

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: August 14, 2023
City Council Public Hearing Date: August 21, 2023

Rezoning Case: Z23-10
Property Owner(s): NTN Tomball Corner, LLC
Applicant(s): Nathan T. Newman
Legal Description: Lots 1 & 3 of Reserve at Tomball, and Lot 2 of Reserve at Tomball Partial Replat No. 1
Location: Generally located at the northwest corner of FM 2978 & FM 2920 (Exhibit "A")
Area: 56.1 acres
Comp Plan Designation: Corridor Commercial (Exhibit "B")
Present Zoning: Commercial (C) & Single Family Residential – 9 (SF-9) (Exhibit "C")
Request: Rezone from the Commercial (C) and Single-Family Residential – 9 (SF-9) to a Planned Development District (PD #19)

Adjacent Zoning & Land Uses:

North: Planned Development District (PD #15), Commercial (C), Agricultural (AG), and Single Family Residential – 9 (SF-9) / PD #15: 55+ Age Restricted Adult Single-Family Residential Neighborhood, C & SF-9: CenterPoint Energy Overhead Utilities, C: Vacant Land, AG: Metal Fabrication Shop, SF-9: Vacant Land

South: Commercial (C), Light Industrial (LI) / C: Restaurant & Convenience Store, LI: TISD Star Academy & Administrative Offices

West: Light Industrial (LI) / Baker Hughes Education Center & Vacant Land

East: Planned Development District (PD #15), Commercial (C), Single Family Residential – 9 (SF-9) / PD #15: 55+ Age Restricted Adult Single-Family Residential Neighborhood, C & SF-9: CenterPoint Energy Overhead Utilities

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1909 and the property has remained vacant since this time. A portion of the subject property (approximately 18-acres) was the subject of a request for rezoning which would allow multi-family with a commercial reserve in February of 2020. This previous request was approved by the City Council on first reading of the ordinance, however the developer decided to withdraw their application prior to the

second reading. The city staff has met with the current owner(s) of the property on numerous occasions over the past year to discuss the planned development of the entire 56+ acres. The applicants are requesting to rezone the property to a Planned Development District with the goal of establishing a high-end mixed-use development, which will include a mix of retail and multi-family residential land uses anchored with a centrally located enhanced amenity pond incorporating pedestrian paths, observation decks, public plaza courtyard, restaurant patio areas with boardwalk frontage, open lawn/picnic area and children's playground.

ANALYSIS

Description: The subject property comprises approximately 56.1 acres, being generally located at the northwest corner of FM 2920 & FM 2978. Much of the subject property is currently located within Commercial (C) zoning with a small portion of the property being in Single Family Residential – 9 (SF-9) zoning. These zoning designations have been applicable to this site since the City of Tomball adopted zoning in 2008. Immediately north of the subject property are a variety of zoning districts to include vacant land within Single Family Residential – 9 (SF-9) and Commercial (C), a metal fabrication facility in Agricultural (AG) and a Planned Development District (PD #15) which is currently under construction and establishing a small lot (approximately 5,500 square feet) 55+ age restricted adult single family residential community. West of the subject property is Baker Hughes Education Center and vacant land within Light Industrial (LI) zoning. South of the subject site is the Tomball Independent School District STAR Academy and Administrative Offices within Light Industrial (LI) zoning as well as a fast-food restaurant and convenience store located in Commercial (C) zoning. East of the subject property is an approximately 100-foot-wide strip of land occupied by CenterPoint Energy overhead power lines within Commercial (C) and Single-Family Residential – 9 (SF-9) zoning.

Comprehensive Plan Recommendation: The subject property is designated as “Corridor Commercial” by the Comprehensive Plans Future Land Use Map. This Corridor Commercial category is intended for predominantly nonresidential uses along high traffic, regionally serving thoroughfares. According to the Comprehensive Plan, these areas will be auto-oriented, however there should be a promotion of bicycle/pedestrian accommodations to create a pleasing environment which leaves a lasting impression on residents and passers-by.

Land uses should include regional commercial, personal service offices, retail, entertainment, dining, hotels, brew pubs/distilleries and multi-family. Appropriate secondary uses may include private gathering spaces, local utility services, government facilities, and transportation uses.

The Comprehensive Plan recommends the zoning districts of – Office (O), General Retail (GR), Commercial (C), Multi-Family (MF), or Planned Development (PD)

When making decisions regarding matters pertaining to zoning in the Corridor Commercial land use category the Comprehensive Plan states the following considerations should be used as guidance. Development should gain primary access from an arterial street. Pedestrian enhancements should be a focus with comfort and safety taking priority. New developments should include improved standards for building form and architecture, buffering, landscaping, and signage. Multi-family developments in an urban architectural form should be considered in a manner complimentary to other uses.

Staff Review Comments:

The applicants request to establish a mixed-use development on the subject property is in direct alignment with the goals and objectives outlined in the Comprehensive Plan and the Corridor Commercial land use category identified on the Future Land Use Map. The subject property is located at the intersection of two major arterial streets (FM 2920 & FM 2978) as well as the intersection of a collector and major arterial street (Winfrey Lane & FM 2978). Traditional planning considers locations such as this to be routinely appropriate for commercial land use as they provide convenient access as well as exposure to the large volumes of traffic that are found on these roadways. Further, major thoroughfares such as these are considered appropriate to accommodate the traffic which is to be generated by both the commercial and multi-family residential components of this planned development.

This Planned Development promotes many of the goals and objectives found in the Comprehensive Plan which was adopted by the City Council in 2019. The Comprehensive Plan identifies the need to capitalize on mixed use developments that promote recreation and entertainment opportunities for citizens and visitors to Tomball which will leave lasting impressions. The Comprehensive Plan supports the creation of mixed-use developments that will encourage a variety of land uses within a walkable environment while also facilitating development of new neighborhoods which can integrate with the built environment. This provides opportunities for citizens in all stages of life (recent graduates, young families, empty nesters, etc.) to have convenient access between the residential and commercial uses while creating quality, complete, and enduring neighborhoods that will serve Tomball residents long into the future. This planned development establishes a walkable environment between the planned multifamily and commercial components as well as convenient access to these facilities and services to the nearby patio home residential community to the northeast (Winfrey Estates).

In addition to the endorsement of creating mixed use neighborhoods, the Comprehensive Plan encourages transitional housing. Often traditional non-single family residential housing options are developed on islands with limited supporting amenities and services. However, if developed properly these types of housing options can become effective transitions of land uses between lower intensity single-family detached residential uses and higher intensity nonresidential uses. East and south of the subject property is existing Light Industrial zoning which allows for the widest range of commercial uses which are often considered least compatible with residential uses. The portions of the site located at the intersection of FM 2920 & FM 2978 are currently zoned Commercial and the future land use plan promotes the establishment of commercial activities in this area. As you move further north/northwest from the intersection it becomes important to begin to “transition” the land use between this planned commercial activity and the small lot single-family residential community currently being developed (Winfrey Estates) as well as the planned “Neighborhood Residential” land use category identified in the Future Land Use Plan which is identified further north/northwest from this corner. The goal of establishing a multi-family complex between this planned commercial activity and the existing/planned single-family residential communities is appropriate and fits the Comprehensive Plans objective of promoting transitional land use buffering. Further, the planned development ordinance establishes standards pertaining to buffering along the property boundaries separating the multi-family component and the existing single family residential subdivision, these have been elevated in comparison to the ordinarily applicable buffering standards. Specifically, the PD ordinance requires a MINIMUM 15-foot-wide vegetative buffer yard (as opposed to 10-feet), these boundaries must be furnished with an opaque screening wall not less than 7-feet nor more than 8-feet in height (as opposed to 6-feet), and trees must be planted within this vegetative buffer at a rate of 1 three-inch (3”) tree per 40-linear feet (40’) of property boundary (as opposed to no trees being required). Lastly, the PD

ordinance stipulates that the MINIMUM rear setback for multi-family buildings when adjacent to single family residential uses/zoning is 100-feet (as opposed to the 60-foot setback ordinarily required).

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on July 26, 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 Zoning Case Z23-10.

EXHIBITS

- A. Aerial Photo
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application
- F. Planned Development Regulations

Exhibit "A"
Aerial Location Map

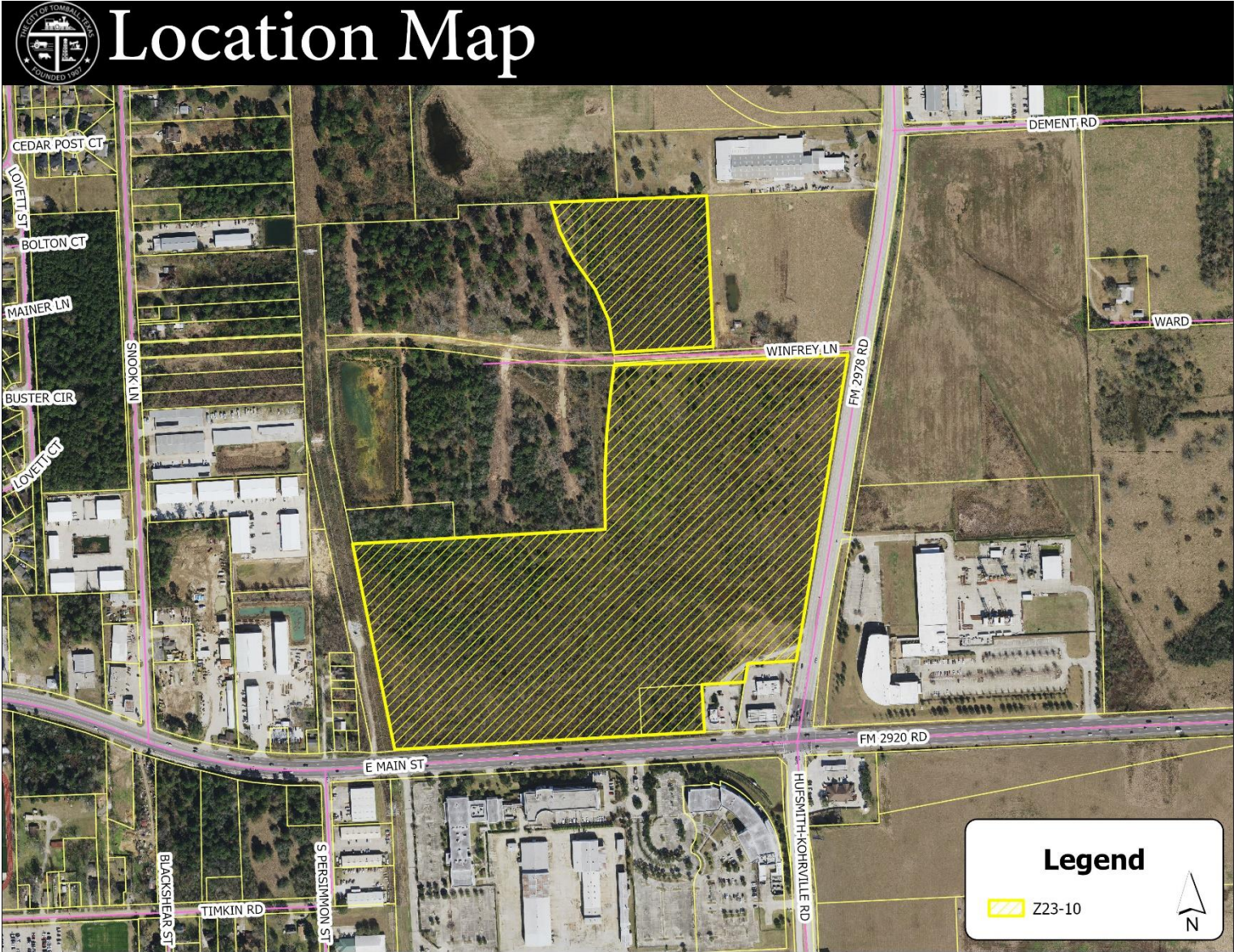


Exhibit "B"
Future Land Use Plan

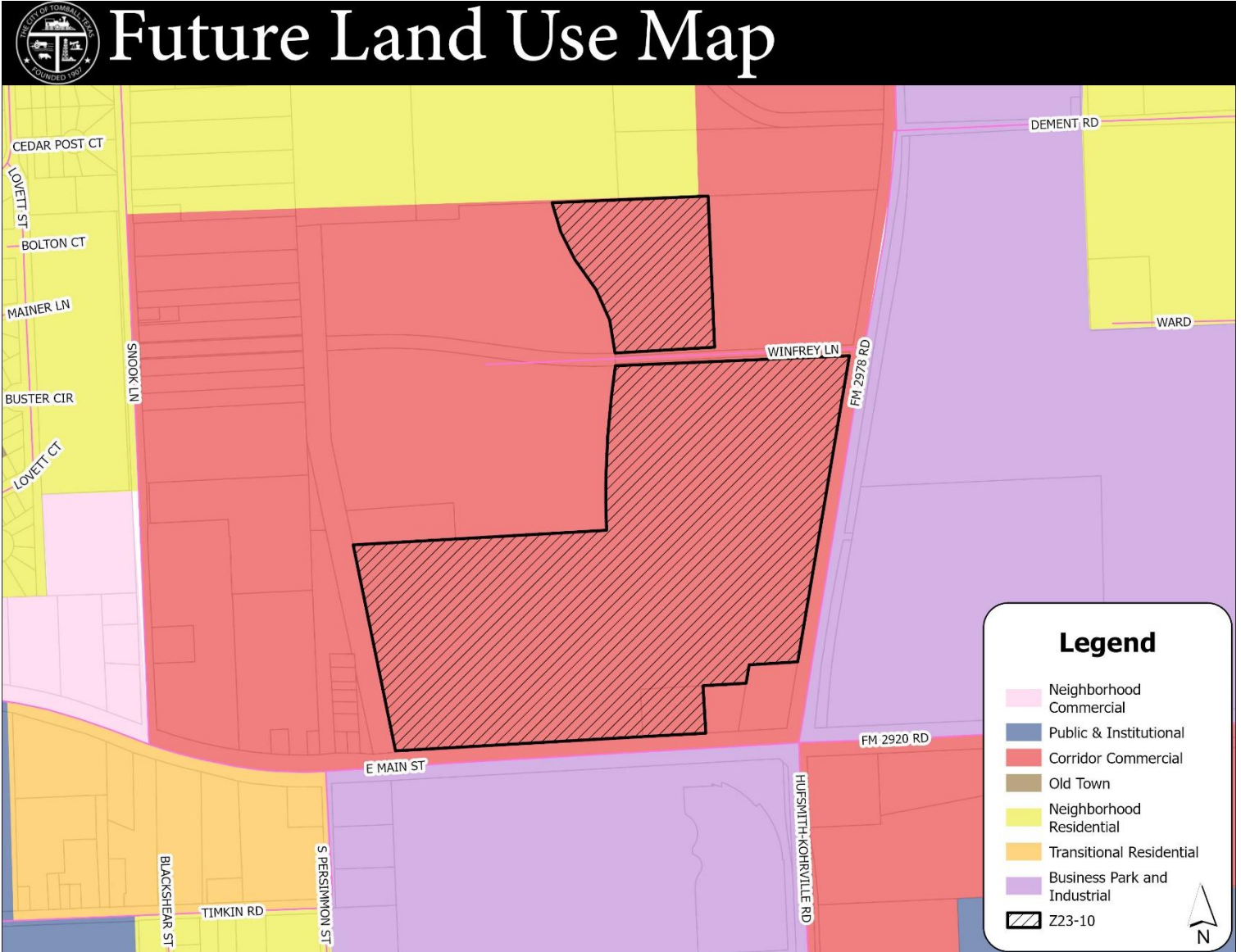
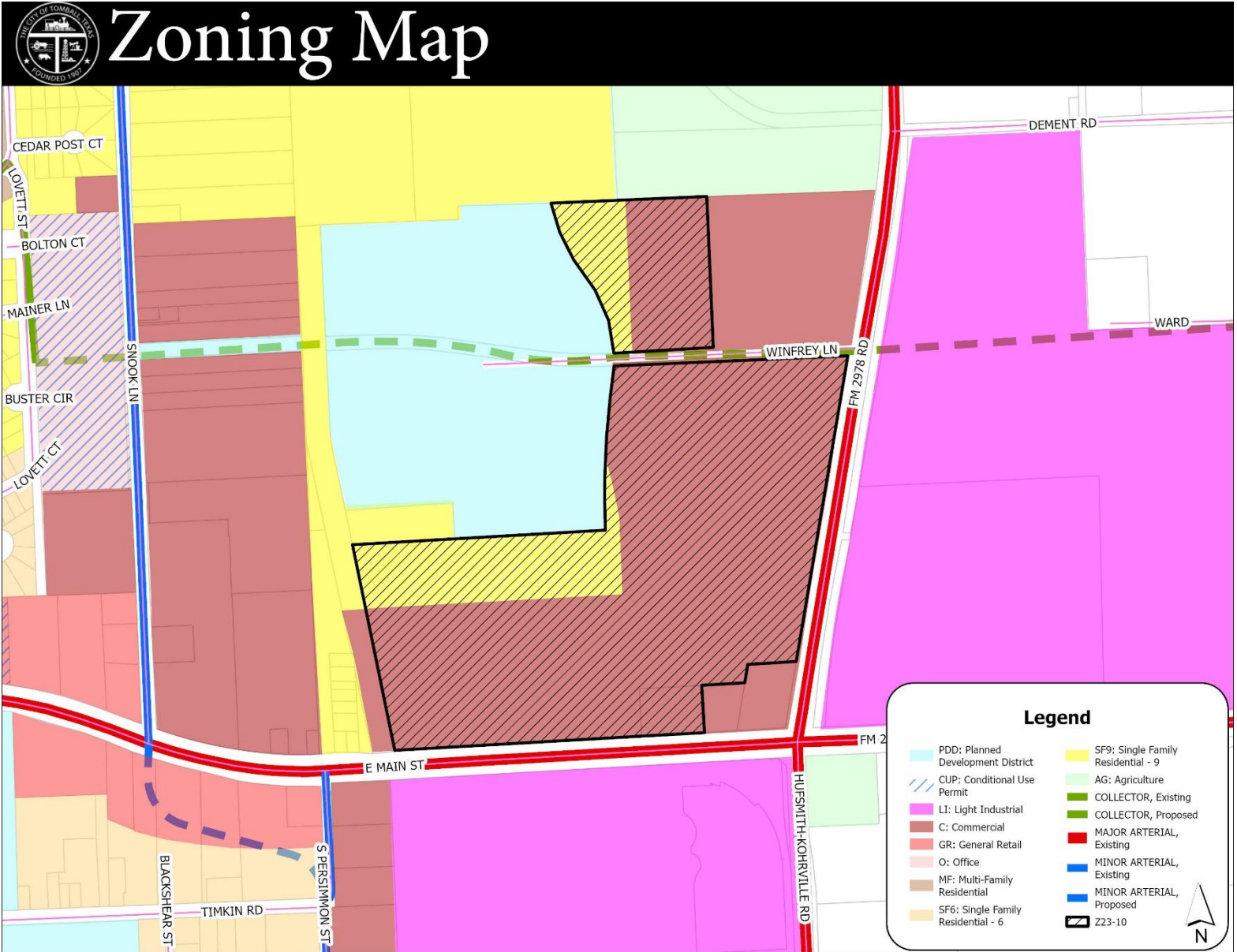


Exhibit "C"
Zoning Map



**Exhibit "D"
Site Photo(s)**

Subject Site



Subject Site



Neighbor (South)



Neighbor (East)



Neighbor (North)



Neighbor (North)



Neighbor (West)



Exhibit “E” Rezoning Application



25241 FM 2978, Suite C
Tomball, TX 77375
Phone: (281) 703-0715
www.newmancre.com

July 4, 2023

City of Tomball
Planning & Zoning Commission / City Council
501 James Street
Tomball, Texas 77375

Attn: Mr. Jared Smith
City Planner, City of Tomball
E: jasmith@tomballtx.gov

Re: Request for a Zoning Ordinance Change to a Planned Development
+/- 56-acre property @ NWQ of FM 2920 & FM 2978

Dear Mr. Smith,

On behalf of Newman Commercial Real Estate, I am pleased to present to you the comprehensive Planned Development package associated with the development project, Tomball Boardwalk.

The property was acquired on October 11, 2022, and encompasses 56.051-acres of undeveloped land. The property resides within the Tomball city limits and is currently zoned for both Single-Family SF-9 and Commercial District uses. The property was platted in 2011 and re-platted in 2014 by previous owners.

Over the past several months, my team has put together a request for a zoning ordinance change to convert the 56-acre property from Single-Family and Commercial uses to a new Mixed Use Planned Development District. Amending the zoning ordinance will support my vision and purpose for acquiring the property, as well as align with Tomball’s Future Land Use Plan. As an experienced commercial real estate developer in the north-Houston metroplex, we intend to develop a signature masterplanned project. The project will consist of a variety of uses that will be constructed over multiple phases, including retail/commercial, office, recreational, and multi-family. The planned development ordinance change will accomplish two primary objectives; 1) communicates project intent and goals to City staff/officials to ensure that the project is carried out in a methodical and intended process, 2) allows me to fully utilize this large tract of land that is suitable according to current and anticipated market conditions, while creating a mix of product which will stimulate shopping, dining, access, walkability, and sense of community. Upon your review of this application, you will observe that my team has spent a significant amount of time on the package, and the result is nothing short of a Class-A, community destination center at the east gateway of Tomball. Our investment into the project will be significant, and to realize this complex multi-phased project will require City involvement, support, and a public-private partnership. In the near future, my team will submit a Development Agreement to City staff, which will outline the metrics to achieve this project.

This property has a history of development proposals, yet has sat dormant for far too long. With the property changing hands, this is no longer the case – my team is positioned to accelerate this project. In



25241 FM 2978, Suite C
Tomball, TX 77375
Phone: (281) 703-0715
www.newmancre.com

addition, my team is local, and we have the experience and wherewithal to push the development plan forward very quickly with much less constraints.

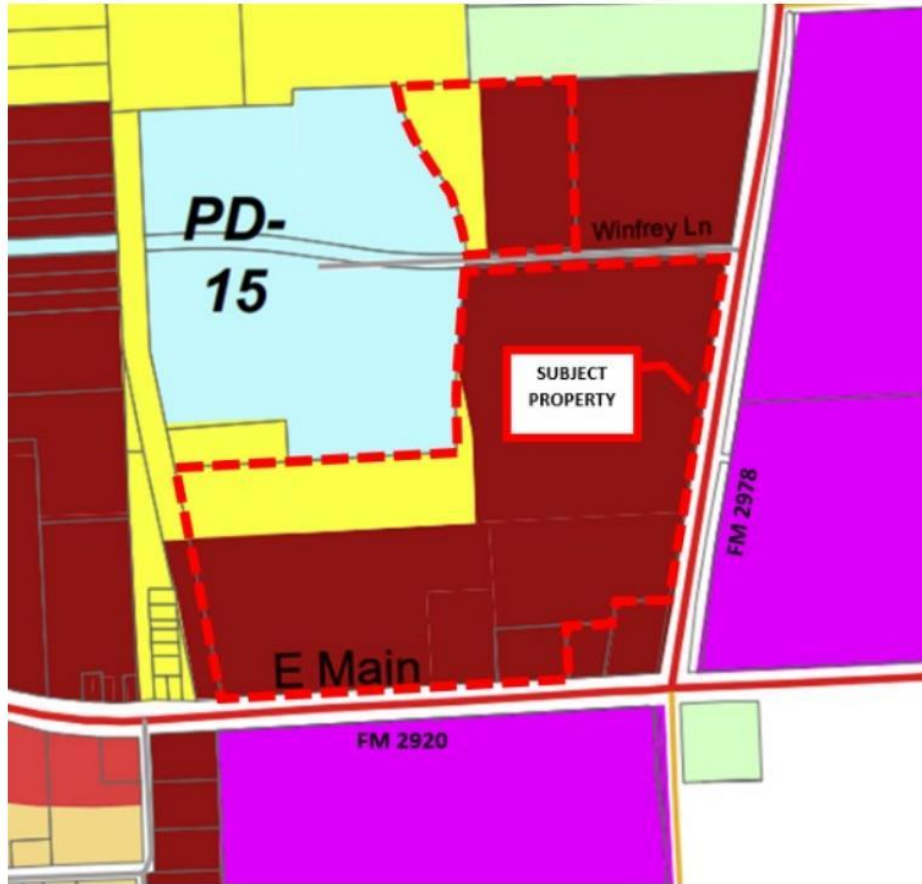
I appreciate the opportunity to submit this Zoning Ordinance change request and application package. Please do not hesitate to contact me if there are any questions related to the property and/or request.

Sincerely,

Nathan T. Newman

Enclosures: Current Zoning Map Exhibit – Subject Property
 Application for Planned Development and its enclosures required

CURRENT ZONING MAP





Revised: 10/1/2022

**Application for
Planned Development
Engineering & Planning Department**

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

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

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

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

There is a \$1,500.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

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

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

Applicant

Name: NATHAN T. NEWMAN Title: MANAGER
Mailing Address: 25241 FM 2978, STE. C City: TOMBALL State: TX
Zip: 77375
Phone: (281) 703-0715 Fax: () Email: NATE@NEWMANCRG.COM

Owner

Name: NTN TOMBALL CORNER, LLC Title: —
Mailing Address: 87 N HUNTERS CROSSING CIR City: THE WOODLANDS State: TX
Zip: 77381
Phone: () Fax: () Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: MIXED-USE 56-ACRE PROJECT

Physical Location of Property: NWQ OF FM 2920 & FM 2978

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

Legal Description of Property: LT 1 RESERVE AT TOMBALL
LT 2 RESERVE AT TOMBALL PAR R/P
LT 3 RESERVE AT TOMBALL

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

HCAD Identification Number: 1328330000001
1328330000002 Acreage: 56.051
1328330000003

Current Use of Property: INVESTMENT

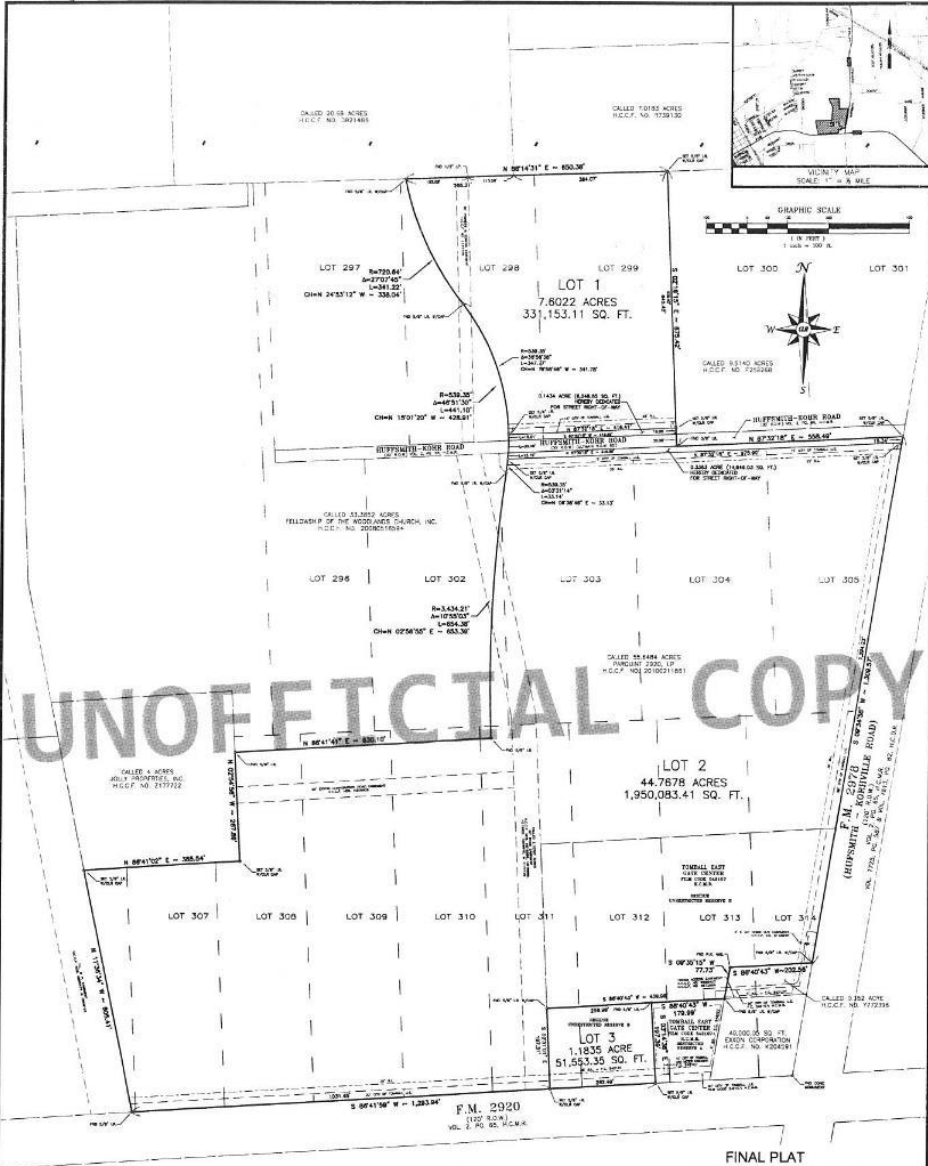
Proposed Use of Property: RETAIL/COMMERCIAL MIXED-USE + MULTI-FAMILY

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

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

X Nathan T. Newman 11/1/2022
Signature of Applicant Date

X Nathan T. Newman 11/1/2022
Signature of Owner Date



UNOFFICIAL COPY

AREA SUMMARY		
DESCRIPTION	SQ. FT.	ACRES
LOT 1	33,153.11	7.8022
LOT 2	1,950,083.41	44.7878
LOT 3	51,533.35	1.1835
NORTH ROAD, RESERVOIR	2,748.00	0.1400
SOUTH ROAD, RESERVOIR	1,448.00	0.3300
CRUISE, HUFFSMITH-HOW ROAD	13,853.20	0.3157
OTHER AREAS	3,762,918.87	86.2200
TOTAL AREAS (7)	2,322,083.54	53.0352

* - THE 5% RESERVE ALONG THE RESERVE BOUNDARIES WITHIN THE PUBLIC ROAD RIGHT-OF-WAY OF HUFFSMITH-HOW ROAD 100 FEET WIDE BEYOND THE DRIVE AVENUE 50% AVENUE WITHIN THE FILE RECORDS.

OFFICE OF
DEAN STUBBS
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
440134
FROM CODE
RESERVE AT TOMBALL FINAL
PLAT
THIS IS PAGE 2 OF 3 PAGES
SCANNED ELECTRONICALLY
KEY MAP

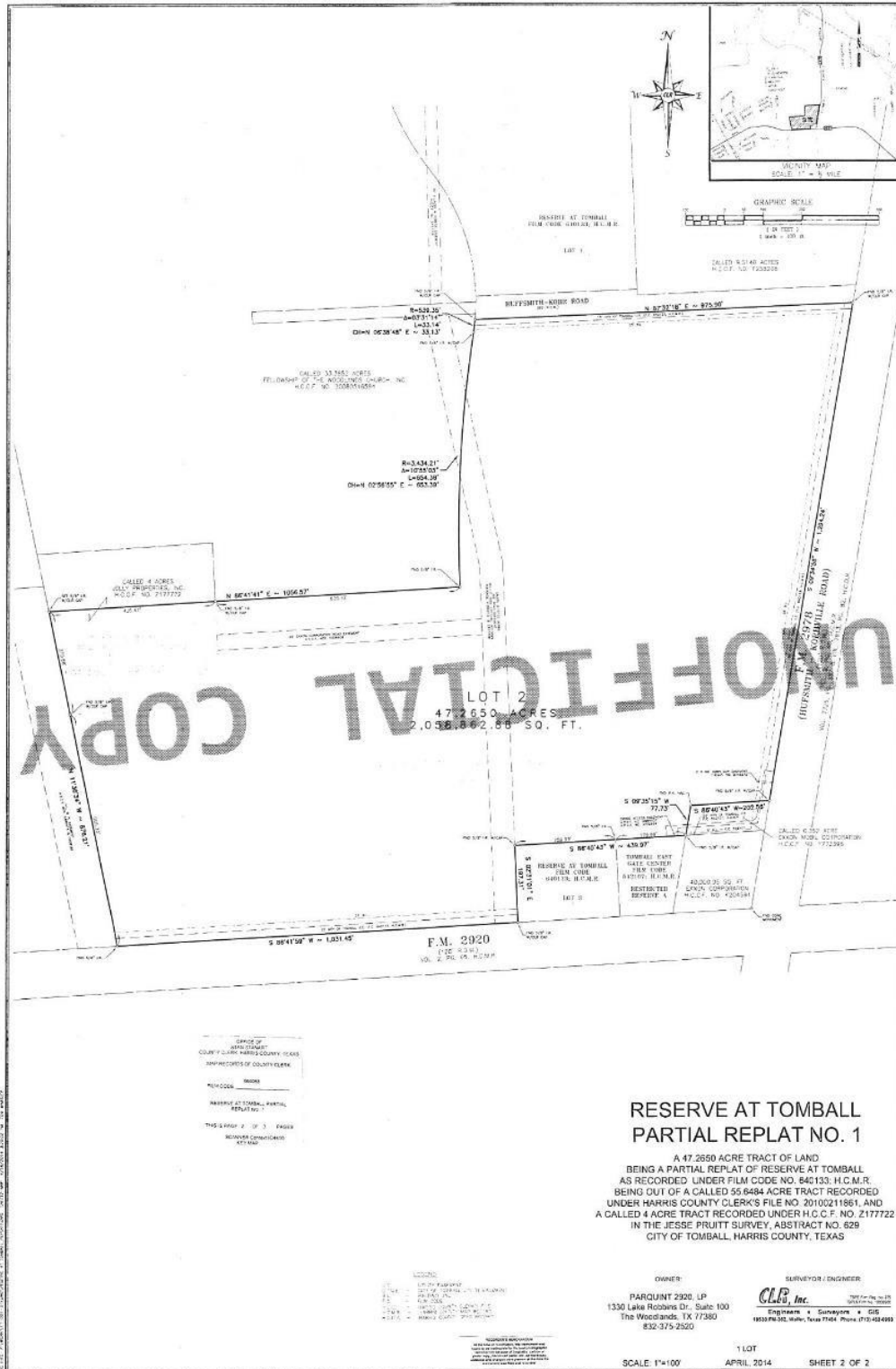
**FINAL PLAT
RESERVE AT TOMBALL**

A 54.0332 ACRE TRACT OF LAND BEING A PARTIAL REPLAT OF TOMBALL TOWNSITE RECORDED IN VOLUME 2, PAGE 65 H.C.M.R., AND TOMBALL EAST GATE CENTER RECORDED UNDER FILM CODE NO. 542107 H.C.M.R. BEING OUT OF A CALLED 55.6484 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20100211861, AND THE RESIDUE OF UNRESTRICTED RESERVE "B", TOMBALL, EAST GATE CENTER IN THE JESSE PRUITT SURVEY ABSTRACT NO. 629 CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

OWNER:
PARQUINT 2020, LP
1330 Lake Robbins Dr., Suite 100
The Woodlands, TX 77380
832-375-2520

SURVEYOR/ENGINEER:
CLR, Inc.
Engineers & Surveyors & GIS
18000 Rockledge, Houston, Texas 77058
Phone: (713) 465-9900 Fax: (713) 465-2700

31 LOTS
SCALE: 1"=100' MARCH 2011 SHEET 2 OF 2



UNOFFICIAL COPY

LOT 2
47.2650 ACRES
2,038,862.88 SQ. FT.

OFFICE OF
 COUNTY CLERK
 HARRIS COUNTY, TEXAS
 1500 HOUSTON STREET
 HOUSTON, TEXAS 77002
 THIS IS PAGE 2 OF 3 PAGES
 RECORD NUMBER
 451446

**RESERVE AT TOMBALL
PARTIAL REPLAT NO. 1**

A 47.2650 ACRE TRACT OF LAND
 BEING A PARTIAL REPLAT OF RESERVE AT TOMBALL
 AS RECORDED UNDER FILM CODE NO. 846133, H.C.M.R.
 BEING OUT OF A CALLED 50.6484 ACRE TRACT RECORDED
 UNDER HARRIS COUNTY CLERK'S FILE NO. 20100211861, AND
 A CALLED 4 ACRE TRACT RECORDED UNDER H.C.C.F. NO. Z177722
 IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629
 CITY OF TOMBALL, HARRIS COUNTY, TEXAS

LICENSED
 SURVEYOR
 STATE OF TEXAS
 NO. 12345
 EXP. 12/31/2015

OWNER
 PARQUINT 2920, LP
 1330 Lela Robbins Dr., Suite 100
 The Woodlands, TX 77380
 832-375-2520

SURVEYOR / ENGINEER
CLB, Inc.
 1903 Park Blvd., Suite 100
 Houston, TX 77056
 Phone: 281-468-8888

SCALE 1"=100' 11 LOT APRIL, 2014 SHEET 2 OF 2

TAX CERTIFICATE

MIKE SULLIVAN
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON AVE., SUITE 100
HOUSTON, TEXAS 77001

Issued To:
PARQUINT 2020 LP
59 N ROYAL FERN DR
SPRING, TX 77380-3402

Legal Description:
R8 12A
ABST 823 J FRUIT

Parcel Address: 0 MAIN ST
Legal Acres: 4.0000

Account Number: 044-055-000-0194
Certificate No: 1334493
Certificate Fee: \$10.00

Print Date: 05/05/2014
Folio Date: 12/04/13
Issue Date: 03/03/14
Operator ID: DPUNGLBY

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 24.01 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

2013 Value: 110,443
2013 Levy: \$1,355.32
2013 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&L + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Owner:

PARQUINT 2020 LP
59 N ROYAL FERN DR
SPRING, TX 77380-3402

Certified Tax Entities:

- 01 Harris County
- 02 Harris County Flood Control Dist
- 02 Precinct Revenue Authority
- 03 Harris County Hospital District
- 05 Harris County Dept. of Education
- 05 Lone Star College System
- 05 City of Tomball
- 07 Emergency Services Dist #1 (E.M.S.)

Reference (CP) No. [Signature]
Issued By: MIKE SULLIVAN
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

Mapquest Tax Assessor Ref v1.73

TAX CERTIFICATE

MIKE SULLIVAN
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON AVE., SUITE 100
HOUSTON, TEXAS 77001

Issued To:
PARQUINT 2020 LP
59 N ROYAL FERN DR
SPRING, TX 77380-3402

Legal Description:
LT 2
RESERVE AT TOMBALL

Parcel Address: 0 FM 2020
Legal Acres: 44.7678

Account Number: 132-333-000-0002
Certificate No: 1283439
Certificate Fee: \$10.00

Print Date: 05/05/2014
Folio Date: 12/04/13
Issue Date: 03/03/14
Operator ID: DPUNGLBY

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 24.01 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

2013 Value: 3,710,277
2013 Levy: 542,611.68
2013 Levy Balance: \$1.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&L + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Owner:

PARQUINT 2020 LP
59 N ROYAL FERN DR
SPRING, TX 77380-3402

Certified Tax Entities:

- 01 Harris County
- 01 Harris County Flood Control Dist
- 01 Port of Houston Authority
- 02 Harris County Hospital District
- 04 Harris County Dept. of Education
- 05 Lone Star College System
- 05 City of Tomball
- 07 Emergency Services Dist #1 (E.M.S.)

Reference (CP) No. [Signature]
Issued By: MIKE SULLIVAN
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

Mapquest Tax Assessor Ref v1.73

OFFICE OF
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK

FILM CODE: 00499

RESERVE AT TOMBALL PARTIAL
PARCEL NO. 1

THIS IS PAGE 3 OF 3 PAGES
SCANNER CODE: 04400

TAX CERTIFICATE FOR ACCOUNT: 044055000194
AD NUMBER: 044055000194
OF NUMBER: 1
CERTIFICATE NO: 1334493
COLLECTING AGENCY: [Signature]
59 N ROYAL FERN DR
SPRING TX 77380-3402

DATE: 5/5/2014
FEE: \$10.00
PROPERTY DESCRIPTION: TR 12A
ACST 823 J FRUIT
000000 E MAIN ST
4 ACRES
PROPERTY OWNER: PARQUINT 2020 LP
59 N ROYAL FERN DR
SPRING, TX 77380-3402

THIS IS TO CERTIFY THAT THE AD VALOREM RECORDS OF THE TOMBALL ISD TAX ASSESSOR-COLLECTOR REFLECT THE TAX, INTEREST, AND OTHER STATUTORY FEES THAT HAVE BEEN ASSESSED AND ARE NOW DUE TO THE TAXING ENTITIES AND FOR THE YEARS SET OUT BELOW FOR THE DESCRIBED PROPERTY HEREIN. THE TAX ASSESSOR-COLLECTOR MAKES NO CERTIFICATION AS TO THE AMOUNT OF TAX, PENALTY, INTEREST, OR OTHER FEES ASSESSED BY OR DUE ANY TAXING ENTITY FOR THE YEAR OR YEARS FOR WHICH THE TAX ASSESSOR-COLLECTOR DID NOT HAVE THE STATUTORY DUTY TO COLLECT OR KEEP RECORDS OF SUCH COLLECTION. ADDITIONAL TAXES MAY BECOME DUE ON THE DESCRIBED PROPERTY, WHICH ARE NOT REFLECTED HEREIN. IF THE SAID DESCRIBED PROPERTY HAS OR IS RECEIVING ANY SPECIAL STATUTORY VALUATIONS THAT MAY TRIGGER TAX ROLLBACK PROVISIONS, THIS CERTIFICATE APPLIES TO AD VALOREM TAXES ONLY AND DOES NOT APPLY TO ANY SPECIAL ASSESSMENT LEVELS.

CURRENT VALUES							
LANDMKT VALUE	110,443	IMPROVEMENT	0	DEF HOMESTEAD	0	DEF INT	0
AD LAND VALUE	0	APPRAISED VALUE	110,443	LIMITED VALUE	0	ATTY	0.00
EXEMPTIONS							
LAWSUITS							
YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2013	TOMBALL I.S.D.	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CERTIFIED TAX DUE 5/5/14:							\$0.00
ISSUED TO:		PARQUINT 2020 LP					
ACCOUNT NUMBER:		044055000194					

CERTIFIED BY: [Signature] TOMBALL I.S.D.

This is a statement from the Tax Collector of Tomball I.S.D., indicating that the taxes to be imposed by Tomball Independent School District for the 2014 tax year have not been calculated as of the above date.

TAX CERTIFICATE FOR ACCOUNT: 132333000002
AD NUMBER: 132333000002
OF NUMBER: 1
CERTIFICATE NO: 1283439
COLLECTING AGENCY: [Signature]
59 N ROYAL FERN DR
SPRING TX 77380-3402

DATE: 5/5/2014
FEE: \$10.00
PROPERTY DESCRIPTION: LT 2
RESERVE AT TOMBALL
000000 FM 2020
44.7678 ACRES
PROPERTY OWNER: PARQUINT 2020 LP
59 N ROYAL FERN DR
SPRING TX 77380-3402

THIS IS TO CERTIFY THAT THE AD VALOREM RECORDS OF THE TOMBALL ISD TAX ASSESSOR-COLLECTOR REFLECT THE TAX, INTEREST, AND OTHER STATUTORY FEES THAT HAVE BEEN ASSESSED AND ARE NOW DUE TO THE TAXING ENTITIES AND FOR THE YEARS SET OUT BELOW FOR THE DESCRIBED PROPERTY HEREIN. THE TAX ASSESSOR-COLLECTOR MAKES NO CERTIFICATION AS TO THE AMOUNT OF TAX, PENALTY, INTEREST, OR OTHER FEES ASSESSED BY OR DUE ANY TAXING ENTITY FOR THE YEAR OR YEARS FOR WHICH THE TAX ASSESSOR-COLLECTOR DID NOT HAVE THE STATUTORY DUTY TO COLLECT OR KEEP RECORDS OF SUCH COLLECTION. ADDITIONAL TAXES MAY BECOME DUE ON THE DESCRIBED PROPERTY, WHICH ARE NOT REFLECTED HEREIN. IF THE SAID DESCRIBED PROPERTY HAS OR IS RECEIVING ANY SPECIAL STATUTORY VALUATIONS THAT MAY TRIGGER TAX ROLLBACK PROVISIONS, THIS CERTIFICATE APPLIES TO AD VALOREM TAXES ONLY AND DOES NOT APPLY TO ANY SPECIAL ASSESSMENT LEVELS.

CURRENT VALUES							
LANDMKT VALUE	3,710,277	IMPROVEMENT	0	DEF HOMESTEAD	0	DEF INT	0
AD LAND VALUE	0	APPRAISED VALUE	3,710,277	LIMITED VALUE	0	ATTY	0.00
EXEMPTIONS							
LAWSUITS							
YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2013	TOMBALL I.S.D.	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CERTIFIED TAX DUE 5/5/14:							\$0.00
ISSUED TO:		PARQUINT 2020 LP					
ACCOUNT NUMBER:		132333000002					

CERTIFIED BY: [Signature] TOMBALL I.S.D.

This is a statement from the Tax Collector of Tomball I.S.D., indicating that the taxes to be imposed by Tomball Independent School District for the 2014 tax year have not been calculated as of the above date.

SUBJECT TRACT DESCRIPTION (AS SURVEYED):

Being 56.051 acres (2,441,582 square feet) of land situated in the Jesse Pruett Survey, A-629 of Harris County, Texas being all of Lot 2 as shown on the plat of RESERVE AT TOMBALL PARTIAL REPLAT NO. 1, subdivision per plat recorded under Film Code Number (F.C.N.) 664062 of the Harris County Map Records (H.C.M.R.) and being all of Lot 1 and Lot 3 as shown on the plat of RESERVE AT TOMBALL, a subdivision per plat recorded under F.C.N. 640133 of the H.C.M.R., said 56.051 acre tract of land being more particularly described by metes and bounds as follows:

LOT ONE (1) DESCRIPTION:

Being all of Lot 1 as shown on the plat of RESERVE AT TOMBALL, a subdivision per plat recorded under Film Code Number (F.C.N.) 640133 of the Harris County Map Records.

LOTS TWO (2) AND THREE (3) DESCRIPTION:

Being a 48.449 acres (2,110,422 square feet) of land situated in the Jesse Pruett Survey, A-629 of Harris County, Texas being all of Lot 2 as shown on the plat of RESERVE AT TOMBALL PARTIAL REPLAT NO. 1, subdivision per plat recorded under Film Code Number (F.C.N.) 664062 of the Harris County Map Records (H.C.M.R.) and being all of Lot 3 as shown on the plat of RESERVE AT TOMBALL, a subdivision per plat recorded under F.C.N. 640133 of the H.C.M.R., said 48.449 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point for the northwest intersection of FM 2920 and FM 2978, same being the southeast corner of Lot 1, Block 1 as shown on the plat of STRIPES - FM 2920, a subdivision per plat recorded under F.C.N. 640002 of the H.C.M.R., from which a concrete monument bears South 76°06'53" East, a distance of 0.51 feet;

THENCE South 86°41'59" West, along and with the north right-of-way line of FM 2920 (120 foot wide public right-of-way), passing at a distance of 202.77 feet a 5/8 inch iron rod found and continuing for a total distance of 338.03 feet to a 1/2 inch iron rod with cap found for the southerly southeast corner and POINT OF BEGINNING of the herein described tract, same being the southeast corner of said Lot 3 and the southwest corner of Restricted Reserve "A" as shown on the plat of TOMBALL EAST GATE CENTER, a subdivision per plat recorded under F.C.N. 542107 of the H.C.M.R.;

THENCE South 86°41'59" West, continuing along and with the north right-of-way line of said FM 2920, a distance of 1,293.94 feet to a 5/8 inch iron rod found for the southwest corner of the herein described tract, same being the southeast corner of a called 5.1420 acre tract of land as described in an instrument to Houston Lighting and Power Company, recorded under Clerk's File Number (C.F.N.) G908192 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P. H.C.T.)

THENCE North 11°36'34" West, along and with the northeast line of said 5.1420 acre tract, passing at a distance of 605.33 feet a 5/8 inch iron rod and continuing for a total distance of 876.21 feet to a 5/8 inch iron rod with cap found for an exterior point for corner of the herein described tract, same being the southwest corner of Tract 12A as described in an instrument to Jolly Properties, Inc., recorded under C.F.N. RP-2020-605651 of the O.P.R.R.P. H.C.T.;

THENCE North 86°41'41" East, a distance of 1,056.57 feet to a 5/8 inch iron rod with cap found for an interior point for corner of the herein described tract, same being the southeast corner of Reserve "A" as shown on the plat of PECK STATION, a subdivision per plat recorded under F.C.N. 666109 of the H.C.M.R. and as described in an instrument to CHTA Development, Inc., recorded under C.F.N. RP-2021-407355 of the O.P.R.R.P. H.C.T. and being the beginning of a curve to the right;

THENCE along and with said curve to the right, having an arc distance of 654.38 feet, a radius of 3,434.21 feet, a central angle of 10°55'03", and whose long chord bears North 02°56'55" East, 653.39 feet to a 5/8 inch iron rod with cap found for a point for corner of the herein described tract and being a reverse curve to the left;

THENCE along and with said curve to the left, an arc distance of 33.14 feet, a radius of 539.35 feet, a central angle of $03^{\circ}31'12''$, and whose long chord bears North $06^{\circ}38'50''$ West, 33.13 feet to a 5/8 inch iron rod with cap stamped "Core 6657" set for the northwest corner of the herein described tract, lying in the east line of said Reserve "A" and the south right-of-way line of Huffsmith-Kohr Road (30 foot wide public right-of-way, ultimately a 60 foot wide public right-of-way);

THENCE North $87^{\circ}32'18''$ East, along and with the south right-of-way line of said Huffsmith-Kohr Road, a distance of 975.90 feet to a 5/8 inch iron rod with cap stamped "Core 6657" set for the northeast corner of the herein described tract, lying in the west right-of-way line of FM 2978 (120 foot wide public right-of-way);

THENCE South $09^{\circ}34'58''$ West, along and with the west right-of-way line of said FM 2978, a distance of 1,294.24 feet to a point for the easterly southeast corner of the herein described tract and the northeast corner of Lot 1, Block 1 of said STRIPES - FM 2920, from which a 5/8 inch iron rod found bears South $80^{\circ}01'02''$ East, a distance of 0.45 feet;

THENCE South $86^{\circ}40'43''$ West, a distance of 202.56 feet to an interior point for corner of the herein described, same being the northwest corner of Lot 1, Block 1 of said STRIPES - FM 2920, from which a mag nail found bears South $37^{\circ}44'10''$ West, a distance of 0.45 feet and from which a 5/8 inch iron rod with cap bears North $13^{\circ}46'46''$ West, a distance of 2.75 feet;

THENCE South $09^{\circ}35'15''$ West, a distance of 77.73 feet to a 5/8 inch iron rod with cap stamped "Core 6657" set for an exterior point for corner of the herein described tract, same being the northeast corner of said Restricted Reserve "A", lying in the west line of Lot 1, Block 1 of said STRIPES - FM 2920;

THENCE South $86^{\circ}40'43''$ West, a distance of 179.98 feet to a 5/8 inch iron rod found for an interior point for corner of the herein described tract, same being the northeast corner of said Lot 3;

THENCE South $03^{\circ}14'36''$ East, a distance of 197.39 feet to the POINT OF BEGINNING and containing a computed 48.449 acres (2,110,422 square feet) of land.

Exhibit “F”

Planned Development Regulations

TOMBALL BOARDWALK (FM2920 & FM2978 - PLANNED DEVELOPMENT - 2023)

Contents

- | | |
|----------------------------|---------------------------|
| a. General Provisions | h. Sidewalks and Trails |
| b. Land Uses | i. Signage |
| c. Permitted Uses | j. Minor Modifications |
| d. Development Guidelines | k. Architectural Criteria |
| e. Landscape Standards | l. Lighting |
| f. Parking Lot Landscaping | m. Amenities |
| g. Buffering / Fencing | n. Exhibits |

a. General Provisions

This application was prepared on behalf of Newman Commercial Real Estate pursuant to the city of Tomball’s ordinances and is intended to meet or exceed the standards of those ordinances. Tomball Boardwalk represents a commercial mixed-use community that aims to add value for all landowners, users, and tenants. Developments are constantly evolving due to changing consumer expectations and public regulations. Typically, this evolution reflects changing market and regulatory conditions. Thus, it is important that there exists an overall set of policies and standards to provide a framework to help guide these changes. In an effort to protect and enhance property values by controlling the scale, design and compatibility of development, these Commercial Development Guidelines for new construction have been developed. The development of this site must be in strict compliance with all standards and exhibits referenced/attached hereto.

b. Land Uses

Tomball Boardwalk will be composed of multiple land uses that may include commercial, retail, office, recreational, multi family, etc. The final composition of the allowed land use shall be dictated by market conditions. The master plan (Site Exhibit F) for Tomball Boardwalk illustrates the mix of uses proposed and the potential for a variety of multi-family and commercial areas. The commercial and retail uses may incorporate several commercial reserves for larger retail and anchor stores and smaller pad sites for retail and restaurants.

If demanded by market conditions, the multi-family residential component acreage may increase or decrease within the overall PD in areas that provide adequate access (Limited to a 20% fluctuation in acreage from current designations per phase).

c. Permitted Uses

Any use permitted in the Multi-family Zoning (MF) City of Tomball Ordinances. Conditional uses permit (CUP) will require additional approval from the planning department. Refer to Tomball Ordinance Section 50-81 for approval process.

Any use permitted in the General Retail Zoning (GR) City of Tomball Ordinances. In addition, the following uses will be permitted as-of-right:

1. Eating establishment (with drive-in service)
2. Eating establishment (with drive-through service)
3. Quick-lube oil change
4. Automobile wash (self-service)

Conditional uses permit (CUP) will require additional approval from the planning department. Refer to Tomball Ordinance Section 50-81 for approval process.

d. Development Guidelines

Unless otherwise outlined in this document, the City of Tomball Ordinance shall govern regulations and requirements for this property. Any change to this document would necessitate a change to the Planned Development and would require either City Planner and / or Community Development Director approval for minor changes or Planning & Zoning commission / City Council approval for major changes.

Multi-family development

1. Lot standard

- a. Density (Units per acre), maximum: 26 Units per acre, 34 units per acre with the addition of carport or garage.
- b. Minimum lot area: 10 acres (Multi-family complex)
- c. Minimum lot width (ft): 120
- d. Minimum lot depth (ft): 200

2. Setbacks

- a. Minimum front yard setback (ft): 25 feet. 35 feet when adjacent to an arterial street.
- b. Minimum side street setback (ft): 15 feet. 25 feet when adjacent to an arterial street.
- c. Minimum side yard setback (ft): 5 feet. If adjacent to any of the following residential uses: single family, duplex, patio home, or single-family attached, then a minimum side yard shall be 100 feet between individual residential lot & multifamily structures. Where applicable, off-site & on-site existing pipeline & utility easements may apply toward buffer yards. Refer to exhibits A & B.
- d. Minimum rear yard setback (ft): 15 feet. If adjacent to any of the following residential uses: single family, duplex, patio home, or single-family attached, then a minimum rear yard shall be 100 feet between individual residential lot & multifamily structures. Where applicable, off-site & on-site existing pipeline & utility easements may apply toward buffer yards. Refer to exhibits A & B.
- e. Exceptions: Roof eaves and projected balconies may encroach any setback by a maximum of 5'.

3. Building Requirements

- a. Building height, maximum (ft): Four (4) stories or 60 feet.
- b. Building separation, minimum (ft): -One (1) story = 15 feet for building without openings. 20 feet with openings. See exhibit C below.
-Two (2) story = 20 feet for building without openings, 35 for building with openings.
-Three (3) and four (4) story = 35 feet for building with or without openings.
- c. Floor area per dwelling, minimum (ft): Efficiency unit: 500 sqft per unit
One-bedroom unit: 725 sqft per unit
Two or more bedroom: 800 sqft for the first two bedrooms, plus an additional 125 sqft for each additional bedroom
- d. Building lot coverage, maximum (ft): 50% maximum
- e. Impervious parking lot coverage: 50% maximum
- f. Total impervious improvements: 75% maximum (for independent lots/parcels/tracts) *

(Buildings, parking, sidewalks):

*On-site amenity pond, on-site recreation area, and remote detention pond areas are considered site-wide pervious cover, crediting all independent parcels proportionally.

Commercial development

1. Lot standard

- a. Minimum lot area (sq ft): 20,000
- b. Minimum lot width (ft): 100
- c. Minimum lot depth (ft): 200

2. Setbacks (When adjacent to an arterial public street)

- a. Minimum front yard setback: 25 feet. 35 feet when adjacent to an arterial street.
- b. Minimum side street setback: 15 feet, 25 feet when adjacent to an arterial street.
- c. Minimum side yard setback: 5 feet, 25 feet when adjacent to property zoned for single-family residential.
- d. Minimum rear yard setback: 15 feet

3. Building Requirements

- a. Building height: 70 feet
- b. Building floor area, maximum: 1:1 FAR
- c. Building lot coverage, maximum: 50%
- d. Impervious (surface lot) coverage, maximum: 85% (for independent lots/parcels/tracts) *
*On-site amenity pond, on-site recreation area, and remote detention pond areas are considered site-wide pervious cover, crediting all independent parcels proportionally.
- e. Outside storage lot coverage, maximum (sf): 5%

e. Landscaping Standards

- a. Green space / recreational areas: *Multi-family:* Area calculations inclusive of shared amenity pond & remote / dry detention. 50% of gross platted area shall be open green space and common recreational area.
Commercial: Enhanced landscape beds (plants, shrubs, groundcover, etc.) will be required where required trees are located. 10% of gross platted area shall be open green space and common recreational area. See exhibit F street scape sections.
- b. Landscape area minimum (sq ft): -Sites up to 20,000 sq ft = 5%.
-Sites of 20,000 sq ft to 200,000 = 7.5%.
-Sites over 200,000 sq ft = 10% of area not covered by building or structure.
- c. Street side landscape buffer: - 15-feet-wide along major throughfares (FM 2920 / E. Main. St & FM 2978 / Hufsmith Kohrville Rd)
- All boulevard entrances and other site entrances from FM 2920 & 2978 must be furnished with a minimum 5-foot-wide landscape strip and provide 1 large street tree every 30-linear foot of street frontage.
- d. Street trees, minimum: 1 large tree and 2 small trees for every 40-linear foot of street frontage

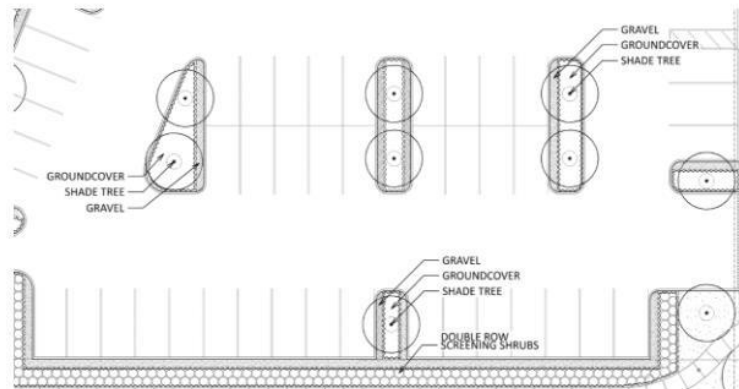
- e. Tree requirements, minimum (in addition to required street trees)
- Sites less than 3,000 sqft = 3
 - Sites of 3,001 to 7,000 sqft = 4
 - Sites of 7,001 to 10,000 sqft = 5
 - Sites of 10,001 to 20,000 sqft = 6
 - Sites of 20,001 to 30,000 sqft = 7
 - Sites of 30,001 to 40,000 sqft = 8
 - Sites over 40,000 sqft = per 20,000 sqft = 3
- f. Parking lot trees, minimum:
- 1 tree shall be planted in the parking area for every (10) parking spaces, for parking lots with more than 20 spaces. Enhanced landscape beds (plants, shrubs, groundcover, etc.) will be required where trees are located. See section F for more detail on parking lot landscape requirement.

f. Parking lot landscaping

Parking areas for pad sites must be connected to parking areas of adjacent parcels and structures with a connecting driveway. A continuous double hedge row of shrubs planted with triangular spacing along the parking lot boundary adjacent to a street (major throughfare, throughfare, boulevard entrance, etc.) is required. The shrubs shall be a minimum of five (5) gallon size of thirty-six (36") in height, planted thirty inches (30") on center and maintained at a uniform height of forty-two inches (42").

At areas where monument signage may be installed a temporary interruption in continuity (up to 20') may be warranted for signage visibility. One nine by nineteen-foot (9'x19') landscape island is required for every ten (10) parking spaces. Landscape Island may include a 6" perimeter concrete curb within the required 9'x19' area. Each island shall contain a minimum of one (1) three-inch (3") caliper canopy tree with the remaining planted area consisting of a low shrub or groundcover. An 18" strip of gravel contained by steel edging shall be located directly adjacent to any length of parking stall. No sod or hydromulch shall be permitted within the island extents. Each island corner shall consist of a three-foot (3') radius along the driving isle. Each bay of parking must be separated from the end drive aisles by a landscape island consisting of the required parking lot island landscaping. A typical parking lot planting scenario can be found below:

Parking lot landscape exhibit



g. Buffering / Fencing

An opaque screening wall not less than 7 feet nor more than 8 feet, shall be erected on the property line separating zoning district in the following cases:

1. When non-residential or multi-family use sides / backs up to a single-family, two-family, or residential PD district.
2. When commercial use is on a tract less than 15 acres and sides / back up to a multi-family district. Unless in special areas where visibility is encouraged.
3. When commercial or multi-family use is adjacent to a residential area, a 15-foot landscape buffer is required to be installed incorporating walking trails and site trees at a rate of 1 three-inch (3") tree per 40' of property boundary. Tree species will vary, including Oak, Pine, and low shrubs to gain vertical screening as illustrated in exhibit A and exhibit B.

Fencing material may be treated wood, masonry, reinforced concrete, or similar suitable materials without openings, unless in special areas where visibility is encouraged.

All refuse containers must be screened on three sides by a minimum 6-foot solid masonry wall and include an opaque metal gate.

h. Sidewalks and Trails

Sidewalks:

1. Minimum 5-foot-wide sidewalks shall be provided along either or both sides of local residential and collector streets. As illustrated in exhibit F – Streetscape.
2. Minimum 6-foot-wide multi-use paths/trails shall be included within the boundaries of this planned development, providing ample connectivity between residential, commercial and future land uses. As identified in exhibit G – Amenity Pond.
3. All sidewalks shall be paved with concrete for primary connections.

Connectivity:

1. All commercial and multi-family components must be interconnected with the overall site.
2. All building entries to be accessible via pedestrian pathways via public roads (FM 2920 / E. Main. St & FM 2978 / Hufsmith Kohrville Rd) or as required by the City of Tomball Ordinances.
3. Crosswalk will be strategically placed based on a final pedestrian sidewalk / trail plan.

Materials

1. Concrete or pavers recommended as primary sidewalk materials.
2. Special areas such as the amenity pond against the commercial retail, alternative materials allowed such as gravel, crushed granite, fiber cement decking to create a cohesive composition for a recreational area. As illustrated exhibit G – Amenity Pond.

i. Signage

Retail center developers shall be required to submit a comprehensive signage plan including all sign types for the center and pad sites. Every pad site is limited to one (1) single tenant or dual tenant monument sign, or one (1) monument sign every 150 linear feet. See exhibit D for a comprehensive signage site plan for proposed and monument signage designs. Front pads bordering access drives with access to rear tracts will be required to allocate a signage easement area against the access drive and the front property line for the rear users' signage see exhibit D for proposed location. No signage approval shall proceed without a comprehensive signage plan. All signage design must conform with the City of Tomball Ordinance. Where guidelines below conflict with City of Tomball regulations, the city code will govern.

All sign designs are subject to review and approval by the Developer. Detailed plans and specifications of any sign must be submitted for review prior to installation. All signs must be fabricated and installed in compliance with all applicable codes, ordinances, and local official approval.

Monument signs are to be located behind the street side landscape buffer (ten feet off the property line) and shall be authorized within City of Tomball public utility easements (encroachment agreement is likely necessary). Utility line location to be confirmed and maintained unobstructed. Refer to exhibit D and E for signage location and type.

In general, it is prohibited to use signage which by its location, size, shape, color, lighting, subject or sound, may be harmful to the appearance of the locality, public street, site, view, or constitute a threat to road traffic. Specifically prohibited signs include rotating, trailer, animated, oscillating, iridescent or dayglo painted signs, signs which make noise, incandescent or fluorescent illuminated signs, and laser lights. Also prohibited are "canned" signs constructed of a light box frame with a single panel backlit sign which includes the logo and sign copy applied to the building surface. Other prohibited signs include changeable message. Banners, flags, and single-pole signages are prohibited. Pylon signs, where approved per exhibit D, must have 2 poles and be clad to be architecturally cohesive w/ the development architecture. Balloons, streamers, pennants, bunting, search lights, signs with exposed or flashing lights, signs with moveable parts, or any other such fixtures or items deemed to be inconsistent with the intent of these Guidelines are prohibited. The use of exposed neon is discouraged and not acceptable in most cases subject to Developer approval.

Building mounted signs:

Tenants shall have signs designed as an integral element of the storefront design, with letter form size and location appropriately scaled and proportioned to the overall storefront design. All Tenant sign designs submitted to be subject to approval.

One building identifier will be permitted for each Tenant having an exterior public entrance. The maximum span of the Tenant's sign shall not exceed 75% of the store frontage width. Tenants with 5,000 square feet or less may have building signage not to exceed a maximum of 36" in height and tenants in a lease space greater than 5,000 feet may have signage up to 48" tall. For spaces larger than 10,000 square feet, the signs must be an integral part of the store front design, with letter size and location appropriately scaled and proportioned to the overall store front design. The information on the sign will consist of the name of the Tenant in a typeface of their choice. The use of pictorial logos or symbols may be considered for nationally recognized tenant's trademarked logos. The message will typically appear as one horizontal line of copy. Two lines are allowed if the tenant's name will not fit on one line.

j. Minor Modifications

The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance with the applicable City of Tomball Ordinances, and this approved by the City Planner or Community Development Director.

1. Modifications to internal street patterns are allowed.
2. Modifications to the location of land use provide that such relocations meet the minimum area and land use regulations set forth within this document.
3. Modifications to lot sizes / property line locations are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
4. Modifications to the total acreage provided for each land use set for in the site exhibit area allowed. If needed signage location can be revised following the standard from this document.
5. Boardwalk/Restaurant Patio area site plan design shows a general intent to enhance the pedestrian & restaurant customer experience with programmed amenities to further engage the edge condition of the amenity pond with place-making, interactive/engaging amenity elements. Within that broad goal, the specific concept design may evolve & change from what is currently included in this document with something greater or equal in quality.

k. Architectural Criteria

These recommendations and standards are meant to foster a sense of design continuity that creates a sense of place in the master planned mixed-use land development. The following Architectural Criteria is intended to make the building designer aware of the architectural context, not to inhibit or limit unique design.

1. Building façade criteria and features:
 - a. Building facades shall include offsets, changes in building materials, colors, textures, and architectural detailing that creates shade and cast shadows.
 - b. facades greater than 100 feet in length shall incorporate offsets having a minimum depth of at least 2 feet and extending at least 20% of the length of the façade. No uninterrupted length of a façade shall exceed 100 feet. This Regulation applies to all building facades within the PD except for the building rear façade.
 - c. Canopies, arcades, or recessed entries shall be provided at pedestrian entrances to the building. Canopies and arcades shall be structural extensions of the building and cover a ground area of at least 20 feet. A recessed entry shall be at least 40 square feet in size.
 - d. The front façade of the multi-tenant retail building facing FM2920 and facing FM2978 shall be at least 60% transparent by means of storefronts, entrances, and display windows.
 - e. Facades of all buildings within the PD shall be of similar architectural design, colors, and materials.
 - f. The developer or city planner may approve alternative canopy or façade treatments not specified herein if equal or better than a specified requirement in quality, durability, and appearance and the use thereof will not violate any provision of this article.
 - g. Columns should be simple in form and are encouraged to appear as raw materials such as steel & concrete. No ornate trim or capitals around columns.
 - h. All rooftop equipment shall be screened so as not to be visible from the finished elevation of the parking area and common amenity space.
2. Building façade finishes and materials:
 - a. Usage of raw materials & finishes are encouraged (exposed steel (painted), architectural steel, metal cladding, aluminum, composite aluminum panels, corten steel, decorative CMU (Concrete Masonry Unit) blocks, brick masonry, concrete (raw, board-formed, or form-liner concrete) wood, fiber cement).
 - b. A consistent palette of materials appropriate to the regional context should be employed for exterior materials. A range of natural earth tones is recommended.
 - c. Accent colors and/or painted graphics/art may be permitted when deemed to add value to overall project and community aesthetic.
 - d. Prior to plan submittal, ALL building elevation/material plans will be subject to final review/approval by the developer and/or representative authorized to act on behalf of the developer in accordance with applicable restrictions.

The photos provided below are examples for massing, scale, proportion, and building materials to aid in understanding the intended community style. The following photos reflect the broad architectural style meant to be expressed and not one single image captures the exact look.

The multifamily architectural design style must be compatible with the design intent for the overall project. Multifamily developer will present building designs to the City Council at a future date.

Restaurant/Boardwalk - style inspiration



Multi-family – style inspiration



Multi-tenant retail & Pad retail – style inspiration



I. Lighting

This planned development provides recommendations for a coordinated family of site lighting and materials for use in Tomball Boardwalk. Parking lot lighting must be designed in an attempt to maximize pedestrian and vehicular safety and in accordance with Illuminating Engineering Society of North America (IESNA) recommended standards. Additionally, parking lighting should be shielded with sharp cut-off in order to promote “dark sky” concepts and limit intrusion into adjacent properties and on a house meter. Photometric calculations and drawing documentation are required for each project assuring minimal light trespass into or onto adjacent properties and the sky-dome. All light fixtures must LED or low-energy / high efficiency and to be submitted with cut sheets for developer approval.

Parking Lot Lights:

Color – Black or dark bronze, complimenting metal trims selections in development.

Pole Height – ±25’

Base – ±3’ tall concrete base

Additional lighting specifications must be provided per photometric study and site-specific design needs.

m. Amenities

The following amenities are required within the common amenity pond area:

1. Detention pond / amenity pond. The development will be anchored by the enhanced detention amenity pond with up to three (3) water fountains, observation decks and at least one (1) wood or similar material pedestrian bridge.
2. Pedestrian pathway constructed of concrete or pavers (minimum of 5 feet in width) connecting the different tracts to the amenity pond area.
3. Shade structures (minimum 2), along pedestrian pathways.

4. Designated public plaza courtyard covered, with architectural concrete or pavers. Surrounding restaurant patio areas and boardwalk frontage.
5. Furniture, such as benches and / or low masonry seating walls.
6. Open lawn / picnic area.
7. Kids playground area / playscape.

n. Exhibits

Exhibit A / Section A illustrates the northwest boundary parallel to FM2920 abutting the single-family project accounting all the easements, building lines and boundaries location to show a worst-case scenario of the building's proximity.

A 35' building line will be enough to accommodate 115' between the structures. See exhibit C for master site plan layout.

Exhibit A – Building separation (Section A – See exhibit C)

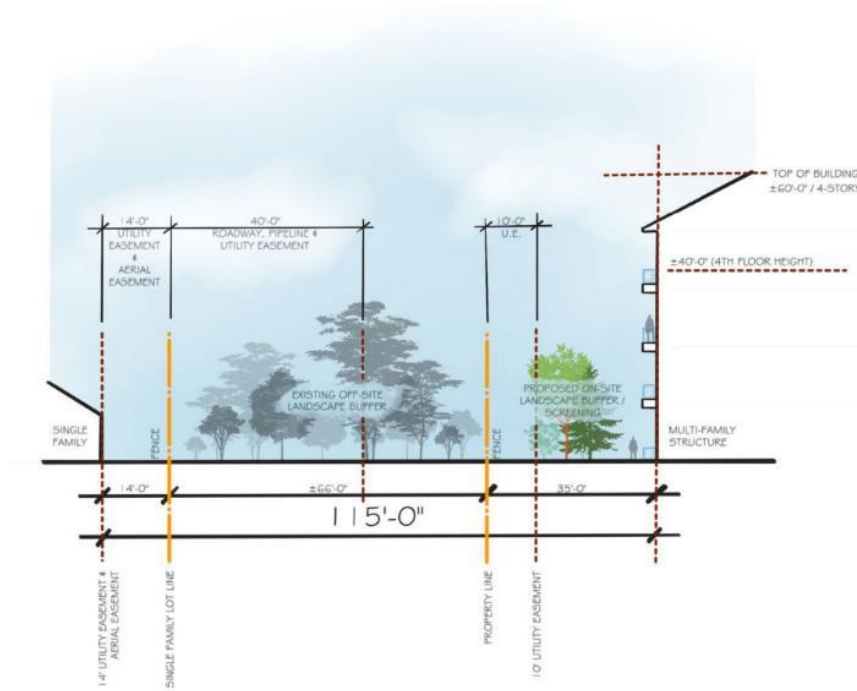


Exhibit B / Section B illustrates the northwest boundary parallel to FM2978 abutting the single-family project accounting all the easements, landscape setbacks, parking layout and boundary location to show a worst-case scenario of the building's proximities.

This section displays the worst-case scenario where the property pinches showing a 114'-6" separation going up to ±200' in building's separation.

Exhibit B – Building separation (Section B – See exhibit C)

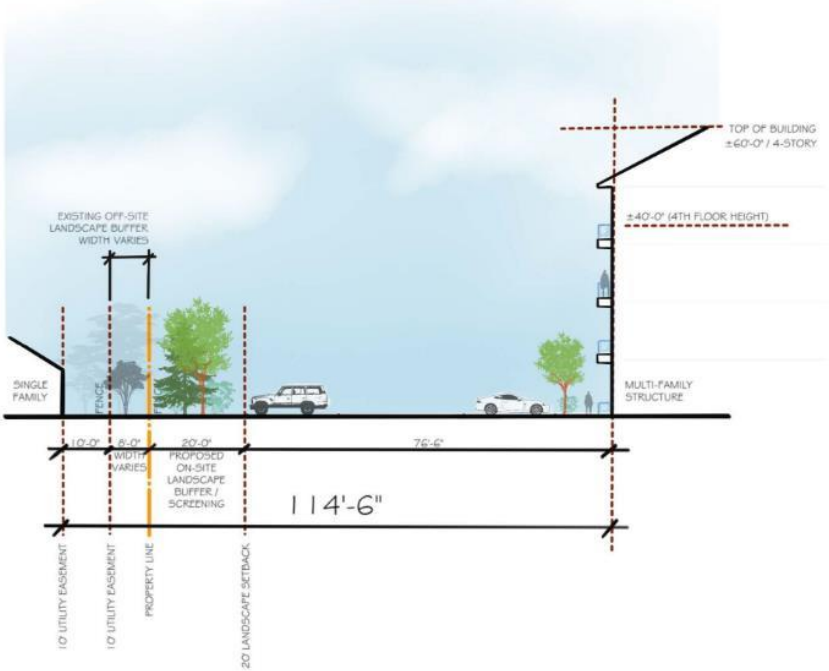


Exhibit D – Signage Location

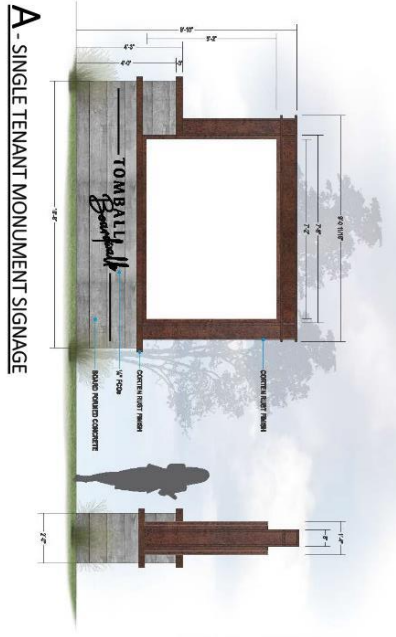
Overall master site exhibit proximate location and type for monument signage.

See exhibit C for monument signage type, shape, colors and materials

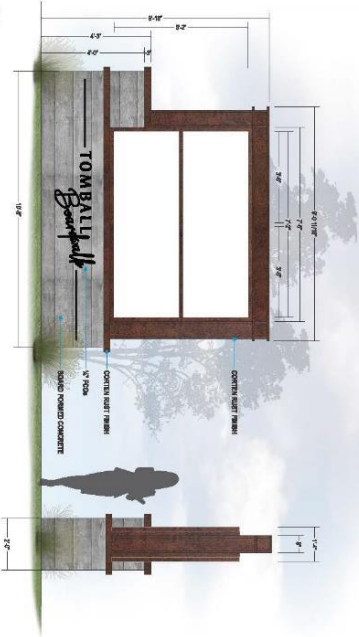


Exhibit E – Signage Type

The purpose of this section is to create a graphic environment that is individual and distinctive in identity for tenants and that is also compatible with other signs within the development. The concept should give an impression of quality, professionalism, and instill a good business image. Lettering shall be well proportioned and its design, spacing, and legibility shall be major criteria for approval.



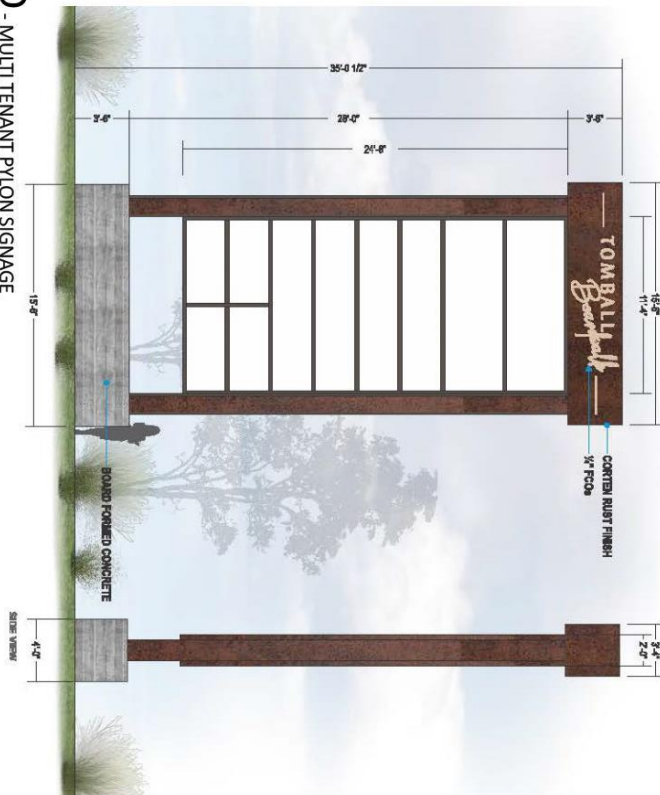
A - SINGLE TENANT MONUMENT SIGNAGE



B - DUAL TENANT MONUMENT SIGNAGE



C - MULTI TENANT MONUMENT SIGNAGE



D - MULTI TENANT PYLON SIGNAGE

Exhibit F – Master Site Plan



Exhibit G – Amenity Pond



Exhibit H – Sections

