



INVESTMENT & DEVELOPMENT VENTURES

City of Tomball  
Community Development  
501 James St  
Tomball, TX 77375

### **Applicant's Statement**

IDV, the applicant, is requesting that City Council consider this appeal to Section 18-347-Buffer Zones in the Tree Preservation Provisions.

#### **Existing Conditions:**

The subject tract is partially adjacent to land zoned for residential. The attached image shows the location of the property. The subject tract is predominantly unwooded. A non-exclusive pipeline easement exists on the site adjacent to residential zoning – the portion of the easement in consideration is located along a portion of the eastern property line and a portion of the northern property line. The attached exhibit also shows IDV's site plan, the easement location, adjacent zoning, and the buffer zone in consideration.

#### **Tomball Buffer Zone Requirement:**

To comply with the new Tree Preservation Provisions, the land owner would be required to record a 15' wide buffer zone in addition to the existing 30' wide easement (45' in total) since the easement runs along the property line. In contrast, if an easement does not exist along the property line, then the buffer zone is just the first 18' from the property line where adjacent to residential zoning.

#### **Appeal and Proposed Condition:**

IDV is proposing to place the 18' Tree Preservation Buffer Zone on the existing easement, on the first 18' from the property line, where adjacent to residential zoning.

#### **Consistency with Guiding Documents:**

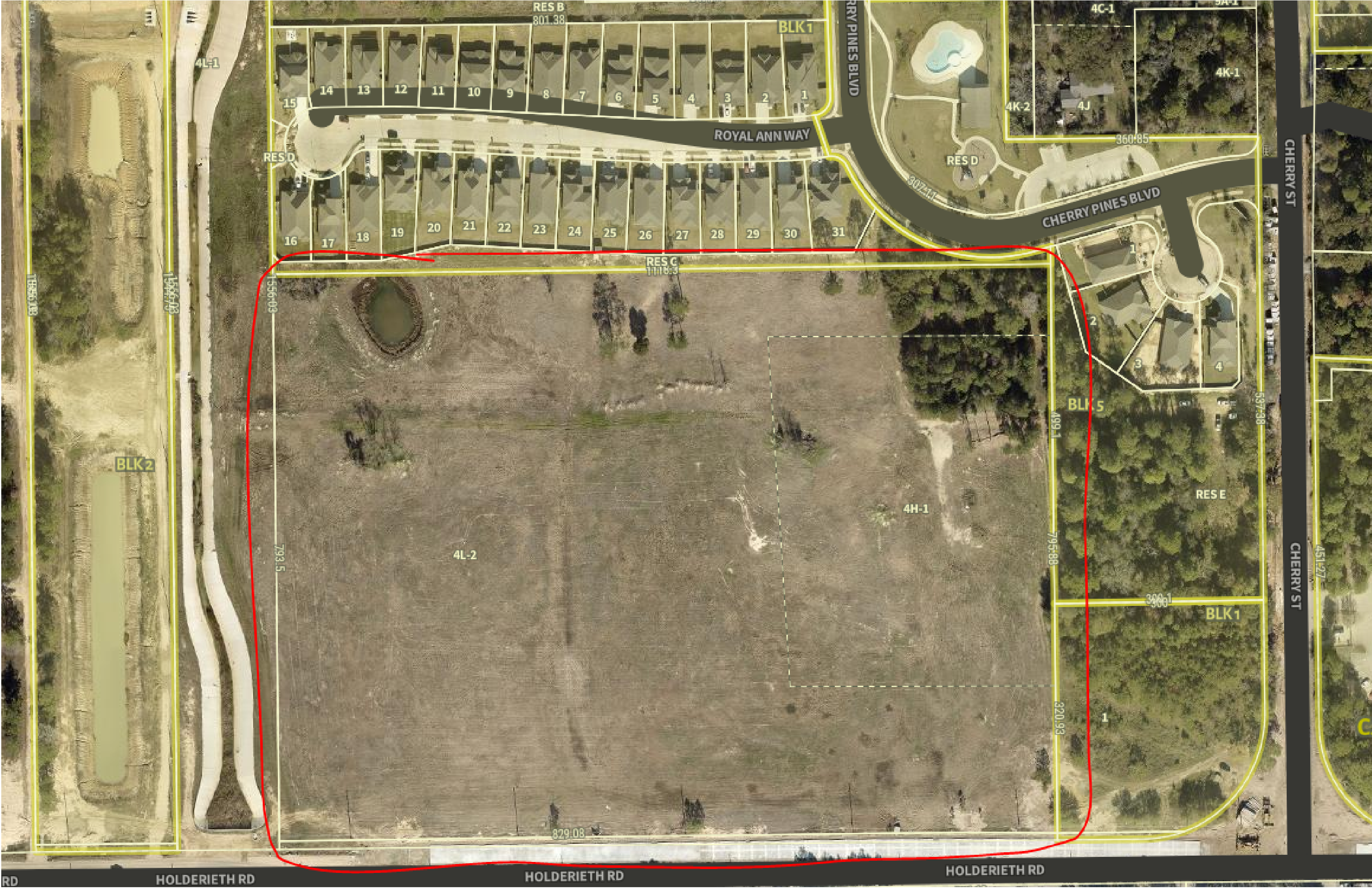
The easement is non-exclusive, so the land owner will be able to abide by Tomball's Tree Preservation requirements even if the buffer zone overlaps the easement - if the easement holder (or anybody) damages the trees then the land owner will be required to replace or mitigate for them per Tomball's requirements.

#### **Hardship:**

In this specific scenario, requiring the buffer zone to be adjacent to the easement, rather than adjacent to the property line, does not improve the effectiveness of the tree preservation ordinance. Therefore, imposing the Tree Preservation Provisions strictly as written is unnecessarily damaging the land owner and the value of the property.

#### **Additional Notes:**

Pending the viability of the project, IDV will be landscaping the property as part of their development. There are very few existing trees on the site, so IDV's development will significantly increase the number and total caliper of trees on the subject property.



RES B  
801.38  
BLK 1  
14 13 12 11 10 9 8 7 6 5 4 3 2 1  
15

ROYAL ANN WAY  
RES D  
16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

RES C  
1118.3

4L-2  
793.5  
829.08

CHERRY PINES BLVD  
RES D  
360.85  
4C-1  
4K-1  
4K-2  
4J

CHERRY PINES BLVD

BLK 5  
1 2 3 4

RESE  
4H-1  
499.1  
795.68  
300.1

BLK 1  
1  
320.93  
537.38  
451.27

HOLDERIETH RD

HOLDERIETH RD

HOLDERIETH RD

CHERRY ST

CHERRY ST

# OVERALL SITE PLAN

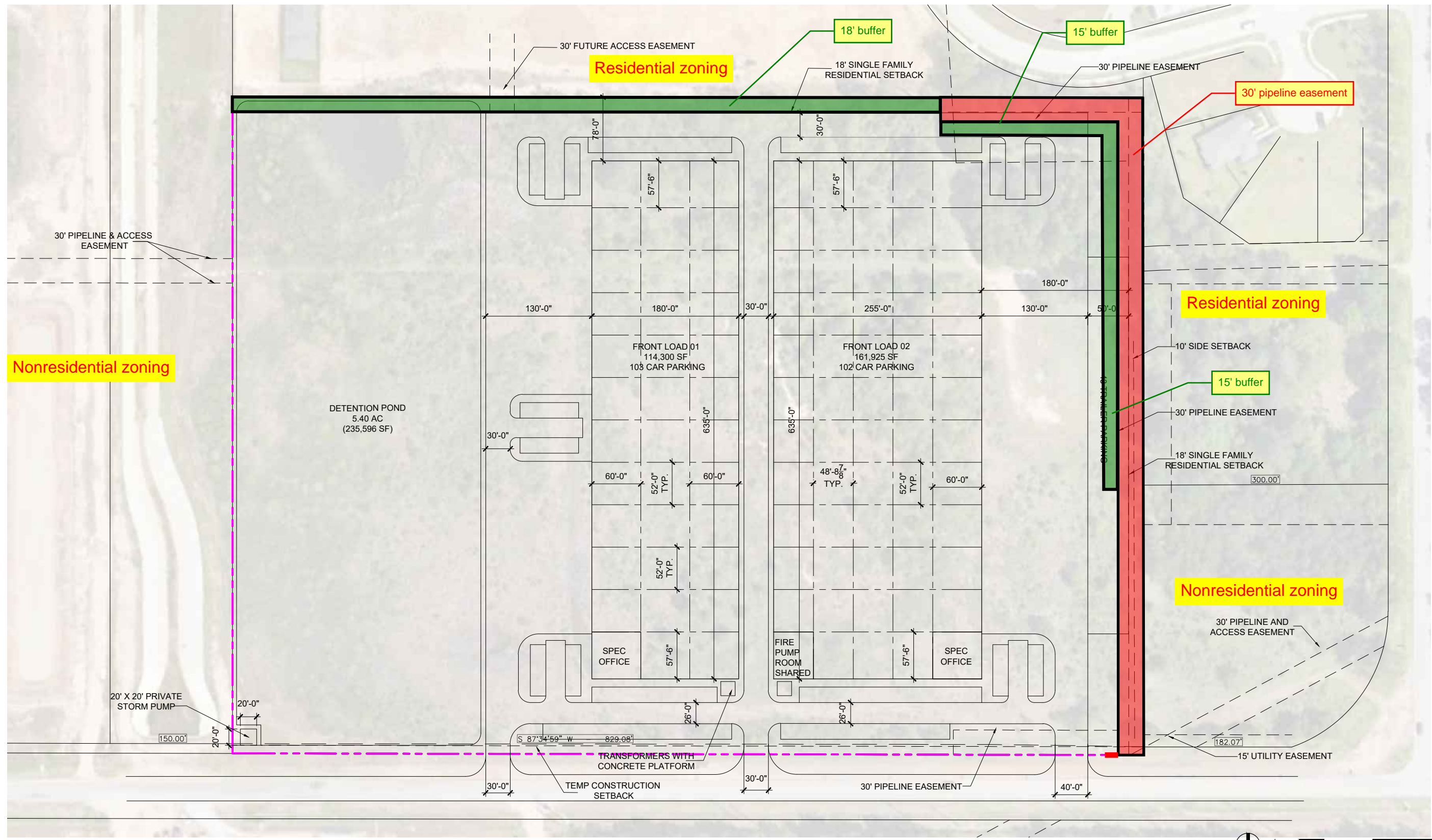
SITE AREA : +/- 20.6 AC (898,959 SF)

BUILDING AREA : +/- 276,225 SF

COVERAGE : 30.7 %

FRONT LOAD 01 PARKING : 103

FRONT LOAD 02 PARKING : 102



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**HOLDERREITH RD**  
a project for  
**IDV**



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