

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



MONDAY, OCTOBER 15, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 15, 2018 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 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 Tim Niekerk, Salem Lutheran Church

3.0 Pledges to U.S. and Texas Flags

- Led by Boy Scout Troop, Pack 469 Den 4

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 Presentations:

- Birth Proclamation – Jason and Hollyann Apel, Parents of **Charlie Wayne Apel**
- Birth Proclamation – Allen Duane Endsley, Jr. and Paige Michelle Fagan, Parents of **Peyton Rose Endsley**

6.0 Reports and Announcements

- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 24, 2018 – Planning and Zoning Commission Special Meeting – 6:00 p.m.; possible quorum of City Council
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.-6:00 p.m.
- November 10, 2018 – **"Depot Day"**, a National Model Railroad Month Celebration at the Depot-Tomball; 10:00 a.m.-5:00 p.m.
- November 16, 2018 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – **"Zomball in Tomball"**

7.0 Approve the Minutes of the October 1, 2018 Regular Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Rate of \$0.341455/\$100 of taxable value for the Year 2018 on all Real and Personal Property located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

9.0 New Business:

- 9.1 Receive Report from Tomball Regional Health Foundation to City Council
- 9.2 Consideration to Approve **Zoning Case P18-147**: Request by the City of Tomball to amend Section 50-82 (b) ("Use Charts") of the Tomball Code of Ordinances by creating a land use for "Coffee Roasting"
 - Conduct Public Hearing on **Zoning Case P18-147**
 - Adopt, on First Reading, Ordinance 2018-34, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) ("Use Charts") by Creating a Land Use for "Coffee Roasting"; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters
- 9.3 Consideration to Approve **Zoning Case P18-151**: Request by Persimmon Global Logistics for a Conditional Use Permit to operate a coffee roasting facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon Road and zoned Commercial District.

- Conduct Public Hearing on **Zoning Case P18-151**
- Adopt, on First Reading, Ordinance 2018-35, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Persimmon Global Logistics to Operate a “Coffee Roasting” Facility; Said Property being Approximately 4.0230 Acres, and being Legally Described as Lot 1 Block 1 Vasquez-Phoenix, Harris County, Texas, Generally Located at the Southwest Corner of Lizzie Lane and South Persimmon Road and Zoned Commercial; 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

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

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

9.5 Approve Purchase, from David and Jessica Sottolare, of Property located at 215 West Main Street, and Authorize Mayor or City Manager to Execute Appropriate Deed and Associated Documents

10.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 11th day of October 2018 by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available Requests for accommodations or interpretive services must be made 48 hours prior to this meeting.

Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 15, 2018

Topic:

- Led by Pastor Tim Niekerk, Salem Lutheran 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: October 15, 2018

Topic:

- Led by Boy Scout Troop, Pack 469 Den 4

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 15, 2018

Topic:

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: October 15, 2018

Topic:

- Birth Proclamation – Jason and Hollyann Apel, Parents of **Charlie Wayne Apel**
- Birth Proclamation – Allen Duane Endsley, Jr. and Paige Michelle Fagan, Parents of **Peyton Rose Endsley**

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Proclamation - Charlie Wayne Apel
Proclamation - Peyton Rose Endsley

Proclamation

City of Tomball, Texas

WHEREAS, the birth of a child is a wonderful, miraculous event; and

WHEREAS, a child is a blessing, sent from above, a precious gift and an expression of love; and

WHEREAS, the City of Tomball wishes to convey its congratulations to Jason and Hollyann Apel on the joyous occasion of the birth of their son,

Charlie Wayne Apel

on

Wednesday, September 5, 2018.

NOW, THEREFORE, I, Gretchen Fagan, by virtue of the authority vested in me as **Mayor of the City of Tomball,** on behalf of the Tomball City Council and all citizens hereof, do hereby proclaim **September 5, 2018** as:

“Charlie Wayne Apel Day”.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the official City seal to be affixed.

[Signature]

Mayor, Tomball, Texas

Attest

[Signature]

Date *September 5, 2018*

This is Not an Official Certificate of Birth and May Not be Used for Identification Purposes

Proclamation

City of Tomball, Texas

- WHEREAS,** the birth of a child is a wonderful, miraculous event; and
- WHEREAS,** a child is a blessing, sent from above, a precious gift and an expression of love; and
- WHEREAS,** the City of Tomball wishes to convey its congratulations to Allen Duane Endsley, Jr. and Paige Michelle Fagan on the joyous occasion of the birth of their daughter,

Peyton Rose Endsley

on

Wednesday, September 5, 2018.

NOW, THEREFORE, I, Gretchen Fagan, by virtue of the authority vested in me as **Mayor of the City of Tomball,** on behalf of the Tomball City Council and all citizens hereof, do hereby proclaim **September 5, 2018** as:

“Peyton Rose Endsley Day”.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the official City seal to be affixed.

[Signature]

Mayor, Tomball, Texas

Attest

Date

[Signature]

September 5, 2018

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 15, 2018

Topic:

- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 24, 2018 – Planning and Zoning Commission Special Meeting – 6:00 p.m.; possible quorum of City Council
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.-6:00 p.m.
- November 10, 2018 – "**Depot Day**", a National Model Railroad Month Celebration at the Depot-Tomball; 10:00 a.m.-5:00 p.m.
- November 16, 2018 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – "**Zomball in Tomball**"

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
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Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 15, 2018

Topic:
Approve the Minutes of the October 1, 2018 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
N/A

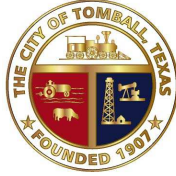
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the October 1, 2018 Regular City Council Meeting

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



**MONDAY, OCTOBER 1, 2018
6:00 P.M.**

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

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Assistant City Secretary – Tracy Garcia
Community Center Manager – Rosalie Dillon
Fire Chief – Joe Sykora
Senior Accountant – Christine Brookshire
Warrant Officer/Bailiff – Ron McGullion

- 2.0 The invocation was led by Father George McGavern, The Episcopal Church of the Good Shepherd.
- 3.0 Pledges to U. S. and Texas Flags were led by Boy Scout Troop, Pack 1493.
- 4.0 No public comments were received.

5.0 Reports and Announcements:

- October 6, 2018 – **6th “Annual Paces for Pink” 5K Run**
- October 13, 2018 – **“Zomball in Tomball”** at the Depot
- October 15, 2018 – Special Joint Meeting of the City Council and Planning and Zoning Commission regarding the City of Tomball Comprehensive Plan; 5:00 p.m.
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.- 6:00 p.m.
- November 16, 2018 – **Christmas Tree Lighting** at the Depot – 7:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Billy Tidwell presented information about **“National Night Out”**, to be held at the Depot on October 2, 2018.

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the September 17, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-32, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Greg Breaux, to Operate a “Mobile Food Court”; said Property being Approximately 3.39 acres, and being Legally Described as Lot 1a Block 1 Parkway Oasis 3rd Replat, Harris County, Texas, Generally Located on the West Side of Business 249 between Hirschfield Road and Alice 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. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2018-2019.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2018-2019.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-33 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2018 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 8.4 Mayor Fagan announced that the Date for the Final Vote on the 2018 Tax Rate would take place at the Regular City Council Meeting on October 15, 2018 at 6:00 p.m.

No action necessary.

- 8.5 Motion was made by Councilman Degges, second by Councilman Stoll, to award Contract for City of Tomball Project Bid No. 2018-18, City of Tomball FY 2017-18 Sidewalks, to Greenscapes Six, in the Amount of \$262,660.00.

Motion carried unanimously.

8.6 Executive Session: The City Council recessed at 6:15 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 6:49 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of October 2018.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 15, 2018

Topic:

Adopt, on Second Reading, Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Rate of \$0.341455/\$100 of taxable value for the Year 2018 on all Real and Personal Property located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

Background:

The proposed tax rate for Fiscal Year 2018-2019 (Tax Year 2018) is comprised of \$0.230000 for the Interest & Sinking Fund and \$0.111455 for the Maintenance and Operations Fund, for a total tax rate of \$0.341455.

Adoption of Ordinance No. 2018-33 on second reading will complete the process to levy the 2018 (FY 2018-2019) tax rate.

Origination:

Finance

Recommendation:

Adopt Ordinance 2018-33 on Second Reading

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2018-33

ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.341455 FOR THE YEAR 2018 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to the provisions of the Constitution and Laws of the State of Texas, the City Council of the City of Tomball, Texas, is vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and said power allowing for the granting of homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading; and

WHEREAS, the Council is required to set a tax rate, expressed as a rate per hundred-dollar valuation of said property, located in the City of Tomball, January 1, 2018; and

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Tomball, Texas, consists of two components, a tax rate of \$0.230000 cents per \$100.00 dollars of taxable value for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate of \$0.111455 cents per \$100.00 dollars of taxable value for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year; and

WHEREAS, City Council has approved, by separate motions, the tax rates heretofore specified for each of said components; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held;

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

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

Section 2. That said tax levied as aforesaid, based upon valuations established by Harris County Appraisal District, will be sufficient to meet the requirements of the City for the Budget Year 2017-2018.

Section 3. There is hereby levied, for the tax year 2018, to fund the City's fiscal year 2018-2019 municipal budget, an ad valorem tax at the total rate of thirty-four and one thousand four hundred fifty-five ten-thousandths cents (\$0.341455) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Tomball, Texas. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. Of such total tax levied in Section 2 hereof, \$0.111455 is levied to fund maintenance and operation expenditures of the City for the fiscal year 2018-2019. Of the total tax levied in Section 2 hereof, \$0.230000 is levied for the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Tomball, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, in the fiscal year 2018-2019.

Section 5. This year's levy to fund both maintenance and operations expenditures and interest & sinking expenditures exceeds last year's maintenance and operations tax levy and interest & sinking tax levy.

GENERAL FUND - TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY:	\$0.111455
INTEREST & SINKING - FOR DEBT SERVICE:	\$0.230000

With reference to the tax rate of \$0.230000 for the Interest and Sinking Fund for bonded indebtedness, this rate, representing 67.3588% of the total \$0.341455 tax, shall apply to the gross amount of current taxes to be collected.

Section 6. All ad valorem taxes levied hereby, in the total amount of \$0.341455 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 3 hereof, shall be due and payable on or before January 31, 2019. All ad valorem taxes due the City of Tomball, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest, and if not paid before July 1st shall incur an additional penalty of twenty percent (20%), as prescribed in the Texas Property Tax Code.

Section 7. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. If any provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

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 1ST DAY OF OCTOBER 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 15TH DAY OF OCTOBER 2018.

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: October 15, 2018

Topic:
Receive Report from Tomball Regional Health Foundation to City Council

Background:
Board Chair Vicki Clark will provide a report to City Council.

Origination:
Tomball Regional Health Foundation

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 15, 2018

Topic:

Consideration to Approve **Zoning Case P18-147**: Request by the City of Tomball to amend Section 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances by creating a land use for “Coffee Roasting”

- Conduct Public Hearing on **Zoning Case P18-147**
- Adopt, on First Reading, Ordinance 2018-34, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) (“Use Charts”) by Creating a Land Use for “Coffee Roasting”; 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, October 8, 2018, after conducting a public hearing, the Planning and Zoning Commission voted to recommend approval of the Text Amendment with the condition that the proposed land use be allowed with a Conditional Use Permit in the Commercial and Light Industrial Zoning Districts. The vote was three votes Aye and two votes Nay.

Origination:

Community Development Department

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Ordinance No. 2018-34

P18-147 Notice of Public Hearing

P18-147 Staff Report

ORDINANCE NO. 2018-34

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-82(B) (“USE CHARTS”) BY CREATING A LAND USE FOR “COFFEE ROASTING”; 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 50-82(b) (Use Charts) of the Code of Ordinances is hereby amended by adding the following:

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Coffee roasting										C	P		1 space per 1,000 square feet

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 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 15th DAY OF OCTOBER 2018.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF NOVEMBER 2018.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 8, 2018
&
CITY COUNCIL
OCTOBER 15, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 8, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 15, 2018, 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 P18-147: Request by the City of Tomball to amend Section 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances by creating a land use for “Coffee Roasting”.

Zoning Case P18-151: Request by Persimmon Global Logistics for a Conditional Use Permit to operate a *coffee roasting* facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon Road and zoned Commercial District.

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

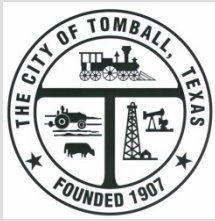
C E R T I F I C A T I O N

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 **4th** day of **October 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones
Administrative Assistant

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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: October 8, 2018

City Council Public Hearing Date: October 15, 2018

Zoning Case P18-147: Request by the City of Tomball to amend Section 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances by creating a land use for “Coffee Roasting”.

BACKGROUND

City Staff has recently been approached with a request for a coffee roasting establishment in the City. Chapter 50 (Zoning) of the Tomball Code of Ordinances does not list coffee roasting as an allowed use within the City limits. City Staff has proposed the amendments to Chapter 50 outlined below.

PROPOSED AMENDMENT

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

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Coffee roasting										C	P		1 space per 1,000 square feet

The proposed amendment would add the *Coffee roasting* land use and allow it with the approval of a Conditional Use Permit (CUP) in the Commercial Zoning District and by-right in the Light Industrial Zoning District. The CUP process allows the Planning & Zoning Commission and City Council to place certain restrictions or regulations to the development as they see fit. The proposed parking ratio for a *Coffee roasting* facility is one parking space per 1,000 square feet of building area.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on September 26, 2018. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 15, 2018

Topic:

Consideration to Approve **Zoning Case P18-151**: Request by Persimmon Global Logistics for a Conditional Use Permit to operate a coffee roasting facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon Road and zoned Commercial District.

- Conduct Public Hearing on **Zoning Case P18-151**
- Adopt, on First Reading, Ordinance 2018-35, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Persimmon Global Logistics to Operate a “Coffee Roasting” Facility; Said Property being Approximately 4.0230 Acres, and being Legally Described as Lot 1 Block 1 Vasquez-Phoenix, Harris County, Texas, Generally Located at the Southwest Corner of Lizzie Lane and South Persimmon Road and Zoned Commercial; 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, October 8, 2018, after conducting a public hearing, the Planning and Zoning Commission recommended approval of the Conditional Use Permit with four votes Aye and one vote Nay.

Origination:

Persimmon Global Logistics

Recommendation:

Approval

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

Craig T. Meyers, P.E. Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

2018-35 Ordinance

P18-151 Notice of Public Hearing

P18-151 Property Owner Notification

P18-151 Response Forms

P18-151 Staff Report

ORDINANCE NO. 2018-35

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO PERSIMMON GLOBAL LOGISTICS TO OPERATE A “COFFEE ROASTING” FACILITY; SAID PROPERTY BEING APPROXIMATELY 4.0230 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 1 BLOCK 1 VASQUEZ-PHOENIX, HARRIS COUNTY, TEXAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LIZZIE LANE AND SOUTH PERSIMMON ROAD AND ZONED COMMERCIAL; 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, Persimmon Global Logistics, has requested a CUP to operate a “coffee roasting” facility on approximately 4.0230 acres of land, legally described as Lot 1 Block 1 Vasquez-Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon 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 a “coffee roasting” facility at the Property and subject to the terms and conditions set forth below is hereby granted to Persimmon Global Logistics.

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”.
- 2) The business shall install devices to mitigate any effects on the environment.

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 15TH DAY OF OCTOBER 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF NOVEMBER 2018.

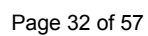
COUNCILMAN FORD	_____
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COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

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CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 8, 2018
&
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OCTOBER 15, 2018**



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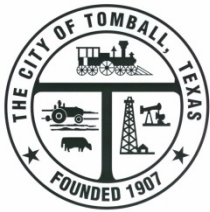
C E R T I F I C A T I O N

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Elizabeth Jones

Elizabeth Jones
Administrative Assistant

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Notice of Public Hearing

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

CASE NUMBER: P18-151

APPLICANT/OWNER: Request by Persimmon Global Logistics

LOCATION: Generally located at the southwest corner of Lizzie Lane and South Persimmon Road

PROPOSAL: Conditional Use Permit to operate a *coffee roasting* facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-Phoenix and zoned Commercial District.

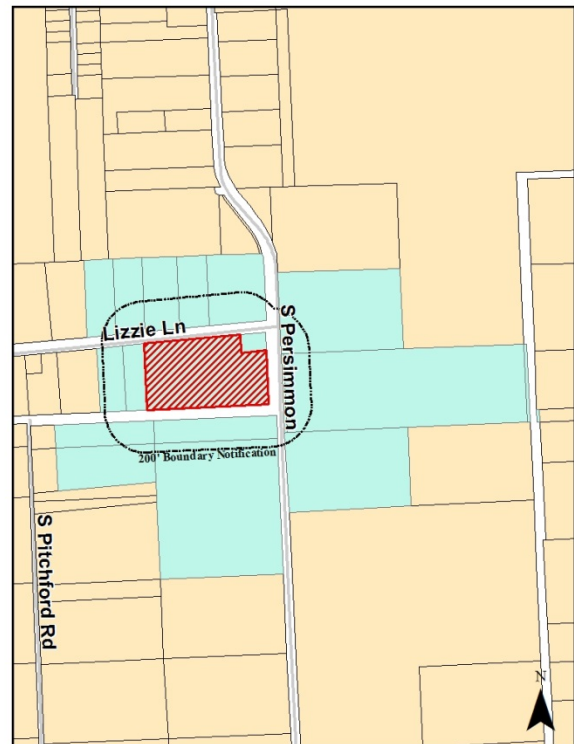
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

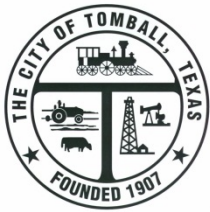


**Planning & Zoning Commission
Public Hearing:
Monday, October 8, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, October 15, 2018, 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 P18-151. (Please state reasons below)**

_____ I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P18-151. (Please state reasons below)**

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

Monday, October 8, 2018, 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, October 15, 2018 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.



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Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

Gregory Smith (MICO GROUP Ltd)
1028 Lizzie Lane
Tomball, TX 77375
Gregory T Smith
10/1/18



I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-151. (Please state reasons below)



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City Council Chambers of the City of Tomball, City Hall
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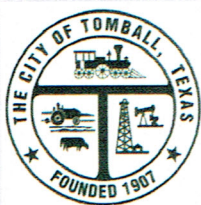
COMMENTS:

I'm concerned about the traffic flow and entrances into the business. Is Lizzie Lane or Persimmon going to widen?

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.



Address
931 Lizzie Lane
Tomball TX 77375
Lot 3 Block 2
Lizzie Persimmon
Subdivision

Community Development Department

Notice of Public Hearing

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CASE NUMBER: P18-151

APPLICANT/OWNER: Request by Persimmon Global Logistics

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PROPOSAL: Conditional Use Permit to operate a *coffee roasting* facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-Phoenix and zoned Commercial District.

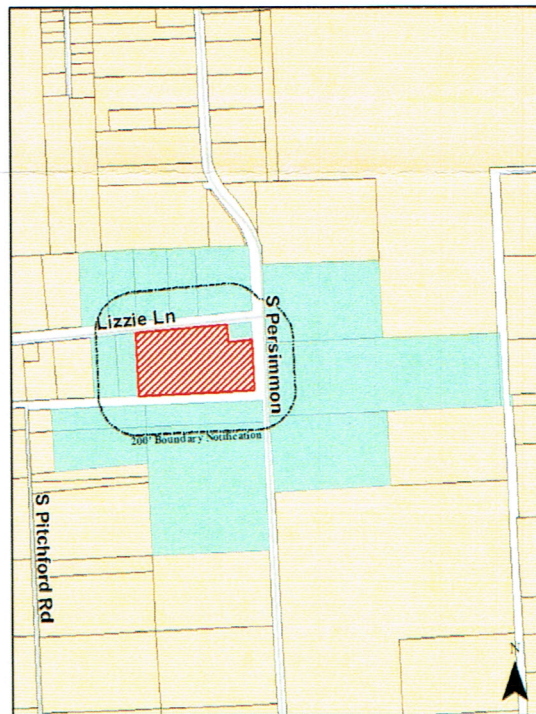
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PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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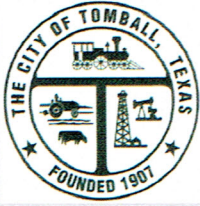


**Planning & Zoning Commission
Public Hearing:
Monday, October 8, 2018, 6:00 PM**

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Please return to:

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

Name:

(please print)

Address:

Int. Mechanical Equipment Company (Tanig. B. Shams)
Sadaf T. Shams
931 Lizzie Lane Tomball TX
77375

Signature:

Date:

10/1/2018
[Signature]



I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-151. (Please state reasons below)



I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-151. (Please state reasons below)

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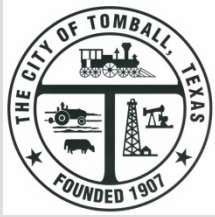
COMMENTS:

We do not have any objection. This business
will increase Tomball economy and employment.

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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: October 8, 2018

City Council Public Hearing Date: October 15, 2018

Rezoning Case: P18-151
Property Owner(s): Jose and Estela R. Vasquez
Applicant(s): Persimmon Global Logistics
Legal Description: Lot 1 Block 1 Vasquez-Phoenix
Location: Southwest corner of Lizzie Lane and South Persimmon Road (Exhibit "A")
Area: 4.0230 acres
Comp Plan Designation: Employment/Office (Exhibit "B")
Present Zoning and Use: Commercial (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Copan Trade LLC
Request: Conditional Use Permit (CUP) to allow for the operation of a "coffee roasting" facility

Adjacent Zoning & Land Uses:

North: Commercial / Office/warehouse

South: Light Industrial / City of Tomball drainage channel

West: Single-Family 6 / Undeveloped property

East: Single-Family 6, Commercial, and Light Industrial / Office/warehouse

BACKGROUND

City Staff met with the applicant's representative in August 2018 to discuss the proposed development of a coffee roasting facility. The proposed business, Copan Trade LLC, currently operates within the City limits along Hufsmith-Kohrville Road and is looking to relocate for an expanded facility.

After discussing the proposed use, City Staff determined a new land use would need to be created for *coffee roasting* and the proposed land use should be allowed in the Commercial Zoning District with the approval of a Conditional Use Permit through the Planning & Zoning Commission and City Council.

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 identifies the subject site as Employment / Office. The Comprehensive Plan indicates the Employment / Office category includes “office and employment uses that include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites”. According to the applicant, the proposed development will include “a new warehouse and office building to serve Copan Trade, LTD as well as future office warehouse lease space” (Exhibit “E”). The proposed use meets the purpose of the Future Land Use Map.

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 50-77 (Commercial District), the Commercial District “is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions.” It appears the proposed use is consistent with the purpose and intent of the Commercial district regulations.

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. It appears the proposed use will meet all supplemental standards.

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

The proposed use appears to be compatible with the adjacent developments. Properties in the immediate area are operating as office/warehouses. Another new office/warehouse is proposed on the east side of South Persimmon Road. Remaining properties are undeveloped. Chapter 50 (Zoning) outlines enhanced requirements for nonresidential uses that abut residential zoning districts. These include increased setbacks for buildings, landscape buffers and opaque screening.

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.**

In addition to the City of Tomball, the proposed facility will need to meet any other regulatory requirements as it pertains to its operation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 21, 2018. A sign was placed on the property and Notice of Public Hearing was published in the paper on September 26, 2018. 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 P18-151 for the following reasons:

1. The proposed use is appropriate for the location and surrounding uses;
2. The proposed use meets the intent of the Commercial Zoning District;
3. The proposed use meets the goals of the Comprehensive Plan.

City Staff also recommends the following conditions:

1. The site shall be constructed in accordance with the concept plan (Exhibit “F”);
2. The business shall install devices to mitigate any effects on the environment.

EXHIBITS

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

**Exhibit “A”
Aerial Photo**



Exhibit "B"
Comprehensive Plan

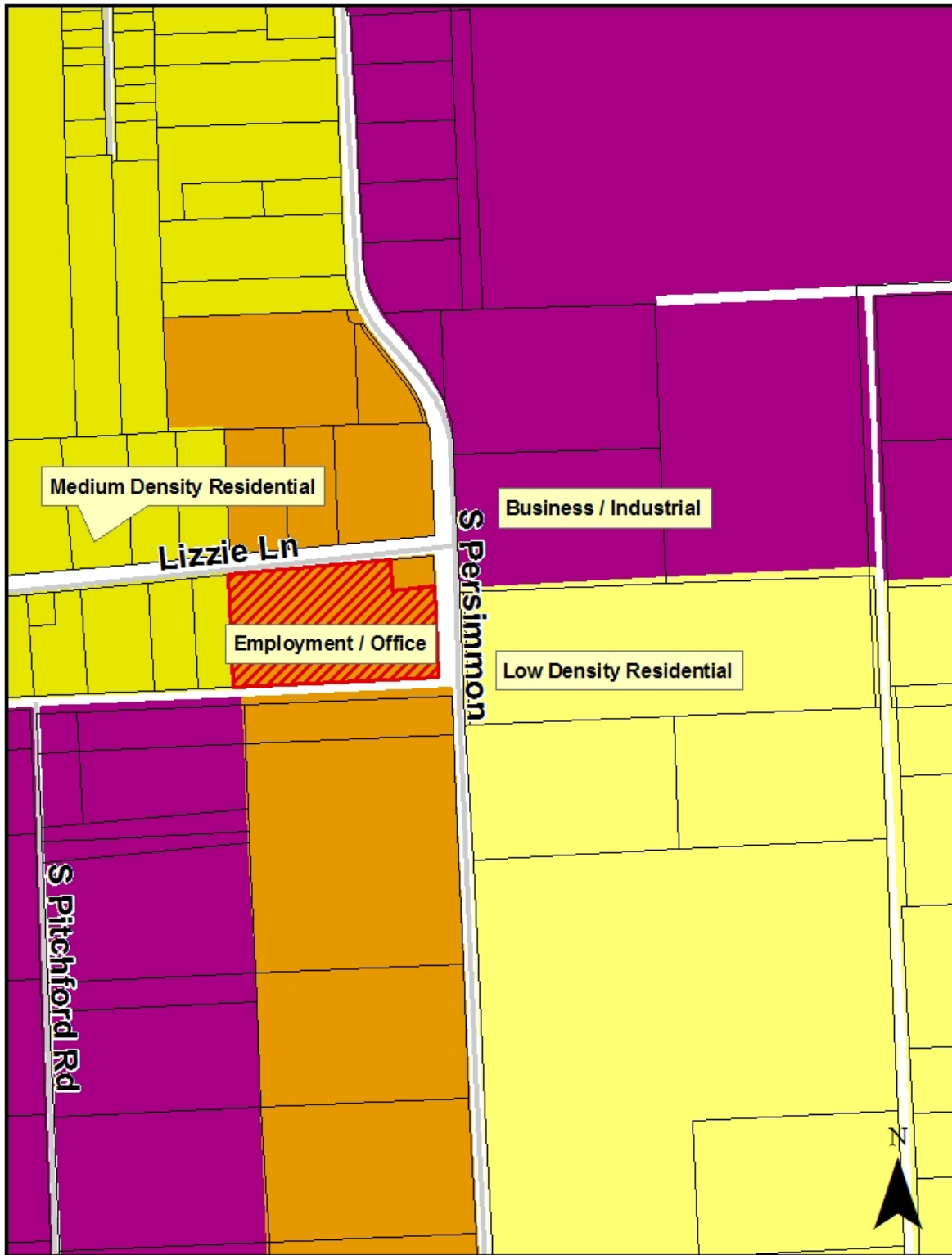
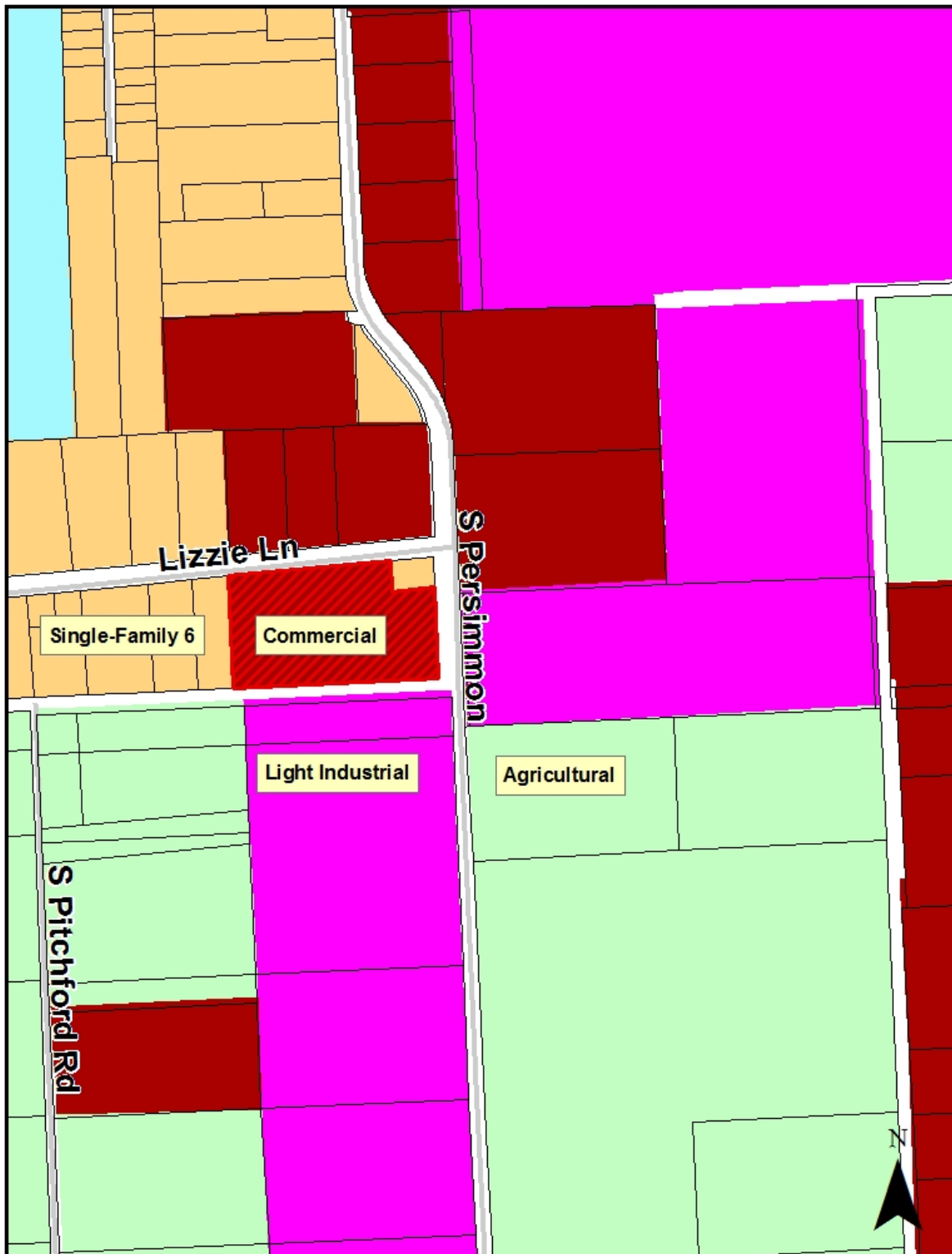


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

Revised 5/19/15



APPLICATION FOR
CONDITIONAL USE PERMIT

Community Development Department
Planning Division

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

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

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

Applicant

Name: Persimmon Global Logistics Title: general manager
Mailing Address: 2211 Hufsmith-Kohrville City: Tomball State: TX
Zip: 77375
Phone: (832) 515-7100 Fax: () Email: Sales@copantrade.com

Owner

Name: Vasquez Jose + Estela R. Title: owner
Mailing Address: 20304 CR 510 B City: Brazoria State: TX
Zip: 77422
Phone: () Fax: () Email:

Engineer/Surveyor (if applicable)

Name: Sergio Van Dusen Title: President
Mailing Address: 2203 Timberloch Pl, Suite 124 City: Spring State: TX
Zip: 77380
Phone: (281) 651-2972 Fax: () Email: svandusen@vogtengineering.com

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

www.tomballtx.gov

Description of Proposed Project: Construction of Warehouse and Office Building with parking and detention.

Physical Location of Property: At the corner of Lizzie Lane and S Persimmon Street (30.092597 degrees latitude and -95.600295 degrees longitude)

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

Legal Description of Property: Vazquez-Phoenix Subdivision Lot 1 Block 1

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

HCAD Identification Number: 1287940010001 Acreage: 4.0230

Current Use of Property: Wooded Area

Proposed Use of Property: Proposed Warehouse and Office for Copan Trade, LTD

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  Sept 14, 2018
Signature of Applicant Date
Persimmon Global Logistics

X  9-17-2018
Signature of Owner Date
Jose Vasquez

CITY OF TOMBALL
281-351-5484

REC#: 01045028 9/17/2018 3:24 PM
OPER: RP TERM: 005
REF#: W 7705

TRAN: 130.0000 PLANNING AND ZONING
COFFEE ROasting COMPANY
22111 HUFSMITH KOHRVILLE RD
100-5442
CONDITIONAL USE PER 600.00CR

City of Tomball, Texas 501 Jame

www.tomballtx.gov

TENDERED: 600.00 CHECK
APPLIED: 600.00-
CHANGE: 0.00

Form 100-1 (Rev. 1-7-60) - Affidavit of Support for Naturalization. The form is divided into several sections for the applicant, sponsor, and witnesses. It includes fields for names, addresses, dates, and signatures. A large 'FICIAL COPY' watermark is visible across the center. The bottom of the form contains a table with columns for 'Name', 'Address', 'City', 'State', and 'Zip', listing family members and other individuals. The form is signed by the applicant, sponsor, and witnesses, with dates and locations provided.

Page 12 of 17
Page 23 of 28

 National Independent School Districts
DIVISION OF THE TEA COLLECTION
P.O. BOX 10 • FARMINGDALE, TEXAS 77434-0010
www.tea.state.tx.us

August 1, 1996

This is a confirmation from the Texas State Archives of finding 1234, indicating that the original or nearest equivalent (11/17/2008) for "National Independent School Districts" for the 2045 has been located and been scheduled to be in the next date.

Respectfully,

David H. Johnson
Executive Director
Texas State Archives

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Page 14 of 17
Page 25 of 28

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15.000.000

As of today for the United States, approximately 100 million are connected to a city or financial hub (2009). The 2006 census, on average, 110,131,000 (000) and 119,231,600 (000) live in cities. In the national 119,327,000 (000), 119,147,000 (000), 115,112,000 (000), 110,157,000 (000), 118,272,000 (000) and 113,231 and 4000. The 2000 census are used for the 2004 and 2006 census data for the City of Portland.

Signature

800.827.22 • TORONTO: 416.291.1100 • www.4mat.com

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2.

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DATE: 10/10/2014 BY: K. V. K. (Signature)

1. The Court of Appeals for the Second Circuit has held that the "discovery" of a latent defect in a building is not a "discovery" of a latent defect in a building.

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Ray Van Allen
 2011-2012

PERSONAL DATA		CONTACT DATA	
NAME (LAST, FIRST, MIDDLE)	1.00	ADDRESS	1.00
DATE OF BIRTH	1.00	POSTAL CODE	1.00
TELEPHONE NO.	1.00	CITY	1.00
TELETYPE NO.	1.00	COUNTRY	1.00
TELEFAX NO.	1.00		

Form: 1041-SS (12-10-2010)	Page: 1 of 1
1041-SS (12-10-2010)	1041-SS (12-10-2010)

Signature: K. V. N. N. Date of Birth: 19/05/1980

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Signature: Ray V. Allen Date: 10/1/78
 Title: Deputy Assistant Attorney General

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TOTAL CONTRACT VALUE: \$ 600 ORDER NO: 1000000000 ORDER DATE: 10/01/2000	TOTAL CONTRACT VALUE: \$ 600 ORDER NO: 1000000000 ORDER DATE: 10/01/2000
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NAME: Key V. Khan City of Residence: Delhi

COST OF SALES						
Beginning Inventory	2,000					0
Net Purchases	8					0
Freight In	0.05					0
Ending Inventory						
Cost of Sales						
Net Sales		100		0	0.05	100.05
Cost of Sales			10.05	0.05	0.05	10.15

ORDERING INFORMATION:

FOR SALES TO
WHOLESALE ACCOUNTS

CONTACT THE PUBLISHER:
JULY 1980, \$7.50

DATE: 17/10/2023 PAGE: 1

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3. 1992-1993	4. 1993-1994
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177. 2166-2167	178. 21

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Kay K. Hester

OFFICE OF
SHERIFF & CLERK
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
SECTION
FILE NO. _____
VALUED PROPERTY IN SUMMARY
THIS IS PAGE 3 OF 3 PAGES
ENCLOSURE (SEE LISTING)

September 14, 2018

City of Tomball
c/o Ms. Amelia Lindley
Planner
Community Development Department
401 Market Street
Tomball, TX 77375

RE: Letter Stating Reason for Request of a Conditional Use Permit to Roast Coffee within the
Vazquez-Pheonix Subdivision Lot 1 Block 1

To Whom It May Concern,

We are requesting a Conditional Use Permit (CUP) to allow for coffee roasting within the above referenced property. The property is located at the corner of Lizzie Lane and S Persimmon Street. This site is the proposed location for a new warehouse and office building to serve Copan Trade, LTD as well as future office warehouse lease space. It is our understanding that the City of Tomball will allow for a coffee roasting land use in a Commercial District with an approved CUP.

The reason for the request is because roasting coffee is an integral component of the Copan Trade, LTD business plan. Without the ability to roast coffee on the property, Copan Trade, LTD cannot successfully operate on the property. Copan Trade, LTD has been a proud City of Tomball business and it is the desire of Copan Trade, LTD to remain a City of Tomball business.

Please do not hesitate to contact us should you have any questions.

Sincerely,

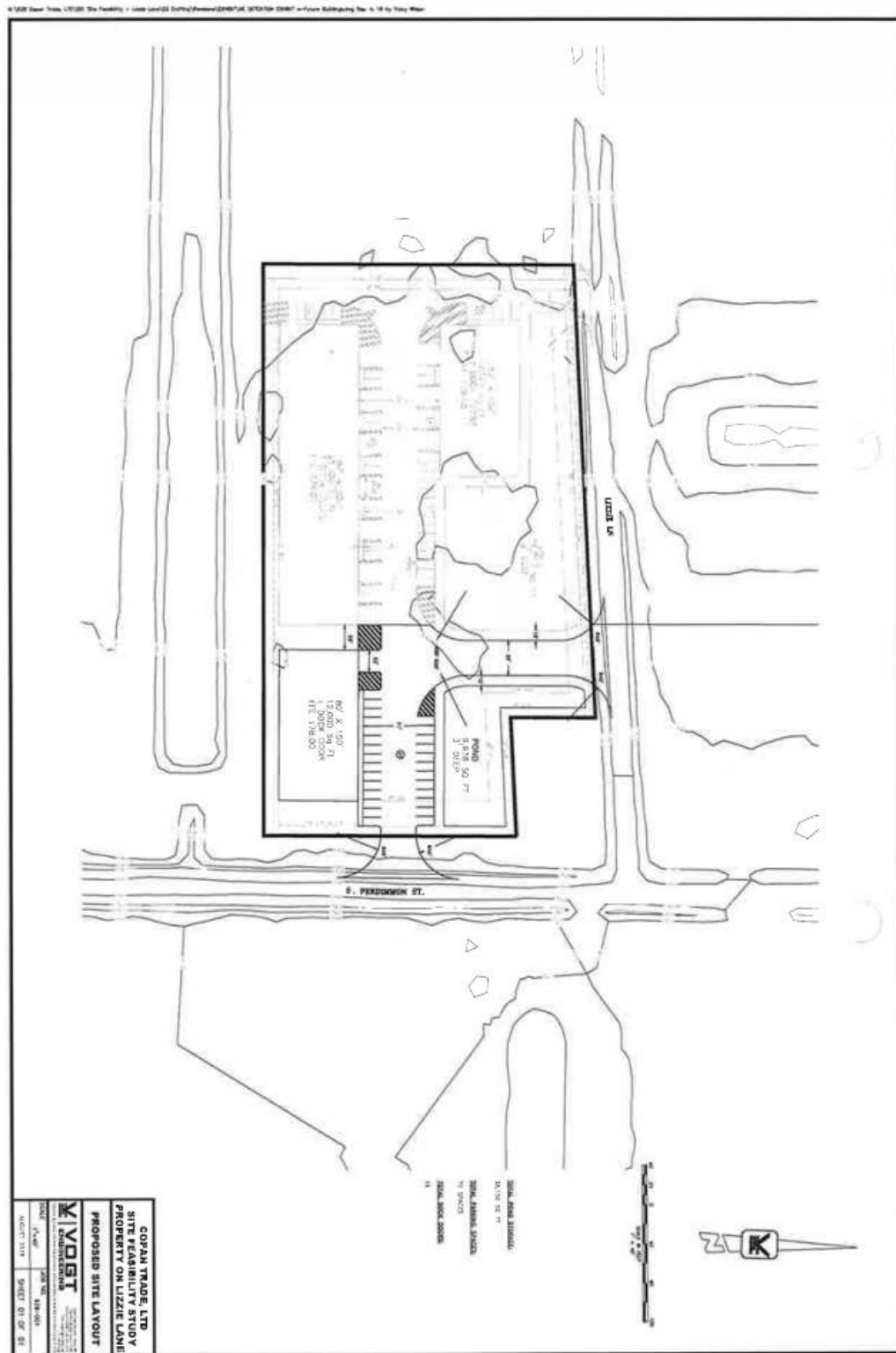

Sheri Dunaway

Board >

(45) Pinterest

9/14/2018

Figure “F” Concept Plan



Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 15, 2018

Topic:

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

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Background:

Origination:

City Manager

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: October 15, 2018

Topic:
Approve Purchase, from David and Jessica Sottolare, of Property located at 215 West Main Street, and Authorize Mayor or City Manager to Execute Appropriate Deed and Associated Documents

Background:

Origination:
Robert Hauck, City Manager

Recommendation:
Approve purchase and authorize Mayor or City Manager to execute deed document

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

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