

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



TUESDAY, JULY 26, 2016

5:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, July 26, 2016 at 5:00 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 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.]*
- 3.0 New Business:
 - 3.1 Adopt, on First Reading, Ordinance No. 2016-09, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing other Provisions relating to the Subject; and Providing a Savings and Severability Clause (Tract One: 4.847 Acres of Land, Being a Portion of FM 2920 Right-of-Way and a Portion of Telge Road Right-of-Way, Tomball, Texas; and Tract Two: 14.427 Acres of Land Located at 15945 FM 2920, 21706 Telge Road, and 21718 Telge Road, Tomball, Texas)

- 3.2 Award Contract for Project No. 2016-24 for the 2016 Asphalt Street Improvements and North Waste Water Treatment Plant Driveway Rehabilitation
- 3.3 Consideration to approve **Comprehensive Plan Case P16-0092**: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.
- Conduct Public Hearing on **COMPREHENSIVE PLAN CASE P16-0092**
 - Adopt, on First Reading, Ordinance No. 2016-14, an Ordinance Of The City Of Tomball, Texas, Amending Its Comprehensive Plan By Designating The Future Land Use Classification Of Approximately 14.427 Acres Of Land, Legally Described As A 14.427 Acre Tract Of Land Located In The Chancey Goodrich Survey, Abstract Number 311, Within The City Of Tomball, Harris County, Texas, As Commercial; Said Property Being Generally Located At The Southeast Corner Of Fm 2920 And Telge Road; Providing For The Amendment Of The Comprehensive Plan 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.
- 3.4 Consideration to approve **Zoning Case P16-0080**: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P16-0080**
 - Adopt, on First Reading, Ordinance No. 2016-15, 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 14.427 Acres Of Land, Legally Described As 14.427 Acre Tract Of Land Located In The Chancey Goodrich Survey, Abstract Number 311, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located At The Southeast Corner Of Fm 2920 And Telge Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.
- 3.5 Consideration to approve **Zoning Case P16-0077**: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

- Conduct Public Hearing on ZONING CASE P16-0077
- Adopt, on First Reading, Ordinance No. 2016-12, 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 10.4 Acres Of Land, Legally Described As A Portion Of Lots 3 And 4 And All Of Lots 5 And 6 Of Tomball Estates Subdivision As Recorded In Volume 366, Page 113 Of The Map Records Of Harris County And Situated In The J. House Survey, Abstract Number 34, Within The City Of Tomball, Harris County, Texas, From The Single Family 20 Estate District To The Single Family 9 District; Said Property Being Generally Located On The North Side Of Hicks Street, Between Quinn Road And Liberty Lane; 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.

- 3.6 Consideration to approve **Zoning Case P16-0083**: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

- Conduct Public Hearing on **ZONING CASE P16-0083**
- Adopt, on First Reading, Ordinance No. 2016-13, 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 .32 Acres Of Land, Legally Described As Lots 14, 15, 16 & 17 Block 70 Tomball, Within The City Of Tomball, Harris County, Texas, From The Single Family 6 District To The Old Town And Mixed Use District; Said Property Being Generally Located At The Northwest Corner Of Mechanic Street And S. Chestnut 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.

4.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of July 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.

Special City Council

Agenda Item

Data Sheet

Meeting Date: July 26, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-09, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing other Provisions relating to the Subject; and Providing a Savings and Severability Clause (Tract One: 4.847 Acres of Land, Being a Portion of FM 2920 Right-of-Way and a Portion of Telge Road Right-of-Way, Tomball, Texas; and Tract Two: 14.427 Acres of Land Located at 15945 FM 2920, 21706 Telge Road, and 21718 Telge Road, Tomball, Texas)

Background:

Ordinance No. 2016-09 annexes property located at the intersection of Telge Road and FM 2920, as well as road right-of-way on FM 2920, from Calvert to Telge Road, including the intersection, for the proposed development of approximately 14.427 acres of land.

Request for annexation was made by the property owners, James and Peggy Milner; John Linton, AIA, Morris Associates, representing the Milners, will be available to respond to Council. Water, sewer and gas utilities are located along FM 2920.

The required public hearings were held on June 20 and July 5; the second reading of Ordinance No. 2016-09 will be on the August 1, 2016 agenda for Council consideration.

Origination:

Property owners, James and Peggy Milner

Recommendation:

Adopt Ordinance No. 2016-09 on First Reading

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2016-09

Milner Annexation - Map

FM 2920 Road Right-of-Way - Map

ORDINANCE NO. 2016-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE [TRACT ONE: 4.847 ACRES OF LAND, BEING A PORTION OF FM 2920 RIGHT-OF-WAY AND A PORTION OF TELGE ROAD RIGHT-OF-WAY, TOMBALL, TEXAS; AND TRACT TWO: 14.427 ACRES OF LAND LOCATED AT 15945 FM 2920, 21706 TELGE ROAD, AND 21718 TELGE ROAD, TOMBALL, TEXAS; LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS].

* * * * *

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

Section 1. The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should

this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

Section 4. Severability. 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 of 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 26TH DAY OF JULY
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 1ST DAY OF
AUGUST 2016.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

EXHIBIT "A" – TRACT ONE – Page 1

4.847 ACRES
211,117 SQUARE FEET
CHANCEY GOODRICH SURVEY
ABSTRACT NO. 311
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 4.847 acre (211,117 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 4.847 acre tract of land being a portion of F.M. 2920 Right-Of-Way (R.O.W.), and a portion of Telge Road R.O.W., said 4.847 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at the intersection of the northwesterly R.O.W. line of F.M. 2920 (based on a width of 120 feet) and the westerly R.O.W. line of Tomball Cemetery Road (based on a width of 60 feet) and the southeast corner of a called 21.001 acre tract, as described in the deed to Fritz Strayer and Jack Dicke recorded under Harris County Clerk's File Number (H.C.C.F. No.) U682638, in the west line of the city limits of Tomball according to Ordinance No. 2002-30 recorded under H.C.C.F. No. W304507 and being the northeast corner of the herein described tract;

THENCE, South 03 degrees 22 minutes 21 seconds East, departing the northwesterly R.O.W. line of said F.M. 2920, over and across said F.M. 2920 along the said westerly city limits line of Tomball, a distance of 148.08 feet, to the intersection of the southeasterly R.O.W. line of said F.M. 2920 and the westerly R.O.W. line of Trichel Road (based on a width of 60 feet), and being the northeast corner of a called 1.665 acre tract as described in the deed to Anna Bugardi recorded under H.C.C.F. No. 20140383986, from which a 5/8-inch iron rod found bears, South 19 degrees 18 minutes West, 0.61 feet;

THENCE, South 50 degrees 45 minutes 39 seconds West, departing the westerly R.O.W. line of said Trichel Road and the west city limits line of Tomball and along the southeasterly R.O.W. line of said F.M. 2920, a distance of 1,173.61 feet, to a 5/8-inch iron rod with cap stamped "West Belt Surveying Inc" found marking the beginning of a curve to the right and an angle in the southerly line of the herein described tract;

THENCE, in a southwesterly direction, along the southeasterly R.O.W. line of said F.M. 2920 and said curve to the right, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears, South 59 degrees 03 minutes 08 seconds West, 430.43 feet) and an arc distance of 431.93 feet, to a 5/8-inch iron rod with cap stamped "West Belt Surveying Inc" found marking the northerly end of the cut-back line of the intersection of the southeasterly R.O.W. line of said F.M. 2920 and the easterly R.O.W. line of Telge Road (based on a width of 60 feet) and an interior corner of the herein described tract;

THENCE, South 14 degrees 00 minutes 53 seconds West, departing the southeasterly R.O.W. line of said F.M. 2920 and along said cut-back line, a distance of 84.81 feet, to a 4-inch by 4-inch concrete monument found marking the southerly end of the said cut-back line and an exterior corner of the herein described tract;

EXHIBIT "A" – TRACT ONE – Page 1

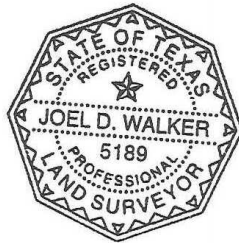
THENCE, South 84 degrees 29 minutes 02 seconds West, departing the easterly R.O.W. line of said Telge Road, over and across said Telge Road, a distance of 75.93 feet, to a 5/8-inch iron rod with cap stamped "Thomas 5736" found marking the southerly end of a cut-back line of the intersection of the westerly R.O.W. line of said Telge Road as shown on the plat of Reserve "A", Jack in the Box #3980 recorded under Film Code Number 568095 Harris County Map Records, and the southerly R.O.W. line of aforesaid F.M. 2920 and the southwest corner of the herein described tract;

THENCE, North 01 degree 26 minutes 11 seconds West, over and across the R.O.W. of said F.M. 2920, a distance of 179.03 feet, to the northerly R.O.W. line of said F.M. 2920 and the beginning of a non-tangent curve to the left and the northwest corner of the herein described tract;

THENCE, in a northeasterly direction, along said northerly R.O.W. line of said F.M. 2920 and said curve to the left, having a radius of 1,372.40 feet, a central angle of 19 degrees 01 minutes 19 seconds (chord bears, North 60 degrees 16 minutes 19 seconds East, 453.54 feet) and an arc distance of 455.63 feet to the point of tangency;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the northwesterly R.O.W. line of said F.M. 2920, a distance of 1,260.37 feet, to the POINT OF BEGINNING and containing a computed area of 4.847 acre (211,117 square feet) of land.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row.
Katy, Texas 77449
(281) 599-8288



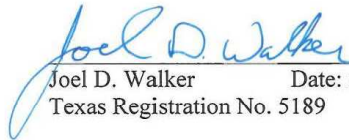

Joel D. Walker Date: 5/9/16
Texas Registration No. 5189

EXHIBIT "A" – TRACT ONE – Page 1

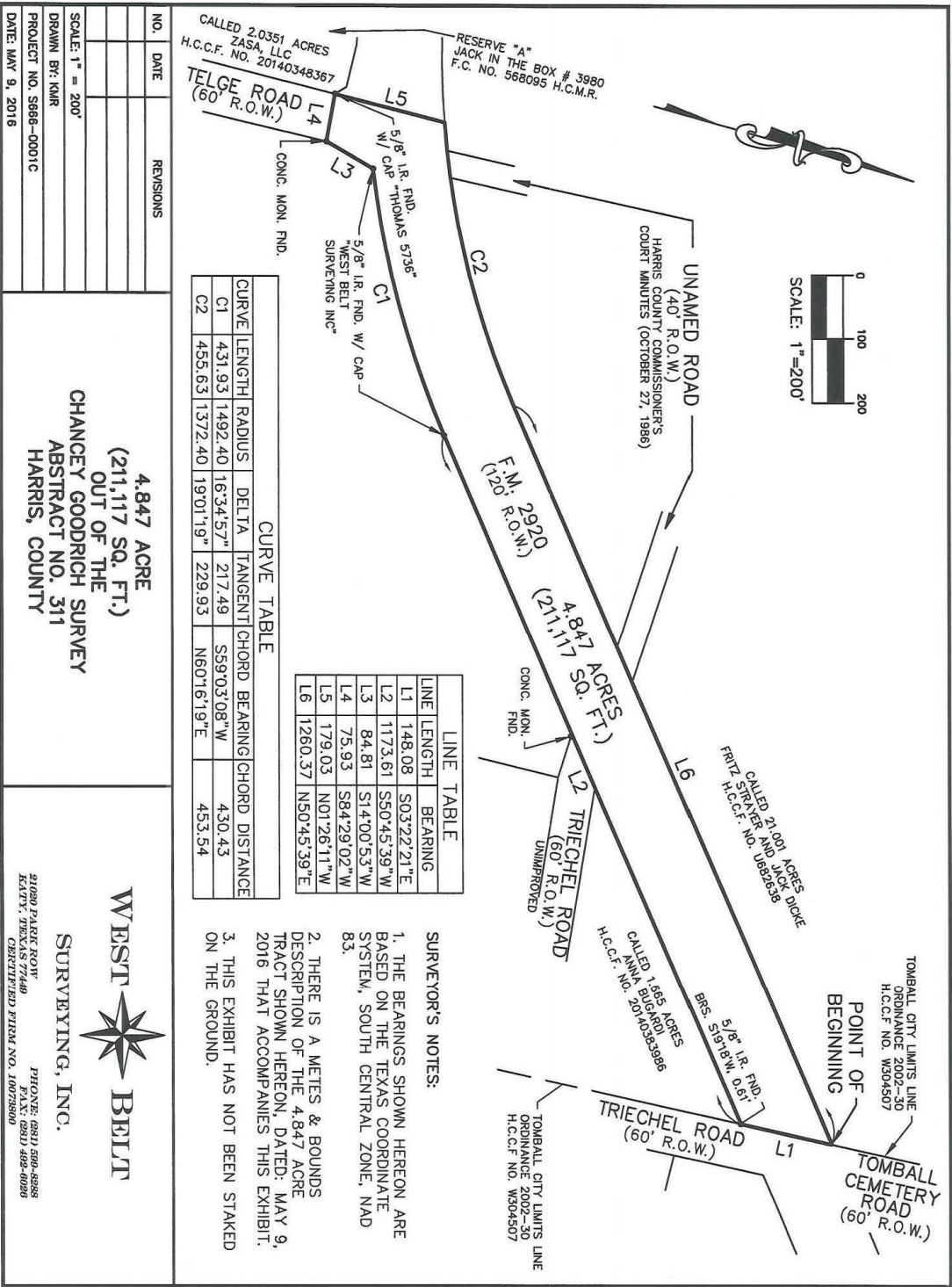


EXHIBIT "A" – TRACT TWO – Page 1

14.427 ACRES
628,450 SQUARE FEET
CHANCEY GOODRICH SURVEY
ABSTRACT NO. 311
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 14.427 acre (628,450 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.427 acre tract of land being out of and a part of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872, and out of and a part of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.427 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at a concrete TX DOT monument found marking the southerly end of a cut-back line of the intersection of the easterly Right-Of-Way (R.O.W.) line of Telge Road (based on a width of 60 feet) as described in the deed recorded under Volume (Vol.) 78, Page (Pg.) 262 Harris County Deed Records (H.C.D.R.) and the southerly R.O.W. line of F.M. 2920 (A.K.A. Waller-Tomball Road) (based on a width of 120 feet) and marking the most westerly northwest corner of the herein described tract;

THENCE, North 14 degrees 00 minutes 53 seconds East, along the said cut-back line, a distance of 84.81 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the northerly end of said cut-back line and the most northerly northwest corner of the herein described tract and the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, departing the easterly R.O.W. line of said Telge Road and along the southeasterly R.O.W. line of said F.M. 2920 and along the said curve to the left, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears North 59 degrees 03 minutes 08 seconds East, 430.43 feet) and an arc distance of 431.93 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the point of tangency in southeasterly line of said F.M. 2920 and the northwesterly line of the herein described tract;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the southeasterly R.O.W. line of said F.M. 2920 and the northwesterly line of the herein described tract, a distance of 508.73 feet, to the most westerly northeast corner of the herein described tract in the southerly R.O.W. line of Unimproved Treichel Road (based on a width of 40 feet) from which bears, South 87 degrees 52 minutes East, 3.39 feet, a concrete TX DOT monument found next to a fence corner;

THENCE, South 88 degrees 01 minutes 19 seconds East, departing the southeasterly R.O.W. line of aforesaid F.M. 2920 along the southerly R.O.W. line of said Treichel Road and a 4-foot barbed wire fence, a distance of 70.89 feet, to a 1-inch iron pipe found in the east line of the called 50 acre tract (parent tract to said 15.114 acre tract) as described in the deed to Alfred Weindorff, ET. UX. recorded under Vol. 2915, Pg. 396 H.C.D.R. and the west line of a called 30.4 acre tract (parent tract to the called 6.995 acre tract as described in the deed to Colleen G. Garrett recorded under H.C.C.F. No. Y234222) as described in the deed to Frank Weindorff recorded under Vol. 3880, Pg. 390 H.C.D.R. marking the northwest corner of said 6.995 acre tract and the most easterly northeast corner of the herein described tract,

EXHIBIT "A" – TRACT TWO – Page 2

THENCE, South 02 degrees 05 minutes 00 seconds East, departing the southerly R.O.W. line of said Treichel Road along the east line of the said called 50 acre tract common with the west line of the said called 30.4 acre tract, a distance of 1,056.84 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the southeast corner of the aforesaid James M. Milner, ET. UX. tract and the herein described tract,

THENCE, South 83 degrees 55 minutes 44 seconds West, departing the said common line along the south line of the said James M. Milner, ET. UX. tract passing at a distance of 4.25 feet a 1/2-inch iron rod found bent marking the north east corner of Reserve A, Telge Park, Section 2, a subdivision recorded under Film Code Number 635119 of the Harris County Map Records, continuing along the south line of the said James M. Milner, ET. UX. tract common with the north line of said Reserve A, a total distance of 457.39 feet, to a point on the said common line marking an interior corner of the herein described tract;

THENCE, departing the said common line, over and across said James M. Milner, ET. UX. tract and the aforesaid called 15.114 acre tract the following four (4) courses and distances:

North 02 degrees 18 minutes 18 seconds West, a distance of 345.13 feet, to an interior corner of the herein described tract;

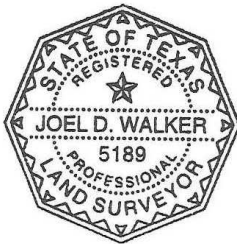
South 65 degrees 23 minutes 05 seconds West, a distance of 322.58 feet, to an interior corner of the herein described tract;

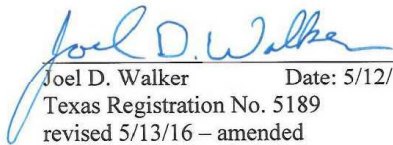
South 02 degrees 18 minutes 18 seconds East, a distance of 192.31 feet, to an interior corner of the herein described tract;

South 83 degrees 55 minutes 44 seconds West, a distance of 120.26 feet, to the west line of the herein described tract common with the aforesaid east R.O.W. line of Telge Road marking the southwest corner of the herein described tract;

THENCE, North 02 degrees 18 minutes 18 seconds West, along the said common line a distance of 476.30 feet, to the POINT OF BEGINNING and containing a computed area of 14.427 acre (628,450 square feet) of land.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row.
Katy, Texas 77449
(281) 599-8288




Joel D. Walker Date: 5/12/16
Texas Registration No. 5189
revised 5/13/16 – amended
configuration and acreage

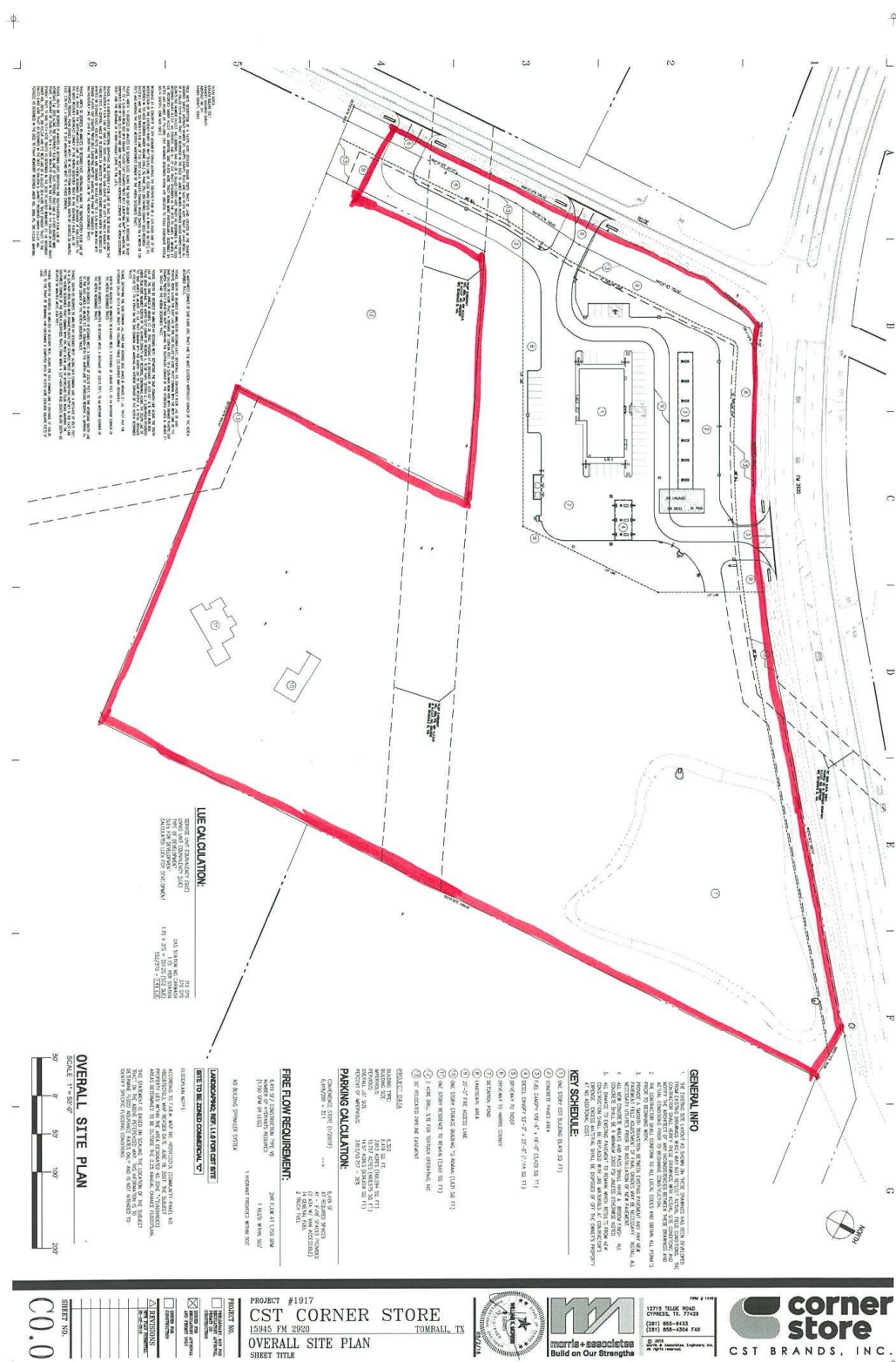


EXHIBIT "B"

CITY OF TOMBALL, TEXAS

MUNICIPAL SERVICE PLAN

I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.

2. As used in this Plan, “providing services” shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

- B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.
2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.
3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.
4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City’s Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

- C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be

included with other City territory in connection with planning for new, revised, or expanded police facilities.

2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.
4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.
5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.
6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the

Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

V. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.

SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE

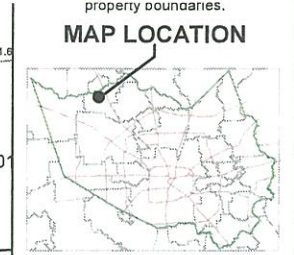
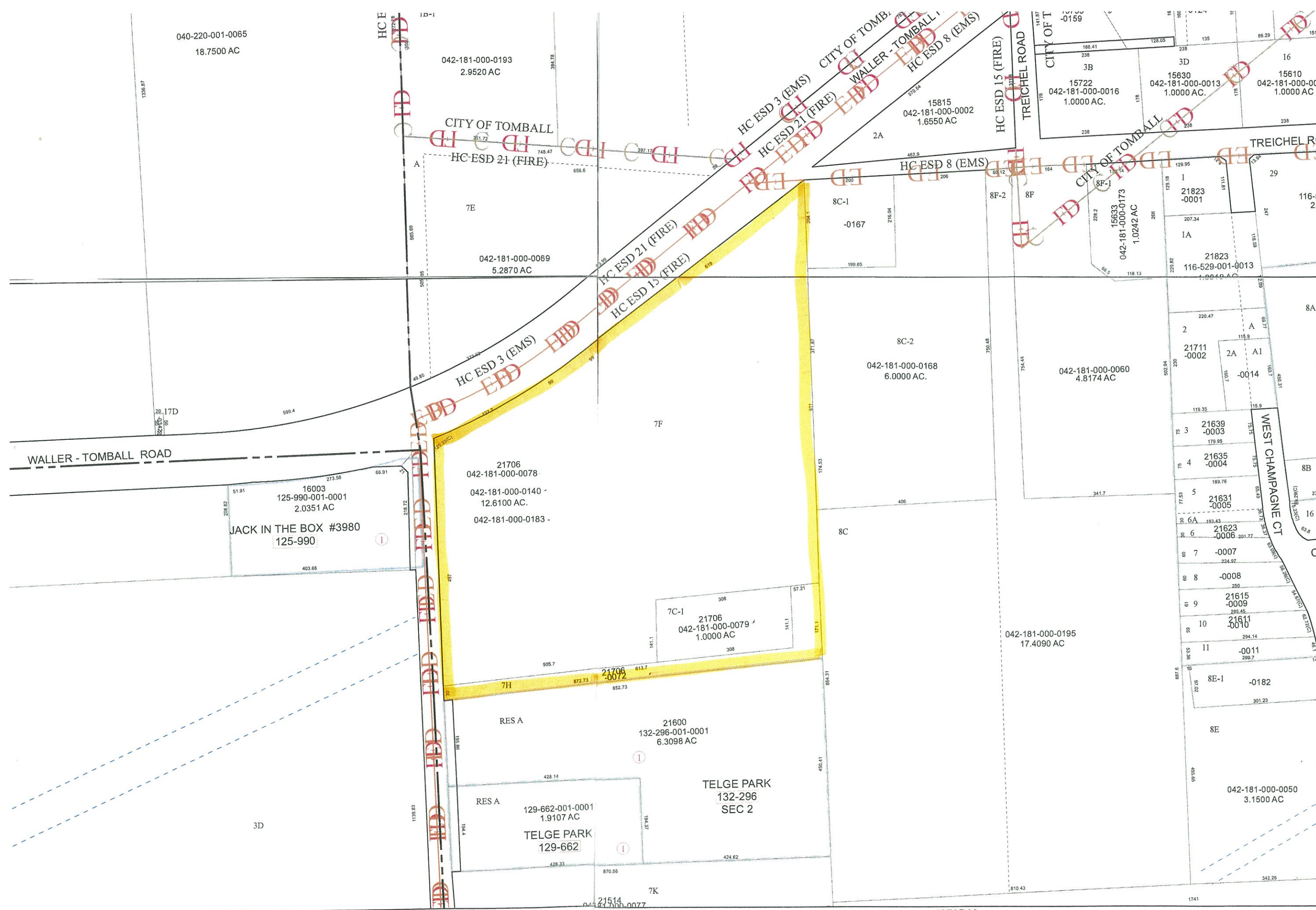
The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.



**FACET
4670B**

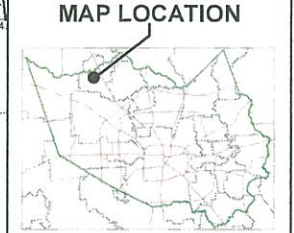
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**Harris
County
Appraisal
District**



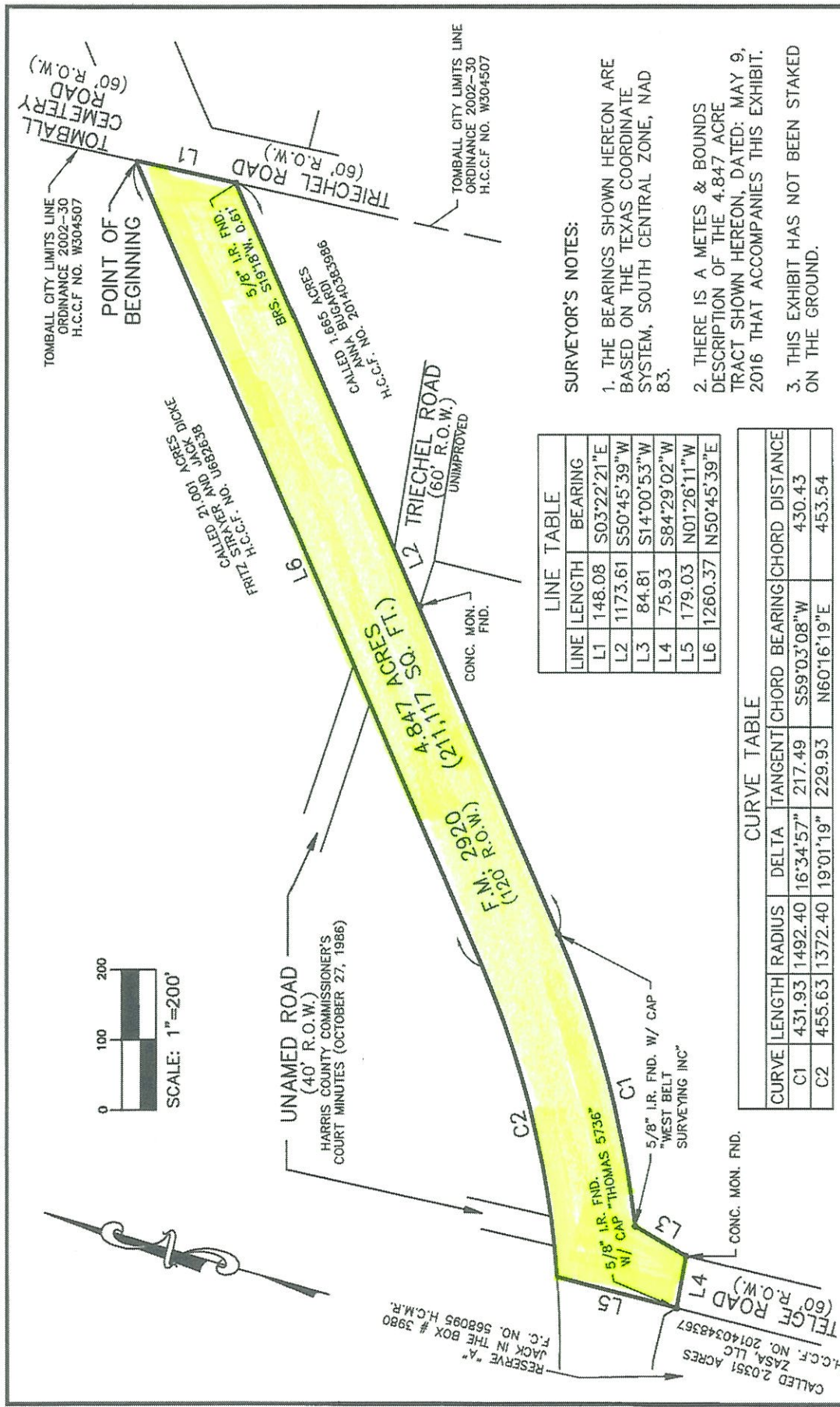
0 100 200
PUBLICATION DATE:
2/24/2016

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.



**FACET
4670B**

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SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83.
2. THERE IS A METES & BOUNDS DESCRIPTION OF THE 4.847 ACRE TRACT SHOWN HEREON, DATED: MAY 9, 2016 THAT ACCOMPANIES THIS EXHIBIT.
3. THIS EXHIBIT HAS NOT BEEN STAKED ON THE GROUND.

LINE TABLE		
LINE	LENGTH	BEARING
L1	148.08	S03°22'21"E
L2	1173.61	S50°45'39"W
L3	84.81	S14°00'53"W
L4	75.93	S84°29'02"W
L5	179.03	N01°26'11"W
L6	1260.37	N50°45'39"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT CHORD BEARING CHORD DISTANCE
C1	431.93	1492.40	16°34'57"	S59°03'08"W 430.43
C2	455.63	1372.40	19°01'19"	N60°16'19"E 453.54

WEST BELT
SURVEYING, INC.

21020 PARK ROW
KATY, TEXAS 77449
PHONE: (281) 500-8988
FAX: (281) 492-6026
CERTIFIED FIRM NO. 10073800

4.847 ACRE
(211,117 SQ. FT.)
OUT OF THE
CHANCEY GOODRICH SURVEY
ABSTRACT NO. 311
HARRIS, COUNTY

NO.	DATE	REVISIONS

SCALE: 1" = 200'
DRAWN BY: KMR
PROJECT NO. S666-0001C
DATE: MAY 9, 2016

Special City Council

Agenda Item

Data Sheet

Meeting Date: July 26, 2016

Topic:

Award Contract for Project No. 2016-24 for the 2016 Asphalt Street Improvements and North Waste Water Treatment Plant Driveway Rehabilitation

Background:

In an effort to obtain the most favorable pricing, sealed bids were solicited for the purchase the completion of the 2016 Asphalt Street Improvements and the rehabilitation of the North Waste Water Treatment Plant driveway. Bid packets were available at the Public Works Administration Building or could be electronically delivered by request. A total of 17 vendors received information on the bid specifications. Bid opening is scheduled for July 14, 2016 at 2:00; bid tabulations will be delivered once staff has opened and reviewed all bids.

Origination:

Public Works Department

Recommendation:

Public Works staff will recommend award of the contract at the Council meeting held on July 26, 2016.

Funding:

Yes

Account Number:100-154-6207 & 600-614-6219

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Bid Tabulation Sheet

Bid Number 2016-24 - 2016 Asphalt Street Improvements
Bid Tabulation

Company: AAA - Asphalt Paving, Inc

Addendum No. 1	Base Bid	Alternate Bid	Total Bid
Yes	\$160,520.45	\$102,384.00	\$262,904.45

Company: MC²

Addendum No. 1	Base Bid	Alternate Bid	Total Bid
Yes	\$182,663.06	\$98,150.00	\$280,813.06

Company: Hayden Paving, Inc

Addendum No. 1	Base Bid	Alternate Bid	Total Bid
Yes	\$239,299.00	\$99,790.00	\$339,089.00

Company: Cooley Construction, LLC
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Addendum No. 1	Base Bid	Alternate Bid	Total Bid
Yes	\$526,947.00	\$159,175.00	\$686,122.00

Special City Council

Agenda Item

Data Sheet

Meeting Date: July 26, 2016

Topic:

Consideration to approve **Comprehensive Plan Case P16-0092**: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

- Conduct Public Hearing on **COMPREHENSIVE PLAN CASE P16-0092**
- Adopt, on First Reading, Ordinance No. 2016-14, an Ordinance Of The City Of Tomball, Texas, Amending Its Comprehensive Plan By Designating The Future Land Use Classification Of Approximately 14.427 Acres Of Land, Legally Described As A 14.427 Acre Tract Of Land Located In The Chancey Goodrich Survey, Abstract Number 311, Within The City Of Tomball, Harris County, Texas, As Commercial; Said Property Being Generally Located At The Southeast Corner Of Fm 2920 And Telge Road; Providing For The Amendment Of The Comprehensive Plan 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, July 11, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Comprehensive Plan Case P16-0092.

Origination:

Recommendation:

Approval

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

Community Development Department

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

ATTACHMENTS:

Ordinance No. 2016-14

Notice of Public Hearing

Property Owner Notification Letter

P16-0092 Staff Report

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE PLAN BY DESIGNATING THE FUTURE LAND USE CLASSIFICATION OF APPROXIMATELY 14.427 ACRES OF LAND, LEGALLY DESCRIBED AS A 14.427 ACRE TRACT OF LAND LOCATED IN THE CHANCEY GOODRICH SURVEY, ABSTRACT NUMBER 311, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, AS COMMERCIAL; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FM 2920 AND TELGE ROAD; PROVIDING FOR THE AMENDMENT OF THE COMPREHENSIVE PLAN 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, the owners of approximately 14.427 acres of land, legally described as a 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, generally located at the southeast corner of FM 2920 and Telge Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property have its Comprehensive Plan Future Land Use classification designated as Commercial;

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 written notice of that hearing 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 proposal to designate the Comprehensive Plan Future Land Use classification for the Property as Commercial;

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request to designate the Comprehensive Plan Future Land Use classification for the Property;

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed designation to the Comprehensive Plan Future Land Use classification for the Property;

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to designate the Comprehensive Plan Future Land Use classification for the as Commercial, the City Council held the public hearing on the proposal to designate the Comprehensive Plan Future Land Use classification for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of Comprehensive Plan future land use classification; and

Whereas, the City Council deems it appropriate to grant such proposed designation in the Comprehensive Plan Future Land Use classification for the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The Comprehensive Plan future land use classification of the Property is hereby designated as Commercial subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Comprehensive Plan of the City of Tomball, Texas-Ordinance 2009-33, ("Tomball Comprehensive Plan – Vision 2030"), shall be revised and amended to show the designation of the Property as Commercial.

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 Comprehensive Plan future land use classification of the Property to Commercial.

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

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

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 26TH DAY OF JULY 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 1ST DAY OF AUGUST 2016.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 26, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Tuesday, July 26, 2016, at 5:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Comprehensive Plan Case P16-0092: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Zoning Case P16-0080: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of **July 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: P16-0092

APPLICANT/OWNER: John Linton

LOCATION Generally located at the southeast corner of FM 2920 and Telge Road

PROPOSAL: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas.

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, July 11, 2016, 6:00 PM

City Council Public Hearing:

***Tuesday, July 26, 2016, 5:00 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.



Comprehensive Plan (CP) Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 26, 2016

CP Amendment Case: P16-0092

Property Owner(s): James and Patsy Milner

Applicant(s): John Linton, Morris Architects

Legal Description: 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Location: Southeast Corner of Telge Rd and FM 2920

Area: 14.427 acres

Present Zoning & Use: City of Tomball Extraterritorial Jurisdiction (ETJ) (Exhibit "C")¹/
Undeveloped / Single-Family Residential

Future Land Use Designation: Not Applicable – Currently outside City Limits and ETJ

Proposed Future Land Use: Commercial

Adjacent Future Land Use Designation & Land Usage:

- North:** Commercial / Undeveloped
- South:** Not applicable – Outside City Limits and ETJ / Undeveloped
- West:** Not applicable – Outside City Limits and ETJ / Commercial development
- East:** Commercial / Single-Family Residence / Undeveloped

BACKGROUND

In April 2016, City Staff began meeting with John Linton of Morris Architects to discuss the process of developing the particular site in question. At that time, the site was not located in the City of Tomball or Tomball's Extra Territorial Jurisdiction (ETJ). Therefore, the process involved accepting the property in into Tomball's ETJ upon the City of Houston's release,

¹ The property owner is currently in the process of requesting annexation. If the property is annexed, it will be given a zoning classification of Agricultural District per Section 50-66 of the Zoning Ordinance. Additionally, the property owner is requesting the property be rezoned from the Agricultural District to the Commercial in Zoning Case P16-0080.

annexing the property into the city limits, amending Tomball's Future Land Use Plan/Comprehensive Plan to include this property as Commercial, and then rezoning the property allowing the property to be developed in the manner proposed.

The City of Tomball has accepted the property into the ETJ and is in the process of annexing the area into the City Limits. This comprehensive plan amendment is being processed in conjunction with the annexation and zone change request.

The applicant has submitted initial site plans to the city which indicate the site being developed as a fuel service station with associated convenience store.

ANALYSIS

The proposed Future Land Use designation for this site is Commercial. The Comprehensive Plan states, Commercial includes *"Neighborhood or community oriented commercial with a variety including shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional offices, such as dentists, legal, real estate, etc. could be included in this land use category. Traffic patterns typical of ingress/egress morning through evening."*

The majority of the properties in the vicinity of the subject site are unzoned because they are either in the City's ETJ or not in the City Limits/ETJ. The properties to the north are zoned commercial and properties within the city limits are zoned commercial to the east. Properties to the south and west are outside the city limits.

As the property has been recently annexed into the City, development regulations in place will ensure that regulations are in place to ensure that development is guided and aesthetically pleasing.

City staff recommends **APPROVAL** of this requested based on the following:

1. The request appears to be consistent and compatible with many of the surrounding land uses, zoning districts, and FLU designations as explained above.
2. The request appears to enhance the City economically by adding additional services to the City.
3. As described above, the request appears to positively impact adjacent development.
4. The request appears to have adequate access and roadway capacity.
5. The uses adjacent to the proposed development are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **approval** of Comprehensive Plan Amendment Case P16-0092.

EXHIBITS

- A. Aerial Photo
- B. Proposed Future Land Use Map
- C. Zoning Map
- D. Site Photos
- E. Comprehensive Plan Amendment Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Proposed Future Land Use Map

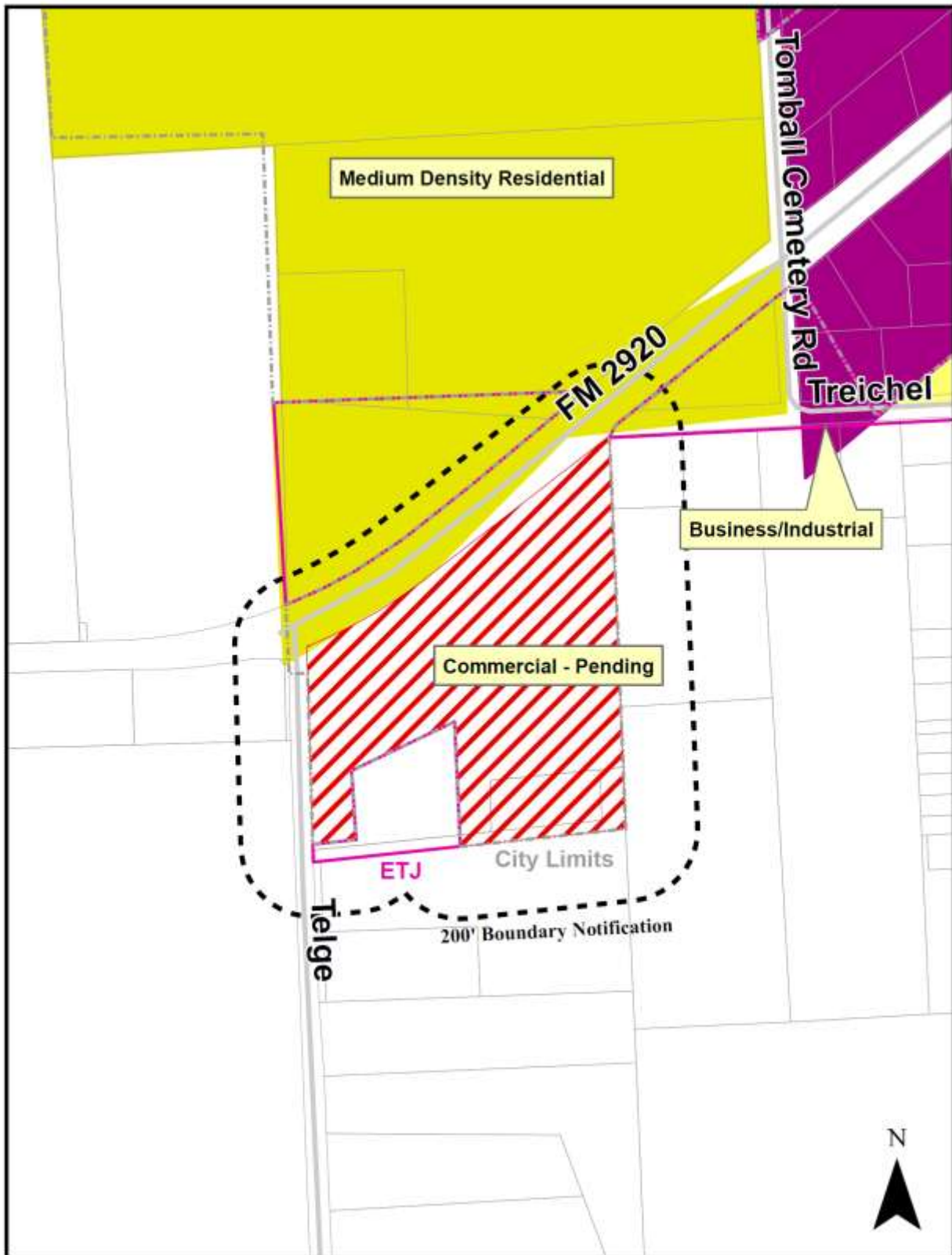


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Site



West on FM290



East on FM2920



South along Telge

Exhibit "E"
Comprehensive Plan Amendment Application

Revised 5/19/2015



COMPREHENSIVE PLAN
AMENDMENT APPLICATION

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 request may be delayed until corrections or additions are received.

CONTACT INFORMATION:

Applicant

Name: John Linton Title: Project Manager
Mailing Address: 12715 Telge Road City: Cypress State: TX
Zip: 77428
Phone: (832) 334-5004 Fax: ()
Email: john@morrisassoc.com

Property Owner

Name: James and Patsy Milner Title:
Mailing Address: 21706 Telge Rd City: Tomball State: TX
Zip: 77377
Phone: (281) 351-4344 Fax: ()
Email: pmilner@aol.com

COMPREHENSIVE PLAN AMENDMENT REQUEST:

Amendment Type (check all that apply): Text ☐ Map ☒

Text Amendment(s)

Text to be modified:

Proposed Text Amendment (exact wording):

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

Map Amendment(s)

Current Comprehensive Plan Designation: Not in comprehensive plan

Proposed Comprehensive Plan Designation: Commercial

Proposed Use of Property: C-Store, car fuel canopy and truck fuel canopy

Physical Location of Property: southeast corner of FM2920 and Telge Rd

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

Legal Description of Property: 14.427 acres Chancey Goodrich Survey Abstract No. 311

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

Current Zoning District: In annexation process, but planned to be commercial

Current Use of Property: agricultural

HCAD Identification Number: 042-181-000-0183, 042-181-000-0140, 042-181-000-0078, 042-181-000-0079, 042-181-000-0072

Property Acreage: 16.577 ac only annexing 14.427 ac city limits

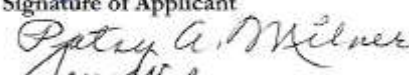
Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?

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

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

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 of Applicant	06/13/16 _____ Date
 _____ Signature of Owner	6/13/2016 6-12-16 _____ Date

Questions to be answered in Comprehensive Plan Amendment Request Letter: —

Will the proposed map amendment enhance the City economically? — Yes, the CST development will be an added business to the Tomball economy. The store will bring in additional jobs as well as provide to the public quality fuel, food and beverage at a convenience.

Will the proposed map amendment enhance the City aesthetically? — Yes, the CST corporate a quality building. They also prides themselves on maintaining a clean site.

Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions? Yes, they will provide honest and quality services to the people of Tomball.

Special City Council

Agenda Item

Data Sheet

Meeting Date: July 26, 2016

Topic:

Consideration to approve **Zoning Case P16-0080**: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0080**
- Adopt, on First Reading, Ordinance No. 2016-15, 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 14.427 Acres Of Land, Legally Described As 14.427 Acre Tract Of Land Located In The Chancey Goodrich Survey, Abstract Number 311, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located At The Southeast Corner Of Fm 2920 And Telge Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, July 11, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Zoning Case P16-0080.

Origination:

Recommendation:

Approval

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

Community Development Department

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2016-15

Notice of Public Hearing

Property Owner Notification Letter

P16-0080 Staff Report

ORDINANCE NO. 2016-15

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 14.427 ACRES OF LAND, LEGALLY DESCRIBED AS 14.427 ACRE TRACT OF LAND LOCATED IN THE CHANCEY GOODRICH SURVEY, ABSTRACT NUMBER 311, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FM 2920 AND TELGE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, John Linton has requested that approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, generally located at the southeast corner of FM 2920 and Telge Road in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council 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 26th DAY OF JULY 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 1st DAY OF AUGUST 2016.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 26, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Tuesday, July 26, 2016, at 5:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Comprehensive Plan Case P16-0092: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Zoning Case P16-0080: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of **July 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: P16-0080

APPLICANT/OWNER: John Linton

LOCATION Generally located at the southeast corner of FM 2920 and Telge Road

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, from the Agricultural District to the Commercial District.

CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



Planning & Zoning Commission

Public Hearing:

Monday, July 11, 2016, 6:00 PM

City Council Public Hearing:

***Tuesday, July 26, 2016, 5:00 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 26, 2016

Rezoning Case: P16 -0080

Property Owner(s): James and Patsy Milner

Applicant(s): John Linton, Morris Architects

Legal Description: 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Location: Southeast Corner of Telge Rd and FM 2920

Area: 14.427 acres

Comp Plan Designation: Commercial - Pending (Exhibit "B")

Present Zoning and Use: Agricultural (Exhibit "C") / Undeveloped/Single-Family Residential (Exhibit "D")

Request: Rezone from Agricultural to Commercial

Adjacent Zoning & Land Uses:

- North:** Commercial / Undeveloped
- South:** Not applicable – Outside City Limits and ETJ / Undeveloped
- West:** Not applicable – Outside City Limits and ETJ / Commercial development
- East:** Commercial / Single-Family Residence / Undeveloped

BACKGROUND

In April 2016, City Staff began meeting with John Linton of Morris Architects to discuss the process of developing the particular site in question. At that time, the site was not located in the City of Tomball or Tomball's Extra Territorial Jurisdiction (ETJ). Therefore, the process involved accepting the property into Tomball's ETJ upon the City of Houston's release, annexing the property into the city limits, amending Tomball's Future Land Use Plan/Comprehensive Plan to include this property as Commercial, and then rezoning the property allowing the property to be developed in the manner proposed.

The City of Tomball has accepted the property into the ETJ and is in the process of annexing the area into the City limits. This zone change is being processed in conjunction with the annexation and comprehensive plan map amendment.

The applicant has submitted initial site plans to the city which indicate the site being developed as a fuel service station with associated convenience store.

ANALYSIS

The subject site in question is located along a main corridor into the City of Tomball. The primary zoning district along this corridor is Commercial. The proposed retail development will bring services to the area and be similar to existing development in the area but will also be held to new development standards to ensure guided, quality development.

The Comprehensive Plan designates the property and all nearby properties located within the city limits as Business/Industrial or Medium Density Residential, and they are presently zoned Commercial. A general description taken from the Comprehensive Plan regarding the Commercial designation is below:

Neighborhood or community oriented commercial with a variety including shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small Professional offices, such as dentists, legal, real estate, etc. could be included in this land use category. Traffic patterns typical of ingress/egress morning through evening.

The proposed request appears to be in conformance 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.**

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole.

- 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. All public utility mains will be extended, at the developer's expense, to serve the properties.

- 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 developed 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.

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

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

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 Commercial. Commercial would include corresponding zoning districts of Office, General Retail, and Commercial. Therefore the Commercial request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016 and a sign was placed on the property on June 27, 2016. Property owners within 200 feet of the project site were mailed notification of this proposal on June 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 P16-0080.

EXHIBITS

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

**Exhibit “A”
Aerial Photo**



**Exhibit “B”
Comprehensive Plan**

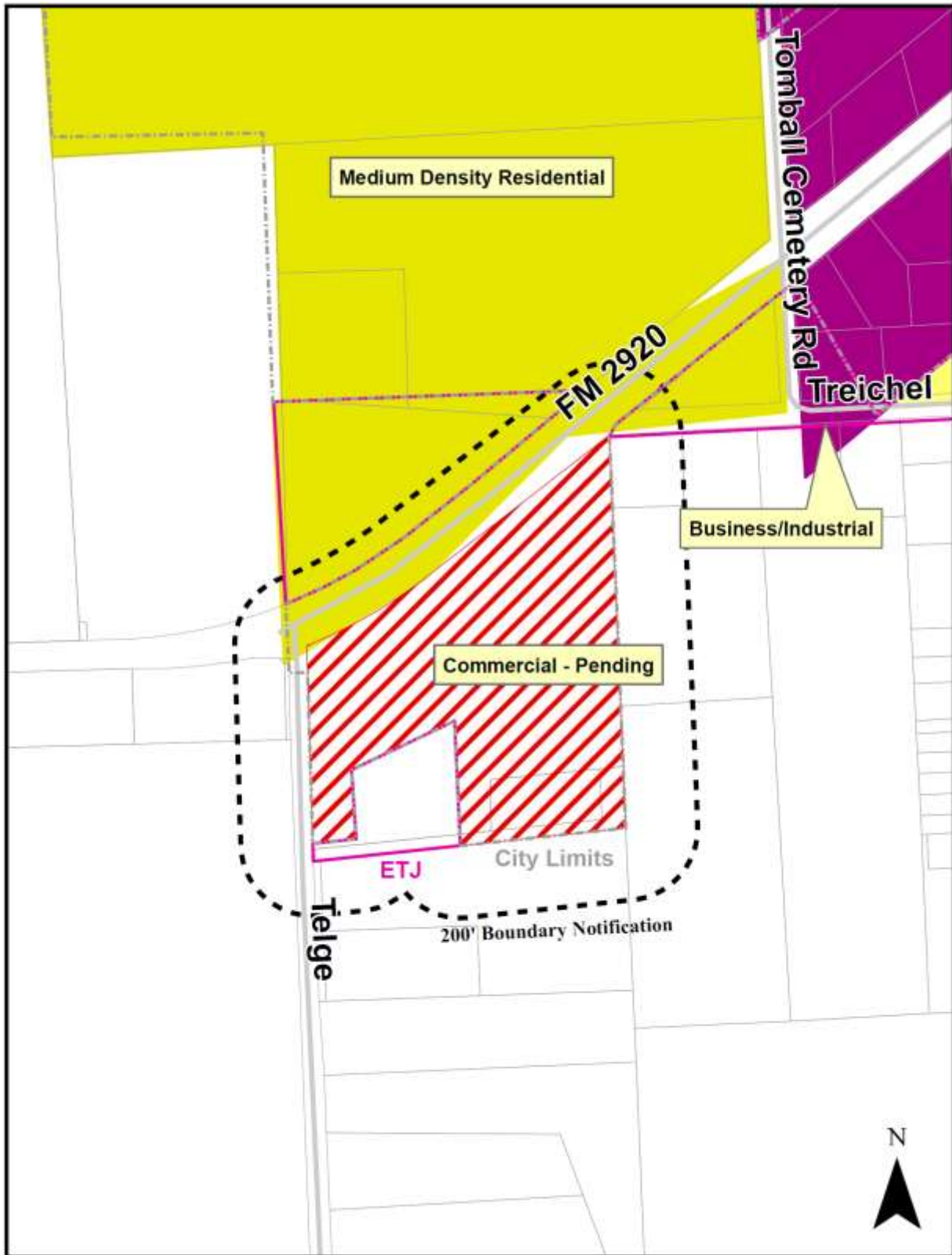


Exhibit "C"
Zoning Map



Exhibit "D"
Site Photos



Site



West on FM290



East on FM2920



South along Telge

**Exhibit "E"
Application**



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: John D. Linton Title: Project Manager
Mailing Address: 12715 Telge Rd City: Cypress State: TX
Zip: 77429
Phone: (832) 334-5004 Fax: () Email: john@morrisassoc.com

Owner

Name: James and Patsy Milner Title:
Mailing Address: 21760 Telge Rd City: Tomball State: TX
Zip: 77377
Phone: (281) 351-4344 Fax: () Email: pmilner@aol.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: C-Store, car fuel canopy and truck fuel canopy

Physical Location of Property: southeast corner of FM2920 and Telge Road
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 14.427 acres Chancey Goodrich Survey Abstract No. 311
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural per annexation

Current Use of Property: Currently residence with pasture

Proposed Zoning District: Commercial

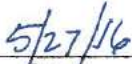
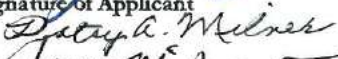
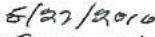
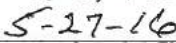
Proposed Use of Property: Initially a C-Store with fuel with future commercial on remainder of tract

HCAD Identification Number: 042-181-000-0183, 042-181-000-0140, 042-181-000-0078, 042-181-000-0079, 042-181-000-0072 Acreage: 16.577ac only annexing 14.427ac

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.

☒		
	Signature of Applicant	Date
		
☒		
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00927783 5/31/2016 12:57 PM
OPER: LS TERM: 007
REF#: P MC 888

ACCT #: XXXX-XXXX-XXXX-4102
AUTH #: 051075
TRAN #: 008452493913
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
JOHN D. LINTON
JAMES & PATSY MILNER
100-5441
REZONING APPLICATIO 544.27CR

TENDERED: 544.27 CREDIT CARD
APPLIED: 544.27-

CHANGE: 0.00

Special City Council

Agenda Item

Data Sheet

Meeting Date: July 26, 2016

Topic:

Consideration to approve **Zoning Case P16-0077**: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

- Conduct Public Hearing on ZONING CASE P16-0077
- Adopt, on First Reading, Ordinance No. 2016-12, 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 10.4 Acres Of Land, Legally Described As A Portion Of Lots 3 And 4 And All Of Lots 5 And 6 Of Tomball Estates Subdivision As Recorded In Volume 366, Page 113 Of The Map Records Of Harris County And Situated In The J. House Survey, Abstract Number 34, Within The City Of Tomball, Harris County, Texas, From The Single Family 20 Estate District To The Single Family 9 District; Said Property Being Generally Located On The North Side Of Hicks Street, Between Quinn Road And Liberty Lane; 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, July 11, 2016, after conducting a public hearing, the Planning & Zoning Commission unanimously voted to recommend denial of Zoning Case P16-077.

Origination:

Recommendation:

Approval

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

Community Development Department

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

ATTACHMENTS:

Ordinance No. 2016-12

Notice of Public Hearing - July 26, 2016

Revised Notice of Public Hearing Rescheduled
Notice of Public Hearing
Property Owner Notification Letter
P16-0077 Staff Report

ORDINANCE NO. 2016-12

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 10.4 ACRES OF LAND, LEGALLY DESCRIBED AS A PORTION OF LOTS 3 AND 4 AND ALL OF LOTS 5 AND 6 OF TOMBALL ESTATES SUBDIVISION AS RECORDED IN VOLUME 366, PAGE 113 OF THE MAP RECORDS OF HARRIS COUNTY AND SITUATED IN THE J. HOUSE SURVEY, ABSTRACT NUMBER 34, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE FAMILY 20 ESTATE DISTRICT TO THE SINGLE FAMILY 9 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF HICKS STREET, BETWEEN QUINN ROAD AND LIBERTY LANE; 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, Zack Burghli, on behalf of Royal Oak Enterprises, LLC, has requested that approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, generally located on the north side of Hicks Street, between Quinn Road and Liberty Lane in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Single Family 9; 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 Single Family 9 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 Single Family 9 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 Single Family 9 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 18th DAY OF JULY 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 1ST DAY OF AUGUST 2016.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 26, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Tuesday, July 26, 2016, at 5:00 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 P16-0077: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **13th** day of **July 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
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 18, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 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:

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Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

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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 7th day of **July 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

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**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 18, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 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 P16-0077: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use 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.

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Kim Chandler

Kim Chandler
Secretary of the Board

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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: P16-0077

APPLICANT/OWNER: Request by Zack Burghli, on behalf of Royal Oak Enterprises LLC

LOCATION: Generally located on the north side of Hicks Street, between Quinn Road and Liberty Lane

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas from the Single-family 20 District to the Single-Family 9 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.

**Planning & Zoning Commission
Public Hearing:
Monday, July 11, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, July 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 18, 2016

Rezoning Case: P16 -0077

Property Owner(s): Royal Oak Enterprises, LLC

Applicant(s): Zack Burghli

Legal Description: A portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34

Location: North side of Hicks Street, between Quinn Road and Liberty Lane (Exhibit "A")

Area: 10.4 acres

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

Present Zoning and Use: Single-Family 20 Estate (Exhibit "C") / Undeveloped Land (Exhibit "D")

Request: Rezone from Single-Family 20 Estate to Single-Family 9

Adjacent Zoning & Land Uses:

- North:** Single-Family 20 Estate / Undeveloped Land
- South:** Commercial and Old Town & Mixed Use / Single-Family Residence and Undeveloped Land
- West:** Single-Family 20 Estate / Undeveloped Land
- East:** Single-Family 20 Estate / Single-Family Residences

BACKGROUND

In May 2016, City Staff met with the applicant to discuss a proposed residential subdivision. The proposed development will consist of approximately 28 homes on 10,000 to 14,000 square foot lots. City Staff informed the applicant that the property is zoned Single-Family 20 Estate and would need to be rezoned in order to accommodate to the proposed lot sizes.

ANALYSIS

There are different zoning districts in the surrounding area including Single-Family 20, Commercial and Old Town & Mixed Use. The proposed development will create a subdivision that will provide a new residential neighborhood to the area.

The Comprehensive Plan designates the property and all surrounding properties as Medium Density Residential. Medium Density Residential includes single family residences that have lot sizes ranging from 6,000 to 20,000 square feet. The request is consistent with the City's 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.

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole.

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.

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 Single-Family 9. 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 are multiple relatively new neighborhoods in Tomball with various zoning classifications. The applicant recently constructed two new homes on Quinn Road facing Tomball Elementary School. These lots are zoned Single-Family 9. In the area, most lots are zoned Single-Family 20, Single-Family 6, Commercial and Old Town & Mixed Use.

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

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

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

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 Medium Density Residential. Medium Density Residential includes single family residences that have lot sizes ranging from 6,000 to 20,000 square feet. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016 and a sign was placed on the property on June 27, 2016. Property owners within 200 feet of the project site were mailed notification of this proposal on June 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 P16-0077.

EXHIBITS

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

Exhibit "A"
Aerial Photo

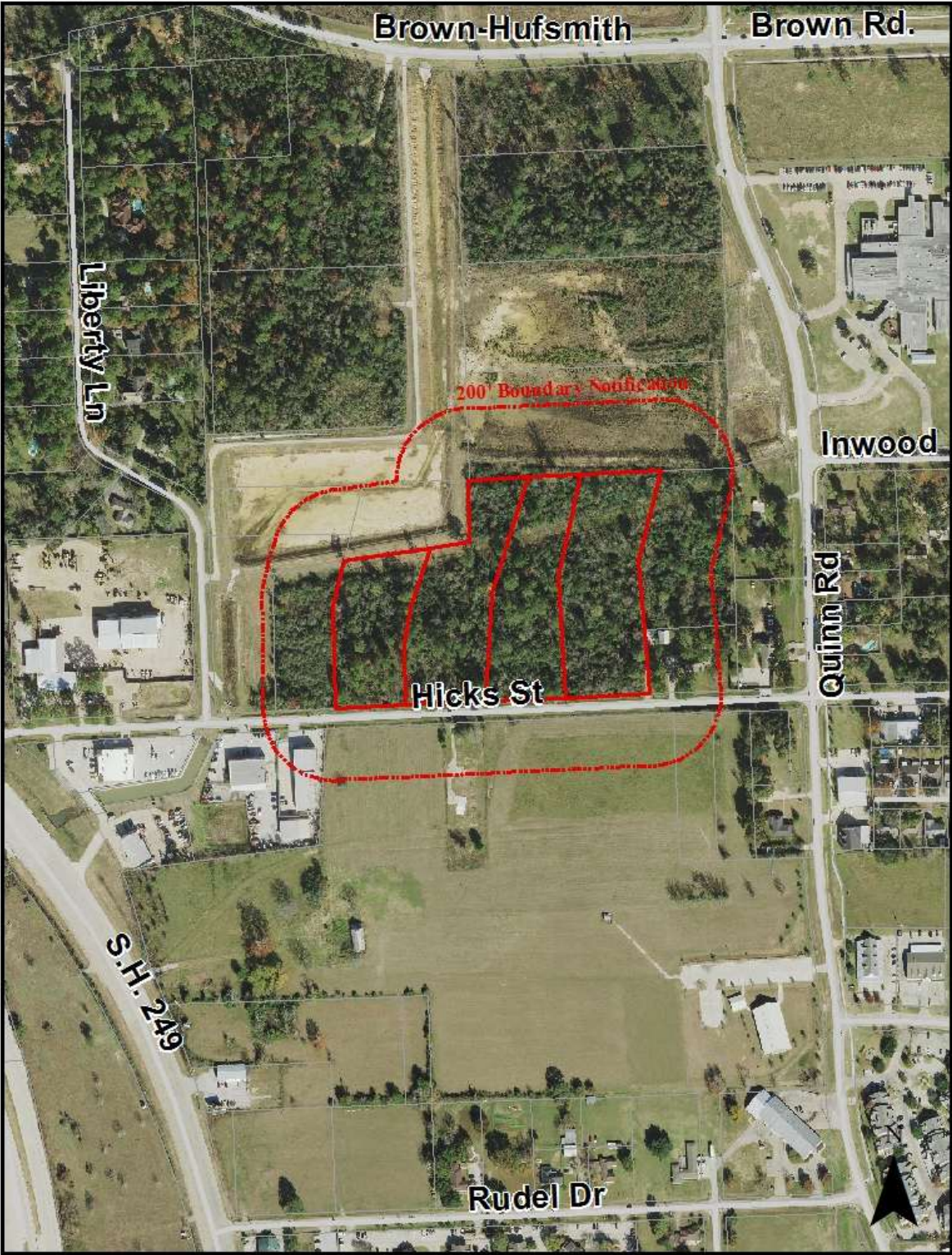


Exhibit "B"
Comprehensive Plan

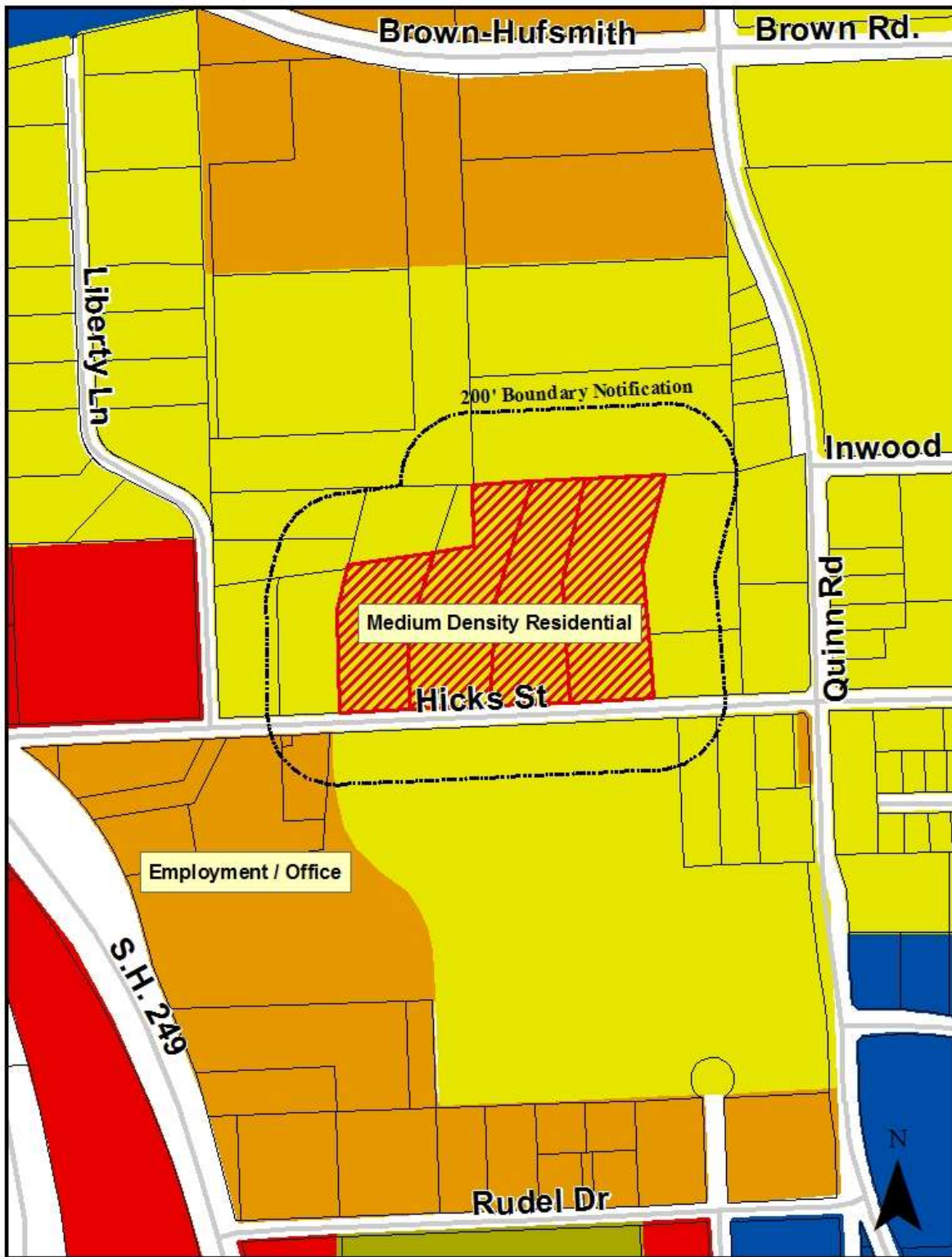
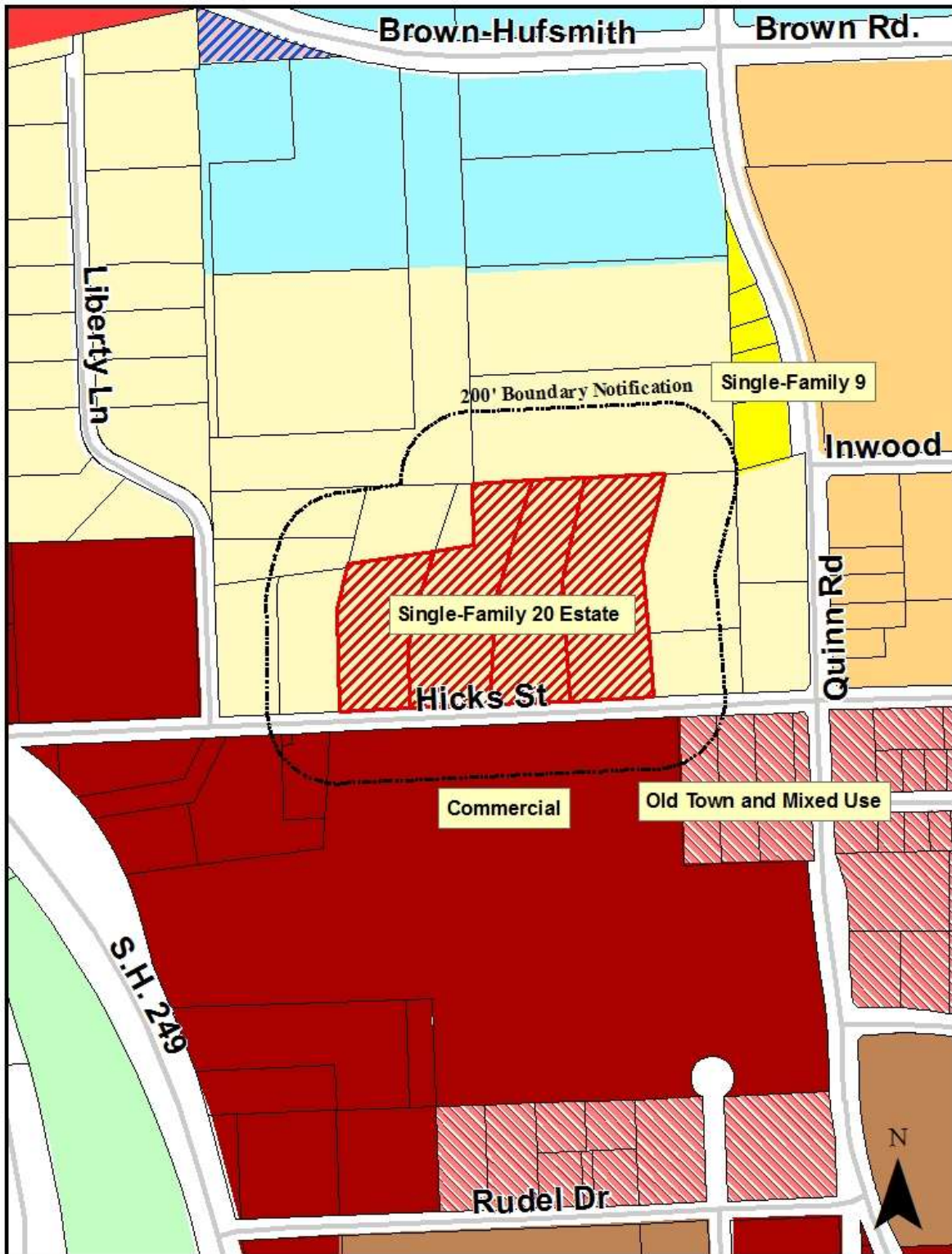


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Site



Site / Looking west on Hicks



Site / Looking east on Hicks



Looking across Hicks Street



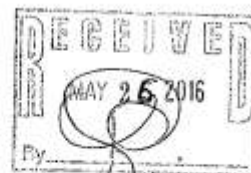
Looking across Hicks Street

Exhibit "E"
Application

Revised 5/19/15



16-bonn
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: Zack Burghil Title: Managing Member of Owner of Record
Mailing Address: 4615 North Freeway, Suite 100 City: Houston State: TX
Zip: 77022
Phone: (713) 692-6252 Fax: (713) 692-6063 Email: zack.burghil@burghilhomes.net

Owner

Name: Royal Oak Enterprises, LLC- Zack Burghil Title: Managing Member
Mailing Address: 4615 North Freeway, Suite 100 City: Houston State: TX
Zip: 77022
Phone: (713) 692-6252 Fax: (713) 692-6063 Email: admin@burghilhomes.net

Engineer/Surveyor (if applicable)

Name: Kingsland Surveying Solutions, LLC Title: Surveyor
Mailing Address: 19042 Mirror Lake Dr. City: Spring State: TX
Zip: 77388
Phone: (281) 350-8003 Fax: (281) 350-0118 Email: david@kingslandsurveying.com

Description of Proposed Project: 10.4 acres zoned as SF-20 would like to rezone to SF-9 to subdivide the land into single family lots between 10,500 and 14,000 sq. ft.

Physical Location of Property: Located on Hicks Rd between Quinn Rd and Liberty Rd
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lots 3, 4, 5 & 6, Block 1, Tomball Estates
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20

Current Use of Property: Vacant Land, wooded

Proposed Zoning District: SF-9

Proposed Use of Property: Single Family Homes

HCAD Identification Number: 1183810010003,-4,-5,-6 Acreage: 10.40

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		5/26/16
	Signature of Applicant	Date
X		5/26/16
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00927078 5/26/2016 10:54 AM
OPER: RS TERM: 002
REF#: WVISA460

ACCT #: XXXX-XXXX-XXXX-6459
AUTH #: 095411
TRAN #: 008440550058
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
LOTS 3,4,5 & 6 BLK 1 TOM ESTATE
ZACK BURGLI
100-5441
REZONING APPLICATIO 504.00CR

TENDERED: 504.00 CREDIT CARD
APPLIED: 504.00-
CHANGE: 0.00

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

www.tomballtx.gov

KLSS
KING'S LAND SURVEYING
SOLUTIONS, LLC
Professional Land Surveyors
www.kingslandsurveying.com
"We set the boundaries you need in life"

METES AND BOUNDS
10.40 ACRE PARCEL
SITUATED IN THE
J. HOUSE SURVEY
ABSTRACT NUMBER 34
HARRIS COUNTY, TEXAS

Being a 10.40 acre parcel, being a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, with the base of bearings being the recorded plat of the said called Tomball Estates.

Beginning at 5/8 inch iron rod found in the north right of way line of Hicks Road, called 60.00 feet of right of way, and the south line of Tomball Estates for the southeast corner of Lot 7, the southeast corner of a 0.927 acre tract (being out of the said called Lot 7) as recorded under H.C.C.F. No. 20140060223 and the southeast corner of the herein described parcel of land for the POINT OF BEGINNING;

THENCE, South $87^{\circ} 29' 16''$ West, along the common line of the said called Tomball Estates Subdivision, the said called Hicks Road and the herein described parcel, a distance of 672.17 feet to a 5/8 inch iron rod set for the southeast corner of the called Replat of Lots 1 & 2 Tomball Estates as recorded under Clerk's File No. 413038 M.R.H.C. and the southwest corner of the herein described parcel of land;

THENCE, North $02^{\circ} 12' 57''$ West, along the common line of the said called Replat of Tomball Estates, Lot 3, and the herein described parcel, distance of 279.47 feet to a 5/8 inch iron rod set for an angle point of the said called Replat of Tomball Estates, Lot 3, and the herein described parcel of land;

THENCE, North $17^{\circ} 26' 56''$ East, along the common line of the said called the said called Replat of Tomball Estates, Lot 3, and the herein described parcel, a distance of 123.62 feet to a 5/8 inch iron rod set for the southwest corner of a called 1.004 acre tract conveyed to the City of Tomball as recorded under H.C.C.F. No. X723889 and an angle point of the herein described parcel of land;

THENCE, North $81^{\circ} 10' 44''$ East, along the common line of the said called 1.004 acre tract and the herein described parcel, a distance of 353.23 feet to a 5/8 inch iron rod found for the southeast corner of the said called 1.004 acre tract and an angle point of the herein described parcel of land;

THENCE, North $07^{\circ} 03' 01''$ West, along the common line of the said called 1.004 acre tract and the herein described parcel, a distance of 171.41 feet to a 5/8 inch iron rod set in the north line of the said called Tomball Estates Subdivision for the southwest corner of a called 4.858 acre tract as recorded under H.C.C.F. No. 28090460101, the southeast corner of a called 6.290 acre tract, the northeast corner of the said called Replat of Tomball Estates Subdivision and the northwest corner of the herein described parcel of land;

3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

THENCE, North 87° 16' 25" East, along the common line of the said called 4.858 acre tract, the said called Tomball Estates Subdivision, and the herein described parcel, a distance of 544.57 feet to a 5/8 inch iron rod set for the common corner of the called Lot 7, Lot 6, and the northeast corner of the herein described parcel of land;

THENCE, South 13° 12' 15" West, along the common line of the said called Lot 7, Lot 6, and the herein described parcel, a distance of 248.05 feet to a 5/8 inch iron rod found for an angle point of the said called Lot 7, Lot 6, and the herein described parcel of land;

THENCE, South 04° 37' 38" East, along the common line of the said called Lot 7, Lot 6, and the herein described parcel, a distance of 368.86 feet to a 5/8 inch iron rod found for the **POINT OF BEGINNING** and containing 10.40 acres.

This metes and bounds was made in conjunction with a survey plat.

David E. King, Sr.
King's Land Surveying Solutions, LLC
June 17, 2014
Job Number 1406135



3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

Royal Oak Enterprises, LLC

4615 N. Freeway
Suite 100
Houston, TX. 77022

Phone (713) 692-6252
Fax (713) 692-6063

05/26/2016

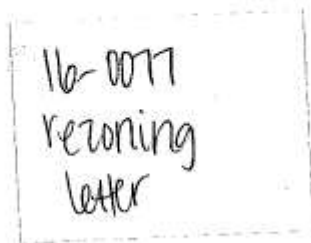
To Whom It May Concern:

Royal Oak Enterprises, LLC, a sister company of Burghli Homes, would like to request a zoning change to our property known as Lots 3-6, Block 1, Tomball Estates. This property is located on Hicks Rd, between Quinn Rd and Liberty Rd. It backs up to a large detention pond owned by the City of Tomball. It is a 10.4 acre tract of land currently broken down into 4 lots and zoned as SF-20. We are requesting a zoning change to SF-9 in order to re-plat and subdivide the land into smaller lots to create a new single family homes subdivision. We recently recorded the release of all previous deed restrictions and the property is now unrestricted. For this location we envision lot configurations between 10,000 square feet up to 14,000 square feet each. We intend to build homes somewhat similar to the homes we are currently building on Quinn Rd in front of the elementary school, possibly a little larger, to be priced from the mid \$200's up to the high \$300's and possibly into the \$400's if the market dictates so. If there are any questions regarding this request, they can be sent to Admin@BurghliHomes.net, or I can be reached by phone at (281)389-1221.

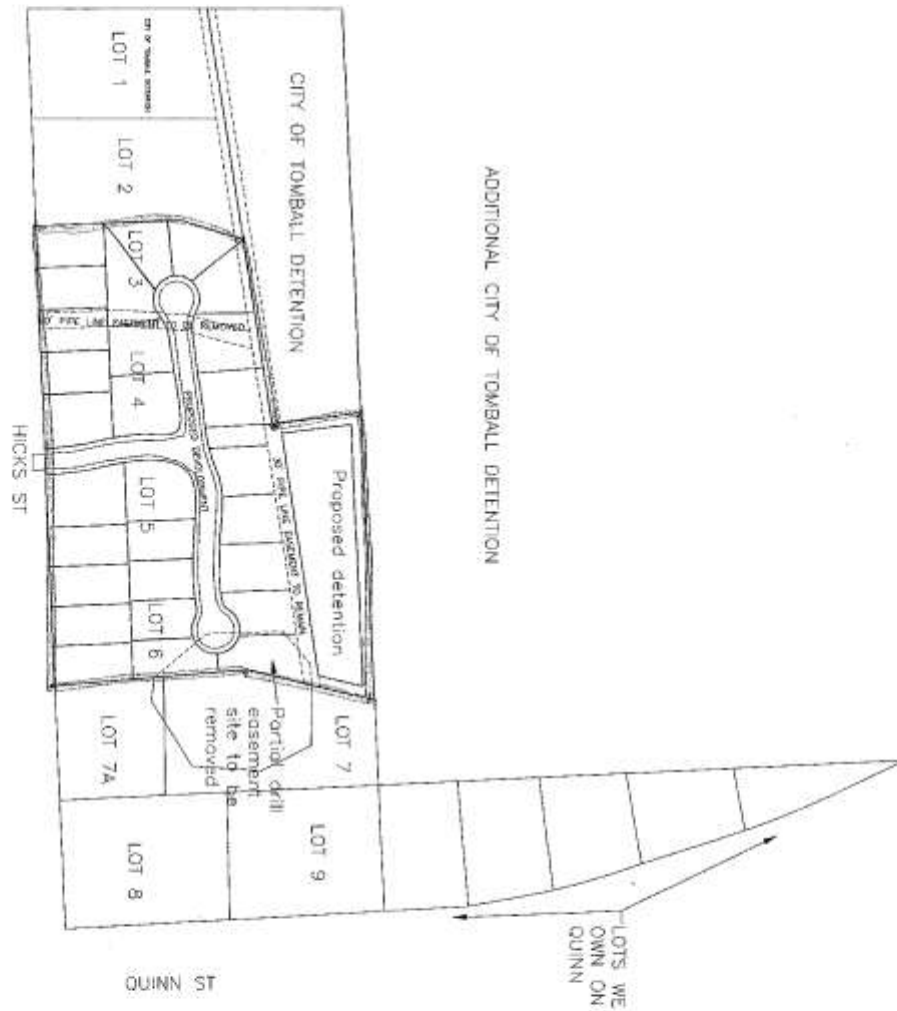
Best Regards,



Zack Burghli



16-0077
Site plan



Special City Council

Agenda Item

Data Sheet

Meeting Date: July 26, 2016

Topic:

Consideration to approve **Zoning Case P16-0083**: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

- Conduct Public Hearing on **ZONING CASE P16-0083**
- Adopt, on First Reading, Ordinance No. 2016-13, 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 .32 Acres Of Land, Legally Described As Lots 14, 15, 16 & 17 Block 70 Tomball, Within The City Of Tomball, Harris County, Texas, From The Single Family 6 District To The Old Town And Mixed Use District; Said Property Being Generally Located At The Northwest Corner Of Mechanic Street And S. Chestnut 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, July 11, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend denial of Zoning Case P16-0083.

Origination:

Recommendation:

Approval

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

Community Development Department

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

ATTACHMENTS:

Ordinance No. 2016-13

Notice of Public Hearing - July 26, 2016

Revised Notice of Public Hearing - Rescheduled

Notice of Public Hearing

Property Owner Notification Letter

ORDINANCE NO. 2016-13

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 .32 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 14, 15, 16 & 17 BLOCK 70 TOMBALL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE FAMILY 6 DISTRICT TO THE OLD TOWN AND MIXED USE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF MECHANIC STREET AND S. CHESTNUT 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, Dorothy J. Wanko has requested that approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, generally located at the northwest corner of Mechanic Street and S. Chestnut 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 deny the requested rezoning of Old Town and Mixed Use; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single Family 6

District to the Old Town and Mixed Use 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 Old Town and Mixed Use 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 Old Town and Mixed Use 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 18th DAY OF JULY 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 1ST DAY OF AUGUST 2016.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 26, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Tuesday, July 26, 2016, at 5:00 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 P16-0077: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **13th** day of **July 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
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 18, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 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:

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Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

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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 7th day of **July 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

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**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 11, 2016
&
CITY COUNCIL
JULY 18, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 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:

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Kim Chandler

Kim Chandler
Secretary of the Board

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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: P16-0083

APPLICANT/OWNER: Dorothy J. Wanko

LOCATION: Generally located at the northwest corner of Mechanic Street and S. Chestnut Street

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town and Mixed Use 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, July 11, 2016, 6:00 PM

City Council Public Hearing:

***Monday, July 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 18, 2016

Rezoning Case: P16 -0083
Property Owner(s): Thomas J Wanko
Applicant(s): Dorothy J. Wanko
Legal Description: Lots 14, 15, 16 & 17 Block 70 Tomball
Location: Northwest corner of Mechanic Street and S. Chestnut Street (Exhibit "A")
Area: .32 acres
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: Single-Family 6 (Exhibit "C") / Undeveloped Land (Exhibit "D")
Request: Rezone from the Single-Family 6 District to the Old Town and Mixed Use District

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use / Auto Repair Services (major and minor)

South: Single-Family 6 / Undeveloped Land

West: Single-Family 6 / Undeveloped Land

East: Old Town & Mixed Use / Auto Repair Services (major and minor)

BACKGROUND

In June 2016, City Staff received a rezoning application from the applicant. Staff then met with the applicant and property owner to discuss the application and their proposed development of an office with storage space. After discussing the applicant's proposed development, Staff informed the applicant that the Old Town & Mixed Use District would be a more appropriate fit for their proposal and the surrounding area than the initial request to rezone to the Commercial District. The applicant revised the application from a request to the Commercial District to a request to the Old Town & Mixed Use District.

ANALYSIS

The property immediately abuts the Old Town & Mixed Use District to the north and east and the Single-Family 6 District to the west and south. The proposed rezoning would blend with the surrounding zoning districts.

There are different uses in the area. On S. Chestnut Street there are multiple auto service companies and a City Park. On Mechanic Street there are two single-family homes and a distribution company.

The Comprehensive Plan designates the property as Mixed Use. Properties to the north, east and west are also designated as Mixed Use and properties to the south are High Density Residential. The Mixed Use designation is intended for a mixture of office, retail and commercial, and certain high density residential uses. The request appears to be consistent with the City's 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.**

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole. As mentioned, there are a number of different uses in the surrounding area. The proposed rezoning will be contiguous with the Old Town & Mixed Use Zoning District that abuts the property to the north and east.

- 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.

- 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 Old Town & Mixed Use. 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 steady development in the Old Town & Mixed Use Zoning District.

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

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated. The Old Town & Mixed Use Zoning District has development standards that will protect residential adjacencies such as building façade requirements, buffering and setback restrictions.

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

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 Mixed Use. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016 and a sign was placed on the property on June 27, 2016. Property owners within 200 feet of the project site were mailed notification of this proposal on June 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 P16-0083.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

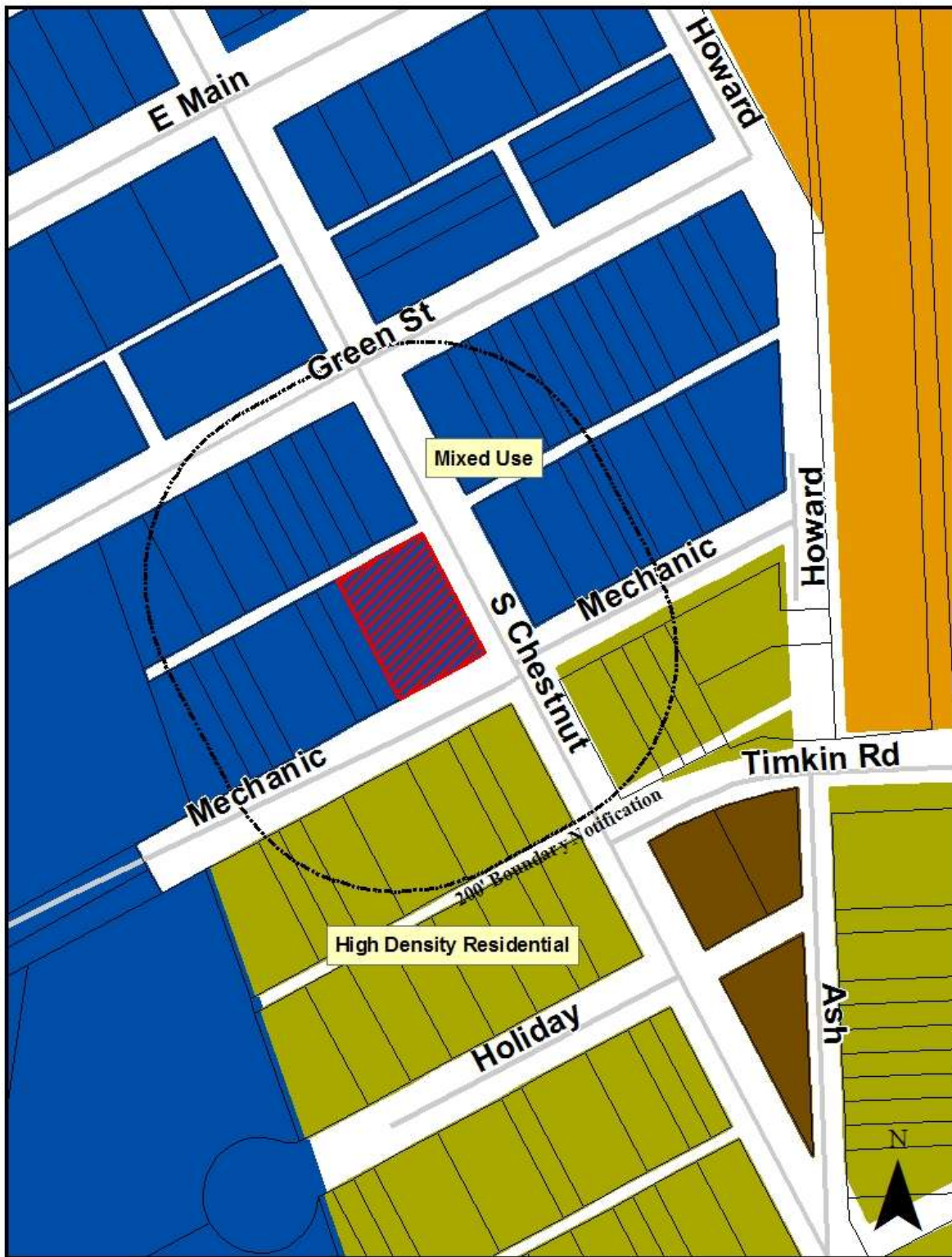
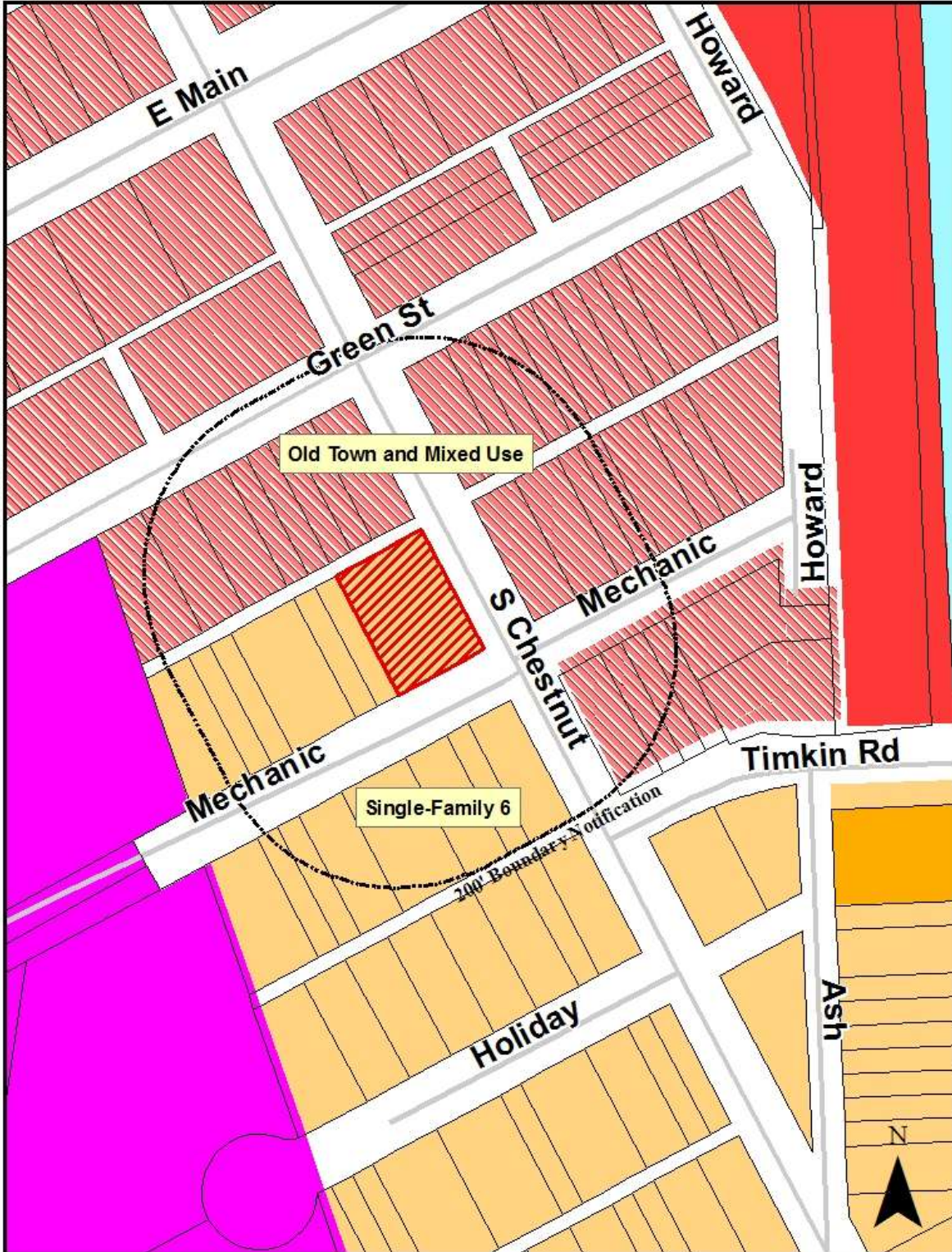


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Site



Looking west on Mechanic Street



Looking east on Mechanic Street



Looking north on Chestnut Street



Looking south on Chestnut Street

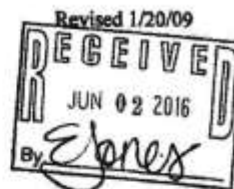


Looking across Mechanic Street

Exhibit "E"
Application



16-0083
APPLICATION FOR REZONING
Engineering & Planning Department



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: Dorothy J. Wanko Title: _____
Mailing Address: 16303 N. Greenfield City: Spring State: TX
Zip: 77379
Phone: (832) 818-3559 Fax: (866) 658-6509 Email: dot@TEXdotRealtors.com

Owner

Name: Thomas J. Wanko Title: _____
Mailing Address: 16303 N. Greenfield City: Spring State: TX
Zip: 77379
Phone: (281) 655-8008 Fax: (866) 658-6509 Email: Tom@TEXdotPropertyMgmt.com

Engineer/Surveyor (If applicable)

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

Description of Proposed Project: Office Space & Storage

Physical Location of Property: Corner of Chestnut Greens & Mechanic St.
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: HCA# 0352730700014 Lts 14, 15, 16 & 17 BLK 70
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] Tomball

Current Zoning District: SF-6

Current Use of Property: Vacant Lot

Proposed Zoning District: Commercial OT2MU 6/7/16
AKW/gk

Proposed Use of Property: Office space & Storage

HCAD Identification Number: 035 273 0700014 Acreage: 0.3214

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 Donna H. Vashon, President 5/26/16
Signature of Applicant Date

X Thomas Vashon 6/6/16
Signature of Owner Date



May, 27, 2016

Dear Tomball Zoning Commission,

Please accept my application to rezone the land located at the corner of Mechanic St. and Chestnut Greens. Enclosed please find:

1. Completed application form
2. Copy of recorded/final plat from Harris County
3. Check in the amount of \$410

This vacant lot is currently zoned SF 6. I would like to have the land rezoned to Commercial in order to accommodate office space and storage for our corporations TEXdot Realtors, Inc. and TEXdot Property Management, Inc. These corporations are separate, but often function hand in hand with the same client.

We are not aware of any issues relating to this request.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Dorothy J. Wanko".

Dorothy J. Wanko, President

Enclosures

16303 N. Greenfield, Spring, TX 77379 * Cell/Text 832-818-3559 * E-Fax 1-866-658-6509
Email: info@TEXdotRealtors.com * Web: www.TEXdotRealtors.com

