

**NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, MARCH 20, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 20, 2017 at 6:00 P.M., 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 Tomball City Council 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.

- 1.0 Call to Order
- 2.0 Invocation
- 3.0 Pledges to U.S. and Texas Flags
 - Led by Members of the Tomball High School or Tomball Memorial High School Student Councils
- 4.0 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.]*
- 5.0 Reports and Announcements
 - March 31-April 2, 2017 – **17th Annual Tomball German Heritage Festival at**

the Depot

- April 8, 2017 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 8, 2017 – **2nd Saturday at the Depot**
- April 17-22, 2017 – Annual **Spring Clean-Up and Chipping Week**
- April 22, 2017 – **Tomball Consolidated Recycling Day** at Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 22, 2017 – **Tomball Rotary Club Annual Fish Fry** at the Depot, 4:00 p.m.-8:00 p.m.
- April 29, 2017 – **Tomball Lions Club Car Show** at Lone Star College, 10:00 a.m.-2:00 p.m.
- May 6-7, 2017 – **Rails & Tails Mudbug Festival**
- May 27, 2017 – **Tomball Honky Tonk Music Festival and Chili Challenge**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Doris Speer – Report on the success of the **Sam Houston Trail Ride Reception**
 - David Esquivel – Recognition of Public Works/Gas Department Employees

6.0 Approve the Minutes of the March 6, 2017 Regular Tomball City Council Meeting and the March 13, 2017 Special Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2017-04, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance

8.0 New Business:

8.1 Approve Resolution No. 2017-03, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (12.1624 Acres, Being Tract 3A, Abstract 70, E. Smith Survey, Located at 11311 Holderrieth Road, Harris County, Tomball, Texas)

8.2 Consideration to Approve **Zoning Case P17-0006**: Request by Banson Ventures I, LLC for a Conditional Use Permit to Operate a Mini-Warehouse/Self-Storage Facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

- Conduct Public Hearing on **Zoning Case P17-0006**
- Adopt, on First Reading, Ordinance No. 2017-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Banson Ventures I, LLC to Operate a “Mini-Warehouse/Self Storage” at 1210 East

Hufsmith Road; Said Property being Approximately 2.43 Acres, and Being Legally Described as Tract 3A R/S 10 Abstract 730 J S Smith, Tomball, Harris County, Texas, Generally Located on the South Side of East Hufsmith Road, between Zion Road and Snook Lane; Providing Requirements and Conditions for this CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

- 8.3 Consideration to Approve **Zoning Case P17-0007**: Request by Francisco Choi, on Behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 2 acres of Land, Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, Generally Located on the East Side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-Family 6 District to the Office District.

- Conduct a Public Hearing on **Zoning Case P17-0007**
- Adopt, on First Reading, Ordinance No. 2017-06, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 2 Acres of Land, Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Office District; Said Property Being Generally Located on the East Side of South Pine Street between James Street and Cherry Laurel Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

- 8.4 Consideration to Approve **Zoning Case P17-0008**: Request by Baker Investors Group LLC to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 1.01 Acres of Land, Legally Described as Reserve H Block 1 Leslie's Park, Generally Located at the Southwest Corner of Brown Road and Baker Road, from the Single-Family 6 District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0008**
- Adopt, on First Reading, Ordinance No. 2017-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Reserve H Block 1 Leslie's Park, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property Being Generally Located at the Southwest Corner of Brown Road and Baker Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

- 8.5 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 - Consultation with the City Attorney regarding a matter that the Attorney's duty requires to be discussed in closed session.

9.0 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 16th day of March 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 20, 2017

Topic:

- Led by Members of the Tomball High School or Tomball Memorial High School Student Councils

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 20, 2017

Topic:

- March 31-April 2, 2017 – **17th Annual Tomball German Heritage Festival at the Depot**
- April 8, 2017 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 8, 2017 – **2nd Saturday at the Depot**
- April 17-22, 2017 – **Annual Spring Clean-Up and Chipping Week**
- April 22, 2017 – **Tomball Consolidated Recycling Day** at Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 22, 2017 – **Tomball Rotary Club Annual Fish Fry** at the Depot, 4:00 p.m.-8:00 p.m.
- April 29, 2017 – **Tomball Lions Club Car Show** at Lone Star College, 10:00 a.m.-2:00 p.m.
- May 6-7, 2017 – **Rails & Tails Mudbug Festival**
- May 27, 2017 – **Tomball Honky Tonk Music Festival and Chili Challenge**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Doris Speer – Report on the success of the **Sam Houston Trail Ride Reception**
 - David Esquivel – Recognition of Public Works/Gas Department Employees

Background:

Origination:

Various

Recommendation:

N/A

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

17th Annual Tomball German Heritage Festival at the Depot
7th Annual 5K Bunny Run and 1 Mile Kids Walk



TOMBALL GERMAN HERITAGE FESTIVAL

Celebrating Our 17th Year!

Fun for the
ENTIRE FAMILY!

Free Admission, Parking & Shuttle



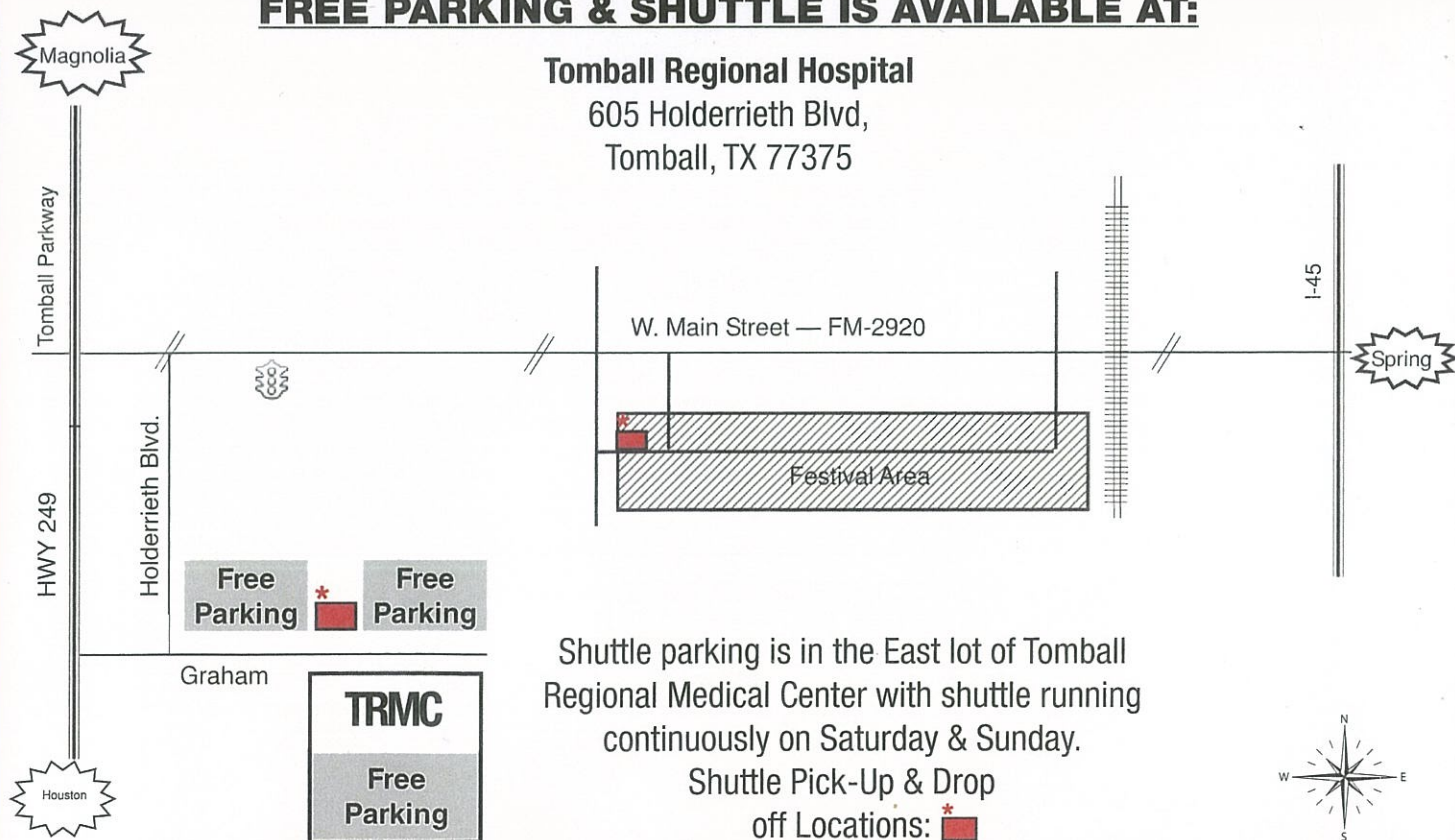
March 31st-April 2nd, Fri: 6PM-10PM, Sat: 10AM-10PM, Sun: 10AM-6PM

German Food, Carnival & Rides, Street Performers,
Petting Zoo, 200 Street Vendors, and 4 Music Stages

www.TomballGermanFest.org

FREE PARKING & SHUTTLE IS AVAILABLE AT:

Tomball Regional Hospital
605 Holderrieth Blvd,
Tomball, TX 77375



Shuttle parking is in the East lot of Tomball
Regional Medical Center with shuttle running
continuously on Saturday & Sunday.

Shuttle Pick-Up & Drop
off Locations: *



BUNNY RUN

TOMBALL, TEXAS



HOP
TO IT,
Y'ALL!

Saturday, April 8th

- 5K run and 1-mile walk throughout downtown
- Run starts at 8 a.m. at the historic downtown Depot, 201 South Elm Street
- Best blinged bunny ears and tutu contest
- Mascot Depot Dash
- Vendors, snacks and more
- Register NOW at Racesonline.com

THIS INFORMATION IS BEING
DISTRIBUTED ASA
COMMUNITY SERVICE AND
TOMBALL ISD IS NOT A
SPONSORING ORGANIZATION

Call 281-351-5484 for info

2017

Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 20, 2017

Topic:

Approve the Minutes of the March 6, 2017 Regular Tomball City Council Meeting and the March 13, 2017 Special Tomball City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

Party(ies) responsible for placing this item on agenda:

City Secretary

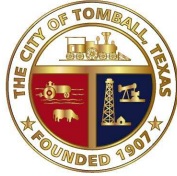
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Draft Minutes of the March 6, 2017 Regular Tomball City Council Meeting

Draft Minutes of the March 13, 2017 Special Tomball City Council Meeting

**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, MARCH 6, 2017

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
City Planner – Amelia Lindley
Community Events Coordinator – Denise Fiore
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Monica Duran
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor James Clark, First Baptist Church

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan, Member of the Tomball High School or Tomball Memorial High School Student Councils

4.0 The following Public Comments were received:

Steven Martin 1009 Hicks Street, 77375	-	Requested Council Consideration to install stops signs on Hicks Street, between Quinn Road and Baker Street
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Dylan Morgan 1011 Village Square #823, 77375	-	Updated Council and attendees regarding the TISD food drive; last day is March 7.
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5.0 Presentations:

- The Mayor advised that presentation of the New Baby Proclamation for Jason and Hollyann Apel, Parents of Jackson Scott Apel, will be moved to a future meeting.

6.0 Reports and Announcements:

- March 11, 2017 – **2nd Saturday at the Depot**
- April 8, 2017 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 8, 2017 – **2nd Saturday at the Depot**
- April 17-22, 2017 – Annual **Spring Clean-Up and Chipping Week**
- April 22, 2017 – **Tomball Consolidated Recycling Day** at Lone Star College- Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 22, 2017 – **Tomball Rotary Club Annual Fish Fry** at the Depot, 4:00 p.m.-8:00 p.m.
- April 29, 2017 – **Tomball Lions Club Car Show** at Lone Star College, 10:00 a.m.-2:00 p.m.
- May 6-7, 2017 – ***Rails & Tails Mudbug Festival***
- May 27, 2017 – ***Tomball Honky Tonk Music Festival and Chili Challenge***
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Randy Parr reported on the success of the ***Shattered Lives Event*** at **Tomball Memorial High School**, advising that the program has reduced the number of teenage arrests significantly since its inception.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the February 20, 2017 Regular Tomball City Council Meeting

Motion carried unanimously.

8.0 Old Business:

Mayor Fagan recused herself from discussion and action regarding Item 8.1, having filed an Affidavit of Conflict of Interest with the City Secretary. Motion was made by Councilman Townsend, second by Councilman Stoll, to nominate Councilman Hudgens as temporary Mayor Pro Tem.

Motion carried unanimously.

Mayor Pro Tem Hudgens proceeded with the meeting.

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-02, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Grevis Properties, to Operate a “Mobile Food Court” at 403 East Main Street; Said Property Being Approximately 0.28 Acres, and Being Legally Described as Lot 24 Block 80 Tomball Townsite Lot 24 Replat, Harris County, Texas, Generally Located at the Southeast Corner of East Main Street and Chestnut Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

Mayor Fagan returned to the dais and the following items were considered:

- 8.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2017-03, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Ryan Bailey, on Behalf of Adapt Programs, LLC, to Operate an “Institution for Alcoholic, Narcotic or Psychiatric Patients” at 13628 Michel Road; Said Property Being Approximately 1.00 Acre, and Being Legally Described as Reserve B Block 1 Falcon, Tomball, Harris County, Texas, Generally Located on the South Side of

Michel Road, Between Johnson Road and SH 249; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Conduct First Public Hearing to Consider the Annexation of the Following Tract of Land: (Tract 1: 65.6190 acres of land in the William Perkins Survey, Abstract No. 621, the T.A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas):

A FIELD NOTE DESCRIPTION of 65.6190 acres (2,858,363 square feet) 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 65.6190 acre tract of land being several tracts of land conveyed to A-K Venture Capital, L.C., as recorded in Harris County Clerk's File Nos. P577137, 20150073274, 20150446291, 20150424692, 20150446503, 20150446572 and 20150085560; 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:

COMMENCING FOR REFERENCE at a 5/8-inch iron rod found at the intersection of the south right-of-way line of Boudreaux Estates Drive (previously called Boudreaux Road, 60 feet wide) with the east right-of-way line of Rocky Road (previously called Boudreaux Road, 60 feet wide) for the northwest corner of a 14.8700 acre tract of land conveyed to Greater Life Church, as recorded in Harris County Clerk's File No. P747894;

THENCE, South 02° 42' 23" East with the east right-of-way line of said Rocky Road, at a distance of 508.47 pass a point at the intersection of the east right-of-way line of said Rocky Road with the north right-of-way line of State Highway 99 (Grand Parkway, right-of-way width varies), as recorded in Harris County Clerk's File No. 20130635661 and continuing for a total distance of 1,125.13 feet to a TXDOT monument disk found at the intersection of the east right-of-way line of said Rocky Road with the south right-of-way line of said State Highway 99 for a northwest corner and the POINT OF BEGINNING of this tract;

THENCE, North 87° 08' 44" East – 3.45 feet with a south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an interior corner of this tract;

THENCE, North 02° 28' 32" West – 66.98 feet with an east right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North 42° 34' 59" East – 50.02 feet with the southeast right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North 88° 01' 15" East – 1,169.62 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, South 73° 26' 35" East – 26.19 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North 88° 01' 15" East – 30.30 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found 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 non-tangent curve to the right having a radius of 1,030.79 feet, a central angle of 22° 58' 29", a length of 413.33 feet and a chord bearing South 60° 10' 38" East – 410.57 feet to a 5/8-inch iron rod found in the southwest right-of-way line of State Highway 249 (width varies) for the northeast corner of this tract;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a non-tangent curve to the right having a radius of 1,379.00 feet, a central angle of 01° 37' 30", a length of 39.11 feet and a chord bearing South 23° 20' 16" East - 39.11 feet to a 5/8- inch iron rod with cap stamped "T.E.A.M." found for the end of said curve;

THENCE, South 22° 44' 12" East - 154.41 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found for a point-of-curvature;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a curve to the left having a radius of 1,512.00 feet, a central angle of 12° 29' 50", a length of 329.80 feet and a chord bearing South 28° 59' 08" East - 329.14 feet to a TXDOT monument disk found for the end of said curve;

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 disk found at the northeast end of a cutback 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 for a southeast corner of this tract;

THENCE, South 08° 39' 54" West – 53.94 feet with said cutback to a TXDOT monument disk found at the southwest end of said cutback for a southeast corner of this tract;

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 westerly direction with the north right-of-way line of said Boudreaux Road and with said non-tangent 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 the POINT OF BEGINNING and containing 65.6190 acres (2,858,363 square feet) of land.

Mayor Fagan called the First Public Hearing regarding the above-described annexation to order at 6:13 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:13 p.m.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2017-06, Canceling the Regular City Officer's Election Scheduled to be held on the 6th Day of May, 2017, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Fue presentada una moción por el Concejal Townsend, secundada por el Concejal Klein Quinn, para aprobar la Resolución Nro. 2017-06 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 6 de mayo de 2017 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Townsend, tán thành bởi Ủy Viên Hội Đồng Klein Quinn, để chấp thuận Nghị Quyết số 2017-06, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2017, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

提案是由市議員Townsend, 第二由市議員Klein Quinn, 批准決議案編號 2017-06, 取消一般市府官員應於2017年5月6日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2017-04 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2017-04, an Ordinance Altering the Prima Facie Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Request by Tomball United Methodist Church for City Support and In-Kind Services to Host a Free Community Easter Egg Hunt at the Tomball Depot, to be Held on Saturday, April 15, 2017.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Request by Tomball Rotary Club for City Support and In-Kind Services for Their Annual Fish Fry at the Tomball Depot, to be Held on Saturday, April 22, 2017.

Motion carried unanimously.

- 9.6 Presentation was given by Doug Miller, President, HMW Special Utility District, and Rachel Musgrove, Cobb Finley, requesting consideration by Council to authorize City Staff and HMW Staff to prepare an agreement allowing for the

creation of a water interconnect and the sale of wholesale water to the Red Oak Terrace and McKinney Place Subdivisions.

Consensus of Council (3-1) was to direct City Staff to prepare a contract and provide annexation costs, including impact fees and possibly higher rates, for presentation at a future Council meeting.

No action taken.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, as a Project of the Corporation, an Agreement with Epic International, LLC to Make Direct Incentives to, or Expenditures for, the Relocation of Its Corporate Headquarters Facility to 21227 Hufsmith-Kohrville Road, Bldg. C, Tomball, Texas 77375. The Estimated Amount of Expenditures for such Project is \$37,500.00.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve RFQ No. 2017-05 for the City of Tomball Utility Rate Study and Authorization to Execute a Contract for Services to Willdan Financial Services, in the Amount of \$55,000.00.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Execution of an Engineering Contract with Goodwin Lasister Strong for the Design of the Sanitary Sewer Extension along Rudolph Road, in an Amount Not to Exceed \$43,700.00.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Execution of an Engineering Contract with Gunda Corporation for the Design of New Sidewalks along Quinn Road and Holderrieth Boulevard, in the Amount of \$114,297.00.

Motion carried unanimously.

- 9.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept a 0.0442-Acre Tract (1,924 Sq. Ft.) of Land (Parcel 532), via Special Warranty Deed from Mariah Group, Ltd., for Right-of-Way Needed for Extension of the Tomball Tollway.

Motion carried unanimously.

- 9.12 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept a 0.0058-Acre Tract (253 Sq. Ft.) of Land (Parcel 540), via Special Warranty Deed from Brown Road Timber Resources, LLC, for Right-of-Way Needed for Extension of the Tomball Tollway.

Motion carried unanimously.

- 10.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of March 2017.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

**MINUTES OF SPECIAL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, March 13, 2017



5:30 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:33 p.m. by Mayor Fagan. Other members present:

Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Hudgens - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Council-Elect John Ford
CSO Administrative Assistant – Monica Duran

2.0 No Public Comments were received.

3.0 New Business:

- 3.1 Conduct Second Public Hearing to Consider the Annexation of the Following Tract of Land: (Tract 1: 65.6190 acres of land in the William Perkins Survey, Abstract No. 621, the T.A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas):**

A FIELD NOTE DESCRIPTION of 65.6190 acres (2,858,363 square feet) 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 65.6190 acre tract of land being several tracts of

land conveyed to A-K Venture Capital, L.C., as recorded in Harris County Clerk's File Nos. P577137, 20150073274, 20150446291, 20150424692, 20150446503, 20150446572 and 20150085560; 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:

COMMENCING FOR REFERENCE at a 5/8-inch iron rod found at the intersection of the south right-of-way line of Boudreaux Estates Drive (previously called Boudreaux Road, 60 feet wide) with the east right-of-way line of Rocky Road (previously called Boudreaux Road, 60 feet wide) for the northwest corner of a 14.8700 acre tract of land conveyed to Greater Life Church, as recorded in Harris County Clerk's File No. P747894;

THENCE, South $02^{\circ} 42' 23''$ East with the east right-of-way line of said Rocky Road, at a distance of 508.47 pass a point at the intersection of the east right-of-way line of said Rocky Road with the north right-of-way line of State Highway 99 (Grand Parkway, right-of-way width varies), as recorded in Harris County Clerk's File No. 20130635661 and continuing for a total distance of 1,125.13 feet to a TXDOT monument disk found at the intersection of the east right-of-way line of said Rocky Road with the south right-of-way line of said State Highway 99 for a northwest corner and the POINT OF BEGINNING of this tract;

THENCE, North $87^{\circ} 08' 44''$ East – 3.45 feet with a south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an interior corner of this tract;

THENCE, North $02^{\circ} 28' 32''$ West – 66.98 feet with an east right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North $42^{\circ} 34' 59''$ East – 50.02 feet with the southeast right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North $88^{\circ} 01' 15''$ East – 1,169.62 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, South $73^{\circ} 26' 35''$ East – 26.19 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North $88^{\circ} 01' 15''$ East – 30.30 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found 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 non-tangent curve to the right having a radius of 1,030.79 feet, a central angle of $22^{\circ} 58' 29''$, a length of 413.33 feet and a chord bearing South $60^{\circ} 10' 38''$ East – 410.57 feet to a 5/8-inch iron rod found in the southwest right-of-way line of State Highway 249 (width varies) for the northeast corner of this tract;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a non-tangent curve to the right having a radius of 1,379.00 feet, a central angle of $01^{\circ} 37' 30''$, a length of 39.11 feet and a chord bearing South $23^{\circ} 20' 16''$ East - 39.11 feet to a 5/8- inch iron rod with cap stamped "T.E.A.M." found for the end of said curve;

THENCE, South $22^{\circ} 44' 12''$ East - 154.41 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found for a point-of-curvature;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a curve to the left having a radius of 1,512.00 feet, a central angle of $12^{\circ} 29' 50''$, a length of 329.80 feet and a chord bearing South $28^{\circ} 59' 08''$ East - 329.14 feet to a TXDOT monument disk found for the end of said curve;

THENCE, South $35^{\circ} 12' 22''$ East - 395.67 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found at the northeast end of a cutback 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 for a southeast corner of this tract;

THENCE, South $08^{\circ} 39' 54''$ West – 53.94 feet with said cutback to a TXDOT monument disk found at the southwest end of said cutback for a southeast corner of this tract;

THENCE, South $58^{\circ} 19' 09''$ 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 westerly direction with the north right-of-way line of said

Boudreaux Road and with said non-tangent curve to the right having a radius of 2,750.00 feet, a central angle of $28^{\circ} 57' 23''$, a length of 1,389.80 feet and a chord bearing South $72^{\circ} 50' 56''$ 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 $02^{\circ} 42' 23''$ West - 1,732.43 feet with the east right-of-way line of said Rocky Road to the POINT OF BEGINNING and containing 65.6190 acres (2,858,363 square feet) of land.

Mayor Fagan called the Second Public Hearing regarding the above-described annexation to order at 5:34 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 5:34 p.m.

4. Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of March 2017.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 20, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-04, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance

Background:

In February 2017, staff was contacted by Concordia Lutheran High School to express concerns regarding the posted speed limits along Timkin Road. The basis for the concerns was that the street did not have an established school zone for their property located on the south side of Timkin.

Staff conducted an engineering and traffic study, which has warranted certain revisions to the posted speed limits along sections of Timkin Road.

The recommended revisions include the following speed zone:

Timkin Road, a school speed zone, from Ash Street east to Blackshear Street, 20 MPH when flashing

Once adopted, staff anticipates the new speed limits to be posted within 60 days, pending the delivery of the school zone flashing light.

Origination:

Public Works Department

Recommendation:

Adopt Ordinance Number 2017-04 on Second Reading.

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Ordinance No. 2017-04

ORDINANCE NO. 2017-04

AN ORDINANCE ALTERING THE *PRIMA FACIE* SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR THE VIOLATION OF THIS ORDINANCE.

* * * * *

WHEREAS, §545.356, Texas Transportation Code, provides that, whenever the governing body of the City shall determine, upon the basis of an engineering and traffic investigation, any *prima facie* speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe *prima facie* speed limit thereat or there on by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following *prima facie* speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

Along Timkin Road, a school zone from Ash Street to 1,710.0 feet east to Blackshear Street, a distance of approximately 0.300 miles, 20 MPH when flashing.

Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Two Hundred Dollars (\$200.00).

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 6TH DAY OF MARCH 2017.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF MARCH 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 20, 2017

Topic:

Approve Resolution No. 2017-03, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (12.1624 Acres, Being Tract 3A, Abstract 70, E. Smith Survey, Located at 11311 Holderrieth Road, Harris County, Tomball, Texas)

Background:

The City of Tomball received a request from Brad Tucker, representing 11311 Holderrieth Limited, L.P. for annexation of approximately 12.1624 acres of land, known as Tract 3A, Abstract 70, E. Smith Survey, Located at 11311 Holderrieth Road, Harris County, Tomball, Texas.

Approval of Resolution No. 2017-03 will declare the City's intention to annex the above-referenced 12.1624 acres of property, located within the City's ETJ, and begin the annexation process.

Access to sewer is on the south side of Holderrieth Road and water and gas utility access is on the north side of Holderrieth Road.

A copy of the annexation calendar is included for Council review and the municipal service plan will be included in the annexation ordinance.

Section 43.063 of the Local Government Code requires two public hearings on proposed annexations. The hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (a 21-39 day timeframe). Due to publication date constraints and Council's meeting schedule, staff's recommendation is that the public hearings be conducted during a *special Council meeting on April 10, 2017 at 5:30 p.m.*, before the regularly scheduled Planning and Zoning Commission meeting, and at regular Council meeting on April 17 at 6:00 p.m.

If the recommended dates for the public hearings are acceptable, the first reading of the annexation ordinance will be conducted at a *special Council meeting on May 8, 2017 at 5:30 p.m.*, before the regularly scheduled Planning and Zoning Commission meeting, and the second reading will be conducted at the regular Council meeting on May 15, 2017.

Origination:

Brad Tucker, 11311 Holderrieth Limited, L.P.

Recommendation:

Approve Resolution No. 2017-03

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Resolution No. 2017-03

Annexation Calendar and Worksheet

Annexation Application

Legal Description/Metes and Bounds

Map

RESOLUTION NO. 2017-03

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (11.130 ACRES OR 484,852 SQUARE FEET OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS, BEING OUT OF A CALLED 16.4724-ACRE TRACT CONVEYED TO 11311 HOLDERRIETH LIMITED, L.P. AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W840420, LOCATED AT 11311 HOLDERRIETH ROAD, HARRIS COUNTY, TOMBALL, TEXAS)

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Special Council Meeting at 5:00 o'clock (5:30 p.m.), on April 10, 2017. The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on April 17, 2017. The annexation proceeding, of which

notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

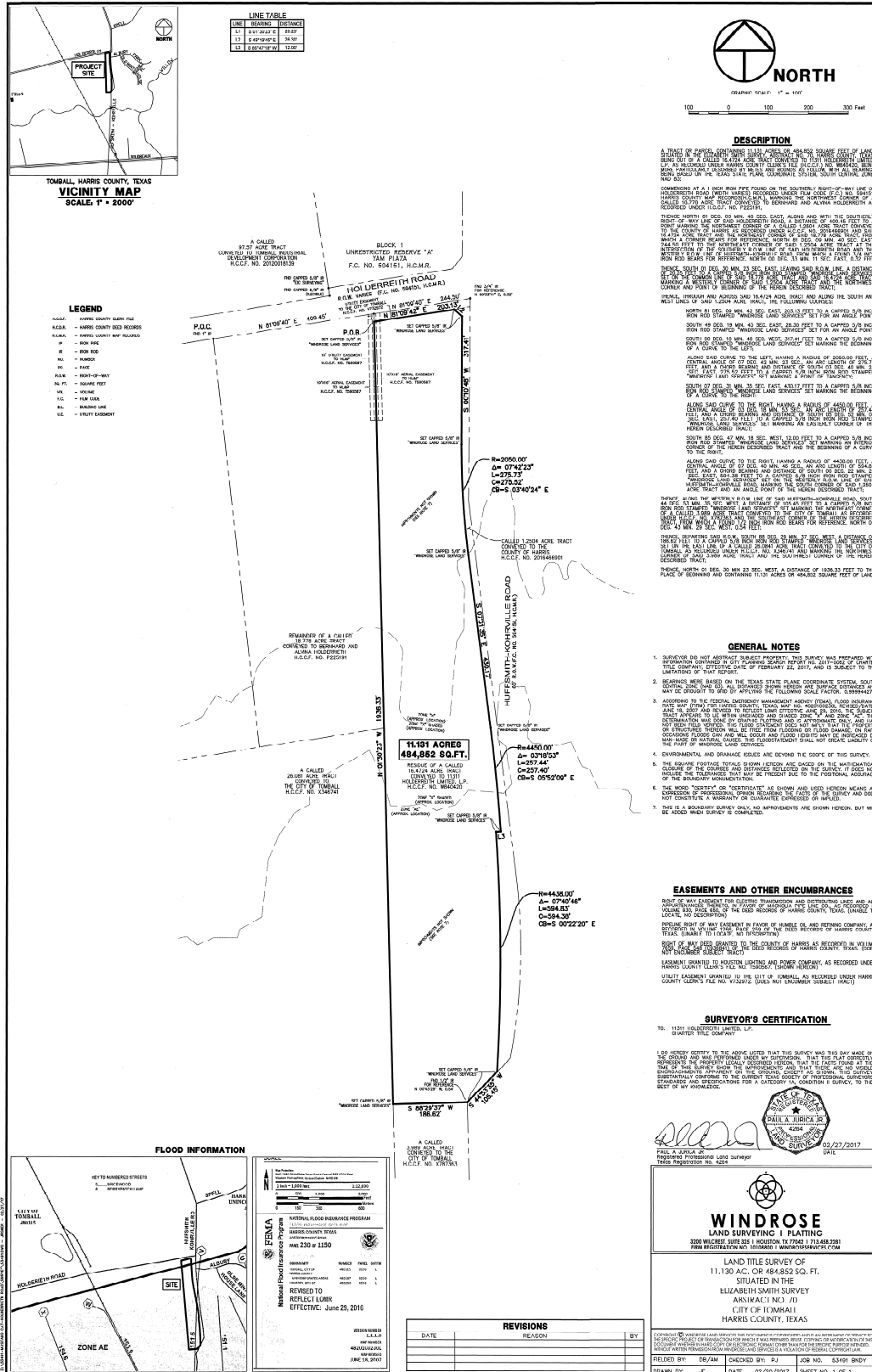
PASSED, APPROVED, AND RESOLVED this 20th day of March 2017.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

Exhibit “A”



Council approves annexation request by adopting Resolution on 3/20/17, setting 4/10 (Monday, 5:30 p.m.) and 4/17 (Monday, 6 p.m.) for public hearings.

Send to paper on 3/21 to run on 3/29 (12 days' notice for 4/10 meeting) and 4/5 (12 days' notice for 4/17 meeting) – TWO Special Council meetings required on **April 10, 2017 and May 8, 2017 (5:30 p.m.), in order to meet Local Government Code deadlines.**

Publish Dates & Public Hearing Dates – Complete Annexation on 5/15/2017	Publish Date	First Public Hearing at SPECIAL Meeting	Publish Date	Second Public Hearing at REGULAR Meeting	First Reading of Ordinance at SPECIAL Meeting	Second Reading of Ordinance at REGULAR Meeting
Council approves annexation on 3/20 and sets Public Hearings as 4/3 and 4/10		Special Mtg 5:30 p.m.			Special Mtg 5:30 p.m.	
1 st public hearing to 1 st reading is 28 days total; 61 days to complete annexation from approval of resolution	3/29/2017 12 days' notice	4/10/2017	4/5/2017 12 days' notice	4/17/2017	5/8/2017	5/15/2017
	To paper 3/21 to run on 3/29 and 4/5		Reminder to paper 3/28 to run 4/5			
(40 days total from first publication notice to first reading)	(-40 days)	(28 days) to 1 st reading		21 days to 1 st reading of ordinance	(Day 0)	(+7 days)

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **12 days' notice for each P.H.**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of **21 days** between the **second public hearing and the first reading of the ordinance**. – **21 days, 4/10 to 5/1/17**

MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance.— **28 days, 4/3 to 5/1/17**

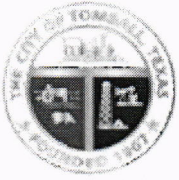
(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064) – from 3/20 resolution to second reading of ordinance – **57 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolutions No. 2017-03 will be on the 3/20/2017 agenda for Council approval, set public hearings and special meetings.

Annexation Request



The City of Tomball requires annexation as a condition of extending municipal water, wastewater and/or other utility services to property located outside of the City's full-purpose jurisdiction. Following annexation, available utility services will be provided to the annexed property under the same terms and conditions as for other property located within the City of Tomball.

The undersigned property owner requests full-purpose annexation of the subject tract into the City of Tomball's full purpose jurisdiction in accordance with Chapter 43 of the Texas Local Government Code.

Requesting annexation does not change the City's obligation to provide municipal services in accordance with Chapter 43 of the Texas Local Government Code.

For information regarding the City's annexation process, please contact the City Secretary at 281-290-1002 or the Community Development Department at 281-290-1405.

Annexation must be completed prior to extension of water, wastewater, and/or other utilities.

I/We, the undersigned, am/are the current owner(s) of the tract described above and I/we request annexation into the City of Tomball for full-purposes in accordance with Chapter 43 of the Texas Local Government Code.

11311 Holderrieth Limited, L.P.

Name of Owner(s) (Type or Print)

Owner's Signature

Date

Received by City Secretary

Date

Received by Community Development Department Date

CITY OF TOMBALL
ANNEXATION REQUEST APPLICATION
Part A: Statement of Request

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Mayor and Council:

1. I (we) the undersigned being the owner(s) of the property legally described as:

(Insert legal description [metes and bounds] here or attach separately.

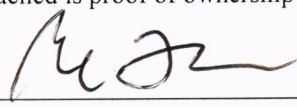
Tract 3A of Abstract 70 E. Smith, located at 11311 Holderrieth Road, Tomball, Texas 77375

hereby request the annexation of described property into the City of Tomball. Included with this request for annexation are all pertinent property Harris County Appraisal District Account Numbers:

0410260020001

(Obtainable through the County Clerk's Office)

2. The described property is contiguous to the City of Tomball's corporate city limits - X Yes No.
3. Attached is proof of ownership of the property by the undersigned - X Yes No.


Full Legal Signature

Full Legal Signature

Brad Tucker
Name *(print)*

Name *(print)*

11311 Holderrieth Limited, L.P.
Company Name *(if applicable)* Company Name *(if applicable)*

12800 Northwest Freeway
Mailing Address *(print)*

Mailing Address *(print)*

Houston, Texas, 77040
City, State, Zip

City, State, Zip

713 460 2000
Phone Number

Phone Number

jyoung@mustangcat.com
E-mail Address *(print)*

E-mail Address *(print)*

June 7, 2016
Date

Date

Part B: Annexation Property Evaluation & Anticipated Development Information

(Please print or type.)

1. Agent's Contact Information:

Please list any agents acting on behalf of the annexation property owner that should be notified of information pertaining to this annexation request.

(Attach a list of additional agents, if necessary.) _____

Name: Jerry M. Young

Company Name: Mustang Machinery Company, Ltd.

Mailing Address: 12800 Northwest Freeway, Houston, Texas 77040

Phone Number: (713) 452-7775

E-mail Address: jyoung@mustangcat.com

2. Property Addresses:

Please list all property addresses associated with the proposed annexation property.

(Attach a list of additional property addresses, if necessary.)

- a. 11311 Holderrieth, Tomball, Tx 77375
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____
- k. _____

3. Nature of Existing Property:

Property Location: 11311 Holderrieth Number of Acres: 6.021

Existing Zoning: none

Is development in conformance with existing zoning districts?

Yes X No Don't know

Current Assessed Valuation of Land: \$629,501

Improvements: \$3,845,950

Total: \$4,475,451

 Check if this property does not currently contain any structures, then proceed to #4.

a.) Residential (existing)

☒ Check here if there are no residential structures on the property.

No. of Units _____
No. of Lots _____ or Acres _____
Single-Family _____
Duplexes _____
Four-Plex _____
Patio Homes _____
Townhouses _____
Apartments _____

b.) **Office and Commercial** (existing)

_____ Check here if there are no office or commercial structures on the property.

Size (Sq. Ft.) _____
Structure _____
Exterior Site Improvements _____
Total Site Coverage _____

c.) **Institutional** (existing)

_____ Check here if there are no institutional structures on the property.

Size (Sq. Ft.) _____
Structure _____
Exterior Site Improvements _____
Total Site Coverage _____

d.) **Industrial** (existing)

_____ Check here if there are no industrial structures on the property.

Size (Sq. Ft.) **56,039**
Structure _____
Exterior Site Improvements _____
Total Site Coverage **56,039**

4. **Anticipated Development**

a.) **Platting Status** *(Please check the applicable box below)*

_____ A plat pertaining to this property has been submitted to the Community Development Department for review

☒ A plat pertaining to this property will be submitted to the Community Development Department in the near future

_____ A plat will not be submitted within the next 6 months

b.) **Zoning Status** - Please note that properties are annexed as Agricultural "AG", unless zoning reclassification is requested by the property owner in conjunction with annexation.

☒ If a zoning reclassification is desired in conjunction with the annexation process, please check this box and contact the Community Development Department.

Will zoning changes be required and requested in the future to accommodate anticipated development?

____ Yes
X No

If yes, please describe: ____ acres of ____

c.) Residential (anticipated)

____ Check here if no residential structures are anticipated on the proposed property.

No. of Units ____

Value of Units ____

No. of Lots or Acres ____

Total Estimated Value ____

Single-Family ____

Duplexes ____

Four-Plex ____

Patio Homes ____

Townhouses ____

Apartments ____

Total ____

d.) Office and Commercial (anticipated)

x ____ Check here if no office and/or commercial structures are anticipated on the proposed property.

Size (Sq. Ft.) ____

Unit Value (\$/Sq. Ft.) ____

Total Estimated Value ____

Structure ____

Exterior Site Improvements ____

Total Site Coverage ____

e.) Institutional (anticipated)

x ____ Check here if no institutional structures are anticipated on the proposed property.

Size (Sq. Ft.) ____

Unit Value (\$/Sq. Ft.) ____

Total Estimated Value ____

Structure ____

Exterior Site Improvements ____

Total Site Coverage ____

f.) Industrial (anticipated)

____ Check here if no industrial structures are anticipated on the proposed property.

Size (Sq. Ft.) ____

Unit Value (\$/Sq. Ft.) ____

Total Estimated Value ____

Structure ____

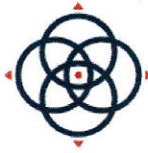
Exterior Site Improvements ____

Total Site Coverage ____

Estimated Number of Employees ____

g.) Staging of Anticipated Development (In %)

	Current							
	Yr	Yr2	Yr3	Yr4		Yr5	Yr10	Yr20
Residential	—	—	—	—	—	—	—	
Office / Commercial	—	—	—	—	—	—	—	
Institutional	—	—	—	—	—	—	—	
Industrial	—	—	—	—	—	—	—	



WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 11.130 ACRES OR 484,852 SQ. FT.

A TRACT OR PARCEL CONTAINING 11.130 ACRES OR 484,852 SQUARE FEET OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS. BEING OUT OF A CALLED 16.4724 ACRE TRACT CONVEYED TO 11311 HOLDERREITH LIMITED, L.P. AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W840420, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW, WITH ALL BEARINGS BEING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83:

COMMENCING AT A 1 INCH IRON PIPE FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HOLDERREITH ROAD (WIDTH VARIES) RECORDED UNDER FILM CODE (F.C.) NO. 594151, HARRIS COUNTY MAP RECORDS(H.C.M.R.), MARKING THE NORTHEAST CORNER OF A CALLED 18.778 ACRE TRACT CONVEYED TO BERNHARD AND ALVINA HOLDERREITH AS RECORDED UNDER H.C.C.F. NO. P225191;

THENCE NORTH 81 DEG. 09 MIN. 40 SEC. EAST, ALONG AND WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERREITH ROAD, A DISTANCE OF 409.45 FEET TO A POINT MARKING THE NORTHWEST CORNER OF A CALLED 1.2504 ACRE TRACT CONVEYED TO THE COUNTY OF HARRIS AS RECORDED UNDER H.C.C.F. NO. 2016466901 AND SAID 16.4724 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 18.778 ACRE TRACT, FROM WHICH A CORNER BEARS FOR REFERENCE, NORTH 81 DEG. 09 MIN. 40 SEC. EAST, 244.50 FEET TO THE NORTHEAST CORNER OF SAID 1.2504 ACRE TRACT AT THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF SAID HOLDERREITH ROAD AND THE WESTERLY R.O.W. LINE OF HUFFSMITH-KOHRVILLE ROAD, FROM WHICH A FOUND 3/4 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 33 MIN. 11 SEC. EAST, 0.32 FEET;

THENCE, SOUTH 01 DEG. 30 MIN. 23 SEC. EAST, LEAVING SAID R.O.W. LINE, A DISTANCE OF 20.25 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE COMMON LINE OF SAID 18.778 ACRE TRACT AND SAID 16.4724 ACRE TRACT, MARKING A WESTERLY CORNER OF SAID 1.2504 ACRE TRACT AND THE NORTHWEST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, THROUGH AND ACROSS SAID 16.4724 ACRE TRACT AND ALONG THE SOUTH AND WEST LINES OF SAID 1.2504 ACRE TRACT, THE FOLLOWING COURSES:

NORTH 81 DEG. 09 MIN. 42 SEC. EAST, 203.13 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 49 DEG. 19 MIN. 45 SEC. EAST, 26.30 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 00 DEG. 10 MIN. 48 SEC. WEST, 317.41 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE LEFT;

ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, A CENTRAL ANGLE OF 07 DEG. 42 MIN. 23 SEC., AN ARC LENGTH OF 275.73 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 40 MIN. 24 SEC. EAST, 275.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING A POINT OF TANGENCY;

SHEET 1 OF 2

SOUTH 07 DEG. 31 MIN. 35 SEC. EAST, 430.17 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4450.00 FEET, A CENTRAL ANGLE OF 03 DEG. 18 MIN. 53 SEC., AN ARC LENGTH OF 257.44 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 05 DEG. 52 MIN. 09 SEC. EAST, 257.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 85 DEG. 47 MIN. 18 SEC. WEST, 12.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4438.00 FEET, A CENTRAL ANGLE OF 07 DEG. 40 MIN. 46 SEC., AN ARC LENGTH OF 594.83 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 00 DEG. 22 MIN. 20 SEC. EAST, 594.38 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE WESTERLY R.O.W. LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, MARKING THE SOUTH CORNER OF SAID 1.2504 ACRE TRACT AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WESTERLY R.O.W. LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, SOUTH 44 DEG. 53 MIN. 35 SEC. WEST, A DISTANCE OF 105.45 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHEAST CORNER OF A CALLED 3.989 ACRE TRACT CONVEYED TO THE CITY OF TOMBALL AS RECORDED UNDER H.C.C.F. NO. X787363 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 43 MIN. 29 SEC. WEST, 0.54 FEET;

THENCE, DEPARTING SAID R.O.W., SOUTH 88 DEG. 29 MIN. 37 SEC. WEST, A DISTANCE OF 186.62 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE EAST LINE OF A CALLED 26.0841 ACRE TRACT CONVEYED TO THE CITY OF TOMBALL AS RECORDED UNDER H.C.C.F. NO. X346741 AND MARKING THE NORTHWEST CORNER OF SAID 3.989 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEG. 30 MIN 23 SEC. WEST, A DISTANCE OF 1936.33 FEET TO THE PLACE OF BEGINNING AND CONTAINING 11.1307 ACRES OR 484,852 SQUARE FEET OF LAND AS SHOWN ON THE SURVEY, JOB NO. 53491 FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC.

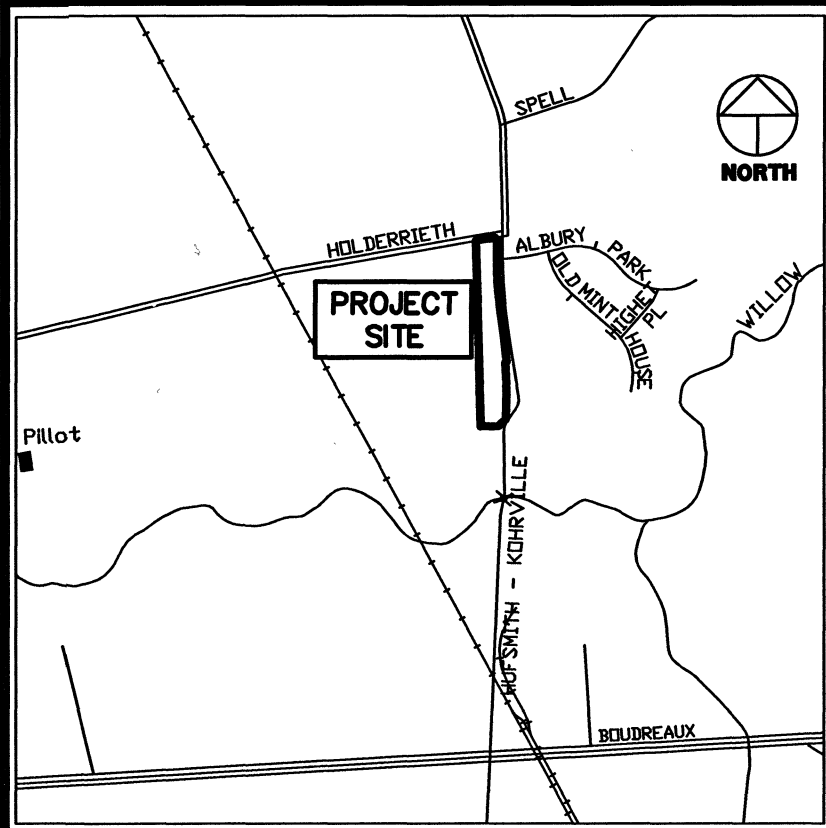


PAUL A. JURICA JR
R.P.L.S. NO. 4264
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



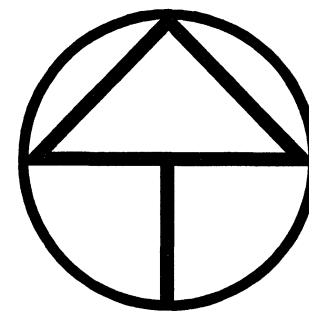
02/23/2017
DATE

SHEET 2 OF 2

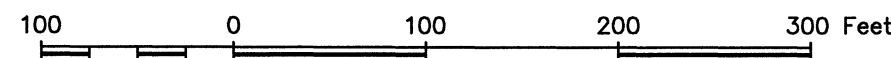


TOMBALL, HARRIS COUNTY, TEXAS
VICINITY MAP
SCALE: 1" = 2000'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 01°30'23" E	20.25'
L2	S 49°19'45" E	26.30'
L3	S 85°47'18" W	12.00'



GRAPHIC SCALE: 1" = 100'



DESCRIPTION

A TRACT OR PARCEL CONTAINING 11.131 ACRES OR 484,852 SQUARE FEET OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS, BEING OUT OF A CALLED 16.4724 ACRE TRACT CONVEYED TO 11311 HOLDERREITH LIMITED, L.P. AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W840420, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BEING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83:

COMMENCING AT A 1 INCH IRON PIPE FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HOLDERREITH ROAD (WIDTH VARIES) RECORDED UNDER FILM CODE (F.C.) NO. 594151, HARRIS COUNTY MAP RECORDS (H.C.M.R.), MARKING THE NORTHWEST CORNER OF A CALLED 18.778 ACRE TRACT CONVEYED TO BERNHARD AND ALVINA HOLDERREITH AS RECORDED UNDER H.C.C.F. NO. P225191;

THENCE NORTH 81 DEG. 09 MIN. 40 SEC. EAST, ALONG AND WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERREITH ROAD, A DISTANCE OF 409.45 FEET TO A POINT MARKING THE NORTHWEST CORNER OF A CALLED 1.2504 ACRE TRACT CONVEYED TO THE COUNTY OF HARRIS AS RECORDED UNDER H.C.C.F. NO. 2016466901 AND SAID 18.778 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 18.778 ACRE TRACT, FROM WHICH A CORNER BEARS FOR REFERENCE, NORTH 81 DEG. 09 MIN. 40 SEC. EAST, 244.50 FEET TO THE NORTHEAST CORNER OF SAID 1.2504 ACRE TRACT AT THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF SAID HOLDERREITH ROAD AND THE WESTERLY R.O.W. LINE OF HUFFSMITH-KOHRVILLE ROAD, FROM WHICH A FOUND 3/2 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 33 MIN. 11 SEC. EAST, 0.32 FEET;

THENCE, SOUTH 01 DEG. 30 MIN. 23 SEC. EAST, LEAVING SAID R.O.W. LINE, A DISTANCE OF 20.25 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE COMMON LINE OF SAID 18.778 ACRE TRACT AND SAID 18.778 ACRE TRACT, MARKING A WESTERLY CORNER OF SAID 1.2504 ACRE TRACT AND THE NORTHWEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

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SOUTH 49 DEG. 19 MIN. 45 SEC. EAST, 26.30 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 00 DEG. 10 MIN. 48 SEC. WEST, 317.41 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE LEFT;

ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, A CENTRAL ANGLE OF 07 DEG. 42 MIN. 23 SEC. AN ARC LENGTH OF 275.73 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 40 MIN. 24 SEC. EAST, 275.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING A POINT OF TANGENCY;

SOUTH 07 DEG. 31 MIN. 35 SEC. EAST, 430.17 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4450.00 FEET, A CENTRAL ANGLE OF 07 DEG. 42 MIN. 23 SEC. AN ARC LENGTH OF 275.73 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 40 MIN. 24 SEC. EAST, 275.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT;

SOUTH 85 DEG. 47 MIN. 18 SEC. WEST, 12.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT;

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THENCE, NORTH 01 DEG. 30 MIN. 23 SEC. WEST, A DISTANCE OF 1936.33 FEET TO THE PLACE OF BEGINNING AND CONTAINING 11.131 ACRES OR 484,852 SQUARE FEET OF LAND.

GENERAL NOTES

- SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN CITY PLANNING SEARCH REPORT NO. 2017-00072, PARTIAL TITLE COMPANY, EFFECTIVE DATE OF FEBRUARY 22, 2017, AND IS SUBJECT TO THE LIMITATIONS OF THAT REPORT.
- 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: 0.99944272.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C0230L REVISED/DATED JUNE 18, 2007 AND REVISED TO REFLECT LOMR EFFECTIVE JUNE 29, 2016, THE SUBJECT TRACT APPEARS TO BE WITHIN UNSHADED AND SHADED ZONE "X" AND ZONE "AE". 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.
- ENVIRONMENTAL AND DRAINAGE ISSUES ARE BEYOND THE SCOPE OF THIS SURVEY.
- THE SQUARE FOOTAGE TOTALS SHOWN HEREON ARE BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES REFLECTED ON THE SURVEY. IT DOES NOT INCLUDE THE TOLERANCES THAT MAY BE PRESENT DUE TO THE POSITIONAL ACCURACY OF THE BOUNDARY MONUMENTATION.
- THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EXPRESSED OR IMPLIED.
- THIS IS A BOUNDARY SURVEY ONLY. NO IMPROVEMENTS ARE SHOWN HEREON. BUT WILL BE ADDED WHEN SURVEY IS COMPLETED.

EASEMENTS AND OTHER ENCUMBRANCES

RIGHT OF WAY EASEMENT FOR ELECTRIC TRANSMISSION AND DISTRIBUTING LINES AND ALL APPURTENANCES THEREON, IN FAVOR OF MAGNOLIA FIRE LINE CO., AS RECORDED IN VOLUME 930, PAGE 650, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (UNABLE TO LOCATE, NO DESCRIPTION)

PIPELINE RIGHT OF WAY EASEMENT IN FAVOR OF HUMBLE OIL AND REFINING COMPANY, AS RECORDED IN VOLUME 1285, PAGE 259 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (UNABLE TO LOCATE, NO DESCRIPTION)

RIGHT OF WAY DEED GRANTED TO THE COUNTY OF HARRIS AS RECORDED IN VOLUME 7659, PAGE 548 (C936841) OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (DOES NOT ENCUMBER SUBJECT TRACT)

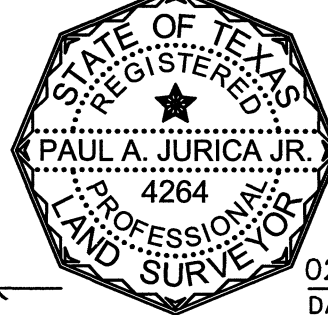
EASEMENT GRANTED TO HOUSTON LIGHTING AND POWER COMPANY, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. T590567 (SHOWN HEREON)

UTILITY EASEMENT GRANTED TO THE CITY OF TOMBALL, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. V732972 (DOES NOT ENCUMBER SUBJECT TRACT)

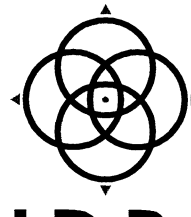
SURVEYOR'S CERTIFICATION

TO: 11311 HOLDERREITH LIMITED, L.P.
CHARTER TITLE COMPANY

I DO HEREBY CERTIFY TO THE ABOVE LISTED THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND AND WAS PERFORMED UNDER MY SUPERVISION. THAT THIS PLAT CORRECTLY REPRESENTS THE PROPERTY LEGALLY DESCRIBED HEREON, THAT THE FACTS FOUND AT THE TIME OF THIS SURVEY SHOW THE IMPROVEMENTS AND THAT THERE ARE NO VISIBLE ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN. THIS SURVEY SUBSTANTIALLY CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II SURVEY, TO THE BEST OF MY KNOWLEDGE.



PAUL A. JURICA, JR.
Registered Professional Land Surveyor
Texas Registration No. 4264



WINDROSE
LAND SURVEYING | PLATTING

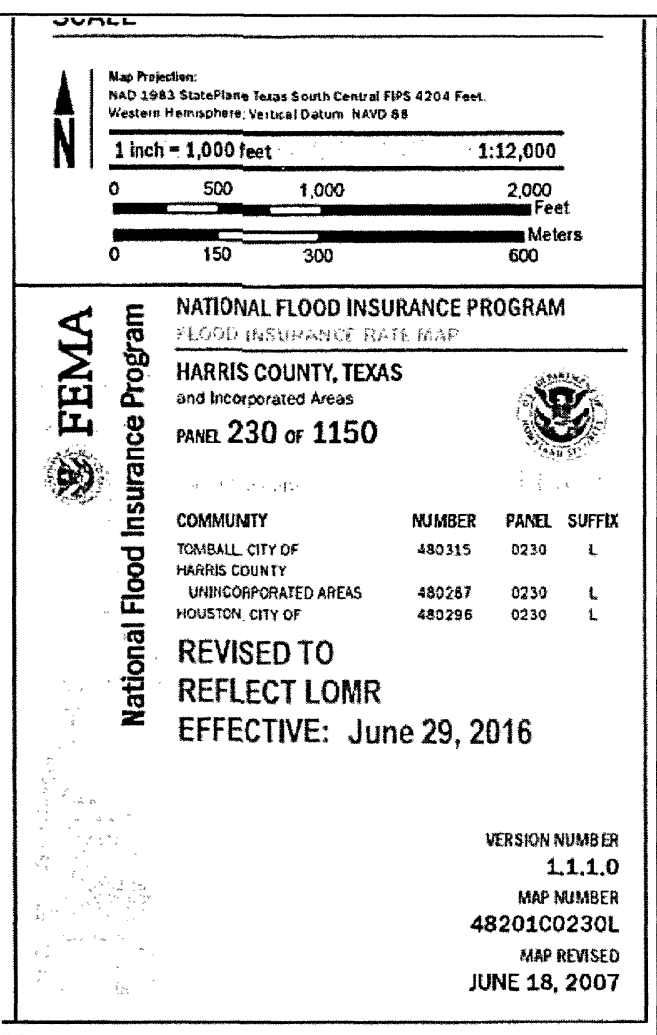
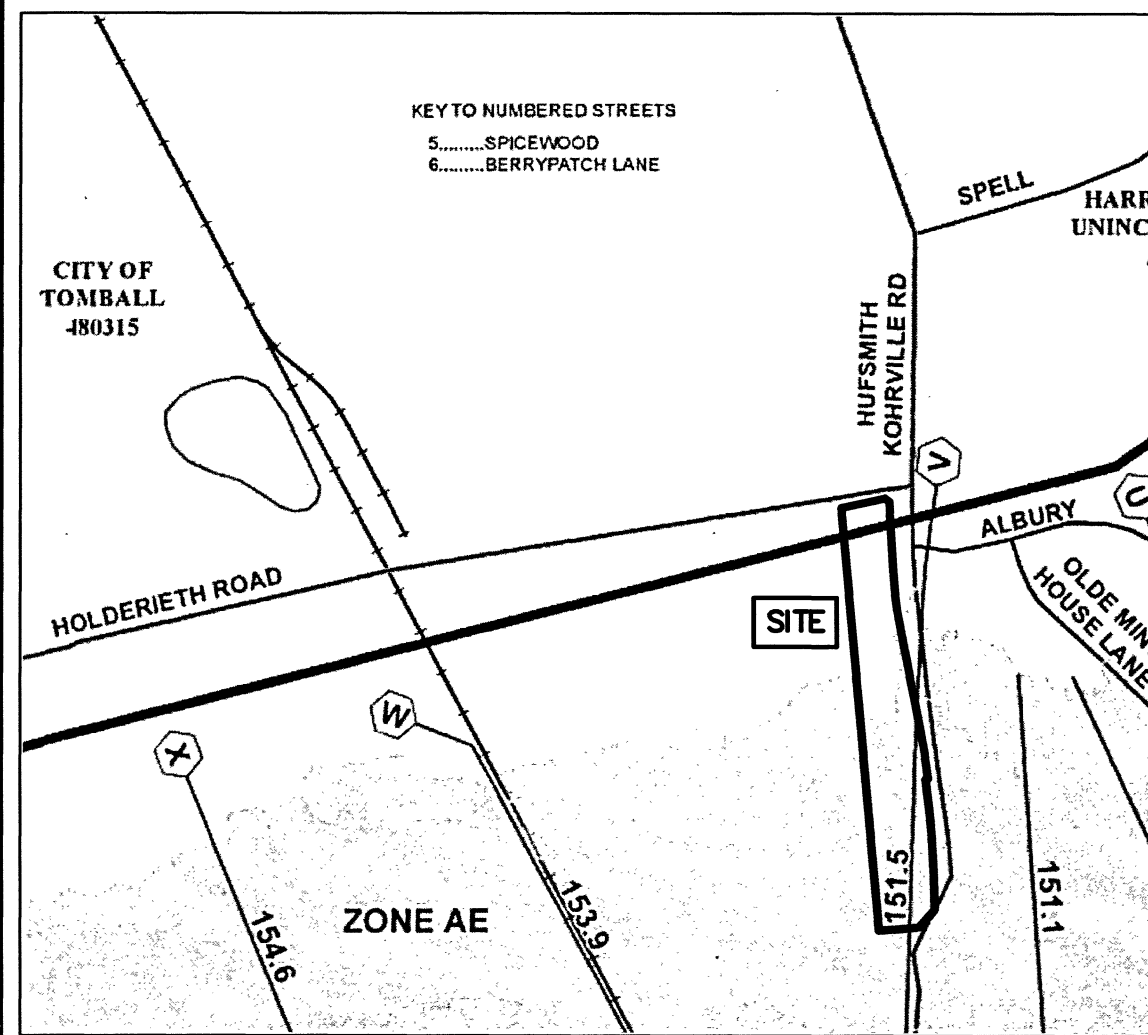
3200 WILCREST, SUITE 325 | HOUSTON, TX 77042 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

LAND TITLE SURVEY OF
11.130 AC. OR 484,852 SQ. FT.
SITUATED IN THE
ELIZABETH SMITH SURVEY
ABSTRACT NO. 70
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

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FILED BY: DB/AM CHECKED BY: PJ JOB NO. 53491 BNDY
DRAWN BY: JF DATE: 02/20/2017 SHEET NO. 1 OF 1

FLOOD INFORMATION



REVISIONS		
DATE	REASON	BY

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 20, 2017

Topic:

Consideration to Approve **Zoning Case P17-0006**: Request by Banson Ventures I, LLC for a Conditional Use Permit to Operate a Mini-Warehouse/Self-Storage Facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

- Conduct Public Hearing on **Zoning Case P17-0006**
- Adopt, on First Reading, Ordinance No. 2017-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Banson Ventures I, LLC to Operate a “Mini-Warehouse/Self Storage” at 1210 East Hufsmith Road; Said Property being Approximately 2.43 Acres, and Being Legally Described as Tract 3A R/S 10 Abstract 730 J S Smith, Tomball, Harris County, Texas, Generally Located on the South Side of East Hufsmith Road, between Zion Road and Snook Lane; Providing Requirements and Conditions for this CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

Background:

On Thursday, March 9, 2017, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of zoning case P17-0006.

Origination:

Banson Ventures, LLC

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

Craig T. Meyers, Community Development Director

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

ORD 2017-05
Notice of Public Hearing
Property Owner Notification
P17-0006 Staff Report
Response Form

ORDINANCE NO. 2017-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO BANSON VENTURES I, LLC TO OPERATE A “MINI-WAREHOUSE / SELF STORAGE” AT 1210 EAST HUFSMITH ROAD; SAID PROPERTY BEING APPROXIMATELY 2.43 ACRES, AND BEING LEGALLY DESCRIBED AS TRACT 3A R/S 10 ABSTRACT 730 J S SMITH, TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE SOUTH SIDE OF EAST HUFSMITH ROAD, BETWEEN ZION ROAD AND SNOOK LANE; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Banson Ventures I, LLC has requested a CUP to operate a “Mini-warehouse / self-storage” at 1210 East Hufsmith Road on approximately 2.43 acres of land, legally described as Tract 3A R/S 10 Abstract 730 J S Smith, generally located on the south side of East Hufsmith Road, between Zion Road and Snook Lane, in the City of Tomball, Harris County, Texas, (the "Property"), and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested CUP; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested CUP; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested CUP, the City Council held the public hearing for the requested CUP and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested CUP.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. A CUP to operate a “Mini-warehouse / self-storage” at the Property and subject to the terms and conditions set forth below, is hereby granted to Banson Ventures I, LLC.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20th DAY OF MARCH 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3rd DAY OF APRIL 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____

COUNCILMAN TOWNSEND
COUNCILMAN QUINN

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2017
&
CITY COUNCIL
MARCH 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, March 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 20, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0006: Request by Banson Ventures I, LLC for a Conditional Use Permit to operate a *Mini-warehouse/self-storage* facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

Zoning Case P17-0007: Request by Francisco Choi, on behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-family 6 District to the Office District.

Zoning Case P17-0008: Request by Baker Investors Group LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.01 acres of land, legally described as Reserve H Block 1 Leslie's Park, generally located at the southwest corner of Brown Road and Baker Road, from the Single-family 6 District to the Commercial District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

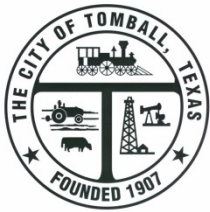
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **March 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Secretary of the Board

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.



Notice of Public Hearing

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

CASE NUMBER: P17-0006

APPLICANT/OWNER: Request by Banson Ventures I, LLC

LOCATION: South side of East Hufsmith Road between Snook Lane and Zion Road

PROPOSAL: A Conditional Use Permit to operate a *Mini-warehouse/self-storage* facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith, and is zoned General Retail.

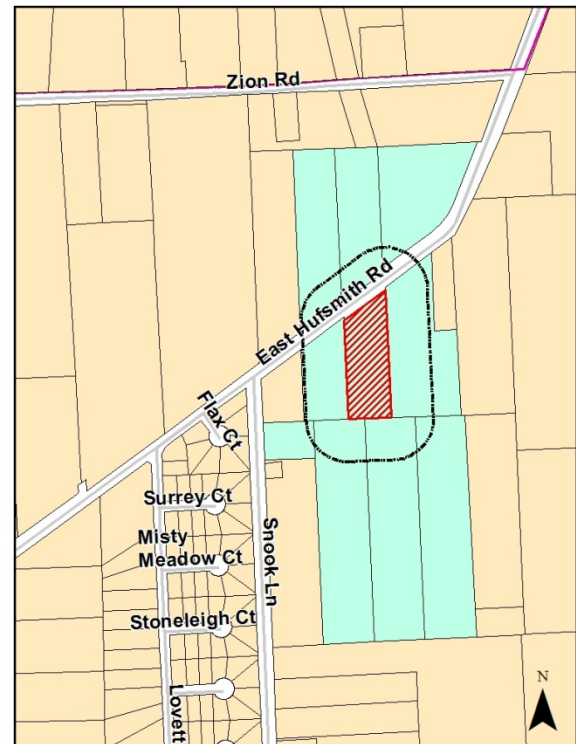
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

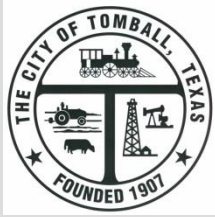


**Planning & Zoning Commission
Public Hearing:
Thursday, March 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, March 20, 2017, 6:00 PM**

**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 9, 2017

City Council Public Hearing Date: March 20, 2017

Rezoning Case: P17-0006

Property Owner(s): Iglesia Evangelina La Voz

Applicant(s): Banson Ventures I, LLC

Legal Description: Tract 3A R/S 10 Abstract 730 J S Smith

Location: Southside of East Hufsmith Road between Snook Lane and Zion Road (Exhibit "A")

Area: 2.43 acres

Comp Plan Designation: Medium Density Residential (Exhibit "B")

Present Zoning and Use: General Retail (Exhibit "C") / No use established (Exhibit "D")

Proposed Use(s): Boat and recreational vehicle storage

Request: CUP to allow the operation of a *mini-warehouse/storage* facility

Adjacent Zoning & Land Uses:

- North:** Single-family 20 Estate District / Single-family residence
- South:** Single-family 9 District / Undeveloped property
- West:** Single-family 9 District / Undeveloped property
- East:** Agricultural District / Undeveloped property

BACKGROUND

In January 2017, City Staff met with the applicant to discuss the possibility of developing a boat and recreational vehicle storage facility at the subject site. Staff informed the applicant that the proposed use, *Mini-warehouse/self-storage*, requires approval of a Conditional Use Permit through the Planning and Zoning Commission and City Council.

ANALYSIS

According to Section 50-2 (Definitions), a *mini-warehouse/self-storage* facility "means small, individual, storage unites for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited".

Section 50-112 (f) (8) requires "four [parking] spaces per establishment, plus two for an on-site manager's residence (if applicable), plus one appropriately sized space for any type of vehicle to

be stored on-site (e.g., rental trucks, boats, RVs, etc.)”. The proposed concept plan (Exhibit “F”) meets this requirement.

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a Conditional Use Permit, 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 Comprehensive Plan identifies the subject site as Medium Density Residential. The proposed land use is not compatible with this designation, however, since the property is zoned General Retail, it is unlikely that any proposed use will fit the Medium Density Residential designation.

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 imposition of certain standards and conditions.”

According to Section 50-76 (General Retail District), the purpose of this district is “to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services”. While the proposed use will not facilitate retail sales, it will offer services to the public, which does meet the intent of the General Retail District intent.

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

Should the CUP application be approved by City Council, the applicant will be required to submit a site plan and building plan application and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review.

A majority of the site will be constructed of crushed concrete/gravel which does not meet the standards of Chapter 50 (Zoning), however, the applicant is requesting a special exception from the Board of Adjustments.

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;

Properties in the area are large lots with various uses established on them. There are a few single-family residences in the area. Cornerstone Electric Co. is located at the intersection of East Hufsmith Road and Snook Lane and various commercial uses are

located less than a half mile north including Johnny Bang's Bang & Bump Shop, DPIS Engineering and Galindo's Auto Diesel Marine. The proposed use appears to be generally compatible with the surrounding commercial uses in the area.

While the proposed development does not appear to be compatible with the residential uses in the surrounding area, some of the land uses that are permitted by-right in the General Retail District may be considered more intense than the proposed storage facility. Some land uses permitted by-right at this location include *Auto repair (minor)*, *Automobile wash (full service/detail shop)*, *Convenience store (with or without gasoline sales)*, *Drinking establishment*, *Eating establishment (with no drive-through service)*, *Food or grocery store*, *General retail stores no outside storage*, *Hospital*, *Laundromat/ washateria/ self-service*, *Office*, *parole-probation*, *Quick lube/ oil change/ minor inspection*, and *Tool and machinery rental (indoor storage only)*.

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. The proposed use should not generate a significant increase in traffic on East Hufsmith Road. The Code of Ordinances has regulations in place that will protect the adjacent residential uses such as lighting and noise restrictions, greater setback requirements, landscape buffers, etc.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 17, 2017. Notice was published in the Potpourri and a sign was placed on the property on February 22, 2017. No public comment forms have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P16-0006 for the following reasons:

1. The proposed use is less intense than some of the uses that are permitted by-right in the General Retail District and therefore should have less impact on the surrounding residential properties;
2. The proposed use should not generate a significant increase in traffic in the area;
3. The Conditional Use Permit process allows the Planning and Zoning Commission and City Council the ability to place greater restrictions on the layout of the property that a use permitted by-right would not be subject to.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. CUP Application
- F. Concept Plan

Exhibit "A"
Aerial Photo

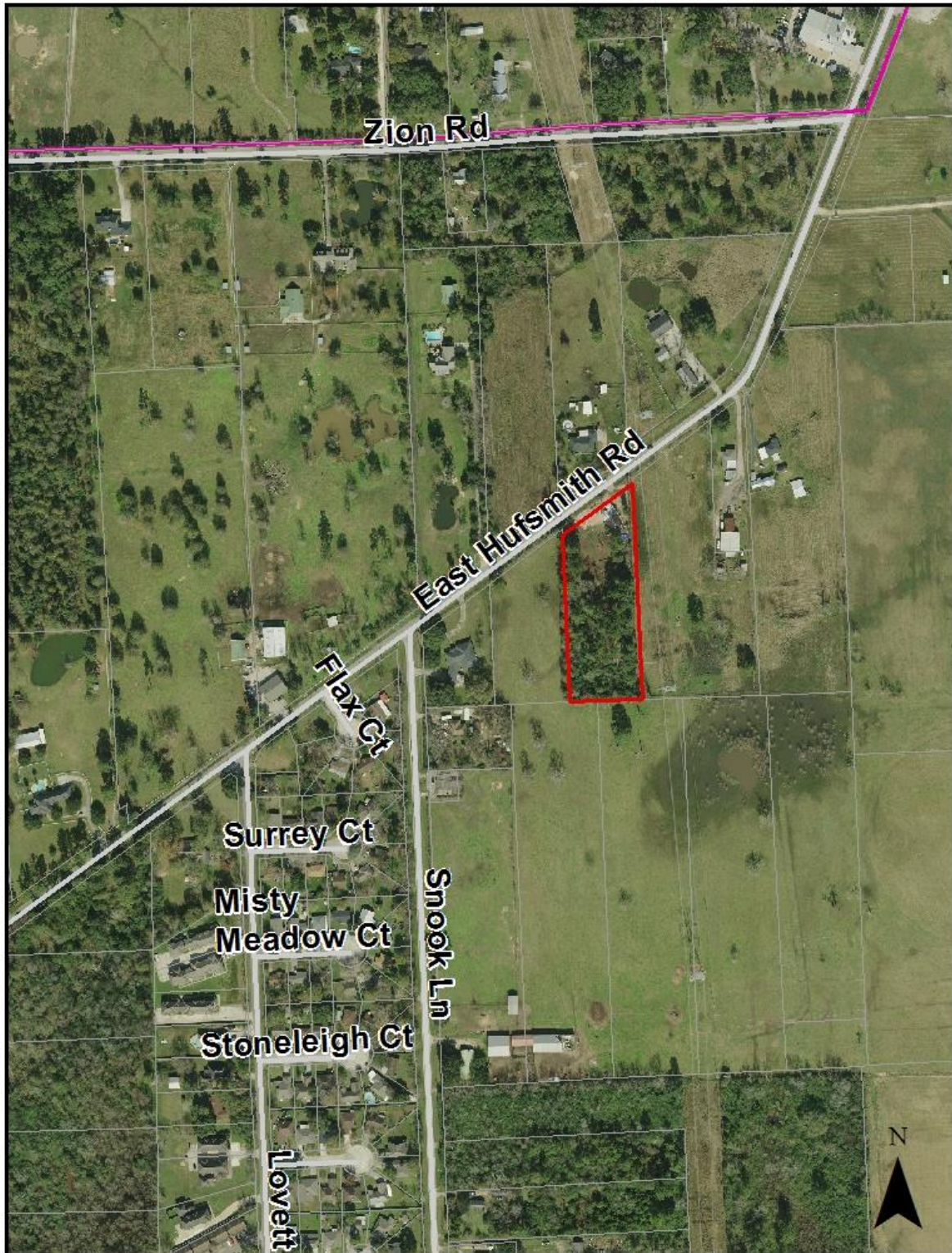
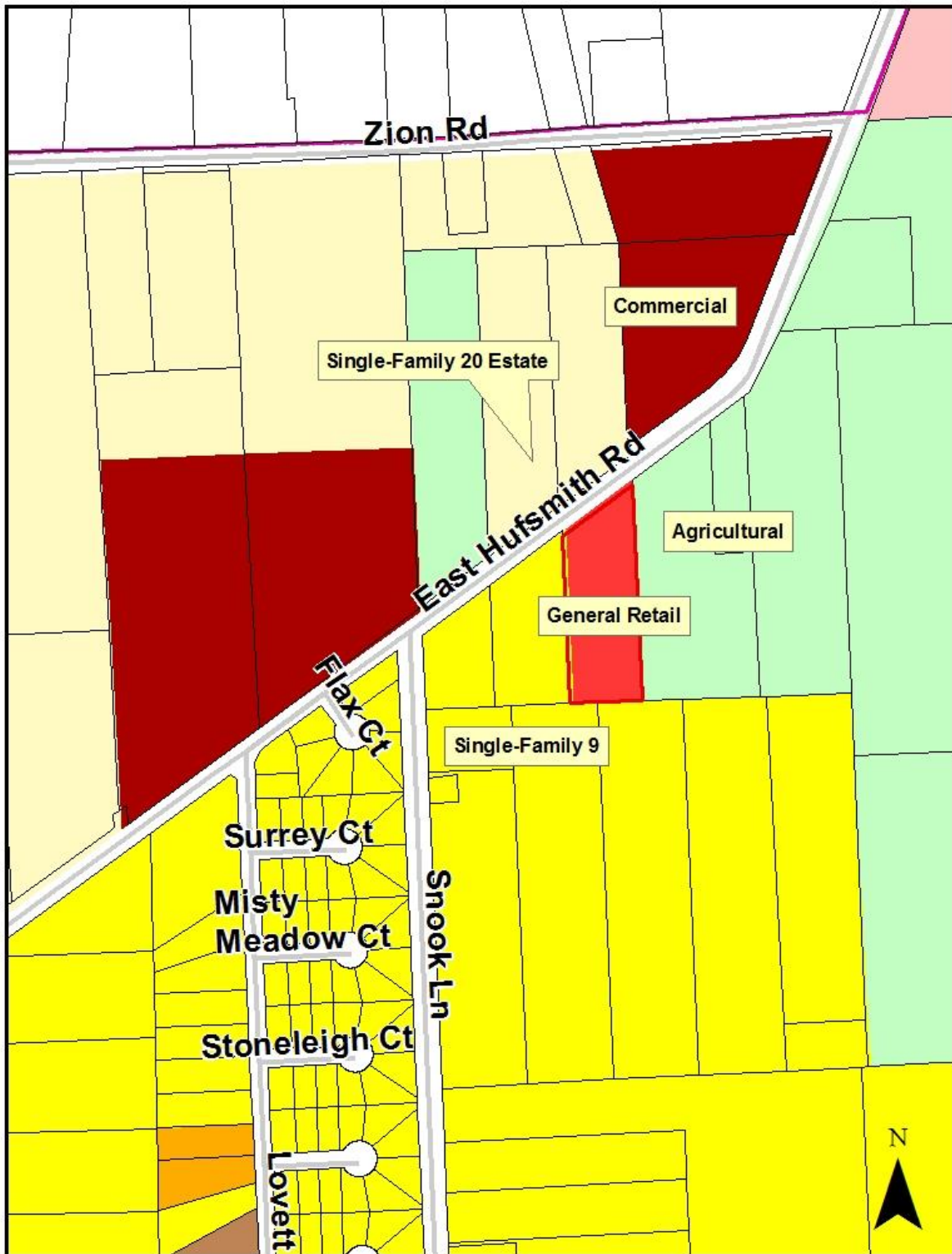


Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
CUP Application

COUNTS BONACCI & SMITH

ATTORNEYS AND COUNSELORS AT LAW
THE WEBB BUILDING
25511 Budde Road, Ste. 2701
The Woodlands, Texas 77380
Phone: 713-222-7100
Fax: 713-222-7102

markcounts@cbsemail.net
MARK A. COUNTS

January 24, 2017

City of Tomball
Attn: Amelia Lindley / Planning Division
501 James Street
Tomball, Texas 77375

Via Email – alindley@tomballtx.gov

Re: Application for Conditional Use Permit for 1210 E. Hufsmith Road, Tomball,
Texas 77375 ("the Property" hereafter).

Dear Ms. Lindley:

I represent Banson Ventures I, LLC d/b/a Oakwood Storage ("my client" hereafter), in the above captioned matter. Please direct all future communications and correspondence regarding this matter to me at the above captioned address.

Please find attached hereto a Conditional Use Permit application, supporting documentation and a check in the amount of \$600.00. Please process this paperwork in your usual and customary manner.

As shown by the attached application, my client wishes to construct a storage facility for boats and recreational vehicles within the jurisdictional limits of the City of Tomball ("the City"). My client currently owns a similar facility on Hufsmith Road. This facility lies outside the City's jurisdictional limits but is within five (5) miles of planned facility's proposed location.

In pursuit of this endeavor, my client previously authorized me to meet with you to determine the feasibility of its planned endeavor. During this meeting, you explained to me that the City would have to grant the proposed use and could place certain restrictions on it. After this conversation, the only obstacle that arose to the eventual construction of the planned facility concerned the type of surface that needed to be used within the storage lot. It is my client's belief that the only economical manner by which to construct the planned facility is through the use of crushed concrete and/or gravel. If the use of these materials is not possible then my client cannot pursue the construction of the facility.

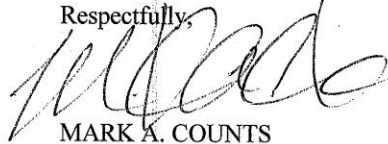
In order to make certain that the City understands the proposed use of the property, please find attached hereto a proposed site plan and several photographs of a facility that is similar to

01/24/2017
Page 2

what my client intends to build. This site plan and these photographs are for representational purposes only and do not depict the final facility that will be built. Obviously, in the construction of its planned facility, my client is willing to meet any and all the requirements placed on its by the City. However, please understand that the economics of its business dictates the use of crushed concrete and/or gravel on the interior of the facility.

In closing, I thank you for your time and attention to this matter and, if you have questions or concerns regarding this application then please feel free to contact me.

Respectfully,

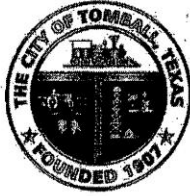
A handwritten signature in black ink, appearing to read 'Mark A. Counts', is written over the word 'Respectfully,'.

MARK A. COUNTS

Encls - 3

Cc:

Client



APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department
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.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50-34 of the Code of Ordinances.

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.

Applicant

Name: Benson Ventures I, LLC Title: _____
 Mailing Address: 9428 Rutsmith Road City: Tomball State: TX
 Zip: 77375
 Phone: (713) 320-3059 Fax: (713) 222-7100 Email: markcarr@hotmaail.com

Owner

Name: Iglesia Evangelica La Voz De Jesus Title: _____
 Mailing Address: 15015 Green Stone Dr City: Houston State: TX
 Zip: 77084
 Phone: (____) _____ Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: N/A Title: _____
 Mailing Address: _____ City: _____ State: _____
 Zip: _____
 Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Storage facility for boats & RV's
Physical Location of Property: 1210 E. Huffman, Tomball, Tx 77375
(General Location -- approximate distance to nearest existing street corner)
Legal Description of Property: 2.4216 Acres in the J.S. Smith Survey (attached)
(Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block)
HCAD Identification Number: 0450340010180 Acreage: 2.43
Current Use of Property: Vacant land
Proposed Use of Property: Storage facility for boats & RV's

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.

☒ <u><i>M. K. A. C. H.</i></u>	<u>1/13/17</u>
Signature of Applicant	Date
☒ <u><i>Walter D. A. C.</i></u>	<u>1/23/17</u>
Signature of Owner	Date

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0450340010180

Tax Year: 2016



Owner and Property Information									
Owner Name & Mailing Address: IGLESIA EVANGELINA LA VOZ DE JESUCRISTO 15015 GREEN STONE DR HOUSTON TX 77084-6239					Legal Description: TR 3A R/S 10 ABST 730 J S SMITH Property Address: 1210 E HUFSMITH RD TOMBALL TX 77375				
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
F1 -- Real, Commercial	8000 -- Land Neighborhood General Assignment	E	0	105,737 SF	800	0	9925.02	4872C	289A

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	04/08/2016	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2015 Rate	2016 Rate
None	026	TOMBALL ISD		Certified: 08/12/2016	1.340000	1.340000
	040	HARRIS COUNTY		Certified: 08/12/2016	0.419230	0.416560
	041	HARRIS CO FLOOD CNTRL		Certified: 08/12/2016	0.027330	0.028290
	042	PORT OF HOUSTON AUTHY		Certified: 08/12/2016	0.013420	0.013340
	043	HARRIS CO HOSP DIST		Certified: 08/12/2016	0.170000	0.171790
	044	HARRIS CO EDUC DEPT		Certified: 08/12/2016	0.005422	0.005200
	045	LONE STAR COLLEGE SYS		Certified: 08/12/2016	0.107900	0.107800
	083	CITY OF TOMBALL		Certified: 08/12/2016	0.341455	0.341455
	679	HC EMERG SERV DIST 8		Certified: 08/12/2016	0.100000	0.095470

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations

Value as of January 1, 2015			Value as of January 1, 2016		
	Market	Appraised		Market	Appraised
Land	52,869		Land	132,171	
Improvement	1,975		Improvement	1,940	
Total	54,844	54,844	Total	134,111	134,111

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8000 -- Land Neighborhood General Assignment	4373	SF	43,560	1.00	1.00	1.00	--	1.00	1.25	1.25	54,450.00
2	8000 -- Land Neighborhood General Assignment	4373	SF	62,177	1.00	1.00	1.00	--	1.00	1.25	1.25	77,721.00

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1988	Retail Single-Occupancy	Retail Store	Very Low	800	Displayed

<http://www.hcad.org/records/print.asp?crypt=%94%9A%B0%94%BFg%84%91%84zkh%...> 1/11/2017

Building Details (1)

Building Data	
Element	Detail
Cooling Type	None
Construction Type	Wood / Steel Joist
Functional Utility	Poor
Heating Type	None
Partition Type	Normal
Physical Condition	Poor
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Metal, Light
Economic Obsolescence	Very Poor
Element	Units
Wall Height	9
Interior Finish Percent	50

Building Areas	
Description	Area
BASE AREA PRI	800
CNPY ONLY -C	100

<http://www.hcad.org/records/print.asp?crypt=%94%9A%B0%94%BFG%84%91%84zkh%...> 1/11/2017

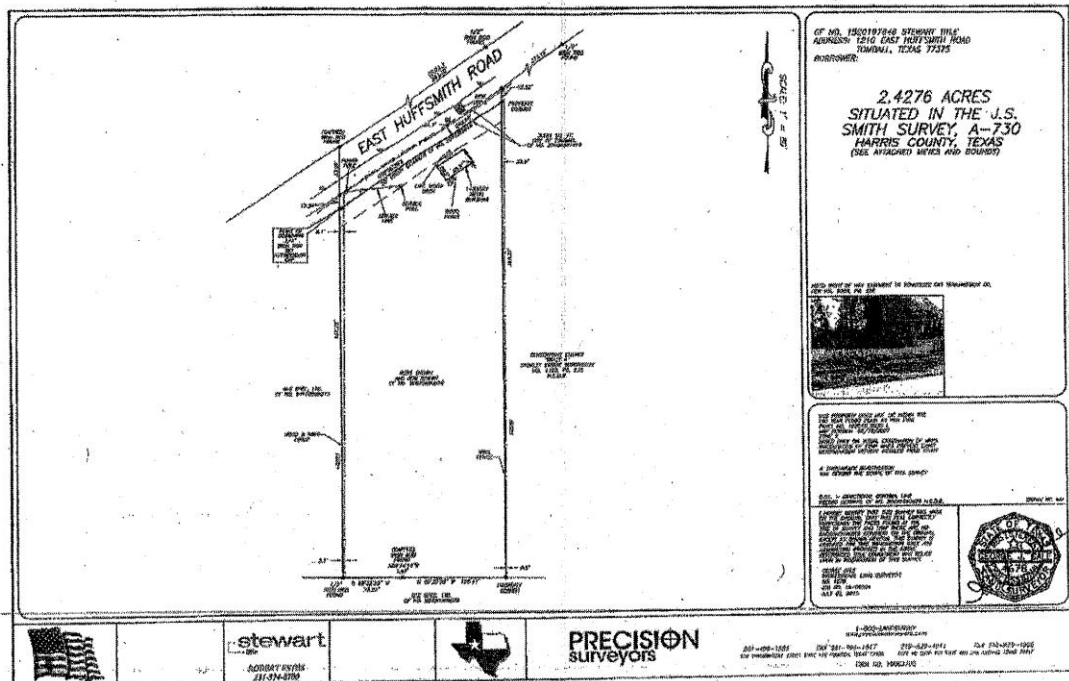
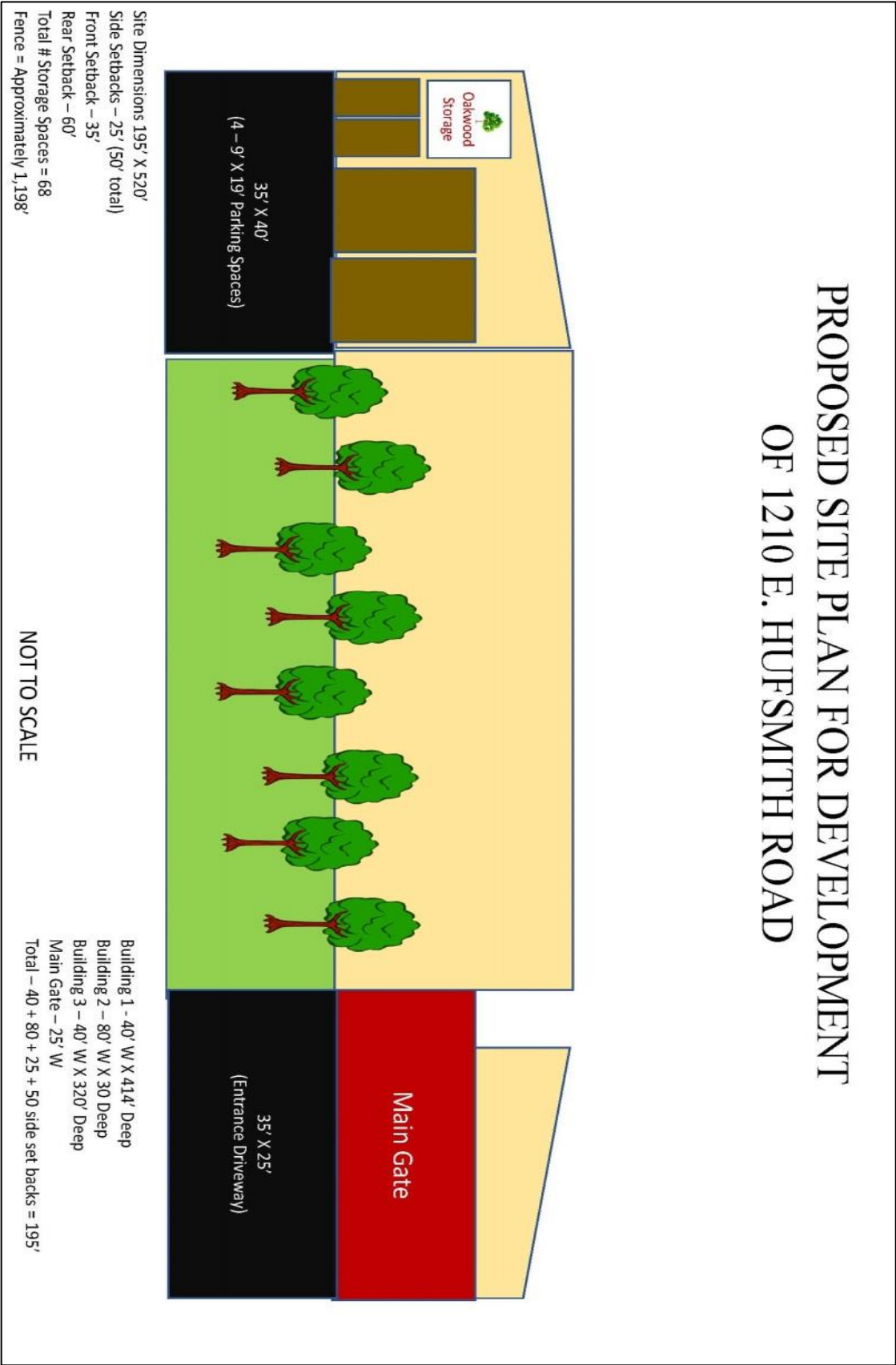
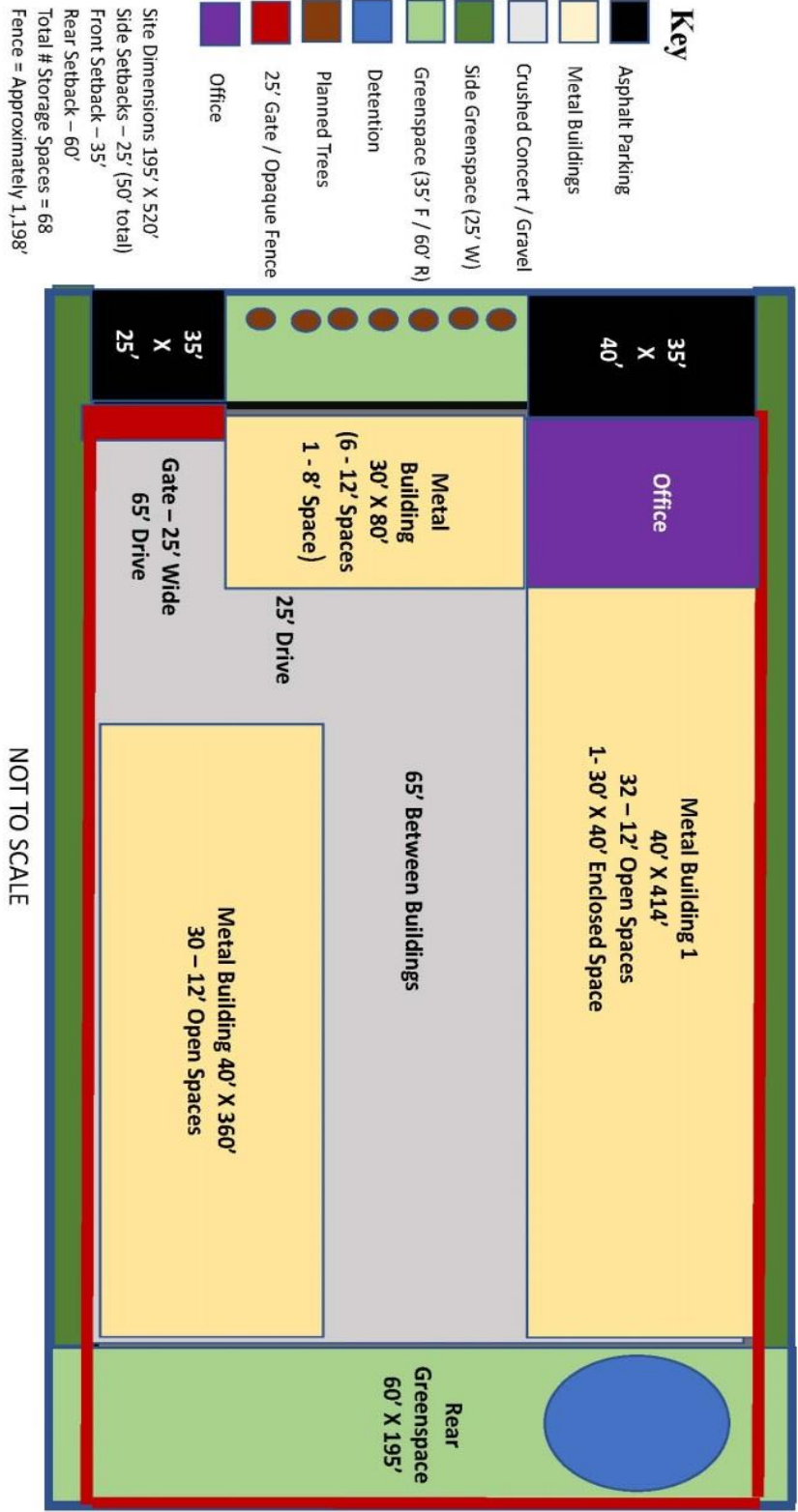


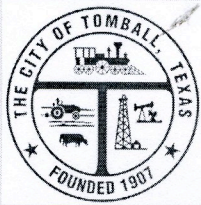
Exhibit “F”
Concept Plan

PROPOSED SITE PLAN FOR DEVELOPMENT
OF 1210 E. HUFSMITH ROAD



PROPOSED SITE PLAN FOR DEVELOPMENT
OF 1210 E. HUFSMITH ROAD





Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name: TOM CROFOOT

(please print)

Address: 1430 NEAL DR.

TOMBALL, TX 77375

Signature: Tom Crofoot

Date: 3/07/2017

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P17-0006. (Please state reasons below)

X

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P17-0006. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Thursday, March 9, 2017, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, March 20, 2017 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I am opposed to no concrete or asphalt for
the reasons of both function & appearance.
I am OK with no curbs.

You may also comment via email to ALindley@tomballtx.gov

Please reference the case number on the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 20, 2017

Topic:

Consideration to Approve **Zoning Case P17-0007**: Request by Francisco Choi, on Behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 2 acres of Land, Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, Generally Located on the East Side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-Family 6 District to the Office District.

- Conduct a Public Hearing on **Zoning Case P17-0007**
- Adopt, on First Reading, Ordinance No. 2017-06, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 2 Acres of Land, Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Office District; Said Property Being Generally Located on the East Side of South Pine Street between James Street and Cherry Laurel Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

On Thursday, March 9, 2017, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval for zoning case P17-0007.

Origination:

Francisco Choi on behalf of Tamiro Wood LLC

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

Craig T. Meyers, Community Development Director

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

ORD 2017-06
Notice of Public Hearing
Property Owner Notification
P17-0007 Staff Report

ORDINANCE NO. 2017-06

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 2 ACRES OF LAND, LEGALLY DESCRIBED AS PART OF OUTLOTS 127 AND 129 FIVE ACRE TRACTS TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE OFFICE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PINE STREET BETWEEN JAMES STREET AND CHERRY LAUREL STREET; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Francisco Choi, on behalf of TamiroWood LLC, has requested that approximately 2 acres of land, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, City of Tomball, Harris County, Texas, generally located on the east side of South Pine Street, between James Street and Cherry Laurel Street at 609 South Pine Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Office; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to

be true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 6 District to the Office District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Office District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Office District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20th DAY OF MARCH 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3rd DAY OF APRIL 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2017
&
CITY COUNCIL
MARCH 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, March 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 20, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0006: Request by Banson Ventures I, LLC for a Conditional Use Permit to operate a *Mini-warehouse/self-storage* facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

Zoning Case P17-0007: Request by Francisco Choi, on behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-family 6 District to the Office District.

Zoning Case P17-0008: Request by Baker Investors Group LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.01 acres of land, legally described as Reserve H Block 1 Leslie's Park, generally located at the southwest corner of Brown Road and Baker Road, from the Single-family 6 District to the Commercial District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

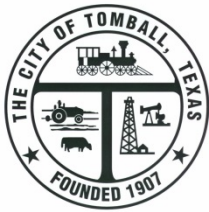
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **March 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Secretary of the Board

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.



Notice of Public Hearing

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

CASE NUMBER: P17-0007

APPLICANT/OWNER: Francisco Choi, on behalf of TamiroWood LLC

LOCATION: East side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, from the Single-family 6 District to the Office District.

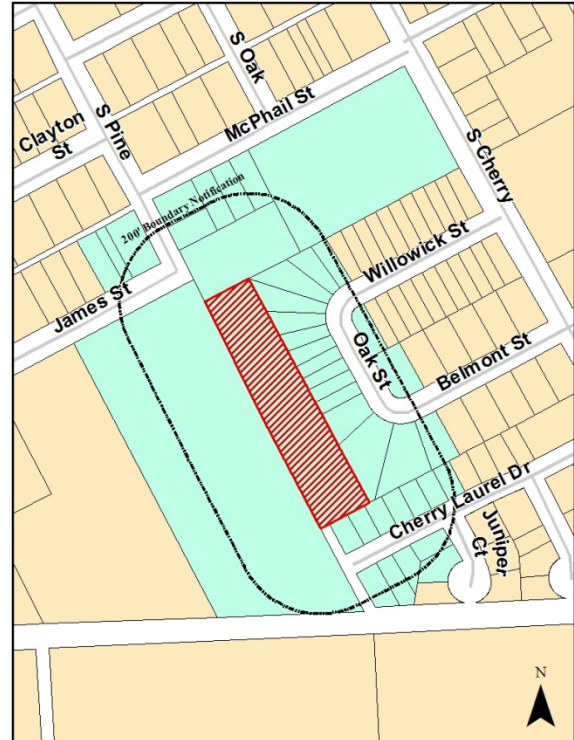
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**Planning & Zoning Commission
Public Hearing:
Thursday, March 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, March 20, 2017, 6:00 PM**

**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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 9, 2017

City Council Public Hearing Date: March 20, 2017

Rezoning Case: P17-0007

Property Owner(s): Jesus Gonzalez

Applicant(s): Francisco Choi, for TamiroWood, LLC

Legal Description: Part of Outlots 127 and 129 five acre tracts Tomball Outlots

Location: East side of South Pine Street between James Street and Cherry Laurel Street (Exhibit "A")

Area: 2 acres

Comp Plan Designation: High Density Residential (Exhibit "B")

Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped land (Exhibit "D")

Request: Rezone from Single-Family 6 to Office

Adjacent Zoning & Land Uses:

- North:** Single-Family 6 / Assisted living facility
- South:** Single-Family 6 / Single-family residences
- West:** Single-Family 6/ City of Tomball Public Works facility
- East:** Single-Family 6 and Multi-Family / Single-family and multi-family residences

BACKGROUND

In December 2016, City Staff met with the property owner and potential purchaser of the subject site to discuss a proposed assisted living facility. After discussing different options, the applicant submitted a rezoning application with intentions of filing a subsequent Conditional Use Permit application for an *assisted living facility (continuing care retirement community)* if the rezoning request is approved. The applicant is the current owner of the adjacent assisted living facility, Forever Young Senior Living.

ANALYSIS

There are a few different land uses in the area. To the north of the subject site, there is an established assisted living facility that is considered a legal nonconforming use, as it is zoned Single-Family 6 but operated as that use prior to the adoption of zoning in 2008. To the east, there are single-family and multi-family residences. To the south, there are single-family residences and to the west, the City's Public Works building.

The Future Land Use Map designates the property as High Density Residential. Properties to the east and south are also designated High Density Residential while properties to the north are Medium Density Residential. The subject site does abut property designated Employment/Office to the west.

Chapter 9 of the Comprehensive Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?”

The applicant has provided the following justifications for the request (Exhibit “E”):

1. “Will the proposed development enhance the City economically?
Lots 127 & 129 have remained undeveloped for a variety of reasons: size, easement, setbacks, location, adjacent uses, land use plan, and access. The proposed use maximizes the property tax potential of these lots.
2. Will the proposed development enhance the City aesthetically?
Given the location of these lots, they will never be a focal point. But the proposed development will be a better prospect for the neighbors than vacant lots.
3. Is the proposed development consistent with the City’s goals, objectives, and actions?
Yes. The proposed use complies with the intention of High Density Residential; the Assisted Living Facility produces 12 residents per acre. (That is, 24 residents on the 1.98 acre site.) The Assisted Living Facility provides a good transition between the duplex and single family neighborhoods and the municipal use.
4. Is the proposed development a better use of land/property, for both owner/developer and the City, than that recommended by the Plan?
Yes, because the use actually follows the intent of the Plan. Not only does the proposed use attach an Assisted Living Facility to the adjacent Memory Care Facility, providing a continuum of care, but the Assisted Living Facility fulfills the intent for High Density Residential.
5. Will the proposed development impact adjacent residential areas in a positive or negative manner?
Positive. As opposed to the vacant lots with unknown future uses, the proposed Assisted Living Facility is an attractive and quiet use, compatible with the adjacent residential

neighbors. It is the perfect use to be adjacent to the existing memory care facility. And it is a good visual and sound buffer between the existing residential uses and the municipal facilities.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress, egress, traffic impact?

The assisted living facility is proposed to be connected to the existing memory care facility – sharing the same driveway and address, and needing no more roadway. An assisted living facility has very little traffic due to residents, and predictable low traffic impacts due to staff.

7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

Yes. The attached memory care facility is similar in nature and appearance. Hours of operation apply mostly to staff because, unfortunately, there are few visitors.

8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

Yes. Our market study shows an ongoing need for the continuum of care provided by the proposed assisted living facility adjacent to the existing memory care facility.”

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

According to Section 50-75 (Office District), the purpose of the Office District is to “create an appropriate setting for low intensity office and professional uses” and should be “used as a transition district between residential uses and more intense uses”. The land uses permitted in the Office District are intended to be the least intense non-residential uses and would be appropriate in the immediate area.

The Office District offers a buffer between the existing residences and the Tomball Public Works Building.

The Office District and Chapter 50 (Zoning) as a whole have regulations in place to protect adjacent residential property owners.

- B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.**

Utilities are available to serve this property and the existing streets can accommodate traffic generated by an Office District use.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

Assisted living facilities are permitted by-right in the Multi-Family, General Retail, Commercial, and Old Town & Mixed Use Districts. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

The Office District makes up less than 1% of the City. There are no properties in the surrounding area zoned Office. There is also no vacant land zoned Office.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

The applicant is proposing to develop an assisted living facility. There has been one similar development in the City recently. Southern Knights Senior Living Community, located on Johnson Road, is in the process of expanding their operations.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. There are regulations in place that will protect the adjacent residential property owners.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property High Density Residential. While the proposed rezoning appears to be inconsistent with the Comprehensive Plan, it does appear to be consistent with the surrounding land uses.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 17, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on February 22, 2017. No public comment forms have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P17-0007 for the following reasons:

1. The request is generally appropriate with the surrounding land uses;
2. The property's unique shape and size could deem it difficult to develop single-family homes as currently zoned;
3. The potential uses on this property would not negatively affect the health, safety and welfare of the general public.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application

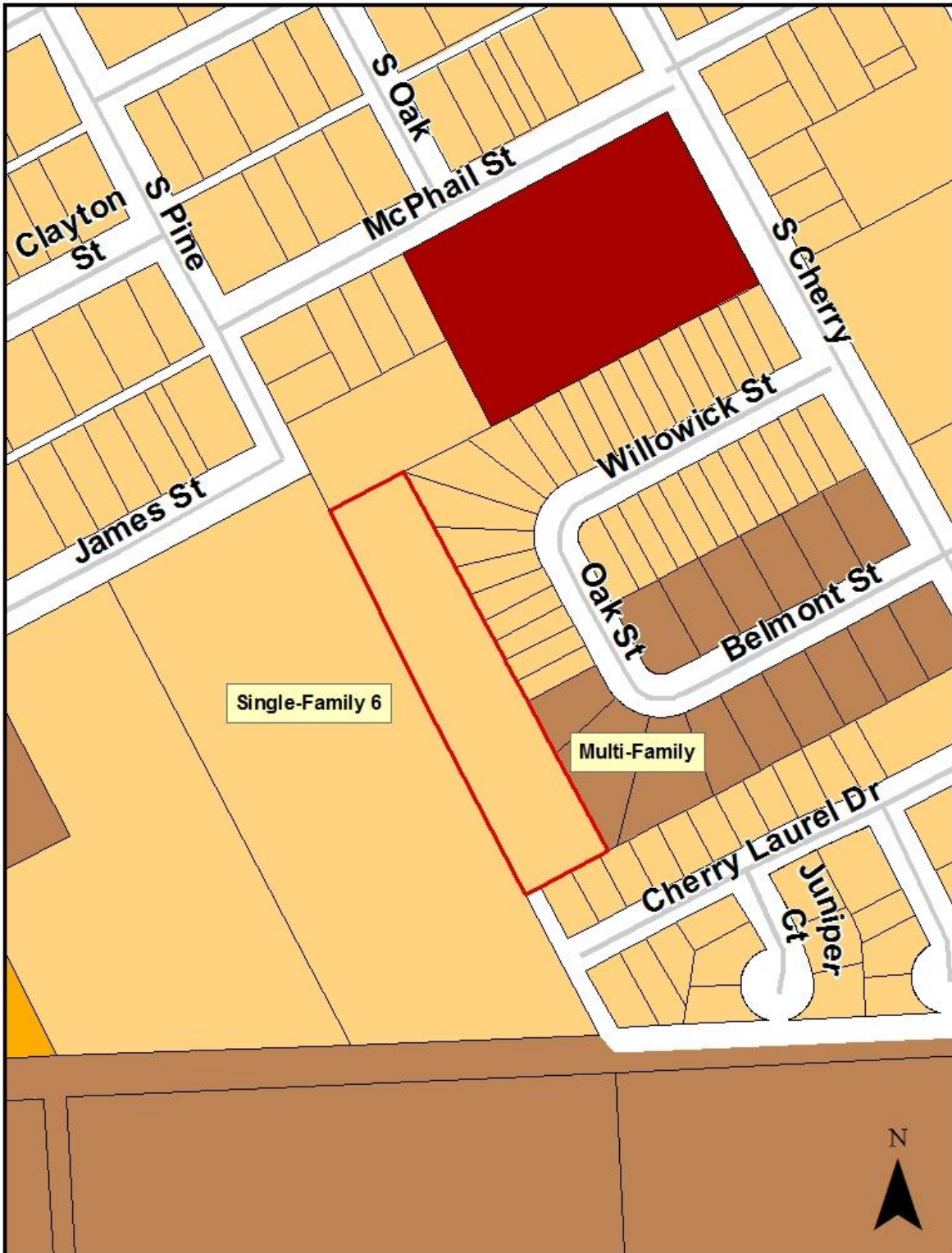
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E" Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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.

Applicant

Name: Francisco Choi, for TamiroWood, LLC Title: Partner
Mailing Address: P.O. Box 864 City: Georgetown State: TX
Zip: 78627
Phone: (512) 297-7263 Fax: () Email: francisco@ftcarch.com

Owner R&MB Property Mgmt, Inc
Name: Jesus Gonzalez Rodolfo Barvera Title: President
Mailing Address: 18106 Ridge Stream Lane City: Cypress Hockley State: TX
Zip: 77429-1782 23910 Saxxon way
Phone: (832) 597-1652 77447 Fax: () Email: rudyj99@yahoo.com

Engineer/Surveyor (if applicable)

Name: Precision Surveyors, Edilberto V. Barrientos Title: Professional Land Surveyor
Mailing Address: 950 Threadneedle St, Suite 150 City: Houston State: TX
Zip: 77079
Phone: (281) 496-1586 Fax: (281) 496-1867 Email: orders@precisionsurveyors.com

Description of Proposed Project: Assisted Living Facility

Physical Location of Property: 609 South Pine Street
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: .9583 U/D INT IN TRS 127 & 129 (1.9835 AC) Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Single Family

Current Use of Property: Vacant

Proposed Zoning District: Office (Conditional Use Permit)

Proposed Use of Property: Assisted Living Facility

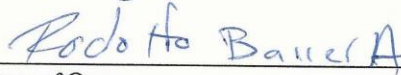
HCAD Identification Number: 0352840000129 Acreage: 1.9835

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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  26 JAN 2017
Signature of Applicant Date

X  26 JAN 2017
Signature of Owner Date

TamiroWood, LLC
803 Riverforest Drive
New Braunfels, TX 78132

26 January 2017

City of Tomball
501 James Street
Tomball, TX 77375

Subject: Rezoning of Outlots 127 and 129

Applicant TamiroWood, LLC, requests rezoning of Outlots 127 and 129 from Single Family to Office, with the intent of requesting a subsequent Conditional Use Permit for an Assisted Living Facility.

These lots are adjacent to an existing Memory Care facility owned by the intended owners of these lots. The continuum of use, from Assisted Living to Memory Care, inspired this request.

The current zoning of Single Family, while congruent with the neighboring duplex and single family development, is not compatible with the development standards. And the location of the lots lend themselves to a different transitional use.

Single family lots are required to be 120 feet deep. Outlots 127 and 129 (not including the easement) are only about 114 feet deep.

Outlots 127 and 129 back up to duplex and single family development, but are across the street from heavier uses of the Public Works building and a water tower. Rezoning to Office is an acceptable interface between the heavy civic use and the neighborhood use.

As currently configured, zoned and constrained, Outlots 127 and 129 are undevelopable.

In addition to the Conditional Use Permit, Applicant intends to apply for one or more variances to permit viable office development.

Absent these changes, Outlots 127 and 129 will forever be undeveloped. Of no value to the owners and of little taxable value to the City.



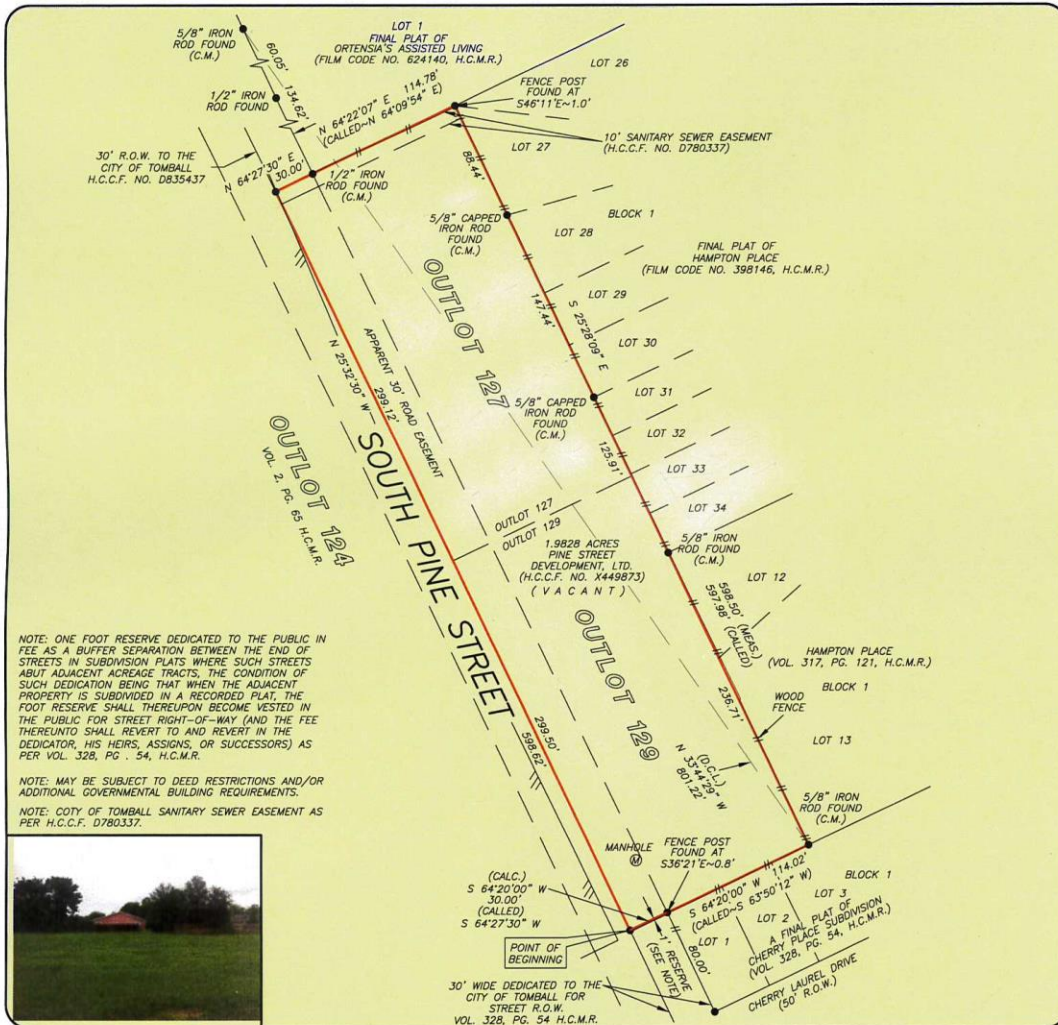
Francisco Choi
TamiroWood, LLC

GF NO. 1520195061 STEWART TITLE
 ADDRESS: 609 SOUTH PINE STREET
 TOMBALL, TEXAS 77375
 BORROWER: JESUS GONZALEZ

1.9828 ACRES
 (86,429 SQUARE FEET)
 PART OF OUTLOTS 127 AND 129
 FIVE ACRE TRACTS TOMBALL TOWNSITE

A SUBDIVISION IN HARRIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 2, PAGE 65 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS)

SCALE: 1" = 100'



THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 49201C 0230 L
 MAP REVISION: 06/18/07
 ZONE X
 BASED ONLY ON VISUAL EXAMINATION OF MAPS
 INACCURACIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: H.C.C.F. NO. X449873

DRAWN BY: RC

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND, THAT THIS PLAT CORRECTLY
 REPRESENTS THE FACTS FOUND AT THE
 TIME OF SURVEY AND THAT THERE ARE NO
 ENCROACHMENTS APPARENT ON THE GROUND,
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS
 CERTIFIED FOR THIS TRANSACTION ONLY AND
 ABSTRACTING PROVIDED IN THE ABOVE
 REFERENCED TITLE COMMITMENT WAS RELIED
 UPON IN PREPARATION OF THIS SURVEY.

EDILBERTO V. BARRIENTOS
 PROFESSIONAL LAND SURVEYOR
 NO. 5364
 JOB NO. 15-03699
 APRIL 29, 2015



stewart
 title

DANA DUNCAN
 281-374-8700



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionsurveyors.com
 281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FIRM NO. 10063700

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0352840000129

Tax Year: 2017

 **Print**

Owner and Property Information									
Owner Name & Mailing Address: GONZALEZ JESUS 18106 RIDGE STREAM LN CYPRESS TX 77429-1782			Legal Description: .9583 U/D INT IN TRS 127 & 129 (1.9835 AC) TOMBALL OUTLOTS Property Address: 609 S PINE ST TOMBALL TX 77375						
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
C2 -- Real, Vacant Commercial	8000 -- Land Neighborhood General Assignment		0	82,798 SF	0	0	9928.02	4771D	288M

Value Status Information

Value Status	Shared CAD
All Values Pending	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2016 Rate	2017 Rate
None	026	TOMBALL ISD	Pending	Pending	1.340000	
	040	HARRIS COUNTY	Pending	Pending	0.416560	
	041	HARRIS CO FLOOD CNTRL	Pending	Pending	0.028290	
	042	PORT OF HOUSTON AUTHY	Pending	Pending	0.013340	
	043	HARRIS CO HOSP DIST	Pending	Pending	0.171790	
	044	HARRIS CO EDUC DEPT	Pending	Pending	0.005200	
	045	LONE STAR COLLEGE SYS	Pending	Pending	0.107800	
	083	CITY OF TOMBALL	Pending	Pending	0.341455	
	679	HC EMERG SERV DIST 8	Pending	Pending	0.095470	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations

Value as of January 1, 2016			Value as of January 1, 2017		
	Market	Appraised		Market	Appraised
Land	248,394		Land		
Improvement	0		Improvement		
Total	248,394	248,394	Total	Pending	Pending

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8000 -- Land Neighborhood General Assignment	4300	SF	82,798	1.00	1.00	1.00	--	1.00	Pending	Pending	Pending

Building

Vacant (No Building Data)

STATE OF TEXAS §
 §
 §
 §
 §
COUNTY OF HARRIS §

PROPERTY DESCRIPTION:

A TRACT OF LAND CONTAINING 1.9828 ACRES (86,429 SQUARE FEET) (CALLED-1.9835 ACRES), SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT NO. 371, IN HARRIS COUNTY, TEXAS, BEING OUT OF AND A PART OF OUTLOTS 127 AND 129, FIVE ACRE TRACTS TOMBALL TOWNSITE, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 65 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.). SAID 1.9828 ACRE TRACT ALSO BEING THAT SAME TRACT RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) X449873 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
(BEARINGS ARE BASED IN H.C.C.F. NO. X449873)

BEGINNING at a point in the east line of Outlot 124 of said Five Acre Tracts Tomball Townsite for the southwest corner of said Outlot 129 and the herein described tract and the northwest corner of a 30-foot wide strip of land to be used for road widening shown in Cherry Place Subdivision, according to the Map or Plat recorded in Volume 328, Page 54 H.C.M.R.;

THENCE N 25° 32' 30" W, along the common line of the east line of said Outlot 124 with the west line of said Outlots 127 and 129 and the herein described tract, at 299.50 feet passing the common corner of said Outlots 127 and 129 and continuing for a total distance of 598.62 feet to a point in the centerline of South Pine Street extended for the northwest corner of said Outlot 127 and the herein described tract and the southwest corner of a certain called 30-foot wide tract recorded in H.C.C.F. No. D835437;

THENCE N 64° 27' 30" E, along the south line of said 30-foot wide tract and the common line of the north line of said Outlot 127 and the herein described tract with the south line of said Outlot 125, a distance of 30.00 feet to a 1/2 inch iron rod found at an angle point for corner and the southeast corner of said 30-foot wide tract and the southwest corner of Lot 1 of the Final Plat of Ortenia's Assisted Living recorded in Film Code No. 624140 H.C.M.R.;

THENCE N 64° 22' 07" E (called-N 64° 09' 54" E), along the common line of the north line of said Outlot 127 and the herein described tract with the south line of said Lot 1, a distance of 114.78 feet to point for the northeast corner of the herein described tract and the northwest corner of the Final Plat of Hampton Place recorded in Film Code No. 398146 H.C.M.R. from which a fence post found at S 46° 11' E, a distance of 1.0 feet;

THENCE S 25° 28' 09" E, across said Outlots 127 and 129, being the common line of the east line of the herein described tract with the west line of said Final Plat of Hampton Place and the west line of Hampton Place recorded in Volume 317, Page 121 H.C.M.R., a distance of 598.50 feet (called-597.98 feet) to a 5/8 inch iron rod found marking the southeast corner of the herein described tract and the southwest corner of said Hampton Place, said corner also being in the north line of aforesaid Cherry Place Subdivision;

THENCE S 64° 20' 00" W (called-S 63° 50' 12" W), along the common line of the south line of the herein described tract with the north line of said Hampton Place, a distance of 114.02 feet to a point for the northeast corner of aforesaid 30-foot wide road from which a fence post found at S 36° 21' E, a distance of 0.8 feet;

THENCE S 64° 20' 00" W (called-S 64° 27' 30" W), along the common line of the south line of said Outlot 129 and the herein described tract with the north line of said 30-foot wide road, a distance of 30.00 feet to the POINT OF BEGINNING containing 1.9828 acres of land.



EDILBERTO V. BARRIENTOS
Professional Land Surveyor, No. 5364
April 29, 2015
Job No. 15-03699

TamiroWood, LLC
803 Riverforest Drive
New Braunfels, TX 78132

27 February 2017

City of Tomball
501 James Street
Tomball, TX 77375

Subject: Outlots 127 and 129, Future Land Use Plan Questions

The Request for Information from the City of Tomball

According to Chapter 9 of the City of Tomball's Comprehensive Plan, when rezoning requests are not consistent with the Future Land Use Plan, the Planning and Zoning Commission and City Council should review the proposed development with the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City's goals, objectives, and actions?
- Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

The Response from TamiroWood

A city's Comprehensive Plan and subsequent Future Land Use Plan are aspirational, but not strictly prescriptive. Indeed, Tomball's Comprehensive Plan anticipated that discretion would be necessary in its application, as Chapter 1 says:

'It is impossible to create the perfect plan or zoning regulations to address every possible situation that might arise over time; that is why both the Plan and

the Zoning Ordinance will be reviewed, updated, and modified regularly as Tomball evolves.

The Comprehensive Plan can assist Tomball City Council and staff in ensuring that public improvements and facilities are developed to meet community needs. Additionally, it can serve as a guide for City service planning, budgeting, and capital improvements.’

TamiroWood calls attention to the current status of Outlots 127 & 129. They are currently surrounded by a Memory Care Facility, duplex housing, single family housing and municipal uses that appear more Light Industrial than Employment/Office.

The Future Land Use Plan map does not show South Pine Street extending along the boundary of the lots. Other city maps do show South Pine Street extending along the lots. There is, in fact, a dead end rudimentary track through and along an easement that gives the city access to the well and water tower near the southwest end of the property.

However, the proposed use does not require a roadway along Lots 127 & 129 because access is intended to be through the parking lot of the adjacent Memory Care Facility which the same owners own, and which address could be used for the combined facility.

Inspection of the lots, including the easement and setback requirements, leads us to the conclusion that normal high density residential is not likely.

So, let us address the questions.

1. Will the proposed development enhance the City economically?
Lots 127 & 129 have remained undeveloped for a variety of reasons: size, easement, setbacks, location, adjacent uses, land use plan, and access. The proposed use maximizes the property tax potential of these lots.
2. Will the proposed development enhance the City aesthetically?
Given the location of these lots, they will never be a focal point. But the proposed development will be a better prospect for the neighbors than vacant lots.
3. Is the proposed development consistent with the City’s goals, objectives, and actions?
Yes. The proposed use complies with the intention of High Density Residential; the Assisted Living Facility produces 12 residents per acre. (That is, 24 residents on the 1.98 acre site.) The Assisted Living Facility provides a good transition between the duplex and single family neighborhoods and the municipal use.
4. Is the proposed development a better use of land/property, for both owner/developer and the City, than that recommended by the Plan?
Yes, because the use actually follows the intent of the Plan. Not only does the proposed use attach an Assisted Living Facility to the adjacent Memory Care Facility, providing a continuum of care, but the Assisted Living Facility fulfills the intent for High Density Residential.
5. Will the proposed development impact adjacent residential areas in a positive or negative manner?
Positive. As opposed to the vacant lots with unknown future uses, the proposed Assisted Living Facility is an attractive and quiet use, compatible with the adjacent residential neighbors. It is the perfect use to be adjacent to the existing memory care facility. And it is a good visual and sound buffer between the existing residential uses and the municipal facilities.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress, egress, traffic impact?
The assisted living facility is proposed to be connected to the existing memory care facility – sharing the same driveway and address, and needing no more roadway. An assisted living facility has very little traffic due to residents, and predictable low traffic impacts due to staff.
7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
Yes. The attached memory care facility is similar in nature and appearance. Hours of operation apply mostly to staff because, unfortunately, there are few visitors.
8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?
Yes. Our market study shows an ongoing need for the continuum of care provided by the proposed assisted living facility adjacent to the existing memory care facility.

Phil Duprey for TamiroWood
Tri-County Consultants

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 20, 2017

Topic:

Consideration to Approve **Zoning Case P17-0008**: Request by Baker Investors Group LLC to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 1.01 Acres of Land, Legally Described as Reserve H Block 1 Leslie's Park, Generally Located at the Southwest Corner of Brown Road and Baker Road, from the Single-Family 6 District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0008**
- Adopt, on First Reading, Ordinance No. 2017-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Reserve H Block 1 Leslie's Park, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property Being Generally Located at the Southwest Corner of Brown Road and Baker Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

On Thursday, March 9, 2017, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend denial of zoning case P17-0008.

Origination:

Baker Investors Group

Recommendation:

Denial

Party(ies) responsible for placing this item on agenda:

Craig T. Meyers, Community Development Director

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

ORD 2017-07
Notice of Public Hearing
Property Owner Notification
P17-0008 Staff Report
Response Forms

ORDINANCE NO. 2017-07

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.01 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE H BLOCK 1 LESLIE'S PARK, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF BROWN ROAD AND BAKER ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Baker Investors Group LLC has requested that approximately 1.01 acres of land, legally described as Reserve H Block 1 Leslie's Park, City of Tomball, Harris County, Texas, generally located at the southwest corner of Brown Road and Baker Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Commercial; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 6 District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Commercial District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20th DAY OF MARCH 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3rd DAY OF APRIL 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2017
&
CITY COUNCIL
MARCH 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, March 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 20, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0006: Request by Banson Ventures I, LLC for a Conditional Use Permit to operate a *Mini-warehouse/self-storage* facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

Zoning Case P17-0007: Request by Francisco Choi, on behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-family 6 District to the Office District.

Zoning Case P17-0008: Request by Baker Investors Group LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.01 acres of land, legally described as Reserve H Block 1 Leslie's Park, generally located at the southwest corner of Brown Road and Baker Road, from the Single-family 6 District to the Commercial District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

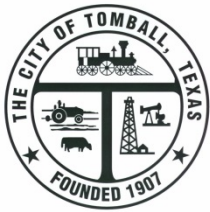
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **March 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Secretary of the Board

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.



Notice of Public Hearing

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

CASE NUMBER: P17-0008

APPLICANT/OWNER: Baker Investors Group LLC

LOCATION: Southwest corner of Brown Road and Baker Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.01 acres of land, legally described as Reserve H Block 1 Leslie's Park, from the Single-family 6 District to the Commercial District.

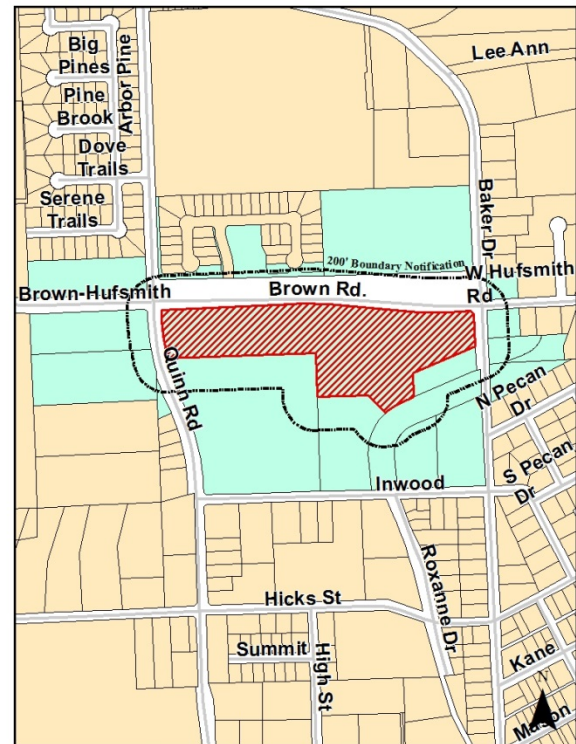
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

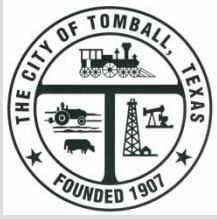


**Planning & Zoning Commission
Public Hearing:
Thursday, March 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, March 20, 2017, 6:00 PM**

**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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 9, 2017

City Council Public Hearing Date: March 20, 2017

Rezoning Case: P17-0008

Property Owner(s): Baker Investors Group, LLC

Applicant(s): Baker Investors Group, LLC

Legal Description: Reserve H Block 1 Leslie's Park

Location: Southwest corner of Brown Road and Baker Road (Exhibit "A")
(the approximate location of the 1.01 acre site is circled in blue on the attached maps)

Area: 1.01 acres out of existing 15.5 acres

Comp Plan Designation: Medium Density Residential (Exhibit "B")

Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped Land (Exhibit "D")

Request: Rezone from Single-Family 6 District to Commercial District

Adjacent Zoning & Land Uses:

- North:** Single-Family 9 / Undeveloped land
- South:** Single-Family 6 / County drainage ditch, memory care facility and assisted living facility
- West:** Single-Family 6 / Undeveloped land
- East:** Single-Family 6 District / Single-family residences

BACKGROUND

City Staff has had multiple discussions with the property owners and interested parties about the possibilities of developing the subject site. On January 27, 2017 Staff received an application for rezoning of 1.01 acres out of the total approximately 15.5 acre reserve.

ANALYSIS

Land uses in the area include Tomball Elementary School, Yaupon Trails neighborhood, multiple single-family residences, Children's Building Blocks, Inwood Crossing Alzheimer's and Memory Care, and Harvest Home senior living facility.

The Future Land Use Map designates the property as well as surrounding properties to the north, south and southwest as Medium Density Residential. Properties to the northeast are designated Low Density Residential while properties to the east and south are designated High Density Residential. Properties on the west side of Quinn Road are Employment / Office.

Chapter 9 of the Comprehensive Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?”

The applicant has provided the following justifications for the request (Exhibit “E”):

“Will the proposed development enhance the City economically?

Yes, the city will receive additional revenue in the form of taxes paid. Additionally, the city’s economy will see jobs created for operations of the convenience store and any other businesses that are developed on premise.

Will the proposed development enhance the City aesthetically?

Yes, we will leverage experienced construction companies with the aim of providing a high-end convenience experience to build on the quality standards that have been established by new development in the surrounding area. We plan to use premium stone and stucco for the raw materials of construction. Canopy columns for the pump stations will be aesthetically aligned towards building structures.

Is the proposed development consistent with the City’s goals, objectives, and actions?

By offering nearby convenience, we will reduce traffic to nearby grocery stores which in turn should alleviate the need for the city to plan for road construction. The lot in question was plotted as a medium-density residential several decades ago. We feel it is in the city’s best interest to convert the lot to commercial based on the developments in the area and current location of the lot.

Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan?

Yes, the location of the property is ideal for commercial and is unlikely to be developed if the lot remains designated as residential. Commercial use will bring benefits to the

community highlighted above as opposed to a single residence which will have minimal impact and overall benefit to the surrounding area. In talking to the local community, simple convenience items require use of routes which are high traffic. A convenience store nearby will alleviate the need for members in the community to use such routes.

Will the proposed development impact adjacent residential areas in a positive or negative manner?

Development will bring a positive impact to the community in the form of nearby convenience while alleviating local areas of high traffic. Aesthetically, we look to enhance the impression of the community with the highest quality construction and design while adhering to city standards and regulations.

Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

Yes, we have developed our construction plans with the aim of providing ease of access while improving traffic conditions in the surrounding area. Our site plan includes 2 entrances for access to the store that are spaced for the most optimal traffic flow for entering and exiting the lot.

Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility?

We have considered nearby appearance of the surrounding area and have incorporated themes selectively which we feel will enhance the look of the overall community. While there are not currently any other commercial sites nearby, we feel this highlights the need to offer local convenience given new development and nearby communities such as senior housing.

Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

As with most convenience stores, we plan to offer basic household items including health related products which will be critical in case of emergencies. We reiterate the benefit brought to the community in the form of traffic flow improvement. Lastly, our commercial plans for the site will include ease of access to a deli offering choices for healthy meals.”

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The Commercial District is the second most intense zoning district in the City. Many land uses that can be considered intense are permitted in the proposed district. The existing uses in the area include single-family residences and light non-residential uses including

a children's daycare, an elementary school, a senior living facility and a memory care facility. It does not appear that the uses permitted by the proposed change would be appropriate in the immediate area.

B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

There are City utilities available for the subject site and the surrounding roads can accommodate the increase in traffic.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is vacant land in the City currently zoned Commercial. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

There has been consistent commercial development city-wide in the Commercial District.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

The applicant has proposed a convenience store with gasoline sales, sandwich and donut shop. It does not appear that other areas designated for similar development will be affected for the proposed amendment.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. The proposed zone change could increase the traffic in the area.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Medium Density Residential. The request is not consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 17, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on February 22, 2017. Two public comment forms in opposition have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P17-0008 or the following reasons:

1. The request is not consistent with the City's Comprehensive Plan;
2. The request is not compatible with the existing land uses in the area.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

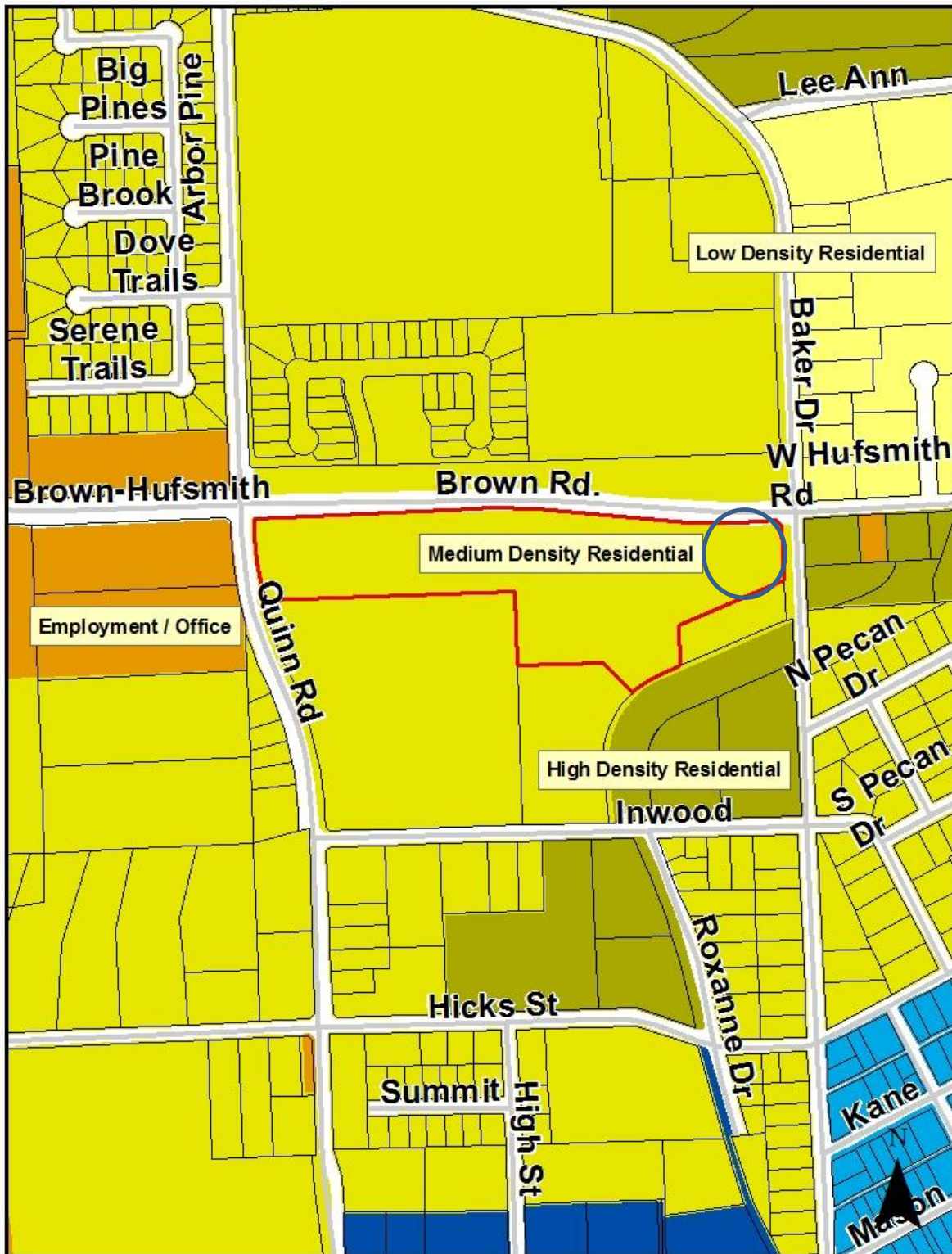
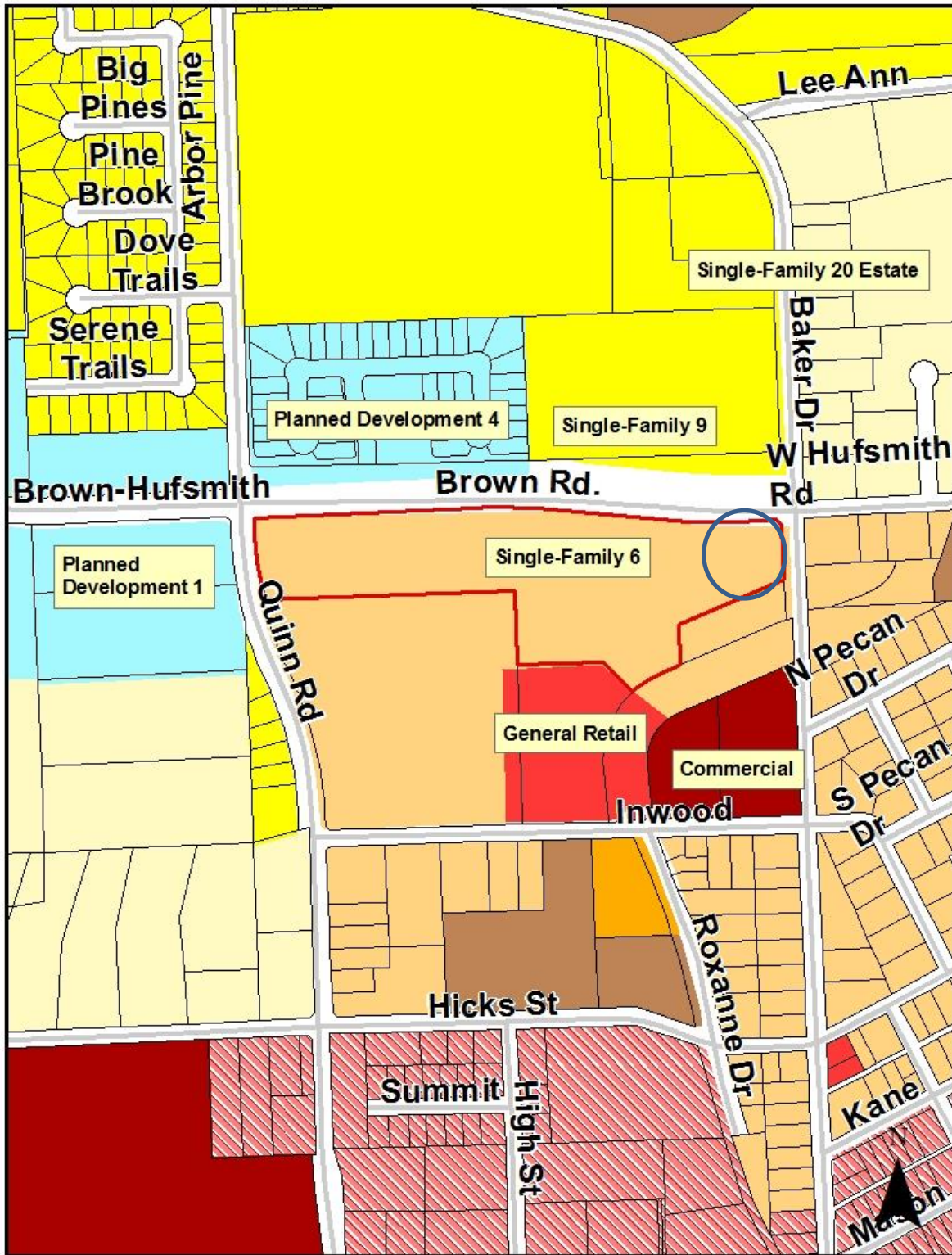


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Subject Site view from Brown Road



Subject Site view from Baker Road

Exhibit "E" Application

Revised 5/19/15



P17-0008

APPLICATION FOR REZONING

Community Development Department
Planning Division



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.

Applicant

Name: BAKER INVESTORS GROUP LLC Title: OWNER
Mailing Address: 1110 HAYE ROAD City: FRIENDSWOOD State: TEXAS
Zip: 77546
Phone: (512) 781 - 9202 Fax: () Email: ATAMSSLLC@GMAIL.COM

Owner

Name: BAKER INVESTORS GROUP LLC Title: OWNER
Mailing Address: 1110 HAYE ROAD City: FRIENDSWOOD State: TEXAS
Zip: 77546
Phone: (512) 781 - 9202 Fax: () Email: ATAMSSLLC@GMAIL.COM

Engineer/Surveyor (if applicable)

Name: N/A Title:
Mailing Address: City: State:
Zip:
Phone: () Fax: () Email:

Description of Proposed Project: NEW C-STORE W/ GAS - SANDWICH & DONUT SHOP

Physical Location of Property: SW CORNER OF BROWN-HUFSMITH AND BAKER ROAD
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: RES H BLK 1 LESLIES PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: RESIDENTIAL

Current Use of Property: UNIMPROVED LAND

Proposed Zoning District: COMMERCIAL

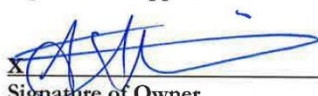
Proposed Use of Property: NEW C-STORE W/ GAS - SANDWICH & DONUT SHOP

HCAD Identification Number: 1195220010008 Acreage: 1.01

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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.

	Anil Mamin	01/26/2017
Signature of Applicant		Date
	Anil Mamin	01/26/2017
Signature of Owner		Date

CITY OF TOMBALL
281-351-5484

REC#: 00966810 1/26/2017 2:58 PM
OPER: RP TERM: 005
REF#: M 1718

TRAN: 130.0000 PLANNING AND ZONING
REZONE FEE
BROWN HUFSMITH BAKER
100-5446
ZONING FEES- OTHER 410.00CR

TENDERED: 410.00 CHECK
APPLIED: 410.00-

CHANGE: 0.00

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

January 26, 2017

City of Tomball
501 James Street
Tomball, TX 77375

To whom it may concern:

Baker Investors Group LLC is currently in contract with the seller of the lot on the SW corner of Brown-Hufsmith & Baker Rd (see attached site plan) with the intent of providing convenience shopping. The execution of the contract with seller is dependent on getting the property re-zoned from residential to commercial. The goal of the project is to offer nearby residents ease of access to pick up daily essentials while offering improvement in traffic flow during peak commute periods. Additionally, Baker Investors Group will supplement convenience with quality franchise favorites, giving residents additional options for quick dine-in or pick-up. Lastly, we are in discussions with experienced construction companies with the aim of providing a high-end convenience experience to build on the quality standards that have been established by new development in the surrounding area.

This letter serves as a formal request from Baker Investors Group LLC to the City of Tomball to approve the rezoning of the lot highlighted in the site plan in order to provide the benefits stated above.

Best regards,



Baker Investors Group LLC
1110 Hays Road
Friendswood, TX 77546
ATAMSS.LLC@gmail.com
512-781-9202

P17-0008

- Will the proposed development enhance the City economically?

Yes, the city will receive additional revenue in the form of taxes paid. Additionally, the city's economy will see jobs created for operations of the convenience store and any other businesses that are developed on premise.

- Will the proposed development enhance the City aesthetically?

Yes, we will leverage experienced construction companies with the aim of providing a high-end convenience experience to build on the quality standards that have been established by new development in the surrounding area. We plan to use premium stone and stucco for the raw materials of construction. Canopy columns for the pump stations will be aesthetically aligned towards building structures.

- Is the proposed development consistent with the City's goals, objectives, and actions?

By offering nearby convenience, we will reduce traffic to nearby grocery stores which in turn should alleviate the need for the city to plan for road construction. The lot in question was plotted as a medium-density residential several decades ago. We feel it is in the city's best interest to convert the lot to commercial based on the developments in the area and current location of the lot.

- Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan?

Yes, the location of the property is ideal for commercial and is unlikely to be developed if the lot remains designated as residential. Commercial use will bring benefits to the community highlighted above as opposed to a single residence which will have minimal impact and overall benefit to the surrounding area. In talking to the local community, simple convenience items require use of routes which are high traffic. A convenience store nearby will alleviate the need for members in the community to use such routes.

- Will the proposed development impact adjacent residential areas in a positive or negative manner?

Development will bring a positive impact to the community in the form of nearby convenience while alleviating local areas of high traffic. Aesthetically, we look to enhance the impression of the community with the highest quality construction and design while adhering to city standards and regulations.

- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

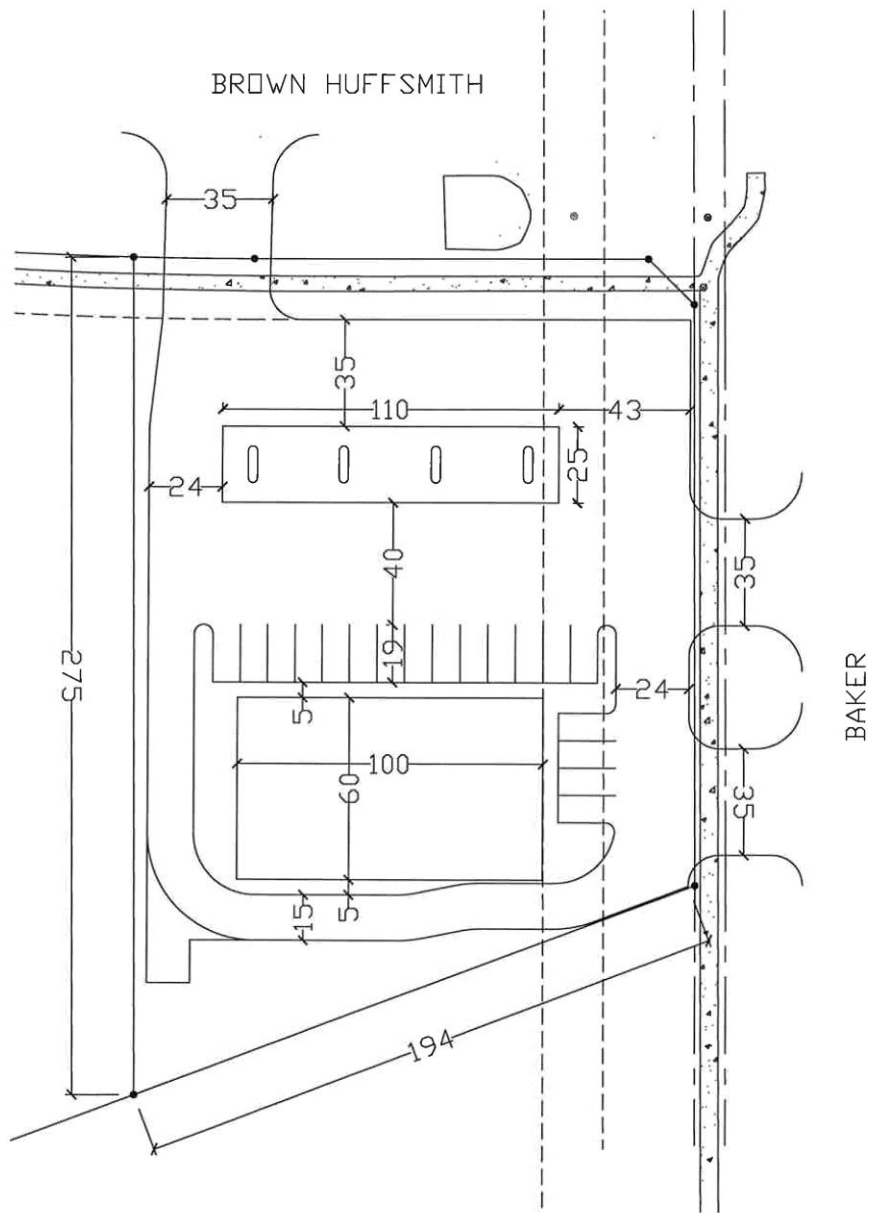
Yes, we have developed our construction plans with the aim of providing ease of access while improving traffic conditions in the surrounding area. Our site plan includes 2 entrances for access to the store that are spaced for the most optimal traffic flow for entering and exiting the lot.

- Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility?

We have considered nearby appearance of the surrounding area and have incorporated themes selectively which we feel will enhance the look of the overall community. While there are not currently any other commercial sites nearby, we feel this highlights the need to offer local convenience given new development and nearby communities such as senior housing.

- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

As with most convenience stores, we plan to offer basic household items including health related products which will be critical in case of emergencies. We reiterate the benefit brought to the community in the form of traffic flow improvement. Lastly, our commercial plans for the site will include ease of access to a deli offering choices for healthy meals.



P17-0008

P17-0008

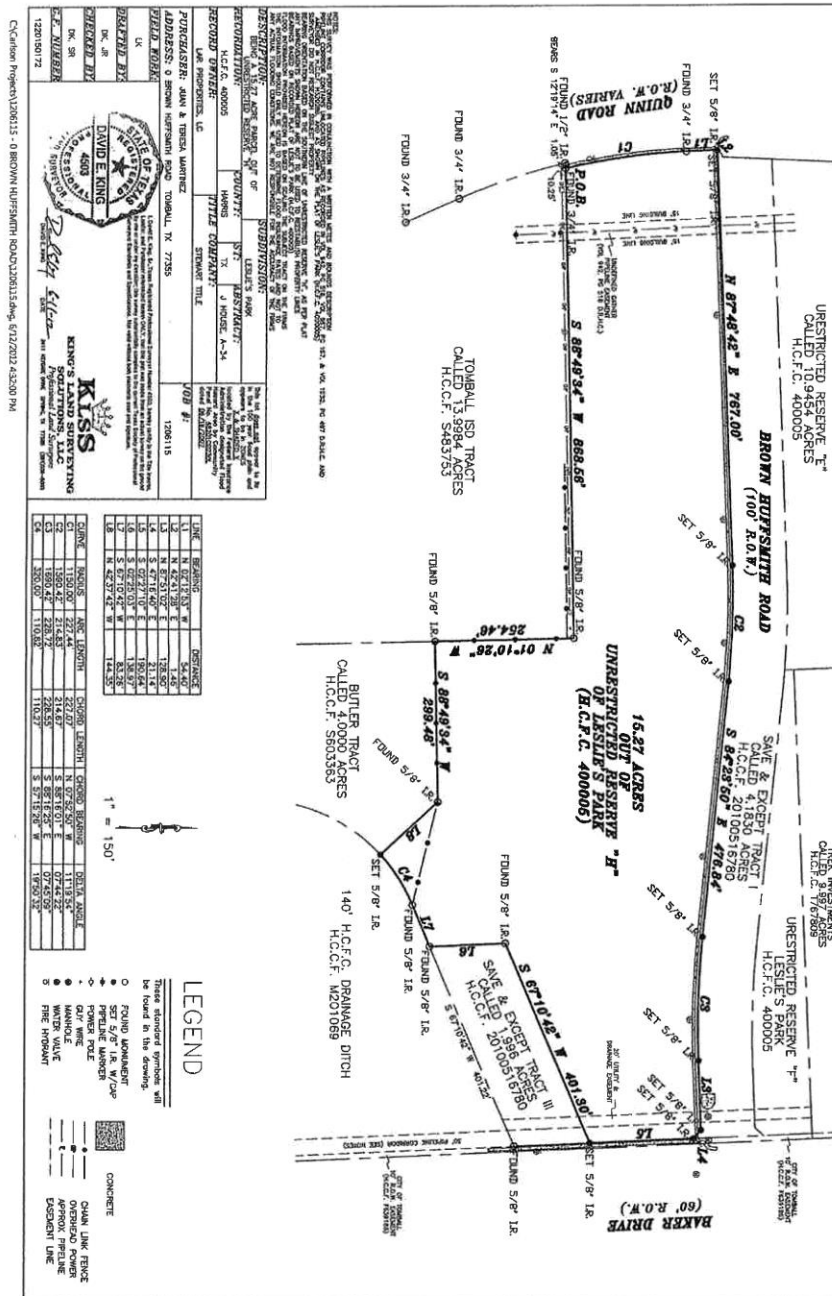


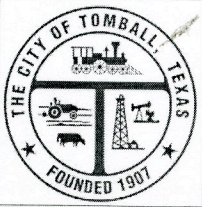






P17-0008





Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name: TOM CROFOOT

(please print)

Address: 1430 NEAL DR.

TOMBALL, TX 77375

Signature: Tom Crofoot

Date: 3/7/2017

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0008. (Please state reasons below)

X I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0008. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Thursday, March 9, 2017 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, March 20, 2017, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I am opposed to the request because I find it very difficult to understand how applicant has 2.6 acres to work with, but cannot meet a 5 foot set back.

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

BETTY LAUVE

(please print)

Address:

29735 QUINN RD.

TOMBALL, TX 77375

Signature:

Betty Lauve

Date:

2-22-17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0008. (Please state reasons below)

✓

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0008. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Thursday, March 9, 2017 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, March 20, 2017, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

February 23, 2017

To Whom It May Concern:

I am writing concerning the zoning change proposed for the southwest corner of Baker and Brown. Elizabeth returned my call to inform me that a commercial interest has been proposed.

My husband and I live on Baker and do not want that area changed from single family zoning to commercial. We believe that the residential quality of life of this area would be negatively impacted by construction of any business.

Please vote against the zoning change proposal and keep it as single family dwelling.

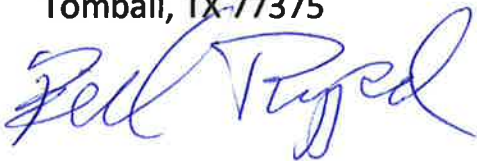
Respectfully,



Gloria Ruppel (and Bill Ruppel)

840 Baker Dr.

Tomball, TX 77375





Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name: LARRY W. TIEDT
(please print)
Address: 534 W. HUF SMITH RD.
TOMBALL, TX, 77375
Signature: Larry W. Tiedt
Date: 3-6-17

☐ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0008. (Please state reasons below)

☒ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0008. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Thursday, March 9, 2017 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, March 20, 2017, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I ~~FEEL~~ THINK THE CITY HAS MORE COMMERCIAL
INTERESTS MIXED IN RESIDENTIAL AREAS THAN IT NEEDS.
THE IDEA OF ZONING WAS TO KEEP COMMERCIAL & RESIDENTIAL
AREAS APART INSTEAD OF BEING COMBINED.

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 20, 2017

Topic:

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 - Consultation with the City Attorney regarding a matter that the Attorney's duty requires to be discussed in closed session.

Background:**Origination:**

City Manager

Recommendation:

N/A

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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