	S 13°50'44" E	77.39'

**CURVE TABLE**

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	12°14'37"	70.50'	15.07'	S 01°53'29" E	15.04'
C2	12°43'34"	50.00'	11.11'	S 02°07'57" E	11.08'
C3	14°24'15"	50.00'	12.57'	S 01°17'37" E	12.54'
C4	21°47'29"	34.00'	12.93'	S 00°50'49" E	12.85'
C5	00°44'56"	1290.57'	16.87'	S 05°32'02" W	16.87'

# GRAHAM ROAD ESTATES REPLAT NO 1

A SUBDIVISION OF  
3.7491 AC. / 163,311 SQ. FT.  
BEING A REPLAT OF LOT 1, BLOCK 1 OF GRAHAM ROAD  
ESTATES, FILM CODE NO. 695147, H.C.M.R.  
SITUATED IN THE JOHN M. HOOPER SURVEY, A-375  
AND THE WILLIAM HURD SURVEY, A-378  
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

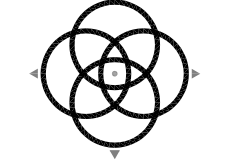
1 BLOCK 2 LOT2

MARCH 2023

REASON FOR REPLAT: TO CREATE 2 (TWO) LOTS

Owner  
**HEADQUARTERS TOO, LLC**  
A TEXAS LIMITED LIABILITY COMPANY  
3302 CANAL STREET  
HOUSTON TEXAS 77003  
303-305-9707

Surveyor



**WINDROSE**  
LAND SURVEYING | PLATTING

FIRM REGISTRATION NO. 10108800  
713.458.2281 | WINDROSESERVICES.COM  
5353 W SAM HOUSTON PKWY N, SUITE 150, HOUSTON TX 77041

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Minor Plat of **TOMBALL PD LOT:** A subdivision of 0.4017 acre tract, (17,500 Square Feet), being a replat of Lots 27, 28, 29, 30 and 31, Block 97, of Revised Map of Tomball, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

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

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

# CITY OF TOMBALL

Plat Name: Tomball PD Lot 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: March 13, 2023

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

Community Development approves this plat with no contingencies.

STATE OF TEXAS  
HARRIS COUNTY

WE, THE CITY OF TOMBALL, A MUNICIPAL CORPORATION, OWNER, HERINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 0.4107 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF TOMBALL PD LOT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, PARKS, WATER COURSES, 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 HAVE DEDICATED AND BY THESE PRESENTS TO 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 IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY, OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15' 0") 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 HOUSTON, 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.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63rd LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

FURTHER, OWNERS HEREBY CERTIFY THAT THIS REPLAT DOES NOT ATTEMPT TO ALTER, AMEND, OR REMOVE ANY COVENANTS OR RESTRICTIONS.

WITNESS MY HANDS IN THE CITY OF TOMBALL, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

THE CITY OF TOMBALL, A MUNICIPAL CORPORATION

BY: \_\_\_\_\_  
DAVID ESQUIVEL CITY MANAGER

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID ESQUIVEL CITY MANAGER, 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 \_\_\_\_\_, 2023.

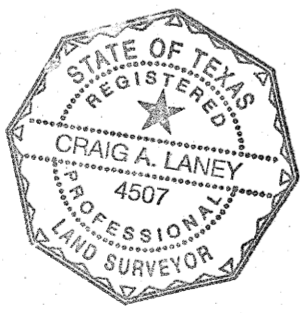
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

PRINT NAME: \_\_\_\_\_

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

I, CRAIG A. LANEY, 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 SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

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



THIS IS TO CERTIFY THAT THE CITY OF TOMBALL, TEXAS, IS APPROVED THIS PLAT AND MAP OF THE TOMBALL PD LOT IN CONFORMANCE WITH THE STATE OF TEXAS AND ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THE PLAT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

COMMUNITY DEVELOPMENT DIRECTOR

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 2023, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED ON \_\_\_\_\_, 2023, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND AT FILM CODE NO. \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

\_\_\_\_\_  
TENESHIA HUDSPETH  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

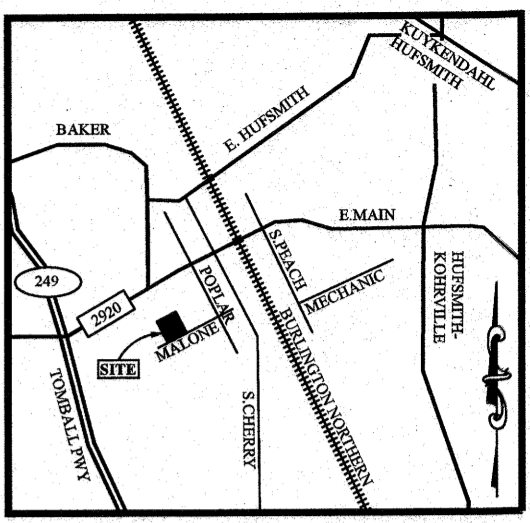
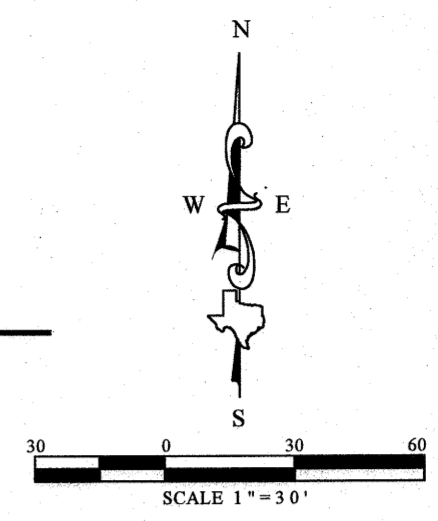
BY: \_\_\_\_\_  
DEPUTY



JOSEPH HOUSE  
SURVEY A-34

WILLIAM HURD  
RALPH HUBBARD  
SURVEY A-371

2400.00'



**ABBREVIATION**

- 1. U.E. INDICATES "UTILITY EASEMENT"
- 2. A.E. INDICATES "AERIAL EASEMENT"
- 3. B.L. INDICATES "BUILDING LINE"
- 4. VOL. INDICATES "VOLUME"
- 5. PG. INDICATES "PAGE"
- 6. I.R. INDICATES "IRON ROD"
- 7. FND. INDICATES "FOUND"
- 8. R.O.W. INDICATES "RIGHT-OF-WAY"
- 9. ESMT. INDICATES "EASEMENT"
- 10. H.C.C.F. NO. INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
- 11. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORD"
- 12. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORD"
- 13. ● INDICATES "FOUND 5/8\"

**GENERAL NOTES :**

1. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHTS 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.
2. ACCORDING TO THE FEMA FIRM PANEL NO. 4802870230L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN ZONE "X" IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
3. ALL OIL / GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
4. ALL OIL / GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND / OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
5. 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 SETBACK AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINE.
6. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
7. 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.

**TOMBALL PD LOT**  
A SUBDIVISION OF 0.4017 ACRE TRACT  
17,500.00 SQUARE FEET  
BEING A REPLAT OF LOTS 27, 28, 29, 30 AND 31, BLOCK 97,  
OF REVISED MAP OF TOMBALL,  
AS RECORDED IN VOLUME 4, PAGE 45,  
HARRIS COUNTY MAP RECORDS,  
SITUATED IN THE WILLIAM HURD SURVEY, A-371  
CITY OF TOMBALL,  
HARRIS COUNTY, TEXAS  
CONTAINING  
1 LOT 1 BLOCK  
JANUARY 2023

OWNER  
THE CITY OF TOMBALL,  
A MUNICIPAL CORPORATION  
401 W MARKET STREET STE C  
TOMBALL TEXAS 77375  
(832) 948 - 2840

SURVEYOR  
E.I.C. SURVEYING COMPANY  
FIRM NO. 10033400  
12345 JONES ROAD #270  
HOUSTON, TEXAS 77070  
(281) 955-2772

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Consideration to Approve Final Plat of **GRAND PARKWAY TOWN CENTER**: Being a subdivision of a 65.3516 acre tract of land being in the C.W. Hall Survey, Abstract No. 1639, and in the William Perkins Survey, Abstract No. 621, and in the T.A. Duclos Survey, Abstract No. 1473, City of Tomball, Harris County Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (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: Grand Parkway Town Center Plat Type: Final

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

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: March 13, 2023

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

Community Development recommends approval of this plat with contingencies.

- Prior to recording this plat all required public improvements must be installed according to approved construction plans OR a financial guarantee must be furnished to the City Engineer for an amount deemed acceptable by the City Engineer to cover the costs of required public improvements.



STATE OF TEXAS :  
COUNTY OF HARRIS:

We, A-K 133 Hwy 249-Grand Parkway, L.P., a Texas limited partnership, acting by and through Steven D. Alvis, Managing Member of A-K 133, L.C., a Texas limited liability company, its general partner; owner in this section after referred to as owners of the 65.3516 acre tract described in the above and foregoing plat of **GRAND PARKWAY TOWN CENTER**, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement road or alley or any drainage ditch, either directly or indirectly.

IN TESTIMONY WHEREOF, the A-K 133 Hwy 249-Grand Parkway, L.P., a Texas limited partnership, has caused these presents to be signed by Steven D. Alvis, Managing Member of A-K 133, L.C., a Texas limited liability company, its general partner, and its common seal hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 2023.

A-K 133 Hwy 249-Grand Parkway, L.P.,  
a Texas limited partnership

By: A-K 133, L.C.,  
a Texas limited liability company,  
its general partner

By: \_\_\_\_\_  
Steven D. Alvis, Managing Member

STATE OF TEXAS:  
COUNTY OF HARRIS:

BEFORE ME, the undersigned authority, on this day personally appeared Steven D. Alvis, Managing Member of A-K 133, L.C., a Texas limited liability company, the general partner of A-K 133 Hwy 249-Grand Parkway, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said entity.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public in and for the State of Texas

My Commission Expires \_\_\_\_\_  
Notary Public

Signature \_\_\_\_\_

Print name and title \_\_\_\_\_

STATE OF TEXAS:

COUNTY OF \_\_\_\_\_:

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_

\_\_\_\_\_ of Frost Bank, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she 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 \_\_\_\_\_, 2023.

Notary Public in and for the State of Texas

My Commission Expires \_\_\_\_\_  
Notary Public

I, Brian Nesvadba, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located, and further certify that this plat represents all of the contiguous land which the owner owns or has a legal interest in.

\_\_\_\_\_  
Brian Nesvadba, R.P.L.S.

I, Brian Nesvadba, am authorized under the laws of the State of Texas to practice the profession of land 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 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.

\_\_\_\_\_  
Brian Nesvadba, R.P.L.S.  
Texas Registration No. 5776



NOTES:

1.) BEARINGS AND COORDINATES SHOWN HEREON ARE SURFACE COORDINATES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NO. 4204, NAD 83), AS OBTAINED FROM NGS C.O.R.S. SYSTEM, AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.99993816021.

2.) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY SOUTHLAND TITLE COMPANY.

3.) THIS PLAT WAS PREPARED IN CONJUNCTION WITH A CITY PLANNING LETTER ISSUED BY SOUTHLAND TITLE COMPANY, FILE NO. TP2293052, (EFFECTIVELY DATED OCTOBER 27, 2022). ALL EASEMENTS REFLECTED WITHIN SAID CITY PLANNING LETTER ARE SHOWN HEREON. THIS PLAT INCLUDED CONTIGUOUS LAND OWNED BY OWNERSHIP SHOWN HEREON.

4.) 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.

5.) SUBJECT TO TERMS, CONDITIONS, AND STIPULATIONS AS SET FORTH IN THE RAILROAD COMMISSION OF TEXAS ENVIRONMENTAL RESPONSE ACTION DEED NOTICE, AS SET FORTH IN HARRIS COUNTY CLERK'S FILE NO. 20060099518.

6.) SUBJECT TO TERMS, CONDITIONS, AND STIPULATIONS AS SET FORTH IN CITY OF TOMBALL ORDINANCE NO. 2015-09 FOR LIMITED PURPOSE ANNEXATION, RECORDED IN HARRIS COUNTY CLERK'S FILE NO. 20150199384.

7.) SUBJECT TO TERMS, CONDITIONS, AND STIPULATIONS AS SET FORTH IN H.C.C.F. NOS. 20150194315, RP-2016-192067, RP-2016-368018, RP-2017-170002, RP-2022-354389, AND RP-2022-461513.

8.) • - INDICATES A SET 5/8" IRON ROD WITH CAP STAMPED: "MCKIM & CREED", UNLESS OTHERWISE NOTED.

9.) 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.

10.) ACCORDING TO FEMA FIRM PANEL NO. 48201-C-0240 M (EFFECTIVE DATE OCTOBER 16, 2013), THIS PROPERTY IS IN ZONE "X" AND IS NOT WITHIN IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

11.) ALL KNOWN OIL/GAS PIPELINES OR PIPELINE EASEMENTS AS REFLECTED ON CITY PLANNING LETTER PREPARED BY SOUTHLAND TITLE COMPANY, FILE NO. TP2293052 (EFFECTIVELY DATED OCTOBER 27, 2022), HAVE BEEN SHOWN HEREON.

12.) THERE IS NO VISIBLE EVIDENCE OF OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) LOCATED ON THE SUBJECT PROPERTY. TWO PLUGGED AND ABANDONED OIL WELLS ARE SHOWN ON THIS PROPERTY PER TEXAS RAILROAD COMMISSION'S WEBSITE [HTTPS://WWW.RRC.TEXAS.GOV/RESOURCE-CENTER/RESEARCH/GIS-VIEWER/](https://www.rrc.texas.gov/resource-center/research/gis-viewer/)

13.) NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS.

14.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

15.) THE SQUARE FOOTAGE SHOWN HEREON IS BASED ON A MATHEMATICALLY CLOSED FIGURE AND DOES NOT INDICATE THE ACCURACY OF THE SURVEY.

16.) 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.

A FIELD NOTE DESCRIPTION OF 65.3516 acres of land in the Williams Perkins, Survey, Abstract No. 621, in the T. A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas; said 65.3516 acre tract of land being the remainder of a 65.6190 acre tract of land conveyed to A-K 133 HWY 249-Grand Parkway, L.P., as recorded in Harris County Clerk's File Nos. RP-2016-418424; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a TXDOT monument found at the northeast end of a cutback corner at the intersection of the south right-of-way line of State Highway 99 (Grand Parkway) (width varies - minimum 400 feet right-of-way), as recorded in Harris County Clerk's File Nos. RP-2021-278718, 20150073271, 20140547311, 20130533160, L091863, and T419832 with the east right-of-way line of Rocky Road (previously called Boudreaux Road, 60 feet wide);

THENCE, North 88° 01' 15" East -945.88 feet with the south right-of-way line of said State Highway 99 to a 5/8-inch iron rod with cap stamped "Cobb/Fendley" found for an angle point of this tract;

THENCE, South 83° 28' 52" East -397.64 feet with the south right-of-way line of said State Highway 99 to a 5/8-inch iron rod with cap stamped "Mckim & Creed" set for the beginning of a non-tangent curve to the right;

THENCE, in a southeasterly direction with the south right-of-way line of said State Highway 99 and with said curve to the right having a radius of 1,030.79 feet, a length of 166.69 feet, a central angle of 09° 15' 56" and a chord bearing South 60° 04' 42" East -166.51 feet to a 5/8-inch iron rod with cap stamped "Cobb/Fendley" found for a point-of-non-tangency;

THENCE, South 36° 46' 22" East -247.03 feet with the south right-of-way line of said State Highway 99 to a 5/8-inch iron rod with cap stamped "Cobb/Fendley" found at the intersection of the south right-of-way line of said State Highway 99 with the southwest right-of-way line of State Highway 249 (width varies) for an angle point of this tract

THENCE, South 22° 44' 12" East -59.76 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument found for a point-of-curvature of a curve to the left;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with said curve to the left having a radius of 1,512.00 feet, a length of 329.80 feet, a central angle of 12° 29' 50" and a chord bearing South 29° 59' 08" East -329.14 feet to a TXDOT monument found for a point-of-non-tangency;

THENCE, South 35° 12' 22" East -395.67 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument found at the northeast end of a cutback corner at the intersection of the southwest right-of-way line of said State Highway 249 with the northwest right-of-way line of Boudreaux Road (100 feet wide), as recorded in Harris County Clerk's File No. D900150;

THENCE, South 08° 39' 54" West -53.94 feet with said cutback corner to a TXDOT monument found at the southwest end of said cutback;

THENCE, South 58° 19' 09" West -791.84 feet with the northwest right-of-way line of said Boudreaux Road to a 5/8-inch iron rod found for the beginning of a non-tangent curve to the right;

THENCE, in a southwesterly direction with the northwest right-of-way line of said Boudreaux Road and with said curve to the right having a radius of 2,750.00 feet, a central angle of 28° 57' 23", a length of 1,389.80 feet and a chord bearing South 72° 50' 56" West -1,375.06 feet to a 5/8-inch iron rod found at the intersection of the north right-of-way line of said Boudreaux Road with the east right-of-way line of said Rocky Road for the southwest corner of this tract;

THENCE, North 02° 42' 23" West -1,732.43 feet with the east right-of-way line of said Rocky Road to a TXDOT monument found for a northeast corner of this tract;

THENCE, North 87° 08' 44" East - 3.45 feet with a jog in the east right-of-way line of said Rocky Road to a TXDOT monument found for an interior corner of this tract;

THENCE, North 02° 28' 32" West - 66.98 feet with the east right-of-way line of said Rocky Road to a TXDOT monument found at the southwest end of said cutback corner at the intersection of the south right-of-way line of said State Highway 99 with the east right-of-way line of said Rocky Road;

THENCE, North 42° 34' 59" East - 50.02 feet with said cutback corner to the POINT OF BEGINNING and containing 65.3516 acres of land.

This is to certify that the Planning and Zoning Commission of the City of Tomball has approved this plat and subdivision of **GRAND PARKWAY TOWN CENTER** in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Barbara Tague, Chairman

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 \_\_\_\_\_, 2023, at \_\_\_\_\_ O'clock \_\_\_\_\_M., and duly recorded on \_\_\_\_\_, 2023, at \_\_\_\_\_ O'clock \_\_\_\_\_M., and at Film Code No. \_\_\_\_\_ of the Map Records of Harris County, for said County.

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

\_\_\_\_\_  
Tenneshia Hudspeth  
County Clerk  
of Harris County, Texas

By: \_\_\_\_\_  
Deputy

# GRAND PARKWAY TOWN CENTER

**A SUBDIVISION OF 65.3516 ACRES (2,846,717.57 SQ.FT.) OF LAND BEING IN THE W. HALL SURVEY, ABSTRACT NO. 1639, IN THE WILLIAM PERKINS SURVEY, ABSTRACT NO. 621, AND IN THE T.A. DUCLOS SURVEY, ABSTRACT NO. 1473, CITY OF TOMBALL, HARRIS COUNTY, TEXAS**

**7 LOTS - 2 RESERVES - 5 BLOCKS**

~ OWNER ~

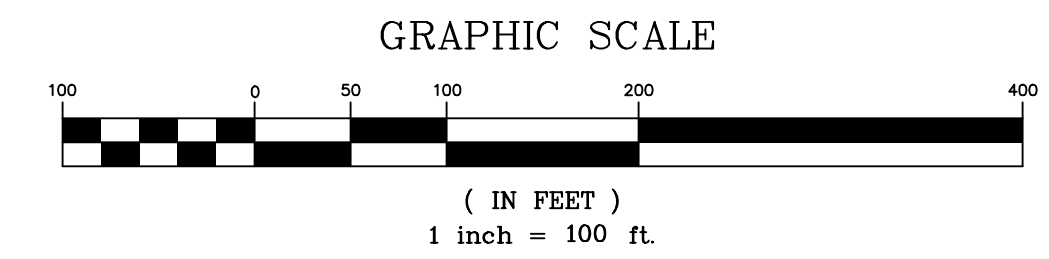
**A-K 133 HWY 249-GRAND PARKWAY, L.P.**  
a Texas limited partnership  
8827 W Sam Houston Parkway  
Houston, Texas 77040  
PHONE: 281.477.4300

~ SURVEYOR ~

**MCKIM & CREED**  
ENGINEERS, SURVEYORS, PLANNERS  
12718 Century Drive  
Stafford, Texas 77477  
281.491.2525  
www.mckimcreed.com  
TXSLS Firm Registration No. 0037700  
JOB NO. 08499-0025  
MARCH 7, 2023

LINE	BEARING	DISTANCE
L1	S 22°04'12" E	59.78
L2	S 08°39'54" W	53.84
L3	N 87°08'44" E	3.45
L4	N 02°28'32" W	68.98
L5	N 42°34'59" E	50.02
L6	N 45°26'28" E	8.93
L7	N 86°59'15" E	90.00
L8	N 02°42'23" W	90.00
L9	N 03°00'45" W	128.29

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	09°15'58"	1,030.79	166.69	S 60°04'42" E	166.51
C2	22°29'50"	1,912.00	329.80	S 28°59'08" E	329.14
C3	28°17'23"	2,750.00	1,389.80	S 72°50'56" W	1,375.06
C4	61°19'54"	1,200.00	1,284.53	S 62°00'48" E	1,224.09
C5	18°01'17"	200.00	62.91	N 05°59'54" E	62.65
C6	12°32'40"	300.00	67.43	N 51°52'48" E	67.29
C7	90°18'29"	35.00	55.18	S 47°51'14" E	48.33
C8	90°00'00"	25.00	39.27	N 41°59'15" E	35.36
C9	88°58'01"	35.00	54.35	N 47°29'45" W	49.05
C10	91°01'59"	35.00	55.61	S 42°30'15" W	49.94
C11	90°00'00"	25.00	39.27	S 48°00'45" E	35.36
C12	141°15'55"	1,230.00	306.24	S 85°52'47" E	305.45
C13	85°14'38"	25.00	37.63	N 58°07'52" E	34.18
C14	18°01'17"	170.00	53.47	N 05°59'54" E	53.25
C15	88°58'01"	25.00	38.82	N 47°29'45" W	35.04
C16	91°01'59"	25.00	43.43	S 46°45'12" W	38.17
C17	18°01'17"	230.00	72.34	S 05°59'54" W	72.04
C18	88°43'53"	25.00	38.72	S 29°21'24" E	34.98
C19	25°48'59"	1,230.00	574.96	N 60°19'52" E	569.74
C20	80°20'18"	25.00	35.05	S 87°06'32" E	32.25
C21	09°59'49"	330.00	32.24	N 55°31'13" E	32.22
C22	82°58'14"	35.00	50.68	N 16°51'01" E	46.35
C23	92°13'50"	35.00	56.34	N 75°33'57" W	50.45
C24	02°22'12"	270.00	11.17	S 57°08'02" W	11.17
C25	97°48'28"	25.00	42.68	S 07°02'41" W	37.68
C26	101°14'45"	1,230.00	218.51	S 36°46'12" E	218.22
C27	90°00'00"	35.00	54.98	S 76°40'51" E	49.50
C28	90°00'00"	35.00	54.98	N 13°19'08" E	48.50
C29	61°12'44"	1,170.00	1,232.41	N 62°00'48" W	1,193.47
C30	89°41'59"	35.00	54.79	S 42°08'27" W	49.37
C31	02°18'45"	1,512.00	61.02	S 25°48'29" E	61.02
C32	02°11'11"	1,512.00	66.49	S 28°11'27" E	66.49
C33	61°12'55"	30.00	32.11	N 62°20'47" W	30.60
C34	46°33'46"	43.87	35.40	S 63°42'22" W	34.52
C35	46°33'46"	60.00	48.76	S 63°42'22" W	47.43
C36	09°57'56"	2,443.21	424.35	N 71°25'31" E	424.42
C37	90°42'17"	35.00	55.41	N 48°03'31" W	49.80

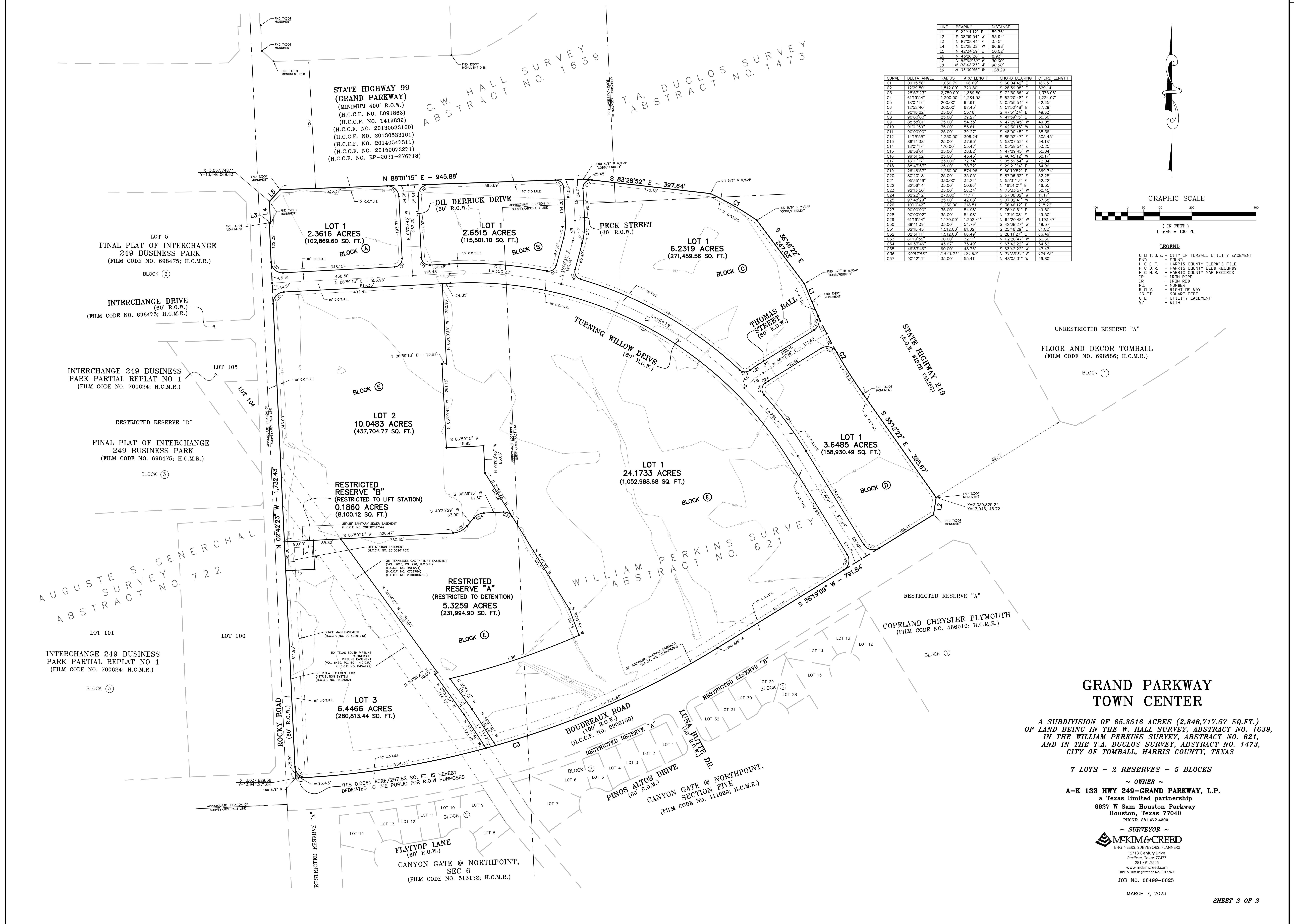


- LEGEND**
- C, D, T, U, E - CITY OF TOMBALL UTILITY EASEMENT
  - FND - FOUND
  - H.C.C.F. - HARRIS COUNTY CLERK'S FILE
  - H.C.D.R. - HARRIS COUNTY DEED RECORDS
  - H.C.M.R. - HARRIS COUNTY MAP RECORDS
  - IP - IRON PIPE
  - IR - IRON ROD
  - NUMB - NUMBER
  - R, D, W - RIGHT OF WAY
  - SQ. FT. - SQUARE FEET
  - U, E - UTILITY EASEMENT
  - W - WITH

**STATE HIGHWAY 99 (GRAND PARKWAY) (MINIMUM 400' R.O.W.) (H.C.C.F. NO. L091863) (H.C.C.F. NO. T419832) (H.C.C.F. NO. 20130533160) (H.C.C.F. NO. 20130533161) (H.C.C.F. NO. 20140547311) (H.C.C.F. NO. 20150073271) (H.C.C.F. NO. RP-2021-276718)**

**A.C.W. HALL SURVEY NO. 1639**

**T.A. DUCLOS SURVEY ABSTRACT NO. 1473**



UNRESTRICTED RESERVE "A"  
FLOOR AND DECOR TOMBALL (FILM CODE NO. 698586; H.C.M.R.)

**GRAND PARKWAY TOWN CENTER**

A SUBDIVISION OF 65.3516 ACRES (2,846,717.57 SQ.FT.) OF LAND BEING IN THE W. HALL SURVEY, ABSTRACT NO. 1639, IN THE WILLIAM PERKINS SURVEY, ABSTRACT NO. 621, AND IN THE T.A. DUCLOS SURVEY, ABSTRACT NO. 1473, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

7 LOTS - 2 RESERVES - 5 BLOCKS

~ OWNER ~  
**A-K 133 HWY 249-GRAND PARKWAY, L.P.**  
a Texas limited partnership  
8827 W Sam Houston Parkway  
Houston, Texas 77040  
PHONE: 281.477.4300

~ SURVEYOR ~  
**MCKIM & CREED**  
ENGINEERS, SURVEYORS, PLANNERS  
12718 Century Drive  
Stafford, Texas 77477  
281.491.2525  
www.mckimcreed.com  
TPELS Firm Registration No. 10177600  
JOB NO. 08499-0025

MARCH 7, 2023

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Consideration to Approve Preliminary Plat of **RABURN RESERVE, SECTION 3:** Being a subdivision of 33.7724 acres out of the Jesse Pruett, A-269, City of Tomball, Harris County, Texas; also being a partial replat of Reserve "G" of Raburn Reserve, Section 1, recorded under F.C. No. 692320, H.C.M.R.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (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: Raburn Reserve, Sec 3 Plat Type: Preliminary

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

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: March 13, 2023

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

Community Development recommends approval of this plat with contingencies.

- Prior to the final approval and recording of the FINAL PLAT for this subdivision, engineered construction plans must be submitted to and approved by the City of Tomball illustrating how all required public improvements associated with this development will be constructed (i.e. streets/utilities).
- Prior to the recording of the FINAL PLAT, all required public improvements associated with this development must be installed in accordance with the approved construction plans and/or suitable financial guarantee provided covering the overall costs of remaining improvements as deemed acceptable by the City Engineer.

We, HT Raburn Reserve Development LP, a Texas limited partnership, acting by and through Adil Noorani, Sr., Managing Director of JCH Investments, Inc., a Texas corporation, general partner of Hines Real Estate Holdings Limited Partnership...

FURTHER owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements...

FURTHER owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements, or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements...

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 (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon...

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'0") wide on each side of the centerline 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 purposes 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 drainageways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

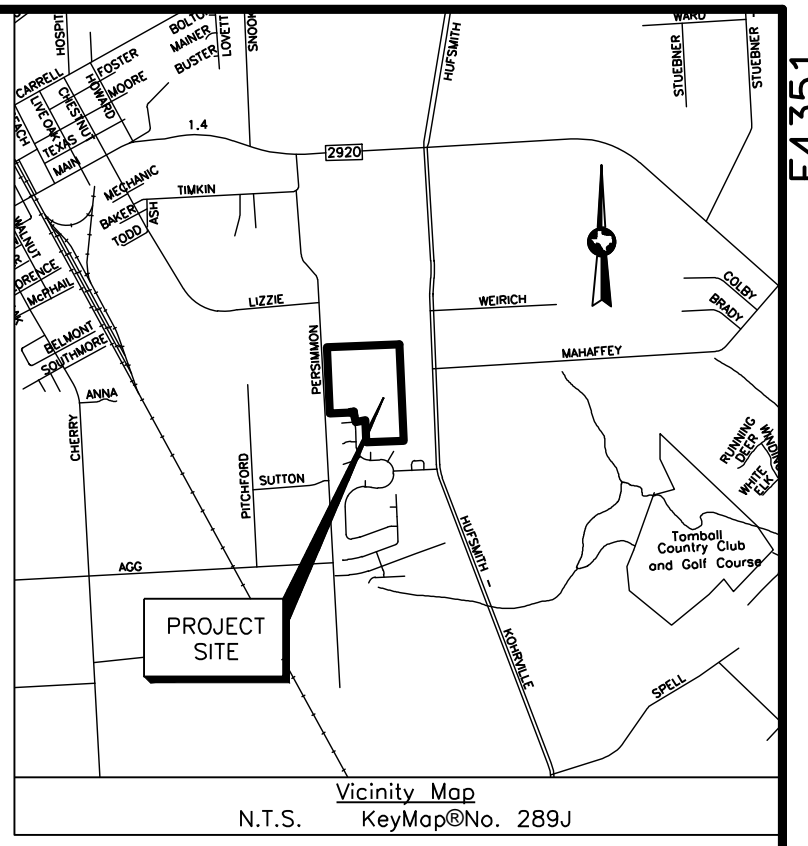
IN TESTIMONY WHEREOF, HT Raburn Reserve Development LP, a Texas limited partnership, has caused these presents to be signed by Adil Noorani, Sr., Managing Director of JCH Investments, Inc., a Texas corporation, general partner of Hines Real Estate Holdings Limited Partnership, sole member of HIMH GP LLC, general partner of Hines Investment Management Holdings Limited Partnership, general partner of Hines Raburn Reserve Associates LP, sole member of Hines Raburn Reserve LLC, general partner of HT Raburn Reserve LP, sole member of HT Raburn Reserve Development LLC, general partner of HT Raburn Reserve Development LP, a Texas limited partnership, thereto authorized attested by its secretary, and its common seal hereunto affixed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

OWNER: HT Raburn Reserve Development LP, a Texas limited partnership By HT Raburn Reserve Development LLC, its general partner By HT Raburn Reserve LP, its sole member By Hines Raburn Reserve LLC, its general partner By Hines Raburn Reserve Associates LP, its sole member By Hines Investment Management Holdings Limited Partnership, its general partner By HIMH GP LLC, its general partner By Hines Real Estate Holdings Limited Partnership, its sole member By JCH Investments, Inc., a Texas corporation, its general partner

BY: Adil Noorani, Sr., Managing Director

NOTES:

- (1) C.O.T. indicates City of Tomball (2) ESMT indicates Easement (3) F.C. No. indicates Film Code Number (4) GA indicates Guy Anchor (5) H.C.C.F. No. indicates Harris County Clerk's File Number (6) H.C.D.R. indicates Harris County Deed Records (7) H.C.M.R. indicates Harris County Map Records (8) H.L.&P. indicates Houston Lighting and Power (9) R. indicates Radius (10) FND. indicates Found (11) RES. indicates Reserve (12) IR. indicates Iron Rod with cap (13) N.T.S. indicates not to scale (14) PG. indicates Page (15) PP. indicates Power Pole (16) R.O.W. indicates Right-of-Way (17) SAN indicates Sanitary Sewer (18) SQ. FT. indicates Square Feet (19) STM indicates Storm Sewer (20) U.E. indicates Utility Easement (21) VOL. indicates Volume (22) WTR. indicates Water (23) (P) indicates Per Plans (Not field verified) (24) indicates Street Name Change (25) All side lot lines are either perpendicular or radial to street frontage unless otherwise noted. (26) All easements extend equidistant from either side of the property and lot lines unless otherwise noted. (27) 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 0.9999448821. (28) Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements. (29) The square footage totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this plat. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation. (30) 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 wood fences along the perimeter and back to back easements and alongside rear lot 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 wood fences back up, but generally will not replace with new fencing. (31) All lot corners are Set 5/8" iron rods with cap stamped "E.H.R.A. 713-784-4500" unless otherwise noted. (32) All known oil/gas or pipeline easements (listed in City Planning Letter from Charter Title Company issued August 15, 2021) with ownership through the subdivision have been shown. (33) All known oil/gas wells (as shown on the Texas Railroad Commission GIS website) with ownership (plugged, abandoned, and/or active) through the subdivision have been shown. (34) 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. (35) According to FEMA Firm Panel No. 48201C0230L (Effective Date 06/18/2017), this property is in unshaded Zone "X" and is not in the 0.2% Annual Chance Flood Plain. (36) 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. (37) This replat does not attempt to amend or remove any valid covenants or restrictions. (38) A ten foot wide City of Tomball utility easement is hereby dedicated by this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter. (39) Lots 70 and 77, Block 1 are subject to a 25' front building line, and Lot 76, Block 1 is subject to a 30' front building line. (40) The terms and conditions of Planned Development Ordinance number 2019-13 of the City of Tomball, Texas dated July 01, 2019, may affect this plat. (41) Access to unimproved R.O.W. adjacent to the East side of the subdivision, from Block 1, Lots 27-35 and 58-70, as well as Reserves "A" and "B" is denied.



CURVE TABLE with columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Contains 70 rows of curve data.

Block Lot Sq. Feet Lot Width table with 70 rows of lot data.

Block Lot Sq. Feet Lot Width table with 70 rows of lot data.

STATE OF TEXAS COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Adil Noorani, Sr., Managing Director, of JCH Investments, Inc., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas My Commission expires: \_\_\_\_\_

We, Third Coast Bank SSB, a Texas State savings bank, owner and holder of a lien against the property described in the plat known as "Raburn Reserve Sec. 3", said lien being evidenced by instrument of record in Harris County Clerk's file No. RP-2022-484794 of the official records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: Third Coast Bank SSB, A Texas State savings bank

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the persons whose names are 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 \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of T E X A S My Notary Commission Expires: \_\_\_\_\_

We, Taylor Morrison of Texas, Inc., owner and holder of a lien against the property described in the plat known as "Raburn Reserve Sec. 3" said lien being evidenced by instrument of record under Harris County Clerk's file No. RP-2019-536602, RP-2019-536603, and RP-2020-127895 of the official records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: Taylor Morrison of Texas, Inc.

STATE OF TEXAS COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the persons whose names are 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 \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of T E X A S

I, Kevin M. Reidy, 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 (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, South Central Zone (NAD 83).

Kevin M. Reidy Registered Professional Land Surveyor Texas Registration No. 6450

I, Tenechia 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 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.

Tenechia Hudspeth County Clerk of Harris County, Texas

By: Deputy

This is to certify that the planning & zoning commission of the City of Tomball, Texas, has approved this plat and subdivision of Raburn Reserve Sec. 3 in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this \_\_\_ day of \_\_\_\_\_, 202\_\_.

Barbara Tague Chairwoman

JOB NO. 181-056-03

PRELIMINARY PLAT OF RABURN RESERVE SEC. 3

BEING A SUBDIVISION OF 33.7724 ACRES OUT OF THE JESSE PRUETT SURVEY, A-629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS; ALSO BEING A PARTIAL REPLAT OF RESERVE "G" OF RABURN RESERVE SEC 1 RECORDED UNDER F.C. NO. 692320, H.C.M.R.

REASON FOR REPLAT: TO CREATE 140 LOTS, 4 BLOCKS, AND 5 RESERVES

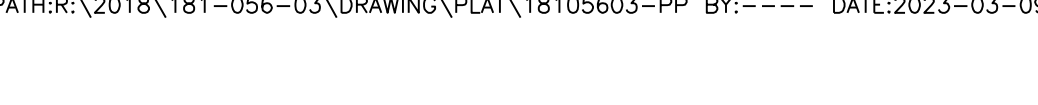
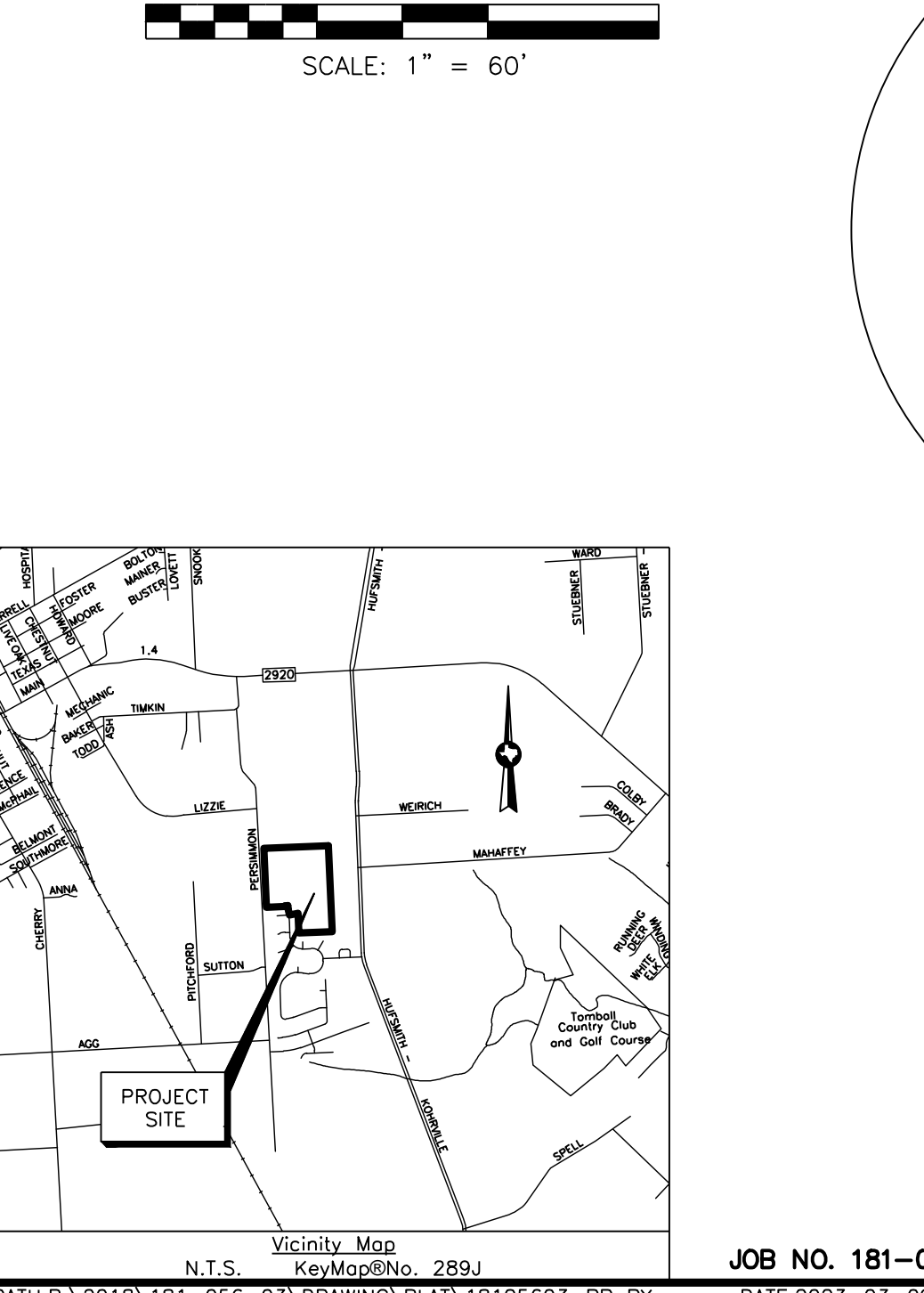
OWNER

HT RABURN RESERVE DEVELOPMENT LP, A TEXAS LIMITED PARTNERSHIP 609 MAIN STREET, SUITE 2400 HOUSTON, TEXAS 77002

NOVEMBER, 2022



10011 MEADOWGLEN LN HOUSTON, TEXAS 77042 713-784-4500 WWW.EHRAINCO.COM TBPELS No. F-726 TBPELS No. 10092300



RESERVE	RESTRICTED TO	AREA
A	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	1.0048 ACRES/43,769.39 SQ. FT.
B	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	1.6399 ACRES/71,436.16 SQ. FT.
C	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	0.0358 ACRES/1,560.14 SQ. FT.
D	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	1.2136 ACRES/52,863.56 SQ. FT.
E	LANDSCAPE, UTILITY, AND OPEN SPACE PURPOSES	0.0851 ACRES/3,708.62 SQ. FT.
TOTAL ACREAGE =		3.9792 ACRES

# PRELIMINARY PLAT OF RABURN RESERVE SEC. 3

BEING A SUBDIVISION OF 33.7724 ACRES OUT OF THE JESSE PRUETT SURVEY, A-629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS; ALSO BEING A PARTIAL REPLAT OF RESERVE "G" OF RABURN RESERVE SEC 1 RECORDED UNDER F.C. NO. 692320, H.C.M.R.

REASON FOR REPLAT: TO CREATE 140 LOTS, 4 BLOCKS, AND 5 RESERVES  
 OWNER  
 HT RABURN RESERVE DEVELOPMENT LP,  
 A TEXAS LIMITED PARTNERSHIP  
 609 MAIN STREET, SUITE 2400  
 HOUSTON, TEXAS 77002  
 NOVEMBER, 2022

**EHRA**  
 ENGINEERING THE FUTURE SINCE 1936  
 10011 MEADOWGLEN LN  
 HOUSTON, TEXAS 77042  
 713-784-4500  
 WWW.EHRAINCO.COM  
 TBPels No. F-726  
 TBPels No. 10092300

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Consideration to approve Preliminary Plat of **TIM LITTLEFIELD LLC**: Being a commercial subdivision of 3.951 acres of land in the Jesse Pruitt Survey, A-629 Harris County, Texas, being a partial replat of Lots 284 and 286 of Tomball Outlots as recorded in Volume 2, Page 65 and in corrected map recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (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: Tim Littlefield LLC Plat Type: Preliminary

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

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: March 13, 2023

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

Community Development recommends approval of this plat with contingencies.

- Prior to the final approval and recording of the FINAL PLAT for this subdivision, engineered construction plans must be submitted to and approved by the City of Tomball illustrating how all required public improvements associated with this development will be constructed (i.e. streets/utilities).
- Prior to the recording of the FINAL PLAT, all required public improvements associated with this development must be installed in accordance with the approved construction plans and/or suitable financial guarantee provided covering the overall costs of remaining improvements as deemed acceptable by the City Engineer
- Provide Letters of No Objection to all required utility providers as detailed in the Plat Application
- Provide title opinion/title commitment letter confirming ownership of property.



THE STATE OF TEXAS  
COUNTY OF HARRIS:

We, Tim Littlefield, LLC, a Texas limited liability company and the City of Tomball, a Texas municipality, acting by and through Tim Littlefield being a managing member of Tim Littlefield, LLC, a Texas limited liability company, and David Esquivel being a managing member of the City of Tomball, members in this section after referred to as owners (whether one or more) of the 4.399 acre tract described in the above and foregoing plat of Tim Littlefield LLC, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easement that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

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

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

IN TESTIMONY WHEREOF, the Tim Littlefield, LLC, a Texas limited liability company, a single member managed company has caused these presents to be signed by Tim Littlefield, its president, thereunto authorized, common seal hereunto affixed

this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Tim Littlefield, LLC,  
a Texas limited liability company

Tim Littlefield, Managing Member

IN TESTIMONY WHEREOF, the City of Tomball, a Texas municipality, has caused these presents to be signed by David Esquivel, its managing member thereunto authorized, common seal hereunto affixed

this \_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Tomball  
a Texas municipality

David Esquivel, Managing Member

THE STATE OF TEXAS  
COUNTY OF HARRIS:

BEFORE ME, the undersigned authority, on this day personally appeared Tim Littlefield, President of Tim Littlefield, LLC, a Texas limited liability company, the undersigned authority, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,

this \_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC IN AND FOR  
\_\_\_\_\_ COUNTY, STATE OF TEXAS.

My Commission Expires \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF HARRIS:

BEFORE ME, the undersigned authority, on this day personally appeared David Esquivel, managing member of the City of Tomball, LLC, a Texas municipality, the undersigned authority, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,

this \_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC IN AND FOR  
\_\_\_\_\_ COUNTY, STATE OF TEXAS.

My Commission Expires \_\_\_\_\_

Certificate for the Planning and Zoning Commission:  
This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of Tomball Outlots Replat Number One in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Barbara Tague  
Chairman

Certificate for County Clerk:  
I, Teneshia Hudspeth, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_, and under Film Code numbers \_\_\_\_\_ of the Map Records of Harris County for said County.

WITNESS my hand and seal of office, at Harris County, Texas, the day and date last above written.

Teneshia Hudspeth, County Clerk  
of Harris County, Texas

By: \_\_\_\_\_  
Deputy

Certificate of Engineer or Surveyor:

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



Jeffrey Moon  
Texas Registration Number 4639

MENDOZA HOME BUILDERS, LLC  
TOMBALL OUTLOT 281  
CALLED 5.006 ACRES  
C.C.F.N. RP-2020-189624  
O.P.R.H.C.T.

TOMBALL OUTLOT 281  
TOMBALL OUTLOT 284

FND. 5/8" I.R.  
Controlling Monument  
NWC 4.393 Acres  
Northing: 13957259.5960  
Easting: 3043549.7510

Block 1

LOT 1  
(2.375 ACRES)  
(103,469 SQ. FT.)

FRANCISCO LOPEZ AND  
VERONICA BELTRAN  
RESIDUAL OF  
CALLED 6.21 ACRES  
C.C.F.N. 2015-0114381  
O.P.R.H.C.T.

TIM LITTLEFIELD, LLC  
CALLED 4.393 ACRES  
C.C.F.N. RP-2021-132294  
O.P.R.H.C.T.

TOMBALL OUTLOT 284

TOMBALL OUTLOT 286

LOT 1  
(1.233 ACRES)  
(53,717 SQ. FT.)

Block 2

JAMES & PATRICIA ANN CASE  
RESIDUAL OF  
CALLED 1.1815 ACRES  
C.C.F.N. R838860  
O.P.R.H.C.T.

CITY OF TOMBALL 0.1195 ACRES R.O.W.  
C.C.F.N. RP-2020-373432 O.P.R.H.C.T.

CITY OF TOMBALL 0.1192 ACRES UTILITY EASEMENT  
C.C.F.N. RP-2020-222848 O.P.R.H.C.T.

CITY OF TOMBALL 0.1195 ACRES R.O.W.  
C.C.F.N. RP-2020-383168 O.P.R.H.C.T.

JAMES & PATRICIA ANN CASE  
RESIDUAL OF CALLED 1.1815 ACRES  
C.C.F.N. R838860 O.P.R.H.C.T.

TIM LITTLEFIELD, LLC  
RESIDUAL OF CALLED 4.393 ACRES  
C.C.F.N. RP-2021-132294 O.P.R.H.C.T.

AGG ROAD  
(100' R.O.W.)  
Vol. 1037, Pg. 710 D.R.H.C.T.

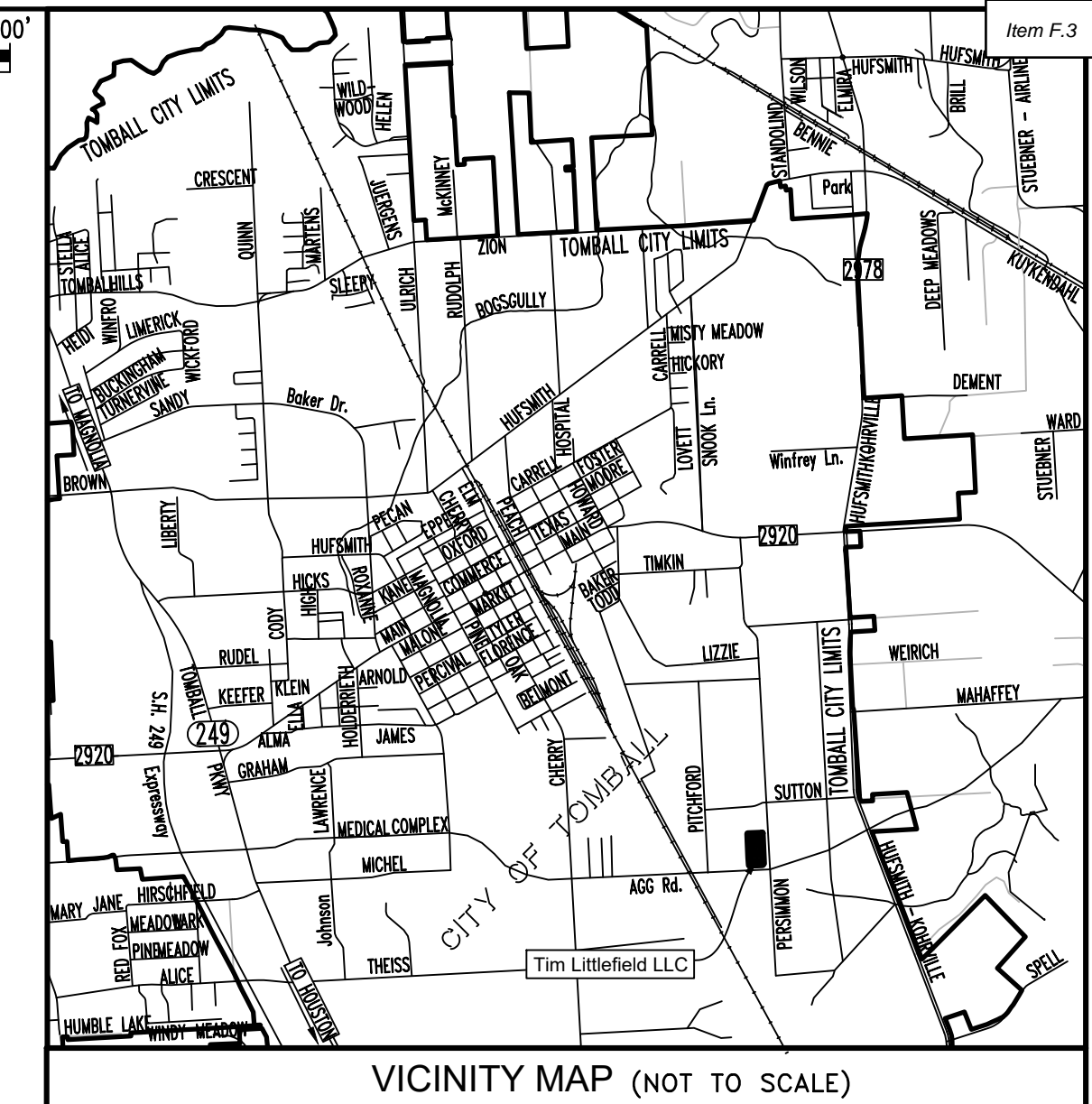
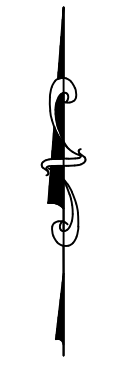
JAMES & PATRICIA ANN CASE  
CALLED 1.67 ACRES  
C.C.F.N. P557909  
O.P.R.H.C.T.

TOMBALL OUTLOT 286  
TOMBALL OUTLOT 289

LEGEND

- Building Set Back Line (B.L.)
- Easement Line
- Overhead Electric
- Approximate Location of Sanitary Sewer Line
- Approximate Location of Storm Sewer Line
- Approximate Location of Buried Gas Line
- Approximate Location of Buried Water Line
- Power Pole
- Water Valve
- Fire Hydrant
- Sanitary Sewer Manhole
- Storm Sewer Manhole
- Gas Valve
- Pipeline Marker
- Benchmark
- Street Sign

0 25' 50' 100'



General Notes:

- Public Easements: Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way 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.
- 5/8" iron rods with survey cap marked "Jeff Moon R.P.L.S. 4639" set at all corners unless otherwise noted.
- Flood Information: According to FEMA Firm Panel No.48201C0230L (Effective Date: June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas main extension from the City of Tomball right-of-way of City of Tomball utility easement up to and around the gas meter.
- 0.213 acres out of called 0.2547 acre tract owned by the City of Tomball is hereby dedicated to the public for public right-of-way purposes and 0.523 acre out of the Tim Littlefield, LLC tract called 4.393 acres is hereby dedicated to the public for public right-of-way purposes, equaling a total of 0.466 Acre (20,288 Square Feet) is hereby dedicated to the public for right-of-way purposes.
- All bearings and coordinates shown hereon are based upon the Texas State Plane Coordinate System, NAD 83, Texas South Central Zone (2002 ADJ.) (FIPS 4204). All coordinates are grid and can be adjusted to surface by applying a combined scale factor of 0.99994488821. All distances shown hereon are ground measurements.
- Elevations are based upon GPS Observations, and are adjusted to TSARP RM 100380, NAVD '88 2001 Adj., GEOID99, elevation 172.89
- The Benchmark set on this tract of land is 3 inch Brass Disk in concrete near the Southeast corner of Restricted Reserve "A" shown hereon. Elevation is 170.16'. (See Note 10)
- Property Subject to easement granted to Humble Oil & Refining Company, a Texas corporation to lay, maintain, operate, replace, change and remove any and all pipe lines for the transportation of oil, gas and/or water and/or their products recorded under Volume 1088, Page 185 of the Deed Records of Harris County, Texas. (Easement cannot be located)
- Standard Abbreviations:
  - B.L. Building Line
  - C.O.T.U.E. City of Tomball Utility Easement
  - D.L. Drainage Easement
  - R.O.W. Right-of-Way
  - C.C.F.N. County Clerk's File Number
  - D.R.H.C.T. Deed Records of Harris County, Texas
  - D.R.H.C.T. Map Records of Harris County, Texas
  - O.P.R.P.H.C.T. Official Public Records Real Property of Harris County, Texas

# PRELIMINARY PLAT TIM LITTLEFIELD LLC

BEING A COMMERCIAL SUBDIVISION OF 3.951 ACRES OF LAND  
IN THE JESSE PRUITT SURVEY, A - 629 HARRIS COUNTY, TEXAS,

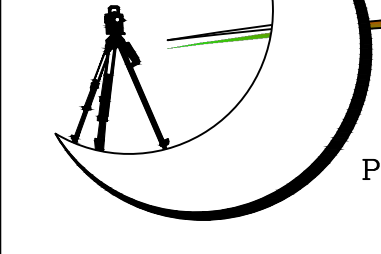
BEING A PARTIAL REPLAT OF LOT 284 AND 286, OF TOMBALL OUTLOTS  
AS RECORDED IN VOLUME 2, PAGE 65 AND IN CORRECTED MAP RECORDED  
IN VOLUME 4, PAGE 75 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS,

REASON FOR REPLAT: TO REPLAT A PORTION OF LOT 284 INTO  
1 LOT IN 1 BLOCK AND TO REPLAT A  
PORTION OF LOT 286 INTO 1 LOT IN 1 BLOCK

CONTAINING: 2 LOTS IN 2 BLOCK  
(3.608 ACRES/157,186 SQ. FT)

JANUARY 2023

JEFFREY MOON & ASSOCIATES, INC.



LAND SURVEYORS  
www.moonsurveying.com  
TBPELS FIRM No. 10112200  
P.O. Box 2501 Conroe Texas 77375  
PHONE: (936)756-5266  
FAX: (936)756-5281

OWNER/DEVELOPER  
TIM LITTLEFIELD, LLC.  
9618 KIRKSTONE TERRACE DRIVE  
SPRING, TEXAS 77379  
PHONE: (281) 723-7344  
TIM@LITTLEFIELDBROTHERS.COM

SHEET 1 of 1

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Consideration to approve Final Plat of **TOMBALL SOUTH COMMERCIAL NO. 3**: A subdivision of 7.1229 acres, (310,274 Square Feet), being all of Lot 2, and a portion of Reserve "B", Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

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

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

# CITY OF TOMBALL

Plat Name: Tomball South Commercial No. 3 Plat Type: Final

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

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: March 13, 2023

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

Community Development recommends approval of this plat with contingencies.

- Prior to approval/recording of this subdivision plat, construction plans must be submitted to and approved by the City Engineer detailing all necessary public improvements associated with this plat.
- Prior to recording this plat all required public improvements must be installed according to approved construction plans OR a financial guarantee must be furnished to the City Engineer for an amount deemed acceptable by the City Engineer to cover the costs of required public improvements.

STATE OF TEXAS  
COUNTY OF HARRIS

We, Church Engineering Services, Inc., acting by and through Joshua Mueller, its owner, being officers of Church Engineering Services, Inc., owners hereinafter referred to as owners of the 7.1229 acre tract described in the above and foregoing plat of TOMBALL SOUTH COMMERCIAL NO 3, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

IN TESTIMONY WHEREOF, the Church Engineering Services, Inc. has caused these presents to be signed by Joshua Mueller, its owner, thereunto authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Church Engineering Services, Inc.

By: \_\_\_\_\_  
Joshua Mueller, owner

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Joshua Mueller, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and, in the capacity, therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas  
Print Name

My Commission expires: \_\_\_\_\_

We, Allegiance Bank, owners and holders of a 1 liens against the property described in the plat known as TOMBALL SOUTH COMMERCIAL NO 3, said liens being evidenced by instrument of record in Harris County Clerk's File Nos. RP-2019-242480 and RP-2022-404757 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owners of said liens and have not assigned the same nor any part thereof.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas  
Print Name

My Commission expires: \_\_\_\_\_

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



Harold L. Moyer  
Texas Registration No. 5656

This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of TOMBALL SOUTH COMMERCIAL NO 3 in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Barbara Tague  
Chairman

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 \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and at Film Code Number \_\_\_\_\_ of the Map Records of Harris County for said county.

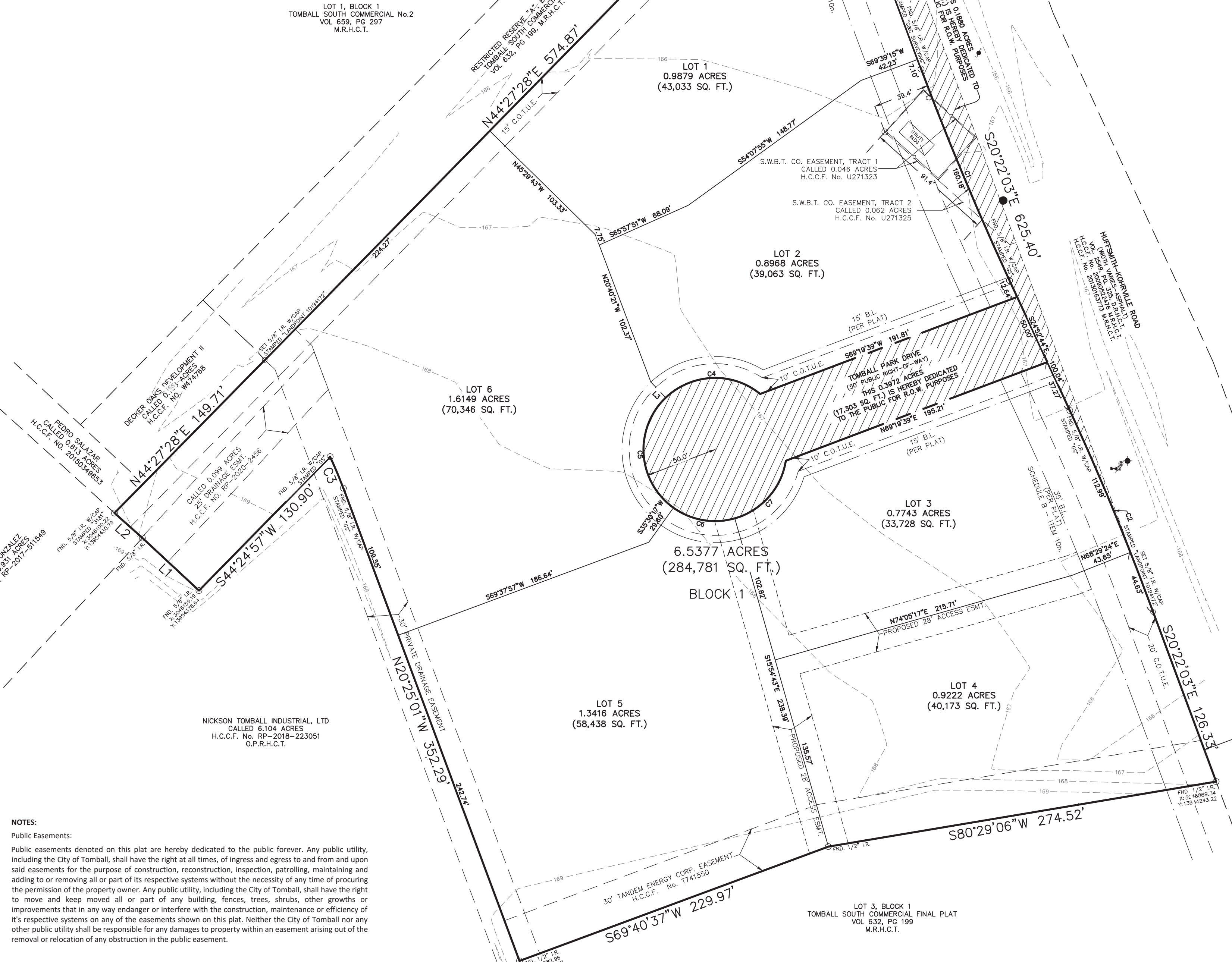
Witness my hand and seal of office, at Houston, the day and date last above written.

Teneshia Hudspeth  
County Clerk  
Of Harris County, Texas

By: \_\_\_\_\_  
Deputy

CURVE TABLE with columns: NO., LENGTH, RADIUS, DELTA, CHORD, CHORD LENGTH. Rows C1 through C7.

LINE TABLE with columns: NO., BEARING, LENGTH. Rows L1 through L3.



- NOTES: Public Easements, Flood Information, and numbered list of conditions (1-5) regarding pipelines, building setbacks, and gas meter placement.

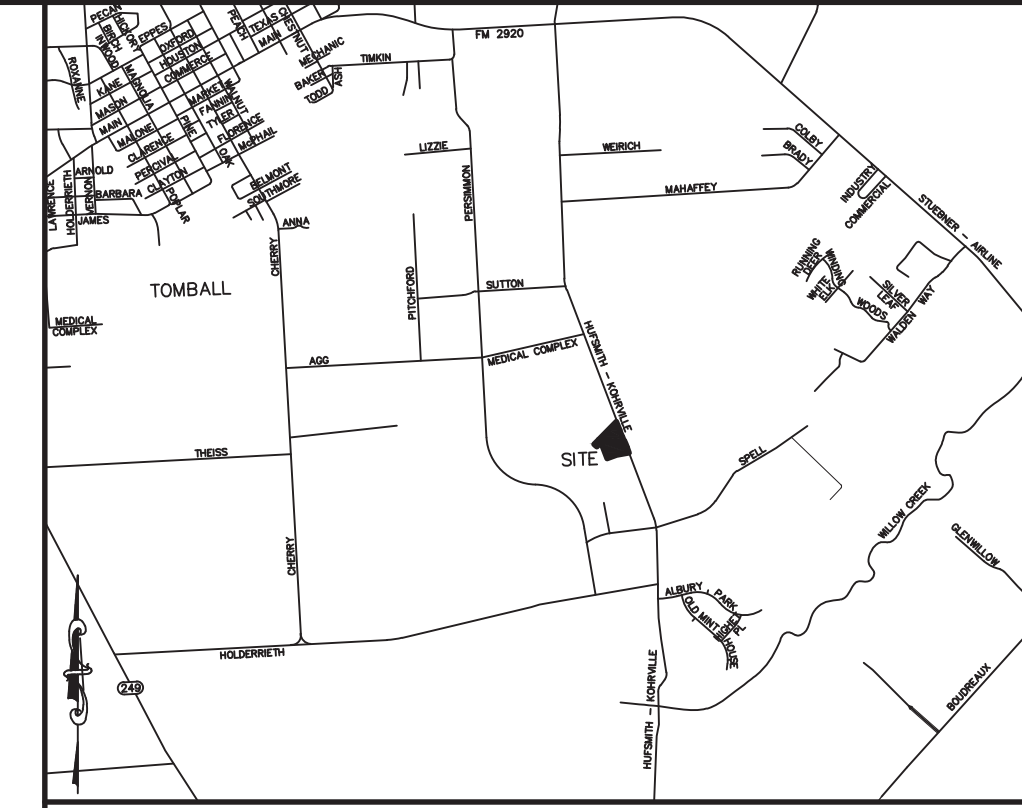
ABBREVIATION LEGEND

- A. ABSTRACT
A.E. AERIAL EASEMENT
B.L. BUILDING LINE
(CM) CONTROLLING MONUMENT
CONC. CONCRETE
ELEV. ELEVATION
ESMT. EASEMENT
F.C. FILM CODE
FND. FOUND
H.C.C.F. HARRIS COUNTY CLERK'S FILE
H.C.D.R. HARRIS COUNTY DEED RECORDS
H.C.M.R. HARRIS COUNTY MAP RECORDS
IP. IRON PIPE
IR. IRON ROD
No. NUMBER
R.O.W. RIGHT-OF-WAY
U.E. UTILITY EASEMENT
VOL. PG. VOLUME AND PAGE

GRAPHIC SCALE



1 inch = 50 ft.



VICINITY MAP: NOT TO SCALE

LEGAL DESCRIPTION

Being 7.1229 acres (310,274 square feet) of land situated in the Elababeth Smith Survey, A-70, Harris County, Texas, and being all of Lot 2 and a portion of Reserve "B", Block 1, of Tomball South Commercial, according to the map or plat thereof recorded under Film Cole No. 632199 of the Map Records of Harris County, Texas (M.R.H.C.T.), said 7.1229 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "Landpoint 10194127" set in the existing west right-of-way line of Huffman-Kohnville Road for the north corner and POINT OF BEGINNING of the herein described tract;

THENCE South 20°22'03" East, 625.42 feet along said west right-of-way line common to the east line of the herein described tract to a 5/8-inch iron rod with cap stamped "Landpoint 10194127" set for the south corner of a 0.1880 acre to be dedicated to the public for right-of-way purposes;

THENCE South 20°22'03" East, 126.33 feet continuing along said common line to a 1/2-inch iron rod found for the northeast corner of Lot 3, Block 1, Tomball South Commercial Final Plat, according to the map or plat thereof recorded in Volume 632, Page 199 of the M.R.H.C.T. and the southeast corner of the herein described tract;

THENCE South 80°29'06" West, 274.52 feet along the north line of said Lot 3 common to the south line of the herein described tract to a 1/2-inch iron rod found for an angle point;

THENCE South 69°40'37" West, 229.97 feet continuing along said common line to a 1/2-inch iron rod found in the east line of a called 6.104 acres recorded under Clerk's File No. RP-2019-223653 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.P.H.C.T.) for the northwest corner of said Lot 3 and the southwest corner of the herein described tract;

THENCE North 20°25'01" West, 352.29 feet along the east line of said 6.104 acres and a west line of the herein described tract to a 5/8-inch iron rod with cap stamped "GS" found for the beginning of a curve to the left;

THENCE continuing in a northwest direction along said curve to the left having a length of 23.88 feet, a radius of 270.00 feet, a delta angle of 05°04'03", and a chord bearing of North 22°47'03" West, a distance of 23.87 feet to 5/8-inch iron rod with cap stamped "GS" found for an interior northwest corner of the herein described tract;

THENCE South 44°24'57" West, 130.90 feet to a 5/8-inch iron rod found for the southerly northwest corner of the herein described tract;

THENCE North 47°02'37" West, 53.99 feet along the west line of the herein described tract to a 5/8-inch iron rod found for the east corner of a called 0.931 acre recorded under Clerk's File No. RP-2017-511549 O.P.R.P.H.C.T. and an angle point of the herein described tract;

THENCE North 48°13'39" West, 26.07 feet continuing along the west line of the herein described tract to a 5/8-inch iron rod with cap stamped "3181" found in the northeast line of said 0.931 acre for the south corner of a called 0.613 acre recorded under Clerk's File No. 201503496653 O.P.R.P.H.C.T., same being the west corner of the herein described tract;

THENCE North 44°27'28" East, 149.71 feet along the southeast line of said 0.613 acre and the southeast line of a called 0.168 acre recorded under Clerk's File No. W474768 O.P.R.P.H.C.T., same being the northwest line of the herein described tract to a 5/8-inch iron rod with cap stamped "Landpoint 10194142" set for the east corner of said 0.168 acre and the south corner of said Restricted Reserve "A" in said northwest line of the herein described tract;

THENCE North 44°27'28" East, 574.87 feet along the southeast line of said Restricted Reserve "A" common to the northwest line of the herein described tract to the POINT OF BEGINNING and containing 7.1229 acres (310,274 square feet) of land in Harris County, Texas.

TOMBALL SOUTH COMMERCIAL NO 3

A SUBDIVISION OF 7.1229 ACRES (310,274 SQUARE FEET), BEING ALL OF LOT 2, AND A PORTION OF RESERVE "B", BLOCK 1, OF TOMBALL SOUTH COMMERCIAL, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 632199 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

1 BLOCK 6 LOTS  
JANUARY 30, 2023

OWNER:

JOSHUA MUELLER  
CHURCH ENGINEERING SERVICES, INC.  
2810 WASHINGTON DRIVE  
HOUSTON, TEXAS 77038  
(713) 614-7694

SURVEYOR:



1311BROADFIELD BLVD., STE. 275  
HOUSTON, TX 77084  
(713) 993-0327  
TBPELS FIRM NO 10043600  
PROJECT NO. 22-1456-1

# Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Conduct a Public Hearing and Consideration to approve **Case CUP-23-01**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

**Background:**

The subject properties have been located within the city limits since 1907. Lots 17 through 21 have remained vacant since that time. Lots 22 through 24 are currently occupied by three structures. According to the Harris County Appraisal District records, these structures have existed on these lots since at least 1941. These structures are currently approved and occupied by retail, drinking establishment, and dance hall uses. In 2022, the City Council adopted Ordinance No. 2022-43 amending the Code of Ordinance to define the Open-Air Market land use and require a Conditional Use Permit (CUP) for open air market uses within Old Town & Mixed Use (OT&MU) zoning. Conditional Use Permits provide opportunities to further consider whether a location is appropriate for an open-air market, and where said use is deemed appropriate, a CUP provides an opportunity to apply enforceable conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

**Origination:** Ideaco Investments, LLC. represented by Michael Pierce

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith (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)  
MARCH 13, 2023  
&  
CITY COUNCIL  
MARCH 20, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, March 20, 2023 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:

**Case CUP-23-01:** Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

**Case CUP-23-02:** Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

### 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 10<sup>th</sup> day of March 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT [www.tomballtx.gov](http://www.tomballtx.gov).



## Notice of Public Hearing

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

**CASE NUMBER:** CUP-23-01

**APPLICANT/OWNER:** Ideaco Investments, LLC  
represented by Michael Pierce.

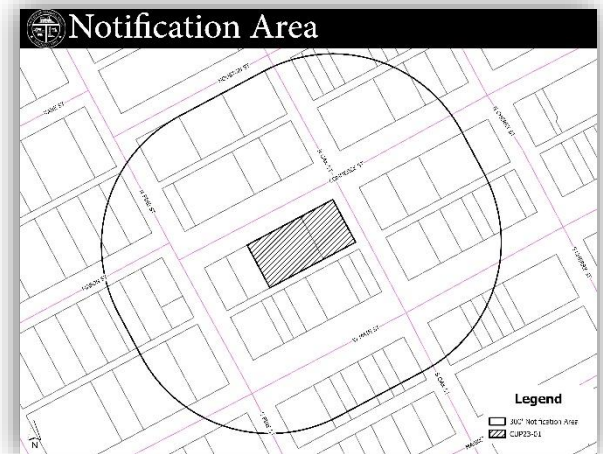
**LOCATION:** The property is Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, affecting approximately 0.46 acres of land legally described as being Lot 17 through 24, in Block 18 of the Revised Map of Tomball by receiving a Conditional Use Permit (CUP) to allow “Market, Open Air”.

**CONTACT:** Jared Smith, City Planner  
**PHONE:** (281) 290-1491  
**E-MAIL:** [tomballtxcd@gmail.com](mailto:tomballtxcd@gmail.com)

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

**This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**



### Planning & Zoning Commission Public Hearing:

**Monday, March 13, 2023 @ 6:00 P.M**

### City Council Public Hearing:

**\*Monday, March 20, 2023 @ 6:00 P.M.**

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

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





# Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 13, 2023  
City Council Public Hearing Date: March 20, 2023

- Rezoning Case:** CUP23-01
- Property Owner(s):** Ideaco Investments, LLC
- Legal Description:** Lots 17 through 24, Block 18 of the Revised Map of Tomball
- Location:** 401-409 Commerce Street (Exhibit “A”)
- Area:** 0.46 acres
- Comp Plan Designation:** Old Town (Exhibit “B”)
- Present Zoning and Use:** Old Town & Mixed Use (OT&MU) / Vacant, Retail & Drinking Establishment (Exhibit “D”)
- Proposed Use(s):** *Market, Open Air*
- Request:** Conditional Use Permit (CUP) to permit Market, Open Air land use.

**Adjacent Zoning & Land Uses:**

- North:** Old Town & Mixed Use / Single-family residences
- South:** Old Town & Mixed Use / Retail, Restaurant, Hair Salon
- West:** Old Town & Mixed Use/ Office & Residence
- East:** Old Town & Mixed Use / Single-family residence

**BACKGROUND**

The subject properties have been located within the city limits since 1907. Lots 17 through 21 have remained vacant since that time. Lots 22 through 24 are currently occupied by three structures. According to the Harris County Appraisal District records, these structures have existed on these lots since at least 1941. These structures are currently occupied by retail, drinking establishment, and dance hall uses. In 2022, the City Council adopted Ordinance No. 2022-43 amending the Code of Ordinance to define the Open-Air Market land use and require a Conditional Use Permit (CUP) for open air market uses within Old Town & Mixed Use (OT&MU) zoning. Conditional Use Permits provide opportunities to further consider whether a location is appropriate for an open-air market, and where said use is deemed appropriate, a CUP provides an opportunity to apply enforceable conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

## ANALYSIS

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

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

The property is designated as Old Town by the Comprehensive Plan Future Land Use Map. This category is intended to promote a highly walkable environment that promotes a distinct sense of place. Land use should consist of a mixture of residential, office, retail, entertainment, restaurants, and public facilities. The desire to establish an open air market at this location will promote the Comprehensive Plans community livability goals, specifically by providing a variety of retail, and entertainment opportunities within Old Town Tomball and in close proximity to nearby residential neighborhoods. This proximity to existing residential neighborhoods further encourages the Comprehensive Plans objective of creating a mixture of land uses within a walkable environment. Additionally, the request achieves the goal of creating opportunities to promote Old Town Tomball and local entrepreneurship within the Old Town area. Furthermore, the allowance of an open air market within Old Town Tomball, achieves the community livability goal outlined in the Comprehensive Plan by promoting an event that will attract people to the community and provide opportunities for residents to socialize and fellowship.

**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 has been zoned Old Town & Mixed Use since the inception of zoning in 2008. All surrounding properties within the immediate area also fall within this Old Town & Mixed-Use zoning district. According to Section 50-79 (Old Town and Mixed-Use District), the Old Town is an area in which many diverse land uses currently exist. The nature of the area, therefore, is a mixture of retail, 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, office, single-family, duplex, and multifamily are the most appropriate uses in the area. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses within the original town site.

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

Yes, the proposed use will meet all supplemental standards outlined in Chapter 50 of the Code of Ordinance. Prior to operation, an official site plan shall be submitted to the City of Tomball Community Development Office identifying the planned arrangement of the open-air market to ensure all standards applicable by the code of ordinance and/or required by this Conditional Use Permit are met.

- 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 existing land uses currently found within Old Town Tomball, such as the existing farmers market. It is customary to find retail uses near the existing neighborhoods immediately surrounding Old Town Tomball, particularly given the properties proximity to West Main Street (FM 2920). Further, with this Conditional Use Permit the City is recommending conditions that are aimed to help alleviate potential nuisances that could be presented by having outdoor retail uses near the surrounding residential land uses. Said conditions may include but are not limited to screening, hours of operation, and limitation on the number of vendors that can be at this location.

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

Staff does not anticipate any adverse effects on surrounding properties.

**PUBLIC COMMENT**

Property owners within 300 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on March 1, 2023. 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 CUP23-01 with the following condition(s):

- Hours of operation: 7:00 AM to 10:00 PM
- No more than 12 outdoor vendors/booths/tents shall be permitted in total on Lots 17 through 24, Block 18 in Revised Map of Tomball.
- Restroom facilities must be provided during the open-air market hours of operation. Said restrooms may be provided on site or within adjacent businesses located within the boundaries of this Conditional Use Permit. Portable restroom facilities are prohibited.
- Adhere to Section 50-116 (d.2.a) *Temporary Outdoor Sales*, with an exception on the required distances from “main building”.
  - “Shall not be placed/located more than 30 feet from the main building in GR, and C Districts, and not more than 12 feet from the main building in the Old Town area.”
- An opaque fence/wall must be provided along the western boundary of Lot 17.
- Booths/tents and outdoor sales/displays must adhere to non-residential setback standards in OT & MU. Being the following:
  - Front & Rear setback – No Minimum

- Side Setback (adjacent to commercial use) – No Minimum
- Side Setback (adjacent to residential use) – 20 feet (20') Minimum

**EXHIBITS**

- A. Location Map
- B. Future Land Use Plan Map
- C. Current Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan

Exhibit "A"  
Location Map



Exhibit "B"  
Zoning Map

Item F.5



# Exhibit "C" Future Land Use Map



**Exhibit “D”  
Site Photo**





# Exhibit "E" CUP Application



Revised: 10/1/2022

\$1,000 Paid 1/31/2023

## 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.

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

**DIGITAL PLAN SUBMITTALS:**

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

WEBSITE: [tomballtx.gov/securesead](http://tomballtx.gov/securesead)  
USERNAME: [tomballedd](mailto:tomballedd)  
PASSWORD: Tomball1

**Applicant**

Name: Michael Pierce Title: Owner  
Mailing Address: 13607 ALCOTT BEND City: Tomball State: TX  
Zip: 77377 Contact: 832-474-4440 Michael Pierce  
Phone: (832) 474-4440 Email: \_\_\_\_\_

**Owner**

Name: Michael Pierce Title: Owner  
Mailing Address: 13607 ALCOTT BEND City: Tomball State: TX  
Zip: 77377 Contact: Michael Pierce  
Phone: ( ) \_\_\_\_\_ Email: Michael Pierce Michael Dean Pierce @ Gmail com  
Michael Dean Pierce @ Gmail . com

**Engineer/Surveyor (if applicable)**

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

(Mobile food cart) (Open Air Market) Revised: 10/1/2022

Description of Proposed Project: Family Food Park & MARKET SPACE

Physical Location of Property: 401-409 Commerce ST.

[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: \_\_\_\_\_

[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

HCAD Identification Number: \_\_\_\_\_ Acreage: \_\_\_\_\_

Current Use of Property: CAT STORAGE - Bunk Sleeping - (Vacant/Commercial buildings)

Proposed Use of Property: A Family Friendly - Fair Price - Food Truck PARK - MARKET SPACE

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

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

[Signature]  
**X**  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

[Signature]  
**X**  
Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

Revised: 10/1/2022

## 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 delivered to the City at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- Application Fee: \$1,000 (Non-Refundable) ✓
- Completed application form ✓
- \*Copy of Recorded/Final Plat ✓
- Concept/Site Plan \_\_\_\_\_
- Letter stating reason for request and issues relating to request. ✓
- Metes & Bounds of property ✓
- Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Sec. 12.1 C of the Zoning Ordinance 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 Planning Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

## 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 purpose of the public hearing is to allow the Planning and Zoning Commission to conduct a fact finding process. 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 (1<sup>st</sup>) and third (3<sup>rd</sup>) 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 manor as the Planning and Zoning Commission. In the event there has been filed with the City Secretary a petition of 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.

**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, shall 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.

Dear City of Tomball Council

My name is Michael Pierce, and I am a Tomball resident and business owner and property owner in Old town Tomball mixed use area. I have lived in Tomball for 20 years and have loved watching our city grow.

We want to be a part of that growth and so on top of our other developments in town we have purchased property on commerce st between oak and pine. Approx. 401-409 commerce St. and have a fun plan for the area.

We are told we need a special use permit for this use so that is what we are applying for.

This area has been abandon for as long as I have been in Tomball and we are excited to revitalize this dead corner of old town. All other corners of old town are fully developed save this location and we want to fix that and round off the square of old tomabl with a fun new development.

Currently the spot is used mainly as a feline breeding ground & a place for cat lovers to feed stray cats. There are cats on the property as big as dogs. However unlike a duck pond or bird feeding area It smells of cat urine and if you get too close they will hiss at you for fear you are taking their food. To date no small children have been bit or contracted cat scratch fever. The space is also a nice spot for homeless to get a bite to eat from the community fridge and take a quick nap in the wooded area there. We have had to call the police a few times to wake the slumbering vagrant and remove them.

We think we can do better than the current use.

We would like to put a family friendly **market space & small food truck court** there instead and we are calling it "Commerce street market space" that will tie in the German heritage and be our small version of Luckenbach, Fredericksburg etc. and round top ere in Old Tomball. All bustling historic and travel destination in Texas. We think Old Tomball can be as popular as those areas with just a little work.

We already have had two business move on the location that are thriving and with the reminder of the location we want to build the commerce street market space. Eventually to have a unified identity and name to fit in with those iconic towns of old as mentioned above.

**Art & craft weekend vendor area**

Approx. 10-12 local vendors per weekend selling the things they make.

Face painting, balloon animals light out door acoustic music, flutes etc.

This is a space for local vendors who may not have the means to join the farmers market to still show off their wares. This in the trial run was wildly praised by the community

**Play area**

outdoor games, Corn hole court. Our door connect 4 and other fun engaging activities for passersby to play while they enjoy the space

**Sitting area**

There is plenty of sitting and tables and chairs in the space already, but we will be adding more

**Parking**

There is parking on the property , graveled in and ready to go to lessen the impact on the street parking in the area.

**Restrooms**

There are already 3 restrooms on the property, and we will be adding a 4<sup>th</sup> if approval is confirmed

**Food truck court area**

Approx. 2-3 food trucks of very style & taste

- Parking on site. Separate from city parking
- 3 restrooms on site. With a 4<sup>th</sup> to be added upon approval
- Plenty of seating area with more to be added upon approval.
- More than 10' space between trucks

**Music Room**

small indoor music room we are calling the " Old Tomball Honky Tonk" that we think will be as iconic as Luckenbach itself in time. Here locals can hear songs like " old Tomball" and "Tomball Saturday night" & "queen of old Tomball" this gathering place will be used for local musicians to meet up , play and share with the community on certain evenings.

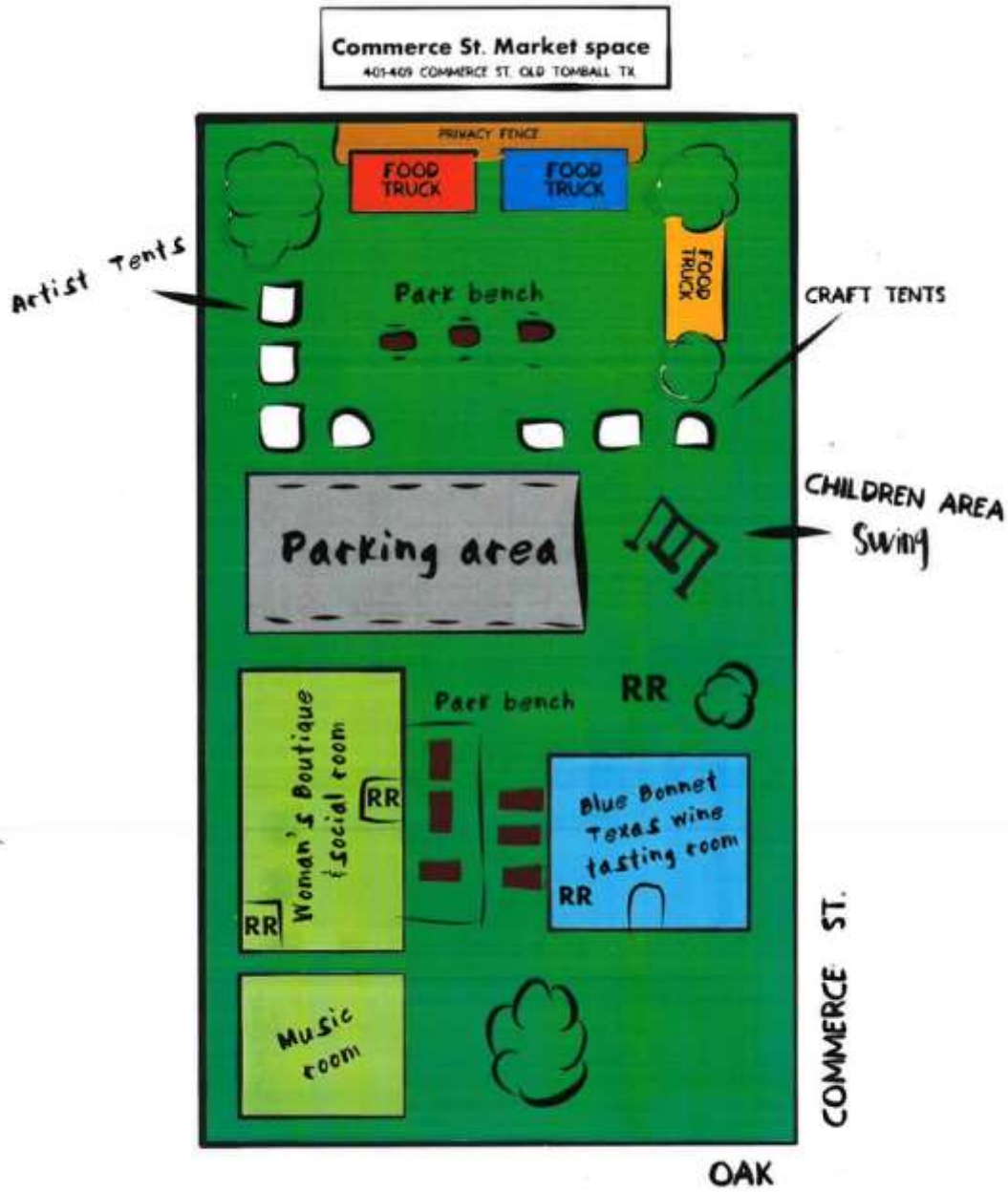
We hope you share with us the vision for this space and old Tomball and will grant us approval to go froward. We promise to be good stewards of the area and make it a community gather in place for all ages.

Also we are a little confused how this process works so if you could have someone reach out to guide us thru it would be helpful we are very nervous about missing any meeting or requirement from us on you side.

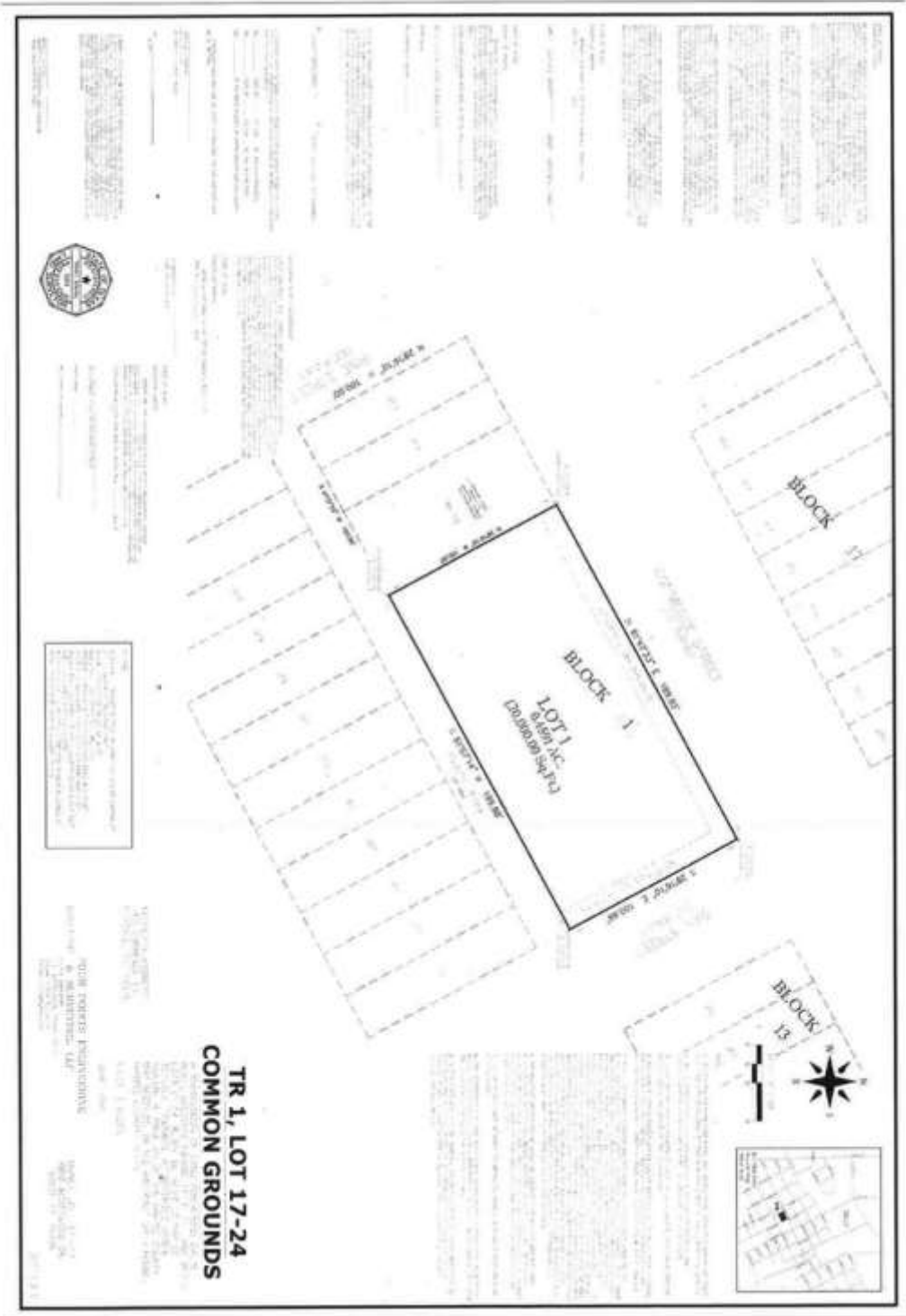
Thanks!

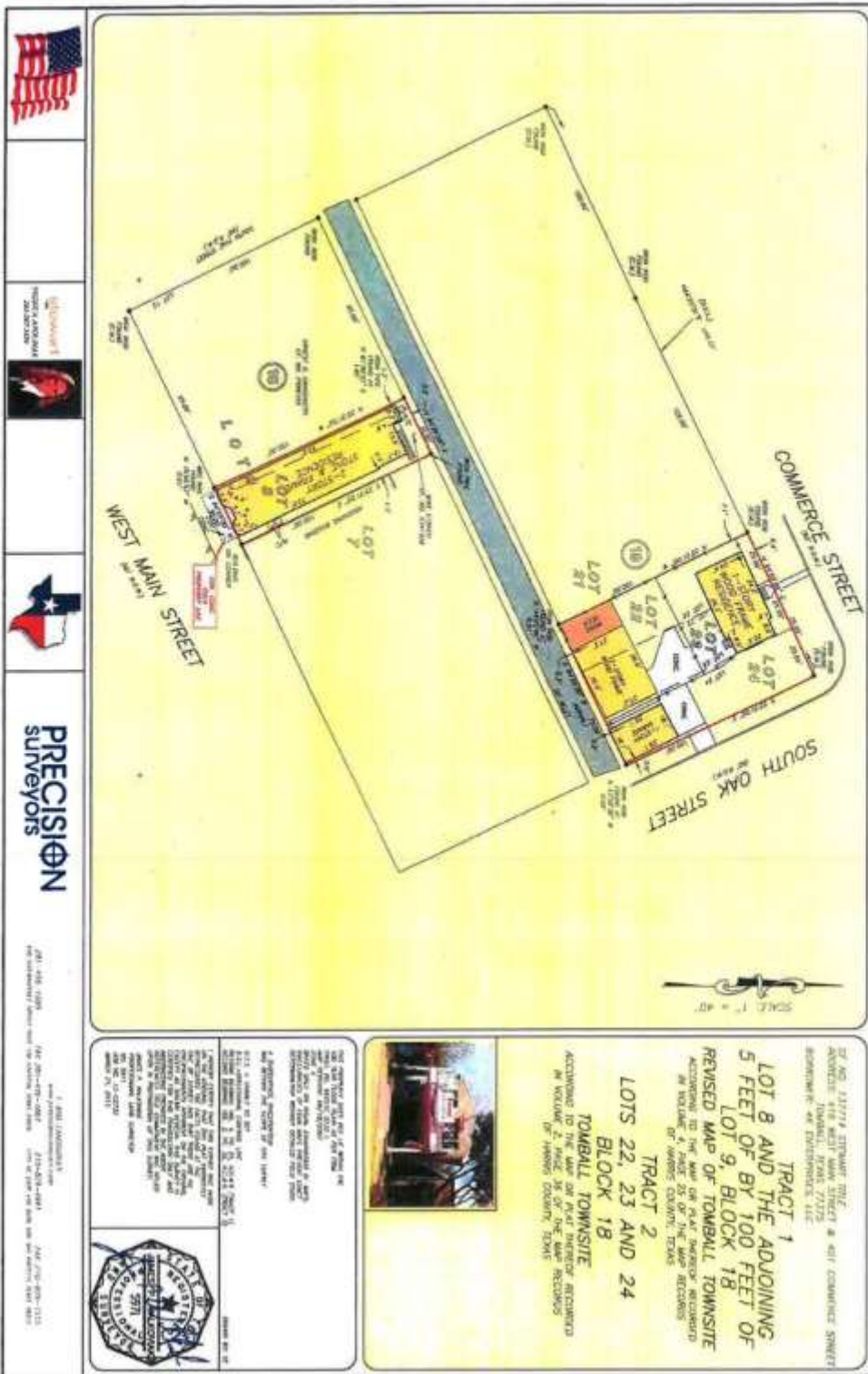
Michael Pierce  
832-474-4440  
13607 arcott bend Tomball tx 77377

Figure "F"  
Concept Plan









**PRECISION**  
surveyors

2011-2012  
The Precision Surveyors, Inc.  
10000 West Loop South, Suite 1000  
Houston, Texas 77042  
Tel: 281-485-1234  
Fax: 281-485-1235  
www.precision-surveyors.com

THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNER THAT THE PROPERTY IS BEING OFFERED FOR SALE AND THAT THE PROPERTY IS BEING OFFERED FOR SALE AS SHOWN ON THIS MAP. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNER THAT THE PROPERTY IS BEING OFFERED FOR SALE AS SHOWN ON THIS MAP. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNER THAT THE PROPERTY IS BEING OFFERED FOR SALE AS SHOWN ON THIS MAP.



37 AND 11717A STURMONT TRIF  
ADDRESS: 418 WEST MAIN STREET & 417 COMMERCE STREET  
HOUSTON, TEXAS 77015  
REVISION: 04/20/2012, 11/12

**TRACT 1**  
**LOT 8 AND THE ADJOINING**  
**5 FEET OF BY 100 FEET OF**  
**LOT 9, BLOCK 18**  
**REVISED MAP OF TOMBALL TOWNSITE**  
ACCORDING TO THE MAP OF PLAT RECORDS  
IN VOLUME 4, PAGE 25 OF THE MAP RECORDS  
OF HARRIS COUNTY, TEXAS

**TRACT 2**  
**LOTS 22, 23 AND 24**  
**BLOCK 18**  
**TOMBALL TOWNSITE**  
ACCORDING TO THE MAP OF PLAT RECORDS  
IN VOLUME 2, PAGE 25 OF THE MAP RECORDS  
OF HARRIS COUNTY, TEXAS



# Planning and Zoning Commission

## Agenda Item

### Data Sheet

Meeting Date: 03/13/2023

**Topic:**

Conduct a Public Hearing and Consideration to approve **Case CUP-23-02**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

**Background:**

The subject properties have been located within the city limits since 1907. Lots 17 through 21 have remained vacant since that time. Lots 22 through 24 are currently occupied by three structures. According to the Harris County Appraisal District records, these structures have existed on these lots since at least 1941. These structures are currently occupied by retail, drinking establishment, and dance hall uses. In January of 2017 City Council approved Ordinance No.2016-33 adding the “Mobile Food Court” land use and associated development standards to the code of ordinance. During the time of this ordinance’s consideration, it was determined that Mobile Food Courts would be allowed within the Old Town & Mixed Use (OT & MU) zoning district with the approval of a Conditional Use Permit and held to standards identified within Section 50-116 (j). Conditional Use Permits provide opportunities to further consider whether a location is appropriate for mobile food court use, and where said use is deemed appropriate, a CUP provides an opportunity to apply enforceable conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

**Origination:** Ideaco Investments, LLC. represented by Michael Pierce

**Recommendation:**

Approve

**Party(ies) responsible for placing this item on agenda:** Jared Smith (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)  
MARCH 13, 2023  
&  
CITY COUNCIL  
MARCH 20, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, March 20, 2023 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:

**Case CUP-23-01**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

**Case CUP-23-02**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

### **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 10<sup>th</sup> day of March 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT [www.tomballtx.gov](http://www.tomballtx.gov).



## Notice of Public Hearing

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

**CASE NUMBER:** CUP-23-02

**APPLICANT/OWNER:** Ideaco Investments, LLC  
represented by Michael Pierce.

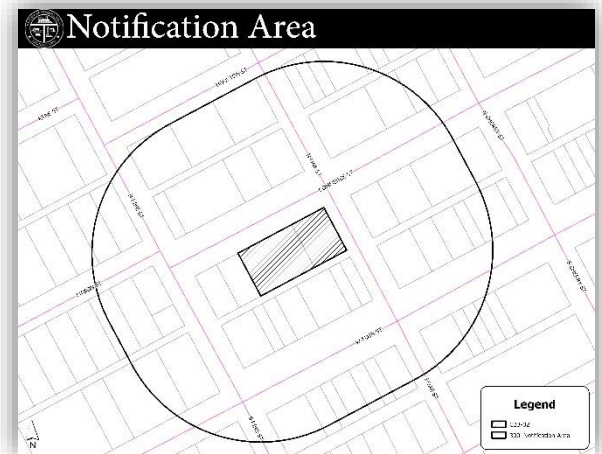
**LOCATION:** The property is Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, affecting approximately 0.46 acres of land legally described as being Lot 17 through 24, in Block 18 of the Revised Map of Tomball by receiving a Conditional Use Permit (CUP) to allow “Mobile Food Court”.

**CONTACT:** Jared Smith, City Planner  
**PHONE:** (281) 290-1491  
**E-MAIL:** [tomballtxcd@gmail.com](mailto:tomballtxcd@gmail.com)

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

**This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**



### Planning & Zoning Commission Public Hearing:

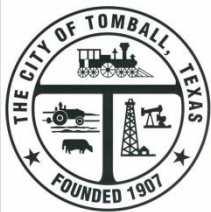
**Monday, March 13, 2023 @ 6:00 P.M.**

### City Council Public Hearing:

**\*Monday, March 20, 2023 @ 6:00 P.M.**

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

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



# Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 13, 2023  
City Council Public Hearing Date: March 20, 2023

**Rezoning Case:** CUP23-02

**Property Owner(s):** Ideaco Investments, LLC

**Legal Description:** Lots 17 through 24, Block 18 of the Revised Map of Tomball

**Location:** 401-409 Commerce Street (Exhibit “A”)

**Area:** 0.46 acres

**Comp Plan Designation:** Old Town (Exhibit “B”)

**Present Zoning and Use:** Old Town & Mixed Use (OT&MU) / Vacant, Retail & Drinking Establishment (Exhibit “D”)

**Proposed Use(s):** *Mobile Food Court*

**Request:** Conditional Use Permit (CUP) to permit Mobile Food Court land use.

**Adjacent Zoning & Land Uses:**

- North:** Old Town & Mixed Use / Single-family residences
- South:** Old Town & Mixed Use / Retail, Restaurant, Hair Salon
- West:** Old Town & Mixed Use/ Office & Residence
- East:** Old Town & Mixed Use / Single-family residence

**BACKGROUND**

The subject properties have been located within the city limits since 1907. Lots 17 through 21 have remained vacant since that time. Lots 22 through 24 are currently occupied by three structures. According to the Harris County Appraisal District records, these structures have existed on these lots since at least 1941. These structures are currently occupied by retail, drinking establishment, and dance hall uses. In January of 2017, City Council approved Ordinance No.2016-33 adding the “Mobile Food Court” land use and associated development standards to the code of ordinance. During the time of this ordinance’s consideration, it was determined that Mobile Food Courts would be allowed within the Old Town & Mixed Use (OT & MU) zoning district with the approval of a Conditional Use Permit and held to standards identified within Section 50-116 (j). Conditional Use Permits provide opportunities to further consider whether a location is appropriate for mobile food court use, and where said use is deemed appropriate, a CUP provides an opportunity to apply enforceable conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

## **ANALYSIS**

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

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

The property is designated as Old Town by the Comprehensive Plan Future Land Use Map. This category is intended to promote a highly walkable environment that promotes a distinct sense of place. Land use should consist of a mixture of residential, office, retail, entertainment, restaurants, and public facilities. The desire to establish a mobile food court at this location will promote the Comprehensive Plans community livability goals, specifically by providing a variety of retail, and entertainment opportunities within Old Town Tomball and in close proximity to nearby residential neighborhoods. This proximity to existing residential neighborhoods further encourages the Comprehensive Plans objective of creating a mixture of land uses within a walkable environment. Additionally, the request achieves the goal of creating opportunities to promote Old Town Tomball and local entrepreneurship within the Old Town 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 has been zoned Old Town & Mixed Use since the inception of zoning in 2008. All surrounding properties within the immediate area also fall within this Old Town & Mixed-Use zoning district. According to Section 50-79 (Old Town and Mixed-Use District), the Old Town is an area in which many diverse land uses currently exist. The nature of the area, therefore, is a mixture of retail, 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, office, single-family, duplex, and multifamily are the most appropriate uses in the area. The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses within the original town site.

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

Yes, the proposed use will be held to all applicable standards outlined in Section 50-116 (j) *Site Development Standards for Mobile Food courts*. Additionally, prior to operation,



an official site plan shall be submitted to the City of Tomball Community Development Office identifying the planned arrangement of the mobile food court to ensure all standards applicable by the code of ordinance and/or required by this Conditional Use Permit are met.

- 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;**

It is customarily appropriate to locate a wide range of dining opportunities within and near downtown districts. This proposed use is consistent with surrounding land uses currently found within Old Town Tomball. Staff believes that the request to allow a mobile food court at this location would not be out of character for the surrounding area, particularly given the property is in close proximity to Main Street (FM 2920) and existing supporting commercial land uses. Further, with this Conditional Use Permit the City is recommending conditions that are aimed to help alleviate potential nuisances that could be presented by having mobile food courts near residential land uses. Said conditions may include but are not limited to screening, hours of operation, and limitation on the number of vendors that can be at this location.

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

Staff does not anticipate any adverse effects on surrounding properties.

### **PUBLIC COMMENT**

Property owners within 300 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on March 1, 2023. 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 CUP23-02 with the following condition(s):

- Hours of operation: 7:00 AM to 10:00 PM
- No more than four (4) mobile food vendors shall be permitted in total on Lots 17 through 24, Block 18 in Revised Map of Tomball.
- Restroom facilities must be provided during the mobile food court hours of operation. Said restrooms may be provided on site or within adjacent businesses located within the boundaries of this Conditional Use Permit. Portable restroom facilities are prohibited.
- Adhere to Section 50-116 (j) *Site Development Standards for mobile food courts*.
- An opaque fence/wall must be provided along the western boundary of Lot 17.
- Mobile food vendors must adhere to non-residential setback standards in OT & MU. Being the following:
  - Front & Rear setback – No Minimum
  - Side Setback (adjacent to retail use) – No Minimum
  - Side Setback (adjacent to residential use) – 20 feet (20') Minimum

**EXHIBITS**

- A. Location Map
- B. Future Land Use Plan Map
- C. Current Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan

Exhibit "A"  
Location Map

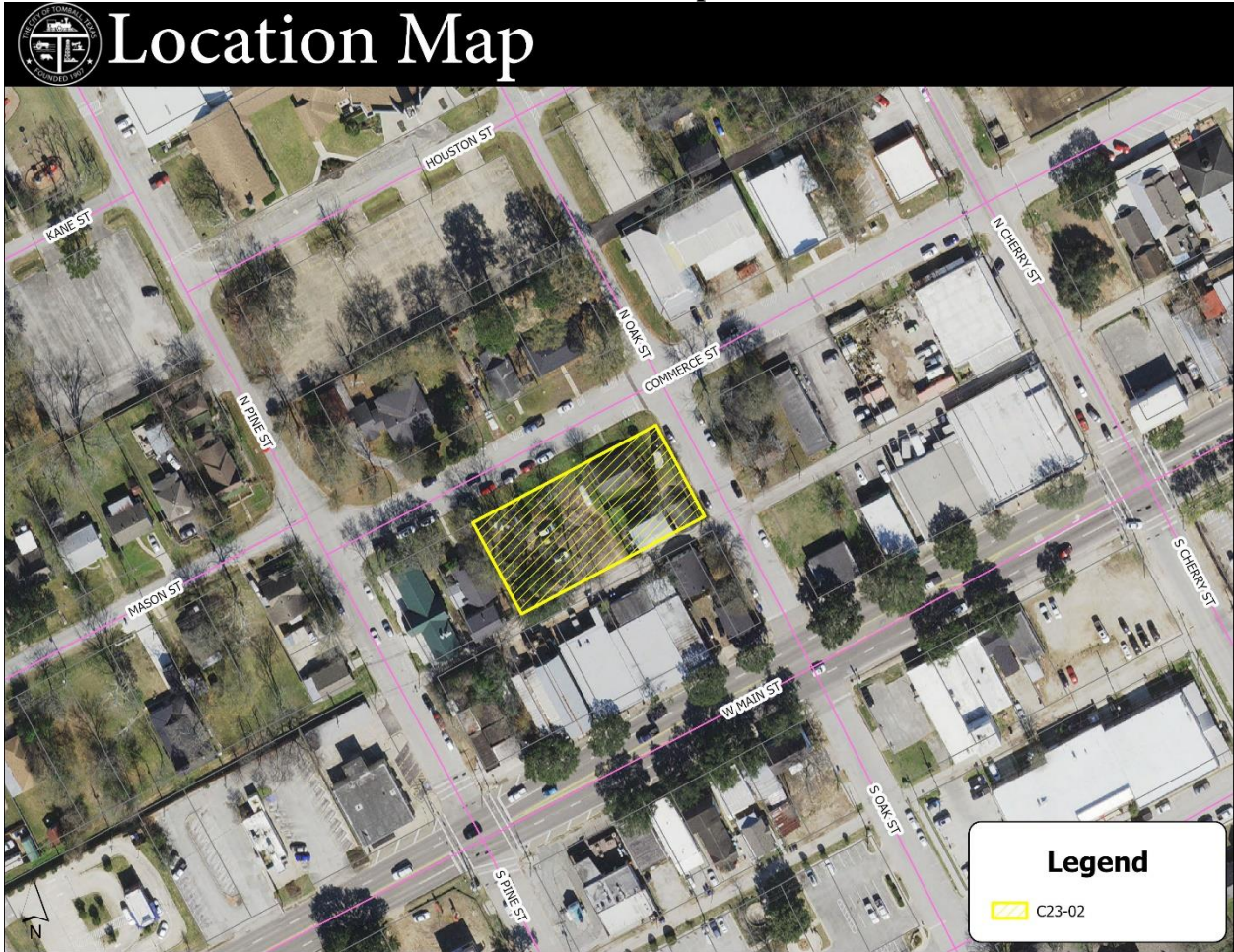
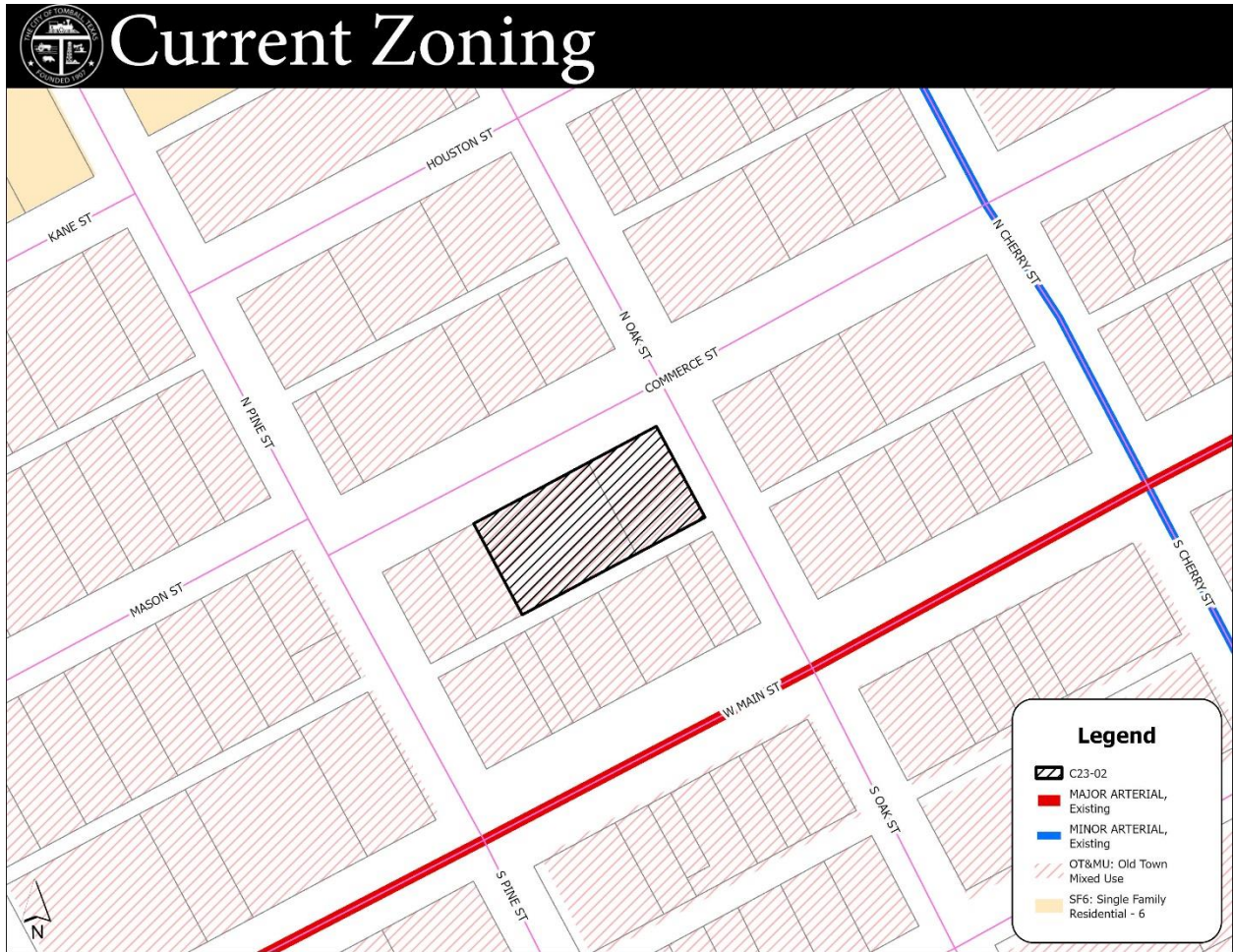
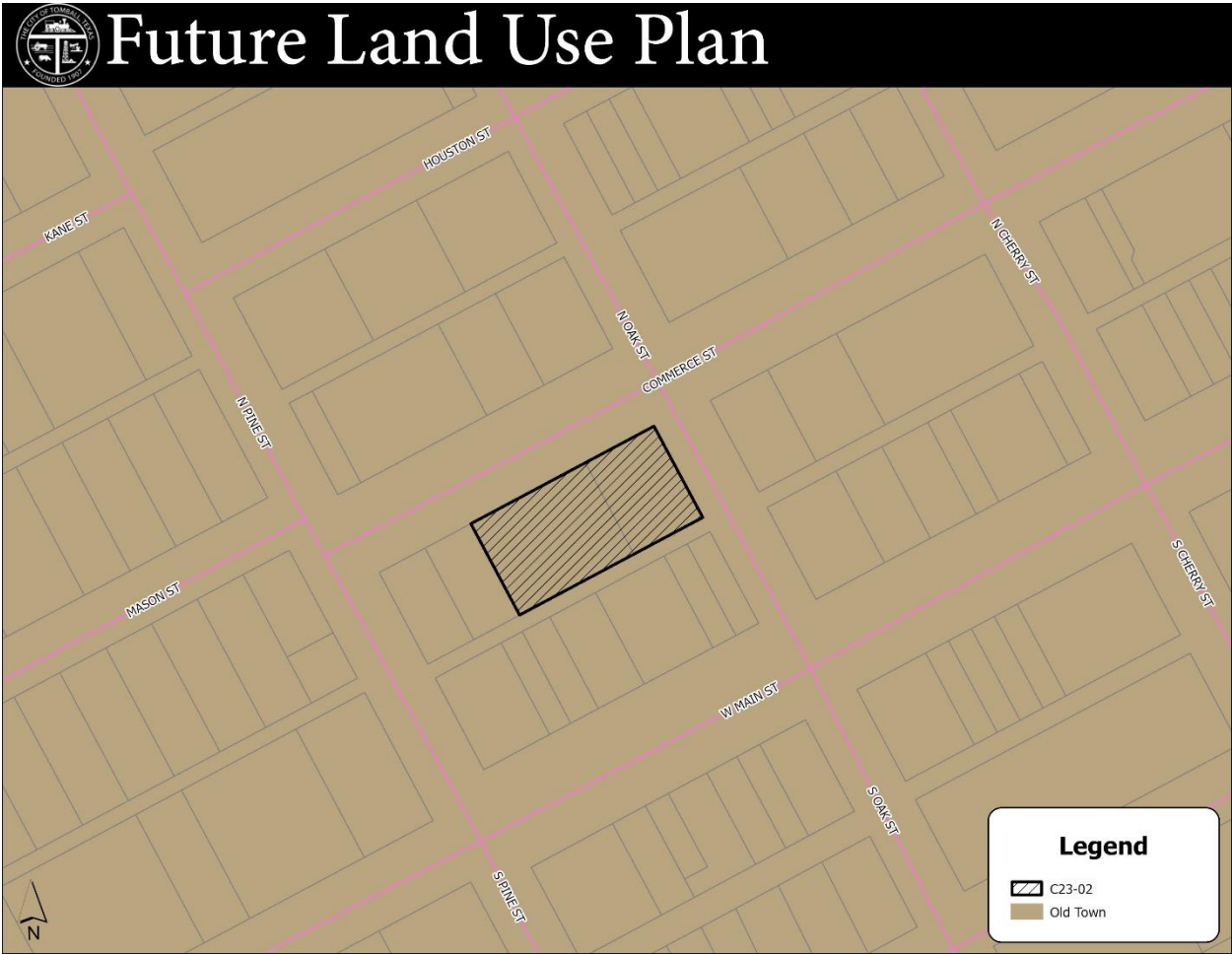


Exhibit "B"  
Zoning Map

Item F.6



# Exhibit "C" Future Land Use Map



**Exhibit “D”  
Site Photo**



Exhibit "E"  
CUP Application



Revised: 10/1/2022

\$1,000 Paid 1/31/2023

**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.

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

**DIGITAL PLAN SUBMITTALS:**

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

WEBSITE: [tomballtx.gov/secure/send](http://tomballtx.gov/secure/send)  
USERNAME: tombalredd  
PASSWORD: Tomball

**Applicant**

Name: Michael Pierce Title: Owner  
Mailing Address: 13607 ARLOTT BEND City: Tomball State: TX  
Zip: 77377 Contact: 832-474-4440 Michael Pierce  
Phone: (832) 474-4440 Email: \_\_\_\_\_

**Owner**

Name: Michael Pierce Title: Owner  
Mailing Address: 13607 ARLOTT BEND City: Tomball State: TX  
Zip: 77377 Contact: Michael Pierce  
Phone: ( ) \_\_\_\_\_ Email: ~~Michael Pierce~~ Michael Dean Pierce @ Gmail.com  
Michael Dean Pierce @ Gmail.com

**Engineer/Surveyor (if applicable)**

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

(Mobile food cart) (Open Air Market) Revised: 10/1/2022

Description of Proposed Project: Family Food Park & MARKET SPACE

Physical Location of Property: 401-409 Commerce ST.

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: \_\_\_\_\_

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: \_\_\_\_\_ Acreage: \_\_\_\_\_

Current Use of Property: CAT STORAGE - Bum sleeping - (Vacant/Commercial buildings)

Proposed Use of Property: A Family Friendly - Fair Price - Food Truck PARK - MARKET SPACE

**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.**

[Handwritten Signature]

**X** \_\_\_\_\_  
Signature of Applicant Date

[Handwritten Signature]

**X** \_\_\_\_\_  
Signature of Owner Date



## Submittal Requirements

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

**Applications must be delivered to the City at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- Application Fee: \$1,000 (Non-Refundable) ✓ MP
- Completed application form ✓ MP
- \*Copy of Recorded/Final Plat MP
- Concept/Site Plan \_\_\_\_\_
- Letter stating reason for request and issues relating to request. ✓
- Metes & Bounds of property ✓ MP
- Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Sec. 12.1 C of the Zoning Ordinance 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 Planning Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

## 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 purpose of the public hearing is to allow the Planning and Zoning Commission to conduct a fact finding process. 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 (1<sup>st</sup>) and third (3<sup>rd</sup>) 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 manor as the Planning and Zoning Commission. In the event there has been filed with the City Secretary a petition of 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.

**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, shall 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.

Dear City of Tomball Council

My name is Michael Pierce, and I am a Tomball resident and business owner and property owner in Old town Tomball mixed use area. I have lived in Tomball for 20 years and have loved watching our city grow.

We want to be a part of that growth and so on top of our other developments in town we have purchased property on commerce st between oak and pine. Approx. 401-409 commerce St. and have a fun plan for the area.

We are told we need a special use permit for this use so that is what we are applying for.

This area has been abandon for as long as I have been in Tomball and we are excited to revitalize this dead corner of old town. All other corners of old town are fully developed save this location and we want to fix that and round off the square of old tomabll with a fun new development.

Currently the spot is used mainly as a feline breeding ground & a place for cat lovers to feed stray cats. There are cats on the property as big as dogs. However unlike a duck pond or bird feeding area It smells of cat urine and if you get too close they will hiss at you for fear you are taking their food. To date no small children have been bit or contracted cat scratch fever. The space is also a nice spot for homeless to get a bite to eat from the community fridge and take a quick nap in the wooded area there. We have had to call the police a few times to wake the slumbering vagrant and remove them.

We think we can do better than the current use.

We would like to put a family friendly **market space & small food truck court** there instead and we are calling it "Commerce street market space" that will tie in the German heritage and be our small version of Luckenbach, Fredericksburg etc. and round top ere in Old Tomball. All bustling historic and travel destination in Texas. We think Old Tomball can be as popular as those areas with just a little work.

We already have had two business move on the location that are thriving and with the reminder of the location we want to build the commerce street market space. Eventually to have a unified identity and name to fit in with those iconic towns of old as mentioned above.

**Art & craft weekend vendor area**

Approx. 10-12 local vendors per weekend selling the things they make.

Face painting, balloon animals light out door acoustic music, flutes etc.

This is a space for local vendors who may not have the means to join the farmers market to still show off their wares. This in the trial run was wildly praised by the community

**Play area**

outdoor games, Corn hole court. Our door connect 4 and other fun engaging activities for passersby to play while they enjoy the space

**Sitting area**

There is plenty of sitting and tables and chairs in the space already, but we will be adding more

**Parking**

There is parking on the property , graveled in and ready to go to lessen the impact on the street parking in the area.

**Restrooms**

There are already 3 restrooms on the property, and we will be adding a 4<sup>th</sup> if approval is confirmed

**Food truck court area**

Approx. 2-3 food trucks of very style & taste

- Parking on site. Separate from city parking
- 3 restrooms on site. With a 4<sup>th</sup> to be added upon approval
- Plenty of seating area with more to be added upon approval.
- More than 10' space between trucks

**Music Room**

small indoor music room we are calling the " Old Tomball Honky Tonk" that we think will be as iconic as Luckenbach itself in time. Here locals can hear songs like " old Tomball" and "Tomball Saturday night" & "queen of old Tomball" this gathering place will be used for local musicians to meet up , play and share with the community on certain evenings.

We hope you share with us the vision for this space and old Tomball and will grant us approval to go froward. We promise to be good stewards of the area and make it a community gather in place for all ages.

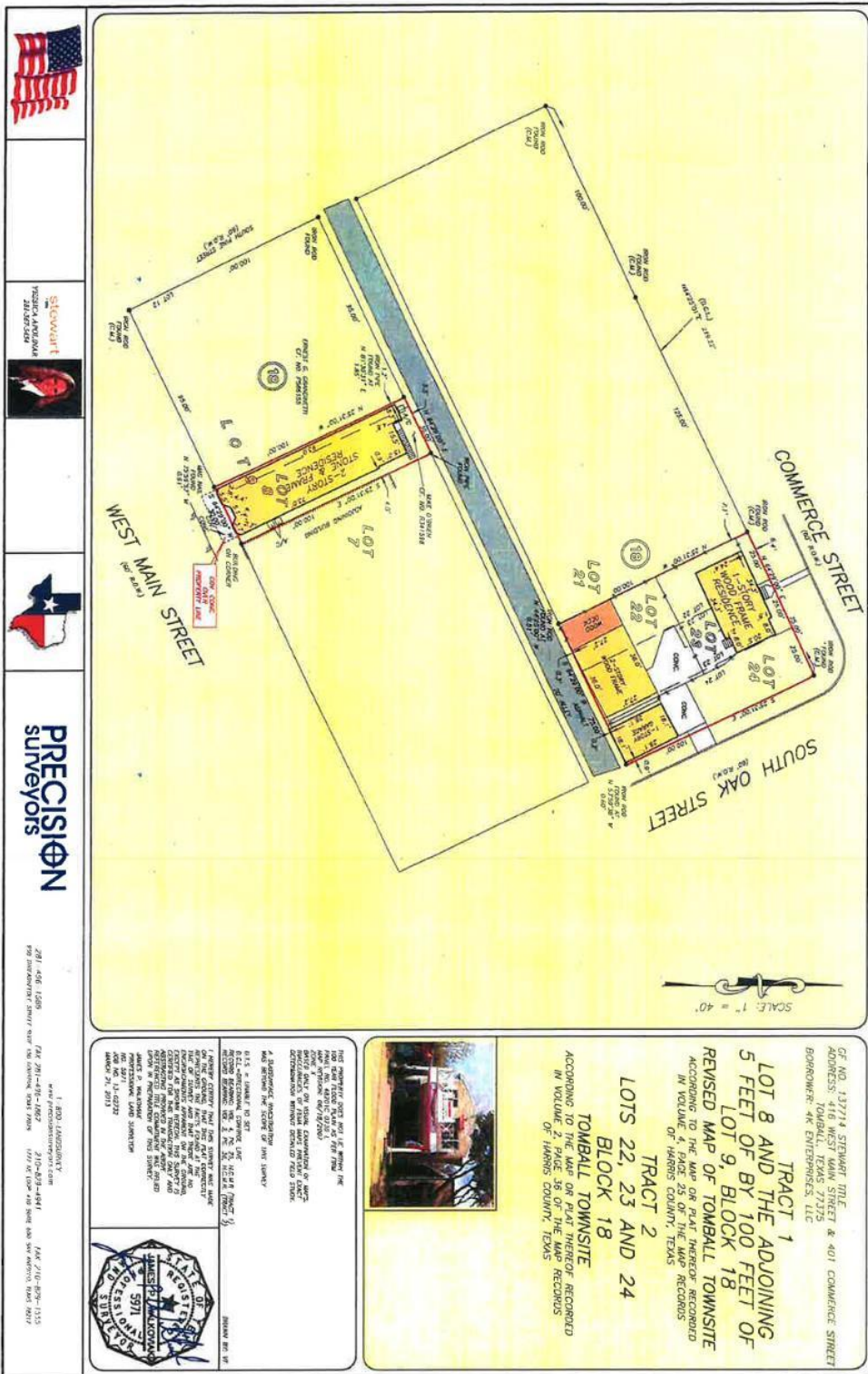
Also we are a little confused how this process works so if you could have someone reach out to guide us thru it would be helpful we are very nervous about missing any meeting or requirement from us on you side.

Thanks!

Michael Pierce  
832-474-4440  
13607 arcott bend Tomball tx 77377







**PRECISION**  
surveyors

2011-08-1588  
2012-08-1588  
2013-08-1588  
2014-08-1588  
2015-08-1588  
2016-08-1588  
2017-08-1588  
2018-08-1588  
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2026-08-1588  
2027-08-1588  
2028-08-1588  
2029-08-1588  
2030-08-1588

OF NO. 137714 STEWART TITLE  
ADDRESS: 416 WEST MAIN STREET & 401 COMMERCE STREET  
TOMBALL, TEXAS 77175  
BORROWER: WK ENTERPRISES, LLC

**TRACT 1**  
**LOT 8 AND THE ADJOINING**  
**5 FEET OF BY 100 FEET OF**  
**LOT 9, BLOCK 18**  
**REVERSED MAP OF TOMBALL TOWNSITE**  
ACCORDING TO THE MAP OR PLAT HEREOF RECORDED  
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