

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



MONDAY, OCTOBER 16, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 16, 2017 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 Tim Niekerk of Salem Lutheran Church, Tomball

3.0 Pledges to U.S. and Texas Flags

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

5.0 Reports and Announcements

- October 21, 2017– **2nd Annual Freight Train Food Truck Festival**– 11:00 a.m. to 5:00 p.m.

- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – ***“Holiday Lamp Post Stroll”***
- November 18, 2017 – ***52nd Annual Tomball Holiday Parade***
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- December 8-10, 2017 – **Tomball German Christmas Market**
- December 9, 2017 – ***“Christmas on Commerce”*** – a **2nd Saturday at the Depot Event**
- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – **“Zomball in Tomball”**
 - Mike Baxter – **Denise Fiore** finishes 9th in the Nation - World Championship Hunter Rider Adult Challenge, United States Hunter Jumper Association
 - Randy Parr - Free Smoke Alarms Provided to Area Residents

6.0 Approve the Minutes of the October 2, 2017 Regular Tomball City Council Meeting and the Minutes of the October 16, 2017 Special Tomball City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2017-33, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Levy of \$0.341455/\$100 of taxable value for the Year 2017 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
- 7.2 Adopt, on Second Reading, Ordinance No. 2017-35, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting Section 44-67, Use of Certain Wireless Communication Devices While Driving Prohibited, of Article III, Operation of Vehicles, of Chapter 44, Traffic and Vehicles, Making Findings, and Providing for Severability

8.0 New Business:

- 8.1 Approve Supplemental Number 1 for E&P Project 2003-10005, M121W Channel and M500 Detention Basin to Gunda Corporation, LLC, for an Amount of \$69,520.00.
- 8.2 Approve the Purchase of Calidus Gyroplane for the Tomball Police Department, in the Amount of \$35,000
- 8.3 Presentation by Halff Associates regarding Tomball's Comprehensive Plan Update
- 8.4 Consideration to Approve **Zoning Case P17-0115**; Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the

Agricultural District to the Single-Family 20 Estate District.

- Conduct Public Hearing on **Zoning Case P17-0115**
- Adopt, on First Reading, Ordinance No. 2017-36, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 76.01 Acres Of Land, Legally Described Reserve “D” Reserve At Spring Lake – Section Two, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Single-Family 20 Estate District; Said Property Being Generally Located At The North End Of Spring Lake Boulevard; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.5 Consideration to Approve **Zoning Case P17-0116**: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

- Conduct Public Hearing on Zoning Case P17-0116
- Adopt, on First Reading, Ordinance No. 2017-37, 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 1.5 Acres Of Land, Legally Described Tract 245 Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Single-Family 6 District To The Commercial District; Said Property Being Generally Located At The Northeast Corner Of Chestnut Street And Lizzie Lane; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.6 Consideration to Approve **Zoning Case P17-0117**: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

- Conduct a Public Hearing on **Zoning Case P17-0117**
- Adopt, on First Reading, Ordinance No 2017-38, 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 8.355 Acres Of Land, Legally Described Lot 9 Tomball Marketplace, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The North Side Of Medical Complex Drive, West Of Sh 249; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

- 8.7 Consideration to Approve **Zoning Case P17-0118**: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.
- Conduct Public Hearing on **Zoning Case P17-0118**
 - Adopt, on First Reading, Ordinance No. 2017-39, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Code Of Ordinances By Amending Section 50-115(B)(2) By Requiring Refuse Areas Which Are Visible From A Public Right-Of-Way Be Visually Screened By A Minimum Six-Foot Solid Masonry Wall On At Least Three Sides; 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.
- 8.8 Adopt, on First Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date
- 8.9 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. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager
- 8.10 Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager
- 9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12th day of October 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 16, 2017

Topic:

- Led by Pastor Tim Niekerk of Salem Lutheran Church, Tomball

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 16, 2017

Topic:

- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – **“Holiday Lamp Post Stroll”**
- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- December 8-10, 2017 – **Tomball German Christmas Market**
- December 9, 2017 – **“Christmas on Commerce” – a 2nd Saturday at the Depot** Event
- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – **"Zomball in Tomball"**
 - Mike Baxter – **Denise Fiore** finishes 9th in the Nation - World Championship Hunter Rider Adult Challenge, United States Hunter Jumper Association
 - Randy Parr - Free Smoke Alarms Provided to Area Residents

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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ATTACHMENTS:

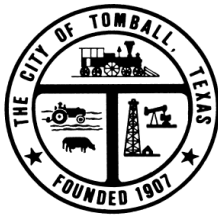
Denise Fiore - 9th Place

Denise Fiore

Free Smoke Alarms Provided to Area Residents







PRESS RELEASE TOMBALL FIRE DEPARTMENT

1200 Rudel, Tomball, Texas 77375
(281) 351-7101 Fax: (281) 357-4714

For Immediate Release

Date: October 7, 2017
Contact: Fire Marshal Joe Sykora
Phone: (281) 290-1440

Free Smoke Alarms Provided to Area Residents

According to a 2015 report from the Texas State Fire Marshal's Office 35% of all residential structure fires involving fatalities had NO working smoke alarms. When a fire breaks out in the home, occupants have only minutes to escape – in fact, every three hours, someone in the U.S dies in a home fire. It's a known fact that working smoke alarms installed throughout the home increase the chances of surviving a fire in the home.

Smoke alarms detect the smoke generated by flaming or smoldering fires, and on average, families have less than three minutes from the time the first smoke alarm sounds to escape a fire. The sooner an alarm is heard, the more time there is to respond and escape.

“The most important thing is to ensure that there are working smoke alarms on every floor of the home, in hallways, in living areas, inside bedrooms, and outside of sleeping areas,” according to Joe Sykora, City of Tomball Fire Marshal. “It's also important to remember that smoke alarms do not last forever. They should be replaced every 10 years and tested monthly.” Homeowners are especially encouraged to make sure they have smoke alarms in or just outside every bedroom.

On October 7th 2017 over 250 smoke alarms were installed in homes throughout the Tomball area. The Tomball Fire Department and 29 volunteers from the Lone Star College Cy-Fair Fire Academy, Tomball High School Student Council, and the Tomball Citizens Emergency Response Team (CERT) joined with the American Red Cross Sound the Alarm campaign to provide smoke alarms to area residents.

Any area citizen who would like to have a smoke detector installed in their home may contact the Tomball Fire Department at 281-351-7101 option 0.

END-END-END

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 16, 2017

Topic:

Approve the Minutes of the October 2, 2017 Regular Tomball City Council Meeting and the Minutes of the October 16, 2017 Special Tomball City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

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

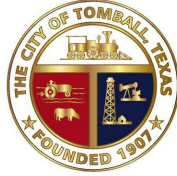
City Secretary

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

ATTACHMENTS:

Draft Minutes of October 2, 2017 Regular City Council Meeting
Draft Minutes of October 9, 2017 Special City Council Meeting

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



**MONDAY, OCTOBER 2, 2017
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Fire Marshal – Joe Sykora

2.0 The invocation was led by Pastor Billy Hines, Affinity Life Giving Church, Tomball.

3.0 The pledges to U. S. and Texas Flags were led by Arrow of Light Webelos Patrol, Packs 469 and 3471, Tomball (Lakewood United Methodist Church).

4.0 The following public comments were received:

Michael Keck - Announced he is a nominee for the Harris County
19131 Austin Bluff Ln Appraisal District and expressed his desire for Council
77377 (Northpointe) support.

5.0 Presentations:

- Mayor Fagan presented a Certificate of Appreciation to the **Tomball Wild Bunch**, 1st Place Winners at the First Chair Volleyball Competition, Harris County Precinct 4.

6.0 Reports and Announcements:

- October 3, 2017 – **National Night Out** at the Depot – 6:00 p.m.-8:00 p.m.
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 9, 2017 – 5:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 14, 2017 – **“Zomball in Tomball”**
- October 16, 2017 – 6:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – **“Holiday Lamp Post Stroll”**
- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter reported on the success of the **7th Annual Beetles, Brew & Barbeque Festival**

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the September 18, 2017 Regular Tomball City Council Meeting and the Minutes of the September 25, 2017 Special Tomball City Council Meeting

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2017-30, an Ordinance Amending Article VI, Erosion and Sediment Control, of Chapter 18, Environment, of the Code of Ordinances of the City of Tomball, to Add Provisions to Support the City’s Compliance with Permitting Requirements for Stormwater System; Allowing an Application for a Site Development

Permit as an Alternative to an Erosion and Sediment Control Plan; Adopting Penalties in Accordance with Chapter 54 of the Texas Local Government Code; Adopting a New Article VIII, Illicit Discharge Program, of Chapter 18, Environment, Providing Definitions, Regulation and Enforcement of Illicit Discharges Into the City's Stormwater System; Adopting a New Article IX, Post-Construction Runoff Control Program, to Chapter 18, Environment, Establishing Definitions, Regulations, and Enforcement Regarding Discharge of Pollutants in the City's Stormwater Runoff from New Development and Significant Redevelopment; Adopting a New Article X, Pet Waste Management, to Chapter 18, Environment, to Establish Definitions, Regulations and Enforcement Regarding Discharge of Bacteria in Stormwater Runoff from Pet Waste; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for any Violation of any Provision of this Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for Publication; and Providing for Severability. 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.

- 8.2 Motion was made by Councilman Ford, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting the Word "Burglar" from Section 16-59, False Alarm Notification, of Division 2, Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services; Providing a Repealer, and Providing for Severability. 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.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2017-32, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting the Wording "Possibility of Imprisonment for Violation of the International Fire Code" from Section 20-28 (c), Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection; Providing a Repealer, and Providing for Severability. 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.

- 8.4 Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2017-34, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding a Penalty Provision to Article VI, Right of Way Management, and Article VII, Telecommunications and Wireless Facilities, of Chapter 38, Streets, Sidewalks and Other Public Places, Providing for Severability, Making Other Findings. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Mayor Fagan called the Second Public Hearing regarding the 2017 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas to order at 6:21 p.m.

Receiving no public comments, Mayor Fagan closed the Second Public Hearing regarding 2017 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas at 6:21 p.m.

- 9.2 Mayor Fagan announced that Voting on the Proposed 2017 Tax Rate will be held at a Special Council Meeting on October 9, 2017 at 5:00 p.m. and at a Regular Council Meeting on October 16, 2017 at 6:00 p.m.

No action required.

- 9.3 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to reappoint Latrell Shannon and James Ross to their respective positions as Board Members to the Tomball Regional Health Foundation for Terms Expiring September 1, 2019.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-35 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-35, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting Section 44-67, Use of Certain Wireless Communication Devices While Driving Prohibited, of Article III, Operation of Vehicles, of Chapter 44, Traffic and Vehicles, Making Findings, and Providing for Severability. 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.

- 9.5 Motion was made by Councilman Klein Quinn, second by Councilman Ford, to approve Resolution No. 2017-16, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2018 General Assembly, and designating Councilman Derek Townsend as the City's Representative and Councilman Mark Stoll as the City's Alternate.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of October 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

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

MONDAY, OCTOBER 9, 2017



5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer

2.0 No public comments were received.

3.0 New Business:

- 3.1 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 2017-2018.

Motion carried unanimously.

- 3.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2017-2018.

Motion carried unanimously.

- 3.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-33 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Ford, that the property tax rate be increased by the adoption of a tax rate of \$0.341455/\$100, which is effectively 1 0.26% increase in the tax rate, and to adopt, on First Reading, Ordinance No. 2017-33, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455 for the Year 2017 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.

- 3.4 Mayor Fagan announced that Final Voting on the Proposed 2017 Tax Rate will be held at the Regular Council Meeting on October 16, 2017 at 6:00 p.m.

No action necessary.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of October 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-33, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Levy of \$0.341455/\$100 of taxable value for the Year 2017 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:

Previous items on the agenda approved the allocation of the proposed tax rate for Fiscal Year 2017-2018 (Tax Year 2017) in the amounts 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.

In accordance with Sec. 26.05. Tax Rate. (b)(1)(B), the following statement: "The Tax Rate will effectively be raised by 0.26 Percent and will raise taxes for Maintenance and Operations on a \$100,000 Home by Approximately \$7.94." has been included in Ordinance No. 2017-33.

Please note that the motion to adopt Ordinance No. 2017-33 must include: **"I move that the property tax rate be increased by the adoption of a tax rate of \$0.341455/\$100, which is effectively a 0.26% increase in the tax rate"**, followed by **"and to adopt Ordinance No. 2017-33 on second reading"**.

Adoption of Ordinance No. 2017-33 on October 16, 2017 will complete the process to levy the 2017 tax rate.

Origination:

Doris Speer, City Secretary

Recommendation:

Adopt Ordinance No. 2017-33 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. 2017-33

Notice of Effective Tax Rate for 2017

Notice of Vote on Tax Levy

ORDINANCE NO. 2017-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.341455 FOR THE YEAR 2017 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, 2017; 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 2017, to fund the City's fiscal year 2017-2018 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 2017-2018. 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 2017-2018.

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. **THIS TAX RATE WILL RAISE MORE TAXES FOR**

MAINTENANCE AND OPERATIONS AND FOR INTEREST & SINKING THAN LAST YEAR'S TAX RATE. THE TAX

RATE WILL EFFECTIVELY BE RAISED BY 0.26 PERCENT

AND WILL RAISE TAXES FOR MAINTENANCE AND

OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY

\$7.94.

GENERAL FUND - TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY:	\$0.111455
---	------------

INTEREST & SINKING - FOR DEBT SERVICE:	\$0.230000
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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, 2018. 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 9TH DAY OF OCTOBER 2017.

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 16TH DAY OF OCTOBER 2017.

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

2017 Property Tax Rates in City of Tomball

This notice concerns the 2017 property tax rates for City of Tomball. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$2,007,951
Last year's debt taxes	\$4,143,634
Last year's total taxes	\$6,151,585
Last year's tax base	\$1,801,580,003
Last year's total tax rate	\$0.341455/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$6,140,471
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,802,916,074
=This year's effective tax rate	\$0.340585/\$100

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$16,160,368
÷ This year's adjusted tax base	\$1,802,916,074
=This year's effective operating rate	\$0.896346/\$100
x 1.08 =this year's maximum operating rate	\$0.968053/\$100
+ This year's debt rate	\$0.202724/\$100
= This year's total rollback rate	\$1.170777/\$100
-Sales tax adjustment rate	\$0.766846/\$100
=Rollback tax rate	\$0.403931/\$100

Statement of Increase/Decrease

If City of Tomball adopts a 2017 tax rate equal to the effective tax rate of \$0.340585 per \$100 of value, taxes would increase compared to 2016 taxes by \$135,650.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	12,194,349
Special Revenue Funds	1,549,375

Schedule B - 2017 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2010 Refunding Bonds	285,000	3,135	0	288,135
Series 2011 Refunding Bonds	479,250	76,016	0	555,266
2015 Lease - Fire Truck	73,463	21,715	0	95,178
Series 2012 Certificates of Obligation	620,000	401,938	0	1,021,938
Series 2013 Refunding Bonds	520,000	41,578	0	561,578

Series 2013 Certificates of Obligation	370,000	163,613	0	533,613
Series 2017 Certificates of Obligation	975,000	735,287	0	1,710,287

Total required for 2017 debt service	\$4,765,995
- Amount (if any) paid from Schedule A	\$0
- Amount (if any) paid from other resources	\$0
- Excess collections last year	\$1,023,674
= Total to be paid from taxes in 2017	\$3,742,321
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2017	\$0
= Total debt levy	\$3,742,321

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$14,156,045 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 1001 Preston, Houston, TX 77002.

Name of person preparing this notice: Ann Harris Bennett
Title: Harris County Tax Assessor-Collector
Date Prepared: 09/05/2017

NOTICE OF TAX REVENUE INCREASE

The _____
(name of taxing unit)

conducted public hearings on _____ and _____ on a proposal to
(date of first hearing) (date of second hearing)

increase the total tax revenues of the _____ from properties
(name of taxing unit)

on the tax roll in the preceding year by _____ percent.
(percentage by which proposed tax rate exceeds lower of
rollback tax rate or effective tax rate calculated under this chapter)

The total tax revenue proposed to be raised last year at last year's tax rate of _____
(insert tax rate for the preceding year)

for each \$100 of taxable value was _____ .
(insert total amount of taxes imposed in the preceding year)

The total tax revenue proposed to be raised this year at the proposed tax rate of _____
(insert proposed tax rate)

for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this
year, is _____ .
(insert amount computed by multiplying proposed tax rate by the difference
between current total value and new property value)

The total tax revenue proposed to be raised this year at the proposed tax rate of _____
(insert proposed tax rate)

for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this
year, is _____ .
(insert amount computed by multiplying proposed tax rate by current total value)

The _____ is scheduled to vote on the
(governing body of the taxing unit)

tax rate that will result in that tax increase at a public meeting to be held on _____
(date of meeting)

at _____ .
(location of meeting, including mailing address)

at _____ .
(time of meeting)

The _____ proposes to use the increase in total tax revenue for the purpose of
(governing body of the taxing unit)

_____ .
(description of purpose of increase)

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-35, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting Section 44-67, Use of Certain Wireless Communication Devices While Driving Prohibited, of Article III, Operation of Vehicles, of Chapter 44, Traffic and Vehicles, Making Findings, and Providing for Severability

Background:

House Bill 62 was adopted in the 85th session of the Texas Legislature, banning the use of certain wireless communication devices while operating a motor vehicle.

The City of Tomball previously adopted an ordinance, codified in Section 44-67 of its Code of Ordinances, prohibiting the use of certain wireless communication devices while driving; however, the passage of HB 62 preempts municipal regulation.

Staff's recommendation to Council is the adoption of Ordinance No. 2017-35, which will repeal Section 44-67 of the Tomball Code of Ordinances.

Origination:

Robert Hauck, Assistant City Manager

Recommendation:

Adopt Ordinance No. 2017-35 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. 2017-35

ORDINANCE NO. 2017-35

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY DELETING SECTION 44-67, USE OF CERTAIN WIRELESS COMMUNICATION DEVICES WHILE DRIVING PROHIBITED, OF ARTICLE III, OPERATION OF VEHICLES, OF CHAPTER 44, TRAFFIC AND VEHICLES, MAKING FINDINGS, AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, HB 62 was adopted in the 85th session of the Texas Legislature; and

WHEREAS, HB 62 bans the use of certain wireless communication devices while operating a motor vehicle; and

WHEREAS, the City of Tomball had previously adopted an ordinance, codified in Section 44-67 of its Code of Ordinances prohibiting the use of certain wireless communication devices while driving; and

WHEREAS, HB 62 preempts municipal regulation in this area; and

WHEREAS, the City Council of the City of Tomball, Texas desires to repeal Section 44-67 of its Code of Ordinances; 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. The Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting Section 44-67, Use of Certain Wireless Communication Devices While Driving Prohibited, of Article III, Operation of Vehicles, of Chapter 44, Traffic and Vehicles in its entirety.

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

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

Section 4. This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF OCTOBER 2017.

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>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF OCTOBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Approve Supplemental Number 1 for E&P Project 2003-10005, M121W Channel and M500 Detention Basin to Gunda Corporation, LLC, for an Amount of \$69,520.00.

Background:

The City entered into a contract with Gunda Corporation, LLC in January of 2017 for the continued design for construction of the M121 East and West Drainage Channels. As a part of the design of the project, Gunda subcontracted with SWCA Environmental Consultants to obtain a USACE (U.S. Army Corps of Engineers) permit for the project. Prior meetings with Corps indicated that the project was eligible for a nationwide permit; a nationwide permit is a more straight forward permitting process. We were proceeding with that in mind. In recent meetings and a change of personnel at the Corps now has determined that submittal of the nationwide permit application is required and that the project does not fall under the criteria for a nationwide permit. The criteria cited for this new determination are:

1. Current wetlands determination report will expire soon
2. Identified wetlands areas in the delineation report are too close to the 0.5 acre limit of a nationwide permit

An individual permit is now required to be completed and submitted. This permit is more involved and time consuming to complete than the nationwide permit. The tasks of the individual permit application include:

1. Wetland delineation verification and request the Corps to approve the outlined jurisdictional area
2. Conduct a wetland mitigation assessment
3. Prepare the individual permit

The process also includes additional consultation and coordination with the Corps. Supplemental number 1 will increase the original contract to include services for Wetland investigations and payment to the U.S. Army Corps of Engineers for permitting by \$69,520.00.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends approving supplemental number 1 to Gunda Corporation, LLC for a total amount of \$69,520.00 to apply for an individual permit with the U.S. Army Corps of Engineers for the continued development of the M121 drainage channel.

Funding:

Yes

Account Number:400-154-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Supplemental 1

**SUPPLEMENTAL No. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
ENGINEERING & PLANNING PROJECT NO. 2003-10005
M121W CHANNEL & M500 DETENTION BASIN**

THIS IS A SUPPLEMENTAL AGREEMENT amending an AGREEMENT between the CITY OF TOMBALL and GUNDA CORPORATION, LLC executed the 3rd day of January 2017, relative to professional services for Tomball Engineering and Planning Project No. 2003-10005.

Upon execution of this Supplemental the scope and fee shall be amended as follows:

**SUPPLEMENTAL No. 1 SECTION I
SCOPE OF AGREEMENT**

The scope of services shall be amended to include supplemental Wetland investigation and U.S. Army Corps of Engineers (USACE) Permitting services, detailed scope attached.

**SUPPLEMENTAL No. 1 SECTION VII
ENGINEER'S COMPENSATION**

For and in consideration of the supplemental services rendered by Engineer pursuant to this Supplemental Agreement, the City shall pay Engineer on the basis set forth in Attachment "A" of the original agreement, plus a supplemental services fee of \$69,520.00 (Subconsultant cost + 10%) for a total amended contract amount not to exceed \$1,544,243.00, including reimbursable expenses.

All other terms and conditions contained in the original Agreement, not specifically amended herein, shall remain in full effect.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the Assistant City Manager of said City and attested by the City Secretary and Gunda Corporation LLC, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 2017.

ENGINEER:

Gunda Corporation, LLC

By: Rajesh Tanwani
Name: Rajesh Tanwani, PE
Title: Vice President

CITY OF TOMBALL, TEXAS

Robert S. Hauck, Assistant City Manager

ATTEST:

Doris Speer, City Secretary

August 16, 2017

Sent via e-mail to kbertrand@gundacorp.com

Mr. Kyle Bertrand
Gunda Corporation, LLC
32721 Egypt Ln #501
Magnolia, Texas 77354

Re: Change Order for the City of Tomball M121 Channel Project

Dear Mr. Bertrand:

SWCA Environmental Consultants (SWCA) respectfully submits this change order request to Gunda Corporation (Gunda) for the City of Tomball M121 Channel Project (Project) addressing the following proposed scope changes resulting from a meeting between SWCA and the U.S. Army Corps of Engineers (USACE) on August 8, 2017. This meeting occurred within days of receipt of correspondence from the U.S. Army Corps of Engineers (USACE) following their review of the Project's Pre-Construction Notification (PCN) explaining that, as currently proposed, the project could not be authorized under Nationwide Permit (NWP) 43. The meeting was attended by SWCA's Matt Stahman and USACE's Kenneth Jaynes, Arianne Logwood, and Janet Botello. Based on the results of that meeting, SWCA recommends that the City of Tomball and Gunda evaluate the need to seek authorization to construct the Project under an Individual Permit (IP). This change order includes scope and costs associated with obtaining an IP, should an IP become necessary.

TASK 1 – WETLAND DELINEATION VERIFICATION AND REQUEST FOR AN APPROVED JURISDICTIONAL DETERMINATION

Based on feedback from the USACE on August 8 citing changes made to the NWP general conditions in March 2017, this project may no longer fit under NWP 43 for several reasons, including impacts exceeding the 0.50-acre loss threshold to potential waters of the U.S. (WOTUS). This is largely due to USACE claiming upland ditches within the project area as potential WOTUS in the absence of an approved jurisdictional determination (AJD). While an AJD is not necessary to process a NWP application, the USACE is currently including acreage impacts to all "wetlands, special aquatic sites, and other waters",

including man-made “other waters” in upland areas, when evaluating NWP requests that do not have a jurisdictional determination. In this case, the “other waters” acreage impacts pushes the project above the 0.5-acre threshold.

Therefore, in order to ascertain if these upland ditches are indeed non-jurisdictional, SWCA recommends moving forward with an AJD. SWCA will assist the USACE with an AJD by providing completed AJD forms for their use. It must be noted that AJDs can take a year or more to be processed; however, SWCA has obtained AJDs in a much shorter time frames. Kenny Jaynes indicated this AJD would likely take 2 months or more to complete, depending upon the project interaction with the M500 Detention Basin.

In addition, Kenny Jaynes has indicated that he will require an on-the-ground verification by his staff of the wetland boundaries. He also cautioned that the original wetland delineation of the project site could require a boundary and data sheet update based on that verification. Wetland delineation data has a shelf life of 5 years, and conditions on the ground area likely to have changed over that time span. Due to these potential changes, the original wetland delineation and report, SWCA recommends updating the report with additional datapoints and updated wetland boundaries prior to the verification.

During the August 8 meeting, Kenny Jaynes and Janet Botello questioned whether or not the M500 detention basin lowering project has a direct connection to the M121 channel project. Kenny Jaynes noted that the M500 detention basin had a previous USACE enforcement action case opened against Harris County Flood Control District. Apparently, jurisdictional wetlands in the western portion of the detention basin had been impacted without a permit. The enforcement action has been closed; however, Kenny Jaynes requested a full wetland delineation of the M500 detention basin and a surrounding 300-foot buffer be added to the updated wetland delineation report.

After submitting the revised delineation, SWCA will attend a site visit with the USACE to verify the wetland delineation within the project area. SWCA will flag any wetlands or waters prior to the site visit, as is typically required by the USACE. SWCA will meet with the USACE at the project site and review / discuss the results of the report, escorting the USACE to the delineated potentially jurisdictional waters of the U.S. This task includes any changes that the USACE may request to wetland / waters boundaries.

Additionally, the USACE has requested that SWCA obtain elevation of the ordinary high-water mark (OHWM) at Willow Creek and at the waterbody SB001 terminus. This information will be collected and included with the AJD request submittal.

TASK 2 – WETLAND MITIGATION ASSESSMENT

Once wetland locations and boundaries are verified and impacts have been determined through project design, SWCA will revise the previously conducted wetland functional assessment in order to quantify the number of wetland mitigation credits necessary to compensate for the project’s unavoidable impacts, if they differ from the currently quantified impacts. SWCA will assess whether or not any additional mitigation is necessary beyond the 0.49 credits currently reserved at Greens Bayou Wetlands Mitigation Bank and make recommendations with cost estimates for potential additional credit sources from existing mitigation banks if necessary. This effort does not include development of on or off-site permittee-responsible mitigation (PRM) plans. If a PRM plan becomes necessary, SWCA will submit an additional scope of work and cost estimate at that time.

TASK 3 – USACE INDIVIDUAL PERMIT APPLICATION

If it is determined that NWP 43 will not apply to this project, SWCA will prepare an Individual Permit (IP) application under Section 404 of the Clean Water Act for the proposed project. The IP process requires a 30-day public comment period, as well as individual section 401 Water Quality Certification form the Texas Commission on Environmental Quality (TCEQ). The IP permitting process does not have a regulatory timeline and could take up to a year or more, depending upon the nature of the public and agency comments. SWCA will assist with agency coordination as necessary during the USACE review process. The following will be submitted as part of the IP package:

- Department of the Army Permit Application Form 4345 and Attachment
- Alternatives Analysis
- TCEQ 401 Water Quality Certification Checklist
- Description of project and affected environment (including affected waters)
- Appropriate project design exhibits
- Compensatory mitigation plan
- Determination of potential impacts to threatened and endangered species
- Determination of potential impact to cultural / historical resources

Much of this work has already been completed in the development of the previous NWP 43 application and will be incorporated into the IP application as appropriate. SWCA assumes that the City of Tomball and Gunda will provide the necessary information to

allow SWCA to complete an alternatives analysis and the Tier I Water Quality Certification Checklist.

Responding to public comments is an integral part of the IP application process. Once comments are submitted to the applicant, a 30-day time period starts in which the applicant has to respond to those comments. Extensions can be granted depending on the number of comments and information needed to respond. SWCA will prepare responses to all comments forwarded from the USACE after the comment period closes, with the assistance of Gunda and the City of Tomball.

TASK 4 – USACE CONSULTATION AND COORDINATION

Once the permit application has been submitted, SWCA will support the City of Tomball’s coordination with the USACE and other agencies as necessary. These efforts include interaction and meetings with the USACE and providing additional information or data that the USACE requests.

COST

The following table provides an estimated fee broken down per the scope-of-work and assumptions discussed above.

Task Description	Cost
1. Wetland Delineation and Submission of an AJD	\$23,300.00
2. Mitigation Assessment	\$5,000.00
3. USACE Individual Permit Application	\$17,400.00
4. USACE Consultation and Coordination	\$17,500.00
TOTAL	\$63,200.00

- Task 1 includes approximately \$7,000.00 in services including consultation with the USACE and client meetings that been completed outside of the original scope.

Services will be rendered per our 2017 Rate Schedule and invoicing will occur once per month. We will invoice our services on time and materials basis not to exceed **\$63,200.00**.

ADDITIONAL ASSUMPTIONS AND CONSIDERATIONS

1. SWCA assumes that the client will provide all access and landowner coordination through the course of the project. Delays due to landowner access coordination, weather, etc., are not included in this cost estimate.
2. SWCA anticipates 6 days to complete updated wetland delineation field surveys, assuming no significant weather or other delays beyond SWCA's control.
3. SWCA anticipates attendance of up to 3 in-person agency meetings to discuss project scenarios and permitting process updates.

SWCA appreciates the opportunity to provide this proposal and look forward to the opportunity to assist Gunda with this important Project. If you have any questions or require any additional information, please contact me at (281) 617-3217 or emunscher@swca.com.

Sincerely,
SWCA Environmental Consultants

Eric Munscher
Regional Scientist / Project Manager
Houston Natural Resources

cc: Matt Stahman (Principal, SWCA Houston)
David Fry (Senior Project Manager, SWCA Houston)

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Approve the Purchase of Calidus Gyroplane for the Tomball Police Department, in the Amount of \$35,000

Background:

This item is for the purchase of a Calidus Gyroplane from Somerset, Kentucky.

Somerset Police Department purchased a Gyroplane through the DOJ Alternative Aviation Program at the same time that the City of Tomball purchased the Autosport Gyroplane.

Their pilot has retired and their new Chief of Police does not want to continue the Air Support Unit program. They wish to sell their Gyroplane and fuel trailer for \$35,000.

Origination:

Police Chief

Recommendation:

Approval of \$35,000.00 for the purchase.

Funding:

Yes

Account Number:650-651-6405

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

Billy Tidwell, Police Chief

ACTION TAKEN

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

Gyroplane proposal

Calidus Gyroplane

Fuel Trailer

The Tomball Police Department Air Support Unit was established in June 2011, and “Michael One” began protecting officers and citizens from above. This was made possible in part by being selected into the United States Department of Justice, Aviation Technology Program and, in part, to the tremendous operational support provided by the Harris County Sheriff’s Department, Air Support Unit.

Michael One originally flew only daytime missions, mainly for safety reasons. With two new pilots, and lacking night flying equipment, it was safer to fly only in the daytime. In the past two years we have added a Forward Looking Infrared Unit (FLIR) to the gyro, which is a camera that can be used as a video or still camera in the daytime and as an infrared camera at night. Our main pilot has almost 800 hours of flying time which qualifies him to fly night missions, along with two Harris County gyro pilots who can fly night missions. The FLIR unit has already been used to successfully locate a lost autistic child at nighttime. That particular outcome might not have been as successful without the infrared air support. In short, we now have the capability to fly at any time, weather permitting. I have heard a number of comments from our officers who are on traffic stops at night, in dangerous situations, openly discuss the sense of relief that they experience when they hear the gyro come flying overhead and spotlight their area.

Michael One has been used in a variety of airborne support functions such as:

- Traffic monitoring and mitigation
- Airborne patrols to identify and deter criminal activity
- Search and rescue
- Damage assessment following major weather
- Patrolling planned community events
- Pursuit tracking and major crime perimeter management
- Aerial photography
- Surveillance
- Assisting other agencies with all of these activities

Some of the Air Support Unit’s Major Accomplishments are:

- Over 1100 flight hours of patrol operations.
- Assisting law enforcement agencies attempt to apprehend 101 suspects for offenses including pursuits, hit and runs, home invasions, robberies, and aggravated assault on a public servant.
- Being called out 25 times by outside agencies for assistance, even agencies with Air Support Units whose own ASU was unable to fly because their resources were unavailable or for lack of budget. These agencies included Harris County Sheriff’s Office, Constable Pct. 4, several Montgomery County Constable Precincts and Montgomery County Sheriff’s Office.

- Assisting in 20 Search and Rescue Operations which resulted in locating 13 missing persons who were either elderly adults with dementia, or small children. These rescues would have taken much longer without Michael One and may not have had the same successful outcomes.
- In one armed robbery just outside Tomball City limits the HPD helicopter made a cursory examination of the area, said they didn't see anyone and left. TPD officers convinced the county officers to hold the perimeter until Michael One arrived. Michael One was able to locate both suspects, one in a family's back yard and the other hiding in a ditch.
- In another armed robbery, officers were looking in a wooded area for suspects. Michael One arrived and was able to observe an armed suspect behind a tree approximately 15 from an officer who was walking toward the tree and didn't see the suspect.

Somerset, Kentucky was also a participant in the DOJ Air Support program and received a gyro, similar to Michael One, except that it has a canopy. Their pilot retired recently. No one else in the department wants to fly, and the new Chief wants to sell their gyro. We have been in contact with them to get details on what they are selling. Our pilot has had a number of very detailed conversations with Somerset's former pilot regarding the condition of their gyro, as well as maintenance, any prior issues, etc. According to their former pilot the gyro is in great shape, has approximately 900 hours on the engine, and has never had any major issues. All maintenance has been performed as required, and the records have been maintained. For reference, our gyro has 700 hours on the engine. We have also talked with Dayton Dabbs, our FAA gyro flight examiner, who owns and sells gyros regarding the Somerset gyro. While he is not familiar with this particular gyro, he is very familiar with this model and speaks very highly of it. He also said that in the gyro market, this particular model with the number of hours on the engine, and the aviation electronics package it contains, would have a resale value of approximately \$65,000 to \$70,000.

We expect the cost for the Somerset gyro to be approximately \$35,000. That includes the gyro and a fuel trailer. We know that Somerset paid \$5000.00 for the fuel trailer and Public Works had determined they can use in their operations. In addition, adding radios and a FLIR unit would be approximately \$15,000. When the ASU program was initiated, plans were established for the gyro's eventual replacement. Funds have been placed annually into an account in fleet maintenance for gyro replacement. Currently, there is approximately \$100,000 in that account. The purchase of the Somerset gyro and the additional equipment would only require half of the amount that has been budgeted.

When purchased in 2014 the expected life of Michael One was to 2024. A second gyro would extend that to at least 2027. The second Somerset gyro is a 2012 and its useful life would be extended to 2025.

Annual expenses for the current gyroplane are

	2016	2017
Insurance	\$4200	\$4200
Maintenance (50 and 100 hour maintenance)	\$12006	\$12052
Fuel	\$1712	\$850
Hangar supplies	<u>\$620</u>	<u>\$304</u>
Total annual expenses	\$18,538	\$17,206

All costs associated with the Michael One are paid from the Red Light Camera fund. None of the gyro expenses are paid out of the General Fund. We do not pay for hangar space as we share quarters with Harris County Air Support Unit. They supply the hangar and we provide cleaning supplies. In addition, we would expect only a slight, if any, increase in operating costs with two gyros. In reality, only one will be flying at a time, and with our current two pilots, our hours of flight operations would not substantially change. Officers are assigned to the airport only when flying, and otherwise function as patrol officers in the patrol division. What would improve is that we would not be without a gyro when Michael One is down for maintenance. Also, our long term costs would be reduced with the purchase of Somerset's gyro as opposed to buying a new one which, as previously mentioned, extends the life of both gyros.

While gyro planes are still fairly new to law enforcement in the United States, the implementation of this aircraft has proven to be beneficial to the City of Tomball and its community members. Our initial goal was to provide a safe, low cost alternative to traditional law enforcement aviation. In looking at our accomplishments, coupled with the cost factors, we have succeeded.





Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Presentation by Halff Associates regarding Tomball's Comprehensive Plan Update

Background:

The Community Development Department engaged Houston-Galveston Area Council's PlanSource program to select consultants to interview for the Comprehensive Plan Update. The PlanSource program is a cooperative procurement program for planning services which helps expedite procurement processes by pre-qualifying planning firms for specific projects. PlanSource has 13 pre-qualified firms for Comprehensive Plan updates and of the 13 firms, five submitted Summaries of Qualifications for Tomball's Comprehensive Plan update. City Staff chose to interview three of the five firms. The two firms that were disqualified prior to the interviews we felt did not have applicable local experience.

On September 28th, City Staff interviewed the three remaining consulting firms and scored Halff Associates the highest. The selection team consisted of Steven Vaughan (local stakeholder and TEDC Board Member), Craig Meyers (Community Development Director), Amelia Lindley (Planner), David Esquivel (Public Works Director) and Rob Hauck (Assistant City Manager). After the consultant interviews, City Staff checked Halff Associates' references and received complimentary feedback.

The next step in the process is contract negotiations, however before doing so City Staff wanted to introduce Halff Associates to City Council so that they could showcase their qualifications for the project and receive City Council input on the consultant selection prior to proceeding.

Origination:

Craig T. Meyers, Community Development Director

Recommendation:

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:

Halff Associates Summary of Qualifications

August 24, 2017

Ms. Amanda Thorin, Senior Programs Liaison
Houston-Galveston Area Council
3555 Timmons Lane, Suite 120 | Houston, Texas 77027

RE: Tomball Comprehensive Plan Update

Dear Ms. Thorin:

HALFF ASSOCIATES INC. (HALFF) is pleased to confirm our interest in working with the City of Tomball and the H-GAC to develop a comprehensive plan update for Tomball. With 67 years of planning, design, and engineering expertise across the Southwest, Halff has a strong reputation for the quality of its planning work, responsiveness to client needs, and creativity of its staff. In just the past decade, Halff has received more than 30 national, state, and local awards for community planning excellence – the most recent being the *Comprehensive Plan of the Year Award* for the Marble Falls Comprehensive Plan (both the statewide and Central Texas APA award for 2016) and the Bastrop Comprehensive Plan (Central Texas APA award for 2017).

THE HALFF DIFFERENCE

Comprehensive plans are often seen as merely a series of technical land use, thoroughfare, and infrastructure plans. Some firms develop hundreds of comprehensive plans; but you'll get a similar plan every time. Other firms produce trendy, "topic of the day" plans. While these types of plans may work for some, we believe that Tomball will be best served by a truly visionary plan strongly responsive to market forces, one that reflects what the residents want and is implementation-focused. That is Halff's approach, and it is one that has worked extremely well for many of our client communities who are facing similar issues as Tomball.

OUR UNDERSTANDING OF YOUR ISSUES AND NEEDS

Halff's presence in the Houston area for more than two decades means that we've seen the rapid regional changes shaping Tomball. Combined with our efforts on plans for similar communities, we have a strong understanding of key issues your plan must address. These include:

- **Responsiveness to fast-paced growth:** Tomball is in one of the fastest-growing regions in the country, and more changes are coming in association with the completion of the Grand Parkway (e.g., even more intense residential development than what is occurring today). Tomball has a rare opportunity to proactively shape this growth by collectively determining the vision for the future of Tomball.
- **Transportation as a key shaper:** Movement both within Tomball and to everything around the City is the fundamental framework of the city. To us, this is much more than just moving cars and commerce around. It is about the character of those streets, about providing alternative ways to get around, and about supplying places to walk and ride comfortably.

Imagine a Tomball with beautiful streets, great sidewalks and bicycle trails, and quiet neighborhoods unencumbered by noisy vehicles. Our planning always balances capacity and movement with aesthetics.

- **Focus on place-making and amenities:** As the community grows, the qualities that Tomball is known for, especially in the core, older area of the city, must be preserved and strengthened. We'll bring our recognized expertise in urban design, parks, and trails to your comprehensive plan to match your transportation framework with an equally strong amenity network that sets you apart from other area communities.
- **Need for a citizen-based plan:** A successful vision for the future must be built on what all of your residents want Tomball to become. Public engagement is a crucial component of this plan, and we will diligently engage the citizens of Tomball to partner with us in the development and vetting of this plan.

OUR APPROACH

Our approach to comprehensive planning is different – it is collaborative, innovative, and tailored specifically to each community, with a focus on continuous public engagement. We provide communities with the tools to unlock their development potential in a manner reflecting the vision and values of their residents, property owners, and business owners. Our approach:

- **Sets a real and tangible vision for what the Tomball of the future should be:** Our plans start with understanding what is important to your residents and where and what they see their city becoming in the future. We express the vision both in words and in images, so everyone can understand and support it.
- **Builds on a strong assessment of your economic framework as a foundation for plan recommendations:** Cities are built by investment guided by the vision of the community. We will include an economic analysis as part of the plan, so recommendations can be measured by how they benefit and increase your long-term economic health.
- **Includes a strong public engagement process:** Halff plans are recognized for our strong engagement processes. We include many options for residents to provide input, starting with a citywide survey, and filtering down to multiple stakeholder and open house meetings and charrettes. We even participate in community events where we go to your residents (pictures from many events are featured on the following pages). We want participation, and we believe in making it easy and fun for your residents. A good planning process builds future champions for implementation.
- **Considers key elements to the Tomball of tomorrow:** We will focus on the "pieces" that create the plan, but also weave them together so they complement each other. We can even suggest other complementary components, such as a downtown or parks master plan update, that can be done cost-effectively as part of your comprehensive planning process.

OUR EXPERIENCE AND HOW IT BENEFITS TOMBALL

We offer the following experience as a testament to how we can assist Tomball in developing an action-oriented and implementable comprehensive plan:

RECENT comprehensive planning and transportation planning experience in SIMILAR communities

- **Proof:** Within the last five years, Halff has completed comprehensive plans for many *cities similar to Tomball*. Bastrop, Marble Falls, Boerne, Ennis, Mustang (Oklahoma), and Buda are each comparable in size, growing rapidly, and are facing similar growth challenges. At the same time, they are each trying to strengthen their economic competitiveness, increase quality of life for their citizens, and in many cases, preserve and enhance what makes each of them unique. Plans for these cities included transportation plan components and considerations.
- **Benefit:** Tomball will receive an action-oriented and implementable blueprint for its future and thoroughfare system that *respects the uniqueness* of the community.

Strong and diverse PLAN-TO-PRACTICE experience in serving client needs

- **Proof:** In addition to comprehensive plans, we've worked on more than *150 citywide planning efforts*, including plans for downtowns, special districts, infrastructure, and corridors; parks, trails, and recreation; and active transportation. We have also prepared *implementation tools* to support the plan's recommendations (e.g., capital improvement programs, regulatory updates, design and construction projects, etc.).
- **Benefit:** Tomball will receive a versatile, well-rounded plan containing immediate, actionable steps that are *visionary, but grounded in economic reality*.

DEPTH of experienced senior planning staff and support staff

- **Proof:** Halff has *eight AICP-certified planners* (four of which have over 20 years of experience) and *more than 40 planners, GIS technicians, graphic specialists, and landscape architects* who support them. Halff has an unparalleled depth of planning staff and experience in Texas. Additionally, we can draw from our in-house experts in infrastructure, drainage, transportation, and environmental disciplines as needed.
- **Benefit:** Tomball will benefit from *more than 100 years of senior planning expertise* supported by *more than 40 planning support staff* with tenured expertise contributing to planning projects in an efficient, cost-effective manner.

Extensive experience in the GREATER HOUSTON AREA

- **Proof:** Planners on our staff have led comprehensive planning efforts for Rosenberg, Oak Ridge North, and La Porte in the *greater Houston area*. Additionally, Halff staff have developed other types of citywide plans for Sugar Land (bicycle and pedestrian safety plan, trails master plan, parks master plan, and professional review of their staff-led development regulations), Richmond (unified development code, including establishing zoning and two new appointed boards and commissions), La Porte (trails master plan), Baytown (trails master plan), Conroe (downtown plan), and Waller (downtown plan).
- **Benefit:** Tomball will benefit from Halff's in-depth *understanding of the region* and its unique issues and challenges.

Interdisciplinary planning and design CAPABILITIES UNDER ONE ROOF

- **Proof:** Halff is comprised of almost 700 employees who work on public and private sector projects from multi-million dollar interstate highways (e.g., our work as the General Engineering Consultant for Montgomery County on the Tomball Tollway SH 249); to local complete streets projects; to the planning, design, and construction administration of parks, trails, and active transportation projects; and everything in between. Our planners work in *collaboration with design professionals daily* who bring real-world experience to our planning recommendations and implementation action plans.
- **Benefit:** From the very beginning, Tomball will benefit from Halff's larger toolbox of real-world solutions that work.

- **Recommends specific, action-oriented steps to implement the plan's recommendations:** This would not be a plan for today and the future without a strong guide and logical steps to get there. We focus heavily on actionable recommendations which create the blueprint of action steps to help the community move in the desired direction.
- **Creates a clear and understandable document:** Our comprehensive plans are typically structured around two "volumes." One is a concise, graphically enhanced, and imminently readable document laying out recommendations, why they are important, and how to get there. We want everyone in Tomball to read this document and understand and support it. The second part addresses technical aspects supporting the recommendations. We compile this as a resource for your staff, management, and elected officials to draw upon in their daily decision-making.

- **Supports your efforts after the comprehensive plan is finished:** The stability and knowledge of our planning staff, as well as our nearby offices, can support your efforts as you work to implement the comprehensive plan.

The attached project sheets highlight our experience developing innovative, yet practical, solutions for communities similarly-sized to Tomball, both throughout the region and the state. We chose experience areas directly applicable to each facet of this project.

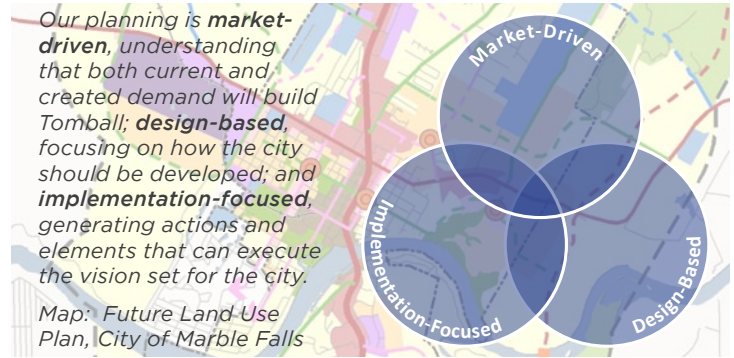
Thank you for your consideration of our qualifications. We look forward to discussing our interest, understanding, and approach for this important community project. Please call me at (512) 777-4557, or email me at mbucchin@halff.com if you have any questions.

Sincerely,

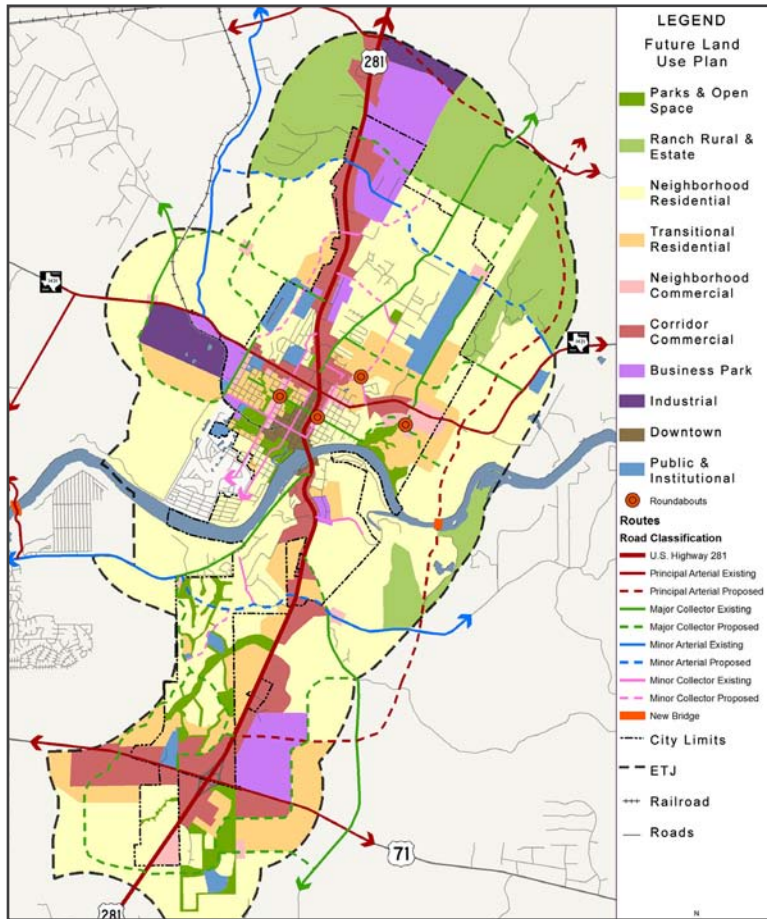

Matt Bucchin, AICP, LEED GA
Halff Associates, Inc.

Halff's approach to comprehensive planning is different. We combine our team members' experience developing more than 30 high quality comprehensive plans (most for similar-sized communities with a unique sense of place) with our additional broad experience from more than 150 citywide plans for downtowns, special districts, infrastructure, roadways, parks, trails, revitalization and other special areas, as well as drafting regulations frequently associated with implementation. This experience allows us to create a true "comprehensive" plan for you. We provide the full range of services to address every issue you have.

KEYS TO OUR APPROACH TO COMPREHENSIVE PLANNING



Recent Halff Relevant Planning Experience (Past 6 years)	Population Size	Engagement				Base Elements				Added Value Elements				Implementation			
		Visioning Exercises	Online & Social Media	Citywide Opinion Surveys	Open Houses / Design Charrettes	Future Land Use & Character	Growth Capacity & Infrastructure	Mobility & Thoroughfares	Quality of Life (e.g., parks)	Economic & Marketing Analysis	Integrated Special District / Catalyst Area Planning	Integrated Sub-Plans (e.g., bike/ped, downtown, park, corridor)	Integrated Urban Design, Place-making , & Branding	Implementation Action Plan	Regulations & Ordinances	CIP & Cost Projections	Retained for Follow-Up Services
TABLE NOTES: * Award-winning plans																	
Comprehensive Planning																	
2018 Boerne Comprehensive Plan (ongoing)	8k	●		●	●	●	●	●	●		●		●	●			
2017 Mustang (OK) Comprehensive Plan	21k	●	●	●	●	●	●	●	●		●		●	●			
2017 Texarkana Visioning Plan (near adoption)	38k	●	●	●	●	●	●	●	●				●	●			
2016 Marble Falls Comprehensive Plan*	10k	●	●	●	●	●	●	●	●		●	●	●	●	●		●
2016 Bastrop Comprehensive Plan*	9k	●	●	●	●	●	●	●	●	●	●			●		●	
2016 Cibolo Comprehensive Plan	28k	●		●	●	●	●	●	●	●	●	●	●	●		●	●
2016 Snyder Comprehensive Plan	12k	●		●	●	●	●	●	●	●	●			●			
2016 Ennis Comprehensive Plan	20k	●	●	●	●	●	●	●	●	●	●		●	●			
2016 Harlingen Comprehensive Plan	66k	●	●	●	●	●	●	●	●					●		●	
2015 Colleyville Comprehensive Plan	27k	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
2013 Oak Ridge North Comprehensive Plan	4k	●		●	●	●	●	●	●		●	●	●	●			
2013 Kennedale Comprehensive Plan*	8k	●		●	●	●	●	●	●			●		●			●
2011 Buda Comprehensive Plan*	16k	●	●	●	●	●	●	●	●		●	●	●	●		●	●
Similar Comprehensive Plans led by Halff Staff prior to Joining Halff																	
2015 Rosenberg Comprehensive Plan	38k	●	●		●	●	●	●	●					●			
2015 San Benito Comprehensive Plan	25k	●	●		●	●	●	●	●	●	●	●		●		●	●
2012 Cuero Comprehensive Plan	9k	●			●	●	●	●	●	●	●	●	●	●	●	●	●
2012 La Porte Comprehensive Plan	36k	●				●	●	●	●								
Other Relevant Planning Projects																	
2017 Waller Downtown Plan (ongoing)	3k	●			●	●	●	●	●		●		●	●			
2017 Bay City Parks Master Plan (nearing adoption)	18k	●	●	●	●		●	●	●				●	●			
2017 Conroe Downtown Plan (ongoing, as subconsultant)	83k				●	●	●	●	●	●			●	●			
2017 Sugar Land Parks Master Plan (nearing adoption)	89k	●	●	●	●				●					●			
2016 LRGV Active Transportation/ Active Tourism Plan*	1.4M	●	●		●			●	●	●	●		●	●		●	●
2016 Cibolo FM 78 Corridor Plan	28k	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●
2013 Sugar Land Pedestrian and Bicycle Master Plan*	89k	●	●	●	●		●	●					●	●		●	
2011 Baytown Parks Master Plan*	77k	●	●	●	●				●				●	●			●



**2016
Comprehensive
Planning
Award
TxAPA**

MARBLE FALLS, TEXAS

Comprehensive Plan (2016)

Link: <http://ci.marble-falls.tx.us/342/Comprehensive-Plan>

Parks Plan (2016)

Zoning Regulations (2017)

“ *The Marble Falls 2016 Comprehensive Plan update produced by City staff and Halff Associates is a masterful example of capturing the community's vision for the future and providing steps to accomplish that vision.* ”

- Brian Shirley, Chairman, Marble Falls Comprehensive Plan Advisory Committee

Marble Falls is the geographic center and commercial hub for much of the area surrounding the city. With significant new growth resulting from the opening of a new regional hospital and major area roadway improvements, the City looked to update its 2009 Comprehensive Plan and other long-range guiding documents. Halff worked with a strong core committee of community leaders and citizens to develop a vision balancing areas of new growth, while enhancing the City's downtown central core area. As part of the planning process, a future thoroughfare plan identified a realistic citywide and regionally connected thoroughfare network, but also introduced new concepts for traffic calming and bicycle and pedestrian movement in the City's core area. A revised future land use plan provided guidance on differing areas of character within the City - these tied in with the new Parks Master Plan developed by Halff, which developed improved concepts for a downtown lakeside park. Unlike the overly complex previous comprehensive plan, the new plan is direct and easily understood, yet provides extensive day-to-day guidance for City staff. Halff is currently updating the City's codes and ordinances, closely following the recommendations of the comprehensive plan.

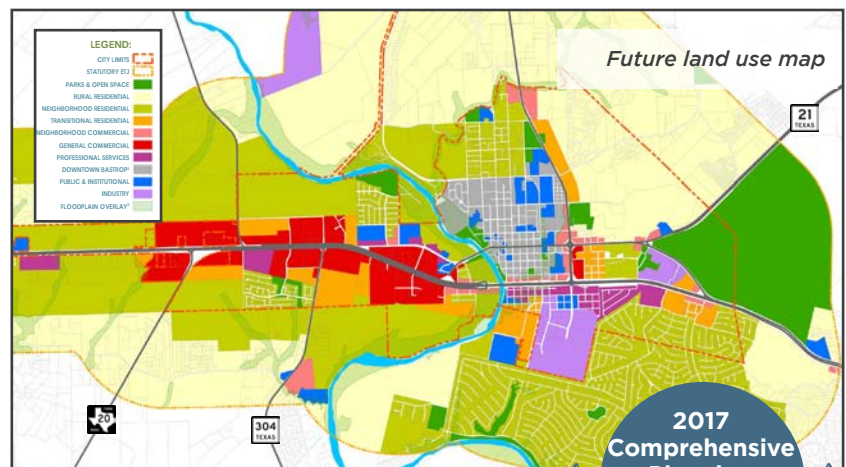
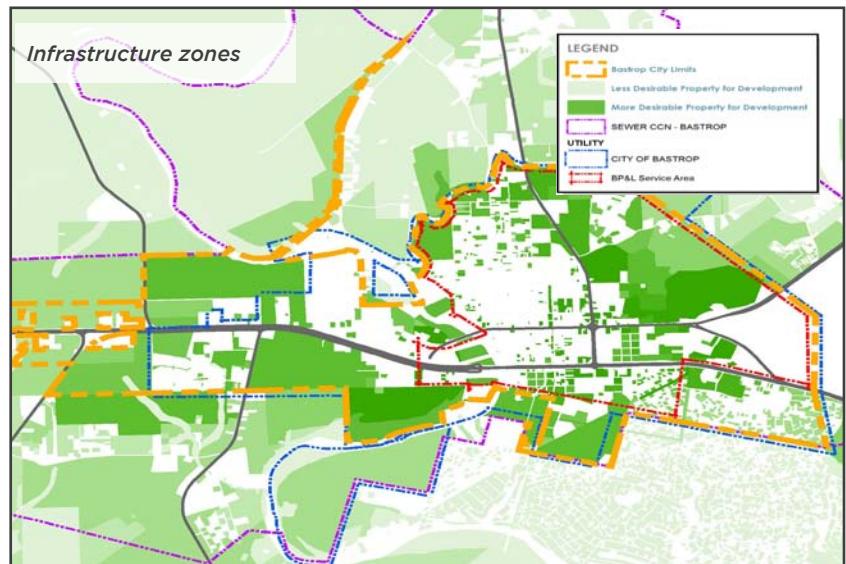
Relevant considerations: Exemplifies small town planning at its best, illustrating how a community can maintain its core character while accommodating rapid growth; illustrates the benefits of updating multiple plans (comprehensive, thoroughfare, parks, ordinances) simultaneously to follow a single citizen-crafted vision

ROLE

Existing conditions assessment, public engagement, visioning, goal setting, recommendations, implementation strategy

CONTACT

Caleb Kraenzel, Assistant City Manager
(830) 798-7080, ckraenzel@marblefallstx.gov



2017
Comprehensive
Planning
Award
Central
TxAPA

BASTROP, TEXAS

Comprehensive Plan (2016)

Link: https://www.cityofbastrop.org/page/plan.comp_plan

Transportation Plan (2016)

Capital Improvement Program (2016)

“Members of Halff’s planning team did an outstanding job navigating City staff, our comprehensive planning steering committee, and stakeholders through the comprehensive planning process.”

- Wesley Brandon, PE - Director of Planning and Engineering, City of Bastrop

Bastrop is a community interested in preserving its small-town character and natural assets, while accommodating increasing commercial and residential growth. Like Tomball, Bastrop is in the path of rapid growth and looked to its new comprehensive plan, the first in more than 15 years, to guide its response to that growth.

Halff led a diverse team that prepared the new City comprehensive plan and simultaneous program transportation master plan. An economic assessment, a typical component of many Halff comprehensive plans, helped guide the plan recommendations. Beyond laying out the groundwork for essential services such as roads, water, wastewater, and stormwater, the plan places great emphasis on enhancing quality of life and preserving community character, so new growth creates a better city. Halff also developed a new CIP, a component not typically found in comprehensive plans, but one that allows the vision and guidance of the comprehensive plan to be immediately followed through by targeted infrastructure investment.

Relevant considerations: Uses strong economic assessment to guide plan recommendations; focuses on resiliency (after devastating 2011 wildfires); unique CIP as part of the plan ties infrastructure directly to the City’s new vision; strong community engagement plan

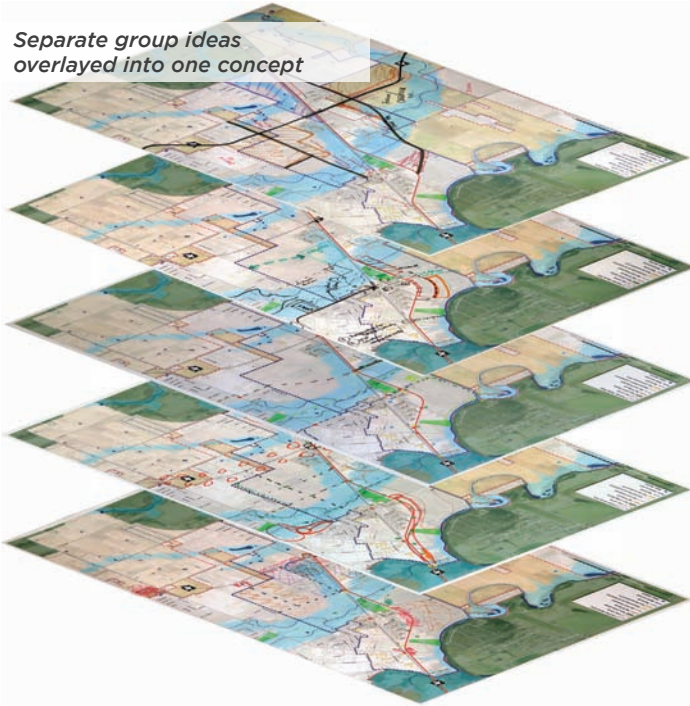
ROLE

Land use planning, thoroughfare planning, public engagement, visioning, quality of life enhancement, implementation strategies

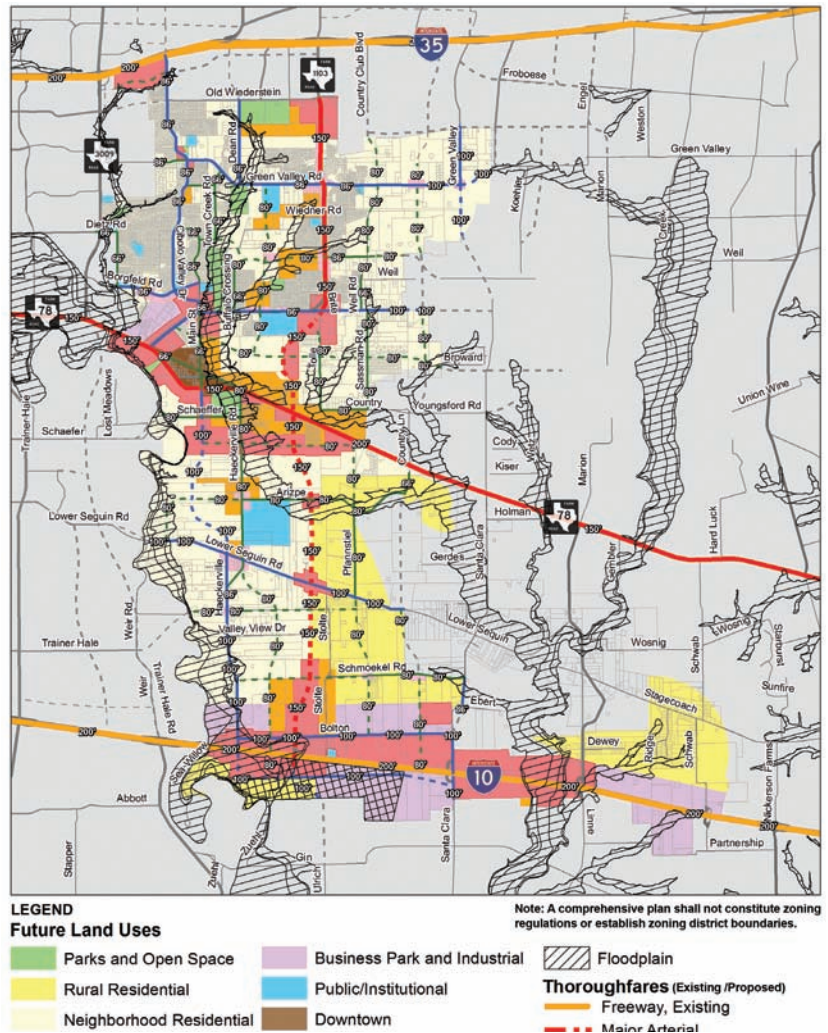
CONTACT

Wesley Brandon, City Engineer (guided comp plan process)
(512) 332-8840, wbrandon@cityofbastrop.org

Separate group ideas
overlayed into one concept



Gateway ideas as a component
of a corridor plan



CIBOLO, TEXAS

Comprehensive Plan (2017)

Link: <http://www.cibolotx.gov/DocumentCenter/View/1285>

Corridor Plan (2017)

Capital Improvement Program (2017-2018)

“ Our elected/appointed officials, the comprehensive plan committee members, stakeholders, and citizens are extremely pleased that we have a quality document that reflects the City of Cibolo’s projected needs based on the current community.”

- Lisa Gonzalez, City Planner,
City of Cibolo

Cibolo is a vibrant and rapidly growing suburban community 20 miles northeast of downtown San Antonio. With more than a 780 percent growth rate since the year 2000, the City is experiencing some of the fastest population increases in the country. Like Tomball, Cibolo has large ETJ areas under its control that it will grow into. The rapid growth has presented the City with both opportunities and challenges. In response, City leadership proactively commissioned a series of three long-range plans to identify economic, transportation, private development, quality of life, and infrastructure actions needed to respond to and support the City’s exponential growth.

The Halff team led a team of community and transportation planners, landscape architects, engineers, and economic specialists in the preparation of a citywide comprehensive master plan and a corridor plan for a key under-developed commercial corridor. The priorities for the planning process identified how Cibolo can foster and support long-term quality growth, make forward progress in the revitalization of their small but growing downtown central business district, and create a unique community image commensurate with a “City of Choice.”

Relevant considerations: Showcases Halff’s unique “design” approach to comprehensive planning; incorporates strong parallel economic review and corridor plan to immediately implement the plan’s vision

ROLE

Comprehensive Plan, existing baseline, public engagement, quality of life recommendations, corridor planning, implementation strategies

CONTACT

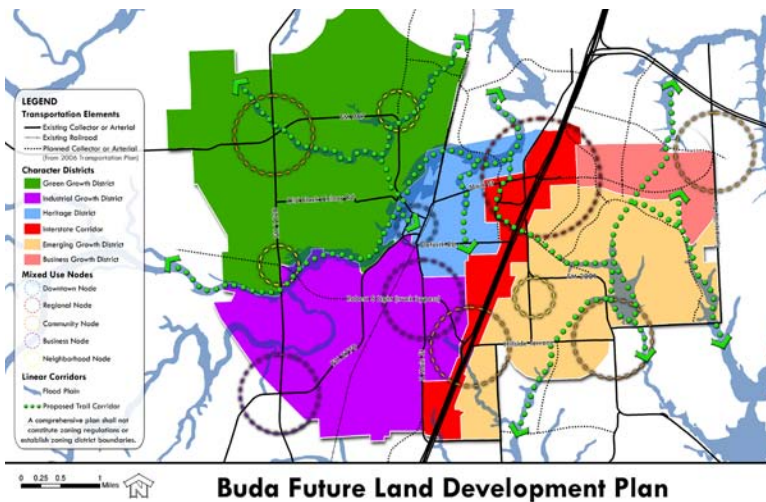
Lisa Gonzalez, City Planner
(210) 658-9900, lgonzalez@cibolotx.gov



Downtown master plan



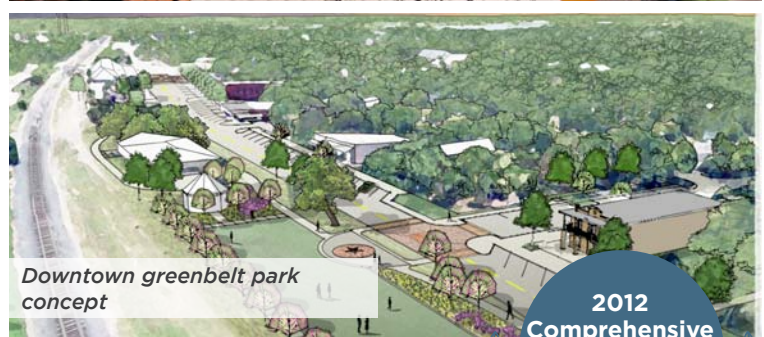
Community enhancement and placemaking ideas



Buda Future Land Development Plan



Citizen-driven engagement meetings



Downtown greenbelt park concept

2012 Comprehensive Planning Award TxAPA

BUDA, TEXAS

Comprehensive Plan (2011)

Link: <http://www.ci.buda.tx.us/177/Comprehensive-Long-Range-Plans>

Parks Plan (2013)

Downtown Plan (2015)

In updating its comprehensive plan in 2010, city leaders and residents of Buda repeatedly emphasized that the qualities making Buda such a unique place to live were to be the guiding feature of their new plan. The resulting Buda 2030 Comprehensive Plan was an implementation-oriented plan with more than 120 specific actions guiding every aspect of the City as it moves into the next decade. Follow-up parks and downtown master plans by Halff provided further detail and closely followed the comprehensive plan vision.

Instead of creating a conventional land use plan, the comprehensive plan created a set of special “districts” to begin to respond to the unique characteristics of each area. The character districts promoted a change from conventional land use patterns to a more flexible development pattern using form-based principles. Each element of the plan was largely geared around clearly spelled out, unambiguous implementation actions. The resulting document was extremely detailed, but easily understood. The plan fit what residents wanted, and as a result, continues to be followed and used daily.

Relevant considerations: Multi-faceted citizen engagement with very high participation and interest; character-based future land use plan; very user-friendly plan; strong follow-up plans. *This plan is highly recognized and emulated by other cities.*

“This is definitely not a ‘cookie cutter’ plan. It is written in a straightforward way, and covers all of our key community qualities, including our downtown area. I feel that our current plan would be an especially good prototype for any smaller community that might not have the resources of a larger community, but that nonetheless aspires to have a very high level of planning expertise. Our plan certainly delivers that.”

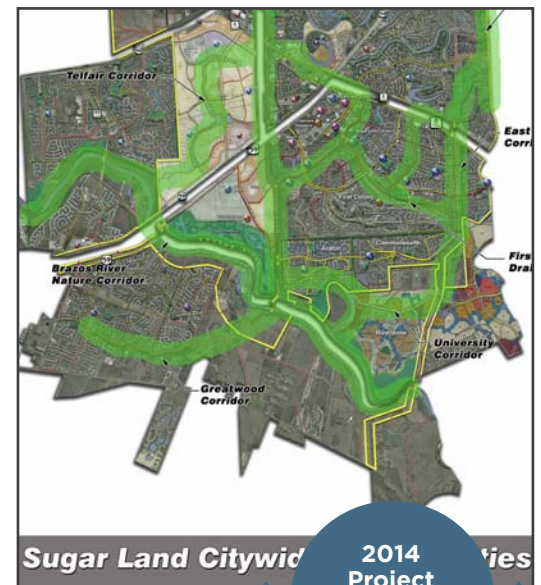
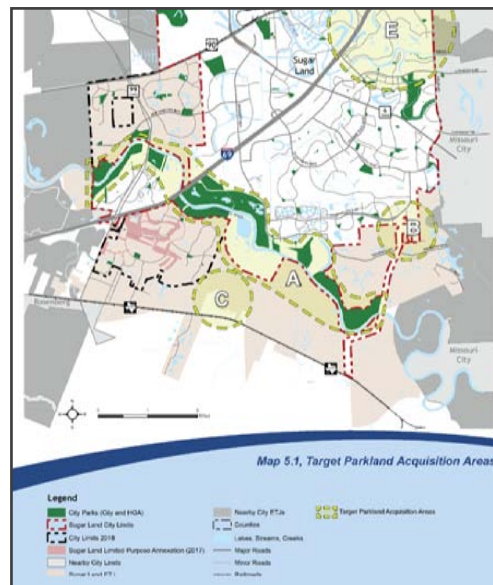
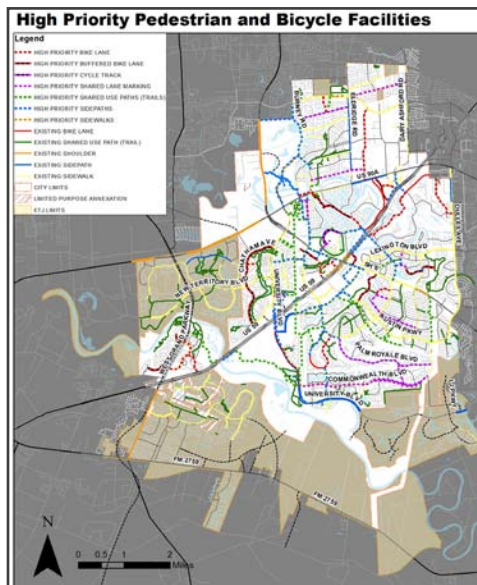
—Former Council Member Ron Fletcher, referencing the Buda Comprehensive Plan

ROLE

City profile and assessment, public engagement, visioning, goal setting, recommendations, implementation strategy

CONTACT

Kenneth Williams, City Manager
(512) 312-0084, kwilliams@ci.buda.tx.us

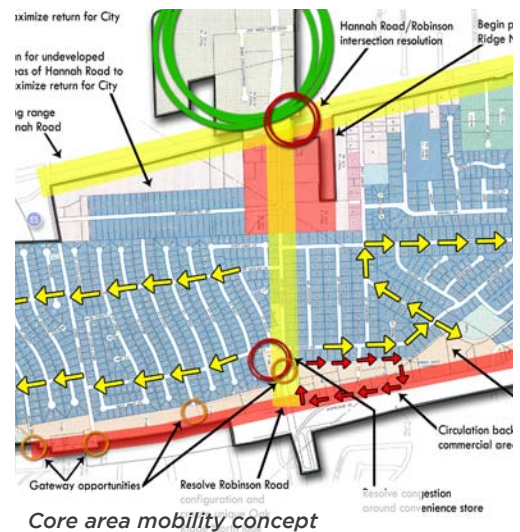




Concepts for key areas of the city



Very high attendance at meetings



Core area mobility concept

OAK RIDGE NORTH, TEXAS

Comprehensive Plan (2013)

“The plan focuses on ways to upgrade infrastructure and commercial building facades to attract new businesses to the city. It also recommends changes to city codes to preserve the existing character of neighborhoods and attract new homeowners. Additionally, the plan focuses on creating a new “downtown” for the city. The plan included extensive public involvement, ranging from surveys to citizen visioning and focus group meetings.”

-Jim Carrillo, FAICP, ASLA,
Project Manager

Halff Associates prepared the comprehensive plan for a community of 3,000 residents located 30 miles north of Houston and across IH 45 from the Woodlands. Oak Ridge North struggles with aging infrastructure that was built more than 40 years ago, but also is challenged by a desire to preserve quiet neighborhoods even as the transportation needs of the region threaten to overload the City's streets. And, like many communities, Oak Ridge North needed to attract new retail and business investment to support infrastructure and quality of life investments.

The City's comprehensive plan created a series of design ideas to address external influences, while maintaining the value of area neighborhoods. Concepts to accommodate much higher traffic volumes on Robinson Road, the City's “main street,” were developed, and included the idea of a linear park as a new City amenity. These alignment changes also created the opportunity to develop a new town center, and the plan included concepts for that new walkable and highly attractive center, working around existing businesses in the area.

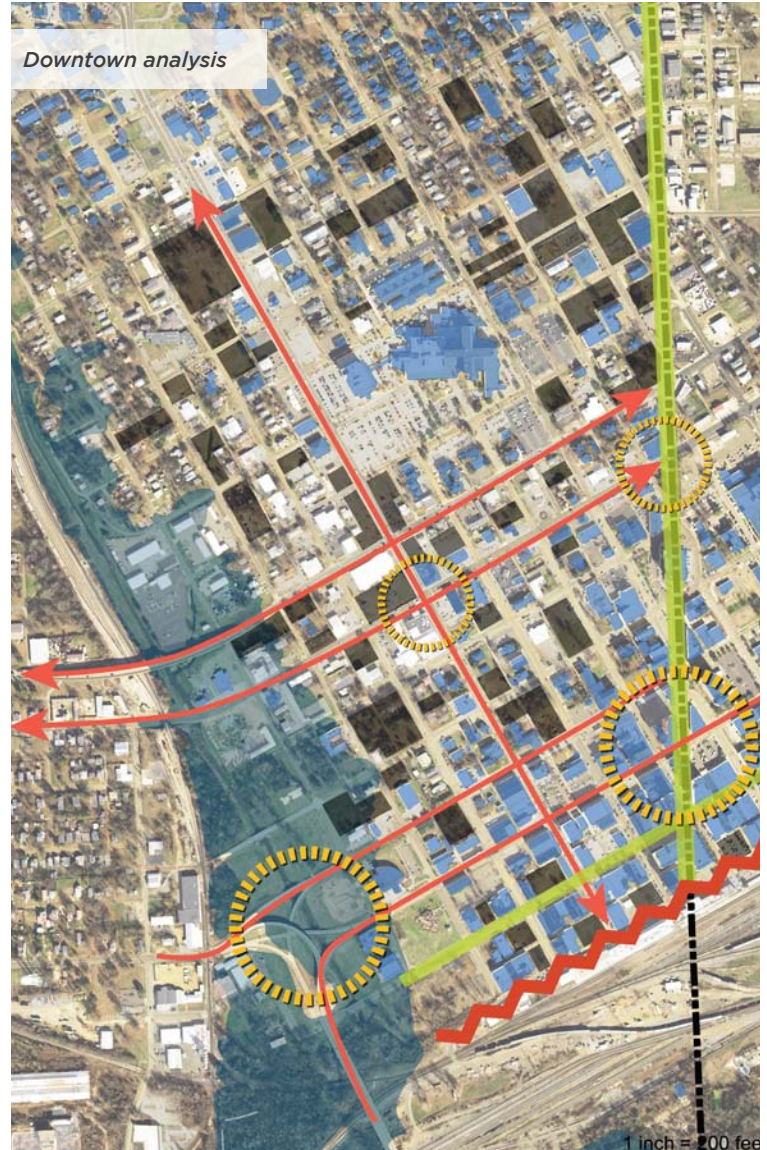
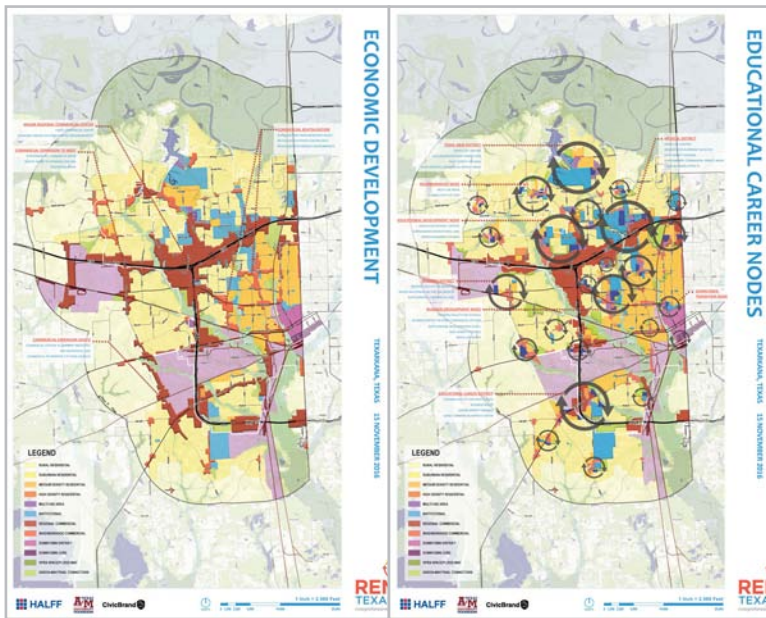
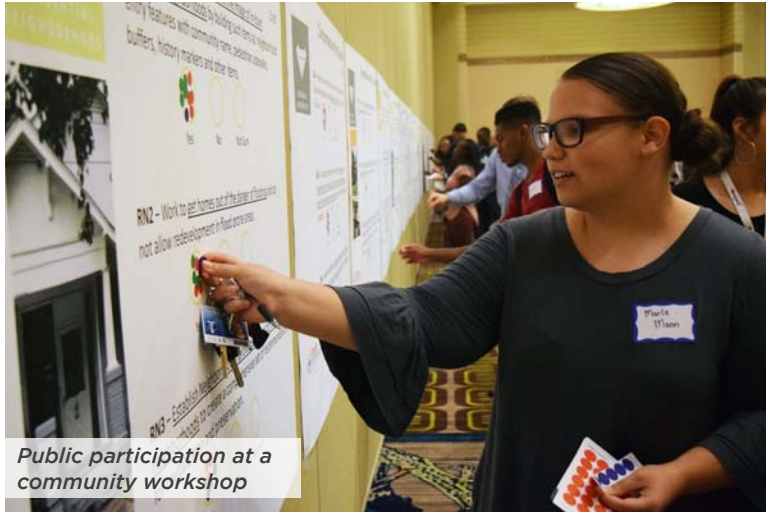
Relevant considerations: Very high level of participation; multiple citizen-driven workshops; use of citizen committee to guide plan; use of illustrative concepts to communicate the plan's vision and ideas

ROLE

Land use planning, thoroughfare planning, public involvement, visioning, traffic analysis (cursory), trail and bicycle network, streetscapes

CONTACT

Vicky Rudy, City Manager
(281) 292-4648, vrudy@oakridgenorth.com



TEXARKANA, TEXAS

Comprehensive Plan (2017)

“The Halff team is doing an excellent job defining the needs of the community.”

These alternative scenarios really give us a lot of great opportunities for the future of Texarkana.

-Citizen comments from public meetings

Texarkana is a city of 30 square miles. The primary goals of the plan are to create a strategy to revitalize downtown, create new quality infill development, establish a strategy for a new State Line Avenue corridor, invigorate neighborhood rebirth and preservation strategies, grow employment opportunities, and improve management of the CIP Program.

Prepared using the resources of Texas A&M Texarkana, the planning process included an extensive public participation program with three community workshops, a project website serving as an information portal, media outreach, and a steering committee to guide the planning process. Workshops and online discussions were used to share and vet ideas and opportunities. Challenges and alternative scenarios were also discussed and vetted. The plan has been very well received by residents of the City, with a high level of community excitement and engagement, and is nearing adoption and follow-up phases.

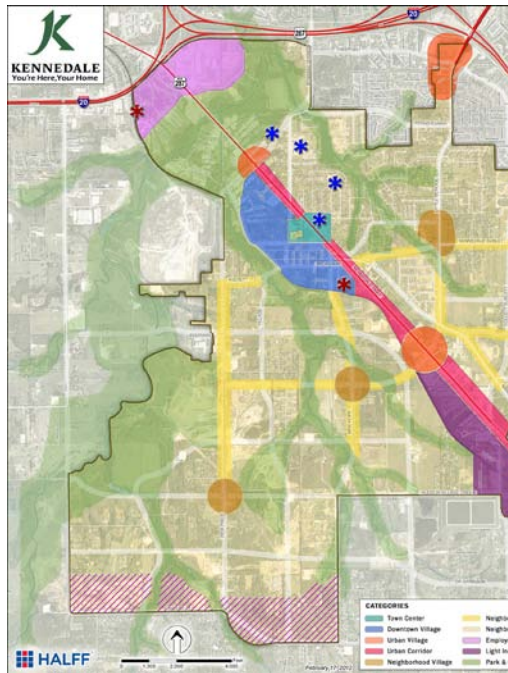
Relevant considerations: Plan “branding” to increase interest; strong project website; strong existing neighborhood enhancement strategies; core center city recommendations

ROLE

Future land use planning, downtown planning, thoroughfare planning, public engagement, visioning, park, hike and bike trails

CONTACT

David Orr, AICP, Director of Planning & Community Development
(903) 798-3902, david.orr@txkusa.org



Urban Village

Frontage Type: Suburban at edges, urban in interior

Sample Development Types:

- Loft apartments/condos
- Live/Work
- Multi-tenant office
- Retail (large- and small-scale)
- Service
- Movie theater
- Restaurant
- Grocery store
- Plaza/squares



Neighborhood Village

Frontage Type: Residential at edges, urban in interior

Sample Development Types:

- Townhome/Rowhouse
- Context-sensitive small-scale multifamily
- Neighborhood-serving retail and services
- Restaurant
- Cafe/coffee shop
- Community theater



Neighborhoods

Frontage Type: Residential

Sample Development Types:

- Single family
- Attached single-family
- Townhome/Rowhouse
- Accessory dwelling unit
- Small multifamily
- Cluster development
- Clearly marked centers including public space, school, small park, or other civic use



Park and Open Space

Frontage Type: (not applicable)

Sample Development Types:

- Trails
- Sport Fields
- Nature Preserves
- Playgrounds
- Picnic Areas
- Wetlands
- Bio-retention
- Wildlife Habitat
- Bird Sanctuary
- Rural/Agricultural (grandfathered)



Conservation Overlay

Frontage Type: Residential

Sample Development Types:

- Conservation subdivision
- Agriculture
- Open space preservation



Urban Corridor

Frontage Type: Suburban

Sample Development Types:

- Restaurant
- Professional office
- Retail
- Service



Neighborhood Corridor

Frontage Type: Urban

Sample Development Types:

- Restaurant
- Professional office
- Retail
- Corner store
- Cafe/coffee shop



Employment Center

Frontage Type: Suburban

Sample Development Types:

- Multi-tenant office
- Light industrial
- Distribution center
- Restaurant
- Multifamily
- Hotel

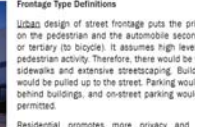


Light Industrial District

Frontage Type: Suburban

Sample Development Types:

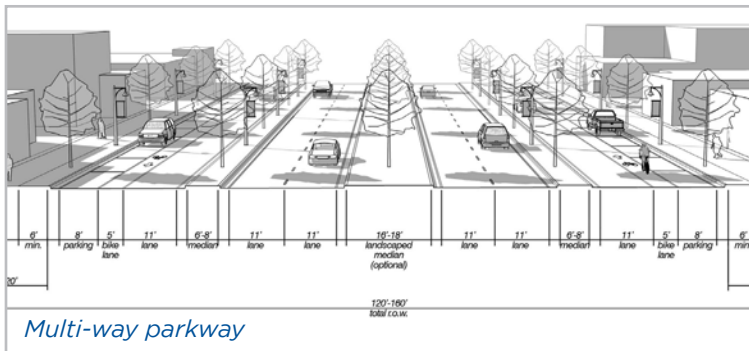
- Light industrial
- Services (printer, materials, etc)
- Recycle center
- Artist workshops



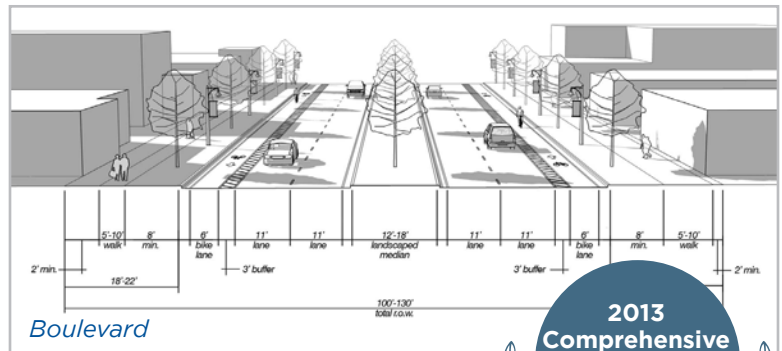
Frontage Type Definitions

Urban design of street frontage puts the priority on the pedestrian and the automobile second or tertiary (to bicycle). It assumes high level pedestrian activity. Therefore, there would be sidewalks and extensive streetscapes. Build would be pulled up to the street. Parking would be behind buildings, and on-street parking would be permitted.

Residential promotes more privacy and pedestrian activity. Sidewalks would be narrow and front setbacks wider. On-street parking would be permitted along most residential frontages. Suburban refers to an auto-oriented boulevard. Parking would be permitted between the street and buildings, which would be set farther from the roadway.



Multi-way parkway



Boulevard

2013 Comprehensive Planning Award TxAPA

KENNEDALE, TEXAS

Comprehensive Plan (2012)

Link: <http://www.cityofkennedale.com/122/Comprehensive-Plan>

“The consideration of several different growth scenarios provided the opportunity for participants at input meetings to visualize various options in order to provide input about their preferred development patterns. The process used to develop the plan helped create buy-in among participants and will help ensure smoother implementation.”

-Mayor John Clark

This plan gives Kennedale a city-specific framework for action that will make it one of the distinctive and highly desirable communities that will draw people to this region.”

-Chair, Vision North Texas

Much like Tomball, the City of Kennedale has tremendous potential to be developed into a prime destination in the region around it. Historically, development had “leapfrogged” Kennedale, and this created the need for a new comprehensive plan to ensure the implementation of sound planning principles to support new and sustainable growth for the City.

Kennedale's comprehensive plan update is another example of a very high quality comprehensive planning process for a smaller community. The plan was developed using many new state-of-the-art planning ideas, including complete streets, context sensitive solutions, and multi-modal streets. Halff facilitated multiple comprehensive plan committee meetings and public meetings during which the community defined the overall vision for the future of Kennedale. This vision was translated into a series of future growth scenarios, which were later distilled into a consolidated vision for the future in the form of a future land use plan and a future thoroughfare plan. The thoroughfare plan incorporated context sensitive solutions and complete streets best practices, resulting in roadway sections to accommodate cars, pedestrians, and bicycles, while also greatly enhancing the City's character.

Relevant considerations: Scenario planning as key component; use of natural features as framework for the city; corridor planning as key component of the overall strategy

ROLE

Land use planning, thoroughfare planning, public involvement, visioning, traffic analysis (cursory), trail and bicycle network, streetscapes

CONTACT

Bob Hart, Former City Manager (now in Corinth)
(940) 498-3243, bob.hart@cityofcorinth.com



MUSTANG, OKLAHOMA

Comprehensive Plan (2017)

Link: <http://www.cityofmustang.org/cd/page/Imagine-mustang-comprehensive-plan>

“ We love our plan - it has far exceeded our expectations! ”
-Melissa Helsel, Community Development Director, City of Mustang

Mustang is part of the Oklahoma City Metropolitan Statistical Area, and from 2000 to 2015 the population increased by almost 35%. In order to maintain the high quality-of-life and amenities available in Mustang, the community selected Halff to establish a plan for moving forward. The resulting plan is a highly visual and easily understood document serving as a day-to-day policy guide.

The plan used scenario alternatives to consider roadway and land use strategies to enhance the community. The planning team also addressed the critical issue that became evident in the community meetings – there is no one place the residents consider “Downtown” Mustang. The plan recommends a village center (downtown) location, and Mustang is now actively seeking developers to implement the proposed village center. Through a broad process of public engagement (including a citizen survey with nearly 1,000 respondents), the planning team facilitated meetings with a steering committee, stakeholder groups, and the public at large, to define and articulate an overall vision and roadmap for the future of Mustang.

Relevant considerations: Very well-received plan; strong branding of the planning effort led to very high citizen participation and excitement with the planning effort; village center alternative concepts; citizen engagement at major festivals and events; followed practice of taking community engagement to residents, not asking them to come to you

ROLE

Land use planning, downtown planning, thoroughfare planning, public engagement, stormwater, and parks

CONTACT

Melissa Helsel, Community Development Director
(405) 376-7707, mhelsel@cityofmustang.org

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Consideration to Approve **Zoning Case P17-0115**: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

- Conduct Public Hearing on **Zoning Case P17-0115**
- Adopt, on First Reading, Ordinance No. 2017-36, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 76.01 Acres Of Land, Legally Described Reserve “D” Reserve At Spring Lake – Section Two, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Single-Family 20 Estate District; Said Property Being Generally Located At The North End Of Spring Lake Boulevard; 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, October 9th, after conducting a public hearing, the Planning and Zoning Commission recommended approval of the rezoning request with 3 votes Aye and 2 votes Nay.

Origination:

Robert Allen, Zion Road Properties, LLC

Recommendation:

Approval

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

Craig T. Meyers, Community Development Department

ACTION TAKEN

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

Ordinance No. 2017-36

Notice of Public Hearing

Property Owner Notification

P17-0115 Property Owner Response Forms

ORDINANCE NO. 2017-36

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 76.01 ACRES OF LAND, LEGALLY DESCRIBED RESERVE "D" RESERVE AT SPRING LAKE – SECTION TWO, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE SINGLE-FAMILY 20 ESTATE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTH END OF SPRING LAKE BOULEVARD; 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, Robert Allen has requested that approximately 76.01 acres of land, legally described as Reserve "D" Reserve at Spring Lake – Section 2, City of Tomball, Harris County, Texas, generally located north end of Spring Lake Boulevard, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Single-Family 20 Estate 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 Agricultural District to the Single-Family 20 Estate District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-Family 20 Estate District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Single-Family 20 Estate 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 16TH DAY OF OCTOBER 2017.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF NOVEMBER 2017.

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 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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 Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** 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.

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: P17-0115

APPLICANT/OWNER: Robert Allen

LOCATION: Generally located at the north end of Spring Lake Blvd.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District.

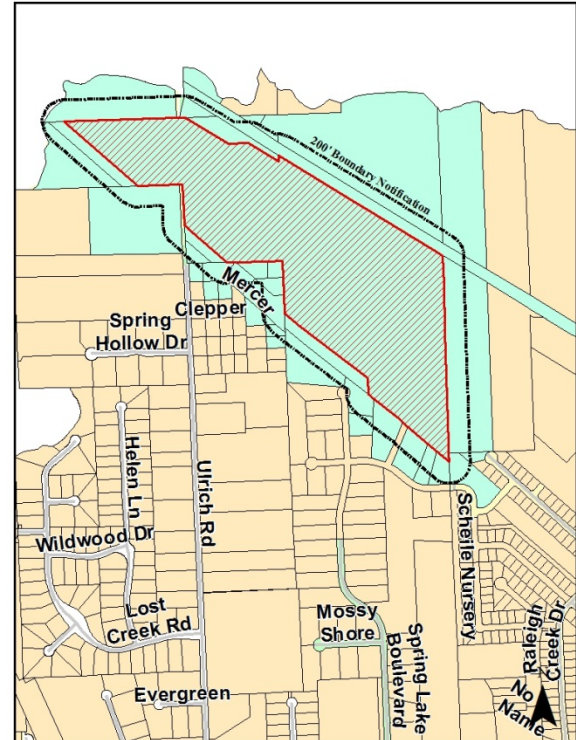
CONTACT: Amelia Lindley, Planner

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, October 9, 2017, 6:00 PM**

City Council Public Hearing:
***Monday, October 16, 2017, 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: Ellery Gene Howard

(please print)

Address: 13214 Mercer Dr., Tomball, Tx. 77375

Signature: 

Date: September 28, 2017

☐ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0115. (Please state reasons below)

☒ X

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0115. (Please state reasons below)

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

Monday, October 9, 2017 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 16, 2017, 6:00 PM

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

COMMENTS:

I feel that development of this section of the floodplain/watershed will be detrimental to the ALL Government entities as they will be required to provide relief and assistance WHEN, not IF, they flood.

This section of land has flooded three times in the last two years, the "Memorial Day Floods", The "Tax Day Floods" and Hurricane Harvey. I have witnessed many other floods of this area in the 35 years that I have lived here. Development will exacerbate the current flooding problems. Thank you for your time.

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:

KENNETH COFFMAN

(please print)

Address:

13211 MERCER DR

TOMBALL, TX 77375

Signature:

Kenn Coffman

Date:

9/28/17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0115. (Please state reasons below)

☒

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0115. (Please state reasons below)

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

Monday, October 9, 2017 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 16, 2017, 6:00 PM

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

COMMENTS:

NORTHERN 3RD OF AREA FLOODS, PROPERTY VALUES WILL DECLINE IF LOW COST HOUSING IS BUILT "NOBODY WANTS TO LIVE UNDER ELECTRICAL TOWERS, RUN OFF COULD FLOOD NEAR BY HOMES. LIMITED ACCESS TO AREA, MERCER DR IS A PRIVATE ROAD.

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: Ken Coffman <Ken.Coffman@tfwarren.com>
Sent: Thursday, September 28, 2017 1:32 PM
To: Amelia Lindley
Cc: Ken Coffman; Ken Coffman
Subject: Case Number: P17-0115
Attachments: IMG_1169.png

My email is in regards to a notification letter regarding the hearing concerning the possible rezoning mentioned in Case number P17-0115.

Frankly, to even consider rezoning this property is ridiculous. I've enclosed a photo the northern 3rd of the property. It is under 20 to 30 feet of water. This occurred during the recent Hurricane Harvey and the photo was taken 20 feet from my driveway. Enclosed are some of the reasons I'm against this.

1. Since 2000, the northern 3rd of this property has had major flooding events. (During Allison and Harvey). If you build homes on the location, it is guaranteed it will flood. Since I've lived in this area, I've witnessed numerous heavy rain events flood this area. 3 times with in the past year. If spring creek floods, then so does this property. That is why it listed are Agricultural.
2. When it rains, water runs from the south through the property to spring creek. If you walk the property, you can see the water erosion caused by the rain waters.
3. If homes are built on the property, it will limit the surrounding area ability to drain and cause water to be retained in already inhabited areas.
4. Access to this property is limited. The main road leading to the property is Ulrich. It is a 2 lane road which is used by the Tomball track team to run on. It is my understanding that the eastern half of the northern half of this road is owned by the home owners. In addition, Mercer drive, which branches off of the end of Ulrich, will be used by the new home owners for access. This road is owned by the home owners and is not maintained by the county or Tomball. Opening up this land to homes will increase traffic on the road and further degrade this substandard road.
5. The land is a right of way for large electrical tower. I'm assuming if homes are built on the property, they will be inexpensive since NOBODY wants to live under those towers.

Best regards,

Ken Coffman CSP | Corp. Health & Safety Director | TF Warren Group

O: 832-299-3201 | C: 832-980-7817

1400 Woodloch Forest Drive, Ste. 500 | The Woodlands, TX 77380



WARREN GROUP

Your Single Source Solution

www.tfwarren.com



Michael Wren ▸ Magnolia and Tomball
Flooding Information

Yesterday at 11:32 PM · 🌐

Is spring creek done rising? In tomball on ulrich



Write a comment...



Post



October 6, 2017

To: The City of Tomball TX
Attn: Amelia Lindley; alindley@tomballtx.gov
501 James Street
Tomball, TX 77375

From: Michael L Young President
Tomball Gun Club Inc.
P.O. Box 317
Tomball Texas 77377-0317

Subject: Against Zoning Case P17-0115 (Agricultural District to Single-Family 20 Estate District)

Good day Amelia Lindley,

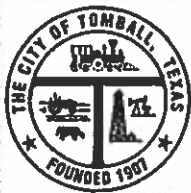
Please find the attached PDF, which contains the official City of Tomball, TX response form for the above referenced Zoning Case.

In addition to the form, as the President of and representative of The Tomball Gun Club Inc. I wish to state that we stand against Zoning Case P17-0115 (Agricultural District to Single-Family 20 Estate District), as portions of the 76.01-acre tract are adjacent to the Tomball Gun Club Inc., a sport shooting range established and continuously operated since 1963. Tomball Gun Club Inc. is a sport shooting range as defined and assigned by Section 250.001, Local Government Code. We have additional concerns about increased flooding across our property, as the club property is downstream from the purposed rezoning. The proposed developer's web site (<http://thereservetomball.com/master-plan>) obscures the fact that the rezoning and proposed residential building is adjacent to an existing sport shooting range with a preeminence dating back to 1963. The developer has published a proposal, which places the green barrier and detention ponds in the upper bounds of the watershed exasperating the increased water flow across our property and ignoring any benefit of noise abatement gained by a detention structure and green buffer, which could be located along the eastern property boundary.

Respectfully submitted,

Michael L Young

Michael Young – President Tomball Gun Club Inc.



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: MICHAEL L YOUNG PRESIDENT
(please print)
Address: TOMBALL GUN CLUB INC.
PO BOX 317, Tomball, TX 77377-0317
Signature: [Signature]
Date: 10-6-2017

☐ I am FOR the requested Rezoning as explained on the attached public notice for Zoning Case P17-0115. (Please state reasons below)

☒ I am AGAINST the requested Rezoning as explained on the attached public notice for Zoning Case P17-0115. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, October 9, 2017 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 16, 2017, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Against Zoning Case P17-0115 (Agricultural District to Single-Family 20 Estate District) as portions of the 76.01-acre tract are adjacent to the Tomball Gun Club Inc. a sport shooting range established and continuously operated since 1963. Sport shooting range meaning assigned by Section 250.001, Local Government Code. Additional concerns about flooding, as the club property is downstream from the purposed rezoning.

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: Michael and Lesa Young <mlybudo@sbcglobal.net>
Sent: Friday, October 06, 2017 9:23 AM
To: Amelia Lindley
Subject: Against Zoning Case P17-0115
Attachments: Against Zoning Case P17-0115 (1).pdf

October 6, 2017

To: The City of Tomball TX
Attn: Amelia Lindley; alindley@tomballtx.gov
501 James Street
Tomball, TX 77375

From: Michael L Young President
Tomball Gun Club Inc.
P.O. Box 317
Tomball Texas 77377-0317

Subject: Against Zoning Case P17-0115 (Agricultural District to Single-Family 20 Estate District)

Good day Amelia Lindley,

Please find the attached PDF, which contains the official City of Tomball, TX response form for the above referenced Zoning Case.

In addition to the form, as the President of and representative of The Tomball Gun Club Inc. I wish to state that we stand against Zoning Case P17-0115 (Agricultural District to Single-Family 20 Estate District), as portions of the 76.01-acre tract are adjacent to the Tomball Gun Club Inc., a sport shooting range established and continuously operated since 1963. Tomball Gun Club Inc. is a sport shooting range as defined and assigned by Section 250.001, Local Government Code. We have additional concerns about increased flooding across our property, as the club property is downstream from the purposed rezoning. The proposed developer's web site (<http://thereservetomball.com/master-plan>) obscures the fact that the rezoning and proposed residential building is adjacent to an existing sport shooting range with a preeminence dating back to 1963. The developer has published a proposal, which places the green barrier and detention ponds in the upper bounds of the watershed exasperating the increased water flow across our property and ignoring any benefit of noise abatement gained by a detention structure and green buffer, which could be located along the eastern property boundary.

Respectfully submitted,

Michael L Young

Michael Young – President Tomball Gun Club Inc.

October 9, 2017

VIA EMAIL ONLY: alindley@tomballtx.gov

City of Tomball
Planning and Community Development
Attn: Amelia Lindley, Planner
501 James Street
Tomball, Texas 77375

Re: Comments to proposed rezoning of 76.01 acres from Agricultural to Single-Family at Reserve "D" Reserve at Spring Lake, Section 2, by Applicant: Robert Allen (the "Project")

Dear Ms. Lindley:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments on the above-referenced Project. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of Texas. UP's rail network is vital to the economic health of Texas and the nation as a whole and its rail service to customers in the Tomball Area is crucial to the future success and growth of those customers.

The proposed Project location is adjacent to UP's Navasota Subdivision. Additionally, there may be at-grade rail crossings over these tracks in nearby locations. Any land planning decisions should consider that train volumes near the Project area may increase in the future. UP also asks that the City and the applicant keep in mind that this is a vital rail corridor and nearby land uses should be compatible with this continuing rail use.

At-Grade Rail Crossing and Sight Line Safety

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close contact. Appropriate modifications to the street and warning devices on any nearby rail crossings may need to be included as part of the Project. Development at the Project location may result in poor site lines for vehicular

traffic approaching the at-grade crossings. Should this Project continue, UP requests that the City require appropriate setbacks to mitigate any safety risks resulting from reduced visibility. UP also suggests the City consider holding railroad and crossing safety presentations, such as Operation Lifesaver, for the public on an appropriate basis.

Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Project may render inadequate the current safety devices in place on any nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the City, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Project be approved, UP requests that the Project developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on any nearby at-grade road crossings to see if any additional mitigation measures should be included in the Project.

Trespassing

Any increase in pedestrian traffic will increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the Project impacts associated with the increased likelihood of trespassing and set forth appropriate mitigation measures. The developer should install vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and “no trespassing” signs designed to prevent individuals from trespassing onto the railroad tracks. Buffers and setbacks (minimum 100 feet from active track) should also be required adjacent to the right-of-way.

Noise and Vibration Impact

UP’s 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by railroad employees. As a mitigation measure, the developer should disclose to the general public, including residents of the proposed development, the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. The Project’s development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Drainage and Project Construction

UP requests the City ensure that the drainage plan relating to the Project does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP’s property may cause damage to its facilities resulting in a potential public safety issue. If the Project is approved, we ask that the City require the applicant to mitigate all safety risks and the impacts of the railroad’s 24-hour operations during the construction of the Project, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25’) of the nearest track.

City of Tomball
October 9, 2017

UP appreciates the developer and the City giving due consideration to the above concerns, as this proposed Project may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Colby Rinker, Manager - Real Estate
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690 Omaha, NE 68179
(402) 544-6041
cwrinker@up.com

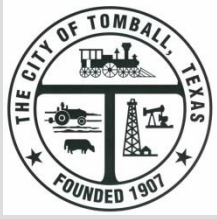
Please do not hesitate to contact Colby Rinker if you have any questions or concerns.

Sincerely,



Madeline E. Roebke
Senior General Counsel
Union Pacific Railroad Company

cc: Colby Rinker



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017

City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0115
Property Owner(s): Zion Road Properties, LLC
Applicant(s): Robert (Bob) Allen
Legal Description: Reserve "D" Reserve at Spring Lake – Section 2
Location: North end of Spring Lake Boulevard (Exhibit "A")
Area: 76.01 acres
Comp Plan Designation: Rural Residential (Exhibit "B")
Present Zoning and Use: Agricultural District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone 76.01 acres from the Agricultural District to the Single-Family 20 Estate District

Adjacent Zoning & Land Uses:

North: Agricultural District / Undeveloped

South: Agricultural District / Single-family residences

West: Agricultural District / Undeveloped

East: Outside City Limits / Undeveloped

BACKGROUND

City Staff met with the applicant regarding a potential rezoning of the northern portion of the Reserve at Spring Lake subdivision.

ANALYSIS

The entire site is approximately 91 acres. The property owner, who is the developer of the subdivision Reserve at Spring Lake, is requesting approximately 76 acres be rezoned from Agricultural to Single-Family 20 Estate District to allow for a minimum of half acre lots, rather than a minimum of one acre lots.

All surrounding properties are zoned Agricultural or Single-Family 20 Estate District. The property owner has developed the existing subdivision as a minimum of one acre lots with the desire to develop Section 3 as a minimum of half acre lots.

The Future Land Use Map designates the property as Rural Residential. According to the Comprehensive Plan, Rural Residential includes “single family detached residential development on minimum 1 acre lots allowing up to one house per acre”.

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 Single-Family 20 Estate District appear to be appropriate for the immediate area and the City as a whole. This area of the City has many larger lot subdivisions.

- 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 arterial street to the south of the property can accommodate traffic generated by a Single-Family 20 Estate District development.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There is vacant land in the City zoned Single-Family 20 Estate. 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 not been recent development in the Single-Family 20 Estate District. The neighborhood just to the east of the subject site, Raleigh Creek, is zoned Single-Family 20 Estate, however it is vested Single-Family 9 District, meaning the lots are building to the Single-Family 9 District standards. Most other new subdivisions are zoned Single-Family 9 or Single-Family 6 District.

- 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 the property as Rural Residential. The request does not appear to be consistent with the Future Land Use Map; however the Comprehensive Plan also discusses on various occasions the need for a wide variety of housing styles, densities, and price ranges located in the appropriate locations.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 2017. 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 P17-0115 for the following reasons:

1. While the proposed rezoning is not consistent with the Future Land Use Map, the request will meet the goals of City's Comprehensive Plan;
2. The request is generally appropriate with the surrounding land uses in the area;
3. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo

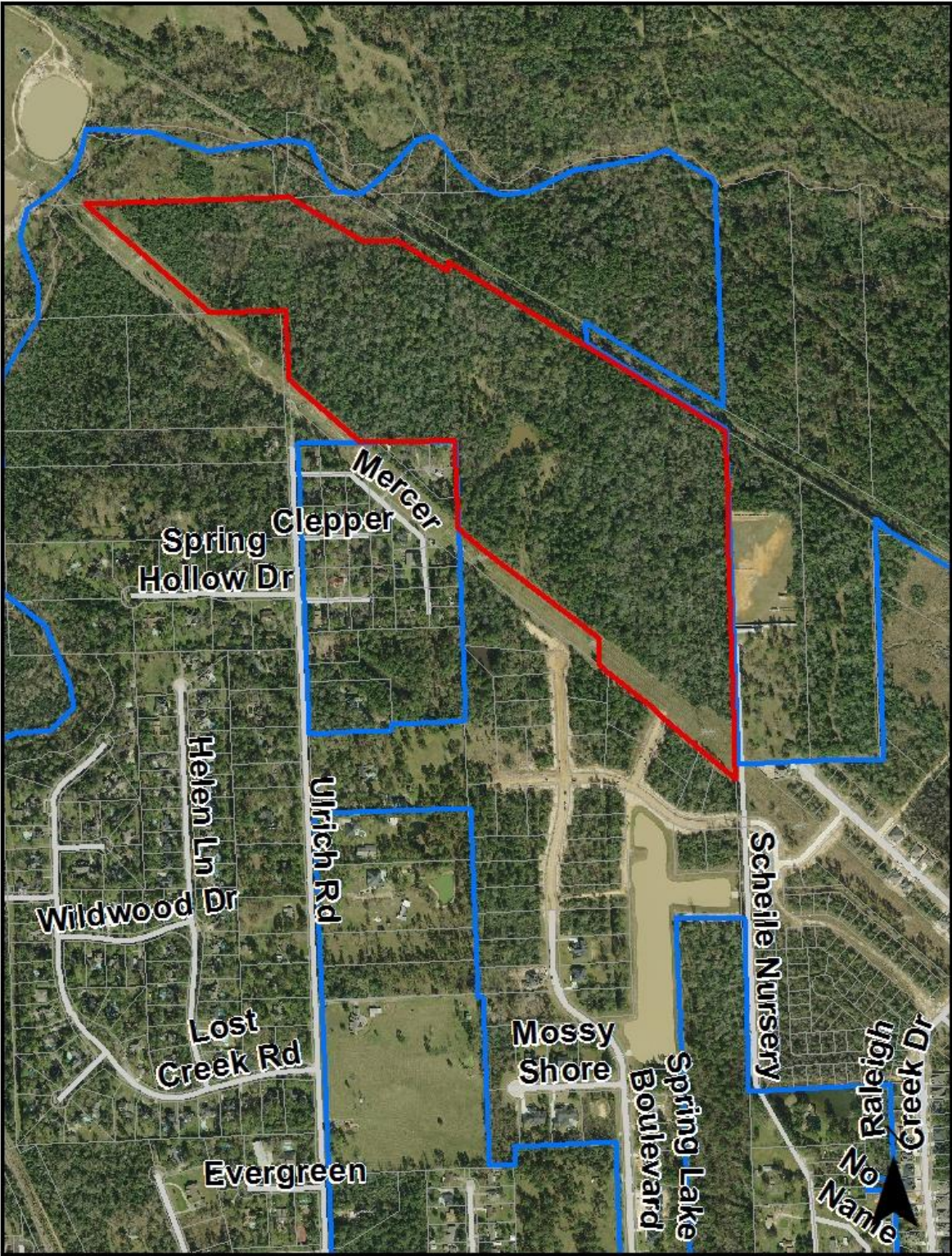


Exhibit "B"
Comprehensive Plan

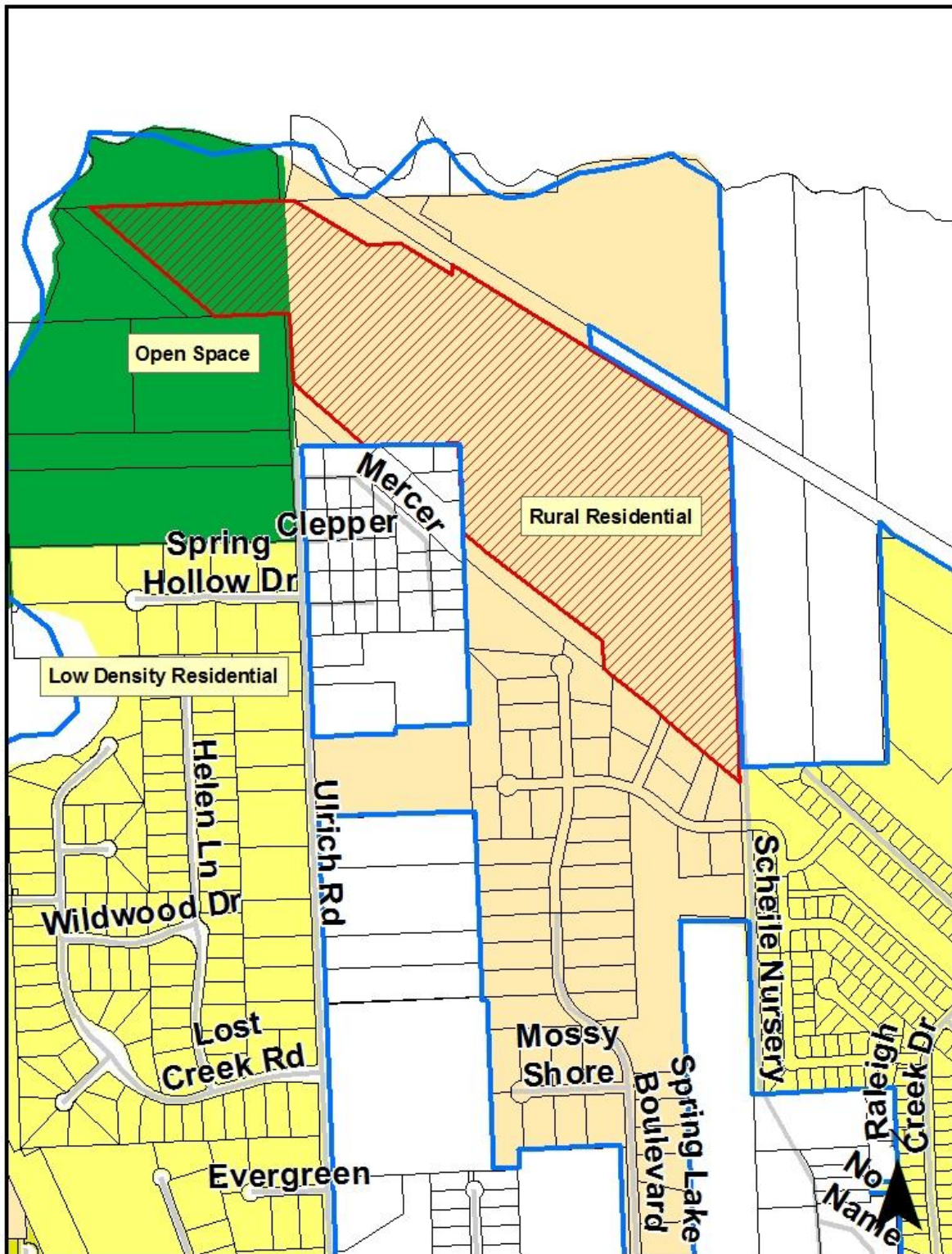
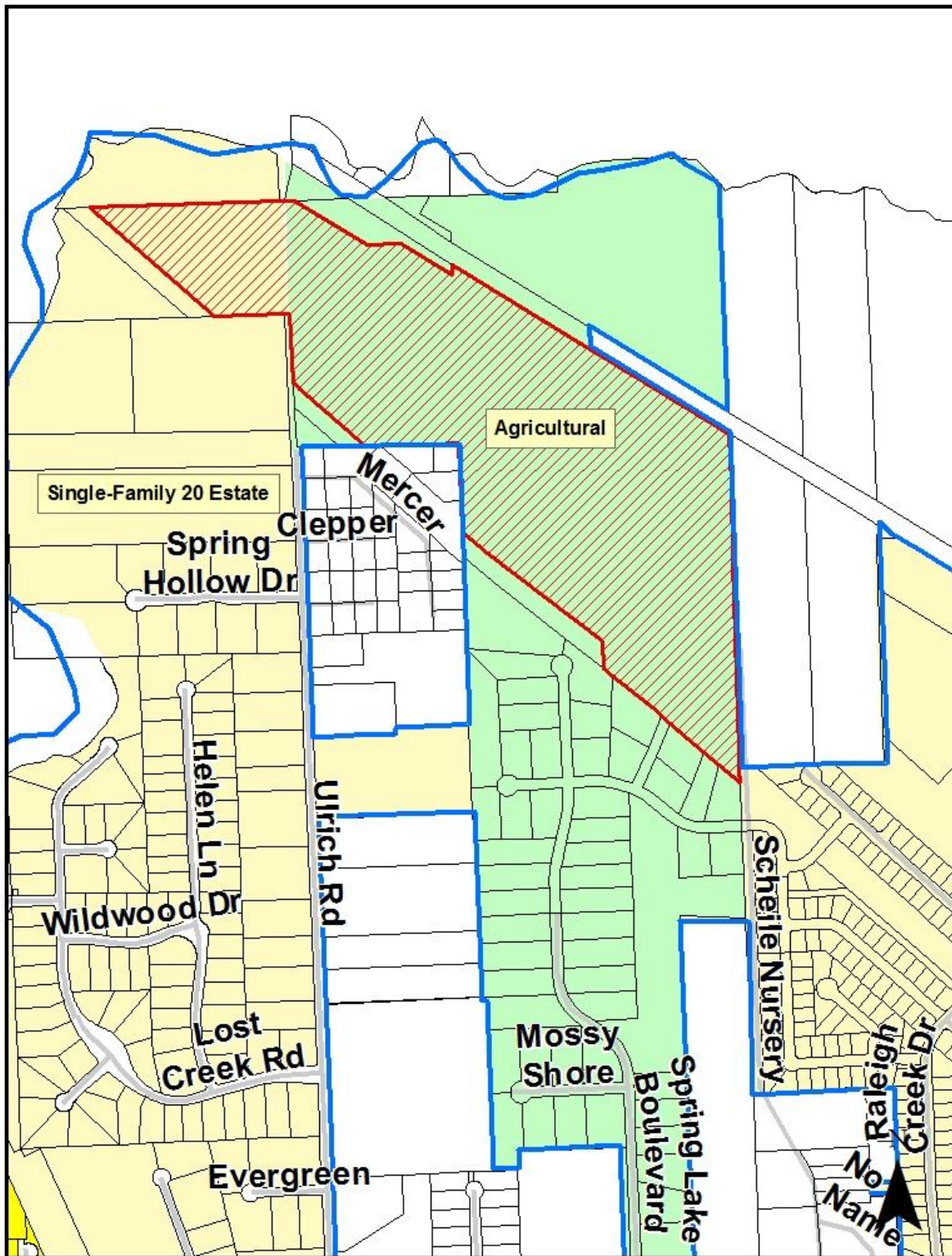


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E" Application

Revised 5/19/15



APPLICATION FOR REZONING Community Development Department Planning Division

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

Applicant

Name: Robert (Bob) Allen Title: Vice President
Mailing Address: 9977 W. Sam Houston Pkwy N. #150 City: Houston State: TX
Zip: 77064
Phone: (281) 477-8688 Fax: (281) 477-9191 Email: bob@thereservetomball.com

Owner

Name: Zion Road Properties, LLC Title: _____
Mailing Address: 9977 W. Sam Houston Pkwy, N. #150 City: Houston State: TX
Zip: 77064
Phone: (____) _____ Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: DPK Engineering - David Kelly Title: Principal
Mailing Address: P.O. Box 823 City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (____) _____ Email: david.kelly@dpkengineering.com

Description of Proposed Project: The Reserve at Spring Lake - Section 3

Physical Location of Property: Zion Road and Spring Lake Blvd
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: The Reserve at Spring Lake Section 1 and 2
[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

Current Zoning District: AG

Current Use of Property: AG

Proposed Zoning District: SF 20E

Proposed Use of Property: SF 20E

HCAD Identification Number: 1368250040005 Acreage: 76.01

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

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

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

<u>X</u>	Robert M. Allen	Digitally signed by Robert M. Allen DN: cn=Robert M. Allen, o, ou, email=rob@allenlandmgt.com, c=US Date: 2017.08.22 13:48:35 -05'00'	8/22/17
	Signature of Applicant		Date
<u>X</u>	Robert M. Allen	Digitally signed by Robert M. Allen DN: cn=Robert M. Allen, o, ou, email=rob@allenlandmgt.com, c=US Date: 2017.08.22 13:48:47 -05'00'	8/22/17
	Signature of Owner		Date

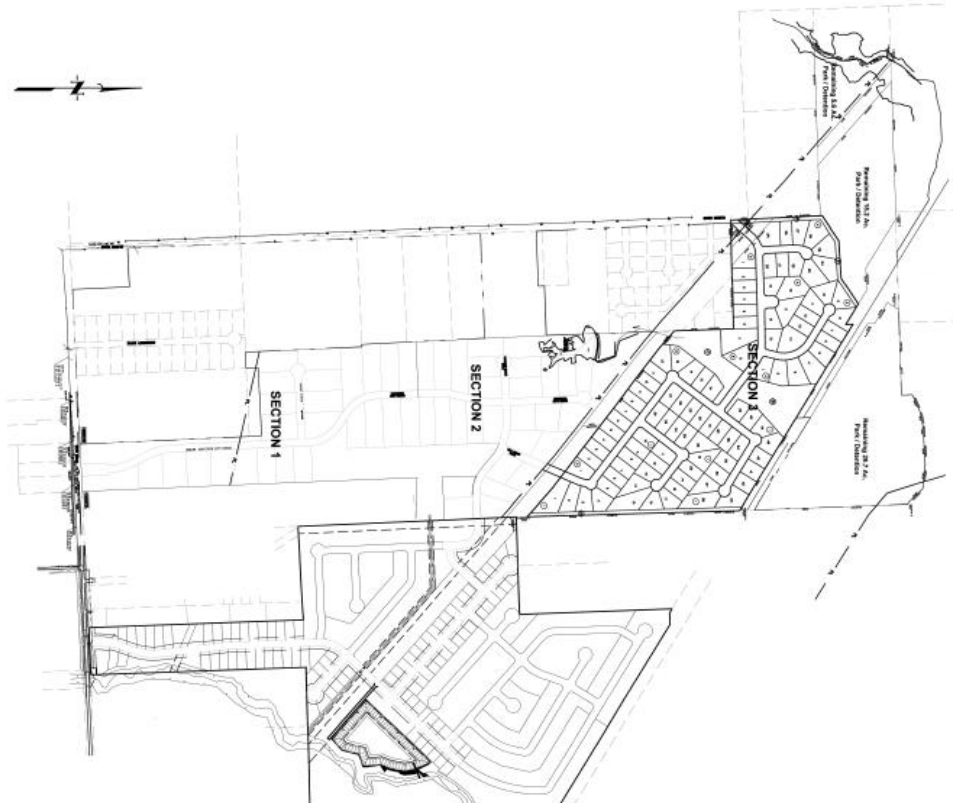




THE
Reserve
AT SPRING LAKES

Proposed Section 3

This information represents an artist's rendering of some of the proposed elements of The Reserve at Spring Lakes community. In an effort to improve The Reserve at Spring Lakes community, the Developer in its sole discretion and without notice may change this rendering and construct these elements in a manner that is different than depicted. This rendering is not intended to show all elements and some of the elements on this rendering may not be constructed as shown. Nothing contained herein shall be construed as either an express or implied representation or warranty by the developer.

[illegible]

SUMMARY OF RESERVES		
Item	Source (1) / Amount	Location
A	Source (1) / 1.21	LABORATORY
B	Source (1) / 2.89	DEPARTMENT OF AGRICULTURE
C	Source (1) / 3.31	DEPARTMENT OF AGRICULTURE
D	Source (1) / 0.127	LABORATORY
E	Source (1) / 0.146	LABORATORY
F	Source (1) / 2.61	LABORATORY

	Block Size (Feet x Feet)	Feet x Feet
1	100' x 100' x 100'	100' x 100'
2	100' x 100' x 100'	100' x 100'
3	100' x 100' x 100'	100' x 100'
4	100' x 100' x 100'	100' x 100'

SUMMARY OF SECTION		
SDC	SCAFFOLD ERECTATION	TYPE 04, LOT 9/05
1	220' (05' / 02' 9")	1 AS P&A
2	110' (05' / 02' 9")	1 AS P&A
3	30' (05' / 02' 9")	100 # 202



RESERVE AT SPRING LAKE
SECTION TREE
73.86 Acres (3,217,495 Sq.Ft.)

RESERVE AT SPRING LAKE
SECTION THREE
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-16-41
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
4 BLOCKS 99 LOTS 6 RESERVES
SEPTEMBER 2017

OWNER/DEVELOPER:
2100 ROAD PROJECTS
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PKWY. N., #1500
HOUSTON, TX 77066
PH: 281-477-8688

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
3279 WINDSOR TERRACE
FUTHER, TX 77447
PH: 281-346-2616

PLANNING:
SWETZLER & ASSOCIATES
LANDSCAPE ARCHITECTS / PLANNING
15500 KATY TRWY.
HOUSTON, TX 77079
PH: 281-496-3111

SURVEYOR:
TOWN & COUNTRY
SURVEYORS, LLC
25307 NORTH FREWAY,
SUITE 100
THE WOODLANDS, TX 77380
(281) 445-8730
FAX: (281) 445-8731

8-HEET 1 OF 1

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Consideration to Approve **Zoning Case P17-0116**: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

- Conduct Public Hearing on Zoning Case P17-0116
- Adopt, on First Reading, Ordinance No. 2017-37, 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 1.5 Acres Of Land, Legally Described Tract 245 Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Single-Family 6 District To The Commercial District; Said Property Being Generally Located At The Northeast Corner Of Chestnut Street And Lizzie Lane; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, October 9th, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to deny the rezoning case.

Origination:

Community Development Department

Recommendation:

Denial

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

Craig T. Meyers

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2017-37

Notice of Public Hearing

Property Owner Notification

Property Owner Response Forms

ORDINANCE NO. 2017-37

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 1.5 ACRES OF LAND, LEGALLY DESCRIBED TRACT 245 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF CHESTNUT STREET AND LIZZIE LANE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Cesar Pinedo has requested that approximately 1.5 acres of land, legally described as Tract 245 Tomball Outlots, City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Commercial 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 Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Commercial District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF OCTOBER 2017.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF NOVEMBER 2017.

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 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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 Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

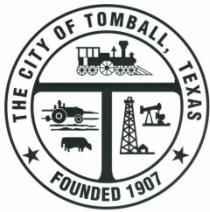
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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.



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: P17-0116

APPLICANT/OWNER: Cesar Pinedo

LOCATION: Generally located at the northeast corner of Chestnut Street and Lizzie Lane

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 245 Tomball Outlots within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District.

CONTACT: Amelia Lindley, 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, October 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, October 16, 2017, 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:

Cesar G. PINEDO

(please print)

Address:

10102 Bitternut Hickory Ln

Signature:

[Handwritten Signature]

Date:

10/2/17

X

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0116. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0116. (Please state reasons below)**

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

Monday, October 9, 2017 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 16, 2017, 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:

LATRELL J SAMUEL SHANNON

(please print)

Address:

823 LIZZIE LN.

TOMBALL, TX. 77375

Signature:

Latrell Shannon

Date:

9-29-2017

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0116. (Please state reasons below)

X

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0116. (Please state reasons below)

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

Monday, October 9, 2017 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 16, 2017, 6:00 PM

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

COMMENTS:

(PLEASE SEE ATTACHED)

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

CASE NUMBER: P17-0116

We are AGAINST the requested Rezoning for Case Number: P17-0116.

We are beginning to see our “Residential Zoned” area of (Lizzie Lane and South Chestnut Street) slowly being eroded away by people seeking monetary gain by requesting to change portions of our residential areas to commercial.

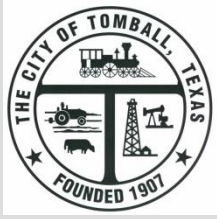
No, we do not want to see this continue to happen.

1. We have conceded in the past and allowed for areas on one end of our street to be changed from zoned as Residential to Commercial (on both sides of the street).
2. We’ve had to consent to allowing commercial warehouses being built in our residential area (in the northern section). As a result of these buildings being built; we are starting to see water overflow from their retention areas and lead to more water and flooding onto our area and homes (due to inadequate drainage planning).
3. There is one business operating in our “Residential Zoned” area to the North that continues to violate the zoning and code ordinances by allowing horrible outside storage around the business. After numerous complaints, nothing has been done to rectify this problem, either.

We say enough is enough. At some point we have to say STOP and let’s establish some boundaries, here. If not, we could possibly end up with an area with a spotted mixture of residential and commercial areas. This was our main purpose in seeking to get our area zoned as Residential, to prevent this from happening. Doing things like this defeats the purpose of having a Zoning Ordinance.

Please help us to protect the legacy that our fore parents established here; and allow us to live in our “Residential Zoned” area in peace and harmony, and without the distractions of anymore commercial businesses in our area.

Latrell & Samuel Shannon 823 Lizzie Ln., Tomball, Tx. 773375 281-351-5278



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017
City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0116
Property Owner(s): Cesar Pinedo
Applicant(s): Cesar Pinedo
Legal Description: Tract 245 Tomball Outlots
Location: Northeast corner of Chestnut Street and Lizzie Lane (Exhibit "A")
Area: 1.5 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone 1.5 acres from the Single-Family 6 District to the Commercial District

Adjacent Zoning & Land Uses:

North: Planned Development 3 District / Chestnut Business Park

South: Duplex District / Single-family residence

West: Single-Family 6 District / Undeveloped

East: Single-Family 6 District / Undeveloped

BACKGROUND

City Staff discussed potential uses of the subject site with the property owner and received a rezoning application on August 29, 2017.

ANALYSIS

The subject site is approximately 1.5 acres. The lot is zoned Single-Family 6 District. Property to the east and west are also zoned Single-Family 6 District. Property to the south is zoned Duplex and property to the north is a Planned Development District that operates as a business park. There are multiple single-family residences on Lizzie Lane and a few commercial businesses toward the east near South Persimmon.

The Future Land Use Map designates the property as Medium Density Residential. Properties to the east and south are also Medium Density Residential. Property to the north is Business/Industrial and property to the west is designated Mixed Use.

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.**

There are a mix of land uses in the immediate area. To the north, there is a business park and a storage facility. To the south and east, however, there are multiple single-family residences. There does appear to be a dividing line between the commercial and residential uses: the business park has frontage on Chestnut, while the homes front onto Lizzie Lane. Also, Chestnut Business Park is in a Planned Development District that restricts all business operations to indoor areas thus causing fewer impacts to the residential area to the south. The uses permitted in the Commercial District appear to be too intense for the area.

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

Adequate utilities are available to serve this property and the existing collector street adjacent to the property can accommodate traffic generated by a Commercial District development.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There is vacant land in the City zoned Commercial. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

There has been steady development in the Commercial District in the City.

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

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

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

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

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

The Future Land Use Map designates the property as Medium Density Residential. The request does not appear to be consistent with the Future Land Use Map. The Comprehensive Plan also puts great emphasis on protecting established residences and preserving the rural lifestyle in Tomball. Allowing commercial businesses to continue to encroach closer to the established homes on Lizzie Lane would not meet the goals of the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 2017. 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 is unable to recommend approval of Zoning Case P17-0116 for the following reasons:

1. The request will not meet the goals of City's Comprehensive Plan;
2. The request is not in conformance with the Future Land Use Map;
3. Permitted land uses in the Commercial District appear to be too intense for the area;
4. The request is generally not appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

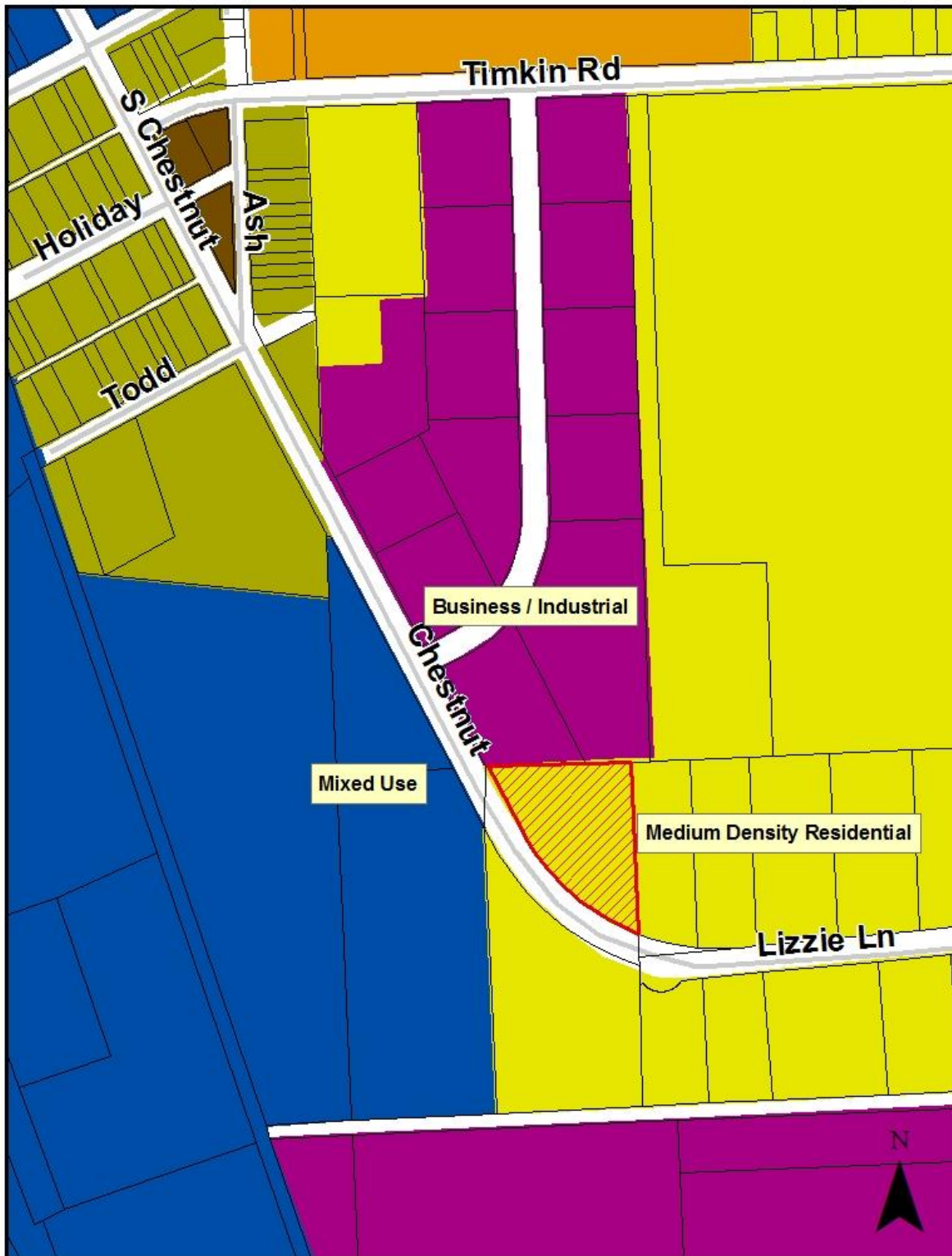


Exhibit "C"
Zoning Map

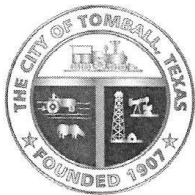


**Exhibit “D”
Site Photo**



Exhibit "E" Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant
Name: Cespe Pinedo Title: owner
Mailing Address: 10102 Billenut Hickory St Tomball State: TX
Zip: 77375
Phone: (832) 552-8366 Fax: () Email: _____

Owner
Name: Same as above Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

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

Description of Proposed Project: Raw land

Physical Location of Property: TBD Uzzle in Tomball TX
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 245 Tomball Outlets
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-4

Current Use of Property: Raw land

Proposed Zoning District: C-LI-PD

Proposed Use of Property: TBD

HCAD Identification Number: 0352880000245 **Acreage:** 1.5109

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		8/29/17
	Signature of Applicant	Date
X		8/31/17
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00995825 8/31/2017 4:08 PM
OPER: RP TERM: 005
REF#: W VISA 801

ACCT #: XXXX-XXXX-XXXX-3238
AUTH #: 031619
TRAN #: 060659682119
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
TR 245 TOMBALL
LIZZIE LN
100-5441
REZONING 420.00CR

TENDERED: CREDIT CARD
APPLIED: 3/00 00-

CHARGE

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

www.tomballtx.gov

To who it may concern,

Please accept this application for consideration and approval to change the current zoning status of my property located at TBD Lizzie Ln , Legal description TR 245 Tomball Outlets from Residential use to Commercial. Currently there is commercial property on either side of me as well as directly across the street.

Thank you in advance for your consideration

Sincerely



Cesar G Pinedo

All that certain tract or parcel containing 1.5169 acres of land out of Outlot 245 in the Tomball Outlots, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 75 of the Harris County Map Records, said Outlot 245 being that same tract described as 5.0000 acres of land in a deed filed for record under Harris County Clerk's File No. K-022685, said 1.5169 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) marking the intersection of the North line of said Outlot 245 with the Northeast right-of-way line of Chestnut Street, (60.00 feet in width), as described in an instrument filed for record under Harris County Clerk's File No's X-074990 and W-844564 marking the Southwest corner of Lot 6 in Block 2 of Chestnut Business Park, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 628085 in said Harris County Map Records and the Northwest corner of the herein described 1.5169 acre tract of land, from this point a 5/8" iron rod with cap stamped FDS #2053 (found) bears S 89°58'34" W, 0.57 feet, also from this point a 1/2" iron rod (found) bears S 61°27'11" W, 0.70 feet;

THENCE N 89°58'34" E, (call EAST), along the common line of said Outlot 245 and said Lot 6 in Block 2, passing at 206.02 feet a 5/8" iron rod with cap stamped FDS #2053 (found) marking the Southeast corner of said Lot 6 and the Southwest corner of Lot 5 in said Block 2, a total distance of 297.95 feet to a 5/8" iron rod with cap stamped FDS #2053 (found) marking the Northeast corner of said Outlot 245, the Northwest corner of Lot 10 in Block 2 of Lizzie-Persimmon Subdivision, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 352080 in said Harris County Map Records and the Northeast corner of the herein described 1.5169 acre tract of land;

THENCE S 00°22'44" W, (call SOUTH), a distance of 347.05 feet along the common line of said Outlot 245 and said Lot 10 to a 5/8" iron rod with EIC cap (set) in the Northeast right-of-way line of said Chestnut Street marking the Southeast corner of the herein described 1.5169 acre tract of land, same point being in a curve to the right having a radius of 470.00 feet;

THENCE Northwesterly, along the Northeast right-of-way line of said Chestnut Street with said curve to the right through a central angle of 41°25'24", a chord bearing and distance of N 46°12'42" W, 332.44 feet, an arc distance of 339.80 feet to a 5/8" iron rod with EIC cap (set) for point of tangency;

THENCE N 25°30'00" W, a distance of 129.29 feet along the Northeast right-of-way line of said Chestnut Street to the POINT OF BEGINNING and containing 1.5169 acres of land.

Surveyed on the ground November 16, 2012.

Job No. 12-565-11. (See corresponding plat)

The basis of bearing is N 25°30'00" W along the Northeast right-of-way line of Chestnut Street.



Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Consideration to Approve **Zoning Case P17-0117**: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

- Conduct a Public Hearing on **Zoning Case P17-0117**
- Adopt, on First Reading, Ordinance No 2017-38, 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 8.355 Acres Of Land, Legally Described Lot 9 Tomball Marketplace, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The North Side Of Medical Complex Drive, West Of Sh 249; 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, October 9th, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

Origination:

Josh Rendon, Drake Builders

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2017-38
Notice of Public Hearing
Property Owner Notificaiton
P17-0117 Staff Report

ORDINANCE NO. 2017-38

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 8.355 ACRES OF LAND, LEGALLY DESCRIBED LOT 9 TOMBALL MARKETPLACE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF MEDICAL COMPLEX DRIVE, WEST OF SH 249; 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, Josh Rendon, on behalf of Drake Builders, has requested that approximately 8.355 acres of land, legally described as Lot 9 Tomball Marketplace, City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Commercial 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 Agricultural District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Commercial District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF OCTOBER 2017.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF NOVEMBER 2017.

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 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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 Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

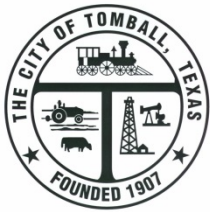
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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.



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: P17-0117

APPLICANT/OWNER: Josh Rendon, on behalf of Drake Builders

LOCATION: Generally located on the north side of Medical Complex Drive, west of SH 249

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.355 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

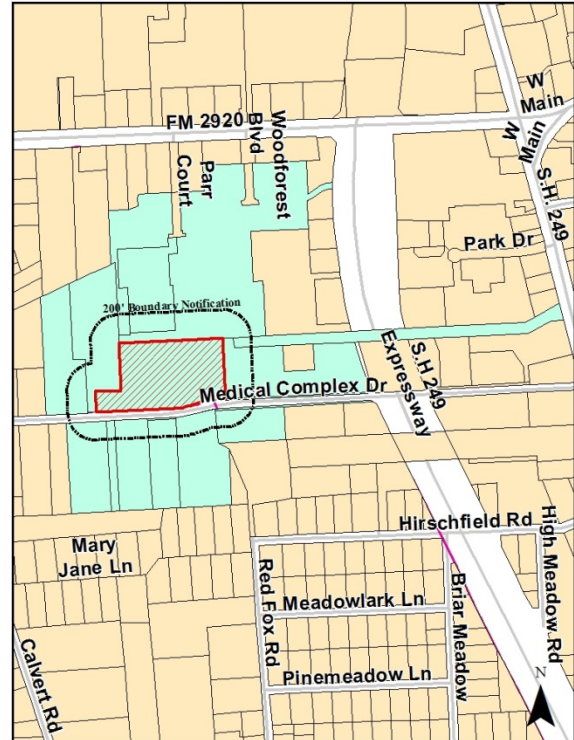
CONTACT: Amelia Lindley, Planner

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.

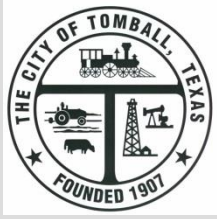


**Planning & Zoning Commission
Public Hearing:
Monday, October 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, October 16, 2017, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017
City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0117
Property Owner(s): Weingarten Investments Inc.
Applicant(s): Josh Rendon, on behalf of Drake Builders
Legal Description: Lot 9 Tomball Marketplace
Location: North side of Medical Complex Drive, west of SH 249 (Exhibit "A")
Area: 8.355 acre
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: Agricultural District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone 8.355 acres from the Agricultural District to the Commercial District

Adjacent Zoning & Land Uses:

North: Commercial District / Commercial strip center (Kohl's)

South: Outside City Limits & General Retail District / Single-family residences and undeveloped land

West: Commercial District / Detention pond

East: General Retail District / Undeveloped land

BACKGROUND

City Staff met with the applicant in July 2017 to discuss a proposed development on the subject site. Staff informed the applicant that the property would need to be rezoned prior to the property being developed as desired. The applicant submitted a rezoning application on August 30, 2017.

ANALYSIS

The subject site is approximately 8.355 acres located on Medical Complex Drive on the west side of SH 249. Properties within the City Limits in the area are zoned Commercial and General Retail. To the north of the subject site, there is a large commercial strip center with businesses including Kohl's and Academy. Residence Inn by Marriott also recently opened on Medical Complex Drive, east of the subject site. It does not appear that rezoning the property to Commercial would be out of character with the surrounding area.

The Comprehensive Plan Future Land Use Map designates the property as Mixed Use which includes a mix of office, retail and commercial land uses. Surrounding properties are designated Mixed Use and Commercial. The proposed rezoning will be in conformance with the Future Land Use Map.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses permitted in the Commercial District appear to be appropriate for the immediate area. The established land uses in the area are mostly commercial businesses including Kohl's, Academy and Residence Inn by Marriott. This area of the City appears to be appropriate for commercial 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 arterial street adjacent to the property can accommodate traffic generated by a Commercial District development.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There is vacant land in the City zoned Commercial. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

There has been steady development in the Commercial District in the City.

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

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

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

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

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

The Future Land Use Map designates the property as Mixed Use. The request appears to be consistent with the Future Land Use Map. The Comprehensive Plan also discusses creating a mix of job opportunities by increasing the percentage of commercial land.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 2017. 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 P17-0117 for the following reasons:

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

EXHIBITS

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

Exhibit "A"
Aerial Photo

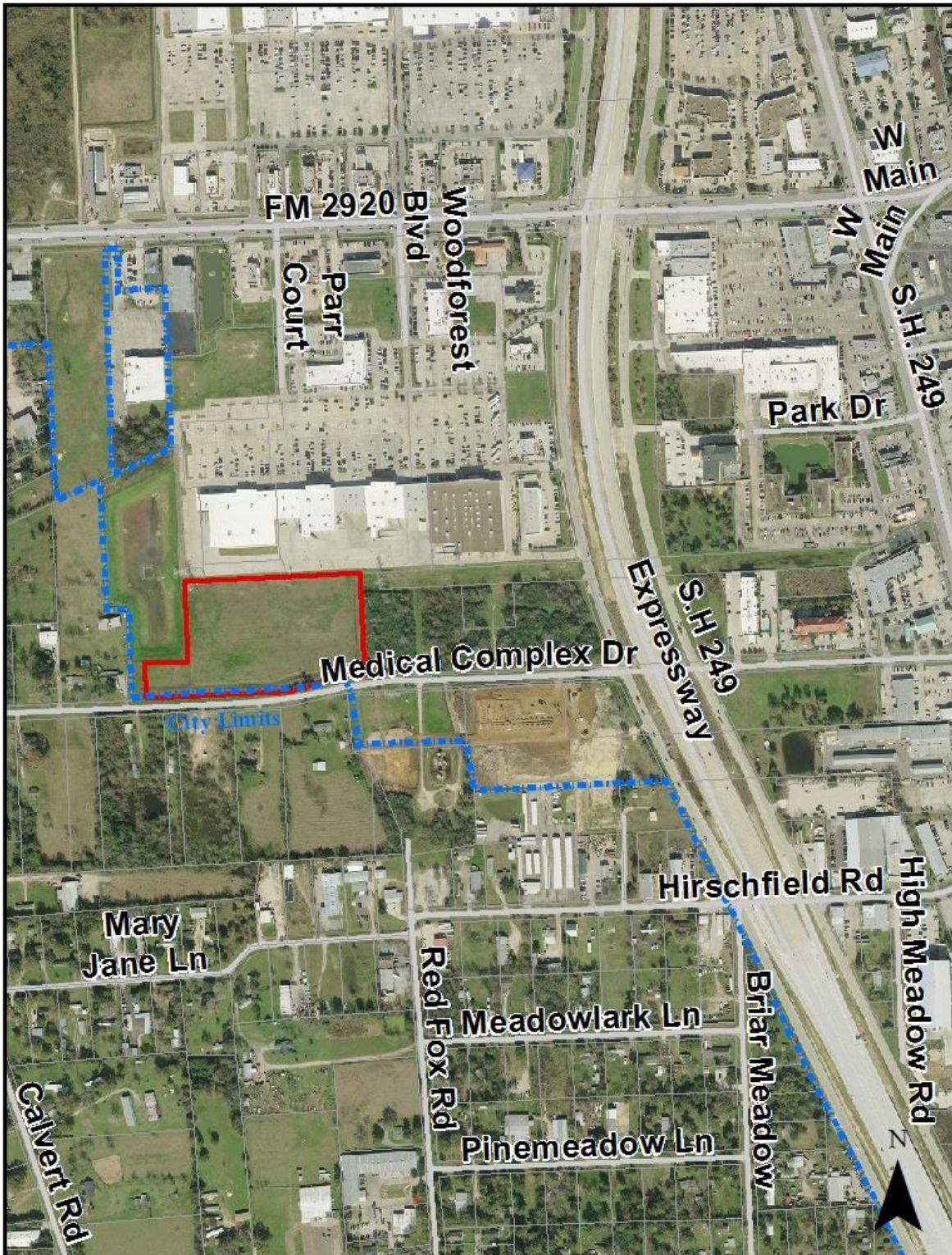


Exhibit "B"
Comprehensive Plan

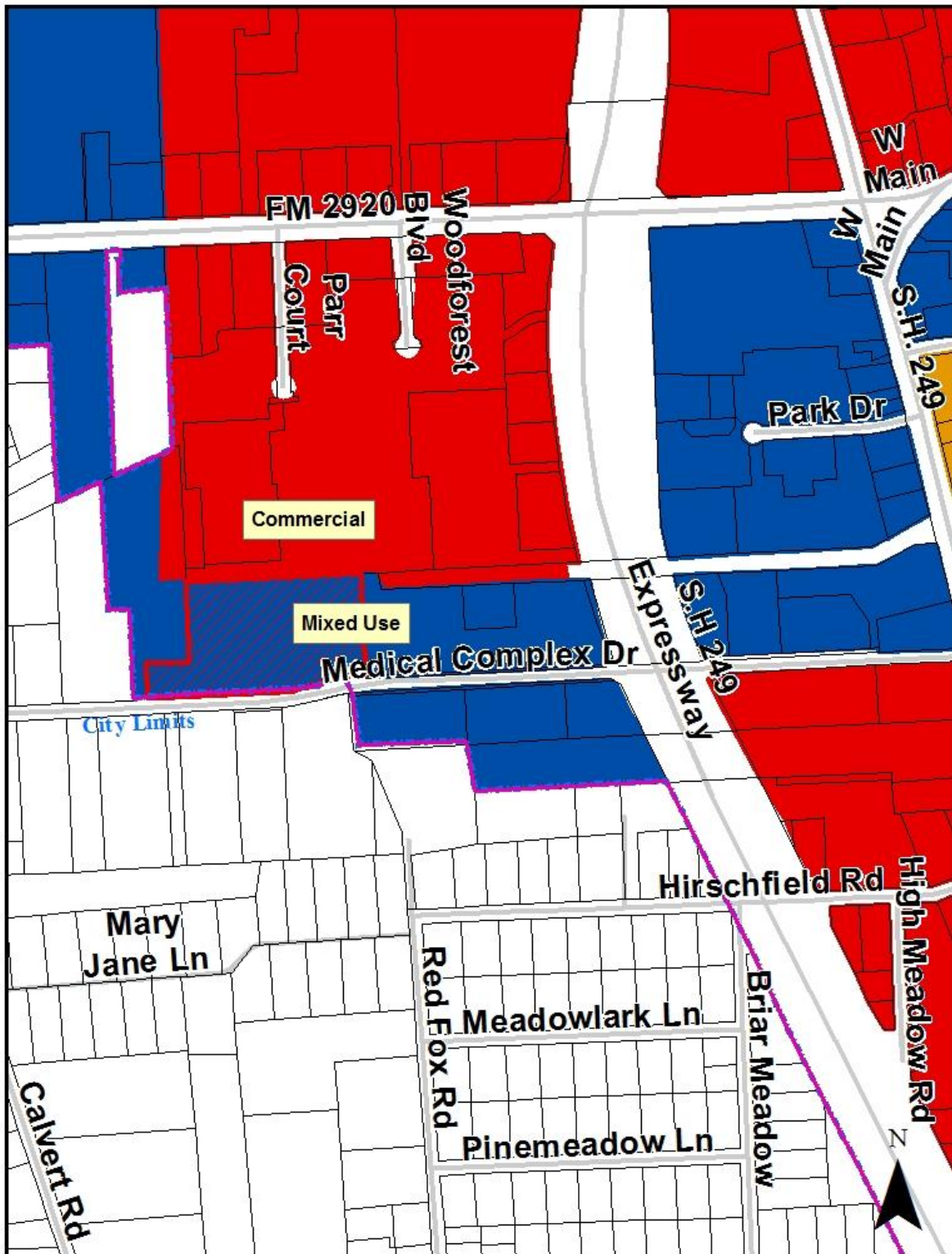
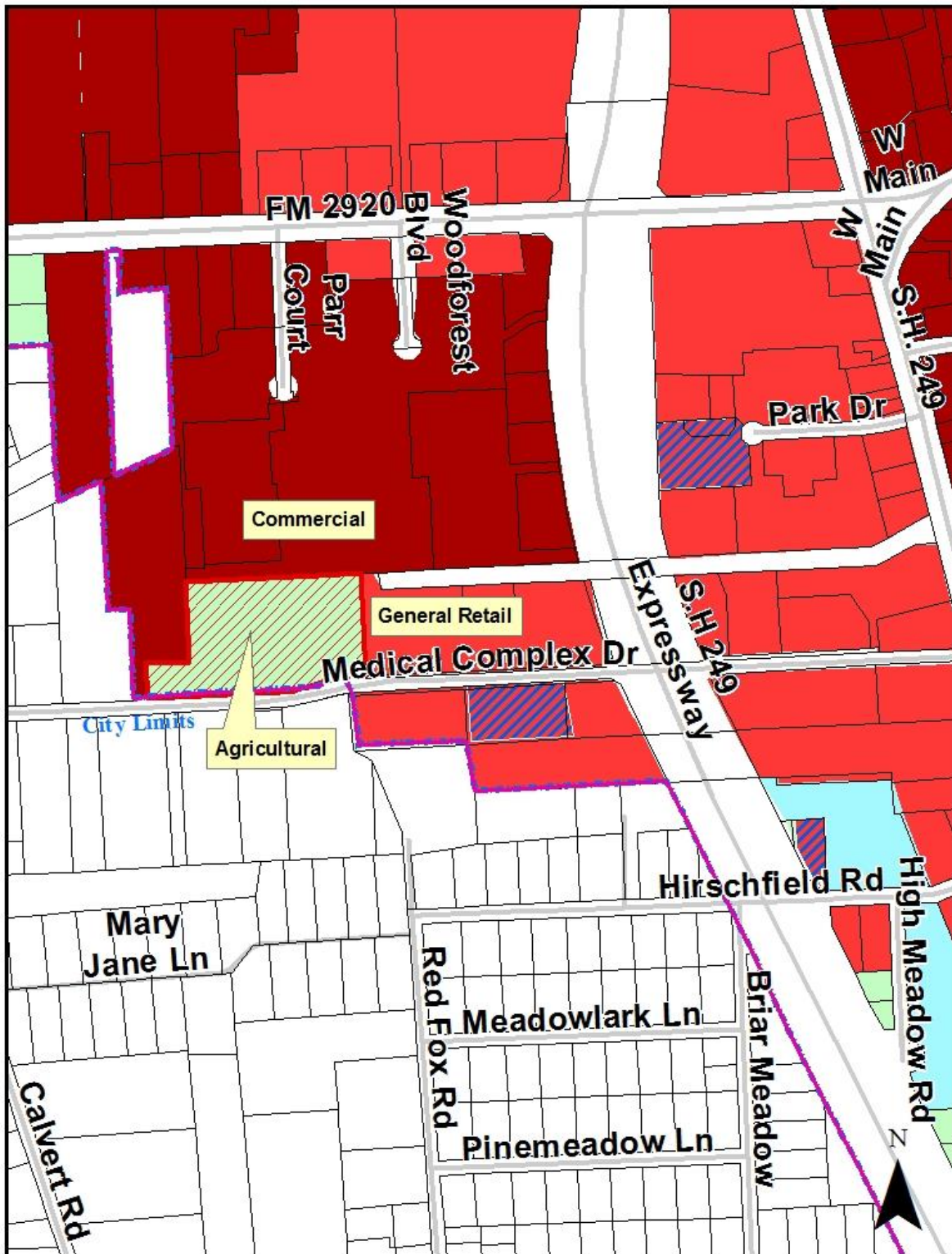


Exhibit "C"
Zoning Map

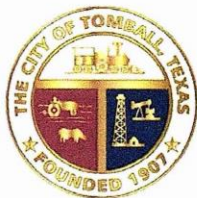


**Exhibit “D”
Site Photo**



Exhibit "E" Application

Revised 5/19/15



APPLICATION FOR REZONING

**Community Development Department
Planning Division**

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

Applicant

Name: Josh Rendon Title: President of Drake Builders
Mailing Address: 13939 Fairwood Springs Dr. City: Cypress State: TX
Zip: 77429
Phone: (832) 489-0148 Fax: () N/A Email: jrendon@drake-builders.com

Owner

Name: Ace Manor Property Management I, Ltd. Title: Manager
Mailing Address: PO Box 690828 City: Houston State: TX
Zip: 77269
Phone: (281) 745-8649 Fax: (713) 290-0952 Email: jmosse@arcremgmt.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial / Light Industrial Flex Office/Warehouse

Physical Location of Property: 8.355 Acres Located on Medical Complex Boulevard 1,100' West of Texas 249 Access Road

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

Legal Description of Property: An 8.355 acre (363,952 square foot) tract of land in the John M. Hooper Survey, Abstract 375, Harris County, Texas, being all of Lot 9 of Tomball Marketplace as recorded under Film Code Number 605157 in the Harris County Map Records.

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

Current Zoning District: Agricultural District (AG)

Current Use of Property: Raw Undeveloped Land

Proposed Zoning District: Commercial District (C)

Proposed Use of Property: Commercial Development of Office Warehouse Facilities

HCAD Identification Number: 1287790000009 Acreage: 8.355

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

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

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

<u>X</u>	<u>A. A. Alkay</u>	<u>8/30/2017</u>
Signature of Applicant		Date
<u>X</u>	<u>[Signature]</u>	<u>8/30/2017</u>
Signature of Owner		Date

August 30, 2017



Ms. Amelia Lindley, Planner
City of Tomball, Community Development Department
501 James Street
Tomball, TX 77375

Re: Rezoning Application – Tomball Marketplace – (Legal Description): *An 8.355 acre (363,962 square foot) tract of land in the John M. Hooper Survey, Abstract 375, Harris County, Texas, being all of Lot 9 of Tomball Marketplace as recorded under Film Code Number 605157 in the Harris County Map Records*

Dear Ms. Lindley:

We are submitting this Application for Rezoning of Lot 9 (8.355 acres) in Tomball Marketplace located on Medical Complex Drive. The subject property is currently zoned as Agricultural District and we are requesting to rezone this property into a Commercial District.

It is the owner's intent to develop the property with commercial facilities that will serve market demands for office, warehouse, service, and distribution businesses. We project the development of these proposed facilities to bring new businesses, jobs, and economic growth to the City of Tomball.

This application is being submitted today, August 30, 2017, to be presented to the Planning and Zoning Commission October 9, 2017, to the City Council for 1st Reading on October 16, 2017, City Council for 2nd Reading November 6, 2017, and approval Ordinance Effective Date of November 20, 2017.

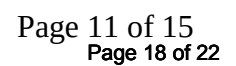
If you should have any questions, concerns, or need any additional information please do not hesitate to contact me with the contact information listed below.

Thank you for your consideration of this application for rezoning of this property.

Sincerely,

Joshua R. Rendon

Joshua R. Rendon, President
Drake Builders
13939 Fairwood Springs Dr.
Cypress, TX 77429
Phone: (832) 489-0148
Email: jrendon@drake-builders.com





Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Consideration to Approve **Zoning Case P17-0118**: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

- Conduct Public Hearing on **Zoning Case P17-0118**
- Adopt, on First Reading, Ordinance No. 2017-39, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Code Of Ordinances By Amending Section 50-115(B)(2) By Requiring Refuse Areas Which Are Visible From A Public Right-Of-Way Be Visually Screened By A Minimum Six-Foot Solid Masonry Wall On At Least Three Sides; 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:

At the August 21, 2017 City Council Meeting, City Staff was directed to bring forward a text amendment to require all new dumpster enclosures to be masonry. On Monday, October 9th, after conducting a public hearing, the Planning and Zoning Commission voted unanimously to recommend approval. Also, Planning and Zoning Commission recommended amending 50-115(B)(2) by requiring that an opaque gate be added to all new dumpster enclosures which are visible from a public right-of-way.

Origination:

City Council

Recommendation:

Approval

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

Craig T. Meyers, Community Director

ACTION TAKEN

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

Ordinance No. 2017-39
P17-0118 Staff Report

ORDINANCE NO. 2017-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-115(B)(2) BY REQUIRING REFUSE AREAS WHICH ARE VISIBLE FROM A PUBLIC RIGHT-OF-WAY BE VISUALLY SCREENED BY A MINIMUM SIX-FOOT SOLID MASONRY WALL ON AT LEAST THREE SIDES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

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

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

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

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

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

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

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

Section 2. Section 50-115(b)(2) is hereby amended by the following:

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid masonry wall ~~or fence~~ on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

Section 5. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

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

Section 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF OCTOBER 2017.

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

SECOND READING:

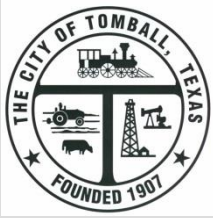
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF NOVEMBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: October 9, 2017

City Council Public Hearing Date: October 16, 2017

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring refuse areas which are visible from a public right-of-way be visually screened by a minimum six-foot solid masonry wall on at least three sides.

BACKGROUND

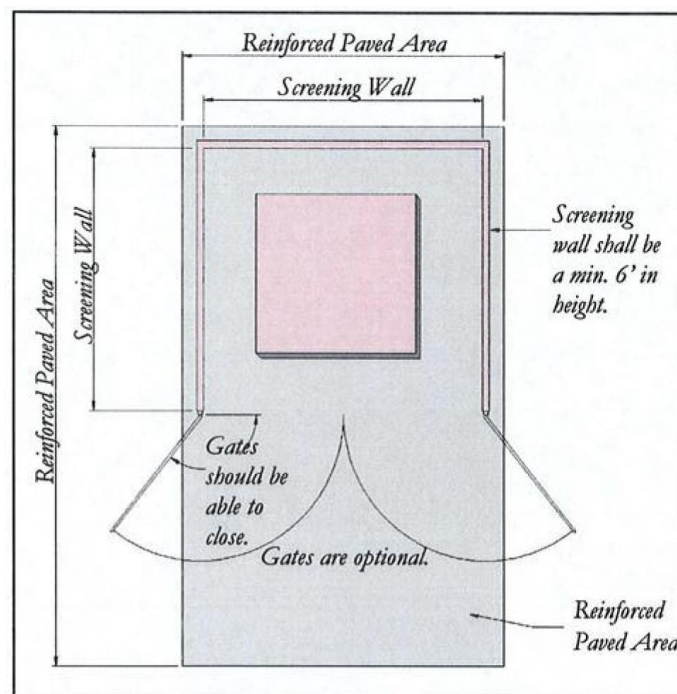
At the August 21, 2017 City Council Meeting, City Staff was directed to bring forward a text amendment to require all new dumpster enclosures to be masonry.

PROPOSED AMENDMENTS

Section 50-115 (b) (Screening of nonresidential, multifamily areas and manufactured (mobile) home parks.) currently states the following:

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid wall or fence on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

Illustration 50-115-1: Refuse area screening



The proposed amendment will require the three sides of the enclosure be masonry.

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid ~~masonry~~ wall ~~or fence~~ on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on September 27, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 16, 2017

Topic:

Adopt, on First Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date

Background:

On a few occasions, following the approval or adoption of a resolution, ordinance, policy, fee schedules, etc., Councilmembers, City staff, or another individual else has discovered that a word was misspelled, used incorrectly, left in/out.

For instance, in the case of Ordinance No. 2017-31, it was necessary to adopt a new ordinance in order to remove the word "burglar" from the Code. This is a case where it would have been beneficial to have a vehicle/avenue to correct a "scrivener's error" without having to adopt a new ordinance or bring the item back to Council to correct a misspelled word, typo, incorrect legal citation, etc.

The proposed Ordinance provides a vehicle/avenue for the city secretary to make necessary corrections in the text and formatting of documents, including but not limited to the misspelling of words, typographical errors, duplicate pages, incorrect references to laws or technical sources, and other similar amendments without the necessity of passage of a corrective ordinance, resolution or other council action.

If a correction is needed, the city secretary will make the correction, complete a Scrivener's Affidavit, and attach the affidavit to the corrected document/item. The notarized Affidavit will remain with the document/item permanently.

Origination:

Doris Speer, 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
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ATTACHMENTS:

ORDINANCE NO. 2017-40

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-8, ADDITION OF NEW MATERIAL TO CODE, OF THE CODE OF ORDINANCES TO ALLOW THE CITY SECRETARY TO CORRECT SCRIVENER'S ERRORS IN ORDINANCES, RESOLUTIONS, AND OTHER COUNCIL ACTIONS WHETHER CODIFIED OR UNCODIFIED, PROVIDING A REPEALER, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, AND PROVIDING AN EFFECTIVE DATE

* * * * *

WHEREAS, from time to time clerical errors, also known as scrivener's errors, occur in ordinances and resolutions adopted by the Tomball City Council, as well as other Council actions; and

WHEREAS, it would be efficient to allow the City Secretary to correct such errors whether or not the ordinance or resolution is codified, rather than bringing such matters to Council for corrections; and

WHEREAS, the City Council finds it is in the best interest of the City to amend Chapter 1, General Provisions, Section 1-8, Addition of new material to Code, of the Code of Ordinances to allow the City Secretary to correct scrivener's errors in ordinances, resolutions, and other Council actions, whether codified or uncoded as set forth herein.

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

Section 1. The City Council hereby adopts the findings set forth above.

Section 2. The Code of Ordinances, City of Tomball, Texas, is hereby amended by adding a subsection (c) of Chapter 1, General Provisions, Section 1-8, Addition of new material to Code, of the Code of Ordinances to be numbered (c), which section reads as follows:

"Sec. 1-8. Addition of new material to Code.

(c) The city secretary is authorized to make necessary corrections in the text and formatting of the Code, or of individual ordinances or resolutions adopted by the council, including but not limited to the misspelling of words, typographical errors, duplicate pages, incorrect references to laws or technical sources, and

other similar amendments without the necessity of passage of a corrective ordinance, resolution or other council action."

Section 3. All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

Section 4. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This Ordinance shall take effect immediately upon its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF OCTOBER 2017.

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 6TH DAY OF NOVEMBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

SCRIVENER'S AFFIDAVIT

I _____, City Secretary, City of Tomball, Texas, having personal knowledge of the facts herein stated, under oath depose and say as follows:

1. That Ordinance/Resolution (document) No. _____, adopted (approved) by the Tomball City Council on _____, contains a typographical error in the _____ paragraph on the _____ page relating to _____. In order to correct said error, said _____ paragraph should read as follows:

"

_____"

Signed under the penalties of perjury this _____ day of _____ 20__.

City Secretary

CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, _____, on this day personally appeared. _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____ 20__.

Notary Public

Print Name:

My commission expires: _____

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 16, 2017

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. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Background:

Origination:

Annual

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 16, 2017

Topic:

Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager

Background:

Origination:

Annual

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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