

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



MONDAY, DECEMBER 16, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, December 16, 2019 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball

3.0 Pledges to U.S. and Texas Flags

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Reports and Announcements

- December 24-25, 2019 – **Christmas Holidays** – City offices closed (Tuesday and Wednesday)

- January 1, 2020 – **New Year’s Day Holiday** – City offices closed
- January 11, 2020 – 2nd Saturday at the Depot
- January 15, 2020 – First day to apply for Place on Ballot for the May 2, 2020 General City Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore - Report on the Success of “**Deck the Depot**”
 - Doris Speer – City Secretary’s Office has received the “**5 Star Exemplary Award**” from the **Texas Department of Vital Statistics** – 9th Year

6.0 Approve the Minutes of the December 2, 2019 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2019-33, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Five and Six Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto

8.0 New Business:

8.1 Award Contract for Project No. 2019-09 (Vactor Services & Regular Maintenance of Sewer System Components) to Source Point Solutions, LLC

8.2 Consideration to approve **Zoning Case P19-155**: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P19-155**
- Adopt, on First Reading, Ordinance No. 2019-34, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail district and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District, said properties being generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

8.3 Consideration to approve **Zoning Case P19-156**: Request by Lance Langenhoven for a Conditional Use Permit to operate an office showroom/warehouse and mini warehouse/self-storage facility. The properties are

approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

- Conduct Public Hearing on **Zoning Case P19-156**
- Adopt, on First Reading, Ordinance No. 2019-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Lance Langenhoven to operate an “office showroom / warehouse” and a “mini warehouse / self storage” facility; said properties being approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of East Hufsmith Road and Neal Street and zoned General Retail District; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

- 8.4 Consideration to approve **Zoning Case P19-157**: Request by Colleen Pye, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Conduct Public Hearing on **Zoning Case P19-157**
- Adopt, on First Reading, Ordinance No. 2019-36, 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 0.13 acres of land, legally described as Tract South ½ lots 34, 35, & 36 & Tract 33C Block 30 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District; said property being generally located on the west side of South Cherry Street, between Florence and McPhail streets; 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.

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12th day

of December 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: December 16, 2019

Topic:

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball

Background:

Origination:

Recommendation:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 16, 2019

Topic:

- December 24-25, 2019 – **Christmas Holidays** – City offices closed (Tuesday and Wednesday)
- January 1, 2020 – **New Year's Day Holiday** – City offices closed
- January 11, 2020 – 2nd Saturday at the Depot
- January 15, 2020 – First day to apply for Place on Ballot for the May 2, 2020 General City Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore - Report on the Success of “**Deck the Depot**”
 - Doris Speer – City Secretary’s Office has received the “**5 Star Exemplary Award**” from the **Texas Department of Vital Statistics** – 9th Year

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

5 Star Exemplary Award
5 Star Award Criteria



2019

Exemplary 5 Star Award

THIS CERTIFICATE IS PRESENTED TO

CITY OF TOMBALL

for excellence in the
Vital Statistics Registration Process

December 4, 2019

Thank you for going above and beyond to register your records and ensure excellent customer service, security, and data quality in Texas!

Tara Das

Texas State Registrar, VSS



Texas Vital Statistics Section 2019 Five Star Criteria for Local Registrars

To qualify for Five Star, your facility must have met ALL minimum criteria. To qualify for Exemplary Five Star, your facility must have met ALL exemplary criteria.

TxEVER Training:

Attended a TxEVER training either in person at a 2019 Regional Conference or the 2018 Annual Conference.

Offices that attended both the Regional Conference and the Annual Conference will be considered for the Exemplary Five Star.

Self-Assessment Survey:

Submitted a completed local registrar self-assessment survey provided by the Vital Statistics Section electronically no later than **August 15, 2019** [HSC 191.022 (g)]. The survey will be available at <http://www.dshs.texas.gov/vs/field/localsurvey.shtm>.

Offices that received a moderate- or low- risk score will be considered for Exemplary Five Star.

Customer Service:

Registered 96% of birth records (if any) in the Local Acceptance Queue within one business day between 5/1/2019 and 9/30/2019.

Registered 96% of death records (if any) in the Local Acceptance Queue within one business day between 5/1/2019 and 9/30/2019.

Drop-to-paper records are only permitted when the funeral home is out-of-state or the family acts as funeral director. Manual death records are only permitted if the death occurred by lethal injection.

Offices that registered 100% of their birth and death records in the Local Acceptance Queue within one business day will be considered for Exemplary Five Star.

Security:

Local registrars using the Remote Birth Access System must have an average search-to-print ratio of 60% or greater from 5/1/2019 and 9/30/2019. For example, if your office conducted 300 searches and printed 225 records, then the search-to-print ratio is 75% (225/300).

The remote birth access system should only be used to issue a certified copy. Each time you click "search" it will count as a separate search whether you print or not. Check your monthly ratio at <http://www.dshs.state.tx.us/vs/field/Search-to-Print-Ratios/>.

Offices that have a search-to-print ratio of 75% or higher will be considered for Exemplary Five Star.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: December 16, 2019

Topic:
Approve the Minutes of the December 2, 2019 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve

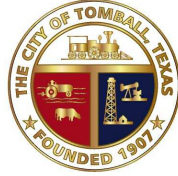
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the December 2, 2019 Regular Tomball City Council Meeting

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



**MONDAY, DECEMBER 2, 2019
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Justin Pruitt
Director of Public Works – Beth Jones
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Human Resources – Lisa Coe
Director of Community Development – Craig Meyers
City Engineer – Wesley Stolz
Assistant City Secretary – Tracy Garcia
Community Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Warrant Officer/Bailiff – Ron McGullion

2.0 The invocation was led by Pastor James Roberson, Hufsmith Church of Christ, Tomball

3.0 Pledges to U. S. and Texas Flags were led by Bruce Hillegeist.

4.0 The following public comments were received:

Bruce Hillegeist	-	Introduced Palmer Jones, 2020 Miss
President, GTACC		Tomball, and expressed his appreciation of

the City's support and assistance in the success of the 54th Annual Holiday Parade.

- Palmer Jones - Expressed her appreciation in being selected as 2020 Miss Tomball and thanked everyone.

5.0 Presentations:

- Lisa Coe introduced members of HCA Healthcare-Tomball, AutoNation, and TOMAGWA; presentation was made of a check in the amount of \$54,899.04 to **TOMAGWA**, proceeds from the City of Tomball's 7th ***“Annual Paces for Pink” 5K Run.***
- Brad Bartlett, Board Members of ***Resale With A Purpose***, and Bruce Hillegeist presented checks in the amount of \$10,000 each to Tomball Fire Department and Tomball Police Department for the annual Christmas Programs.
- Wesley Stolz expressed his appreciation, on behalf of the members of the first **City of Tomball Leadership Academy** Cohort, for the opportunities and leadership training and experiences provided by the City of Tomball. Members of the 2019 City of Tomball Leadership Academy Cohort are: Brandon Patin, Ben Lato, Christine Brookshire, Chris Burns, Wesley Stolz, Jeff Doyle, John Escamilla, Keith Ferguson, Hailey Dixon-Harris, Denise Fiore, Justin Pruitt, Joe Sykora, Lauren Sykora, Ken Cole, Maria Morris, Will Goff, and Rosalie Dillon.

6.0 Reports and Announcements:

- December 7, 2019 – **“Deck the Depot” – a 2nd Saturday at the Depot** Event, 10:00 a.m.-3:00 p.m.
- December 13-15, 2019 – **Tomball German Christmas Market**
- December 24-25, 2019 – **Christmas Holidays** – City offices closed (Tuesday and Wednesday)
- January 1, 2020 – **New Year's Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Luisa Taylor presented the Quarterly Investment Report for Period Ending September 30, 2019. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On September 30, 2019, the City had total cash and cash equivalents in the amount of \$67,797,447.
 - Mike Baxter reported on the Success of the **Annual Christmas Tree Lighting at The Depot, “Light It Up!”**

- 7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the November 18, 2019 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to accept Donation of Harris County Assets Currently Utilized by the Tomball Police and Fire Departments.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Ford, to approve Request by Rumble Cats Classic Car Club for Use of the Tomball Depot Area for the *4th Annual Rally in the Alley Car Show*, to be held on March 7, 2020.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Degges, to approve Resolution No. 2019-47, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 21, 2020.

Motion carried unanimously.

- 8.4 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Section Five and Six Properties in the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision), Established by City Council Resolution No. 2007-22, at 6:47 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:48 p.m.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2019-33, by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-33, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment Against Sections Five and Six Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto.

Vote was as follows:

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

Motion carried unanimously.

- 8.6 Motion was made by Councilman Stoll, second by Councilman Townsend, to award Contract for E&P Project Number 2017-10002 for the Phase II of the Design of the Critical Needs Improvements to the North and South Wastewater Treatment Plants to Freese & Nichols, in the Amount of \$83,950.00.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 6:51 p.m.

PASSED AND APPROVED this the 16th day of December 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 16, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-33, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Five and Six Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto

Background:

Public Improvement District Number Two was created in 2007 and comprises the entirety of the Raleigh Creek Subdivision which will ultimately contain 347 single family lots. Assessments were levied on Section One properties in 2014, Sections Two and Three in 2018, and Section 4 earlier this year. The developer has completed improvements for Section Five and Six properties and the assessments now need to be levied on those lots.

As with Section One through Four lots, the assessments proposed are on a per lot basis. Based on the public infrastructure costs for the development, the total, one-time assessment \$26,197.39 is proposed which represents the principal amount of the assessment. The annual installment (financed assessment) proposed is \$2,876.33 which is the principal amount of the assessment amortized over 15 years at 7% interest. With the annual administrative cost of \$71.91 per lot, the total annual payment will equal \$2,948.24 per lot.

Home values in Raleigh Creek are expected to average \$350,000. A \$2,948.24 annual assessment installment payment on a \$350,000 home is the equivalent of a \$0.85 property tax rate.

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

As with other City Public Improvement Districts, Harris County will collect the PID assessments in the same manner as property taxes and transferred to a City-established PID revenue fund. A report on the reimbursable developer costs will be performed by a qualified CPA firm and the revenues will be disbursed to the developer once a year after administrative costs have been deducted.

EXAMPLE AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	7.00%
Annual Payment Amount	\$2,876.33
Total Lifetime Payments	\$43,144.99
Total Principal	\$26,197.39
Total Interest	\$16,947.60

	Payment	Principal	Interest	Payment	Principal Balance
					\$26,197.39
1		\$1,042.52	\$1,833.82	\$2,876.33	\$25,154.87
2		\$1,115.49	\$1,760.84	\$2,876.33	\$24,039.38
3		\$1,193.58	\$1,682.76	\$2,876.33	\$22,845.81
4		\$1,277.13	\$1,599.21	\$2,876.33	\$21,568.68
5		\$1,366.52	\$1,509.81	\$2,876.33	\$20,202.16
6		\$1,462.18	\$1,414.15	\$2,876.33	\$18,739.97
7		\$1,564.53	\$1,311.80	\$2,876.33	\$17,175.44
8		\$1,674.05	\$1,202.28	\$2,876.33	\$15,501.39
9		\$1,791.24	\$1,085.10	\$2,876.33	\$13,710.15
10		\$1,916.62	\$959.71	\$2,876.33	\$11,793.53
11		\$2,050.79	\$825.55	\$2,876.33	\$9,742.75
12		\$2,194.34	\$681.99	\$2,876.33	\$7,548.41
13		\$2,347.94	\$528.39	\$2,876.33	\$5,200.46
14		\$2,512.30	\$364.03	\$2,876.33	\$2,688.16
15		\$2,688.16	\$188.17	\$2,876.33	\$0.00
TOTAL		\$26,197.39	\$16,947.60	\$43,144.99	

Origination:

Scott Bean, Hawes Hill Calderon

Recommendation:

Adopt Ordinance No. 2019-33 on Second Reading

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

Doris Speer, City Secretary

ACTION TAKEN

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

Ordinance No. 2019-33

PID 2 - Sections 5 and 6 - Council Information Sheet

PID Primer

ORDINANCE NO. 2019-33

AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS, LEVYING AN ASSESSMENT AGAINST SECTION FIVE AND SIX PROPERTIES WITHIN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER TWO (RALEIGH CREEK SUBDIVISION); AND MAKING CERTAIN FINDINGS RELATED THERETO.

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, Ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Two (the “PID”), and adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City Secretary, which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 2ND DAY OF DECEMBER 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF DECEMBER 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

Public Improvement District Number Two
Raleigh Creek Subdivision
Section Five and Six Assessment Roll
City of Tomball, Harris County, Texas

Owner	Section	Block #	Lot #	Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
LS Development, LLC	5	1	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	11	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	12	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	13	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	14	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	15	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	16	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	17	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	18	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	1	19	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	2	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	11	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	12	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	5	3	13	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24

Ordinance No. 2019-33
Page 4 of 4

LS Development, LLC	5	3	14	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	1	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	2	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	3	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	4	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	5	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	6	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	7	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	8	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	9	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	10	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	11	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	12	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	13	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	14	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	15	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	16	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	17	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	18	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	19	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	20	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	21	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	22	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	23	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	24	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	25	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	26	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	27	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	28	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	29	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	6	1	30	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24

Council Item Information Sheet – Section Five and Six Assessment Roll for Public Improvement District No. 2 (Raleigh Creek Subdivision).

Action Requested

Approval of the Section Five and Six Assessment Roll.

Information

Public Improvement District Number Two was created in 2007 and comprises the entirety of the Raleigh Creek Subdivision which will ultimately contain 347 single family lots. Assessments were levied on Section One properties in 2014, Sections Two and Three in 2018, and Section 4 earlier this year. The developer has completed improvements for Section Five and Six properties and the assessments now need to be levied on those lots.

As with Section One through Four lots, the assessments proposed are on a per lot basis. Based on the public infrastructure costs for the development, the total, one-time assessment \$26,197.39 is proposed which represents the principal amount of the assessment. The annual installment (financed assessment) proposed is \$2,876.33 which is the principal amount of the assessment amortized over 15 years at 7% interest. With the annual administrative cost of \$71.91 per lot, the total annual payment will equal \$2,984.24 per lot.

Home values in Raleigh Creek are expected to average \$350,000. A \$2,984.24 annual assessment installment payment on a \$350,000 home is the equivalent of a \$0.85 property tax rate.

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

As with other City Public Improvement Districts, Harris County will collect the PID assessments in the same manner as property taxes and transferred to a City-established PID revenue fund. A report on the reimbursable developer costs will be performed by a qualified CPA firm and the revenues will be disbursed to the developer once a year after administrative costs have been deducted.

EXAMPLE AMORTIZATION SCHEDULE	
Duration (in years)	15
Interest Rate	7.00%
Annual Payment Amount	\$2,876.33
Total Lifetime Payments	\$43,144.99
Total	
Principal	\$26,197.39
Total Interest	\$16,947.60

	Payment	Principal	Interest	Payment	Principal Balance
					\$26,197.39
1		\$1,042.52	\$1,833.82	\$2,876.33	\$25,154.87
2		\$1,115.49	\$1,760.84	\$2,876.33	\$24,039.38
3		\$1,193.58	\$1,682.76	\$2,876.33	\$22,845.81
4		\$1,277.13	\$1,599.21	\$2,876.33	\$21,568.68
5		\$1,366.52	\$1,509.81	\$2,876.33	\$20,202.16
6		\$1,462.18	\$1,414.15	\$2,876.33	\$18,739.97
7		\$1,564.53	\$1,311.80	\$2,876.33	\$17,175.44
8		\$1,674.05	\$1,202.28	\$2,876.33	\$15,501.39
9		\$1,791.24	\$1,085.10	\$2,876.33	\$13,710.15
10		\$1,916.62	\$959.71	\$2,876.33	\$11,793.53
11		\$2,050.79	\$825.55	\$2,876.33	\$9,742.75
12		\$2,194.34	\$681.99	\$2,876.33	\$7,548.41
13		\$2,347.94	\$528.39	\$2,876.33	\$5,200.46
14		\$2,512.30	\$364.03	\$2,876.33	\$2,688.16
15		\$2,688.16	\$188.17	\$2,876.33	\$0.00
TOTAL		\$26,197.39	\$16,947.60	\$43,144.99	

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit--no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit--Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit--If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements--Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration--The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 16, 2019

Topic:

Award Contract for Project No. 2019-09 (Vactor Services & Regular Maintenance of Sewer System Components) to Source Point Solutions, LLC

Background:

In an effort to obtain commodities and services used on a continuous basis, the City routinely solicits bids to secure the most favorable pricing and service. Currently, the City is in the final contract renewal option with the current provider and staff has placed the services to bid in order to obtain a new contract.

Bid packets were available for pickup at the Public Works Administration Building or could be electronically delivered by request. A total of six vendors requested the specification of which three qualifying bids were received.

The bid pricing submitted by the recommended bidder is \$1.03 per gallon for vactor services during normal business hours, \$1.35 per gallon vactor services outside normal business hours with a minimum service charge of \$1,287.50 and cost for large, scheduled vactor services is \$0.95 per gallon.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends awarding contract for Project No. 2019-09 for Vactor Services & Regular Maintenance of Sewer System Components to Source Point Solutions, LLC

Funding:

Yes

Account Number:600-614-6329

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

Beth Jones, Public Works Director

ACTION TAKEN

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

Bid Tabulation

BID NUMBER 2019-09 : Vactor Services & Regular Maintenance of Sewer System
Components
Bid Tabulation

Company: Source Point Solutions, LLC

Item	Description	Cost per Gallon
1	Cost per Gallon for Vactor Services during normal business hours (Mon-Fri, 8am-5pm), including haul, disposal & all cost (trip charge, service call, mileage, etc.)	\$1.03
2	Cost per Gallon for Vactor Services outside normal business hours, including haul, disposal & all cost (trip charge, service call, mileage, etc.)	\$1.35
3	Minimum Service Charge - Bid item resulting from a service call requiring less than 1,250 gallons, which will serve as the minimum charge for this service	\$1.03
4	Large Vactor Services will include scheduling the equipment, personnel and all other necessary items to complete the service request for lift station wet well, aeration basins, chloring contact basins, digestors and Sanitary Sewer Overflow clean outs.	\$0.95

Company: American Allwaste dba Wastewater Transport Services

Item	Description	Cost per Gallon
1	Cost per Gallon for Vactor Services during normal business hours (Mon-Fri, 8am-5pm), including haul, disposal & all cost (trip charge, service call, mileage, etc.)	\$1.28
2	Cost per Gallon for Vactor Services outside normal business hours, including haul, disposal & all cost (trip charge, service call, mileage, etc.)	\$1.92
3	Minimum Service Charge - Bid item resulting from a service call requiring less than 1,250 gallons, which will serve as the minimum charge for this service	Normal Business Hours: \$1.28 After Hours: \$1.92

4	Large Vactor Services will include scheduling the equipment, personnel and all other necessary items to complete the service request for lift station wet well, aeration basins, chloring contact basins, digestors and Sanitary Sewer Overflow clean outs.	\$2.88 (minimum\$3,600.00)
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Company: MagnaFlow Environmental Services		
Item	Description	Cost per Gallon
1	Cost per Gallon for Vactor Services during normal business hours (Mon-Fri, 8am-5pm), including haul, disposal & all cost (trip charge, service call, mileage, etc.)	\$1.75
2	Cost per Gallon for Vactor Services outside normal business hours, including haul, disposal & all cost (trip charge, service call, mileage, etc.)	\$2.25
3	Minimum Service Charge - Bid item resulting from a service call requiring less than 1,250 gallons, which will serve as the minimum charge for this service	\$1.15
4	Large Vactor Services will include scheduling the equipment, personnel and all other necessary items to complete the service request for lift station wet well, aeration basins, chloring contact basins, digestors and Sanitary Sewer Overflow clean outs.	\$2.25

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 16, 2019

Topic:

Consideration to approve **Zoning Case P19-155**: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P19-155**
- Adopt, on First Reading, Ordinance No. 2019-34, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail district and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District, said properties being generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday, December 9, 2019, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 4-0 vote.

Origination:

Lance Langenhoven, Hufsmith Business Park, LLC

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Ordinance No. 2019-34

Notice of Public Hearing

Property Owner Notification

Public Comment Forms
Staff Report

ORDINANCE NO. 2019-34

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 2 ACRES OF LAND LEGALLY DESCRIBED AS .50 U/D INT IN TRACT 57 (2.025 ACRES) TOMBALL OUTLOTS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE GENERAL RETAIL DISTRICT AND 0.33 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 64A TOMBALL OUTLOTS FROM THE AGRICULTURAL DISTRICT TO THE GENERAL RETAIL DISTRICT, SAID PROPERTIES BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST HUFSMITH ROAD AND NEAL STREET AT 503 EAST HUFSMITH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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, Lance Langenhoven has requested that approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within 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 General Retail District; 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 and Agricultural Districts to the General Retail 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 General Retail 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 General Retail District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF DECEMBER 2019.

COUNCILMAN FORD	_____
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 6TH DAY OF JANUARY 2020.

COUNCILMAN FORD	_____
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)
DECEMBER 9, 2019
&
CITY COUNCIL
DECEMBER 16, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 9, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 2019, 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 P19-156: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

Zoning Case P19-155: Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

Zoning Case P19-157: Request by Colleen Pye, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District.

Zoning Case P19-159: Request by Sarah Mays, with Kimley-Horn, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 32.6253 acres of land legally described as Lot 1-B Block 1 Tomball 2920 Replat and Reserve A, Tract A and B (Drainage) Tomball 2920, within the City of Tomball, Harris County, Texas, generally located on the north side of FM 2920 east of Calvert Road, from the

Agricultural, General Retail and Commercial District to the Planned Development (PD-13) 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

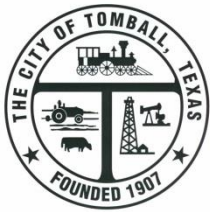
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **December 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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 the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P19-155

APPLICANT/OWNER: Lance Langenhoven

LOCATION: Generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, December 9, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, December 16, 2019, 6:00 PM**

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

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

PRESARIO PROPERTIES, LLC

2920 SUZETTE CT

HENDERSON, NV 89044

David E. Lentz

11/30/19



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-155. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-155. (Please state reasons below)

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

Monday, December 9, 2019 6:00 PM

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

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

Monday, December 16, 2019, 6:00 PM

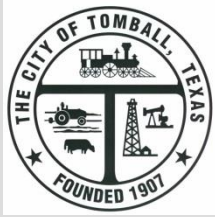
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2019

City Council Public Hearing Date: December 16, 2019

Rezoning Case: P19-155

Property Owner(s): Hufsmith Business Park LLC

Applicant(s): Lance Langenhoven

Legal Description: Tract 64A Tomball Outlots and .50 U/D INT in Tract 57 (2.025 AC) Tomball Outlots

Location: Northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road (Exhibit "A")

Area: 2 acres and 0.33 acres

Comp Plan Designation: Neighborhood Commercial (Exhibit "B")

Present Zoning and Use: Agricultural and Single-Family 20 Estate District (Exhibit "C") / Recently demoed single-family residence and undeveloped (Exhibit "D")

Request: Rezone from the Agricultural and Single-Family 20 Estate District to the General Retail District

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate / Harris County Flood Control District drainage channel

South: General Retail and Single-Family 9 / Undeveloped

West: Single-Family 20 Estate and General Retail / Single-family residence, undeveloped

East: Single-Family 20 Estate / Single-family residence

BACKGROUND

In February 2018, City Council approved an ordinance changing the Zoning District classification of the applicant's 5.9 acres at 419 East Hufsmith Road from the Agricultural District to the General Retail District as well as a Conditional Use Permit ordinance to allow a *mini-warehouse / self-storage* facility to operate on the site. In January 2019, City Council approved another Conditional Use Permit for the property to allow an *office showroom/warehouse* facility to operate on the site.

Since then, the applicant has acquired two adjacent properties and is requesting to allow to utilize them as part of his overall development with both storage and office/warehouse facilities.

ANALYSIS

The properties are currently zoned Agricultural and Single-Family 20 Estate District. Surrounding zoning districts include General Retail and Single-Family 20 Estate to the west; General Retail and Single-Family 9 to the south; Single-Family 20 Estate to the east, across the Neal Street right-of-way.

There are a few single-family residences in the area. Other land uses along East Hufsmith Road include True Expressions Photography, Texas Prospects Baseball, Tomball Nursing Home, Maple Creek Bed and Breakfast, Cornerstone Electric, new wedding venue which is in the construction process, and new storage facility. There is a wide variety of land uses, both residential and non-residential, along East Hufsmith Road.

The Comprehensive Plan Future Land Use Map designates the property as Neighborhood Commercial. According to the Comprehensive Plan, compatible Zoning Districts for this future land use category include Office, General Retail and Planned Development. This category should also be located on collector streets or a greater street classification. East Hufsmith is classified as a Major Arterial by the Major Thoroughfare Map.

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 established land uses in the immediate area are single-family residences, undeveloped land and baseball fields; however, East Hufsmith Road, from the railroad tracks to Zion Road, has a mix of residential and non-residential uses. To the east of the property, there is a public right-of-way for Neal Street. To the north of the property, there is a Harris County Flood Control ditch and the City's landfill. The 5.9 acre track adjacent to these properties was also recently rezoned to General Retail.

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

Utilities are available to serve this property, however they may need to be upsized to accommodate a non-residential facility. The existing arterial street adjacent to the property can accommodate traffic generated by a General Retail District development.

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 zoned General Retail. 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 General Retail District in the City.

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

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

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

If a non-residential development is constructed on the subject site, Chapter 50 (Zoning) has regulations in place to protect the adjacent residential development. These regulations include fencing and landscape buffer requirements, greater setbacks and lighting restrictions.

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

The Future Land Use Map designates the property as Neighborhood Commercial. The intent of this category is to develop appropriately to compliment residential development. The General Retail District is considered a transitional zoning district between higher intensity non-residential uses and residential uses. The request appears to meet both the Comprehensive Plan and the intent of the General Retail Zoning District.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 20, 2019. The Notice of Public Hearing was published in the paper on November 20, 2019. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-155.

EXHIBITS

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

**Exhibit “A”
Aerial Photo**



Exhibit "B"
Comprehensive Plan

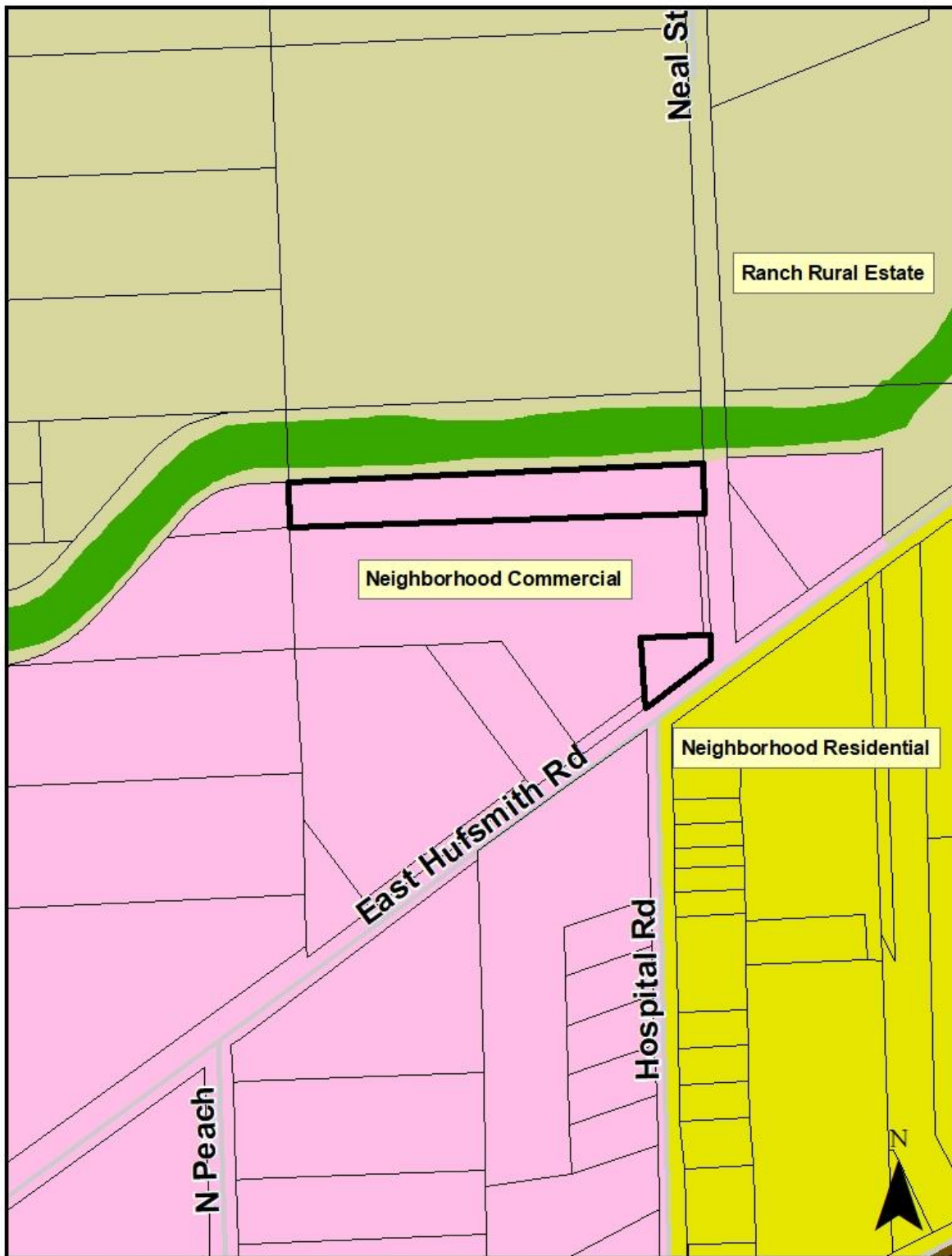
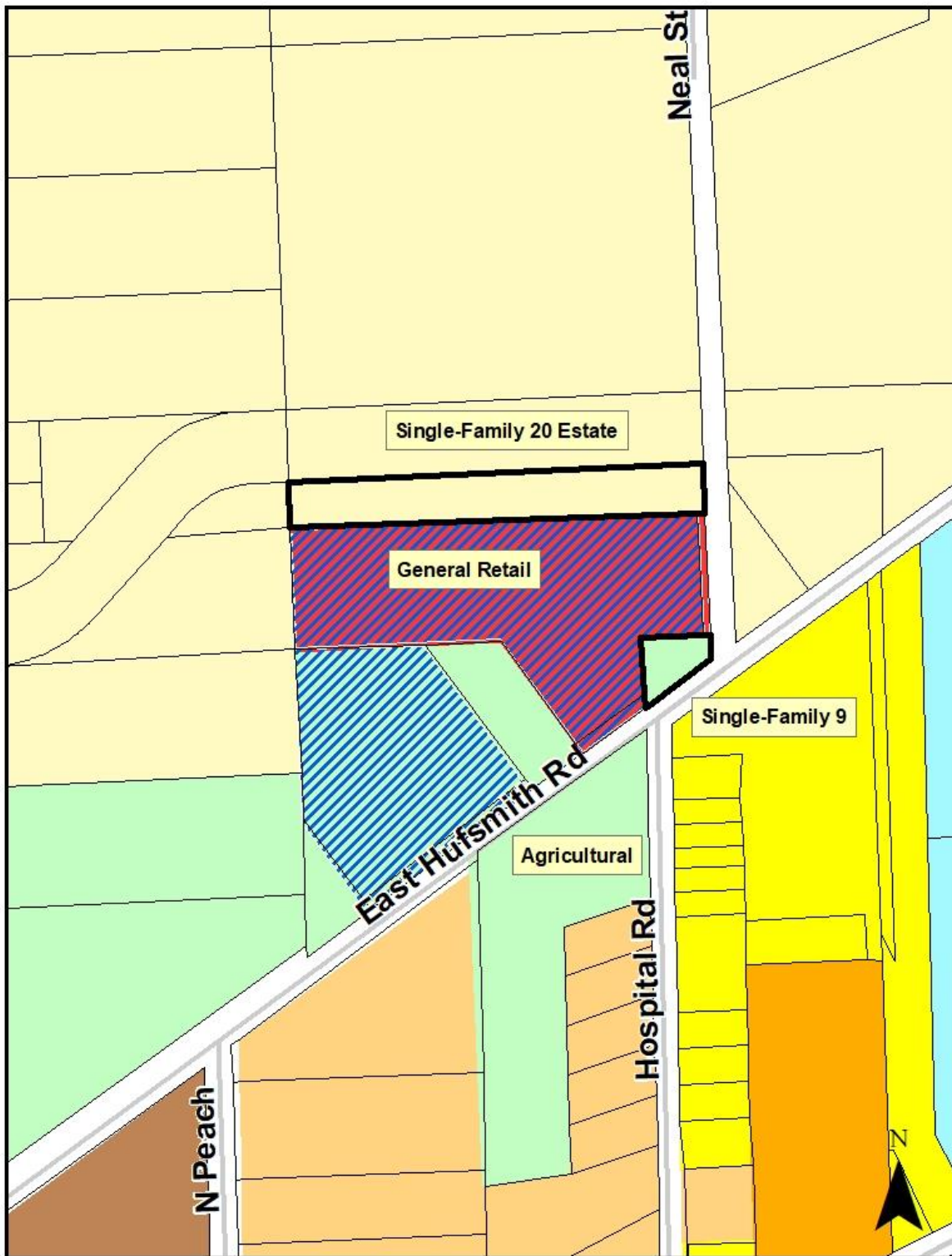


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E" Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant

Name: Lance Langenhoven Title: Member
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX
Zip: 77380
Phone: (832) 483 8655 Fax: () Email: Lance@tpg-realty.com

Owner

Name: Hufsmith Business Park, LLC Title:
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX
Zip: 77380
Phone: (832) 483 8655 Fax: () Email: Lance@tpg-realty.com

Engineer/Surveyor (if applicable)

Name: David Kelly Title: Engineer
Mailing Address: P.O. Box 823 City: Fulshear State: TX
Zip: 77441
Phone: (281) 300 1869 Fax: () Email: david.kelly@dpgengineering.com

Description of Proposed Project: Small-Office Warehouse and Boat & RV Storage.

Physical Location of Property: 503 E. Hufsmith

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

Legal Description of Property: TR 64A TOMBALL OUTLOTS and .50 U/D INT IN TR 57 (2.025 AC)
TOMBALL OUTLOTS

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

Current Zoning District: Agricultural District and Single Family 20 Estate District (2.025 AC)

Current Use of Property: Has a small home, about to be demolished. 2 Acres is unimproved.

Proposed Zoning District: Match the zoning for 419 E. Hufsmith which has a CUP.

Proposed Use of Property: Small-Office Warehouse and Boat & RV Storage.

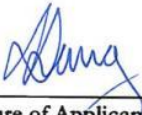
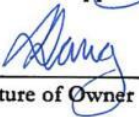
0352820000100 - 503 E. Hufsmith & 0352820000057 - 2.025 AC

HCAD Identification Number: Acreage: 0.33 AC + 2.205 AC

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.

<u>X</u>		<u>23 OCT. 2019.</u>
Signature of Applicant		Date
<u>X</u>		<u>23 OCT. 2019.</u>
Signature of Owner		Date

Date: 23 October 2019.

Dear City of Tomball,

We own a number of tracts at 503 E. Hufsmith location – see image below.

We would like the zoning on tracts 2 & 3 in image below to match the zoning of tract 1 which is currently General Retail with a CUP for Boat & RV Storage / Small-Office Warehouse.

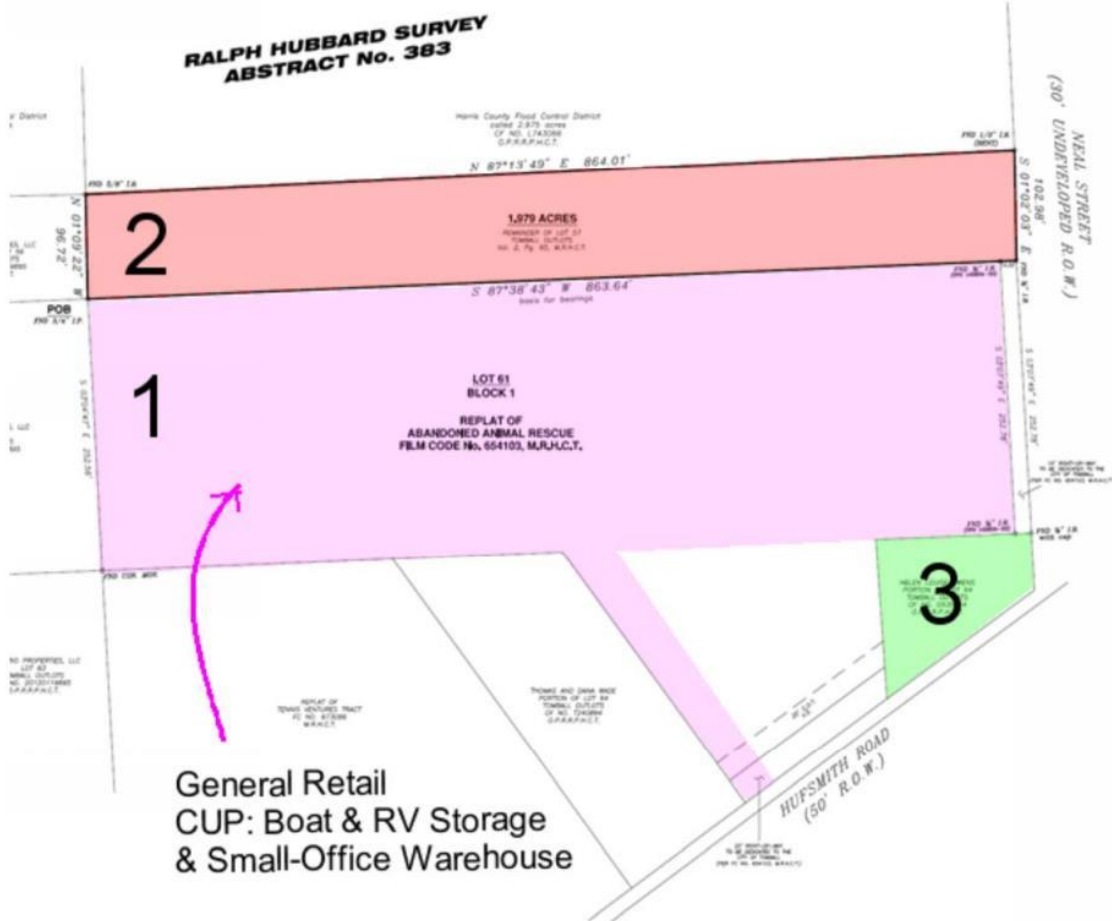
Please also review accompanied site plan for the proposed future project.

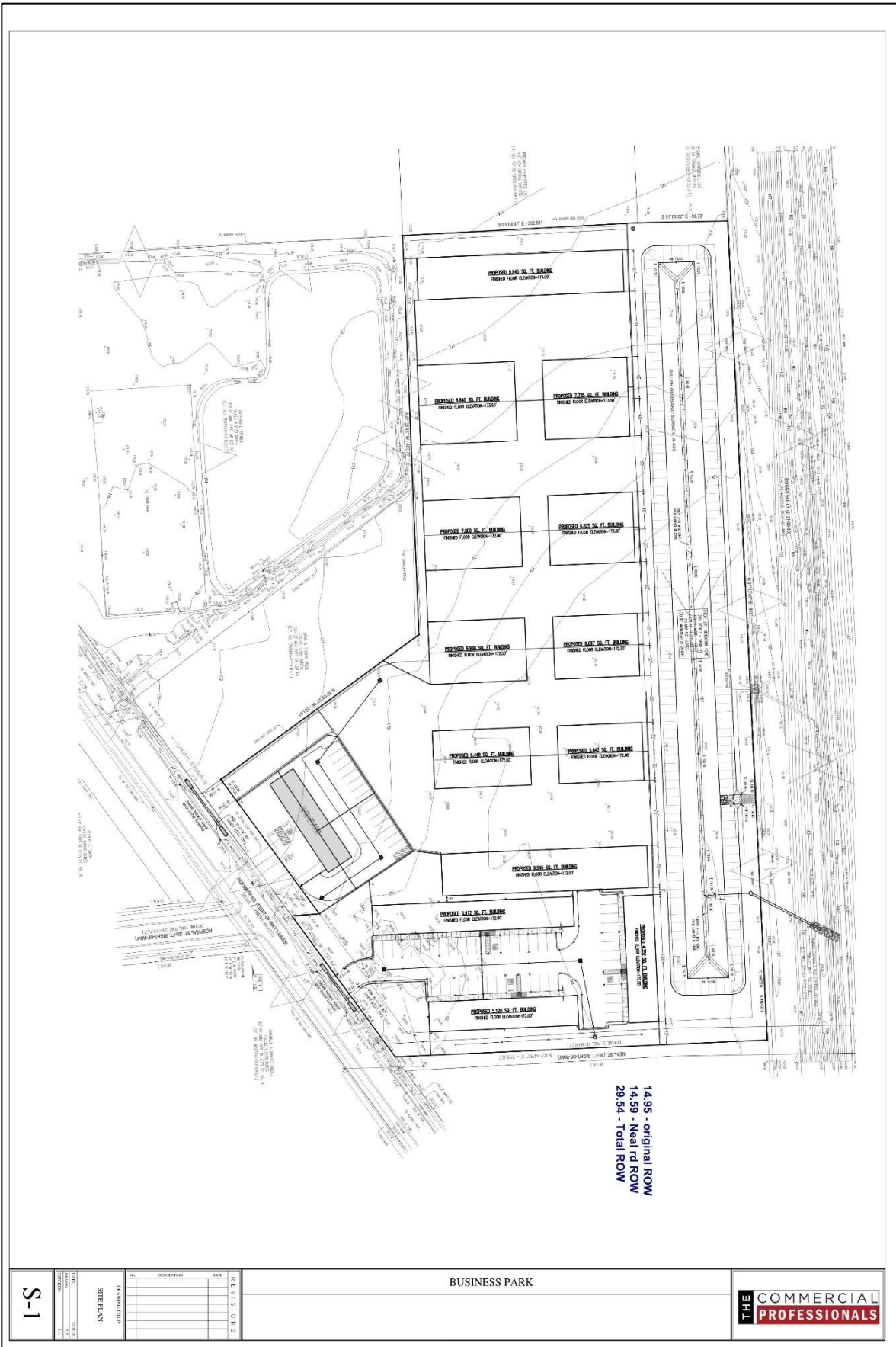
Thank you for your consideration.

B. Regards,

Lance Langenhoven, Member, Hufsmith Business Park, LLC.

832-483 8655.







TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
1.979 ACRES
IN THE RALPH HUBBARD SURVEY, ABSTRACT NO. 383
HARRIS COUNTY, TEXAS

BEING a 1.979 acre tract of land situated in the Ralph Hubbard Survey, Abstract No. 383, Harris County, Texas, being the remainder of Lot 57, Tomball Outlots, recorded in Volume 2, Page 57 of the Map Records of Harris County Texas (M.R.H.C.T.), said 1.979 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{3}{4}$ inch iron pipe found for a common corner of said remainder tract, that certain tract described as a portion of Lot 56 of said Tomball Outlots described in instrument to Presario Properties, LLC, recorded under Clerk's File Number 20120119895 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), Lot 60 of said Tomball Outlots and Lot 61, Block 1 of the Replat of Abandoned Animal Rescue, recorded under Film Code Number 654103, M.R.H.C.T., being the southwesterly corner of the herein described 1.979 acre tract, from which a concrete monument found for a common corner of said Replat of Abandoned Animal rescue, said Lot 60, Lot 63 of Said Tomball Outlots, and the Replat of Tennis Ventures Tract, recorded under Film Code Number 673096, M.R.H.C.T., bears South $03^{\circ}04'47''$ East, 252.56 feet;

THENCE North $01^{\circ}09'22''$ West, 96.72 feet, with the common line between said remainder tract and said portion tract, to a $\frac{5}{8}$ inch iron rod found for the common corner of said remainder tract, said portion tract, tht certain called 3.410 acre tract described in instrument to Harris County Flood Control District, recorded under Clerk's File Number L530449, O.P.R.R.P.H.C.T., and that certain called 2.975 acre tract described in instrument to Harris County Flood Control District, recorded under Clerk's File Number L743066, O.P.R.R.P.H.C.T., being the northwesterly corner of the herein described 1.979 acre tract;

THENCE North $87^{\circ}13'49''$ East, 864.01 feet, with the common line between said remainder tract and said 2.975 acre tract, to a $\frac{1}{2}$ inch iron rod (bent), found in the westerly right-of-way of Neal Street (a 30 foot wide undeveloped right-of-way), for the common easterly corner of said remainder tract and said 2.975 acre tract, being the northeasterly corner of the herein described 1.979 acre tract;

THENCE South $01^{\circ}02'03''$ East, 102.98 feet, with the westerly right-of-way of said Neal Street, the easterly line of said remainder tract, to a $\frac{1}{2}$ inch iron rod found for the original common easterly corner of said Lots 57 and 61, being the southeasterly corner of the herein described 1.979 acre tract, from which a $\frac{1}{2}$ inch iron rod with cap found for reference bears South $03^{\circ}07'49''$ East, 252.78 feet;

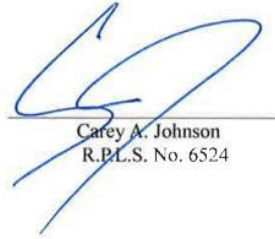
THENCE South 87°38'43" West, at a distance of 15.00 feet, pass a ½ inch iron rod with cap stamped "TPS 100834-00" found for the northeasterly corner of said Lot 61, thence continuing with the common line between said remainder tract and said Lot 61, in all, a total distance of 848.64 feet, to the **PLACE OF BEGINNING**;

CONTAINING a computed area of 1.979 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 22, 2019 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number L214-03_2Acres.

Bearings recited hereon are based on the monumented north line of said Lot 61.

March 26, 2019
Date



Carey A. Johnson
R.P.L.S. No. 6524

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 16, 2019

Topic:

Consideration to approve **Zoning Case P19-156**: Request by Lance Langenhoven for a Conditional Use Permit to operate an office showroom/warehouse and mini warehouse/self-storage facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

- Conduct Public Hearing on **Zoning Case P19-156**
- Adopt, on First Reading, Ordinance No. 2019-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Lance Langenhoven to operate an “office showroom / warehouse” and a “mini warehouse / self storage” facility; said properties being approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of East Hufsmith Road and Neal Street and zoned General Retail District; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

Background:

On Monday, December 9, 2019, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the Conditional Use Permit with a 4-0 vote.

Origination:

Lance Langenhoven, Hufsmith Business Park, LLC

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-35

Notice of Public Hearing

Property Owner Notification

ORDINANCE NO. 2019-35

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO LANCE LANGENHOVEN TO OPERATE AN “OFFICE SHOWROOM / WAREHOUSE” AND A “MINI WAREHOUSE / SELF STORAGE” FACILITY; SAID PROPERTIES BEING APPROXIMATELY 2 ACRES OF LAND LEGALLY DESCRIBED AS .50 U/D INT IN TRACT 57 (2.025 ACRES) TOMBALL OUTLOTS AND 0.33 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 64A TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST HUFSMITH ROAD AND NEAL STREET AND ZONED GENERAL RETAIL DISTRICT; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Lance Langenhoven, has requested a CUP to operate an “office showroom/warehouse” and “mini warehouse / self storage” facility on approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

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

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

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

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

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

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

Section 2. A CUP to operate an “office showroom / warehouse” and “mini warehouse / self-storage” facility at the Property and subject to the terms and conditions set forth below is hereby granted to Lance Langenhoven.

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

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

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

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions and conditions:

- 1) The site shall be developed and operated in substantial compliance with the concept plan (Exhibit “A”).

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF DECEMBER 2019.

COUNCILMAN FORD	_____
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 6TH DAY OF JANUARY 2020.

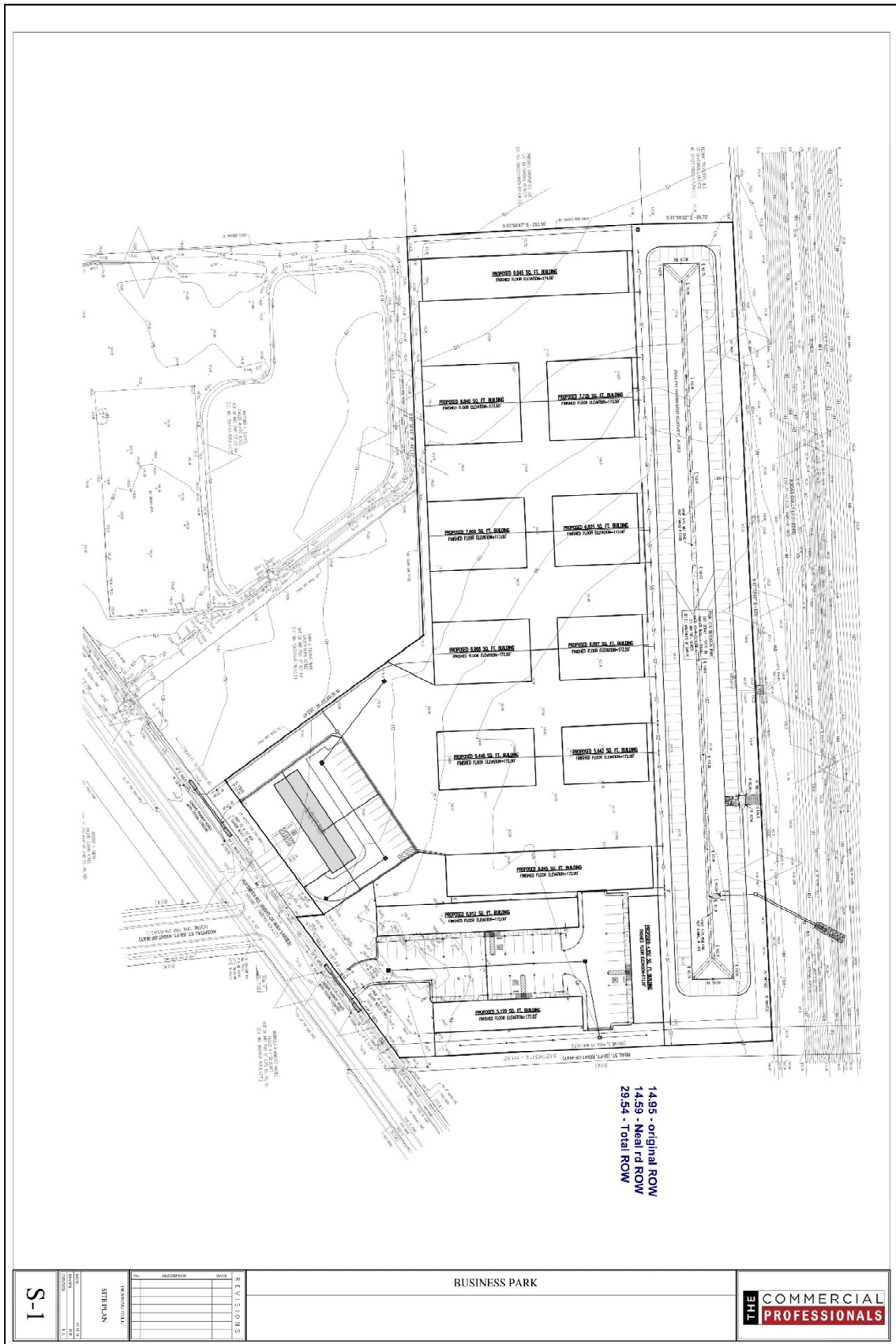
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 9, 2019
&
CITY COUNCIL
DECEMBER 16, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 9, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 2019, 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 P19-156: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

Zoning Case P19-155: Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

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Zoning Case P19-159: Request by Sarah Mays, with Kimley-Horn, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 32.6253 acres of land legally described as Lot 1-B Block 1 Tomball 2920 Replat and Reserve A, Tract A and B (Drainage) Tomball 2920, within the City of Tomball, Harris County, Texas, generally located on the north side of FM 2920 east of Calvert Road, from the

Agricultural, General Retail and Commercial District to the Planned Development (PD-13) 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

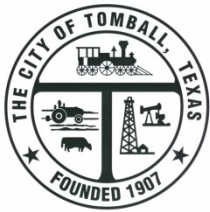
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **December 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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 the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P19-156

APPLICANT/OWNER: Lance Langenhoven

LOCATION: Generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road.

PROPOSAL: A Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, December 9, 2019, 6:00 PM**

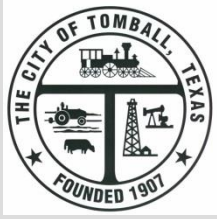
**City Council Public Hearing:
*Monday, December 16, 2019, 6:00 PM**

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

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2019

City Council Public Hearing Date: December 16, 2019

Rezoning Case: P19-156

Property Owner(s): Hufsmith Business Park LLC

Applicant(s): Lance Langenhoven

Legal Description: Tract 64A Tomball Outlots and .50 U/D INT in Tract 57 (2.025 AC) Tomball Outlots

Location: Northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road (Exhibit "A")

Area: 2 acres and 0.33 acres

Comp Plan Designation: Neighborhood Commercial (Exhibit "B")

Present Zoning and Use: Agricultural and Single-Family 20 Estate District (Exhibit "C") / Recently demoed single-family residence and undeveloped (Exhibit "D")

Proposed Use(s): Recently demoed single-family residence and undeveloped (Exhibit "D")

Request: Conditional Use Permit (CUP) to allow the operation of a *mini warehouse/self-storage* and an *office showroom/warehouse* facility

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate / Harris County Flood Control District drainage channel

South: General Retail and Single-Family 9 / Undeveloped

West: Single-Family 20 Estate and General Retail / Office and general retail, undeveloped

East: Single-Family 20 Estate / Single-family residence

BACKGROUND

In February 2018, City Council approved an ordinance changing the Zoning District classification of the applicant's 5.9 acres at 419 East Hufsmith Road from the Agricultural District to the General Retail District. A Conditional Use Permit ordinance was also approved to allow a *mini-warehouse / self-storage* facility to operate on the site. In January 2019, City Council approved another Conditional Use Permit for the property to allow an *office showroom/warehouse* facility.

Since then, the applicant has acquired two adjacent properties and is requesting to utilize them as part of his overall development with both storage and office/warehouse facilities.

ANALYSIS

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

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

The Comprehensive Plan identifies the subject site as Neighborhood Commercial. According to Chapter 4 (Vision) of the Comprehensive Plan, the intent and character of the Neighborhood Commercial category is “for commercial uses that are developed with appropriate context, scale and design to compliment residential development”. The proposed use is appropriate with the surrounding land uses in the area and special conditions can be added to the proposed site plan to ensure the character of the area is maintained.

The proposed development also meets the following goals, objectives and actions outlined in the Comprehensive Plan:

- Goal 2 Land Use and Development: Work with the development community to meet the needs of a growing community while protecting the valued small-town character of Tomball.
- Objective LU 2.1: Implement the Future Land Use Plan to promote development that results in desired character for Tomball.
- Action 2.1.2: Ensure that business parks and industrial development are built and maintained in a manner that is respectful to neighboring land uses.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

According to Section 50-76, the purpose of the General Retail District is “to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. The General Retail District should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes.” The proposed use would provide a service to the area. East Hufsmith is considered a major arterial by the City’s Major Thoroughfare Plan and could accommodate the traffic generated by the

proposed use. The request appears to be consistent with the intent of the General Retail District.

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

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

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

The proposed use appears to be compatible with the adjacent developments. There are a few single-family residences in the area. The other land uses in the area include baseball fields, a Harris County Flood Control ditch and undeveloped land. The proposed land use should not generate substantial traffic or noise and will typically have day-time hours of operation.

5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Staff does not anticipate any adverse effects on surrounding properties. The property does abut single-family residential district, and will therefore be subject to additional screening requirements to protect the adjacent residences.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 20, 2019. A Notice of Public Hearing was published in the paper on November 20, 2019. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-156 with the following conditions:

1. The site shall be constructed in substantial conformance with the concept plan.

EXHIBITS

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

F. Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

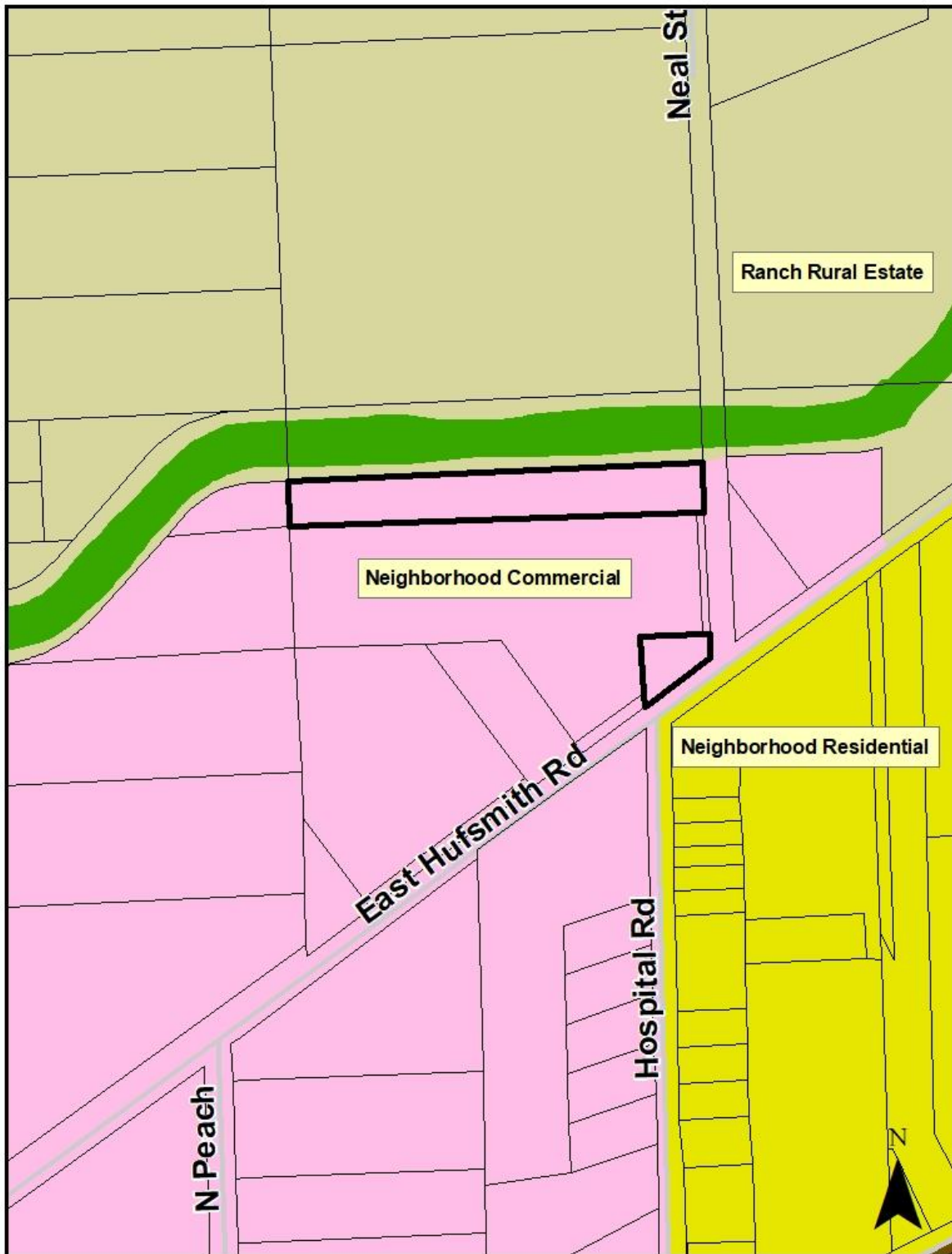
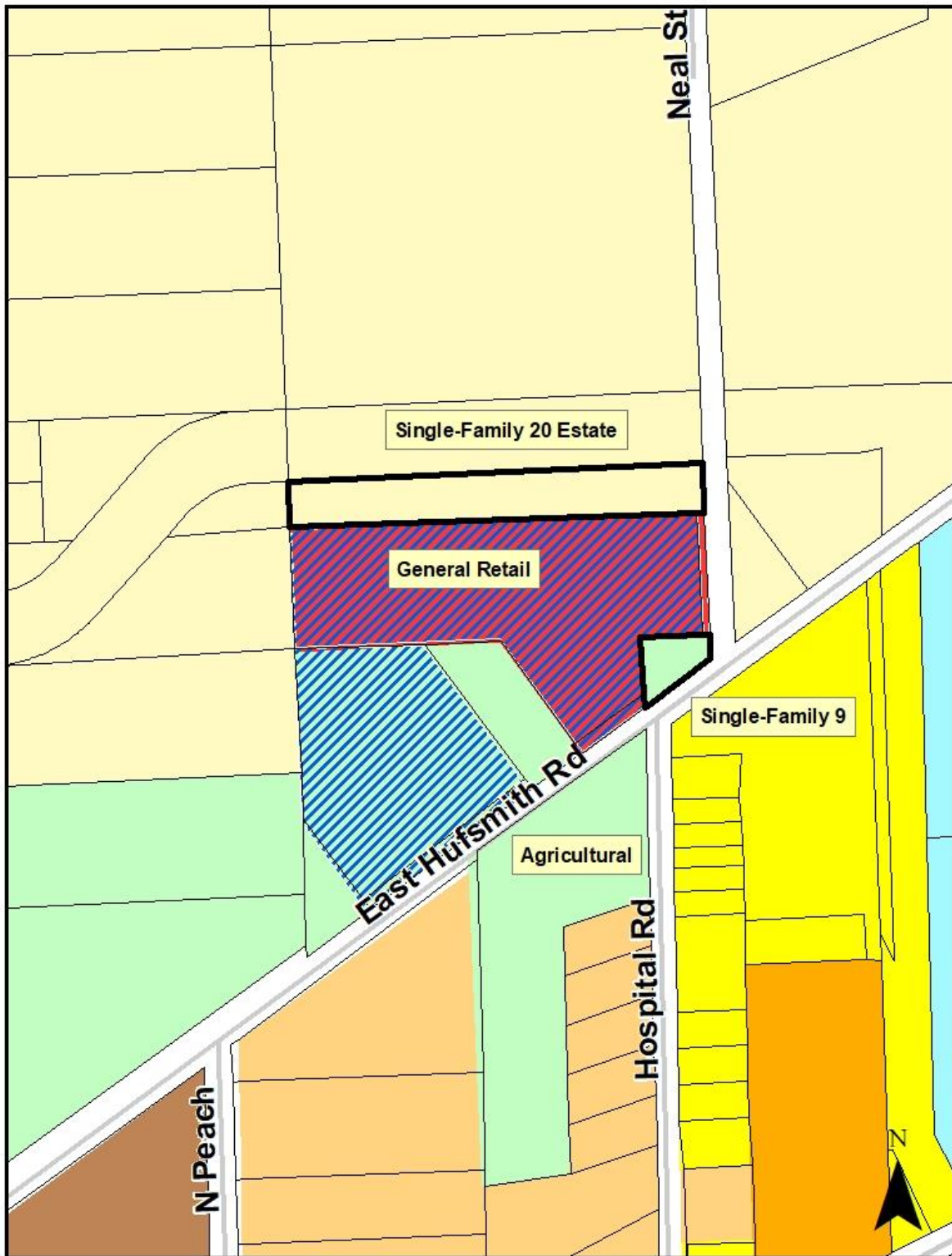


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

Revised 5/19/15



APPLICATION FOR
CONDITIONAL USE PERMIT
Community Development Department
Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.

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

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

Applicant

Name: Lance Langenhoven Title: Member
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX
Zip: 77380
Phone: (832) 483 8655 Fax: () Email: Lance@tpg-realty.com

Owner

Name: Hufsmith Business Park, LLC Title: _____
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX
Zip: 77380
Phone: (832) 483 8655 Fax: () Email: Lance@tpg-realty.com

Engineer/Surveyor (if applicable)

Name: David Kelly Title: Engineer
Mailing Address: P.O. Box 823 City: Fulshear State: TX
Zip: 77441
Phone: (281) 300-1869 Fax: () Email: david.kelly@dpkengineering.com

Description of Proposed Project: Small-Office Warehouse and Boat & RV Storage

Physical Location of Property: 503 E. Hufsmith, Tomball, TX, 77375 - 20' to Hospital Street.

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

Legal Description of Property: TR 64A TOMBALL OUTLOTS and .50 U/D INT IN TR 57 (2.025 AC)
TOMBALL OUTLOTS

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

HCAD Identification Number: 0352820000100 & 0352820000057 Acreage: 0.33 AC & 2.025 AC

Current Use of Property: Small house to be demolished (0.33 AC) and unimproved land (2.025 AC)

Proposed Use of Property: Small-Office Warehouse and Boat & RV Storage

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

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

X [Signature] 23 Oct. 2019.
Signature of Applicant Date

X [Signature] 23 Oct. 2019.
Signature of Owner Date

Date: 23 October 2019.

Dear City of Tomball,

We own a number of tracts at 503 E. Hufsmith location – see image below.

We would like the zoning on tracts 2 & 3 in image below to match the zoning of tract 1 which is currently General Retail with a CUP for Boat & RV Storage / Small-Office Warehouse.

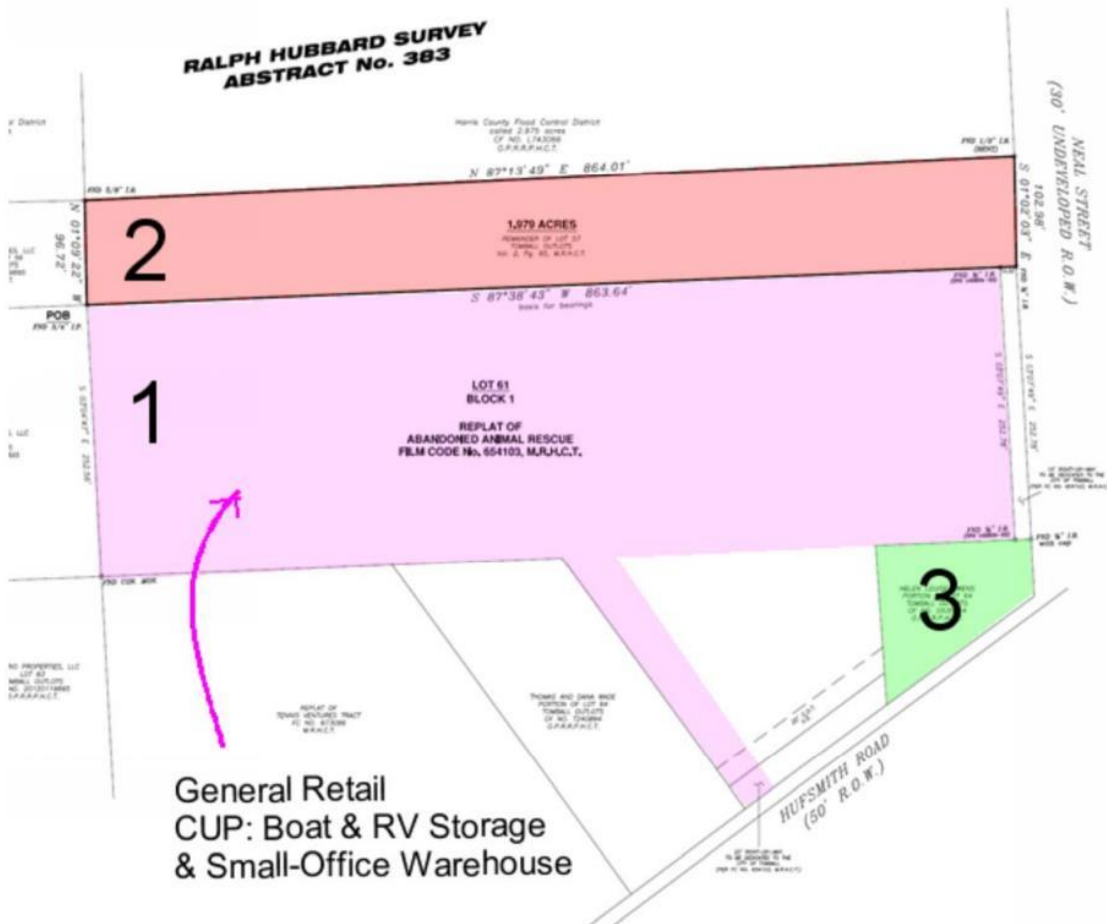
Please also review accompanied site plan for the proposed future project.

Thank you for your consideration.

B. Regards,

Lance Langenhoven, Member, Hufsmith Business Park, LLC.

832-483 8655.





TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
0.334 ACRES
IN THE RALPH HUBBARD SURVEY, ABSTRACT NO. 383
HARRIS COUNTY, TEXAS

BEING a 0.334 acre tract of land situated in the Ralph Hubbard Survey, Abstract No. 383, Harris County, Texas, being all of that certain tract described as a portion of Lot 64 of Tomball Outlots, in instrument to Helen Louise Owens, recorded under Clerk's File No. D535964 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.), said 0.334 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod with "TPS 100834-00" cap found for a common corner of said Owens tract and Lot 61, Block 1 of Replat of Abandoned Animal Rescue, recorded under Film Code No. 654103 of the Map Records of Harris County, Texas (M.R.H.C.T.), being the northwesterly corner of the herein described 0.334 acre tract;

THENCE North 87°38'43" East, with the common line of said Owens tract and said Lot 61, at distance of 129.54 feet, pass a ½ inch iron rod with "TPS 100834-00" cap found for the the easterly southeast corner of said Lot 61, the southwesterly corner of a 15-foot right-of-way to be dedicated to the City of Tomball, per said recorded plat of Replat of Abandoned Animal Rescue, in all, 144.54 feet, to a ½ inchh iron rod found with cap in the westerly margin Neal Street (30' width) undeveloped, for the common easterly corner of said Owens Tract and said dedicated right-of-way, and being the northeasterly corner of the herein described 0.334 acre tract, from which a ½ inch iron rod found for the northeasterly corner of said dedicated right-of-way bears North 03°07'49" West, 252.78 feet;

THENCE South 03°07'49" East, 53.51 feet, with the easterly line of said Owens tract, along the westerly margin of said Neal Street, to a ½ inch iron rod with cap stamped "TPS 100834-00" set at intersection of said Neal Street with Hufsmith Road (50' width), for the southeasterly corner of said Owens tract and the herein described 0.334 acre tract;

THENCE South 53°42'48" West, 170.07 feet, with the southeasterly line of said Owens tract, along the northwesterly margin of said Hufsmith Road, to a 5/8 inch iron rod with cap found for the common southerly corner of said Owens tract and a 25' right-of-way to be dedicacated, to the City of Tomball, per said recorded plat of Replat of Abandoned Animal Rescue, being the southwesterly corner of the herein described 0.334 acre tract;

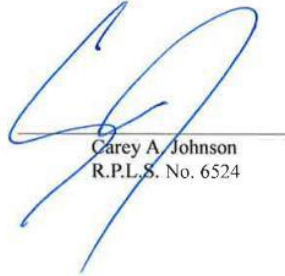
THENCE North 03°57'39" West, with the common line of said Owens tract and said 25' dedicated right-of-way and said Lot 61, at a distance of 29.59 feet, pass a ½ inch iron rod with "TPS 100834-00" cap found for reference, in all, 148.49 feet, to the **PLACE OF BEGINNING**;

CONTAINING a computed area of 0.334 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on February 6, 2019 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number L214-03.

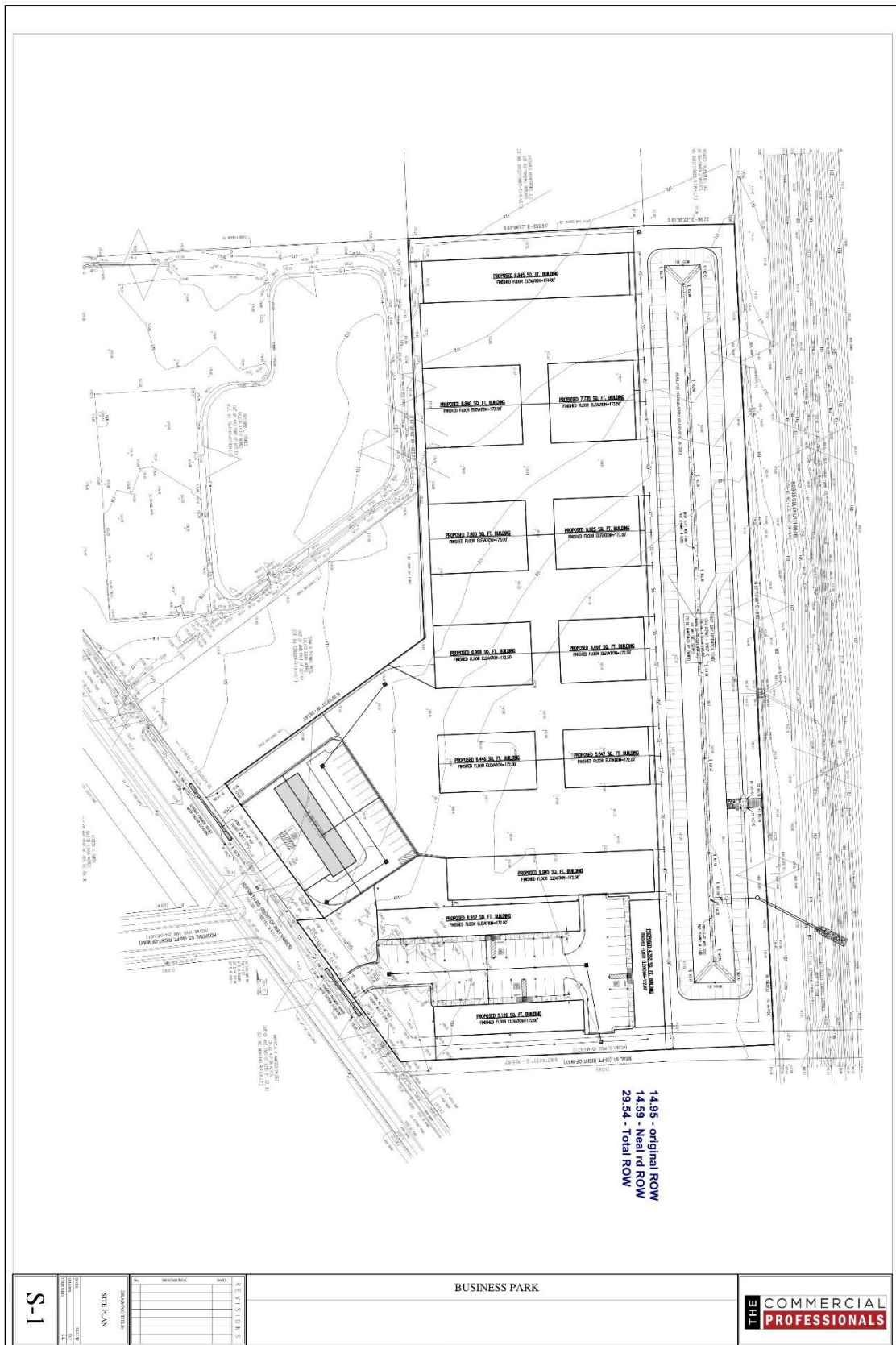
Bearings recited hereon are based the monumented northerly line of said Lot 61.

February 7, 2019
Date



Carey A. Johnson
R.P.L.S. No. 6524

Figure “F” Concept Plan



Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 16, 2019

Topic:

Consideration to approve **Zoning Case P19-157**: Request by Colleen Pye, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Conduct Public Hearing on **Zoning Case P19-157**
- Adopt, on First Reading, Ordinance No. 2019-36, 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 0.13 acres of land, legally described as Tract South ½ lots 34, 35, & 36 & Tract 33C Block 30 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District; said property being generally located on the west side of South Cherry Street, between Florence and McPhail streets; providing for the amendment of the official zoning map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday, December 9, 2019, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 4-0 vote.

Origination:

Colleen Pye

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-36
Notice of Public Hearing
Property Owner Notification
Public Comment Forms
Staff Report

ORDINANCE NO. 2019-36

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 0.13 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT SOUTH ½ LOTS 34, 35, & 36 & TRACT 33C BLOCK 30 TOMBALL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE OLD TOWN & MIXED USE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CHERRY STREET, BETWEEN FLORENCE AND MCPHAIL STREETS; 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, Colleen Pye has requested that approximately 0.13 acres of land, legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, within 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 Old Town & Mixed Use District; 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 & 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 & 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 & 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 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 16TH DAY OF DECEMBER 2019.

COUNCILMAN FORD	_____
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 6TH DAY OF JANUARY 2020.

COUNCILMAN FORD _____
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)
DECEMBER 9, 2019
&
CITY COUNCIL
DECEMBER 16, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 9, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 2019, 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 P19-156: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

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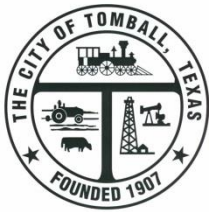
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **December 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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 the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P19-157

APPLICANT/OWNER: Colleen Pye

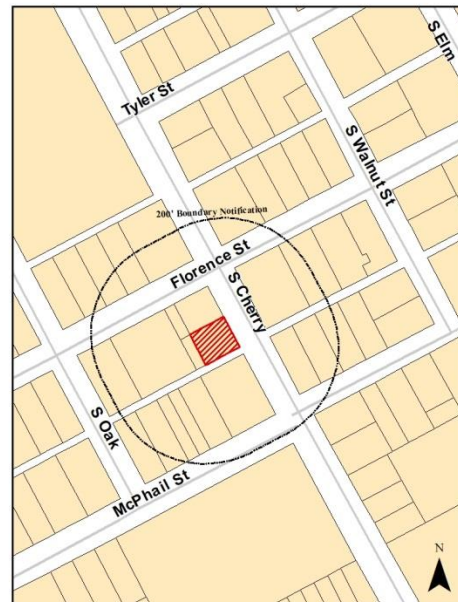
LOCATION: Generally located on the west side of South Cherry Street, between Florence and McPhail Streets.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, December 9, 2019, 6:00 PM**

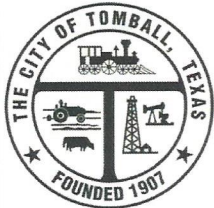
**City Council Public Hearing:
*Monday, December 16, 2019, 6:00 PM**

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

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

Nora Stovall

(please print)

Address:

307 Florence St
Tomball, TX 77375

Signature:

Nora Stovall

Date:

11/22/19

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-157. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-157. (Please state reasons below)

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

Monday, December 9, 2019 6:00 PM

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

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

Monday, December 16, 2019, 6:00 PM

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

COMMENTS:

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

Please reference the case number in the subject line.

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

Amelia Lindley

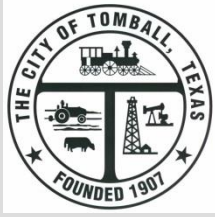
From: Nora Stovall <norastovall@sbcglobal.net>
Sent: Friday, November 22, 2019 7:58 PM
To: Amelia Lindley
Subject: P19-157
Attachments: Comment on Public Notice P19-157.pdf

Amelia,

I have no objection to change from Single Family to Old Town & Mixed Use.

In my opinion, a small business is less obtrusive than a residence especially if it is used as a rental property. I have attached my comment.

Nora Stovall
307 Florence
Tomball, TX 77375



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2019
City Council Public Hearing Date: December 16, 2019

Rezoning Case: P19-157
Property Owner(s): Christopher M and Colleen Pye
Applicant(s): Colleen Pye
Legal Description: South ½ Lots 34, 35, & 36 & Tract 33C Block 30 Tomball
Location: West side of South Cherry Street, between Florence and McPhail Streets (Exhibit “A”)
Area: 0.13 acres (5,480.65 square feet)
Comp Plan Designation: Old Town (Exhibit “B”)
Present Zoning and Use: Single-Family 6 District (Exhibit “C”) / Single-family residence (Exhibit “D”)
Request: Rezone from the Single-Family 6 District to the Old Town & Mixed Use District

Adjacent Zoning & Land Uses:

North: Single-Family 6 District / Chiropractic facility
South: Single-Family 6 District / Single-family residence
West: Single-Family 6 District / Undeveloped property
East: Single-Family 6 District / Attorney’s office

BACKGROUND

City staff met with the applicant to discuss the subject site earlier this year. The applicant submitted a Rezoning Application for the Commercial District. After discussing again with Staff, the applicant amended the request to the Old Town & Mixed Use District.

ANALYSIS

The proposed rezoning is for approximately 0.13 acres (5,480.65 square feet)) of land on South Cherry Street. The site is currently zoned Single-Family 6 District. Surrounding properties are also zoned Single-Family 6 District, however many of them are not operated as single-family residences.

The existing land uses in the area include a mixture of residential and non-residential developments. To the north, there is a chiropractic office and a daycare. On the east side of South Cherry Street, there are single-family residences and an attorney’s office. To the south of the

subject site, there is a single-family residence and an AT&T service station. To the west, there is undeveloped property and single-family residences.

The Comprehensive Plan Future Land Use Map designates the property and all surrounding properties as Old Town. According to Chapter Four (Vision) of the Comprehensive Plan, the Old Town & Mixed Use District is a compatible zoning district for the Old Town category. Appropriate land uses in this category “consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities”.

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 uses permitted in the Old Town & Mixed Use District appear to be appropriate in the immediate area. The uses allowed in the Old Town & Mixed Use District are typically low intensity uses, similar to the existing uses surrounding the subject site.

The proposed rezoning would add to the already mixed use nature of this area. There are single-family residences as well as existing non-residential uses in the surrounding area.

South Cherry Street is listed as a minor arterial in the City’s Major Thoroughfare Map. The functional role of a minor arterial is to serve high volumes of traffic at a citywide scale. Typically, non-residential uses are located along minor arterial roads.

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.

City utilities are available to the subject site.

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 zoned Old Town & Mixed Use District. There does not appear to be any special circumstances that 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 District in the City.

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

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

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

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

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

The Comprehensive Plan Future Land Use Map designates the property as Old Town. The purpose of the Old Town category is to promote a distinct sense of place. “Land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities” and the Old Town & Mixed Use District is a compatible zoning district for the Old Town designation. The request meets the intent and character of the Old Town category.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 20, 2019. The Notice of Public Hearing was published in the paper on November 20, 2019. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-157 for the following reasons:

1. The request meets the goals of City’s Comprehensive Plan;
2. The request is in conformance with the Future Land Use Map;
3. The request is appropriate with the surrounding land uses in the area;
4. The request is generally appropriate with the surrounding zoning districts.

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 Photo**



Exhibit "E"
Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant
Name: Colleen Rye Title: Owner
Mailing Address: 2017 Florence City: Tomball State: TX
Zip: 77375
Phone: (281) 932-2784 Fax: () Email: info@colleenrye.com

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

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: NA City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Turn Commercial old town/mixed use
Physical Location of Property: 5045 Cherry St 77375

[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: Block 30 Lots 33, 34, 35, 36 Revised Tomball
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SFRL
Current Use of Property: Residential
Proposed Zoning District: Commercial
Proposed Use of Property: Commercial Rental
HCAD Identification Number: 3 1/2 33, 34, 35, 36 Acreage: _____

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 Colleen Pye 6/27/2019
Signature of Applicant Date

X AP 6/27/2019
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 01097409 10/25/2019 8:52 AM
OPER: MF TERM: 002
REF#: W ZONING APP 1033

TRAN: 130.0000 PLANNING AND ZONING
504 S CHERRY
COLLEEN PYE
100-5441
REZONING APPLICATION 400.00CR

TENDERED: 400.00 CHECK
APPLIED: 400.00-

CHANGE: 0.00

To: City of Tomball

From : Al and Colleen Pye

Re: 504 Cherry

We would change are newly remodeled home into a commercial space. We see it being an attorney, spa or small business. There is a single family residence to the left and a business to the lright. Any commercial tenant would have day hours and would have be respectful of neighbors.

Al and Colleen Pye

Al Pye
Colleen Pye 6/26/2019

