

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



MONDAY, MARCH 18, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 18, 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 Mike Hernandez – Local Church

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

- April 13, 2019 – **2nd Saturday at the Depot**
- April 8-13, 2019 – **Tomball Annual Spring Clean-Up and Chipping Week**

- April 13, 2019 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Approve the Minutes of the March 4, 2019 Regular Tomball City Council Meeting

7.0 New Business:

- 7.1 Conduct Public Hearing and Review of the City of Tomball’s Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance
- 7.2 Adopt, on First Reading, Ordinance No. 2019-04, an Ordinance of the City of Tomball, Texas, Continuing the City’s Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto
- 7.3 Consideration to Approve **Zoning Case P19-017**: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.
- Conduct Public Hearing on **Zoning Case P19-017**
 - Adopt, on First Reading, Ordinance No. 2019-05, 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 One Acre of Land, Legally Described as Tract 10C Abstract 629 J Pruitt, Within the City of Tomball, Harris County, Texas, From The Single-Family 6 District to the General Retail District; Said Property Being Generally Located on the North Side of Timkin Road, East of Blackshear Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.
- 7.4 Consideration to Approve **Zoning Case P19-018**: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.
- Conduct Public Hearing on **Zoning Case P19-018**
 - Adopt, on First Reading, Ordinance No. 2019-06, 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 Don Cannon, to Operate an “Office Showroom/Warehouse”; Said Property Being Approximately One Acre, and Being Legally Described as Tract 10C Abstract 629 J Pruitt, Harris County, Texas, Generally Located on the North Side of Timkin Road, East of Blackshear Road; 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.

7.5 Consideration to Approve **Zoning Case P19-023**; Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

- Conduct Public Hearing on **Zoning Case P19-023**
- Adopt, on First Reading, Ordinance No. 2019-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances By Amending Section 50-79 (Old Town And Mixed Use District) By Reducing the Required Building Setbacks For Nonresidential Uses in a Portion of the Old Town Area; 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.

7.6 Adopt, on First Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed Materials Can Be Discharged into Sewer System; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

8.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of March 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: March 18, 2019

Topic:

- Led by Pastor Mike Hernandez – Local Church

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 18, 2019

Topic:

- April 13, 2019 – **2nd Saturday at the Depot**
- April 8-13, 2019 – **Tomball Annual Spring Clean-Up and Chipping Week**
- April 13, 2019 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Tomball Annual Spring Clean-Up and Chipping Week
Tomball Consolidated Recycling Day

City of Tomball
Spring Clean-up 2019
Week of April 8 - 13, 2019
Monday – Friday 8:00 am - 4:30 pm
Saturday 8:00 am – 2:00 pm

Objective:

Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. **** (Remember this is for residents of Tomball only (must have City utility bill as proof); NO COMMERCIAL BUSINESS OPERATORS).****

Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Huffsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:

- | | | |
|------------------------------|--------------------------|-----------------------------------|
| • Lumber | • Bricks (small amount) | • Gutter material |
| • Bicycle parts | • Empty buckets or pails | • Cardboard boxes |
| • Plywood (4 cubic yd. max) | • Rocks (small amount) | • Lawn mowers (oil & gas removed) |
| • Rugs/carpet | • Washing machines | • Dishwashers |
| • Siding | • Dryers | |
| • Clothing | • Water heaters | |
| • Box springs and mattresses | • Furniture | |

Not Acceptable:

- | | | |
|----------------------------------|--|--|
| • Tree trimmings | • Insecticides | • Raw meats, food products or byproducts |
| • Limbs or stumps | • Container with unmarked labels holding liquids | • Televisions |
| • Tires | • Sealed containers of any type | • Computers |
| • Engine blocks | • Large amounts of construction or demolition material | • Refrigerators |
| • Structural steel | • Smoke detectors | • AC units |
| • Equipment with oil or gasoline | • Pressurized vessels | • Appliances with Freon or fluids |
| • Fertilizers | • Flammable, combustible or corrosive products | • Paint |
| • Pool chemicals | | • Sharps (needles) |
| • Batteries | | |
| • Oil filters/ Oil | | |

All appliances must be drained and tagged by a licensed technician.

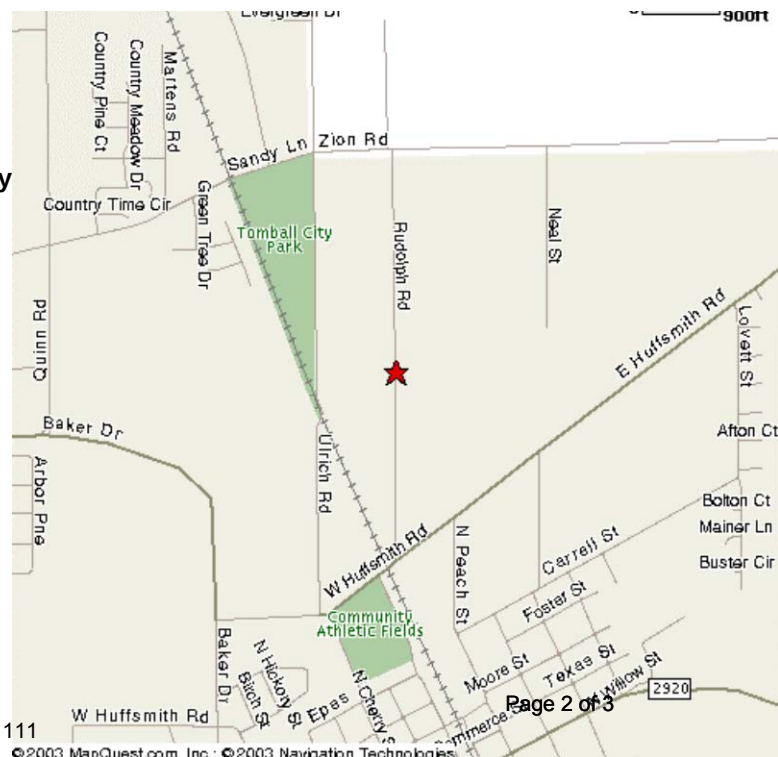
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1425** the week **before** the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

- Turn all big ends toward road or in one direction
- Limit size to 6 ft.-8 ft., maximum
- Keep logs separate from limbs, nothing over 6" dia.
- Place limbs & brush near roadside and not on property
- Leaves are to be bagged for regular garbage pickup Monday and Thursday

Map to Tomball landfill site



Tomball Consolidated Recycling Day

Lone Star College- Tomball Campus
30555 Tomball Parkway
South Entrance

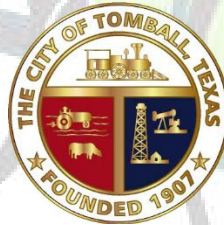
Saturday, April 13, 2019 - 10am-2pm

Drive Thru and Drop off the Following *APPROVED* items:

E-Waste (Computers and all accessories, Fax Machines, Laptop Batteries, UPS/Lithium/Ni-cad Batteries, Small Kitchen Appliances), Prescription Drugs (Pill & Liquid), Tires (Car/Truck/ATV), Car Battery (Non-Leaking), Used Motor oil, Household Paper/Plastics, Paper Shredding

***NEEDLES, PLASTIC BAGS, PAINT, STYROFOAM, GLASS, OR
HOUSEHOLD TRASH WILL NOT BE ACCEPTED***

THANKS TO OUR COMMUNITY PARTNERS AND SPONSORS!!



Outrageously Dependable®



Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 18, 2019

Topic:
Approve the Minutes of the March 4, 2019 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve Minutes

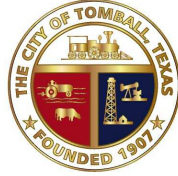
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the March 4, 2019 Regular City Council Meeting

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



**MONDAY, MARCH 4, 2019
6:00 P.M.**

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

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Director of Public Works – Beth Jones
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Assistant Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
Community Center Manager – Rosalie Dillon
Warrant Officer/Bailiff – Ron McGullion
CSO-Administrative Assistant – Sasha Luna
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Robert Hauck.

3.0 Pledges to U. S. and Texas Flags were led by Joe Sykora.

4.0 No public comments were received.

5.0 Reports and Announcements:

- March 9, 2019 – **2nd Saturday** at the Depot
- March 16, 2019 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- March 18, 2019 – Public Hearing regarding renewal of the Juvenile Curfew Ordinance
- April 13, 2019 – **2nd Saturday** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the February 18, 2019 Regular Tomball City Council Meeting

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2019-01, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision). Vote was as follows:

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

Motion carried unanimously.

7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2019-02, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>

Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.3 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2019-03, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Four 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>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 Receive Presentation from the Texas Railroading Heritage Museum Board and Architect and Possible Action to Approve the Texas Railroading Heritage Museum Architectural Concept, Including:
- a. Update of TRHM History and 2018 Activities;
 - b. Presentation by the Architect and Bill Capdevielle, President-TRHM; and
 - c. Challenges, Requests, and Proposed Actions.

Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Texas Railroading Heritage Museum Architectural Concept as presented by the Texas Railroading Heritage Museum Board.

Motion carried unanimously.

- 8.2 Conduct Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Mayor Fagan opened the Public Hearing at 6:50 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:50 p.m.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, as a Project of the Tomball Economic Development Corporation, an Agreement to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Breaux Machine Works located at 28006 High Meadow Rd., Tomball, TX 77377. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$118,908.00.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to reappoint Regular Board Members Jarmon Wolfe, Billy Hemby, and Susan Harris, and Alternate Rocky Pilgrim to their respective positions on the Board of Adjustment, for new Terms Expiring March 2, 2021.

Motion carried unanimously.

Regular Board Members Jarmon Wolfe, Billy Hemby, and Susan Harris, and Alternate Rocky Pilgrim are reappointed to their respective positions.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reappoint Mary Harvey to Position 2, appoint Ted Mielke to Position 5, and appoint Raymond Francois to Position 8 of the Tourism Advisory Committee Board, for Terms expiring December 5, 2021.

Motion carried unanimously.

Mary Harvey is reappointed to Position 2, Ted Mielke is appointed to Position 5, and Raymond Francois is appointed to Position 8.

- 8.6 Motion was made by Councilman Ford, second by Councilman Townsend, to approve Resolution No. 2019-07, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 4th Day of May, 2019, in Accordance with Section 2.053(A) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election
Fue presentada una moción por el Concejal Ford, secundada por el Concejal Townsend, para aprobar la Resolución Nro. 2019-07, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 4 de mayo de 2019; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Ford, tán thành bởi Ủy Viên Hội Đồng Townsend, để chấp thuận Nghị Quyết số 2019-07, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 4 tháng Năm, 2019; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó.

提案是由市議員Ford, 第二由市議員Townsend, 批准決議案編號2019-07, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2019年5月4日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

- 8.7 Motion was made by Councilman Townsend, second by Councilman Ford, to approve an Agreement between the City of Tomball and ExxonMobil Pipeline Company for Reimbursement of Costs Associated with the Work to Cut and Remove Pipeline Sections at the M121W Drainage Channel Crossings to ExxonMobil Pipeline Co., at an Estimated Cost of \$123,384.29

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Ford, to award Contract for E&P Project Number 2017-10002 Critical Needs Improvements for the North and South Wastewater Treatment Plants to Alfa Laval for Repairs to the Centrifuge at the South Wastewater Treatment Plant, in the Amount of \$132,849.27

Motion carried unanimously.

9.0 Motion was made by Councilman Townsend, second by Councilman Ford, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of March 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 18, 2019

Topic:

Conduct Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

The first public hearing was held on March 4; this is the second public hearing regarding the effectiveness and the need to continue the ordinance.

The first reading of the ordinance will follow the second public hearing and the second reading of the ordinance will be held on April 1, 2019 in order to satisfy the state-required timeframe for readoption.

Origination:

[L.G.C., Section 370.002(2)]

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

Notice of Public Hearings - March 4, 2019 and March 18, 2019
 Current Ordinance No. 2016-03

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

**MONDAY, MARCH 4, 2019
AND
MONDAY, MARCH 18, 2019**



6:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 4, 2019, and Monday, MARCH 18, 2019, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

**CONDUCT A PUBLIC HEARING AND REVIEW OF THE
CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE
TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH,
CONTINUE OR MODIFY THE ORDINANCE.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than February 27, 2019 for the March 4, 2019 Public Hearing and no later than March 13, 2019 for the March 18, 2019 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of February 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

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.

ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING
THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING
OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 30 of the Tomball Code of Ordinances; and

WHEREAS, the City has reviewed and continued the juvenile curfew ordinance by adopting a new ordinance every three years; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 7, 2016 and March 21, 2016 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community

and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF MARCH 2016.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 4th DAY OF APRIL 2016.

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

Gretchen Fagan
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer
DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 18, 2019

Topic:

Adopt, on First Reading, Ordinance No. 2019-04, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings were held on March 4 and March 18, 2019 regarding the effectiveness and the need to continue the ordinance. This will be the first reading of the ordinance.

Ordinance No. 2016-03 was adopted on April 4, 2016; the new ordinance must be adopted within the three-year timeframe. The adoptive date (second reading) of Ordinance No. 2019-04 will be considered on April 1, 2019.

The requirements under LGC, Sec. 370.002, regarding the adoption/readoption of juvenile curfew ordinances, have not been amended as of today's date.

Origination:

Billy Tidwell, Chief of Police

Recommendation:

Adopt Ordinance No. 2019-04 on First 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

ATTACHMENTS:

Ordinance No. 2019-04

ORDINANCE NO. 2019-04

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING
THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING
OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 30 of the Tomball Code of Ordinances; and

WHEREAS, the City has reviewed and continued the juvenile curfew ordinance by adopting a new ordinance every three years; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 4, 2019 and March 18, 2019 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community

and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 18TH DAY OF MARCH 2019.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 1ST DAY OF APRIL 2019.

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 18, 2019

Topic:

Consideration to Approve **Zoning Case P19-017**: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.

- Conduct Public Hearing on **Zoning Case P19-017**
- Adopt, on First Reading, Ordinance No. 2019-05, 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 One Acre of Land, Legally Described as Tract 10C Abstract 629 J Pruitt, Within the City of Tomball, Harris County, Texas, From The Single-Family 6 District to the General Retail District; Said Property Being Generally Located on the North Side of Timkin Road, East of Blackshear Road; Providing For the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On Monday, March 11, 2019, after conducting a public hearing, the Planning & Zoning Commission voted to recommend denial of the rezoning request with a 1:3 vote.

Origination:

Don Cannon

Recommendation:

Adopt Ordinance No. 2019-05 on First Reading

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. 2019-05

Staff Report

Notice of Public Hearing

Property Owner Notification Letter

Response Forms

ORDINANCE NO. 2019-05

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 ONE ACRE OF LAND, LEGALLY DESCRIBED AS TRACT 10C ABSTRACT 629 J PRUITT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE GENERAL RETAIL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF TIMKIN ROAD, EAST OF BLACKSHEAR ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Don Cannon has requested that approximately one acre of land, legally described as Tract 10C Abstract 629 J Pruitt, generally located on the north side of Timkin Road, east of Blackshear Road, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of 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 6 District 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF MARCH 2019.

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

SECOND READING:

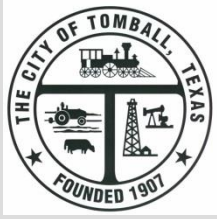
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2019.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 11, 2019
City Council Public Hearing Date: March 18, 2019

Rezoning Case: P19-017
Property Owner(s): Don Cannon
Applicant(s): Don Cannon
Legal Description: One acre of Tract 10C Abstract 629 J Pruitt
Location: North side of Timkin Road, east of Blackshear Road (Exhibit “A”)
Area: 1 acre (total site is 2.35 acres)
Comp Plan Designation: Medium Density Residential (Exhibit “B”)
Present Zoning and Use: Single-Family 6 District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Request: Rezone from the Single-Family 6 District to the General Retail District to match the rest of the property

Adjacent Zoning & Land Uses:

North: General Retail District / Undeveloped, FM 2920, machine shop

South: Single-Family 6 District / Single-family residences

West: Single-Family 6 District / Single-family residence

East: Single-Family 6 District / Undeveloped

BACKGROUND

In January 2019, City Staff met with the property owner to discuss the proposed development of a general retail store and office/warehouse at the subject site. City Staff informed the property owner that a majority of the property is zoned General Retail, however, the remaining property zoned Single-Family 6 would need to be rezoned in order to develop office/warehouses.

ANALYSIS

The property is currently split-zoned General Retail and Single-Family 6 District and is undeveloped. Properties in the immediate area are zoned General Retail and Single-Family 6 District to the east, south and west.

The majority of the surrounding properties are single-family residences or undeveloped; however, Concordia Lutheran High School campus and Chestnut Business Park are in the immediate area.

The Comprehensive Plan designates the property as Medium Density Residential. Properties in the area are designated as Employment/Office and Medium Density Residential. According to the Comprehensive Plan, the Future Land Use Map “presents the general layout of future land uses throughout Tomball, however, when making land use decisions, the Comprehensive Plan as a whole, text included, needs to be considered” (Page 54). The Future Land Use Map is also not meant to be parcel specific and it is important to note that the northern portion of the subject site (already zoned General Retail) is designated as Employment/Office.

The Comprehensive Plan discusses requests that are inconsistent with the Future Land Use Map and states the Planning and Zoning Commission and City Council should consider additional relevant information affecting the parcel of land. The applicant has provided the following answers to considerations on deviations from the Plan:

- “Will the proposed development enhance the City economically? **Yes: 4 to 6 additional office-warehouse space translates into 4 to 6 additional new or relocating small businesses, or home businesses outgrowing the home base.**
- Will the proposed development enhance the City aesthetically? **Yes, Better than vacant land with brush**
- Is the proposed development consistent with the City’s goals, objectives, and actions? **Developing this area is certainly in line with the recent developments of Chestnut/Lizzie**
- Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan? **Yes. From an ownership perspective and from a real estate perspective, this area will most likely never be considered for new residential developments. The owner has had the property listed for about 10 years, and has only received inquiries from commercial clients, never from residential developers or individuals. This statement is reinforced by the fact that it was listed simultaneously commercially and as a residential lot on the HAR.**
- Will the proposed development impact adjacent residential areas in a positive or negative manner? **Positive manner. This will only enhance the value of the surrounding properties. The Use proposed will allow for a mild transition between the residential areas of Timkin and the industrial areas of Persimmon.**
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact? **Adequate access, yes, this property has Approx. 135’ of frontage on Timkin, which allows for a wide driveway, that will facilitate the ingress and egress with commercial vehicles.**
- Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility? **To the West, there is a property similarly dual zoned that is used as a recycling/junk yard, to the east, the dual zoned property is similarly dual zoned, and has been for sale for that same amount of time, if not longer. It is vacant brush and vacant up to Persimmon.**
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community? **We believe the development of this property will trigger further improvements in the area from a commercial standpoint.**

Adding available space for businesses should allow for the creation of several jobs (public welfare) , the addition of tax assessed value (Community welfare). There may be a slight reduction in pests (wasps, snakes and mosquitoes) in ridding the property of the brush. (Public Health) but we are not specialists in this matter and cannot know what this impact will be.”

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 General Retail District are typically not considered intense and could be appropriate in the immediate area. The whole parcel of land, which is a total of approximately 2.35 acres, has frontage on FM 2920. The property was split-zoned when the City adopted Zoning in 2008. The proposed rezoning would allow the property owner to use the entire property as a General Retail development.

- 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.**

Adequate utilities are available to serve this property and the existing streets adjacent to the property can accommodate traffic generated by a General Retail District development. The property has frontage on FM 2920 and is also close to South Persimmon, which is a minor arterial.

- 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 District. 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; however, there has not been development in the immediate area of the subject site.

- 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 Future Land Use Map designates a portion of the property as Medium Density Residential. The Comprehensive Plan also focuses on development proposals in relation to their economic impact on the City and promoting cohesive land use patterns that minimizes incompatible land uses. This property, as a whole, has frontage on FM 2920 and is in close proximity to South Persimmon Road, both of which are arterials. When considering the best use of the whole property, it does not appear that this property is best suited for a single-family development. It is also important to note that a majority of this property is already zoned General Retail District. This proposed rezoning is only for the one acre remaining that is zoned Single-Family 6 District.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 22, 2019. The Notice of Public Hearing was published in the paper on February 27, 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 P19-017 for the following reasons:

1. It does not appear that a single-family development would be appropriate on this site;
2. The proposed rezoning would match the current zoning of the majority of the whole property;
3. The request is generally appropriate with the surrounding zoning district of General Retail along FM 2920.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

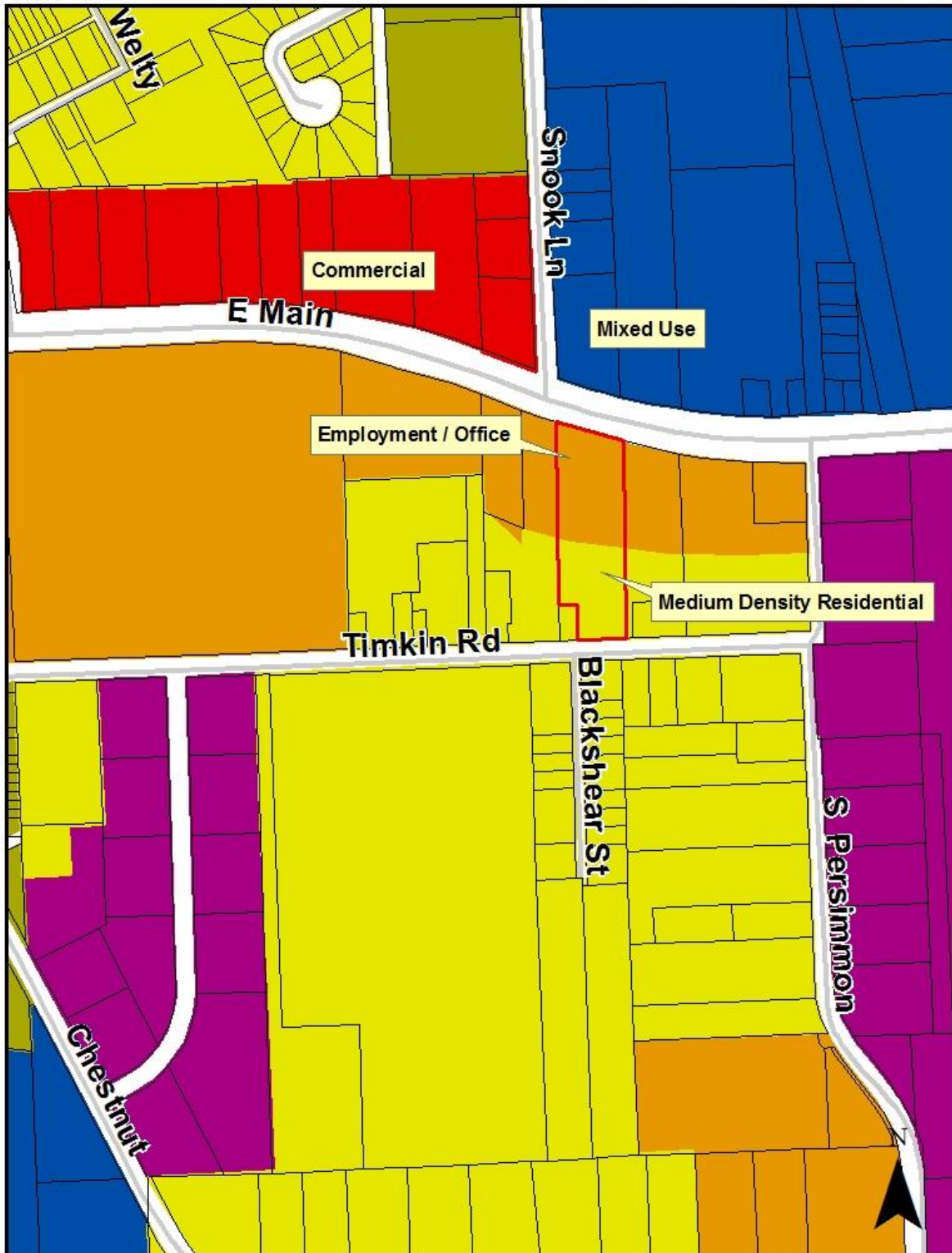
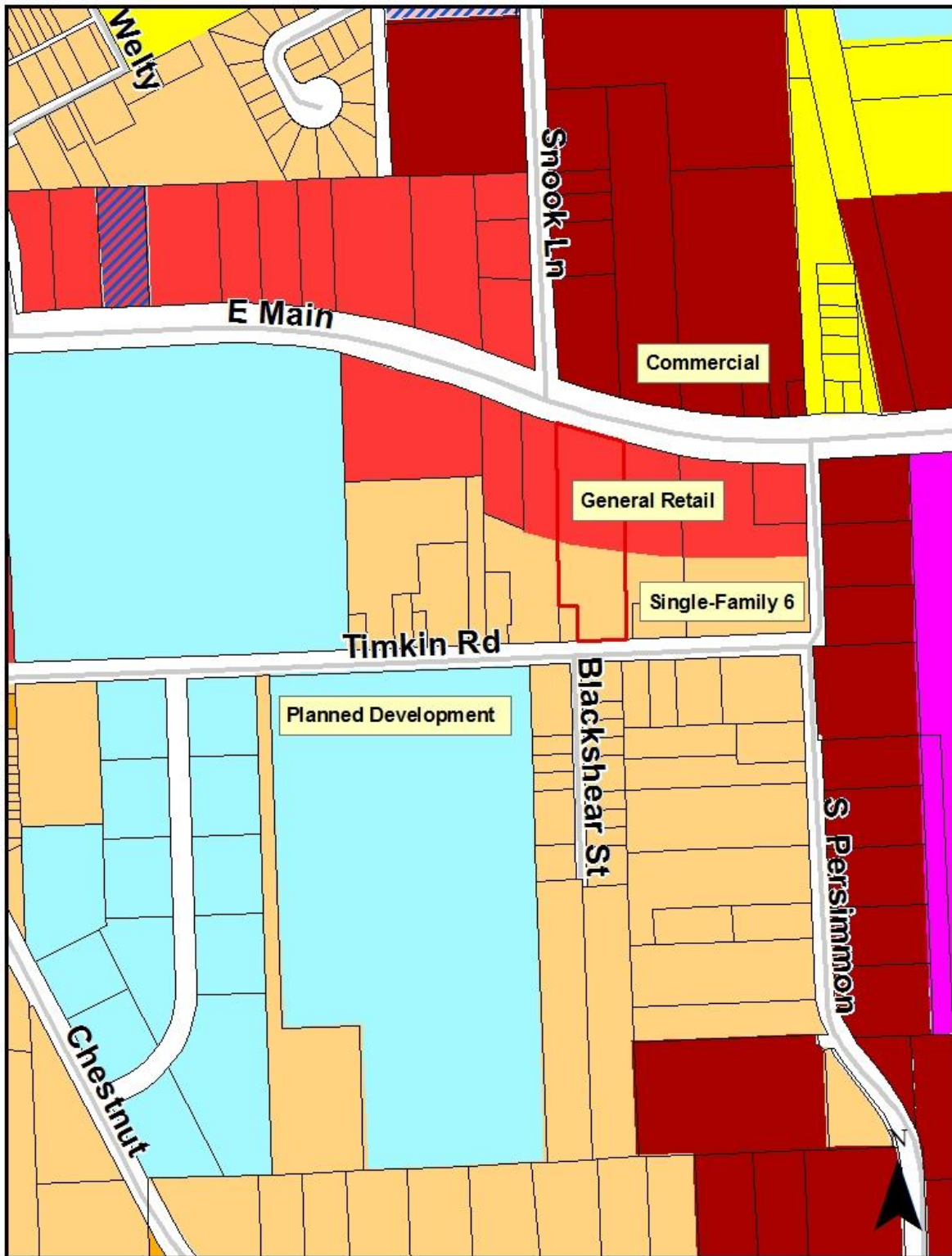


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E" Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant

Name: DON CANNON Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377-1776
Phone: (281) 924-3469 Fax: () Email: don@motionmachinery.net

Owner

Name: Don Cannon Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377-1776
Phone: (281) 924-3469 Fax: () Email: don@motionmachinery.net

Engineer/Surveyor (if applicable)

Name: Keith Durrett Title: Contractor
Mailing Address: 110 N. Pine City: Tomball State: TX
Zip: 77375
Phone: (281) 351-5748 Fax: () Email: keith.durrett@yahoo.com

Description of Proposed Project: Tract TR10C development

Physical Location of Property: south of 2920, across Snook Ln & on Timkin 600' west of Persimmon
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 10C ABST 629 J PRUITT +/- 2.3 acres
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Dual Zone: North half is General Retail, South half is residential 6

Current Use of Property: Vacant for sale

Proposed Zoning District: General Retail

Proposed Use of Property: General Retail/Commercial

HICAD Identification Number: 0440550000051 Acreage: 2.34

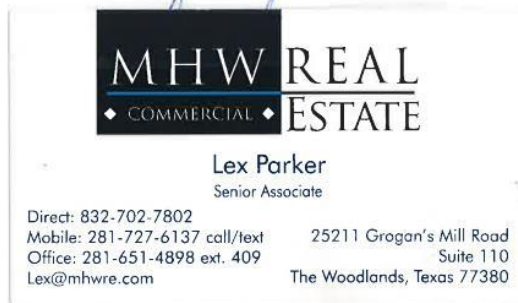
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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 *Donald Cannon* 1-31-19
Signature of Applicant Date

X *Lex Park* 1/31/19
Signature of Owner Date
agent of owner



CITY OF TOMBALL
281-351-5484

REC#: 01062684 1/31/2019 2:28 PM
OPER: SK TERM: 005
REF#: W 1481

TRAN: 130.0000 PLANNING AND ZONING
DON CANNON
TRACT TR10C DEVELOPMENT
100-5441
REZONING APPLICATIO 410.00CR

City of Tomball, Texas

www.tomballtx.gov

TENDERED: 410.00 CHECK
APPLIED: 410.00-
CHANGE: 0.00



P. O Box 1776 Tomball TX 77377 Office 281-357-8200 or 877-399-3860 Fax 281-351-8790

January 31, 2019

City of Tomball
501 James Street
Tomball, TX 77375

RE: Tract TR10C – Re-Zoning and Conditional Use Permit Applications
Letter Stating Reason for Request and Issues Relating to Request

Current zoning of Tract TR10C is split between General Retail and Residential. This “duel” zoning of the tract is currently preventing the tract from being sold or developed as one or the other uses.

We currently have received an offer on the tract, for a General Retail use, however the sale is contingent on a resolution of the zoning disparities.

Based on the apparent future of the area, cornered between FM 2920, Persimmon and Timkin, the recent industrial development on Chestnut and Lizzie, and based on the need to conduct business within the regulations for the improvement of the area, the inevitable growth of Tomball and the benefit of its citizens, we are submitting these applications in an effort to unlock the sale of our property and allow business to flourish.

Ideally, this rezoning effort should extend to surrounding vacant properties that are in the same situation.

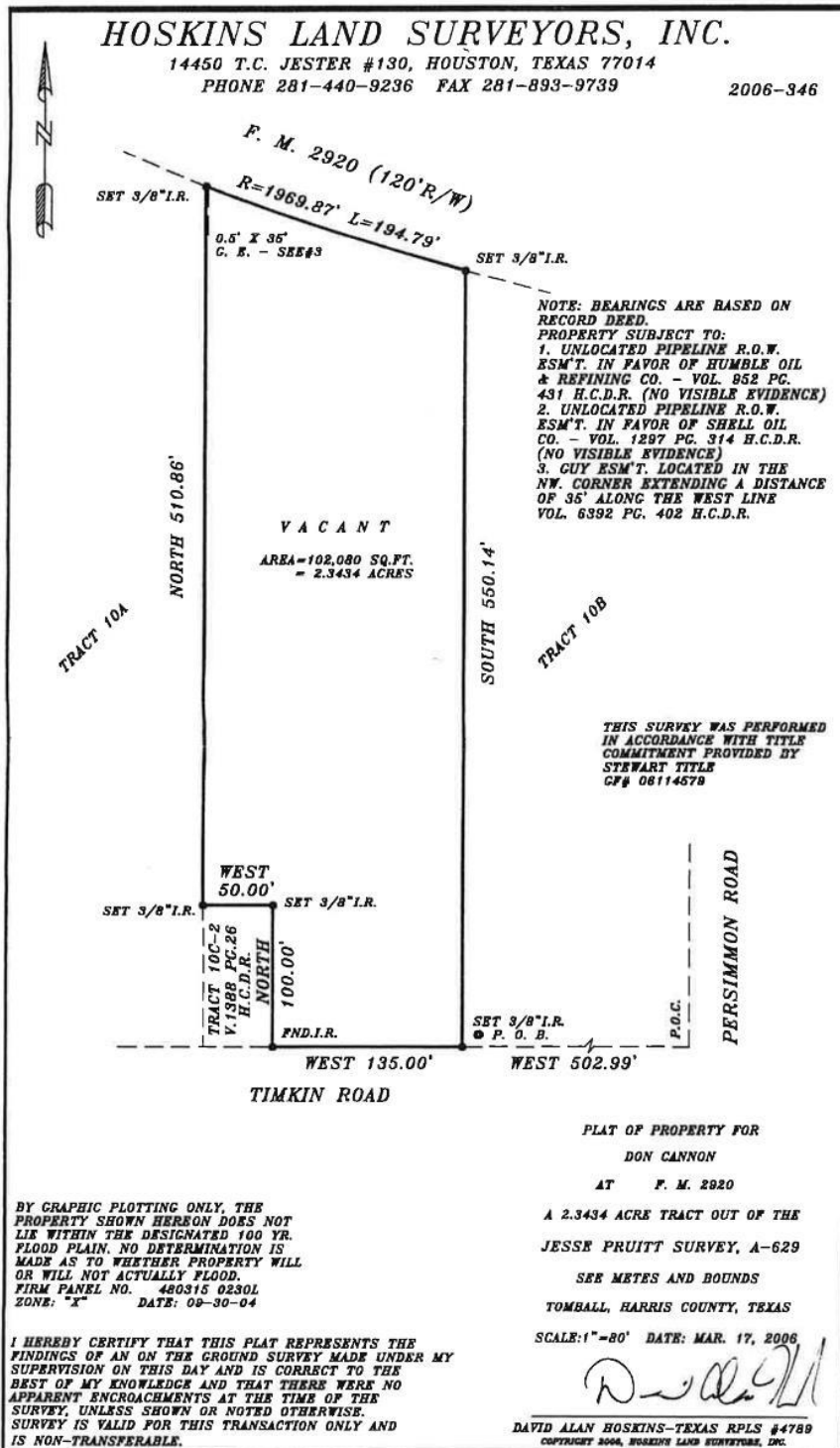
Thank you,

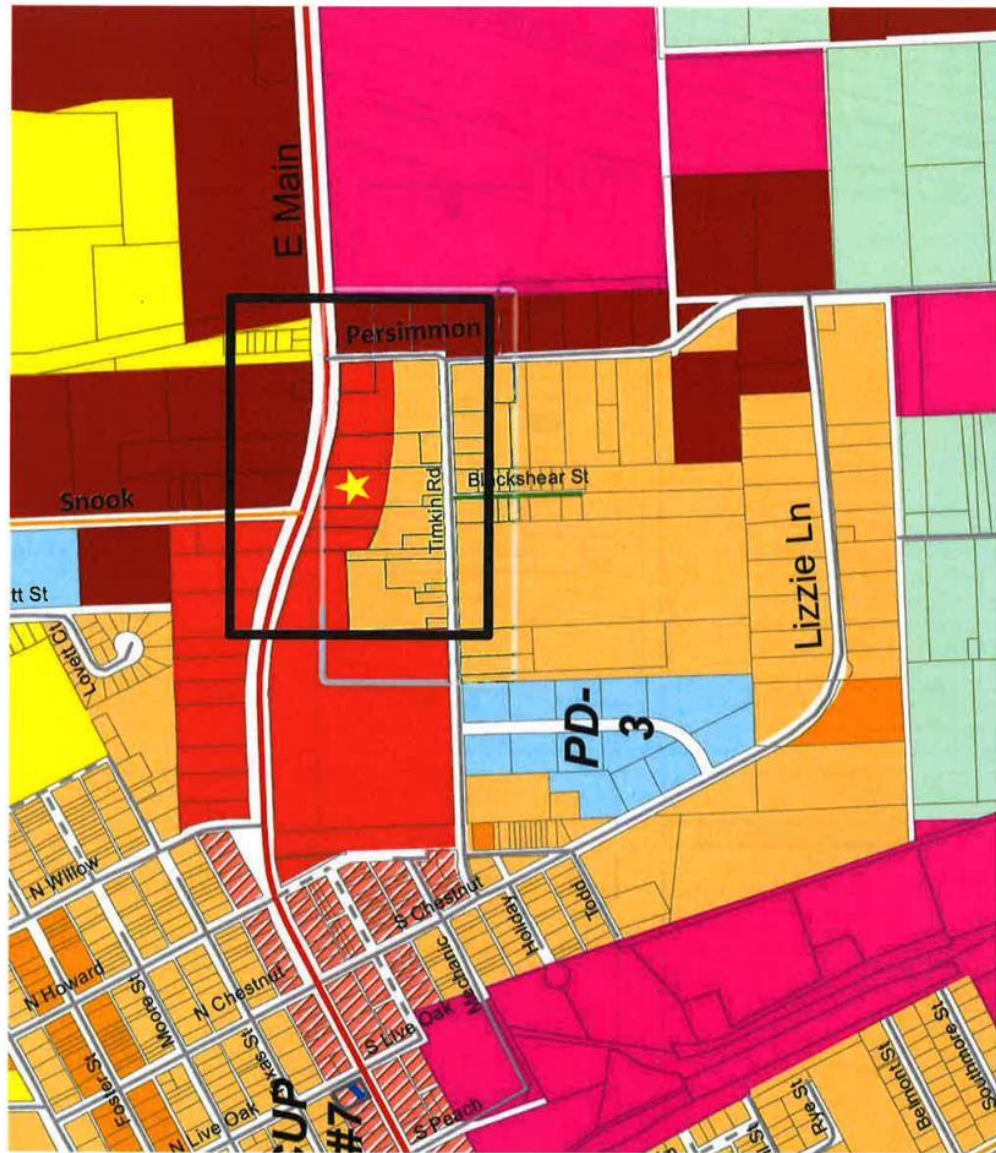

Donald Cannon

HOSKINS LAND SURVEYORS, INC.

14450 T.C. JESTER #130, HOUSTON, TEXAS 77014
PHONE 281-440-9236 FAX 281-893-9739

2006-346





Rendering Not to scale



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.

Zoning Case P19-018: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

Zoning Case P19-023: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

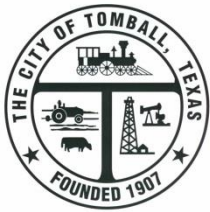
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, 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 **7th** day of **March 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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: P19-017

APPLICANT/OWNER: Don Cannon

LOCATION: North side of Timkin Road, east of Blackshear Road

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the General Retail District.

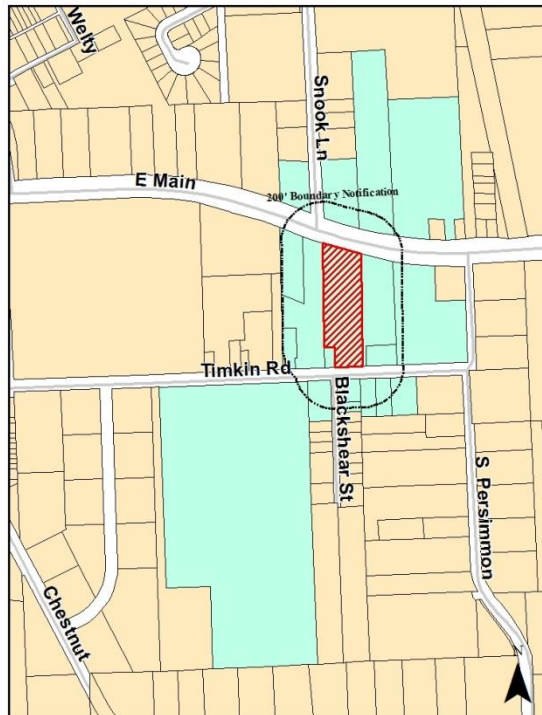
CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

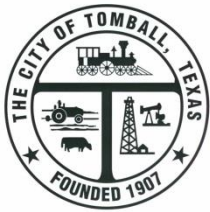


**Planning & Zoning Commission
Public Hearing:
Monday, March 11, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, March 18, 2019, 6:00 PM**

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

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



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: _____

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P19-017. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P19-017. (Please state reasons below)**

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

Monday, March 11, 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, March 18, 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: Cassandra <cbradleyt@sbcglobal.net>
Sent: Wednesday, March 06, 2019 6:35 AM
To: Amelia Lindley
Subject: Case number P19-017

I am **against** this zoning request because we (my family and neighbors) want to preserve our neighborhood with families, homes and animals, not more commercial buildings, traffic, strangers and crime. This is a residential area and there are too many businesses in our neighborhood already. The traffic is horrible, and it is often difficult for the residents to get out of their yards. Many of my neighbors including myself no longer feel safe walking down the streets near our home due to high traffic and commercial buildings.

I want to continue to enjoy a simple county lifestyle without being surrounded by commercial properties crowding us out of our neighborhood. There are already plenty of vacant commercial properties in the area.

Thanks,

Cassandra Blackshear
911 Timkin Rd.
Tomball, TX 77375

Sent from [Mail](#) for Windows 10



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:

Cassandra Blackshear

(please print)

Address:

911 Timkin Rd
Tomball TX 77375

Signature:

Cassandra Blackshear

Date:

3/2/19

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-017. (Please state reasons below)

✓ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-017. (Please state reasons below)

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

Monday, March 11, 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, March 18, 2019, 6:00 PM

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

COMMENTS:

I am against this zoning request because we (my family and neighbors) want to preserve our neighborhood with families, homes and animals, not more commercial buildings, traffic, strangers and crime. This is a residential area and there are too many businesses in our neighborhood already. The traffic is horrible, and it is often difficult for the residents to get out of their yards. Many of my neighbors including myself no longer feel safe walking down the streets near our home due to high traffic and commercial buildings.

I want to continue to enjoy a simple county lifestyle without being surrounded by commercial properties crowding us out of our neighborhood. There are already plenty of vacant commercial properties in the area.

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

Jo Ann Scott

(please print)

Address:

919 Timkin Rd

Tomball, TX 77375

Signature:

Jo Ann Scott

Date:

March 5, 2019

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-017. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-017. (Please state reasons below)

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

Monday, March 11, 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, March 18, 2019, 6:00 PM

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

COMMENTS:

I am AGAINST THIS CHANGE OF ZONING, DUE TO MY CONCERN OF INCREASED CRIME & TRAFFIC CONDITIONS IN THE AREA. SHOULD A BUSINESS BE ALLOWED IN THIS AREA. WE ALREADY HAVE ENOUGH CONGESTION WITH TRAFFIC IN THE AREA DUE TO THE SCHOOL IN THE AREA. PLEASE DO NOT MAKE THIS REQUEST CHANGE

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.

From: [Amelia Lindley](#)
To: [Craig Meyers](#); [Elizabeth Jones](#)
Subject: Fwd: Case Number P19-017 Zoning Proposal
Date: Friday, March 08, 2019 9:51:26 AM

----- Forwarded message -----

From: Jeanette Holiday <alana717@sbcglobal.net>
Date: Mar 8, 2019 9:33 AM
Subject: Case Number P19-017 Zoning Proposal
To: Amelia Lindley <alindley@tomballtx.gov>
Cc: Alana Holiday <alana717@sbcglobal.net>

Ref: Case Number P19-017

Hello Amelia Lindley,

I pray that this email finds you in the best of health. This email is in regard to case# P19-017 zoning proposal on the

North side of Timkin Road, east of Blackshear Road. As you are aware the applicant/owner: Don Cannon

would like for the city to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately

one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County,

Texas, from Single-Family 6 District to the General Retail District. I'm not sure if this gentleman is aware of the fact

that Powerhouse Church is right across the street from where he is requesting rezoning and we are against it. We

are against it for various reason that will be listed below. Powerhouse Church has been in the neighborhood for 75 years

and have endured many obstacles over the years but we are still standing strong as a church in our local

black community. Therefore Powerhouse along with our neighbors on Timkin Road and Blackshear Street along with

our surrounding neighbors we are against the rezoning from single family to a retail district.

The following are reasons we are against the rezoning for Case Number P19-017

1). Church across the street which means that the business would cause additional traffic problems.

2). With an increase in traffic will be come an increase in crime. Foot traffic would increase within the area which could

cause all sorts of issues with crime as well.

3). Why can't the business be located on the front of 2920 instead in a residential area?

4). Speeding is already a big problem for residents on Timkin Road and also Blackshear Street, not to mention South

Chestnut and Lizzie Lane in Tomball.

5). An Increase in The noise level as well.

6). Overall rezoning for this land is not a good idea. Take it to the front of 2920 not in a residential area.

These are just some of the concerns that Powerhouse Church has about allowing Mr. Don Cannon to build a retail store

within our area. We are planning on sitting in on the meeting Monday March 11, 2019 at 6pm.

Blessings,

John Holiday

Pastor Powerhouse Church

AJH

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 18, 2019

Topic:

Consideration to Approve **Zoning Case P19-018**: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

- Conduct Public Hearing on **Zoning Case P19-018**
- Adopt, on First Reading, Ordinance No. 2019-06, 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 Don Cannon, to Operate an “Office Showroom/Warehouse”; Said Property Being Approximately One Acre, and Being Legally Described as Tract 10C Abstract 629 J Pruitt, Harris County, Texas, Generally Located on the North Side of Timkin Road, East of Blackshear Road; 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, March 11, 2019, after conducting a public hearing, the Planning & Zoning Commission unanimously voted to recommend approval of the CUP request with the following conditions:

- No vehicular access shall be permitted from Timkin Road;
- Required detention for the development shall be located toward the southern portion of the property;
- A ten foot landscape buffer and minimum 6 foot opaque screening wall or fence shall be installed and maintained on the property along Timkin Road.

Origination:

Don Cannon

Recommendation:

Adopt Ordinance No. 2019-06 on First Reading

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. 2019-06
Staff Report
Notice of Public Hearing

Property Owner Notification Letter
Response Forms

ORDINANCE NO. 2019-06

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 DON CANNON, TO OPERATE AN “OFFICE SHOWROOM/WAREHOUSE”; SAID PROPERTY BEING APPROXIMATELY ONE ACRE, AND BEING LEGALLY DESCRIBED AS TRACT 10C ABSTRACT 629 J PRUITT, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE NORTH SIDE OF TIMKIN ROAD, EAST OF BLACKSHEAR ROAD; 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, Don Cannon has requested a CUP to operate an “office showroom/warehouse” on approximately one acre of land, legally described as Tract 10C Abstract 629 J Pruitt, generally located on the north side of Timkin Road, east of Blackshear Road, 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” at the Property and subject to the terms and conditions set forth below is hereby granted to Don Cannon.

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 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 18TH DAY OF MARCH 2019.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2019.

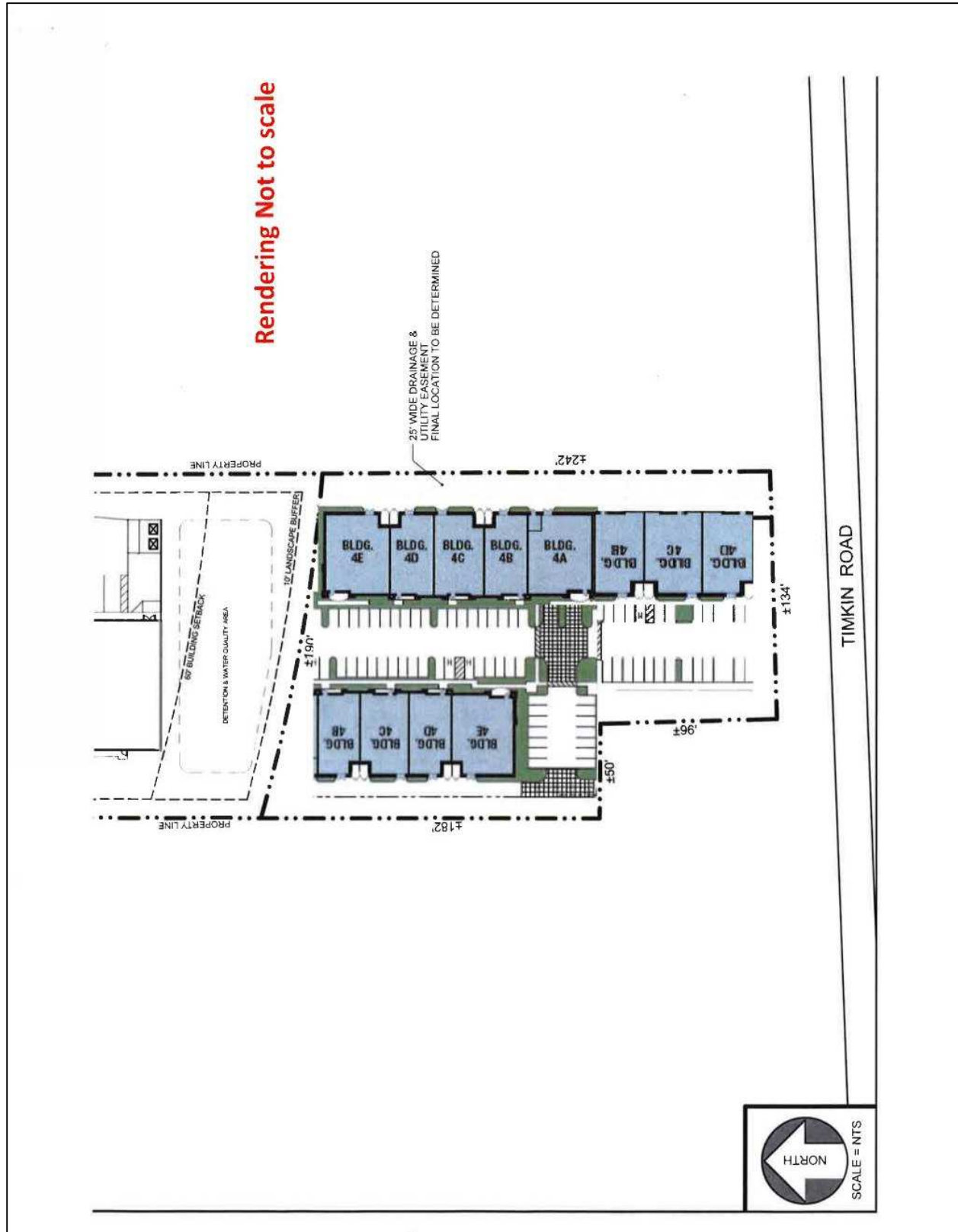
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

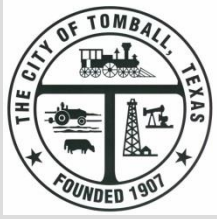
Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"





Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 11, 2019
City Council Public Hearing Date: March 18, 2019

Rezoning Case: P19-018
Property Owner(s): Don Cannon
Applicant(s): Don Cannon
Legal Description: One acre of Tract 10C Abstract 629 J Pruitt
Location: North side of Timkin Road, east of Blackshear Road (Exhibit "A")
Area: One acre
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Rezoning to General Retail (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Office/warehouse
Request: Conditional Use Permit (CUP) to allow the operation of an *office/warehouse* facility

Adjacent Zoning & Land Uses:

North: General Retail District / Undeveloped, FM 2920, machine shop

South: Single-Family 6 District / Single-family residences

West: Single-Family 6 District / Single-family residence

East: Single-Family 6 District / Undeveloped

BACKGROUND

In January 2019, City Staff met with the property owner to discuss the proposed development of a general retail store and office/warehouse at the subject site. City Staff informed the property owner that a majority of the property is zoned General Retail, however, the remaining property zoned Single-Family 6 would need to be rezoned in order to develop office/warehouses.

The property owner is currently requesting a rezoning to the General Retail District and, if approved, has requested a Conditional Use Permit for an *office/warehouse* development.

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 Future Land Use Map designates this portion of the property as Medium Density Residential, however, the remaining 2.35 acres of this property is designated Employment/Office. The property is split zoned and also split by the Future Land Use Map. While the proposed use does not appear to be compatible with the Future Land Use Map, it does appear to be an appropriate land use for the area, when considering the property's frontage on FM 2920 and close proximity to South Persimmon Road.

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

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

According to Section 50-76 (General Retail District), the General Retail District should provide "shopping and service facilities for the retail sales of goods and services." It appears the proposed use would meet the general purpose of the General Retail Zoning 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.

Chapter 50 (Zoning) outlines specific requirements for non-residential uses that are adjacent to single-family residences in order to protect the integrity of the existing residences. The development will have to meet all of these requirements including constructing a minimum 6 foot opaque screening wall, maintaining a minimum 10 foot landscape buffer, and shielding any lighting away from adjacent properties.

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 other developments in the area, including Concordia Lutheran High School Campus and Chestnut Business Park.

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.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 22, 2019. A sign was placed on the property and Notice of Public Hearing was published in the paper on February 27, 2019. Any public comment forms received by City Staff will be presented in the Planning & Zoning Commission and City Council packets or delivered during the time of the public meeting.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-018 for the following reasons:

1. The proposed use is appropriate for the location;
2. The proposed use would not generate a lot of traffic and is not typically open during night time hours;
3. The proposed use meets the intent of the General Retail Zoning District.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

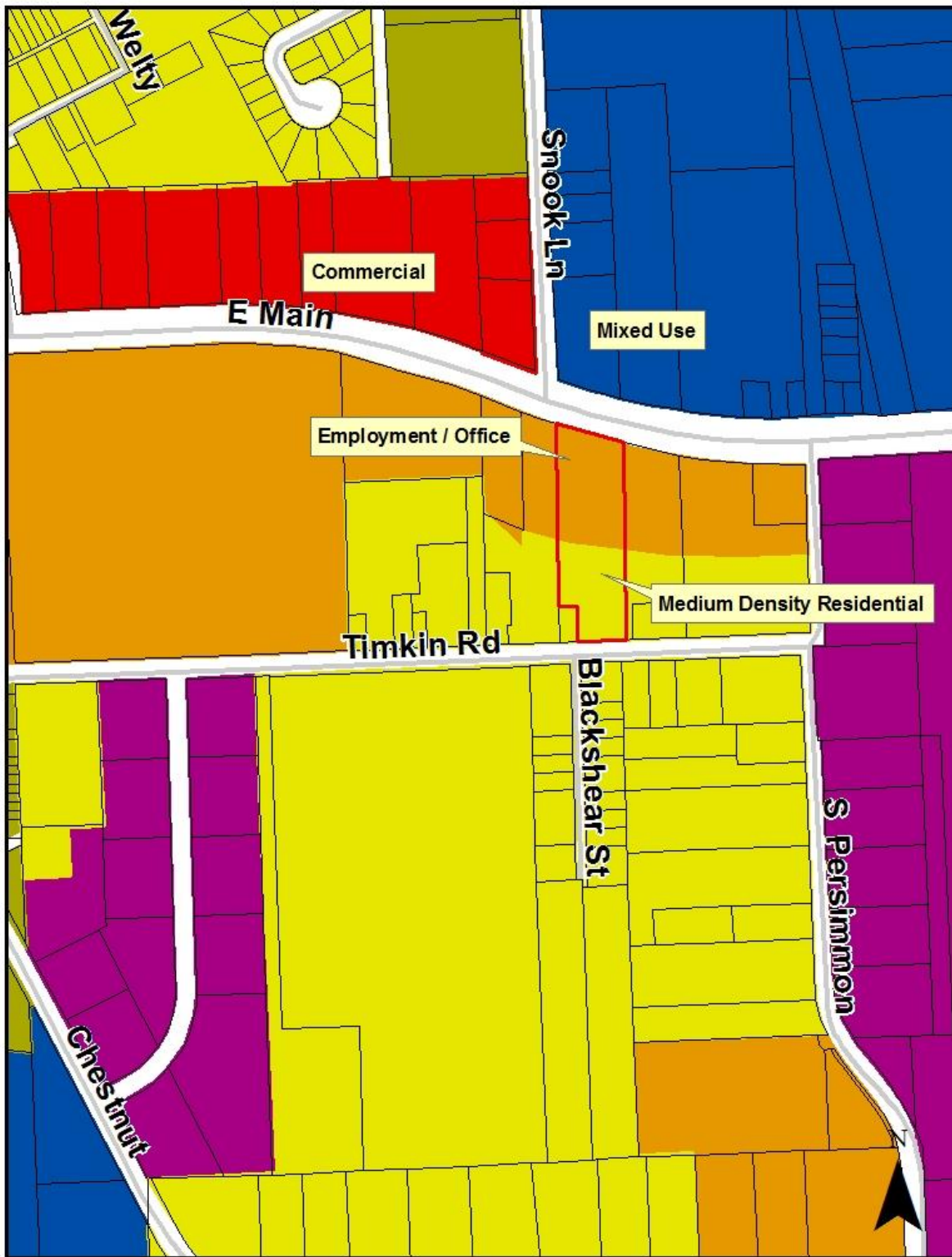
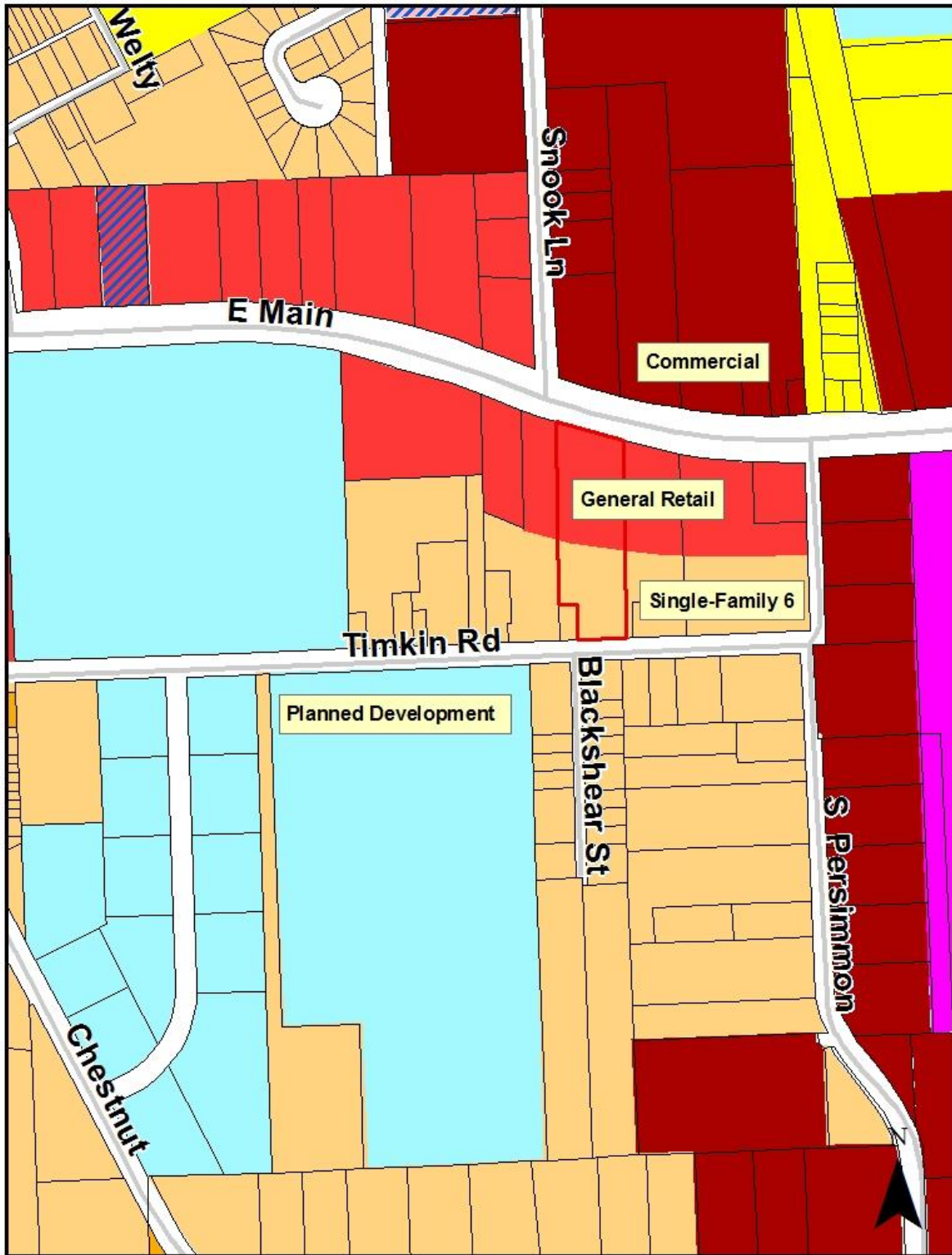


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"

CUP Application

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: DON CANNON Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377 - 1776
Phone: (281) 924-3469 Fax: () Email: don@motionmachinery.net

Owner

Name: DON CANNON Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377-1776
Phone: (281) 928-3469 Fax: () Email: don@motionmachinery.net

Engineer/Surveyor (if applicable)

Name: Keith Durrett Title: CONTRACTOR
Mailing Address: 110 N. Pine City: Tomball State: TX
Zip: 77375
Phone: (281) 951-5748 Fax: () Email: keith.durrett@yahoo.com

Description of Proposed Project: Tract TR10C development
Physical Location of Property: south of 2920, across Snook Ln & on Timkin 600' west of Persimmon
[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: TR 10C ABST 629 J PRUITT +/- 2.3 acres
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0440550000051 Acreage: 2.34
Current Use of Property: Vacant
Proposed Use of Property: Office/Warehouse

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 Don Cannon 1-31-19
Signature of Applicant Date
X Loe Parker 1/31/19
Signature of Owner agent of owner

CITY OF TOMBALL
281-351-5484

REC#: 01062693 1/31/2019 2:42 PM
OPER: SK TERM: 005
REF#: W 1480

TRAN: 130.0000 PLANNING AND ZONING
DON CANNON
TRACT TR10C DEVELOPMENT
100-5442
CONDITIONAL USE PER 600.00CR

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

TENDERED: 600.00 CHECK
APPLIED: 600.00-
CHANGE: 0.00



P. O Box 1776 Tomball TX 77377 Office 281-357-8200 or 877-399-3860 Fax 281-351-8790

January 31, 2019

City of Tomball
501 James Street
Tomball, TX 77375

RE: Tract TR10C – Re-Zoning and Conditional Use Permit Applications
Letter Stating Reason for Request and Issues Relating to Request

Current zoning of Tract TR10C is split between General Retail and Residential. This “duel” zoning of the tract is currently preventing the tract from being sold or developed as one or the other uses.

We currently have received an offer on the tract, for a General Retail use, however the sale is contingent on a resolution of the zoning disparities.

Based on the apparent future of the area, cornered between FM 2920, Persimmon and Timkin, the recent industrial development on Chestnut and Lizzie, and based on the need to conduct business within the regulations for the improvement of the area, the inevitable growth of Tomball and the benefit of its citizens, we are submitting these applications in an effort to unlock the sale of our property and allow business to flourish.

Ideally, this rezoning effort should extend to surrounding vacant properties that are in the same situation.

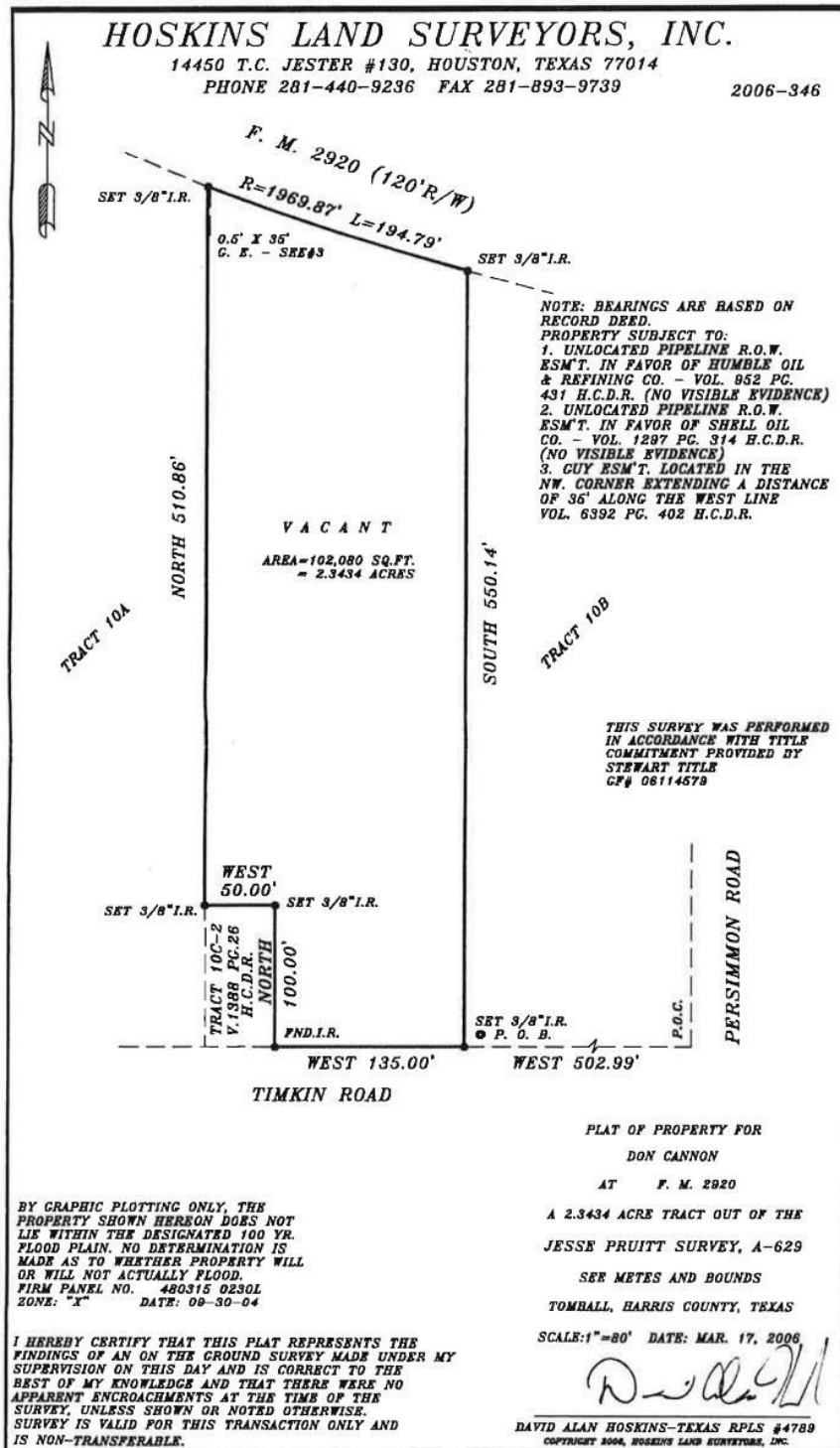
Thank you,


Donald Cannon

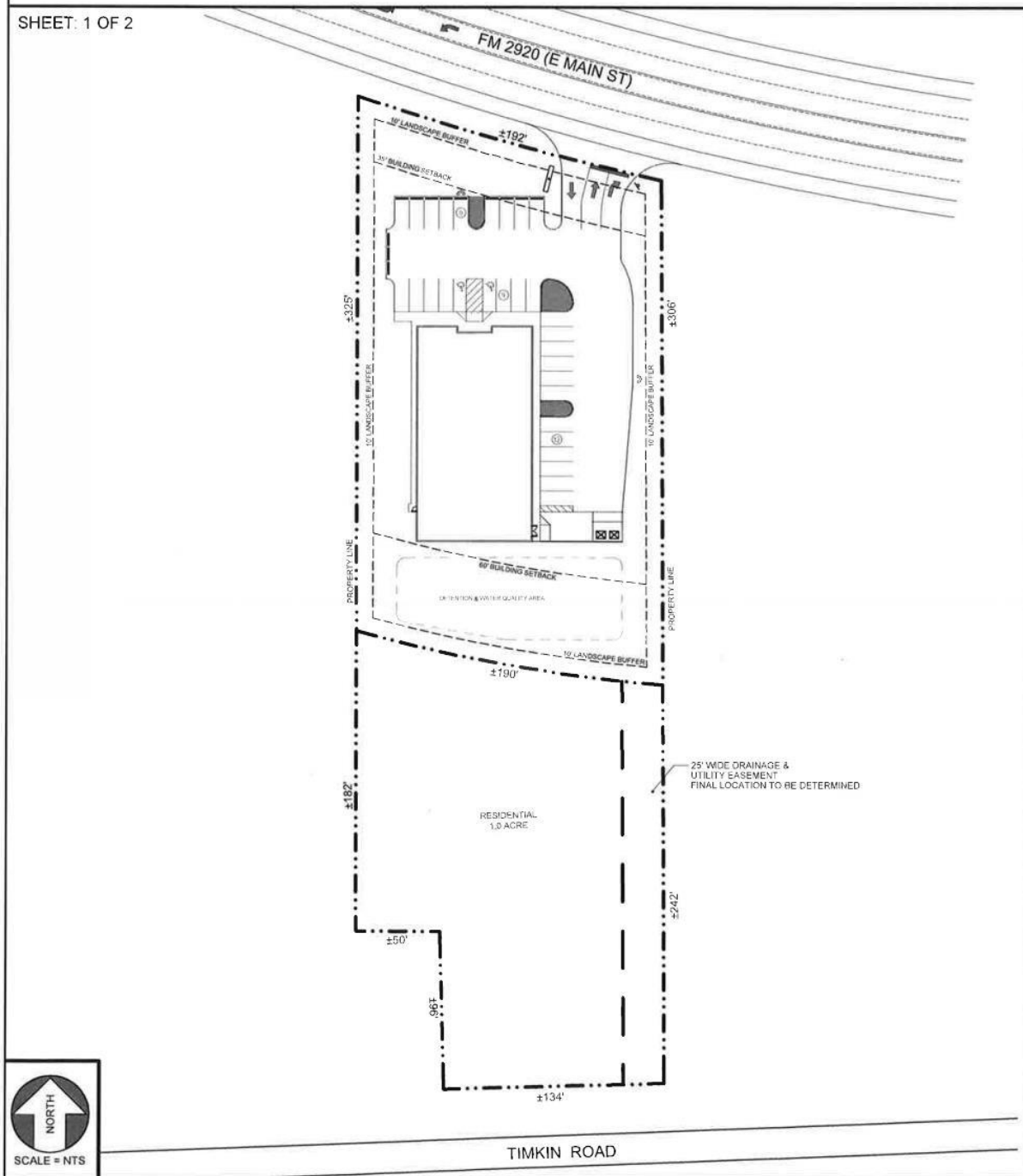
HOSKINS LAND SURVEYORS, INC.

14450 T.C. JESTER #130, HOUSTON, TEXAS 77014
PHONE 281-440-9236 FAX 281-893-9739

2006-346



SHEET: 1 OF 2



Rendering Not to scale

25' WIDE DRAINAGE & UTILITY EASEMENT
FINAL LOCATION TO BE DETERMINED

PROPERTY LINE

60' BUILDING SETBACK

DETENTION & WATER QUALITY AREA

10' LANDSCAPE BUFFER

BLDG. 4E

BLDG. 4F

BLDG. 4A

BLDG. 4B

BLDG. 4C

BLDG. 4D

BLDG. 4A

BLDG. 4B

BLDG. 4C

BLDG. 4D

±182'

±191'

±242'

±134'

±96'

±50'

TIMKIN ROAD

NORTH

SCALE = NTS

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.

Zoning Case P19-018: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

Zoning Case P19-023: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

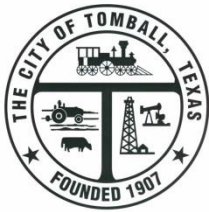
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, 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 **7th** day of **March 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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



Notice of Public Hearing

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

CASE NUMBER: P19-018

APPLICANT/OWNER: Don Cannon

LOCATION: Generally located on the north side of Timkin Road, east of Blackshear Road

PROPOSAL: Request for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, and zoned General Retail District.

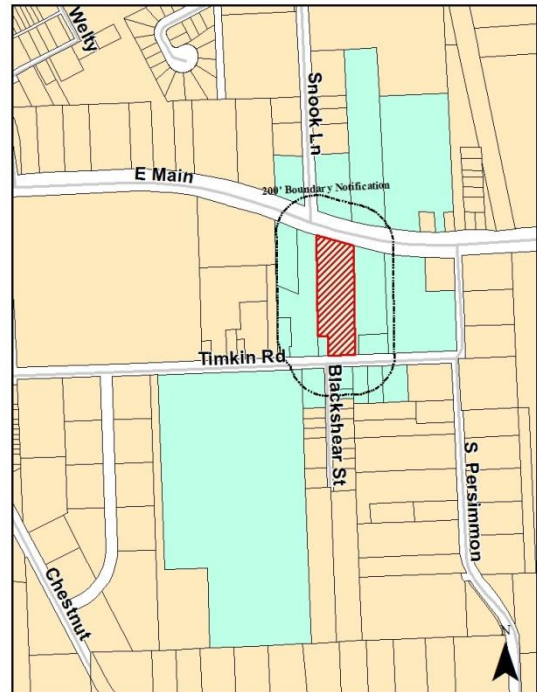
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

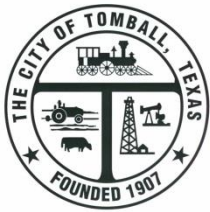


**Planning & Zoning Commission
Public Hearing:
Monday, March 11, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, March 18, 2019, 6:00 PM**

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

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



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: _____

_____ I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P19-018. (Please state reasons below)**

_____ I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P19-018. (Please state reasons below)**

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

Monday, March 11, 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, March 18, 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.



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:

Charleston White

(please print)

Address:

1026 Timkin Rd

Tomball TX 77375

Signature:

Charleston White

Date:

3/9/19

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-018. (Please state reasons below)

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-018. (Please state reasons below)

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

Monday, March 11, 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, March 18, 2019 6:00 PM

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

COMMENTS:

Have been a part of this residential community for over 45 yrs. I'm totally against commercial zoning in our community.

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

Please reference the case number in the subject line.

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 18, 2019

Topic:

Consideration to Approve **Zoning Case P19-023**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

- Conduct Public Hearing on **Zoning Case P19-023**
- Adopt, on First Reading, Ordinance No. 2019-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances By Amending Section 50-79 (Old Town And Mixed Use District) By Reducing the Required Building Setbacks For Nonresidential Uses in a Portion of the Old Town Area; 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, March 11, 2019, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of the text amendment.

Origination:

City of Tomball

Recommendation:

Adopt Ordinance No. 2019-07 on First Reading

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. 2019-07

Staff Report

Notice of Public Hearing

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-79 (OLD TOWN AND MIXED USE DISTRICT) BY REDUCING THE REQUIRED BUILDING SETBACKS FOR NONRESIDENTIAL USES IN A PORTION OF THE OLD TOWN AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball has requested that Chapter 50 (Zoning) of the Code of Ordinances be amended;

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

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

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

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

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

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

Section 2. Section 50-79 (Old Town and Mixed Use District) of the Code of Ordinances is hereby amended by the following:

Section 50-79(e)(2)b.

Minimum front yard is 20 feet. ~~Commercial properties located on Main Street, Market Street and Commerce Street~~ With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

Section 50-79(e)(2)c.

Minimum side and rear yard is ~~ten-five~~ feet or ten percent of the lot width if less than ~~400~~ 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. ~~With the exception of Cherry Street, corner lots shall maintain a ten-side-yard-setback-~~adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

Section 3. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF MARCH 2019.

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

SECOND READING:

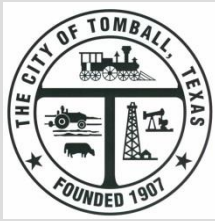
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2019.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 11, 2019

City Council Public Hearing Date: March 18, 2019

Zoning Case P19-023: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

PROPOSED AMENDMENTS

Section 50-79(e)(2)b.

Current	Minimum front yard is 20 feet. Commercial properties located on Main Street, Market Street and Commerce Street may have a zero front building line.
Proposed	Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

Section 50-79(e)(2)c.

Current	Minimum side and rear yard is ten feet or ten percent of the lot width if less than 100 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. Corner lots shall maintain a ten side yard setback.
Proposed	Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, corner lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

ANALYSIS

As development continues to expand in the Old Town Area, City Staff has begun to evaluate ways to encourage and promote new development and redevelopment. Properties on Commerce Street and Market Street, between Pine Street and the railroad tracks, currently have a zero foot front setback. There has been growing interest in developing or redeveloping properties on other streets in the area.

The Old Town Area is defined in Section 50-79(a)(4) as all lots included in the revised map recorded with Harris County on July 8, 1912 (Exhibit A). Some properties in the Old Town Area

have special requirements beyond the Old Town & Mixed Use Zoning District standards. Section 50-79(f)(5)(a) states “For that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum off-street parking requirement for mixed use or nonresidential developments.” The proposed building setback amendments would include the same properties that are in the parking waiver area. This is also the same area that was the subject of the Livable Centers Downtown Plan.

The Livable Centers Downtown Plan encourages increased walkability within the study area of the Old Town Area. The Livable Centers Downtown Plan focuses on the idea of creating a sense of place and setting Tomball apart. One aspect of the Plan focuses on alley improvements to encourage walkability through the downtown area. By decreasing the required rear setback, businesses would be able to take advantage of the potential pedestrian traffic along the alleys by creating a secondary storefront.

According to goals and objectives outlined in the Comprehensive Plan, the Old Town Area should be developed in a way that preserves, promotes, and enhances the Downtown realm’s unique historic character. The Comprehensive Plan’s Future Land Use designation of Old Town Use is meant to build upon the eclectic ambiance and charm of the area. The planning guidelines listed in the Comprehensive Plan suggest the City develop specific standards for this area to “address the unique lot sizes and buildings while encouraging quality development”. The proposed amendments would allow for more flexibility for development or redevelopment.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on February 27, 2019. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

EXHIBITS

- A. Old Town Area Plat
- B. Land Use Map

[illegible]

Exhibit "B"
Land Use Map



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.

Zoning Case P19-018: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

Zoning Case P19-023: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

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 **7th** day of **March 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 18, 2019

Topic:

Adopt, on First Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed Materials Can Be Discharged into Sewer System; 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:

The Tomball Municipal Code of Ordinances Section 46-92 currently does not allow any heavy metals and/ or toxic materials to be discharged into the City's sewer system. The amendment for this ordinance would allow for the City Manager or designee, to approve certain heavy metals and toxic materials to be discharged in accordance with the City's procedure for evaluating industrial wastewater discharge.

The adopted Standard Operating Procedure allows for each industrial user to be individually evaluated based on the completion of an Industrial Wastewater Discharge Questionnaire. Based on the provided answers, if the user qualifies based on the criteria as Significant Industrial User, the company will be required to be permitted and report directly to the TCEQ who will act as a Control Authority and will be required to send bi-annual compliance monitoring reports to the City for review.

Origination:

Public Works Department

Recommendation:

Adopt Ordinance No. 2019-08 on first reading.

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Ordinance No. 2019-08

SOP for Evaluating Industrial Wastewater Discharge

Industrial Discharge Questionnaire

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY ADDING LANGUAGE TO SECTION 46-92, SAME – HEAVY METALS AND TOXIC MATERIALS, OF ARTICLE III, INDUSTRIAL WASTES, OF CHAPTER 46, UTILITIES, TO ALLOW THE CITY MANAGER OR DESIGNEE TO DETERMINE IF LISTED MATERIALS CAN BE DISCHARGED INTO SEWER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to amend Section 46-92 of its Code of Ordinances to give the City Manager or designee the discretion to allow certain materials to enter into the City’s sewer system; now, therefore,

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

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

Section 2. Section 46-92, Same – Heavy Metals and Toxic Metals, of Article III, Industrial Wastes, of Chapter 46, Utilities, of the Code of Ordinances of the City of Tomball, Texas is hereby amended by adding thereto the language underscored below:

“Sec. 46-92. - Same—Heavy metals and toxic materials.

The following list of heavy metals and toxic materials, but not limited to, shall not be discharged into the sewer system, unless approved by City Manager or designee.

- (1) Arsenic.
- (2) Barium.

- (3) Boron.
- (4) Cadmium.
- (5) Chromium (total).
- (6) Copper.
- (7) Lead.
- (8) Manganese.
- (9) Mercury.
- (10) Nickel.
- (11) Selenium.
- (12) Silver.
- (13) Zinc.
- (14) Antimony.
- (15) Beryllium.
- (16) Bismuth.
- (17) Cobalt.
- (18) Molybdenum.
- (19) Tin.
- (20) Uranylion.
- (21) Rhenium.
- (22) Strontium.
- (23) Tellurium.
- (24) Herbicides.
- (25) Fungicides.
- (26) Pesticides.”

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or

provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF MARCH 2019.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2019.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



CITY OF TOMBALL

STANDARD OPERATING PROCEDURE

JANUARY 2019

PROCEDURE FOR EVALUATING INDUSTRIAL WASTEWATER DISCHARGE

City of Tomball has not yet been required by the TCEQ to develop and implement an Industrial Pretreatment Program (IPP) to manage industrial wastewater discharges. Chapter 46 (Utilities), Article III (Industrial Wastes), of the City of Tomball's code of ordinances sets forth requirements for industrial users of the City's wastewater system to comply with in their wastewater discharge. The objectives of this section of the ordinance are to prevent the introduction of pollutants by industrial users that can interfere with the wastewater water treatment plant's operation; pass through the WWTP and adversely affect the water quality of the receiving waters and sludge produced; protect WWTP personnel who may be affected by the wastewater and sludge in the course of their employment; and enable the City to comply with the WWTP's Texas Pollutant Discharge Elimination System (TPDES) permit conditions, sludge use and disposal requirements. The City does currently have several industrial users in its service that discharge only sanitary wastewater and not process wastewater.

This Standard Operating Procedure (SOP) will identify the steps the City can take to evaluate wastewater discharge from new or existing industries to determine if the discharge is acceptable or if the discharge needs to be monitored or permitted.

1. When a new industrial user approaches the City with a request to contribute its wastewater to its sewer system or if the City wants to evaluate the discharge from an existing industrial discharger, the City shall send the "Industrial Wastewater Discharge Questionnaire" to the industrial user to collect all pertinent information on the entity's wastewater.
2. Upon receiving the completed "Industrial Wastewater Discharge Questionnaire" from the industry, City shall check if all the required sections of the form have been completed. If there are incomplete sections, resend the form back to the industry. Items in the form that are not applicable to the industry's line of business shall be noted at "N/A".
3. Check if the industry is or will be discharging wastewater other than restrooms, showers, kitchen, or laundry rooms (excluding commercial laundry establishments) discharged to the City sewer. Check if the industry answered "Yes" to Section A. Question 6 of the "Industrial Wastewater Discharge Questionnaire".

4. If the industry answered “Yes” to Section A. Question 6 of the “Industrial Wastewater Discharge Questionnaire”, then check if the Sections B through D of the form have been completed.
5. If the industry answered “Yes” to Section A. Question 6 of the “Industrial Wastewater Discharge Questionnaire”, then check if the industry meets the criteria for a Significant Industrial User (SIU) below. If any of the below are yes/true, then the industry is an SIU.
 - (a) Is the industry subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I and subchapter N? – Check if the any of boxes in Section C, Question 1. A. of “Industrial Wastewater Discharge Questionnaire” are checked; or
 - (b) Does the industry discharge an average of 25,000 gallons per day or more of process wastewater to the City sewer (excluding sanitary, non-contact cooling and boiler blowdown wastewater)? – Check the volume noted in Section B. Question 10. e. of “Industrial Wastewater Discharge Questionnaire”; or
 - (c) Does the process wastewater from the industry contribute to more than 5% of the WWTP’s hydraulic or organic capacity? Calculate average organic contribution from the industry and check if it exceeds the 5% value shown in table below:

WWTP	Permitted Avg. Daily Flow (MGD)	5% of Hydraulic Capacity (gallons per day)	Design Organic Capacity, BOD (lb/day)	5% of organic capacity, BOD (lb/day)
North	1.5	75,000	2,502	125
South	1.5	75,000	2,502	125

6. If the industry meets any of the criteria for a Significant Industrial User (SIU) listed above, then the industry may need to be permitted or at least monitored by the City. The industry shall be required to meet the provisions set forth in Chapter 46, Article III of City of Tomball’s code of ordinances pertaining to the industrial discharges.
7. City of Tomball currently does not have an approved Industrial Pretreatment Program. A Categorical Industrial User (CIU) subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I and subchapter N, located in a jurisdiction that does not have an approved IPP will report directly to the TCEQ who will act as the Control Authority. If the industry reports directly to TCEQ, request the industry to send the bi-annual periodic compliance monitoring reports for City’s review and records. City shall monitor the industry’s compliance with the categorical pretreatment standards.
8. If the industry contributes or intends to contribute process wastewater to the City’s sewer system, then check if the industry meets the following using the information provided in Section C of the “Industrial Wastewater Discharge Questionnaire”:
 - (a) Fats, Oils, and Grease (FOG) concentration below 100 mg/L

- (b) pH between 5.5 and 9.5
- (c) Temperature less than 150 degrees Fahrenheit
- (d) Chlorides concentration below 250 mg/L
- (e) Total Dissolved Solids (TDS) below 1,500 mg/L
- (f) BOD and TSS concentration below 1,500 mg/L
- (g) Concentration of heavy metals below values shown in Table below:

Pollutant	Max. Discharge Concentration (mg/L)*
Aluminum	3.0
Arsenic	0.8
Barium	0.3
Benzene	0.45
Cadmium	0.1
Chromium (Total)	6.0
Copper	0.22
Cyanide	0.4
Ethylbenzene	0.1
Lead	0.13
Mercury	0.0002
Nickel	1.3
Nonylphenol	0.2
Selenium	0.10
Silver	0.3
Toluene	0.1
Zinc	4.3

* These concentrations are not absolute limits, instead they are to be used as suggested benchmark value to determining the acceptability of the industrial waste.

9. If the industry meets all the criteria listed above in item 8, the discharge shall be considered as acceptable. If the industry does not meet one or more of the criteria listed in item 8, the discharge should be evaluated on a case-by-case basis.
 - (a) High concentrations of FOG can clog the collection system.
 - (b) High concentrations of BOD can impact the organic capacity of the WWTP.
 - (c) High TDS and chlorides can impact the WWTP's compliance with the water quality standards of the receiving stream.
 - (d) Exceeding the maximum discharge concentration for heavy metals has the potential to cause plant upset or interference.
10. These are guidelines the City can follow in evaluating the new or existing industrial discharge. It should be noted that an industry discharging process wastewater to the City sewer system may meet all the acceptability criteria but still have potential to cause plant upset or interference. City should document addition of new industrial users to its wastewater system. Periodic failure of Whole Effluent Toxicity (WET)

biomonitoring testing and plant upset events can often be attributed to toxic and often unidentified pollutant from industrial sources. If either of these events occur on a regular basis, industrial dischargers to the City should be further investigated.



CITY OF TOMBALL

PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

Note: Each item must be answered. If not applicable to your business, please indicate N/A.

SECTION A – GENERAL INFORMATION

1. Company name, mailing address, and telephone number:

Name _____

Address _____

Telephone No. (____) _____

2. Address of production or manufacturing facility. (If same as above, check [☐])

Name _____

Address _____

Telephone No. (____) _____

3. Name, title, telephone number and email (if available) of person authorized to represent this firm in official dealings with the Environmental Officer or Authorized Representative:

Name _____

Address _____

Telephone No. (____) _____

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

4. Alternate person to contact concerning information provided herein:

Name _____ Title: _____

Telephone: _____ Email: _____

5. Identify the type of business conducted (auto repair, machine shop, electroplating, warehousing, painting, printing, meat packing, food processing, etc.)

6. Will there be any wastewater other than domestic use of restrooms, showers, kitchen, or laundry rooms (excluding commercial laundry establishments) discharged to the City sewer?

☐ Yes ☐ No

If the answer to Question 6 above is No, sign the below statement and stop here, otherwise complete the rest of the questionnaire and then sign below

Note to Signing Official: In accordance with Title 40 of the Code of Federal Regulations Part 403 Section 403.14, information and data provided in this questionnaire which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

This is to be signed by an authorized official of your firm AFTER adequate completion of this form and review of the information by the signing official.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Date

Signature of Official
(Seal if applicable)

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

7. Provide a brief narrative description of the manufacturing, production, or service activities your firm conducts.

8. Standard Industrial Classification Number(s) (SIC Code) for your facilities:

9. List all environmental control documents held by facility (i.e. air permit(s) or registration industrial/construction storm water discharge permit, hazardous materials storage or disposal registrations or permits).

10. This facility generates the following types of wastes (check all that apply and include **all waste streams generated**, not just those discharge to sanitary sewer).

Average gallons per day

- | | | | |
|----|---|------------------------------------|-----------------------------------|
| a. | ☐ Domestic wastes _____ | ☐ estimated | ☐ measured |
| | (restrooms, employee showers, etc.) | | |
| b. | ☐ Cooling water _____ | ☐ estimated | ☐ measured |
| | (non-contact) | | |
| c. | ☐ Boiler/Tower blowdown _____ | ☐ estimated | ☐ measured |
| d. | ☐ Cooling water, contact _____ | ☐ estimated | ☐ measured |
| e. | ☐ Process _____ | ☐ estimated | ☐ measured |
| f. | ☐ Equipment/Facility Washdown. _____ | ☐ estimated | ☐ measured |
| g. | ☐ Air pollution Control Unit _____ | ☐ estimated | ☐ measured |
| h. | ☐ Storm water runoff to sewer _____ | ☐ estimated | ☐ measured |

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

i. ☐ Other (describe) _____ ☐ estimated ☐ measured

Total a through i = _____ gallons per day

11. Volume of wastes discharged to (check all that apply):

Average gallons per day

☐	Sanitary sewer	_____	☐	estimated	☐	measured
☐	Storm sewer	_____	☐	estimated	☐	measured
☐	Surface water	_____	☐	estimated	☐	measured
☐	Ground water	_____	☐	estimated	☐	measured
☐	Wastehaulers	_____	☐	estimated	☐	measured
☐	Recycled off site	_____	☐	estimated	☐	measured
☐	Recycled into process/product	_____	☐	estimated	☐	measured
☐	Evaporation	_____	☐	estimated	☐	measured
☐	Other (describe)	_____	☐	estimated	☐	measured

Provide name and address of wastehaulers, if used.

12. Is a Spill and Slug Prevention Control and Countermeasure Plan prepared for the facility?
☐ Yes ☐ No

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

SECTION B – FACILITY OPERATION CHARACTERISTICS

1. Number of employee shifts worked per 24-hour day _____

Average number of employees per shift _____

2. Starting times of each shift:

1st _____ am 2nd _____ am 3rd _____ am

Note: The following information in this section must be completed for each product line.

3. Principal product produced: _____

4. Raw materials and process additives used:

5. Production process is:

☐ Batch ☐ Continuous ☐ Both _____ %batch _____ %continuous

Average number of batches per 24-hour day _____

6. Hours of operation: _____ a.m. to _____ p.m. ☐ continuous

7. Is production subject to seasonal variation? ☐ Yes ☐ No

If yes, briefly describe seasonal production cycle.

8. What is the anticipated volume of wastewater discharge from this process?

Average gallons per day _____ high season _____ low season

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

9. List all expected contaminants in the process waste stream (attach additional sheets if needed).

10. List any potential contaminants that could be formed as a result of combination the industry's total process waste stream co-mingling with other sanitary waste streams. (attach additional sheets if needed).

11. Are any process changes or expansions planned during the next three years?

☐ Yes ☐ No

If yes, attach a separate sheet to this form describing the nature of planned changes or expansions.

12. Please submit process flow diagrams and diagrams detailing the discharge to the city sewer system.

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

SECTION C - WASTEWATER INFORMATION

1. If your facility employs processes in any of the industrial categories or business activities listed below and if any of these processes generate wastewater or waste sludge, place a check beside the category or business activity (check all that apply, from 40 CFR various sections).

A. Categorical Industries

1. ☐ Aluminum Forming
2. ☐ Asbestos Manufacturing
3. ☐ Battery Manufacturing
4. ☐ Builder's Paper and Board Mills
5. ☐ Carbon Black Manufacturing
6. ☐ Centralized Waste Treatment
7. ☐ Coil Coating and Canmaking
8. ☐ Copper Forming
9. ☐ Electric & Electronic Components
10. ☐ Electroplating
11. ☐ Feedlots
12. ☐ Ferroalloy Manufacturing
13. ☐ Fertilizer Manufacturing
14. ☐ Glass Manufacturing
15. ☐ Grain Mills
16. ☐ Ink Formulation
17. ☐ Industrial Laundries
18. ☐ Inorganic Chemicals
19. ☐ Iron & Steel Manufacturing
20. ☐ Landfills and Incinerators
21. ☐ Leather Tanning & Finishing
22. ☐ Metal Finishing
23. ☐ Metal Products and Machinery
24. ☐ Metal Molding and Casting
25. ☐ Metal Products & Machinery Phase 1
26. ☐ Metal Products & Machinery Phase 2
27. ☐ Nonferrous Metals Forming and Metal Powders
28. ☐ Nonferrous Metals Manufacturing
29. ☐ Organic Chemicals, Plastics, and Synthetic Fibers
30. ☐ Paint Formulation
31. ☐ Paving and Roofing Materials
32. ☐ Pesticides Formulation, Packaging, & Repackaging
33. ☐ Petroleum Refining
34. ☐ Pharmaceutical Manufacturing
35. ☐ Porcelain Enameling
36. ☐ Pulp & Paper and Paperboard

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

- 37. ☐ Rubber Manufacturing
- 38. ☐ Soaps & Detergents Manufacturing
- 39. ☐ Steam Electric Power Generating
- 40. ☐ Sugar Processing
- 41. ☐ Timber Products Processing
- 42. ☐ Transportation Equipment Cleaning
- 43. ☐ Waste combustors

B. Other Non-Categorical Industries

- 1. ☐ Adhesives
- 2. ☐ Auto & Other Laundries
- 3. ☐ Canned and Preserved Fruits and Vegetables Processing Source
- 4. ☐ Canned and Preserved Seafood Processing
- 5. ☐ Cement Manufacturing
- 6. ☐ Concentrated Animal Feeding Operations
- 7. ☐ Concentrated Aquatic Animal Production
- 8. ☐ Coal Mining
- 9. ☐ Gum & Wood Chemicals
- 10. ☐ Hospitals
- 11. ☐ Inorganic Chemicals
- 12. ☐ Waste combustors

C. Other Business Activity

- 1. ☐ Dairy Products
- 2. ☐ Slaughter/Meat Packing/Rendering/Meat Products
- 3. ☐ Food/Edible Products Processor
- 4. ☐ Beverage Bottler

2. Pretreatment devices or processes used for treating wastewater or sludge (check as many as appropriate). Pretreatment is the elimination or reduction in the amount of pollutants discharged, or alteration to the nature of pollutant properties in the wastewater either before or instead of sending such pollutants to the City sewer. Control equipment such as equalization tanks or facilities for protection against surges or slug loadings are also pretreatment devices to be identified.

- 1. ☐ Air flotation
- 2. ☐ Centrifuge
- 3. ☐ Chemical precipitation
- 4. ☐ Chlorination
- 5. ☐ Cyclone
- 6. ☐ Filtration
- 7. ☐ Flow Equalization
- 8. ☐ Grease or oil separation, type

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

- 9. ☐ Grease trap
- 10. ☐ Grit Removal
- 11. ☐ Ion Exchange
- 12. ☐ Neutralization, pH correction
- 13. ☐ Ozonation
- 14. ☐ Reverse Osmosis
- 15. ☐ Screen
- 16. ☐ Sedimentation
- 17. ☐ Septic tank
- 18. ☐ Solvent separation
- 19. ☐ Spill protection
- 20. ☐ Sump
- 21. ☐ Biological treatment, type _____
- 22. ☐ Rainwater diversion or storage _____
- 23. ☐ Other chemical treatment, type _____
- 24. ☐ Other physical treatment, type _____
- 25. ☐ Other, type _____
- 26. ☐ No pretreatment provided

3. If any wastewater analyses have been performed on the wastewater discharge(s) from your facilities, attach a copy of the most recent data to this questionnaire. Be sure to include the date of the analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken (attach sketches, plans, etc., as necessary).
4. Priority Pollutant Information – Please indicate by placing an "X" in the appropriate box by each listed chemical whether it is Known to be Present (K/P), Suspected to be Present (S/P), Known to be Absent (K/A), Suspected to be Absent (S/A) in your manufacturing or service activity or generated as a by-product.

CHEMICAL	K/P	S/P	K/A	S/A	Expected Concentration (mg/L)	
					Average	Max.
1. Acenaphthene						
2. Acrolein						
3. Acrylonitrile						
4. Benzene						
5. Benzidine						
6. Carbon tetrachloride						
7. Chlorobenzene						
8. 1,2,4-trichlorobenzene						
9. Hexachlorobenzene						
10. 1,2-dichloroethane						
11. 1,1,1-trichloroethane						

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

12. Hexachloroethane						
13. 1,1-dichloroethane						
14. 1,1,2-trichloroethane						
15. 1,1,2,2-tetrachloroethane						
16. Chloroethane						
17. REMOVED						
18. Bis(2-chloroethyl) ether						
19. 2-chloroethyl vinyl ethers						
20. 2-chloronaphthalene						
21. 2,4,6-trichlorophenol						
22. Parachlorometa cresol						
23. Chloroform						
24. 2-chlorophenol						
25. 1,2-dichlorobenzene						
26. 1,3-dichlorobenzene						
27. 1,4-dichlorobenzene						
28. 3,3-dichlorobenzidine						
29. 1,1-dichloroethylene						
30. 1,2-trans-dichloroethylene						
31. 2,4-dichlorophenol						
32. 1,2-dichloropropane						
33. 1,2-dichloropropylene						
34. 2,4-dimethylphenol						
35. 2,4-dinitrotoluene						
36. 2,6-dinitrotoluene						
37. 1,2-diphenylhydrazine						
38. Ethylbenzene						
39. Fluoranthene						
40. 4-chlorophenyl phenyl ether						
41. 4-bromophenyl phenyl ether						
42. Bis(2-chloroisopropyl) ether						
43. Bis(2-chloroethoxy) methane						
44. Methylene chloride						
45. Methyl chloride						
46. Methyl bromide						
47. Bromoform						
48. Dichlorobromomethane						
49. REMOVED						
50. REMOVED						
51. Chlorodibromomethane						

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

52. Hexachlorobutadiene						
53. Hexachlorocyclopentadiene						
54. Isophorone						
55. Naphthalene						
56. Nitrobenzene						
57. 2-nitrophenol						
58. 4-nitrophenol						
59. 2,4-dinitrophenol						
60. 4,6-dinitro-o-cresol						
61. N-nitrosodimethylamine						
62. N-nitrosodiphenylamine						
63. N-nitrosodi-n-propylamine						
64. Pentachlorophenol						
65. Phenol						
66. Bis(2-ethylhexyl) phthalate						
67. Butyl benzyl phthalate						
68. Di-N-Butyl Phthalate						
69. Di-n-octyl phthalate						
70. Diethyl Phthalate						
71. Dimethyl phthalate						
72. benzo(a) anthracene						
73. Benzo(a)pyrene						
74. Benzo(b) fluoranthene						
75. Benzo(b) fluoranthene						
76. Chrysene						
77. Acenaphthylene						
78. Anthracene						
79. Benzo(ghi) perylene						
80. Fluorene						
81. Phenanthrene						
82. Dibenzo(h) anthracene						
83. Indeno (1,2,3-cd) pyrene						
84. Pyrene						
85. Tetrachloroethylene						
86. Toluene						
87. Trichloroethylene						
88. Vinyl chloride						
89. Aldrin						
90. Dieldrin						
91. Chlordane						

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

92. 4,4-DDT						
93. 4,4-DDE						
94. 4,4-DDD						
95. Alpha-endosulfan						
96. Beta-endosulfan						
97. Endosulfan sulfate						
98. Endrin						
99. Endrin aldehyde						
100. Heptachlor						
101. Heptachlor epoxide						
102. Alpha-BHC						
103. Beta-BHC						
104. Gamma-BHC						
105. Delta-BHC						
106. PCB-1242 (Arochlor 1242)						
107. PCB-1254 (Arochlor 1254)						
108. PCB-1221 (Arochlor 1221)						
109. PCB-1232 (Arochlor 1232)						
110. PCB-1248 (Arochlor 1248)						
111. PCB-1260 (Arochlor 1260)						
112. PCB-1016 (Arochlor 1016)						
113. Toxaphene						
114. Antimony						
115. Arsenic						
116. Asbestos						
117. Beryllium						
118. Cadmium						
119. Chromium						
120. Copper						
121. Cyanide, Total						
122. Lead						
123. Mercury						
124. Nickel						
125. Selenium						
126. Silver						
127. Thallium						
128. Zinc						
129. 2,3,7,8-TCDD						

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

5. Pollutants of Concern – Please indicate by placing an "X" in the appropriate box by each listed chemical whether it is Known to be Present (K/P), Suspected to be Present (S/P), Known to be Absent (K/A), Suspected to be Absent (S/A) in your manufacturing or service activity or generated as a by-product.

CHEMICAL	K/P	S/P	K/A	S/A	Expected Concentration (mg/L)	
					Average	Max.
Fats, Oils & Grease (FOG)						
Ammonia-Nitrogen						
Total Phosphorous						
Chloride						
Sulfates						
Total Dissolved Solids (TDS)						
pH						
Total Suspended Solids (TSS)						
Biochemical Oxygen Demand (BOD)						
Chemical Oxygen Demand (COD)						
Total Kjeldahl Nitrogen (TKN)						
Temperature						

6. If you are unable to identify the chemical constituents of products you use that discharged in your wastewater, attach copies of the materials safety data sheets for such products.

SECTION D – OTHER WASTES

1. Are any liquid wastes or sludge to be disposed of by means other than discharge to the sewer system?

☐ Yes ☐ No

If “No,” skip remainder of Section D.
If “Yes,” complete items 2 and 3 below.

2. These wastes may best be described as:

Estimated Gallons or Pounds/Year

☐ Acids and Alkalines _____

☐ Heavy Metal Sludge _____

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

- ☐ Inks/Dyes _____
- ☐ Oil and/or Grease _____
- ☐ Organic Compounds _____
- ☐ Paints _____
- ☐ Pesticides _____
- ☐ Plating Wastes _____
- ☐ Pretreatment Sludge _____
- ☐ Solvents/Thinners _____
- ☐ Other Hazardous Wastes (specify) _____

- ☐ Other Wastes (specify) _____

For the above checked wastes, does your company practice:

- | | |
|---|--|
| ☐ on-site storage | ☐ on-site disposal |
| ☐ off-site storage | ☐ off-site disposal |

Briefly describe the method(s) of storage or disposal checked above.