

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



MONDAY, DECEMBER 19, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, December 19, 2016 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

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of Pack 72 Cub Scouts and/or Members of Tomball High School or 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

- December 23 and 26, 2016 – **Christmas Holidays** – City offices closed
- January 2, 2017 – **New Year's Day Holiday** – City offices closed
- January 18, 2017 – First day to apply for Place on Ballot for the May 7, 2016 City General Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of the “**Christmas on Commerce**” Event
 - Doris Speer – the City Secretary’s Office has received the “**5 Star Exemplary Award**” from the Texas Department of Health and Human Services for the sixth year
 - Doris Speer – Tracy Garcia has earned her **Master Registrar Certification** from the Texas Department of Health and Human Services

6.0 Approve the Minutes of the December 5, 2016 Special Meeting of the Tomball City Council and the December 5, 2016 Regular Tomball City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2016-30, 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 7.34 Acres of Land, Legally Described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Commercial District; Said Property Being Generally Located on the East Side of South Cherry Street, North of Theis Lane at 1623 South Cherry 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

8.0 New Business:

- 8.1 Approve Resolution No. 2016-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 4, 2017
- 8.2 Consideration to approve **Zoning Case P16-0162**: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.
- Conduct Public Hearing on **Zoning Case P16-0162**
 - Adopt, On First Reading, Ordinance No. 2016-31, 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 3.9 Acres Of Land, Legally Described As Tract 262a Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The East Side Of South Pitchford Street, At 909 South Pitchford; 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.

- 8.3 Consideration to approve **Zoning Case P16-0171**: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a Rehabilitation Care Facility (Halfway House) at 401 ½ Commerce Street and to operate an institution for alcoholic, narcotic or psychiatric patients at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.
- Conduct Public Hearing on **Zoning Case P16-0171**
 - Adopt, on First Reading, Ordinance No. 2016-32, 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 Aaron Edwards, on Behalf of Tomball Renewal Center, to Operate a “Rehabilitation Care Facility (Halfway House)” at 401 ½ Commerce Street and to Operate an “Institution for Alcoholic, Narcotic or Psychiatric Patients” at 401 Commerce Street; Said Property Being Approximately 0.17 Acres, and Being Legally Described as Lots 22, 23 & 24 Block 18 Tomball, Harris County, Texas, Generally Located at the Southwest Corner of Commerce Street and North Oak 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
- 8.4 Consideration to approve **Zoning Case P16-0175**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.
- Conduct Public Hearing on **Zoning Case P16-0175**
 - Adopt, on First Reading, Ordinance No. 2016-33, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-2 (“Definitions”), Section 50-82(B) (“Use Charts”) and Section 50-116 (“Supplemental Regulations”) by Defining and Creating a Land Use for “Mobile Food Courts”; 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 Adopt, on First Reading, Ordinance No. 2016-34, an Ordinance of the City of Tomball, Texas Amending Section 32-2, Exceptions to Chapter, and Section 32-8, Responsibility of Owners, Tenants, and Lessees Allowing Peddlers to Utilize Property, of Article 1, in General, of Chapter 32, Peddlers and Solicitors, to Allow Mobile Food Vendors Registered with the City in Compliance with the City’s Zoning Regulations; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto
- 8.6 Adopt, on First Reading, Ordinance No. 2016-35, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity

No Longer Require the Continued Existence of a Public Right-of-Way, All Situated in the Replat of Final Plat Reserve at Spring Lake Section One and in the Replat of The Reserve at Spring Lake Section Two, Located in the Joseph Miller League, A-50, W.H. Clemens Survey, A-1641, Harris County Texas; Vacating and Abandoning Said Right-Of-Way and Replacing with an Access and Utility Easement; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Street Right-of-Way to Zion Road Properties, LLC; Providing for Severability; and Containing Other Provisions Relating to the Subject

9.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of December 2016 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: December 19, 2016

Topic:

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church

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: December 19, 2016

Topic:

- Led by Members of Pack 72 Cub Scouts and/or Members of Tomball High School or 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: December 19, 2016

Topic:

- December 23 and 26, 2016 – **Christmas Holidays** – City offices closed
- January 2, 2017 – **New Year's Day Holiday** – City offices closed
- January 18, 2017 – First day to apply for Place on Ballot for the May 7, 2016 City General Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of the “**Christmas on Commerce**” Event
 - Doris Speer – the City Secretary’s Office has received the “**5 Star Exemplary Award**” from the Texas Department of Health and Human Services for the sixth year
 - Doris Speer – Tracy Garcia has earned her **Master Registrar Certification** from the Texas Department of Health and Human Services

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:

Deadline to Place on Ballot for the May 7, 2016 City General Election

“5 Star Exemplary Award”

Tracy Garcia - Master Registrar Certification

NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT
(AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES PARA UN LUGAR EN LA BOLETA)
(THÔNG BÁO VỀ THỜI HẠN NỘP ĐƠN XIN GHI DANH TRÊN LÁ PHIẾU)
(申請選票席位 截止日期通知)

Notice is hereby given that applications for a place on the May 6, 2017 City of Tomball, Texas General Election ballot may be filed during the following time:
(Se da aviso por la presente que las solicitudes para un lugar en la boleta de la Elección General de la Ciudad de Tomball, Tejas de 6 de mayo de 2017 se pueden presentar durante el siguiente horario:)
(Theo đây xin thông báo quý vị có thể nộp đơn xin ghi tên tranh cử trên lá phiếu cho Cuộc Tổng Tuyển Cử của Thành Phố Tomball, Texas ngày 6 tháng Năm, 2017 vào ngày giờ sau đây:)
(特此通知, 申請 2017 年 5 月 6 日 Texas 州 Tomball 市 普通選舉之選票席位可於以下期間辦理登記:)

Filing Dates and Times:
(Fechas y Horario para Entregar Presentaciones):
(Ngày giờ nộp đơn):
(登記日期和时间):

Start Date: <u>January 18, 2017</u> (Fecha Inicio): <u>18 de enero de 2017</u> (Ngày bắt đầu: <u>18 tháng Một, 2017</u> (開始日期): <u>2017 年 1 月 18 日</u>	End Date: <u>February 17, 2017</u> (Fecha Limite): <u>17 de febrero de 2017</u> (Ngày kết thúc): <u>17 tháng Hai, 2017</u> (截止日期): <u>2017 年 2 月 17 日</u>
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Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.
Horario de la Oficina: Lunes-Jueves: 7:45 a.m.-5:00 p.m.; Viernes: 7:45 a.m.-4:00 p.m.
Giờ làm việc: Thứ Hai - thứ Năm, 7:45 a.m.-5:00 p.m.; thứ Sáu: 7:45 a.m.-4:00 p.m.
辦公時間: 週一至週四: 上午 7:45 - 下午 5:00; 週五: 上午 7:45 - 下午 4:00

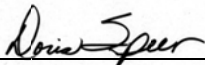
Physical address for filing applications in person for place on the ballot:
(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta):
(Địa chỉ tiếp nhận đơn xin nộp trực tiếp):
(親自辦理選票席位申請地址):

City Secretary	La Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375

Address to mail applications for place on the ballot (if filing by mail):
(Dirección a donde enviar las solicitudes para un lugar en la boleta (en caso de presentar por correo))
(Địa chỉ nhận đơn xin gửi qua thư bưu điện (nếu nộp qua thư)):
(郵寄辦理選票席位申請地址 (如郵寄申請)):

City Secretary	Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375

Doris Speer, City Secretary/Secretaria de la Ciudad/
Thư Ký Thành Phố/市秘書
Printed Name of Filing Officer
(Nombre en letra de molde del Oficial de Archivos)
(Tên viết bằng chữ in của viên chức phụ trách thủ tục nộp đơn xin)
(登記官印刷體姓名)


Signature of Filing Officer
(Firma del Oficial de Archivos)
(Chữ ký của viên chức phụ trách thủ tục nộp đơn xin)
(登記官簽名)

December 2, 2016/2 de diciembre de 2016/
Ngày 2 tháng Mười Hai, 2016/2016 年 12 月 2 日
Date Posted (Fecha archivada) (Ngày đăng) (发布日期)

The
2016 FIVE STAR AWARD
REPRESENTING EXCELLENCE IN VITAL REGISTRATION IN THE STATE OF TEXAS

Is hereby awarded to

CITY OF TOMBALL

★ **EXEMPLARY** ★



John H. ...
Commissioner, DSHS

V. ...
Acting State Registrar





Texas Vital Statistics
Texas Department of State Health Services

Recognizes

Tracylynn Garcia

For completion of the
Master Registrar Certification Course

April 4 - 8, 2016

A handwritten signature in blue ink, reading "Victor A. Farinelli", written over a horizontal line.

Victor A. Farinelli
Acting State Registrar



Regular City Council
Agenda Item
Data Sheet

Meeting Date: December 19, 2016

Topic:

Approve the Minutes of the December 5, 2016 Special Meeting of the Tomball City Council and the December 5, 2016 Regular Tomball City Council Meeting

Background:

Origination:

Recommendation:

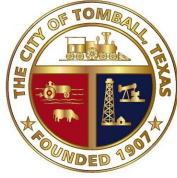
Party(ies) responsible for placing this item on agenda:

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

ATTACHMENTS:

Draft Minutes of the December 5, 2016 Special City Council Meeting
Draft Minutes of the December 5, 2016 Regular City Council Meeting

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



MONDAY, DECEMBER 5, 2016

5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:01 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Engineer – Beth Jones
Assistant City Planner – Amelia Lindley
Accountant – Christine Brookshire
Executive Director-TEDC – Kelly Violette
Senior Administrative Assistant – Tracy Garcia

2.0 No public comments were received.

3.0 New Business:

3.1 The Tomball City Council entered into a Workshop Session to discuss In-City Municipal Utility Districts (MUDs)

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

Motion carried unanimously.

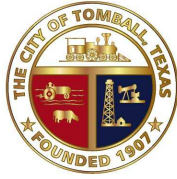
Meeting adjourned.

PASSED AND APPROVED this the 19th day of December 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

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



MONDAY, DECEMBER 5, 2016

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 Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Engineer – Beth Jones
Assistant City Planner – Amelia Lindley
Community Events Coordinator – Denise Fiore
Accountant – Christine Brookshire
Executive Director-TEDC – Kelly Violette
Senior Administrative Assistant – Tracy Garcia

- 2.0** The invocation was led by Brother Roberson, Hufsmith Church of Christ.
- 3.0** Pledges to U. S. and Texas Flags were led by Brian Jensen and Cheyanne Smith, Members of Tomball High School Student and Tomball High School ROTC.
- 4.0** No Public Comments were received.

5.0 Presentations:

- Mayor Fagan presented a Proclamation to Dr. Hayne Sheffield, declaring December 5, 2016 as ***“Dr. Hayne Sheffield Day”***

6.0 Reports and Announcements:

- December 9-11, 2016 – **Tomball German Christmas Market**
- December 10, 2016 – ***“Christmas on Commerce”*** – a **2nd Saturday at the Depot Event**
- December 23 and 26, 2016 – **Christmas Holidays** – City offices closed
- January 2, 2017 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Glenn Windsor – City of Tomball Finance Department has received the Texas Comptrollers’ ***Transparency Star for Traditional Finances*** and the ***Debt Obligation Star*** for Financial Transparency.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the November 21, 2016 Special Joint Meeting of the Tomball City Council and Tomball Regional Health Foundation and the November 21, 2016 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to approve, on Second Reading, Resolution No. 2016-26-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Brandt Construction LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a new commercial facility to be located on a 2.3291-acre tract of land at 22110 Hufsmith-Kohrville Road, Tomball, TX 77375. The estimated amount of expenditures for such Project \$65,694.00. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Request for City Support of the Spring/Woodlands-based Rumble Cats Classic Car Club for the Use of the Depot Festival Area for Its Annual “Rally in the Alley” Car Show, to be Held on March 4, 2017, from 9 a.m. to 5 p.m.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Harris County's Offer to Purchase a Portion of the City of Tomball's Utility Easements Along Phase II of the Tomball Tollway and Authorize the City Manager to Execute the Release of Easement Rights Documents.

Motion carried unanimously.

- 9.3 Consideration to Approve **Zoning Case P16-0156**: Request by Earl Williams, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7.34 acres of land, legally described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the east side of S. Cherry Street, north of Theis Lane at 1623 S. Cherry Street, from the Single-Family 20 Estate District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0156** at 6:40 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:40 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-30 by caption only on first reading.
- Motion carried unanimously.
- Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2016-30, 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 7.34 Acres of Land, Legally Described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the

City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Commercial District; Said Property Being Generally Located on the East Side of South Cherry Street, North of Theis Lane at 1623 South Cherry 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. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of December 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 19, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-30, 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 7.34 Acres of Land, Legally Described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Commercial District; Said Property Being Generally Located on the East Side of South Cherry Street, North of Theis Lane at 1623 South Cherry 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 Monday, November 14, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Zoning Case P16-0156.

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

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

ATTACHMENTS:

Ordinance No. 2016-30

Staff Report P16-0156

Notice of Public Hearing

Property Owner Notification Letter

ORDINANCE NO. 2016-30

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 7.34 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 189A, 189B, 189C, 193A-1 & 193B-1 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CHERRY STREET, NORTH OF THEIS LANE AT 1623 SOUTH CHERRY 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, Earl Williams has requested that approximately 7.34 acres of land, legally described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, City of Tomball, Harris County, Texas, generally located on the east side of South Cherry Street, north of Theis Lane at 1623 South Cherry 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 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 20 Estate 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 5th DAY OF DECEMBER 2016.

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

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 19th DAY OF DECEMBER 2016.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 14, 2016

City Council Public Hearing Date: December 5, 2016

Rezoning Case: P16-0156

Property Owner(s): Earl Williams, Deborah Williams, Katherine Williams, & Fred Williams

Applicant(s): Earl Williams

Legal Description: Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots

Location: East side of South Cherry Street, north of Theis Lane at 1623 South Cherry Street (Exhibit "A")

Area: 7.34 acres

Comp Plan Designation: Employment / Office (Exhibit "B")

Present Zoning and Use: Single-family 20 Estate (Exhibit "C") / Lone Star Horsemanship (Exhibit "D")

Request: Rezone from Single-family 20 Estate (SF-20) to Commercial (C)

Adjacent Zoning & Land Uses:

- North:** Single-family 20 Estate / Mostly undeveloped land; Single-family residence and agricultural use
- South:** Single-family 20 Estate / Single-family residences
- West:** Commercial and Light Industrial / BL Technology
- East:** Single-family 20 Estate / Mostly undeveloped land; Single-family residences

BACKGROUND

On October 4, 2016, the City met with the applicant to discuss the property and the possibility of selling it as commercial. Staff informed the applicant that a rezoning would be required.

ANALYSIS

There are multiple land uses and zoning districts in the area. Across Cherry Street; BL Technology, zoned Commercial, and Devasco International, zoned Light Industrial, are two large industrial businesses. There are also a few single-family residences on the west side of Cherry Street. Directly to the north of the subject site, there is mostly undeveloped land a single-family residence. Further north, there is a small office building on the corner of Agg Road. Most of the land to the east is undeveloped. Directly south, there are single-family residences, some of which are zoned Light Industrial. The property at the corner of Cherry and Theis is undeveloped. It was rezoned from Agricultural to Commercial last year.

The Future Land Use Map designates the property as well as most property in the area on the east side of Cherry Street as Employment / Office. Across Cherry Street, property is designated Business / Industrial. The property also has access to three major thoroughfares: Cherry Street, Theis Lane and Medical Complex Drive. It appears the area is intended to be non-residential.

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 site is located along a minor arterial, as indicated on the City's Major Thoroughfare Plan. It is also close to Theis Lane and Medical Complex Drive, which are also arterials. There are multiple properties in the area that are zoned Commercial or Light Industrial. The proposed rezoning appears to be appropriate for the immediate area and the City as a whole.

There are regulations already in place that should mitigate any negative impact a commercial development would have on surrounding residential properties such as lighting restrictions and greater setbacks.

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.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. Utilities are available to the site. Utility services will be extended, at the developer's expense, to serve the property.

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. In October 2015, the Planning and Zoning Commission and City Council approved the rezoning of approximately ten acres at the intersection of Theis Lane and South Cherry Street. It appears that land in the vicinity of the request will develop as commercial.

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

There are no detailed development plans for this property at this time.

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.

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

The Future Land Use plan designates the property Employment / Office. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 24, 2016. The Notice of Public Hearing was published in the paper on October 26, 2016 and a sign was placed on the property on October 28, 2016. 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 P16-0156.

- The request is consistent with the City's Comprehensive Plan;
- The request is consistent with the current and potential future development in the area;
- The location of the subject property appears ideal for commercial development because of its close proximity to three major thoroughfares.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

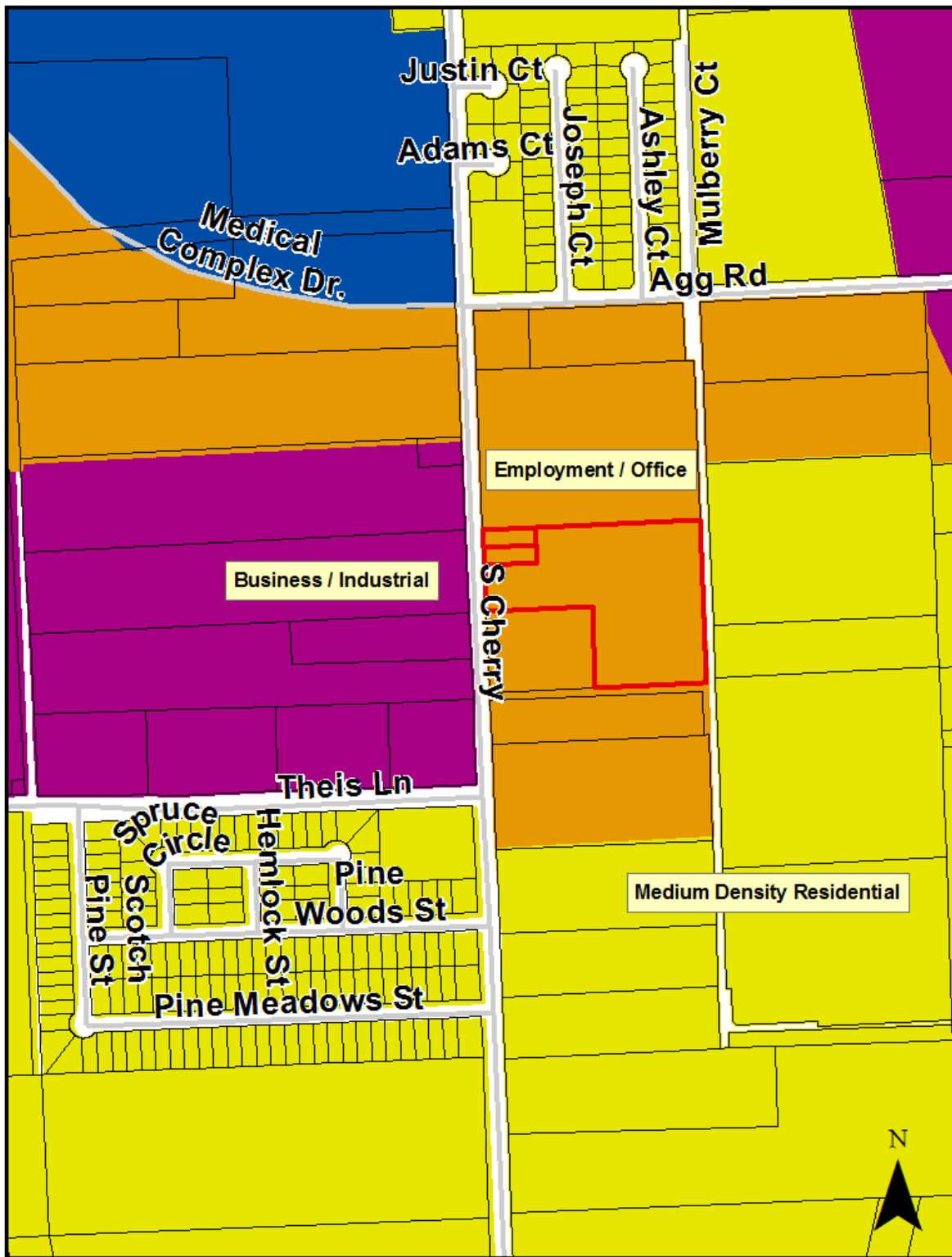
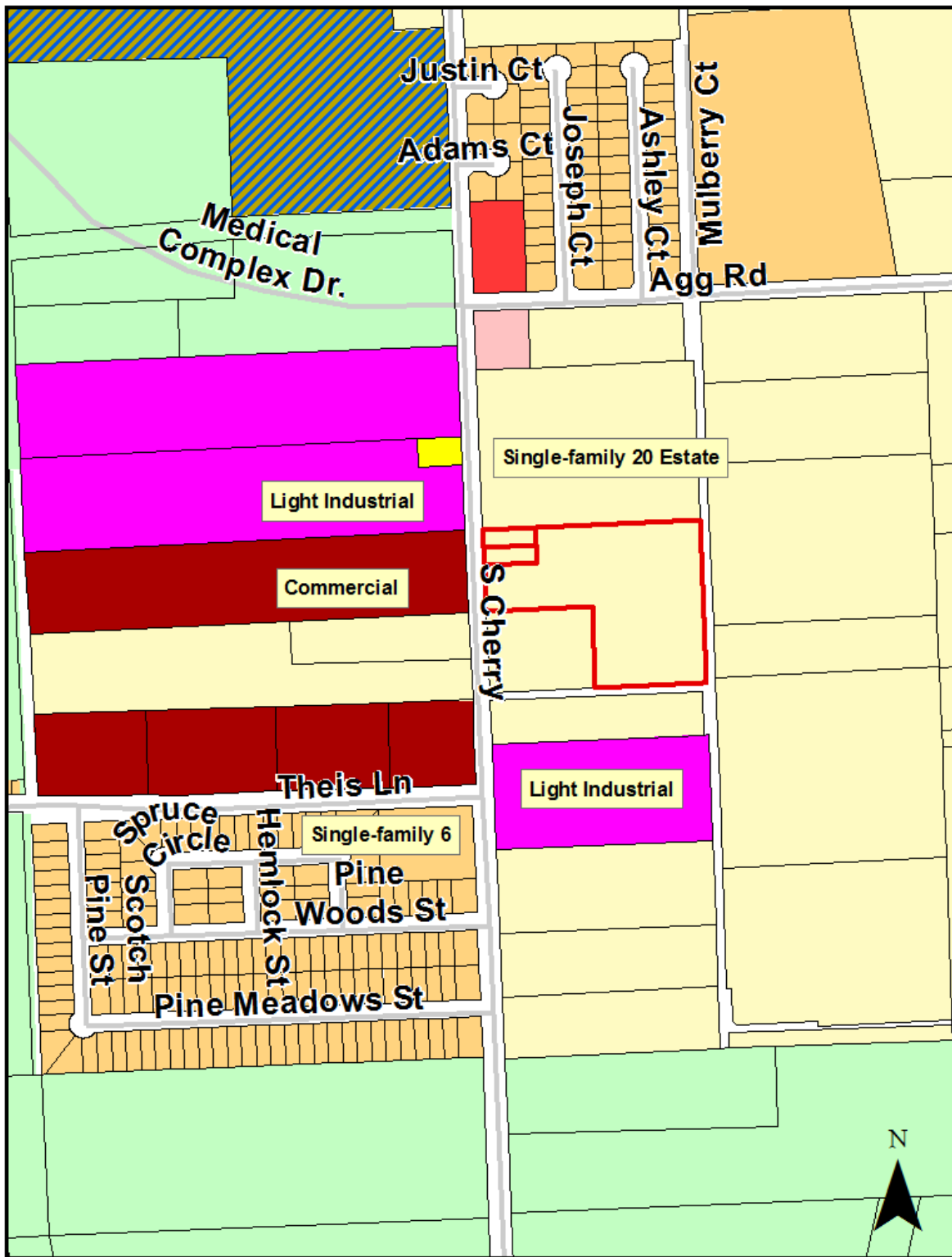


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Application

Revised 5/19/15



16-0156
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: EARL WILLIAMS Title: OWNER
Mailing Address: 12018 CANYON STAR LN City: TOMBALL State: TX
Zip: 77377
Phone: (713) 931-5741 Fax: () Email: ROXANNESW@GMAIL.COM

Owner

Name: EARL WILLIAMS & DEBORAH TOWNSEND Title: OWNER
Mailing Address: 12018 CANYON STAR LN City: TOMBALL State: TX
Zip: 77377
Phone: (713) 931-5741 Fax: () Email: ROXANNESW@GMAIL.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: _____

Physical Location of Property: 1623 S CHERRY TOMBALL TX 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: TRS 189C & 193A-1 & 193B-1 TOMBALL OUTLOTS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: CONDO SF20-E

Current Use of Property: RENTED - USED TO STABLE HORSES

Proposed Zoning District: C - COMMERCIAL DISTRICT

Proposed Use of Property: _____

HCAD Identification Number: 0352860000189 Acreage: 7.34

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

0352860000278
0352860000279

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 Earl Williams 10-4-2016
Signature of Applicant Date

X Earl Williams 10-4-2016
Signature of Owner Date

Katherine Z. Williams 10-24-16
Debra Townsend 10-24-16

CITY OF TOMBALL
281-351-5484

REC#: 00952163 10/04/2016 10:07 AM
OPER: LS TERM: 005
REF#: W MC 899

ACCT #: XXXX-XXXX-XXXX-6741
AUTH #: 650681
TRAN #: 008681654923
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
1623 S CHERRY EARL WILLIAMS
100-5441
REZONING APPLICATIO 408.00CR

TENDERED: 408.00 CREDIT CARD
APPLIED: 408.00-

CHANGE: 0.00

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 [Signature] 10-29-2016
Signature of Applicant Date

X [Signature] 10-4-2016
Signature of Owner Date

Fred K. Williams 10-29-2016

CITY OF TOMBALL
281-351-5484

REC#: 00952163 10/04/2016 10:07 AM
OPER: LS TERM: 005
REF#: W MC 899

ACCT #: XXXX-XXXX-XXXX-6741
AUTH #: 650681
TRAN #: 008681654923
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
1623 S CHERRY EARL WILLIAMS
100-5441
REZONING APPLICATIO 408.00CR

TENDERED: 408.00 CREDIT CARD
APPLIED: 408.00-
CHANGE: 0.00

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

www.tomballtx.gov

To whom it may concern,

I, Earl Williams, have owned this land for many years. I have had the land up for sale for approximately 4 year now, zoned for residential, and have not been able to sale the land. I have a tentative offer from a potential buyer, however the offer is contingent on the land being zoned commercial.

Thank you,



Earl Williams

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 14, 2016
&
CITY COUNCIL
DECEMBER 5, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 14, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 5, 2016, 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 P16-0156: Request by Earl Williams, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7.34 acres of land, legally described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the east side of S. Cherry Street, north of Theis Lane at 1623 S. Cherry Street, from the Single-Family 20 Estate District to the Commercial District.

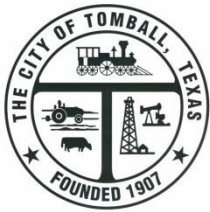
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building,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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **November 2016** 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: P16-0156

APPLICANT/OWNER: Request by Earl Williams

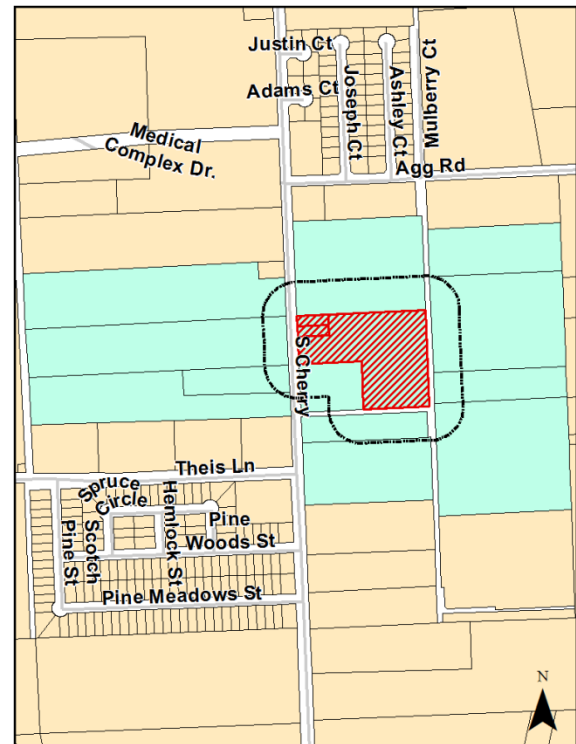
LOCATION: Generally located on the east side of S. Cherry Street, north of Theis Lane at 1623 S. Cherry Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7.34 acres of land, legally described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-family 20 Estate District to the Commercial District

CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, November 14, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, December 5, 2016, 6:00 PM**

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

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.

*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.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 19, 2016

Topic:

Approve Resolution No. 2016-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 4, 2017

Background:

The Tomball Sports Association requests approval of Resolution No. 2016-27, expressing the City's support of the annual baseball parade, which will be held on Saturday, March 4, 2017. This Resolution is required for submission of TSA's Traffic Control Plan to the Texas Department of Transportation.

The parade will begin on the east side of Tomball Intermediate School, located at the intersection of South Vernon and Main Street (FM 2920), entering School Street, continuing east on Main Street (FM 2920), turning north on Elm Street, and finishing at the Little League Park, located in the Wayne Stovall Sports Complex.

As information regarding the cost of City-provided support services, this is considered a short, simple event, using a 'rolling barricade', and costs are approximately 15% the cost of a normal parade event. The estimated cost for the Public Works Department is \$300 and for the Police Department is \$550 for personnel to manage the parade. In addition, the Fire Department removes one or two vehicles from service to use in the parade as the "rolling barricade," either the tanker and the tower or the tower and the old city pumper. A minimum of two firefighters accompany each vehicle; the estimated total cost of personnel and fuel is \$250.

Origination:

Tomball Sports Association

Recommendation:

Approve Resolution No. 2016-27

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2016-27

TSA Request Letter

RESOLUTION NO. 2016-27

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TOMBALL, TEXAS, SUPPORTING THE
ANNUAL BASEBALL PARADE, TO BE HELD IN
TOMBALL ON SATURDAY, MARCH 4, 2017.**

* * * * *

WHEREAS the Tomball Sports Association will undertake its Annual Baseball Parade to kick off the Spring 2017 baseball season, to be held in the City of Tomball at 9:00 a.m. on Saturday, March 4, 2017; and

WHEREAS the purpose of the Annual Baseball Parade is to celebrate the beginning of the baseball season and provide an event for our community and the children who enjoy sports; and

WHEREAS it is a chance for Tomball area merchants and business people to come out and encourage our young people by attending the Annual Baseball Parade; and

WHEREAS the Annual Baseball Parade will begin on the east side of Tomball Intermediate School, located at the intersection of South Vernon and Main Street (FM 2920), entering School Street, then continuing east on Main Street (FM 2920), turning north on Elm Street, and finishing at the Little League Park, located in the Wayne Stovall Sports Complex; and

WHEREAS the Tomball Sports Association desires and requests the support and endorsement of the City of Tomball in this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Sports Association in promoting and undertaking the Annual Baseball Parade and pledge to encourage this effort to celebrate the beginning of baseball season;

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 19TH DAY OF DECEMBER 2016.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



TOMBALL SPORTS ASSOCIATION

Tomball Little League
PO BOX 1084
Tomball, TX 77377

December 6, 2016

Honorable Gretchen Fagan
City of Tomball Mayor
401 Market Street
Tomball, Texas 77375

Dear Mayor Fagan,

This letter is a request for the Tomball City Council to approve a resolution in favor of Tomball Sports Association's Annual Opening Day Parade. This family favorite event kicks off the Spring 2017 baseball season for our players and their families. The parade will be held in Tomball city limits, on Saturday, March 4, 2017, beginning at 9:00am. This coming year, the parade will start at the intersection of School Street (at Tomball Intermediate School) and Main Street (FM2920) and will continue east on Main Street (FM2920), to turn north onto N. Elm Street and finish at the Wayne Stovall Little League baseball park. In its entirety, we expect the parade to last approximately 30-45 minutes.

We appreciate the City of Tomball's past and ongoing support of our Little League Baseball program. Please contact me with any questions.

Sincerely,

Kari Griggs Martin
Tomball Sports Association
Grand Slam Coordinator
979.218.6175

cc: Tomball Police Department
Tomball Fire Department
Director of Public Work
City Marketing & Tourism

Hufsmith

Trailer Parking
(Weather permitting)



GRAND SLAM PARADE ROUTE

Staging of parade floats begins at 8:00am
Note: If your team has an early game, you will want to arrive on School St by ~7:30am so you will be at the start of the parade line. We will not be able to hold spots.

Parade begins at 9:00am

Parade floats/vehicles will stage on School St. facing 2920.
These are the **ONLY** vehicles that will be allowed on School St.

Drop off parking is available on Vernon St., on the southwest side of TIS building.

TPD will not allow stopping on 2920 to drop off players.



*** NO PARKING in this lot ***

TISD Parking Lot

Tombel Intermediate School

Parent Parking

Barbara

School

S. Poplar
Clarence
Percival

S. Magnolia

S. Pine

Market
PD / City Hall

S. Oak

S. Cherry

Fannin

S. Elm

N. Cherry

N. Walnut

N. Elm

City Baseball Field

City Baseball Field

City Baseball Field

City Baseball Field

City Baseball Field

City Baseball Field

City Baseball Field

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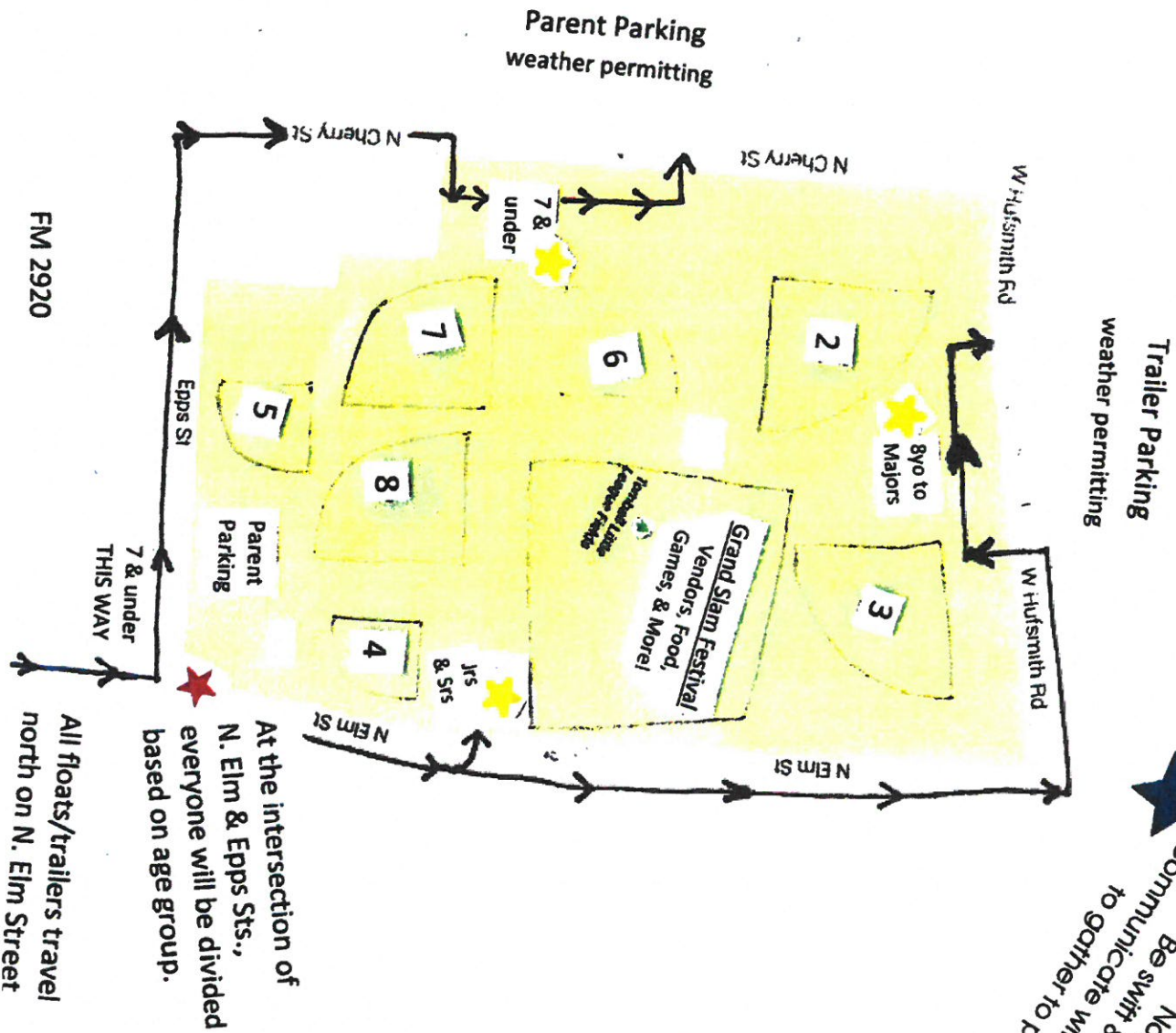
City Baseball Field

City Baseball Field

City Baseball Field

City Baseball Field

Unloading of Players & Coaches at TLL fields



Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 19, 2016

Topic:

Consideration to approve **Zoning Case P16-0162**: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P16-0162**
- Adopt, On First Reading, Ordinance No. 2016-31, 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 3.9 Acres Of Land, Legally Described As Tract 262a Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The East Side Of South Pitchford Street, At 909 South Pitchford; 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 Monday, December 12, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Zoning Case P16-0162.

Origination:

Eleazar Cano

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:

Ordinance No. 2016-31

Staff Report

Notice of Public Hearing

Property Owner Notification

ORDINANCE NO. 2016-31

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 3.9 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 262A TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PITCHFORD STREET, AT 909 SOUTH PITCHFORD; 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, Eleazar Cano has requested that approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, City of Tomball, Harris County, Texas, generally located on the east side of South Pitchford Street, at 909 South Pitchford 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 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 Agricultural 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 19th DAY OF DECEMBER 2016.

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

SECOND READING:

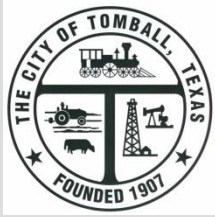
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3rd DAY OF JANUARY 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2016
City Council Public Hearing Date: December 19, 2016

Rezoning Case: P16-0162
Property Owner(s): Eleazar & Sara Cano
Applicant(s): Eleazar Cano
Legal Description: Tract 262A Tomball Outlots
Location: East side of South Pitchford Road at 909 South Pitchford Road (Exhibit "A")
Area: 3.9 acres
Comp Plan Designation: Business / Industrial (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Undeveloped Land (Exhibit "D")
Request: Rezone from Agricultural (AG) to Commercial (C)
Adjacent Zoning & Land Uses:
 North: Agricultural / All About Color (Nursery)
 South: Agricultural / Single-family residence
 West: Agricultural / CenterPoint Substation
 East: Light Industrial / Full Circle Enterprises (Manufacturing Shop)

BACKGROUND

In October 2016, City Staff met with the applicant to discuss the possibilities of developing his property. The various uses the applicant expressed interest in are not allowed in the present Agricultural Zoning District. After discussing with City Staff, the applicant requested a rezoning to the Commercial Zoning District to potentially develop the property with a commercial use.

ANALYSIS

Properties to the north, south and west are zoned Agricultural with moderate land uses established. To the north, there is a nursery, to the west, there is a CenterPoint substation and to the south, there is a Manufactured Home Park. All other properties are used as single-family residences on large lots. Properties to the east, with frontage on South Persimmon, are zoned Light Industrial.

The Future Land Use Map designates the property as well as property to the north, south and west as Business / Industrial. Properties to the east, with frontage on South Persimmon, are designated as Employment / Office. The proposed rezoning is in accordance with the Comprehensive Plan.

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.**

South Pitchford Road is mostly residential with two non-residential uses 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 currently no City utilities on Pitchford Road. Utility mains will need to be extended or private onsite well and septic systems will need to be constructed, at the developer's expense, to serve the property.

- 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.**

There are no detailed development plans for this property at this time.

- 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.

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

The Future Land Use plan designates the property Business / Industrial. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 22, 2016. The Notice of Public Hearing was published in the paper and a sign was placed on the property on November 23, 2016. 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 P16-0162 for the following reasons:

1. The request is in conformance with the City's Comprehensive Plan;
2. The request is generally appropriate with the surrounding land uses;
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

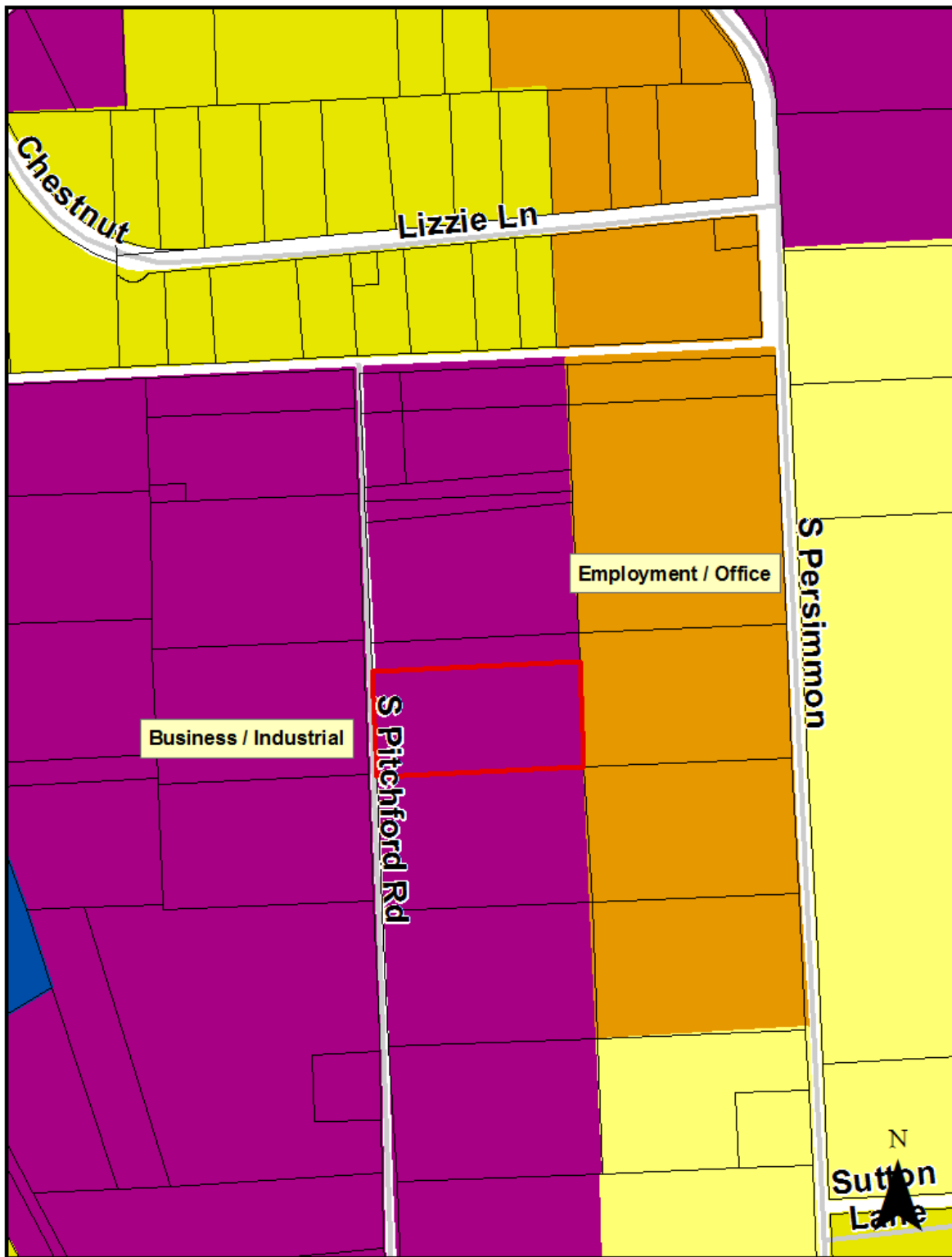
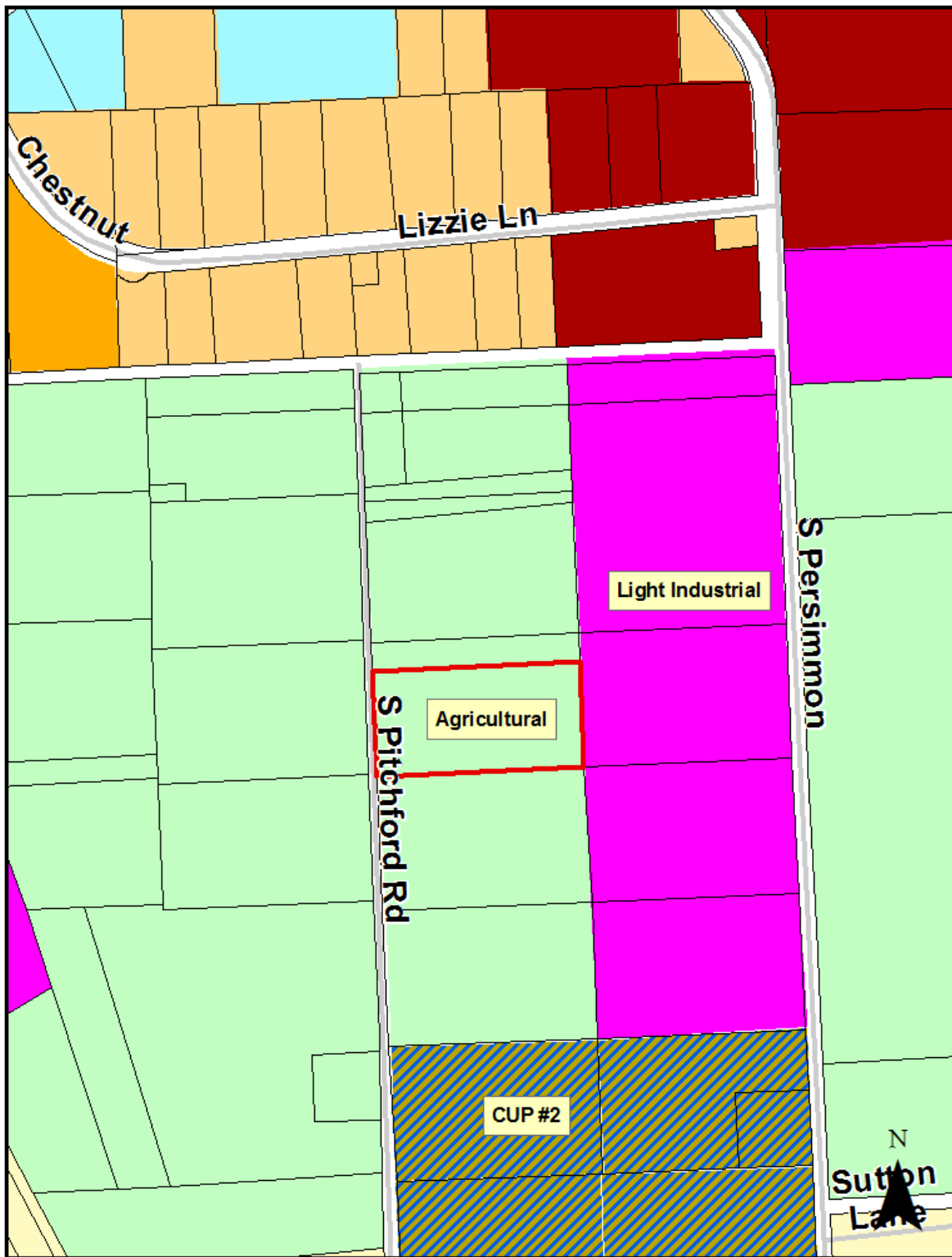


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Application

Revised 5/19/15



116-0162
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: Eleazar Cano Title: _____
Mailing Address: 7907 Alexandria ct City: Spring State: Texas
Zip: 77379
Phone: (281) 704-7214 Fax: (____) _____ Email: _____

Owner

Name: Eleazar Cano Title: _____
Mailing Address: 7907 Alexandria ct City: Spring State: Texas
Zip: 77379
Phone: (281) 704-7214 Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Change to Commercial

Physical Location of Property: 909 S. Pitchford RD. Tomball, TX 77375

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

Legal Description of Property: Lots 262 A Tomball Outlots

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

Current Zoning District: AG1

Current Use of Property: vacant

Proposed Zoning District: C

Proposed Use of Property: banquet hall

HCAD Identification Number: 6352880000262 **Acreage:** 3.9390

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.

xEleazar Cano Sara Yanez 10-10-16
Signature of Applicant Date

xEleazar Cano Sara Yanez 10-10-16
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00952906 10/10/2016 4:57 PM
OPER: LS TERM: 005
REF#: W VISA 611

ACCT #: XXXX-XXXX-XXXX-2815
AUTH #: 796195
TRAN #: 008692938259
TYPE: PURCHASE

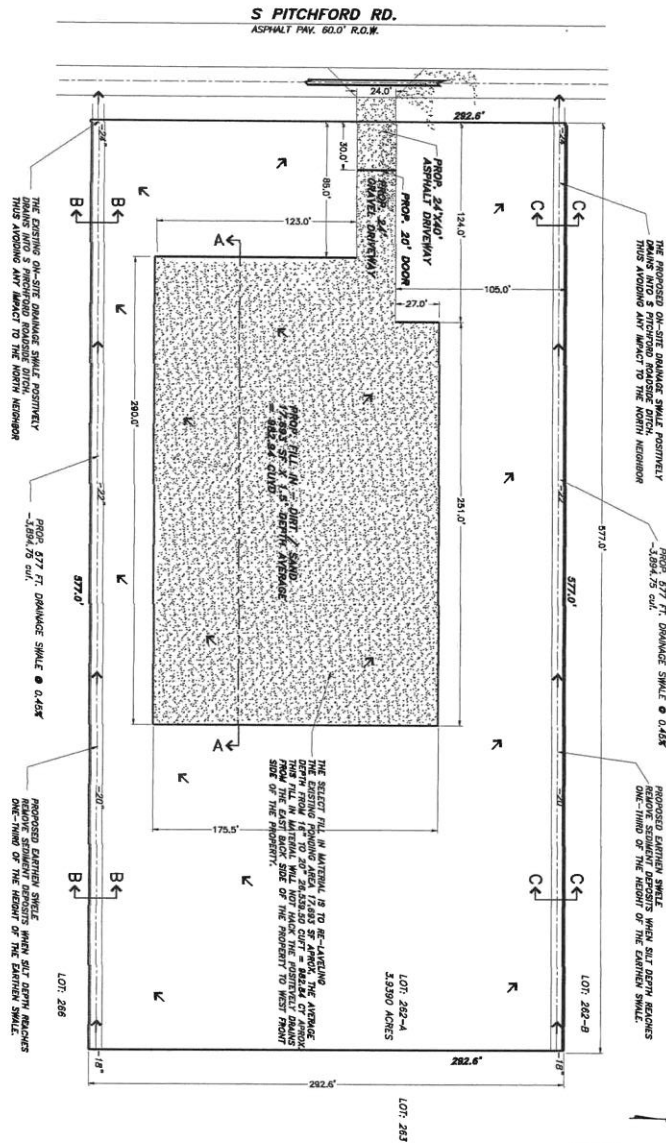
TRAN: 130.0000 PLANNING AND ZONING
ELEAZAR CANO
909 S PITCHFORD RD
100-5441
REZONING APPLICATIO 440.00CR

TENDERED: 440.00 CREDIT CARD
APPL TEND: 440.00-

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

www.tomballtx.gov

THE PROPOSED ON-SITE DRAINAGE SWALE POSITIVELY DRAINS INTO A PITCHFORD ROADSIDE DITCH, THUS AVOIDING ANY IMPACT TO THE SOUTH NEIGHBOR. ADJACENT DRAINAGE DEPOSITS WOULD BE RELOCATED AWAY FROM THE ADJACENT PROPERTY. THE PROPOSED DRAINAGE SWALE IS NOT DRAIN TO ADJACENT PROPERTY.



THE PROPOSED ON-SITE DRAINAGE SWALE POSITIVELY DRAINS INTO A PITCHFORD ROADSIDE DITCH, THUS AVOIDING ANY IMPACT TO THE NORTH NEIGHBOR.

PROPOSED 577 FT. DRAINAGE SWALE @ 0.45% SLOPE, 7.5' CUT.

PROPOSED DRAINAGE SWALE WHEN SET DRAINAGE DEPOSITS ONE-THIRD OF THE HEIGHT OF THE DRAINAGE SWALE.



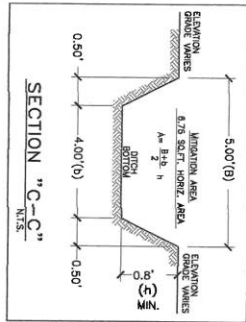
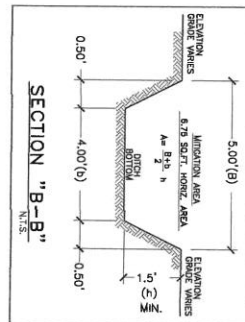
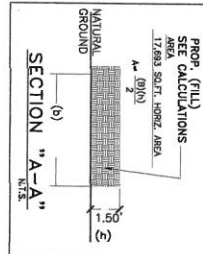
THE LOCATION OF THE SUBJECT TRACT ON THE REAL ESTATE INSURANCE MAP, MAP NO. 1, IS SHOWN IN THE ATTACHED MAP. THE LOCATION OF THE SUBJECT TRACT ON THE REAL ESTATE INSURANCE MAP, MAP NO. 1, IS SHOWN IN THE ATTACHED MAP. THE LOCATION OF THE SUBJECT TRACT ON THE REAL ESTATE INSURANCE MAP, MAP NO. 1, IS SHOWN IN THE ATTACHED MAP.

OWNER: JFC ENGINEERING
DESIGN: JFC ENGINEERING
DATE: MARCH 13, 2013
FILE: JFC/0312/ESCANO
DRAWING: MT-01

SITE PLAN
PROPOSED BACK PORCH - FILL IN
909 S PITCHFORD RD.
TOMBALL, TX 77375

JFC ENGINEERING, P.C.
One & A Half Block Development
Real Estate Management
J. Francisco Carrillo, P.E.
Senior Consulting Engineer
11110 Highway 10
Houston, TX 77036
Tel: 713-283-7626
Fax: 713-283-7629
jcarrillo@JFCEngineering.com www.JFCEngineering.com

REVISIONS
No. DATE DESCRIPTION
1
Copyright JFC ENGINEERING, All Rights Reserved.
The Information, Representation, Design, Data, Service, Licensing, or any other distribution or use of these drawings, any portion thereof, or the plans specified herein is strictly prohibited unless expressly authorized in writing by JFC ENGINEERING. JFC is not to be held responsible for the architecture and structural design in any way or matter.



FILL IN AND DETENTION CALCULATIONS

• LOCATION/FILL IN FOOTPRINT
"A-A" SECTION SQ. FT. = 17,693.00 SQ. FT.
EXISTING GRADE = VARIES
FILL IN DEPTH = 1.50'
(1.50' x 17,693.00) = 26,539.50 CU. FT.
(1.50' x 17,693.00)/27 = 982.94 CU. YD.
-PROPOSED FILL = 983.00 CU. YD.

• PROPOSED DETENTION LOCATION
"B-B" SECTION AREA = (5+4)/2 X 1.5' = 6.75 SQ. FT.
DITCH LENGTH = 577.00 FT.
(6.75 X 577) = 3,894.75 CU. FT.
"C-C" SECTION AREA = (5+4)/2 X 1.5' = 6.75 SQ. FT.
DITCH LENGTH = 577.00 FT.
(6.75 X 577) = 3,894.75 CU. FT.
NOTE: THE DEPTH OF MITIGATION, SHOULD BE THE MIN.
AS SHOWN IN THE CALCULUS, BUT IT SHOULD
INCREASE ACCORDING TO THE PROPOSED GRADE.
-PROPOSED DETENTION : 7,789.50 CU. FT.

FILL IN & DETENTION CALCULATIONS

NOTES:

-DO NOT DRAIN TO ADJACENT PROPERTY
-IT IS THE BUILDERS/CONTRACTOR RESPONSIBILITY TO VERIFY
ALL SLAB HEIGHTS, SLAB CONFIGURATIONS AND DROPS, UTILITY
EASEMENTS, AERIAL EASEMENTS, BUILDING LINES & SUCH FOR
ENCROACHMENTS, ACCURACY & COMPLIANCE TO CODES.
-BUILDERS/CONTRACTOR TO VERIFY ALL INFORMATION ON THIS
SITE PLAN & BE RESPONSIBLE FOR ITS ACCURACY.

* SPECIAL NOTE:

DUE TO THE FILL WAS USED AS LOT LEVELING, THE MITIGATION AREA WILL NOT BE USED
IN THE SAME LOT AND IT WILL BE REMOVED AND WILL BE TAKEN TO A LANDFILL TYPE IV.
THE DEPTH OF REMOVAL SHOULD BE 0.80 FT. MIN. AND MAY VARY TO GET PROPERLY
DRAINAGE FLOW.



NO.	DATE	DESCRIPTION
1	03/15/2013	ISSUED FOR PERMIT
2	03/15/2013	REVISIONS

**SITE PLAN
PROPOSED BACK PORCH - FILL IN**
909 S PITCHFORD RD.
TOMBALL, TX 77375

OWNER & LEGAL DESIGN
ELECTOR ESCOBAR
C. ESCOBAR
HOUSTON, TX 77066
PH: 281-704-7214

DATE: MARCH 15, 2013
DRAWN: N.T.S.
SCALE: N.T.S.
FILE: JFC/ES/ES/ES
CHECKED: N.T.-02
SHEET 2 OF 8

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2016
&
CITY COUNCIL
DECEMBER 19, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2016, 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 P16-0162: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0171: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

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

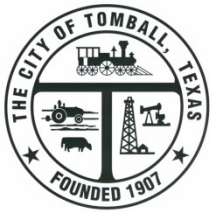
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **December 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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: P16-0162

APPLICANT/OWNER: Request by Eleazar Cano

LOCATION: Generally located on the east side of South Pitchford Road at 909 South Pitchford Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, from the Agricultural District to the Commercial District

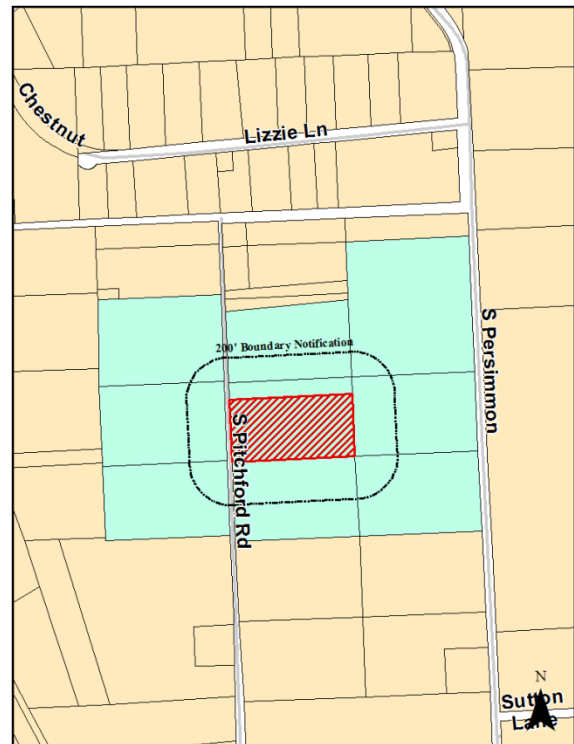
CONTACT: Amelia Lindley

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:
Monday, December 12, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2016, 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.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 19, 2016

Topic:

Consideration to approve **Zoning Case P16-0171**: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a Rehabilitation Care Facility (Halfway House) at 401 ½ Commerce Street and to operate an institution for alcoholic, narcotic or psychiatric patients at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

- Conduct Public Hearing on **Zoning Case P16-0171**
- Adopt, on First Reading, Ordinance No. 2016-32, 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 Aaron Edwards, on Behalf of Tomball Renewal Center, to Operate a “Rehabilitation Care Facility (Halfway House)” at 401 ½ Commerce Street and to Operate an “Institution for Alcoholic, Narcotic or Psychiatric Patients” at 401 Commerce Street; Said Property Being Approximately 0.17 Acres, and Being Legally Described as Lots 22, 23 & 24 Block 18 Tomball, Harris County, Texas, Generally Located at the Southwest Corner of Commerce Street and North Oak 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

Background:

On Monday, December 12, 2016, after conducting a public hearing, the Planning and Zoning Commission voted to recommend denial of Zoning Case P16-0171 with four votes nay and one vote aye.

Origination:

Aaron Edwards, Tomball Renewal Center

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:

Ordinance No. 2016-32

Staff Report

Notice of Public Hearing

Property Owner Notification

ORDINANCE NO. 2016-32

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 AARON EDWARDS, ON BEHALF OF TOMBALL RENEWAL CENTER, TO OPERATE A "REHABILITATION CARE FACILITY (HALFWAY HOUSE)" AT 401 ½ COMMERCE STREET AND TO OPERATE AN "INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS" AT 401 COMMERCE STREET; SAID PROPERTY BEING APPROXIMATELY 0.17 ACRES, AND BEING LEGALLY DESCRIBED AS LOTS 22, 23 & 24 BLOCK 18 TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COMMERCE STREET AND NORTH OAK 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.

* * * * *

Whereas, Aaron Edwards, on behalf of Tomball Renewal Center, has requested a CUP to operate a "Rehabilitation Care Facility (Halfway House)" at 401 ½ Commerce Street and to operate an "Institution for alcoholic, narcotic or psychiatric patients" at 401 Commerce Street on approximately 0.17 acres of land, legally described as Lots 22, 23 & 24 Block 18 Tomball, Harris County, Texas, generally located at the southwest corner of Commerce Street and North Oak Street, 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 deny 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 “Rehabilitation Care Facility (Halfway House)” and an “Institution for alcoholic, narcotic or psychiatric patients” at the Property and subject to the terms and conditions set forth below, is hereby granted to Aaron Edwards, on behalf of Tomball Renewal Center.

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 19th DAY OF DECEMBER 2016.

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

SECOND READING:

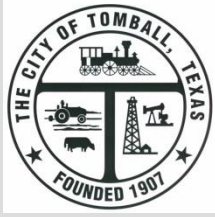
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JANUARY 2017.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2016
City Council Public Hearing Date: December 19, 2016

Rezoning Case: P16-0171
Property Owner(s): Tomball Renewal Center
Applicant(s): Aaron Edwards
Legal Description: Lots 22, 23 & 24 Block 18 Tomball
Location: Southwest corner of Commerce Street and North Oak Street at 401 and 401 ½ Commerce Street (Exhibit “A”)
Area: 0.17 acres
Comp Plan Designation: Old Town Use (Exhibit “B”)
Present Zoning and Use: Old Town and Mixed Use (Exhibit “C”) / Residential House (Exhibit “D”)
Proposed Use(s): Women’s House and Intensive Outpatient
Request: CUP to allow the operation of a *rehabilitation care facility (halfway house)* at 401 ½ Commerce Street and an *institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street

Adjacent Zoning & Land Uses:

North: Old Town and Mixed Use / Commerce Street and Single-family residences

South: Old Town and Mixed Use / 20’ alley and single-family residence

West: Old Town and Mixed Use / Undeveloped property

East: Old Town and Mixed Use / North Oak Street and Single-family residence and art studio

BACKGROUND

In October 2016, City staff met with representatives of Tomball Renewal Center to discuss their proposed operations at 416 Main Street, 401 Commerce Street and 401 ½ Commerce Street. The applicant explained the operations at each site as follows:

- 416 Main Street: community center to host meetings, after school assistance, classes and pastoral care;
- 401 Commerce Street: intensive outpatient services;
- 401 ½ Commerce Street: sober house for people in recovery, no more than six people at the house at a time with a house manager.

City Staff informed the applicant that the proposed use of a *community center (public)* at 416 Main Street was permitted by-right, however the uses of a *rehabilitation care facility (halfway house)* at 401 ½ Commerce Street and an *institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street would require the approval of a Conditional Use Permit through the Planning & Zoning Commission and City Council.

ANALYSIS

According to Section 50-2 (Definitions), an *institution for alcoholic, narcotic or psychiatric patients* “means an institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients”.

Section 50-2 (Definitions) describes a *rehabilitation care facility (halfway house)* as “a dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit”.

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

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

The Comprehensive Plan identifies the subject site as Old Town Use which is described as “the historic hub and heart of the community” and “includes mature single family neighborhoods, dense commercial uses, a civic core, and high density residential”.

The Comprehensive Plan and the Livable Centers Downtown Plan establish the goals of the downtown area as “a diverse and balanced mixed use commercial retail ‘work, live, shop and play’ pedestrian-oriented” environment that enhances “the collective sense of community pride and heart in the social interaction, celebrations, gatherings and traditions that define the identity and character of the Tomball community”. The uses proposed may be considered incompatible with the goals established in the Comprehensive Plan and Livable Centers Downtown Plan.

- 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.”

Section 50-79 (Old Town and Mixed-Use District) states the purpose of the Old Town and Mixed Use District is “a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multiple-family uses”.

While it appears the proposed uses are appropriate in the Old Town and Mixed Use District as a whole, the property is located within the Old Town Area which is intended to be the “identifiable physical, social and cultural heart of Tomball” as defined in the Livable Centers Downtown Plan. Therefore, the proposed uses could again be considered incompatible with the area.

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 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.

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

The proposed use does not appear to be compatible with the adjacent developments or the family oriented atmosphere of the area.

Some improvements or modifications may be necessary on-site. No improvements within public rights-of-way are necessary.

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.

The proposed uses could have adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 30, 2016. A sign was placed on the property and Notice of Public Hearing was published in the paper on November 23, 2016. One public comment form has been received in opposition.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P16-0171.

EXHIBITS

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

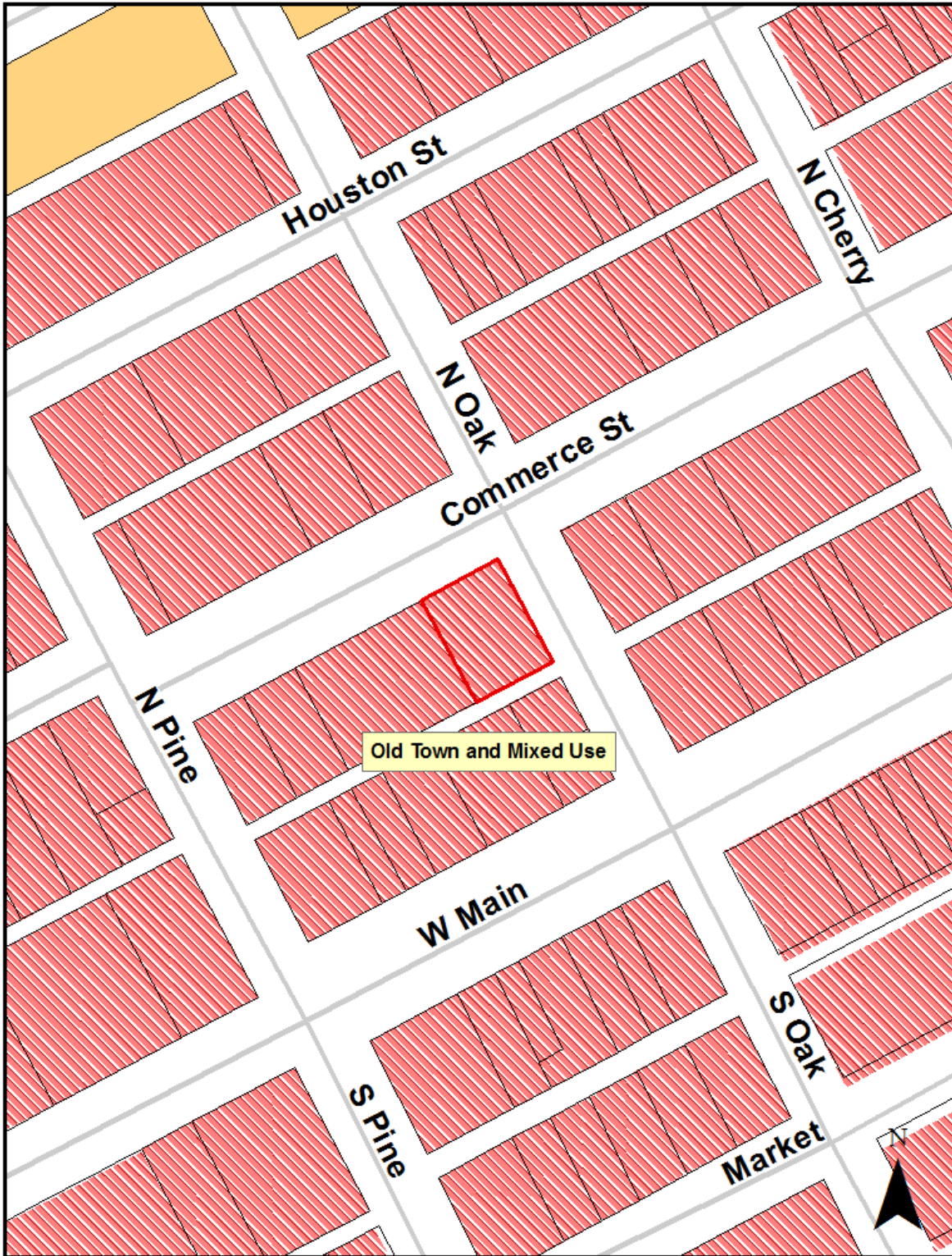
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Property along Commerce Street



Property along North Oak Street

Exhibit "E"
CUP Application

due 11/2, hearing 12/12

Revised 5/19/15



**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: AARON EDWARDS Title: EXECUTIVE DIRECTOR
Mailing Address: P.O. Box 1538 City: TOMBALL State: TX
Zip: 77377
Phone: (281) 744 1294 Fax: () Email: aaron.sondays@phoo.com

Owner

Name: TOMBALL RENEWAL CENTER Title:
Mailing Address: P.O. Box 1538 City: TOMBALL State: TX
Zip: 77377
Phone: (281) 744 1294 Fax: () Email:

Engineer/Surveyor (if applicable)

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

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

www.tomballtx.gov

Description of Proposed Project: IOP (INTENSIVE OUTPATIENT PROGRAM)

Physical Location of Property: 401 COMMERCE ST. TOMBALL, TX 77375

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

Legal Description of Property: 401 1/2 COMMERCE STREET (TRANSITIONAL LIVING)

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

HCAD Identification Number: _____ Acreage: _____

Current Use of Property: VACANT

Proposed Use of Property: INTENSIVE OUTPATIENT PROGRAM (COUNSELING)

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

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

X [Signature] 10/25/2016
Signature of Applicant Date

X [Signature] 10/25/2016
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00955891 10/31/2016 2:01 PM
OPER: RS TERM: 002
REF#: W1141

TRAN: 130.0000 PLANNING AND ZONING
401 & 401 1/2 COMMERCE
TOMBALL RENEWAL CTR
100-5442
CONDITIONAL USE PER 600.00CR

City of Tomball, Texas 501

TENDERED: 600.00 CHECK
APPLIED: 600.00
CHANGE: 0.00

www.tomballtx.gov

SEWER CLEAN OUT

PLAT OF PROPERTY

PREPARED FOR
MIKE O'BRIEN

PLAT SHOWING SURVEY OF LOTS 17, 18, 19, 20 AND 21, BLOCK 18, OF THE REVISED MAP OF TOMBALL, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 371, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 25, MAP RECORDS, HARRIS COUNTY, TEXAS, SAID LOTS 17, 18, 19, 20 AND 21 BEING RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 8558980.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBER 4820100230 J, MAP REVISED: NOVEMBER 6, 1996, SHOWS THESE TRACTS TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN.

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION "A" SURVEY.

ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1678

DATED: FEBRUARY 15, 2001



2001-10, Pg. 21

WM. HURD SUR. A. 371

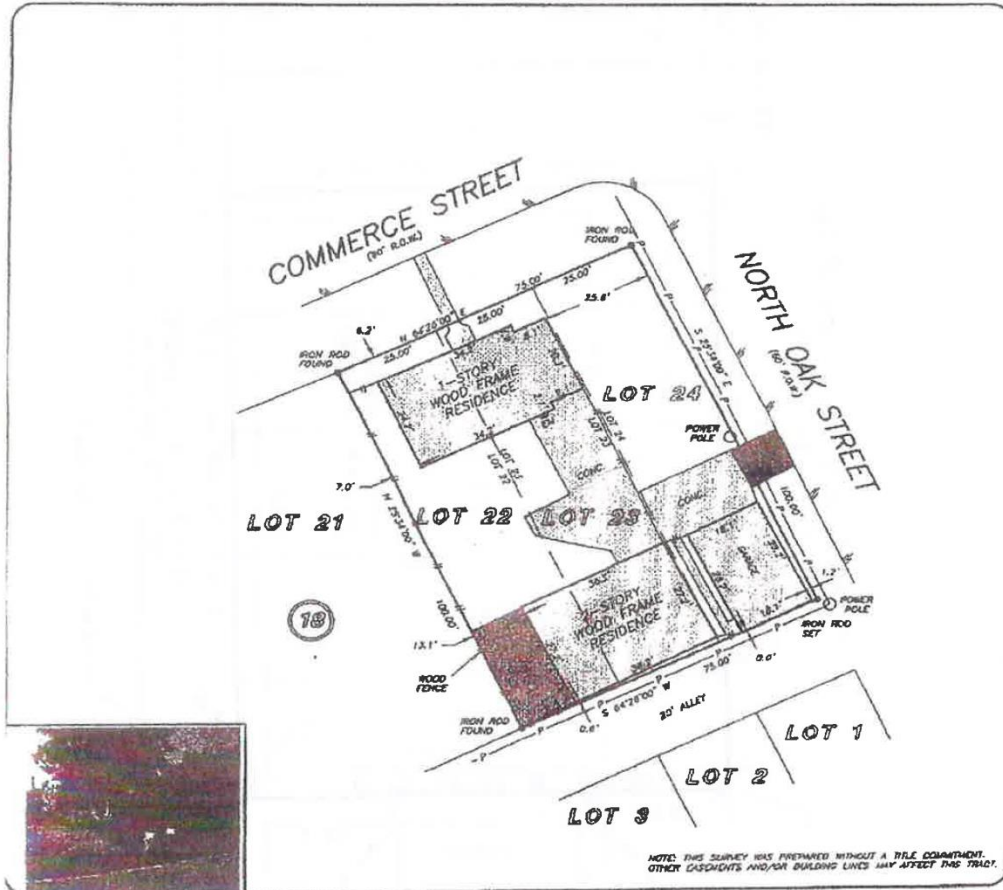
2001-52

BORROWER: VINCENT DEILLO

LOTS 22, 23 AND 24, BLOCK 18 TOMBALL

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 4, PAGE 25 OF THE MAP RECORDS
OF HARRIS COUNTY, TEXAS.

SCALE: 1" = 30'



NOTE: THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT.
OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48201C 0210 J
MAP REVISION: 11/6/94
ZONE 2
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
ENCLOSURES OF FIRM MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

RECORD BEARING: VOL. 4, PG. 25, H.C.M.R.

DRWEN BY: VT

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
ENCUMBRANCES APPARENT ON THE GROUND.
EXCEPT AS SHOWN HEREDIN, THIS SURVEY IS
CERTIFIED FOR THIS TRANSACTION ONLY AND
ABSTRACTING PROVIDED BY THE ABOVE
REFERENCED TITLE COMMITMENT WAS RELIED
UPON IN PREPARATION OF THIS SURVEY.

ALLEN D. HUGHES
PROFESSIONAL LAND SURVEYOR
NO. 3881
JOB NO. 05-11367
OCTOBER 26, 2003





Page 80 of 151

about the tomball renewal center

welcome home.

The Renewal Center (TRC) is a curated space where people gather to encounter God. It is a place that facilitates hope, healing, and restoration. We have come to believe that each of us has something to offer and something to receive when it comes to the building of faith, wisdom, and belief. Together with God's help, the Kingdom of God will expand in and through us. We will assist them in returning to their prospective professional lives.

pull up a chair.

At TRC, we believe the insights gained from the recovery process are not only beneficial for those of us with outward addictions to substances, but for all of us with inward addictions to trains of thought, codependency, and all of our other coping mechanisms. We believe recovery isn't just about recovering from something, but recovering a truth about God and ourselves that was lost long ago. To that effect, we offer people nothing more than a place to become fully human. Our programming plans include pastoral care, recovery groups focused on the spiritual implications of the 12 steps, after school children and youth programs, assistance and guidance for women (including practical life skills), all housed in an atmosphere that invites community involvement. Everyone is welcome to pull up a chair at the table.

take a hand.

The mission of TRC is to redistribute hope, to blur lines between the ones who help and the ones being helped, to offer programs that uplift and dignify the downtrodden, and encourage one another to do the work.

property vision

women's house.

Research shows that when it comes to healing from addiction, depression, and other unforeseen life circumstances, community is key. At the Tomball Renewal Center, we have dedicated one of our houses (401 1/2 Commerce St., Tomball, Tx 77375) to facilitate women who have chosen this type of healing within a positive, communal atmosphere. We will assist them in returning to their prospective professional lives. For those who desire a sober lifestyle we provide housing, spiritually therapeutic services, and group meetings that are designed to raise our client's social, intellectual, spiritual and emotional development through comprehensive programs.

Our goal is to provide the resources and opportunities for immediate and long term care. The very heart of our sober living community is spiritual awareness, caring, loving, hope, accountability and enjoyment of a sober lifestyle.

intensive outpatient (IOP).

An intensive outpatient program (IOP) is a kind of treatment service and support program used primarily to treat eating disorders, depression, self harm, and chemical dependency that does not rely on detoxification. We have found Intensive Outpatient Programs to be an important resource for many types of disorders, including addiction recovery. Tomball does not currently have this type of resource and we are reserving 401 Commerce St., Tomball, Tx 77375 for programming that provides counseling services (individual, family, and group) that will offer various methodology and tools to aid individuals in their healing process and getting back into life.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2016
&
CITY COUNCIL
DECEMBER 19, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2016, 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 P16-0162: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0171: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

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

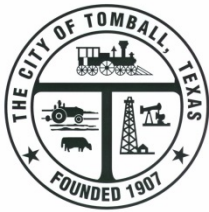
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **December 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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: P16-0171

APPLICANT/OWNER: Aaron Edwards on behalf of Tomball Renewal Center

LOCATION: Generally located at the southwest corner of Commerce Street and North Oak Street

PROPOSAL: For a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, and is zoned Old Town & Mixed Use.

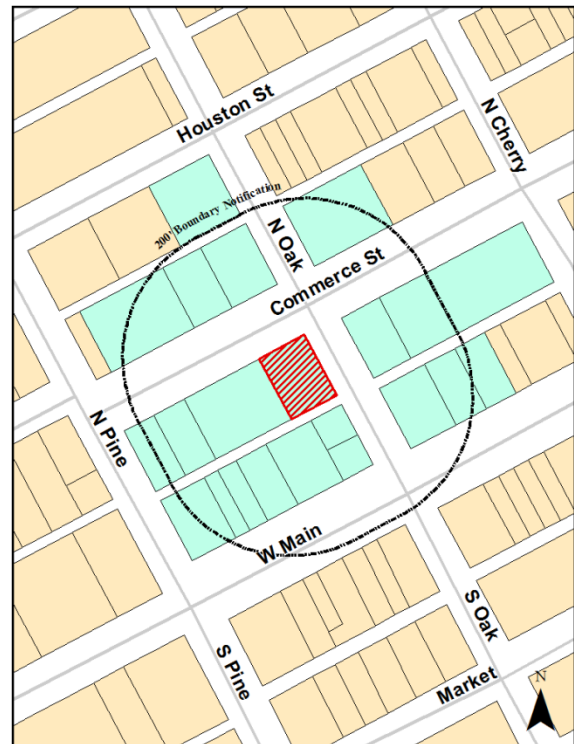
CONTACT: Amelia Lindley

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:
Monday, December 12, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2016, 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.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 19, 2016

Topic:

Consideration to approve **Zoning Case P16-0175**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

- Conduct Public Hearing on **Zoning Case P16-0175**
- Adopt, on First Reading, Ordinance No. 2016-33, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-2 (“Definitions”), Section 50-82(B) (“Use Charts”) and Section 50-116 (“Supplemental Regulations”) by Defining and Creating a Land Use for “Mobile Food Courts”; 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 Monday, December 12, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Zoning Case P16-0175.

Origination:

Community Development Department

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:

Ordinance No. 2016-33

Staff Report

Notice of Public Hearing

ORDINANCE NO. 2016-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-2 (“DEFINITIONS”), SECTION 50-82(B) (“USE CHARTS”) AND SECTION 50-116 (“SUPPLEMENTAL REGULATIONS”) BY DEFINING AND CREATING A LAND USE FOR “MOBILE FOOD COURTS”; 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, the City of Tomball has requested that Chapter 50 (Zoning) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Chapter 50 (Zoning) of the Code of Ordinances;

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve amendments to Chapter 50 (Zoning) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Chapter 50 (Zoning) of the Code of Ordinances.

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. Section 50-2 (Definitions) is hereby amended by adding the following:

Mobile Food Court means a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.

Section 3. Section 50-82(b) (Use Charts) of the Code of Ordinances is hereby amended by adding the following:

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 7. 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 8. 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 19th DAY OF DECEMBER 2016.

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 JANUARY 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Planning and Zoning Commission Hearing Date: December 12, 2016
City Council Public Hearing Date: December 19, 2016

BACKGROUND

PROPOSED AMENDMENTS

Mobile Food Court means a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.

Section 50-82 (b) (*Use Charts*)

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Mobile Food Court									C	C	C	C	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor

Page 1 of 2
Page 5 of 8

Section 50-116 (*Supplemental Regulations*)

Site Development Standards for Mobile Food Courts

- (1) No Mobile Food Vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).
- (2) All activity must occur on private property, outside of the public right-of-way.
- (3) There shall be at least three (3) feet of unobstructed clearance between all individual Mobile Food Vendors and all permanent or accessory structures and at least ten (10) feet of unobstructed clearance for mobile food vendors parked side-by-side.
- (4) Mobile Food Vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for Mobile Food Vendors shall meet the minimum parking requirements per Table Section 50-112-1.
- (5) Vehicular drive-thru service of food and/or beverages shall not be permitted.
- (6) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- (7) Electrical service may be provided to the Mobile Food Vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.
- (8) A designated seating area shall be provided for patrons.
- (9) All Mobile Food Vendors shall meet all other requirements per Chapter 32 – Peddlers and Solicitors.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on November 23, 2016. No public comment forms have been received as of the date of this report.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2016
&
CITY COUNCIL
DECEMBER 19, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2016, 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 P16-0162: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0171: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

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 **8th** day of **December 2016** 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.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 19, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-34, an Ordinance of the City of Tomball, Texas Amending Section 32-2, Exceptions to Chapter, and Section 32-8, Responsibility of Owners, Tenants, and Lessees Allowing Peddlers to Utilize Property, of Article 1, in General, of Chapter 32, Peddlers and Solicitors, to Allow Mobile Food Vendors Registered with the City in Compliance with the City's Zoning Regulations; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto

Background:

Since an amendment is being made to Chapter 50 in regards to establishing a land use for mobile food courts, it is necessary to amend Section 32-2 to exempt mobile food vendors from the provisions of Chapter 32 when registered with the City and conducting business at a mobile food court as defined in Chapter 50. Also, an amendment is being made in Section 32-8 where a reference is made to the incorrect chapter for Zoning.

Ordinance 2016-34 should only be approved if the proposed amendments to Chapter 50 in regards to mobile food courts is approved (Ordinance 2016-33).

Origination:

Community Development Department

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
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ATTACHMENTS:

Ordinance No. 2016-34

ORDINANCE NO. 2016-34

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING SECTION 32-2, EXCEPTIONS TO CHAPTER, AND SECTION 32-8, RESPONSIBILITY OF OWNERS, TENANTS, AND LESSEES ALLOWING PEDDLERS TO UTILIZE PROPERTY, OF ARTICLE 1, IN GENERAL, OF CHAPTER 32, PEDDLERS AND SOLICITORS, TO ALLOW MOBILE FOOD VENDORS REGISTERED WITH THE CITY IN COMPLIANCE WITH THE CITY'S ZONING REGULATIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING FOR SEVERABILITY AND PROVIDING OTHER FINDINGS RELATED HERETO.

* * * * *

WHEREAS, the City of Tomball, Texas desires to exempt mobile food vendors from the requirements of Chapter 32 when the vendors are operating in accordance with the City's zoning regulations related thereto; and

WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to exempt mobile food vendors from the requirements of Chapter 32 as set forth herein; **now, therefore**,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding to Section 32-2, Exceptions to Chapter, of Article 1, In General, of Chapter 32, Peddlers and Solicitors, the language underscored below as follows:

“Section 32-2. - Exceptions to chapter.

The provisions of this chapter shall not apply to the following:

- (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.
- (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.
- (3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor.
- (4) Noncommercial solicitations, sales or distributions for purposes of fundraising or generating profits by religious or charitable organizations, political organizations, conservation organizations, city civic organizations, or other educational organizations, which have their principal place of activity within the city.
- (5) Minors conducting fundraising activities who represent an organization for the benefit of youths, including, but not limited to, Boy Scouts, Girl Scouts, Little League groups and city school groups.
- (6) Mobile food vendors that are registered with the city and conducting business at a mobile food court as defined in Section 50-2.”

Section 3. The Code of Ordinances is further amended by deleting the language struck through below and adding the language underscored below to Section 32-8, Responsibility of Owners, Tenants, and Lessees Allowing Peddlers to Utilize Property, of Article 1, In General, of Chapter 32, Peddlers and Solicitors as follows:

“Section 32-8. - Responsibility of owners, tenants and lessees allowing peddlers to utilized property.

Any property owner, tenant, or lessee who allows a peddler to utilize his private property shall be responsible, along with the peddler, for compliance with the adopted zoning regulations of the city set forth in chapter ~~48~~50. Approval by the zoning administrator must be obtained before a permit may be issued.”

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, 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 \$2000. Each day of violation shall constitute a separate offense.

Section 4. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. 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.

Section 5. This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

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 19TH DAY OF DECEMBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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
JANUARY 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: December 19, 2016

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2016-35, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Public Right-of-Way, All Situated in the Replat of Final Plat Reserve at Spring Lake Section One and in the Replat of The Reserve at Spring Lake Section Two, Located in the Joseph Miller League, A-50, W.H. Clemens Survey, A-1641, Harris County Texas; Vacating and Abandoning Said Right-Of-Way and Replacing with an Access and Utility Easement; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Street Right-of-Way to Zion Road Properties, LLC; Providing for Severability; and Containing Other Provisions Relating to the Subject

Background:

Mr. Bob Allen of Zion Road Properties, LLC reached out to the City of Tomball about his desire to privatize and gate the streets within The Reserve at Spring Lakes. As part of Mr. Allen's request, letters of no objection of the abandonment have been provided by all property owners that abut the existing rights-of-way within the residential subdivision.

Prior to execution of the quitclaim deed conveying the rights-of-way from the City of Tomball to Zion Road Properties, LLC, an access and public utility easement shall be dedicated where the rights-of way are abandoned. Prior to closing the gates on the privatized streets, a secondary public road access to Ulrich Road for The Reserves at Spring Lakes and Raleigh Creek shall be constructed and accepted by the City of Tomball. The secondary access shall be a public right-of-way, maintained by the City of Tomball, and not gated.

Origination:

Bob Allen, Zion Road Properties, 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
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ATTACHMENTS:

Ordinance No. 2016-35
Letters of No Objection
Metes and Bounds

Conceptual Public Access to Ulrich Road
Entry Gate into The Reserve at Spring Lake Estates

ORDINANCE NO. 2016-35

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PUBLIC RIGHT-OF-WAY, ALL SITUATED IN THE REPLAT OF FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE AND IN THE REPLAT OF THE RESERVE AT SPRING LAKE SECTION TWO, LOCATED IN THE JOSEPH MILLER LEAGUE, A-50, W.H. CLEMENS SURVEY, A-1641, HARRIS COUNTY TEXAS; VACATING AND ABANDONING SAID RIGHT-OF-WAY AND REPLACING WITH AN ACCESS AND UTILITY EASEMENT; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID STREET RIGHT-OF-WAY TO ZION ROAD PROPERTIES, LLC; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that public convenience and necessity no longer require the continued existence of the street right-of-way described below and that it should be vacated, abandoned and replaced with an access and utility easement for the reason that the same is to be owned and maintained by Zion Properties, LLC; **now, therefore;**

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

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

Section 2. The City Council of the City of Tomball, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of the street right-of-way described in Section 3 hereof.

Section 3. The street right-of-way, more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes, located within the City of Tomball, Harris County,

Texas, is hereby vacated and abandoned contingent upon receipt and recording of access and utility easements from Zion Road Properties, LLC.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned street right-of-way to Zion Road Properties, LLC in consideration for the payment to the City of fair market value therefor.

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 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, or 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 19TH DAY OF DECEMBER, 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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
JANUARY, 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office, 401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

See attached list

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. **Please see attached list**

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Certification

I, **Robert M. Allen, - Developer**, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)

Robert M. Allen

(Printed Name)

Robert M. Allen

NOTARY FORM

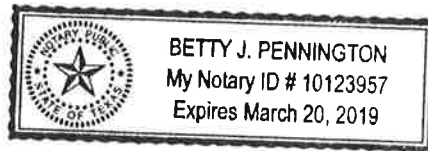
STATE OF TEXAS

COUNTY OF HARRIS

I, Betty J. Pennington, a Notary Public, do hereby certify that on this 30th day of November, 2016, personally appeared before me ROBERT M. ALLEN, known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

Betty J. Pennington

Notary Public, State of Texas



Name: Betty J. Pennington

My Commission Expires: March 20, 2019

LOTS OWNED BY ZION ROAD PROPERTIES

SECTION 1 LOTS

30702 Spring Lake Blvd – Tomball, TX 77375 – Lot 2 – Blk 1 – Sec – 1 – HCAD # 1333470010002
30935 Spring Lake Blvd – Tomball, TX 77375 – Lot 11 – Blk 2 – Sec – 1 – HCAD # 1333470020011
30943 Spring Lake Blvd – Tomball, TX 77375 – Lot 12 – Blk 2 – Sec – 1 – HCAD# 1333470020012
30942 Spring Lake Blvd – Tomball, TX 77375 – Lot 4 – Blk 3 – Sec – 1 – HCAD# 1333470030004

SECTION 2 LOTS

31003 Spring Lake Blvd – Tomball, TX 77375 – Lot 1 – Blk 1 – Sec 2 – HCAD #1368250010001
31011 Spring Lake Blvd – Tomball, TX 77375 – Lot 2 – Blk 1 – Sec 2 – HCAD #1368250010002
31019 Spring Lake Blvd – Tomball, TX 77375 – Lot 3 – Blk 1 – Sec 2 – HCAD # 1368250010003
31203 Roanoke Woods Dr – Tomball, TX 77375 – Lot 4 – Blk 1 – Sec 2 – HCAD # 1368250010004
31211 Roanoke Woods Dr – Tomball, TX 77375 – Lot 5 – Blk 1 – Sec 2 – HCAD #1368250010005
31219 Roanoke Woods Dr – Tomball, TX 77375 – Lot 6 – Blk 1 – Sec 2 – HCAD # 1368250010006
31218 Roanoke Woods Dr – Tomball, TX 77375 – Lot 7 – Blk 1 – Sec 2 – HCAD # 1368250010007
31210 Roanoke Woods Dr – Tomball, TX 77375 – Lot 8 – Blk 1 – Sec 2 – HCAD # 1368250010008
31202 Roanoke Woods Dr – Tomball, TX 77375 – Lot 9 – Blk 1 – Sec 2 – HCAD # 1368250010009
31111 Spring Lake Blvd – Tomball, TX 77375 – Lot 10 – Blk 1 – Sec 2 – HCAD # 1368250010010
31119 Spring Lake Blvd – Tomball, TX 77375 – Lot 11 – Blk 1 – Sec 2 – HCAD # 1368250010011
31002 Spring Lake Blvd- Tomball, TX 77375 – Lot 1 – Blk 2 – Sec 2 – HCAD # 1368250020001
31010 Spring Lake Blvd – Tomball, TX 77375 – Lot 2 – Blk 2 – Sec 2 – HCAD # 1368250020002
31018 Spring Lake Blvd – Tomball, TX 77375 – Lot 3 – Blk 2 – Sec 2 - HCAD # 1368250020003

31026 Spring Lake Blvd – Tomball, TX 77375 – Lot 4 – Blk 2 – Sec 2 – HCAD # 1368250020004
31034 Spring Lake Blvd – Tomball, TX 77375 – Lot 5 – Blk 2 – Sec 2 – HCAD # 1368250020005
31102 Spring Lake Blvd – Tomball, TX 77375 – Lot 1 – Blk 3 – Sec 2 – HCAD # 1368250030001
31110 Spring Lake Blvd – Tomball, TX 77375 – Lot 2 – Blk 3 – Sec 2 – HCAD # 1368250030002
31118 Spring Lake Blvd – Tomball, TX 77375 – Lot 3 – Blk 3 – Sec 2 – HCAD # 1368250030003
31111 Wild Pecan Blvd - Tomball, TX 77375 – Lot 4 – Blk 3 – Sec 2 – HCAD # 1368250030004
31134 Wild Pecan Blvd – Tomball, TX 77375 – Lot 5 – Blk 3 – Sec 2 – HCAD # 1368250030005
31110 Wild Pecan Blvd – Tomball, TX 77375 – Lot 1 – Blk 4 – Sec 2 – HCAD # 1368250040001
31102 Wild Pecan Blvd – Tomball, TX 77375 – Lot 2 – Blk 4 – Sec 2 – HCAD # 1368250040002
31110 Roanoke Woods Dr – Tomball, TX 77375 – Lot 3 – Blk 4 – Sec 2 – HCAD # 1368250040003
31118 Roanoke Woods Dr – Tomball, TX 77375 – Lot 4 – Blk 4 – Sec 2 – HCAD # 1368250040004
31111 Roanoke Woods Dr - Tomball, TX 77375 – Lot 1 – Blk 5 – Sec 2 – HCAD # 1368250050001
31119 Roanoke Woods Dr – Tomball, TX 77375 – Lot 3 – Blk 5 – Sec 2 – HCAD # 1368250050002



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

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Minimum Submittal Requirements

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- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
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- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 1 - Lots 12 & 13 - Sec 2

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 -1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Springs Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxton Rd - Houston 77005

Certification

I, Steve Mueller & Anita Mueller, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)




(Printed Name)

Steve Mueller

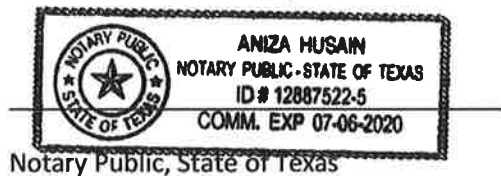
Anita Mueller

NOTARY FORM

STATE OF TEXAS

COUNTY OF HARRIS

I, ANIZA HUSAIN, a Notary Public, do hereby certify that on this 28th day of OCTOBER, 2016, personally appeared before me ANITA MUELLER known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.



Name: ANIZA HUSAIN

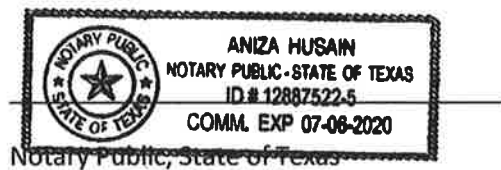
My Commission Expires: 7/6/2020

NOTARY FORM

STATE OF TEXAS

COUNTY OF HARRIS

I, ANIZA HUSAIN, a Notary Public, do hereby certify that on this 28th day of October, 2016, personally appeared before me STEVE Mueller & ANITA Mueller known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.



Name: ANIZA HUSAIN

My Commission Expires: 7/6/2020



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

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- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 3 - Lot 3 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
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7. Deana LeMaster and Joe Farr - 20219 Evergreen Srpings Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxtton Rd - Houston 77005

Certification

I, Mike Dou, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)



(Printed Name)

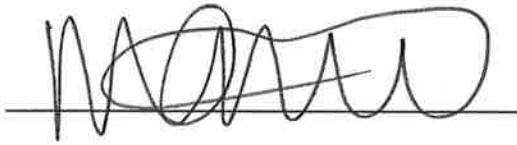
Mike Dou

NOTARY FORM

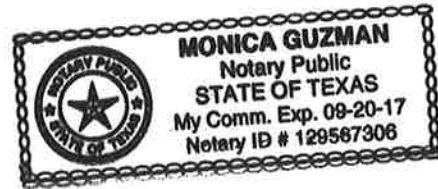
STATE OF TEXAS

COUNTY OF HARRIS

I, MONICA GUZMAN, a Notary Public, do hereby certify that on this 28th
day of OCTOBER, 2016, personally appeared before me MIKE DOU,
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.



Notary Public, State of Texas



Name: MONICA GUZMAN

My Commission Expires: 9/20/2017



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

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Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

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Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com



CITY OF TOMBALL

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Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 2 - Lot 9 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 - 1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Springs Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxton Rd - Houston 77005

Certification

I, **Joe Farr & Deana LeMaster**, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

Security

(Signature)

[Handwritten Signature]
[Handwritten Signature]

(Printed Name)

Joe Farr

Deana LeMaster

NOTARY FORM

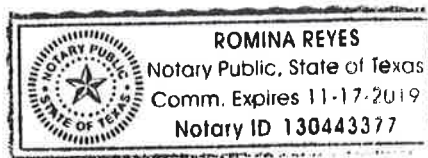
STATE OF TEXAS

COUNTY OF HARRIS

I, Romina Reyes, a Notary Public, do hereby certify that on this 31st
day of October, 2016, personally appeared before me Joe Farr & Deana LeMaster
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.

Romina Reyes

Notary Public, State of Texas



Name: Romina Reyes

My Commission Expires: 11-17-2019



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 2 - Lot 8 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 -1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Srpings Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxton Rd - Houston 77005

Certification

I, Matthew Madson, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)



(Printed Name)

Matthew Madson

NOTARY FORM

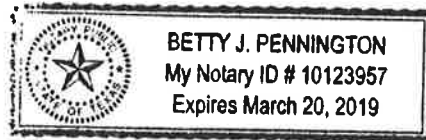
STATE OF TEXAS

COUNTY OF HARRIS

I, Betty J. Pennington, a Notary Public, do hereby certify that on this 18th
day of November, 2016, personally appeared before me Matthew Madison,
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.

Betty J. Pennington

Notary Public, State of Texas



Name: Betty J. Pennington

My Commission Expires: March 20, 2019



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office, 401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 2 - Lot 6 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 -1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Springs Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxtton Rd - Houston 77005

Certification

I, Tony Hamblen & Judy Hamblen, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)




(Printed Name)

Tony Hamblen

Judy Hamblen

NOTARY FORM

STATE OF TEXAS

COUNTY OF HARRIS

I, Maria Davila, a Notary Public, do hereby certify that on this 7
day of November, 2016, personally appeared before me Tony Hamblen + Judy Hamblen
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.

Maria Davila

Notary Public, State of Texas



Name: Maria Davila

My Commission Expires: 11/14/2018



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office, 401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 2 - Lot 3 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 - 1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Srpings Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxton Rd - Houston 77005

Certification

I, Daniel Eilers & Meghan N Eilers, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)



(Printed Name)

Daniel Eilers

Meghan N. Eilers

NOTARY FORM

STATE OF TEXAS

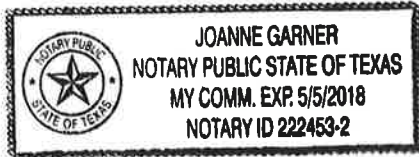
COUNTY OF HARRIS

I, JOANNE GARNER, a Notary Public, do hereby certify that on this 22nd
day of NOVEMBER, 2016, personally appeared before me Meghan N. Elrod,
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.

Joanne Garner
Notary Public, State of Texas

Name: JOANNE GARNER

My Commission Expires: 5/5/18



NOTARY FORM

STATE OF TEXAS

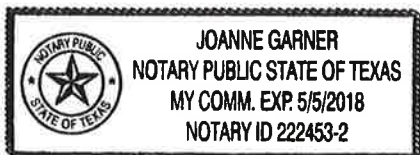
COUNTY OF HARRIS

I, JOANNE GARNER, a Notary Public, do hereby certify that on this 22nd
day of NOVEMBER, 2016, personally appeared before me Daniel P. Ellis,
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.

Joanne Garner
Notary Public, State of Texas

Name: JOANNE GARNER

My Commission Expires: 5/5/18





CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 2 - Lot 2 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 -1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Srpings Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxton Rd - Houston 77005

Certification

I, Paul Haddon & Margie Haddon, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature) 
Margie Haddon

(Printed Name)
Paul Haddon 11-25-16
Margie Haddon 11-25-16

NOTARY FORM

STATE OF TEXAS

COUNTY OF HARRIS

I, Theresa PARKER, a Notary Public, do hereby certify that on this 28th day of November, 2016, personally appeared before me Paula Haddon + Margie Haddon known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

Theresa Parker

Notary Public, State of Texas

Name: Theresa PARKER

My Commission Expires: 12-3-17





CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

**Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.**

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

Reserve at Spring Lake - Blk 1 - Lot 4 - Sec 1

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Sandy and John Moss - 30718 Spring Lake Blvd - Tomball - 77375 - 1333470010004
2. George Patrick Daily & Patricia Skelly - 30818 Spring Lake Blvd. Tomball 77375 - 1333470010007
3. Margie and Paul Haddon - 12911 Mossy Shore - Tomball - 77375 -1333470030002
4. Meghan N and Daniel R Eilers - 12919 Mossy Shore - Tomball - 77375 - 1333470020003
5. Judy and Tony Hamblen - 12918 Mossy Shore - Tomball - 77375 - 1333470020006
6. Matthew Madson - 13618 Sloan Lake Ln- Cypress - 77429 - 1333470020008
7. Deana LeMaster and Joe Farr - 20219 Evergreen Srpings Ln - Spring - 77379 - 1333470020009
8. Martha Lydia Andrade - 2710 Ladin Dr - Houston - 77039 - 1333470020010
9. Mike Suisheng Dou - 30934 Spring Lake Blvd- Tomball - 77375 - 1333470030003
10. Anita and Steve Mueller - 2242 Wroxton Rd - Houston 77005

Certification

I, John Moss & Sandy Moss, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

BECOMING A GATED COMMUNITY WILL DEFINITELY INCREASE THE
SALE OF HOMES & LOTS IN THE RESERVE AT SPRING LAKES. IN TURN,
TOMBALL WILL RECEIVE SIGNIFICANTLY HIGHER TAX REVENUE,
WHICH WILL GREATLY BENEFIT THE CITY & ITS RESIDENTS IN GENERAL.

(Signature)

John Moss
Sandy Moss

(Printed Name)

John Moss

Sandy Moss

NOTARY FORM

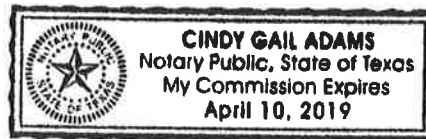
STATE OF TEXAS

COUNTY OF HARRIS

I, Cindy Gail Adams, a Notary Public, do hereby certify that on this 10
day of November, 2016, personally appeared before me John & Sandy Moss,
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.



Notary Public, State of Texas



Name: Cindy Gail Adams

My Commission Expires: 4/10/19



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

**Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.**

Minimum Submittal Requirements

- ☐ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☐ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☐ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Zion Road Properties, LLC

Mailing Address 9977 W. Sam Houston Pkwy, N. Suite 150

City Houston State TX Zip Code 77064

Phone Number 281-477-8688 Fax Number 281-477-9191

E-mail Address bob@thereservetomball.com

Agent or Engineer Information

Name David P. Kelly, - DPK Engineering

Mailing Address PO Box 823

City Fulshear State TX Zip Code 77441

Phone Number 281-300-1869 Fax Number _____

E-mail Address david.kelly@dpkengineering.com

We, the undersigned property owners of

See attached list

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

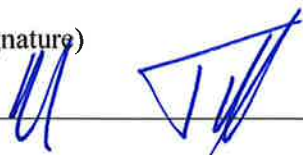
1. Princeton Classic Homes - 30618 Spring Lake Blvd. Tomball, Texas 77375 - 1333470010001
2. Princeton Classic Homes - 30710 Spring Lake Blvd. Tomball, Texas 77375 -1333470010003
3. Princeton Classic Homes - 30802 Spring Lake Blvd. Tomball, TX 77375 - 1333470010005
4. Princeton Classic Homes - 30810 Spring Lake Blvd. Tomball, TX 77375 - 1333470010006
5. Princeton Classic Homes - 30826 Spring Lake Blvd. Tomball, TX 77375 - 1333470010008
6. Princeton Classic Homes - 12903 Mossy Shore Tomball, TX 77375 - 1333470020001
7. Princeton Classic Homes - 12927 Mossy Shore Tomball, TX 77375 - 1333470020004
8. Princeton Classic Homes -12926 Mossy Shore Tomball, TX 77375 - 1333470020005
9. Princeton Classic Homes - 12910 Mossy Shore Tomball, TX 77375 - 1333470020007
10. Princeton Classic Homes - 30926 Spring Lake Blvd. Tomball, TX 77375 - 1333470030002

Certification

I, Mark Tollefsrud, Legend Classic Homes-, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)



(Printed Name)

Mark Tollefsrud

NOTARY FORM

STATE OF TEXAS

COUNTY OF HARRIS

I, Michele Lotsu, a Notary Public, do hereby certify that on this 21
day of November, 2016, personally appeared before me Mark Tollefson
known to me to be the person whose name is subscribed to the foregoing instrument, and swore and
acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,
and that the statements contained therein are true and correct.


Notary Public, State of Texas



Name: Michele Lotsu
My Commission Expires: 10-28-17

Being 5.24 acres (228,310 square feet) of land, all of Spring Lake Boulevard and Mossy Shore road, out of the Replat of the Final Plat of Reserve at Spring Lake, Section 1, recorded under Filmcode 654094 Map Records of Harris County, Texas (M.R. H.C.T.), said 5.24 acre tract lying in the Joseph Miller Survey, Abstract 50 and being more particularly described by metes and bounds as follows;

COMMENCING at a found 1 inch iron pipe in the north right-of-way (R.O.W.) of Zion Road, Public R.O.W. varies, marking the southeast corner of the Remainder of a called 19.496 acres, conveyed to David Sabin, by deed recorded under County Clerk's File Number (C.F.) U337573 Official Public Records Real Property of Harris County, Texas (O.P.R.R.P. H.C.T.);

THENCE North 02°33'09" West, along the east line of said Remainder, a distance of 10.00 feet to a point for corner, marking southwest corner Reserve "B", out of said Replat;

THENCE North 85°28'48" East, along said north R.O.W., a distance of 39.45 feet to an angle point of said Reserve "B";

THENCE North 87°44'56" East, along said north R.O.W., a distance of 125.31 feet to a set 5/8 inch iron rod, marking the southeast corner of said Reserve "B", also being the southwest corner of said Spring Lake Boulevard and the POINT OF BEGINNING;

THENCE North 02°15'04" West, along the west R.O.W. of said Spring Lake Boulevard, a distance of 213.34 feet to a set 5/8 inch iron rod, marking an internal corner of said Reserve "B", also being an external corner of the herein described tract;

THENCE North 87°44'56" East, along said R.O.W., a distance of 20.00 feet to a set 5/8 inch iron rod, marking an external corner of said Reserve "B", also being an internal corner of the herein described tract;

THENCE along said R.O.W. and a curve to the LEFT, having a radius of 470.00 feet, a delta angle of 25° 43' 32", and whose long chord bears North 15°06'50" West a distance of 209.26 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE North 27°58'36" West, along said R.O.W., a distance of 116.33 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said R.O.W. and a curve to the RIGHT, having a radius of 530.00 feet, a delta angle of 25° 25' 26", and whose long chord bears North 15°15'53" West a distance of 233.25 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE North 02°33'10" West, along said R.O.W., a distance of 1041.96 feet to a set 5/8 inch iron rod, marking the northeast corner of Lot 1, Block 2 of said Remainder, also being the southeast corner of said Mossy Shore and an internal corner of the herein described tract;

THENCE South 87°26'50" West, along the south R.O.W. of said Mossy Shore, a distance of

512.12 feet to a set 5/8 inch iron rod, marking the southeast corner of a cul-de-sac of the herein described tract;

THENCE along a curve to the RIGHT, having a radius of 60.00 feet, a delta angle of $300^{\circ} 00' 00''$, and whose long chord bears North $02^{\circ} 33' 10''$ West a distance of 60.00 feet to a set 5/8 inch iron rod, marking the northeast corner of said cul-de-sac of the herein described tract;

THENCE North $87^{\circ} 26' 50''$ East, along the north R.O.W. of said Mossy Shore, a distance of 512.12 feet to a set 5/8 inch iron rod in said west R.O.W. of said Spring Lake Boulevard, marking the southeast corner of Lot 8, said Block 2, also being an internal corner of the herein described tract;

THENCE North $02^{\circ} 33' 10''$ West, along said west R.O.W., a distance of 31.34 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said west R.O.W. and a curve to the LEFT, having a radius of 270.00 feet, a delta angle of $53^{\circ} 26' 28''$, and whose long chord bears North $29^{\circ} 16' 24''$ West a distance of 242.81 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE North $55^{\circ} 59' 39''$ West a distance of 149.06 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said west R.O.W. and a curve to the RIGHT, having a radius of 330.00 feet, a delta angle of $53^{\circ} 46' 38''$, and whose long chord bears North $29^{\circ} 06' 20''$ West a distance of 298.49 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE North $02^{\circ} 13' 01''$ West a distance of 347.96 feet to a set 5/8 inch iron rod in the north line of said Section 1, marking the southeast corner of Lot 1, Block 1, Replat of the Reserve at Spring Lake, Section 2, recorded under Filmcode 675954 M.R. H.C.T., also being the northeast corner of Lot 12, Block 3, said Section 1, also being the northwest corner of the herein described tract;

THENCE North $87^{\circ} 47' 03''$ East, along the north line of said Section 1, a distance of 60.00 feet to a found 5/8 inch iron rod, marking the southwest corner of Lot 1, Block 2, said Section 2, also being the northwest corner of Lot 4, said Block 3 and the northeast corner of the herein described tract;

THENCE South $02^{\circ} 13' 01''$ East, along the east R.O.W. of said Spring Lake Boulevard, a distance of 347.96 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said east R.O.W. and a curve to the LEFT, having a radius of 270.00 feet, a delta angle of $53^{\circ} 46' 38''$, and whose long chord bears South $29^{\circ} 06' 20''$ East a distance of 244.22 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE South 55°59'39" East, along said east R.O.W., a distance of 149.05 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said east R.O.W. and a curve to the RIGHT, having a radius of 330.00 feet, a delta angle of 53° 26' 29", and whose long chord bears South 29°16'25" East a distance of 296.76 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE South 02°33'10" East, along said east R.O.W., a distance of 1133.30 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said east R.O.W. and a curve to the LEFT, having a radius of 470.00 feet, a delta angle of 25° 25' 26", and whose long chord bears South 15°15'53" East a distance of 206.85 feet to a set 5/8 inch iron rod, marking a point of tangency of the herein described tract;

THENCE South 27°58'36" East, along said east R.O.W., a distance of 116.33 feet to a set 5/8 inch iron rod, marking a point of curvature of the herein described tract;

THENCE along said east R.O.W. and a curve to the RIGHT, having a radius of 530.00 feet, a delta angle of 25° 43' 32", and whose long chord bears South 15°06'50" East a distance of 235.97 feet to a set 5/8 inch iron rod, marking an external corner of Reserve "A", of said Section 1, also being an internal corner of the herein described tract;

THENCE North 87°44'56" East a distance of 20.00 feet to a set 5/8 inch iron rod, marking an internal corner of said Reserve "A", also being an external corner of the herein described tract;

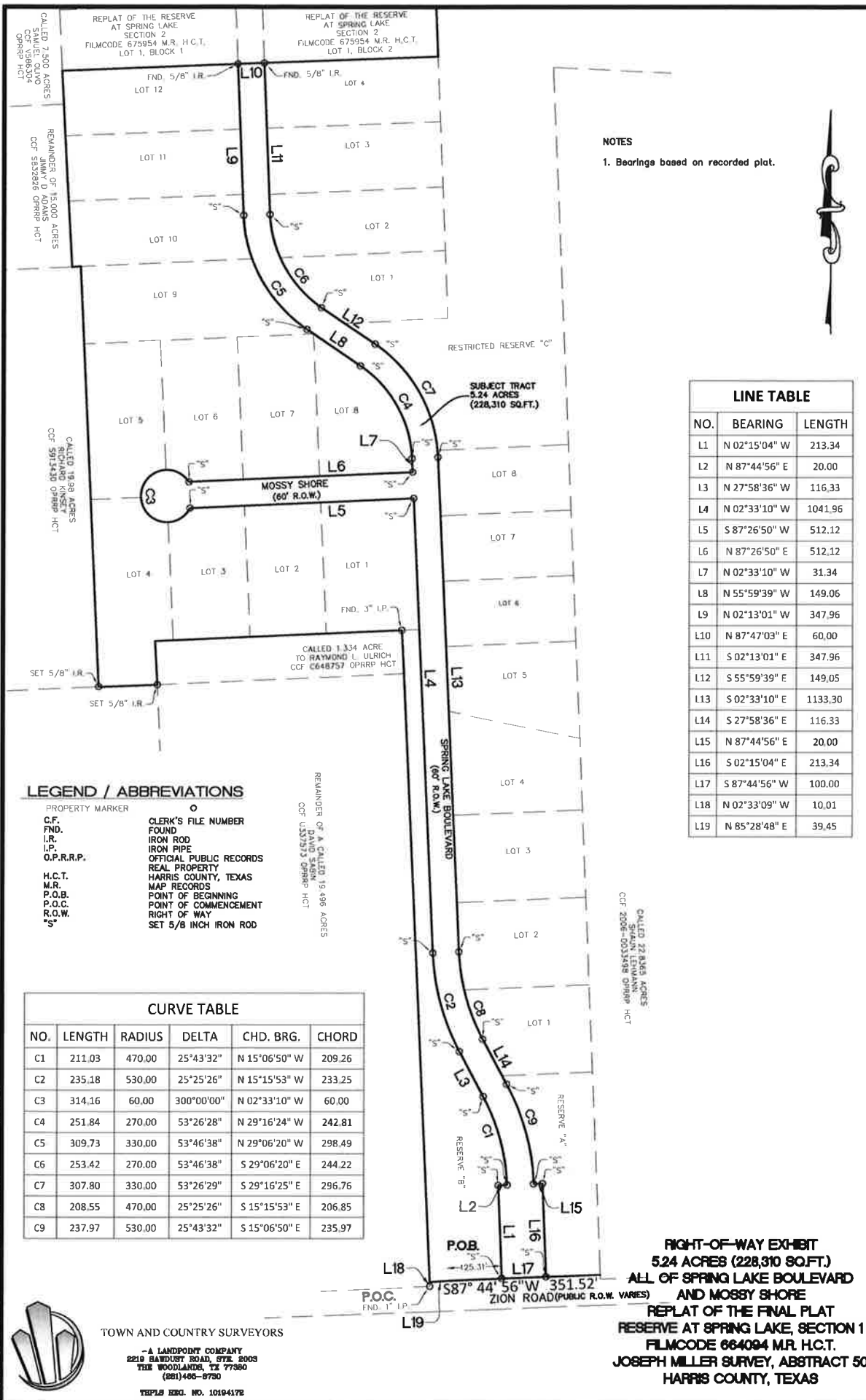
THENCE South 02°15'04" East, along said east R.O.W., a distance of 213.34 feet to a set 5/8 inch iron rod in said north R.O.W. of Zion Road, marking the southwest corner of Reserve "A", also being the southeast corner of the herein described tract;

THENCE South 87°44'56" West, along said north R.O.W., a distance of 100.00 feet to the POINT OF BEGINNING and containing a computed 5.24 acres (228,310 square feet) of land.



L. Shayne Thatcher, R.P.L.S. #4544
Town and Country Surveyors
- A Landpoint Company
2219 Sawdust Road, Ste. 2003
The Woodlands, Texas 77380
TBPLS Registration No. 10194172
Tele # (281) 465-8730
Job No. 16-1471





H:\2016 Download\16-1471.dwg\16-1471 SECTION 1.dwg



TOWN AND COUNTRY SURVEYORS

-A LANDPOINT COMPANY
 2210 SAWDUST ROAD, STE. 2005
 THE WOODLANDS, TX 77380
 (281)466-5720

TRPLS REG. NO. 10194172

Being 4.61 acres (200,906 square feet) of land, all of Spring Lake Boulevard, Roanoke Woods Drive and Wild Pecan Drive, out of the Replat of the Reserve at Spring Lake, Section 2, recorded under Filmcode 675955 Map Records of Harris County, Texas (M.R. H.C.T.), said 4.61 acre tract lying in the Joseph Miller Survey, Abstract 50 and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod in the west right-of-way (R.O.W.) of said Spring Lake Boulevard, marking the northeast corner of Lot 12, Block 3, Replat of the Final Plat of Reserve at Spring Lake, Section 1, recorded under Filmcode 664094 M.R. H.C.T., also being the southeast corner of Lot 1, Block 1, said Section 2 and the southwest corner of the herein described tract;

THENCE North $02^{\circ}13'01''$ West, along said west R.O.W., a distance of 160.00 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said R.O.W. and a curve to the RIGHT, having a radius of 530.00 feet, a delta angle of $14^{\circ}47'54''$, and whose long chord bears North $05^{\circ}11'00''$ East a distance of 136.51 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE North $12^{\circ}34'58''$ East, along said R.O.W., a distance of 215.18 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along a curve to the LEFT, having a radius of 720.00 feet, a delta angle of $15^{\circ}11'44''$, and whose long chord bears North $05^{\circ}03'14''$ East a distance of 190.39 feet to a set 5/8 inch iron rod with cap, marking the northeast corner of Lot 4, said Block 1, also being the intersection of Roanoke Woods Drive and said Spring Lake Boulevard and an internal corner of the herein described tract;

THENCE South $87^{\circ}14'21''$ West, along the south R.O.W. of said Roanoke Woods Drive, a distance of 253.67 feet to a set 5/8 inch iron rod with cap, marking the southeast corner of a cul-de-sac;

THENCE along a curve to the RIGHT, having a radius of 60.00 feet, a delta angle of $300^{\circ}00'00''$, and whose long chord bears North $02^{\circ}45'39''$ West a distance of 60.00 feet set 5/8 inch iron rod with cap, marking the northeast corner of said cul-de-sac;

THENCE North $87^{\circ}14'21''$ East, along the north line of said Roanoke Woods Drive, a distance of 253.88 feet to a set 5/8 inch iron rod with cap in said west R.O.W. of said Spring Lake Boulevard, marking the southeast corner of Lot 9, said Block 1, also being an internal corner of the herein described tract;

THENCE North $02^{\circ}33'07''$ West, along said west R.O.W., a distance of 521.77 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said west R.O.W. and a curve to the LEFT, having a radius of 240.00 feet, a delta angle of $05^{\circ}38'45''$, and whose long chord bears North $05^{\circ}22'30''$ West a distance of

23.64 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE North 08°11'52" West, along said west R.O.W., a distance of 18.72 feet to set 5/8 inch iron rod with cap, marking the southwest corner of a cul-de-sac of the herein described tract;

THENCE along a curve to the RIGHT, having a radius of 60.00 feet, a delta angle of 299° 57' 03", and whose long chord bears North 84°00'46" East a distance of 60.04 feet to set 5/8 inch iron rod with cap, marking the southeast corner of said cul-de-sac of the herein described tract;

THENCE South 08°11'52" East, along the east R.O.W. of said Spring Lake Boulevard, a distance of 16.40 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said east R.O.W. and a curve to the RIGHT, having a radius of 300.00 feet, a delta angle of 05° 38' 45", and whose long chord bears South 05°22'30" East a distance of 29.55 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE South 02°33'07" East, along said east R.O.W., a distance of 521.56 feet to a set 5/8 inch iron rod with cap in the north R.O.W. of Roanoke Woods Drive, marking the southwest corner of Lot 1, Block 3, of said Section 2, also being an internal corner of the herein described tract;

THENCE North 87°14'21" East, along said north R.O.W., a distance of 121.21 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said north R.O.W. and a curve to the RIGHT, having a radius of 330.00 feet, a delta angle of 18° 29' 11", and whose long chord bears South 83°31'03" East a distance of 106.01 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE South 74°16'27" East, along said north R.O.W., a distance of 109.18 feet to a set 5/8 inch iron rod with cap, marking the southeast corner of Lot 5, Block 3 of said Section 2, also being the southwest corner of Wild Pecan Drive and an internal corner of the herein described tract;

THENCE North 23°15'12" East, along the northwest R.O.W. of said Wild Pecan Drive, a distance of 407.10 feet to a set 5/8 inch iron rod with cap in the southwest line of Unrestricted Reserve "D", out of said Section 1, marking the east corner of Lot 4, Block 3 of said Section 2, also being an external corner of the herein described tract;

THENCE South 49°14'09" East, along said Reserve "D", a distance of 62.92 feet to a set 5/8 inch iron rod with cap, marking the north corner of Lot 1, Block 4 of said Section 2, also being an external corner of the herein described tract;

THENCE South $23^{\circ}15'12''$ West, along the southeast R.O.W. of said Wild Pecan Drive, a distance of 387.23 feet to a set 5/8 inch iron rod with cap in the said north R.O.W. of said Roanoke Woods Drive, marking the west corner of Lot 2, Block 4, said Section 2, also being an internal corner of the herein described tract;

THENCE along said north R.O.W. and a curve to the RIGHT, having a radius of 330.00 feet, a delta angle of $11^{\circ}55'32''$, and whose long chord bears South $56^{\circ}32'52''$ East a distance of 68.56 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE South $50^{\circ}35'06''$ East, along said north R.O.W., a distance of 145.61 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said north R.O.W. and a curve to the LEFT, having a radius of 270.00 feet, a delta angle of $41^{\circ}53'49''$, and whose long chord bears South $71^{\circ}32'01''$ East a distance of 193.07 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE North $87^{\circ}31'05''$ East, along said north R.O.W., a distance of 194.47 feet to a set 5/8 inch iron rod with cap in the east line of said Section 2, marking the southeast corner of Lot 4, Block 4, also being the most easterly northeast corner of the herein described tract;

THENCE South $02^{\circ}28'55''$ East, along said east line, a distance of 60.00 feet to a set 5/8 inch iron rod with cap, marking the northeast corner of Lot 1, Block 5, said Section 2, marking the most easterly southeast corner of the herein described tract;

THENCE South $87^{\circ}31'05''$ West, along the south R.O.W. of said Roanoke Woods Drive, a distance of 194.47 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said south R.O.W. and a curve to the RIGHT, having a radius of 330.00 feet, a delta angle of $41^{\circ}53'49''$, and whose long chord bears North $71^{\circ}32'01''$ West a distance of 235.97 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE North $50^{\circ}35'06''$ West, along said south R.O.W., a distance of 145.61 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said south R.O.W. and a curve to the LEFT, having a radius of 270.00 feet, a delta angle of $23^{\circ}41'22''$, and whose long chord bears North $62^{\circ}25'47''$ West a distance of 110.84 feet to a set 5/8 inch iron rod with cap, marking the northwest corner of Unrestricted Reserve "C", said Section 1, also being the northeast corner of Lot 5, said Block 2 and a point of tangency of the herein described tract;

THENCE North $74^{\circ}16'28''$ West, along said south R.O.W., a distance of 101.50 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said south R.O.W. and a curve to the LEFT, having a radius of 270.00 feet, a delta angle of $18^{\circ}29'11''$, and whose long chord bears North $83^{\circ}31'03''$ West a distance of 86.74 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE South $87^{\circ}14'21''$ West, along said south R.O.W., a distance of 121.42 feet to a set 5/8 inch iron rod with cap in the east R.O.W. of said Spring Lake Boulevard, marking the northwest corner of said Lot 5, Block 2, also being an internal corner of the herein described tract;

THENCE along said east R.O.W. and a curve to the RIGHT, having a radius of 780.00 feet, a delta angle of $15^{\circ}12'44''$, and whose long chord bears South $05^{\circ}02'44''$ West a distance of 206.49 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE South $12^{\circ}34'58''$ West, along said east R.O.W., a distance of 215.10 feet to a set 5/8 inch iron rod with cap, marking a point of curvature of the herein described tract;

THENCE along said east R.O.W. and a curve to the LEFT, having a radius of 470.00 feet, a delta angle of $14^{\circ}47'54''$, and whose long chord bears South $05^{\circ}11'00''$ West a distance of 121.06 feet to a set 5/8 inch iron rod with cap, marking a point of tangency of the herein described tract;

THENCE South $02^{\circ}13'01''$ East a distance of 160.00 feet to a set 5/8 inch iron rod with cap, marking the northwest corner of Lot 4, Block 3 of said Section 1, also being the southwest corner of Lot 1, said Block 2, said Section 2, also being the southeast corner of the herein described tract;

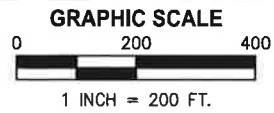
THENCE South $87^{\circ}47'03''$ West, along the south line of said Section 2, a distance of 60.00 feet to the POINT OF BEGINNING and containing a computed 4.61 acres (200,906 square feet) of land.



L. Shayne Thatcher, R.P.L.S. #4544
Town and Country Surveyors
- A Landpoint Company
2219 Sawdust Road, Ste. 2003
The Woodlands, Texas 77380
TBPLS Registration No. 10194172
Tele # (281) 465-8730
Job No. 16-1471



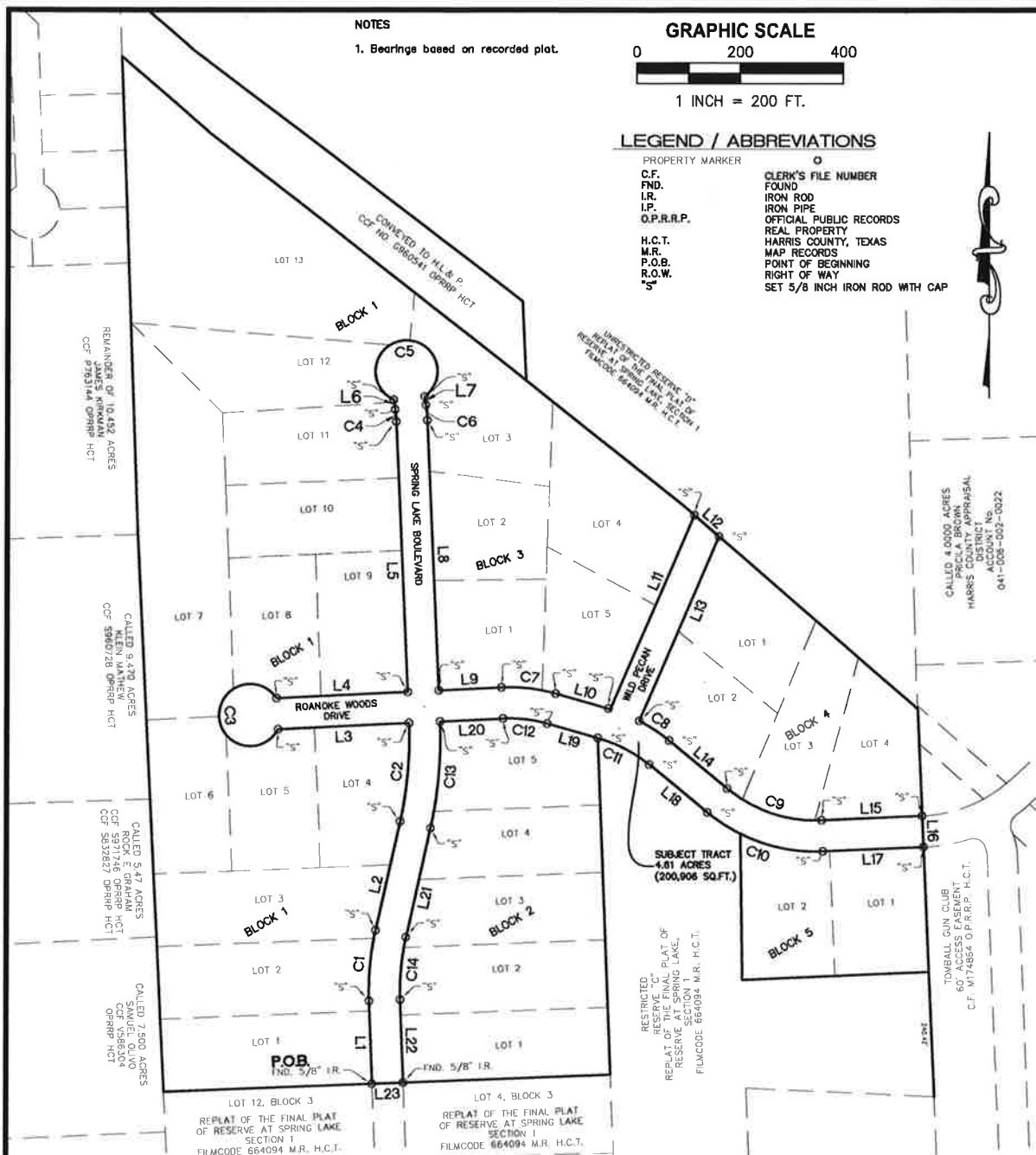
1. Bearings based on recorded plat.



PROPERTY MARKER

C.F.
FND.
I.R.
I.P.
O.P.R.R.P.
H.C.T.
M.R.
P.O.B.
R.O.W.
"S"

CLERK'S FILE NUMBER
FOUND
IRON ROD
IRON PIPE
OFFICIAL PUBLIC RECORDS
REAL PROPERTY
HARRIS COUNTY, TEXAS
MAP RECORDS
POINT OF BEGINNING
RIGHT OF WAY
SET 5/8 INCH IRON ROD WITH CAP



LINE TABLE			CURVE TABLE					
NO.	BEARING	LENGTH	NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
L1	N 02°13'01" W	160.00	C1	136.89	530.00	14°47'54"	N 05°11'00" E	136.51
L2	N 12°34'58" E	215.18	C2	190.95	720.00	15°11'44"	N 05°03'14" E	190.01
L3	S 87°14'21" W	253.67	C3	314.16	60.00	300°00'00"	N 02°45'59" W	60.00
L4	N 88°14'23" E	253.88	C4	23.65	240.00	5°38'45"	N 05°22'30" W	23.64
L5	N 02°33'07" W	521.77	C5	314.11	60.00	295°5'703"	N 84°00'46" E	60.04
L6	N 08°11'52" W	18.72	C6	29.56	300.00	5°38'45"	S 05°22'30" E	29.55
L7	S 08°11'52" E	16.40	C7	106.47	330.00	18°29'11"	S 83°31'03" E	106.01
L8	S 02°33'07" E	521.56	C8	68.69	330.00	11°55'32"	S 56°32'52" E	68.56
L9	N 87°14'21" E	121.21	C9	197.43	270.00	41°53'49"	S 71°32'01" E	193.07
L10	S 74°16'28" E	109.18	C10	241.31	330.00	41°53'49"	N 71°32'01" W	235.97
L11	N 23°15'12" E	407.10	C11	111.63	270.00	23°41'22"	N 62°25'47" W	110.84
L12	S 49°14'09" E	62.92	C12	87.12	270.00	18°29'11"	N 83°31'03" W	86.74
L13	S 23°15'12" W	387.23	C13	207.09	780.00	15°12'44"	S 05°02'44" W	206.49
L14	S 50°35'06" E	145.61	C14	121.39	470.00	14°47'54"	S 05°11'00" W	121.06
L15	N 87°31'05" E	194.47						
L16	S 82°28'55" E	60.00						
L17	S 87°31'05" W	194.47						
L18	N 50°35'06" W	145.61						
L19	N 74°16'28" W	101.50						
L20	S 87°14'21" W	121.42						
L21	S 12°34'58" W	215.10						
L22	S 02°13'01" E	160.00						
L23	S 87°47'03" W	60.00						

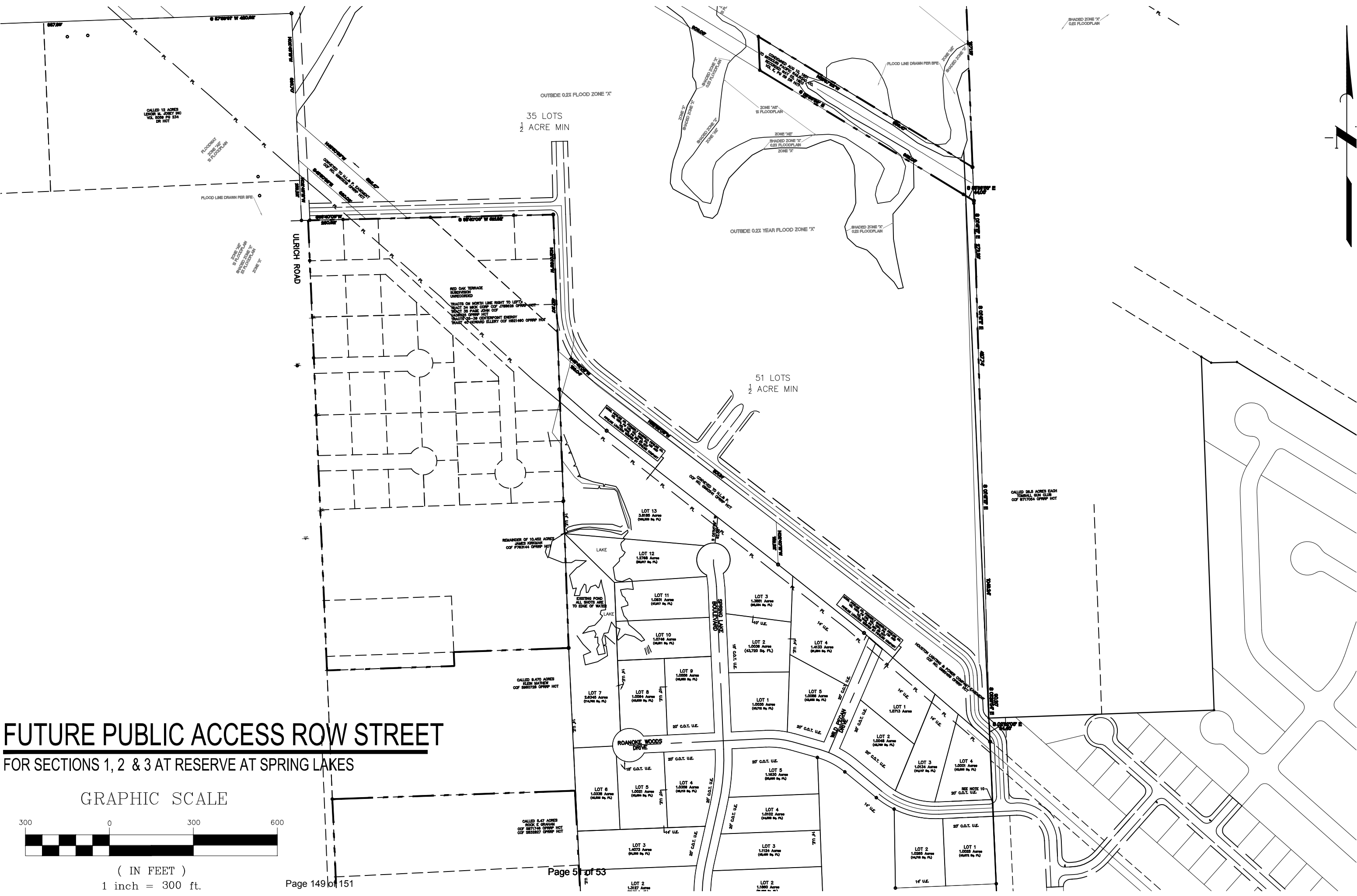
RIGHT-OF-WAY EXHIBIT
4.61 ACRES (200,906 SQ.FT.)
ALL OF SPRING LAKE BOULEVARD,
ROANOKE WOODS DRIVE AND
WILD PEACAN DRIVE
OUT OF THE REPLAT
OF THE RESERVE AT SPRING LAKE
SECTION 2
FILM CODE 675955 M.R. H.C.T.
JOSEPH MILLER SURVEY, ABSTRACT 50
HARRIS COUNTY, TEXAS



TOWN AND COUNTRY SURVEYORS

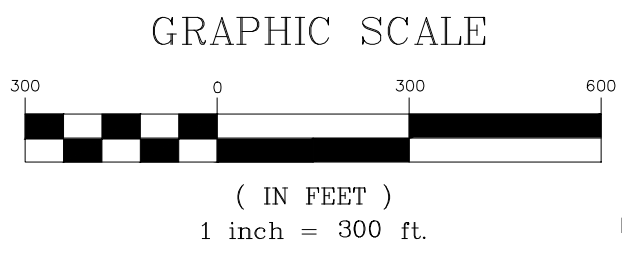
-A LANDPOINT COMPANY
2219 SAWDUST ROAD, STE. 2003
THE WOODLANDS, TX 77380
(281)465-8730

TRPLS REG. NO. 10194172



FUTURE PUBLIC ACCESS ROW STREET

FOR SECTIONS 1, 2 & 3 AT RESERVE AT SPRING LAKES



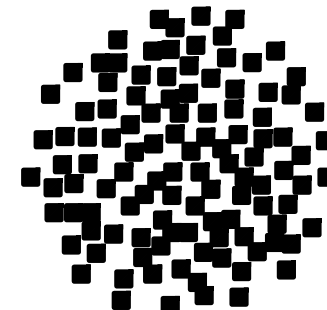
RESERVE AT SPRING LAKES

ENTRY GATES

Sitework Plan

Tomball, Texas

sweitzer + associates



landscape architects
planning consultants

13300 katy hwy.
houston, tx 77079
281.496.3111
info@sweitzerassoc.com

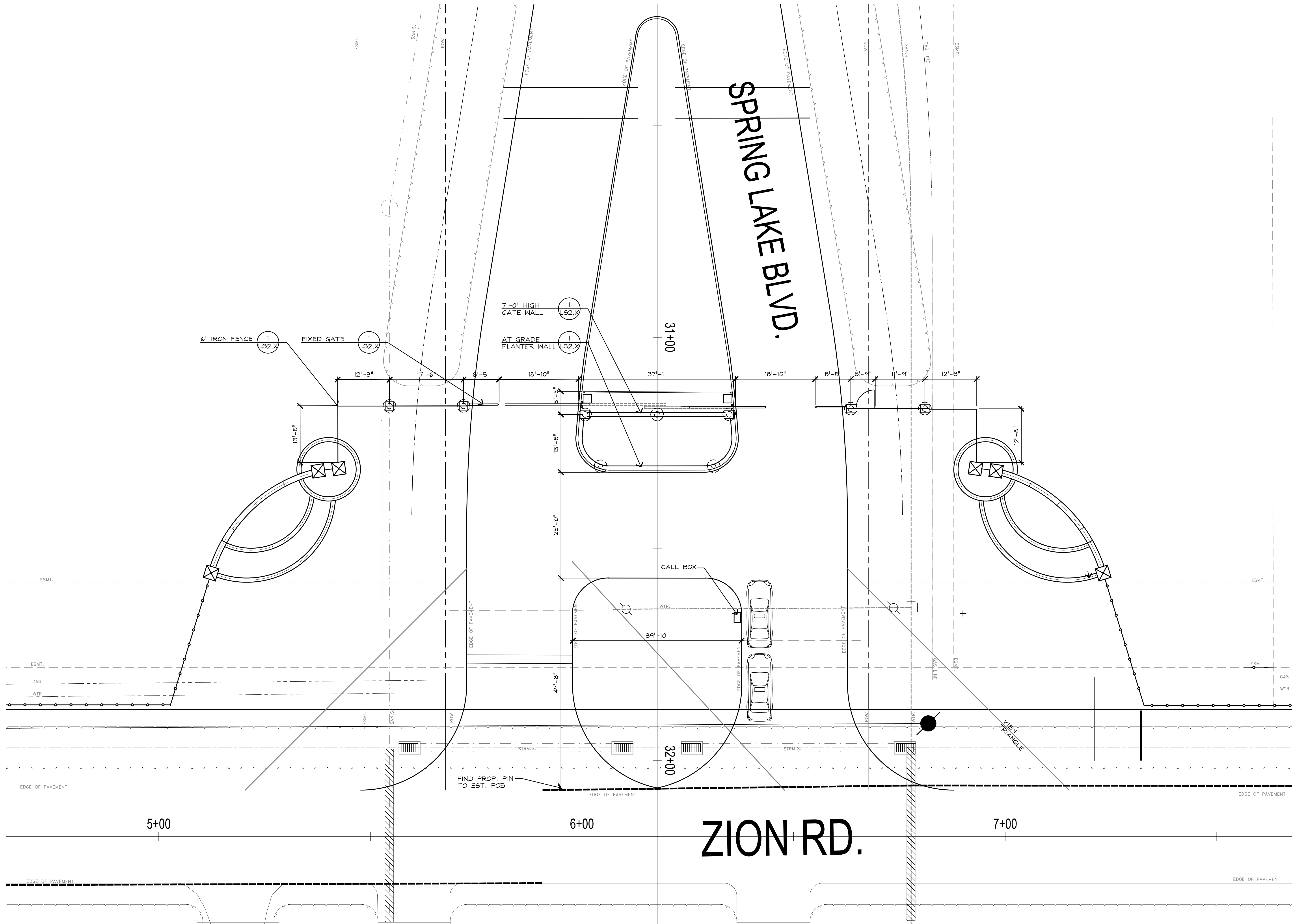
Project No. 216-026
Revisions:

Sheet Number:

LS1.1

drawn by: miz
date: 12/6/16

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1 SITEWORK LAYOUT
PLAN

0 5 10 20
SCALE: 1"=10'-0"



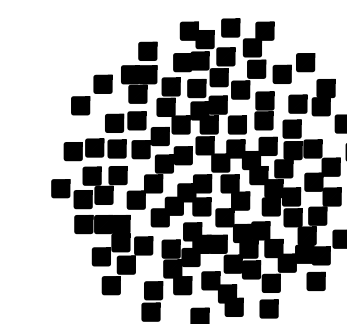
Preliminary Progress Print

December 6, 2016
Bill Sweitzer TX 167

RESERVE AT SPRING LAKES ENTRY GATES

Tomball, Texas

sweitzer + associates



landscape architects
planning consultants

13300 katy fwy,
houston, tx 77079
281.496.3111
info@sweitzerassoc.com

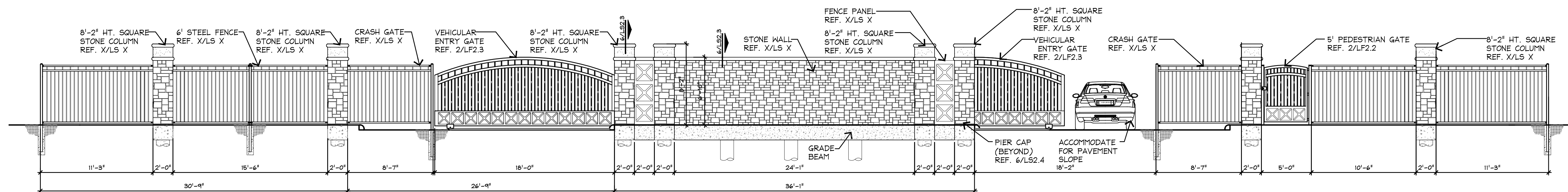
Project No. 216-026
Revisions:

Sheet Number:

LS 2.2

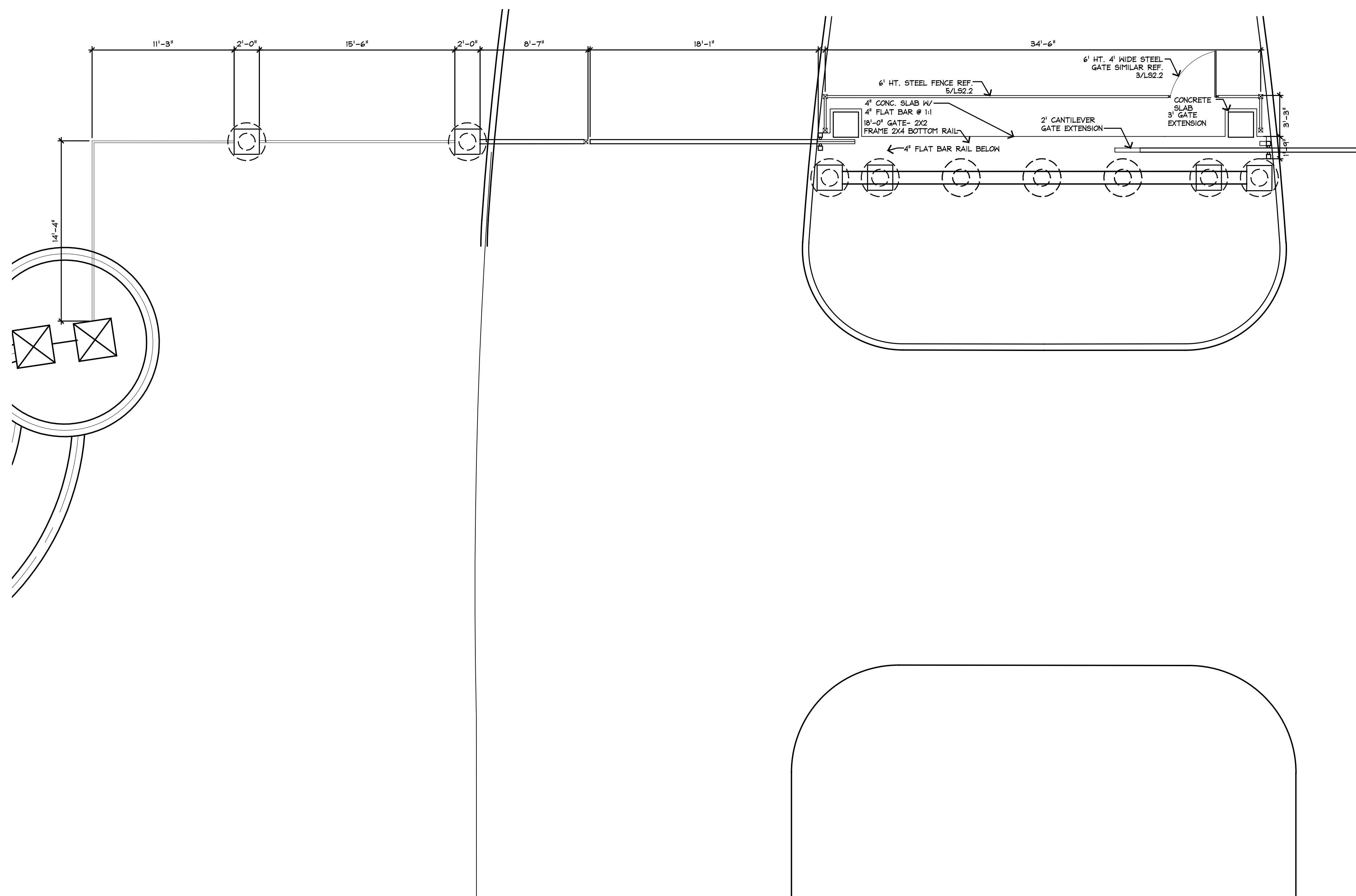
drawn by: nuz
date: 12/6/16

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2 ENTRY GATE
ELEVATION

0 2 4 8
SCALE: 3/16"=1'-0"



1 ENTRY GATE
PLAN

0 2 4 8
SCALE: 3/16"=1'-0"