

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



MONDAY, APRIL 6, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, April 6, 2015 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 Al Navarro, Puente para Cristo

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

accordance with law.]

5.0 Reports and Announcements

- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 11, 2015 – **2nd Saturday at the Depot**
- April 12, 2015 – **"Stroll the Toll"** – 2:00 p.m. to 4:00 p.m.
- April 18, 2015 (Rain Date) – **Tomball Honky Tonk Music Festival** and **"Texas Two-Step" Washers Tournament**
- April 19, 2015 – **"2015 Ride 2 Recovery Texas Challenge" Welcome and Reception** – 9:30 a.m.-11:00 a.m.
- April 20-24, 2015 – **Annual Spring Clean-Up and Chipping Week**
- April 25, 2015 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- May 2 and 3, 2015 – **Rails and Tails Mudbug Festival**, with **"Roux Run" at Depot Downs** on Sunday, May 3
- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – **4th Annual Memorial Day Weekend Chili Challenge**
- **June 1 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter/Grady Martin – Report on the success of the **Annual German Heritage Festival**
 - Randy Parr – Report on the Transition from **CodeRed** to **Civic Ready** Emergency Notification System: *For the past several years, the City has utilized the CodeRed emergency notification system to alert citizens of inclement weather, disaster incidents, water system flushing events and other items of importance. The system was powerful but relatively cumbersome and tedious to initiate. The City's website producer, Civic Plus, has created a system with similar capabilities, but that is much easier to implement and is significantly less expensive. We have reviewed this new system, Civic Ready, and feel it will better serve the needs of our community and will be transitioning to it in April.*

6.0 Approve the Minutes of the March 16, 2015 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2015-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately

10 Acres of Land, Legally Described as Lots 335 & 336, Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Agricultural District to the Light Industrial District; Said Property Being Generally Located East of South Persimmon Street and South of 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.

7.2 Adopt, on Second Reading, Ordinance No. 2015-06, 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 20.64 Acres of Land, Legally Described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, Within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

7.3 Adopt, on Second Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

8.0 New Business:

8.1 Presentation/Discussion regarding Possible Revisions to Sign Ordinance

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 2nd day of April 2015 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: April 6, 2015

Topic:

- Led by Pastor Al Navarro, Puente para Cristo

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: April 6, 2015

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Meeting Date: April 6, 2015

Data Sheet

Topic:

- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 11, 2015 – **2nd Saturday at the Depot**
- April 12, 2015 – **"Stroll the Toll"** – 2:00 p.m. to 4:00 p.m.
- April 18, 2015 (Rain Date) – **Tomball Honky Tonk Music Festival** and **"Texas Two-Step" Washers Tournament**
- April 19, 2015 – **"2015 Ride 2 Recovery Texas Challenge" Welcome and Reception** – 9:30 a.m.-11:00 a.m.
- April 20-24, 2015 – **Annual Spring Clean-Up and Chipping Week**
- April 25, 2015 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- May 2 and 3, 2015 – **Rails and Tails Mudbug Festival**, with **"Roux Run"** at **Depot Downs** on Sunday, May 3
- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – **4th Annual Memorial Day Weekend Chili Challenge**
- **June 1 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter/Grady Martin – Report on the success of the **Annual German Heritage Festival**
 - Randy Parr – Report on the Transition from **CodeRed** to **Civic Ready** Emergency Notification System: *For the past several years, the City has utilized the CodeRed emergency notification system to alert citizens of inclement weather, disaster incidents, water system flushing events and other items of importance. The system was powerful but relatively cumbersome and tedious to initiate. The City's website producer, Civic Plus, has created a system with similar capabilities, but that is much easier to implement and is significantly less expensive. We have reviewed this new system, Civic Ready, and feel it will better serve the needs of our community and will be transitioning to it in April.*

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

7th Annual 5K Bunny Run and 1 Mile Kids Walk

"Stroll the Toll"

Rain Date - Tomball Honky Tonk Music Festival

Rain Date - Tomball Honky Tonk Music Festival - "Texas Two-Step" Washers Tournament

"2015 Ride 2 Recovery Texas Challenge" Welcome and Reception

Annual Spring Clean-Up and Chipping Week

Tomball Consolidated Recycling Day

4th Annual Memorial Day Weekend Chili Challenge



City of Tomball Bunny Run

Saturday, April 11, 2015

8:00 A.M. – 5K Run/Walk

9:00A.M. – 1Mile Run/Walk

Historic Tomball Depot

281-351-5484

Location

The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event

The Bunny Run 5K and Kid's 1 Mile are the sixth in a series of Fun Runs to bring families, friends and visitors together to see why Tomball is Texan for Fun! ®

The Course

USATF-certified 5K course. flat, major tree-lined streets. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages are ok for 1 MILE WALK ONLY. The 5K race will be professionally managed and utilize timing shoe chips.

Awards

Prizes will be awarded to the top three finishers in each age category for the 5K Run. All kids (10 and under) participating in the 1 mile run/walk will receive a special keepsake. Special "Blinged-out Bunny Ears" contest with prizes so dress it up runners!

Packet Pick-up

April 9th and 10th from 5:00 PM – 7:00 PM at the City "Events" offices - 105 S. Cherry
Race Day Pick-up & Registration: 7:00 AM – 7:30 AM at the Depot (No t-shirt guarantee)

Registration

Register online at www.racesonline.com

Register in person at Tomball City Hall—401 Market Street, Tomball, TX

To mail or fax registrations submit to:

City of Tomball, Attn: Denise Fiore, 401 Market St., Tomball, TX 77375.

Fax 281-351-6256 or Email dfiore@tomballtx.gov .

Event Fees		
Category	On or Before 3/27/2015	After 3/27/2015
5K Run	\$20	\$25
1 Mile Run/Walk 11 yrs +	\$15	\$20
1 Mile Run/Walk 10 & under	\$10	\$15

20% discount on groups of five (5) or more registering at the same time. Discount not available online, and are available only in-person at Tomball City Hall.



Saturday, April 11, 2015
8:00 A.M. – 5K Run/Walk
9:00 A.M. – 1 Mile Run/Walk
Historic Tomball Train Depot

Registration Form

****One registration form per participant****

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: _____ Last Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Birth Date: ____/____/____ Gender: ☐ F ☐ M School: _____

Email Address: _____ Age on day of run: _____

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL ☐ XXXL

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

Card Number: _____ Exp. Date: _____ 3 Digit Sec. Code: _____

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

EVENT FEES	On or before 3/27/15	After 3/27/15
5K Run	\$20.00	\$25.00
1-mile Run/Walk 11 yrs +	\$15.00	\$20.00
1 mile Run/Walk 10 yrs and under	\$10.00	\$15.00

Your privacy will be respected and no information will be shared with third parties.

STROLL THE TOLL

Sunday, April 12th from 2-4pm



Keep on Strollin'
on the new 249 toll road in Tomball!

Jog it. Walk it. Roll on it.

An official, uncertified, free-wheeling, non-vehicular
stroll on Tomball's newest roadway. . . The 249 toll road!

Call 281-351-5484 or visit tomballtx.gov for info

Tomball is Texan for Fun! ®

2015 HONKY TONK Music FESTIVAL

TOMBALL, TEXAS USA
SATURDAY, ~~MARCH 21, 2015~~
AT THE HISTORIC DOWNTOWN DEPOT

"RAIN DATE" – APRIL 18, 2015!

201 SOUTH ELM STREET
FREE ADMISSION & PARKING
CALL 281-351-5484 OR VISIT TOMBALLTX.GOV

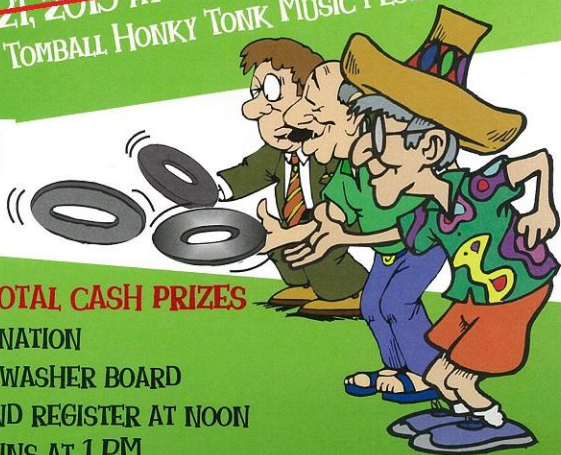
THE "TOMBALL TWO-STEP" WASHERS TOURNAMENT

SATURDAY, ~~MARCH 21, 2015~~ AT THE DOWNTOWN DEPOT
A PART OF THE ANNUAL TOMBALL HONKY TONK MUSIC FESTIVAL

"RAIN DATE" – APRIL 18, 2015!



- **\$500 IN TOTAL CASH PRIZES**
- SINGLE ELIMINATION
- THREE-HOLE WASHER BOARD
- CHECK-IN AND REGISTER AT NOON
- TOSSING BEGINS AT 1 PM



THE HISTORIC DOWNTOWN DEPOT PLAZA IS AT 201 SOUTH ELM STREET, TOMBALL, TEXAS 77375
CALL 281-351-5484 OR VISIT TOMBALLTX.GOV FOR DETAILS. "LIKE" US ON FACEBOOK AT "TOMBALL, TEXAN FOR FUN"



RIDE 2 RECOVERY

★ Sunday, April 19, 2015 ★ 9:30 a.m.

Main Street in Tomball, Texas

"They were there for us . . . so, let's be here for them!"

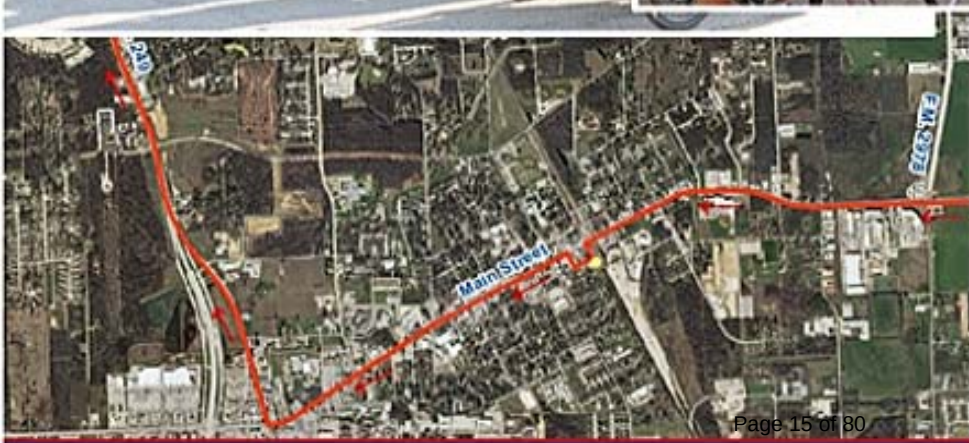


• Welcome more than 200 military heroes as they cycle through downtown Tomball on their multi-day trek to Fort Worth . . . It's the "Ride 2 Recovery Texas Challenge" . . .



• Toss on your red, white & blue, then join us on Main Street to wave Old Glory and cheer for these men and women who have given so much for our freedom . . .

• Arriving in four waves starting around 9:30, the cyclists will stop at the Depot for a short break, then be back onto Main Street to Business 249 N.



break, then be back onto Main Street to Business 249 N.

Call 281-351-5484, or visit tomballtx.gov for details.



TOMBALL
TEXAN FOR FUN!

City of Tomball
Spring Clean up
Week of April 20-25, 2015
Monday – Saturday - 8:00 am - 4:30 pm

Objective:

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

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

Acceptable Items:

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

Not Acceptable:

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

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

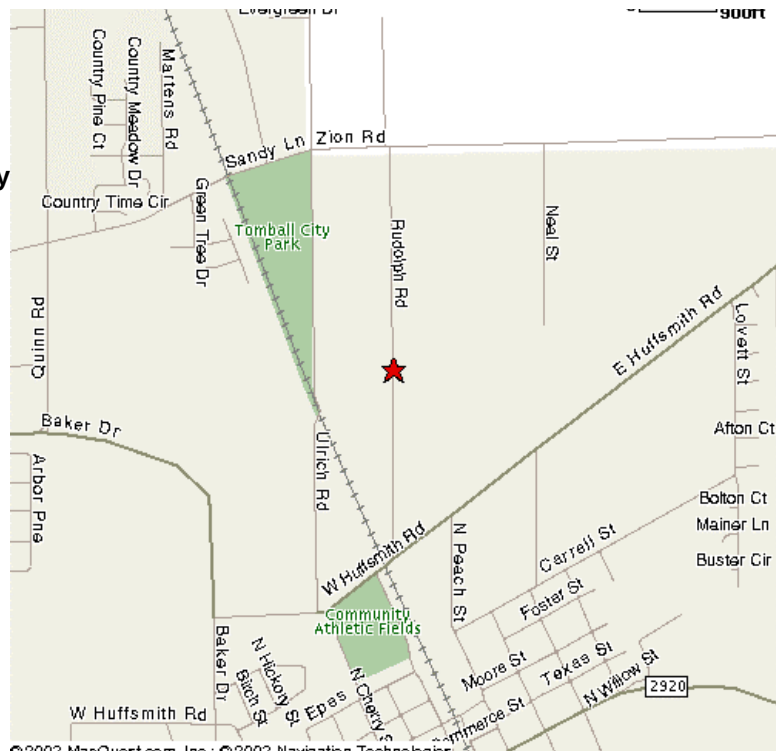
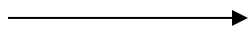
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1400** the week before the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

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

Map to Tomball landfill site



Tomball Consolidated Recycling Day

Lone Star College –Tomball Campus

30555 Tomball Parkway

South entrance

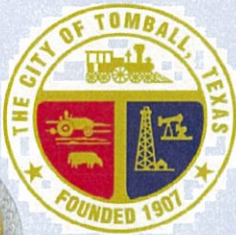
April 25th Saturday - 10am-2pm

Drive Thru and Drop Off the following APPROVED items:

E-Waste (computers and all accessories, Fax machines, laptop batteries, UPS/Lithium/Ni-Cad Batteries, Small kitchen appliances), Prescription Drugs (pill & liquid), Tires (car/truck/atv), Car Battery (Non-Leaking), Used Motor Oil, Household paper/plastics/glass, Paper Shredding

~~Plastic Bags, Paint, Styrofoam~~

Thanks to our Community Partners and Sponsors!!!



PHOENIX OIL
www.phoenixoil-tx.com



Got Drugs?



"This information is being distributed as a community service. Tomball Independent School District is not a sponsoring organization for this activity."

MEMORIAL DAY WEEKEND CHILI CHALLENGE

TOMBALL, TEXAS
MAY 23, 2015

CASI COOK TEAMS
LOCAL BUSINESS TEAMS
A KIDS' COOK-OFF
MARGARITA POUR-OFF
LIVE MUSIC
KIDS ZONE
FOOD VENDORS
FREE ADMISSION
AND PARKING



**FOR INFORMATION OR TO
REGISTER A COOK TEAM,
E-MAIL [KDKONE @AOL.COM](mailto:KDKONE@AOL.COM)
OR CALL 281-351-5484**

PRESENTED BY CASI
CHILI APPRECIATION
SOCIETY INTERNATIONAL

DEPOT PLAZA



***PROCEEDS BENEFIT TOMBALL CHRISTMAS CHARITIES**

Regular City Council Agenda Item Data Sheet

Meeting Date: April 6, 2015

Topic:

Approve the Minutes of the March 16, 2015 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

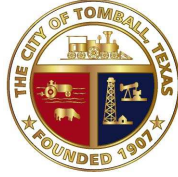
City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - March 16, 2015 Regular City Council Meeting

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



MONDAY, MARCH 16, 2015

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 Townsend
Councilman Klein Quinn
Councilman Hudgens
Councilman Degges

Members absent:

Councilman Stoll - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Assistant City Planner – Rodney Schmidt
Fire Marshal – Doug Sanguedolce

2.0 The invocation was led by Pastor Bob Webb, Rosehill United Methodist Church

3.0 The pledges to U. S. and Texas Flags were led by Gabe Gach and Alexis Gach, members of the Tomball High School Student Council.

4.0 There were no public comments.

5.0 Presentations:

- Mayor Fagan presented a Proclamation for ***“Salem Lutheran School Blue Boys’ Basketball Team Lutheran Middle School State Championship Day”*** to the Salem Lutheran Blue Boys Basketball Team.

6.0 Reports and Announcements:

- The rain date of Saturday, **April 18, 2015** was announced for the ***Tomball Honky Tonk Music Festival*** and ***“Texas Two-Step” Washers Tournament***
- March 27-29, 2015 – **German Heritage Festival at Depot Plaza**
- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 11, 2015 – **2nd Saturday at the Depot**
- April 12, 2015 – ***“Stroll the Toll”*** – 2:00 p.m. to 4:00 p.m.
- April 19, 2015 – ***“2015 Ride 2 Recovery Texas Challenge” Welcome and Reception*** – 9:30 a.m.-11:00 a.m.
- April 20-24, 2015 – **Annual Spring Clean-Up and Chipping Week**
- April 25, 2015 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- May 2 and 3, 2015 – ***Rails and Tails Mudbug Festival***, with ***“Roux Run”*** at **Depot Downs** on Sunday, May 3
- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – **3rd Annual Memorial Day Weekend Chili Challenge**
- ***Walk Tomball!*** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the March 2, 2015 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the Purchase of Thirteen (13) Vehicles through Caldwell Country Chevrolet, under an Existing BuyBoard Contract, in the Amount of \$373,019.00.

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Klein Quinn, second by Councilman Hudgens, to approve Resolution No. 2015-03, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 9th Day of May, 2015, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details relating to the Cancellation of Such Election.

El Concejal Klein Quinn hizo la moción, secundada por el Concejal Hudgens, para adoptar la Resolución Nro. 2015-03 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 9 de mayo de 2015 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chuyển động đã được thực hiện bởi Councilman Klein Quinn, thứ hai bởi Councilman Hudgens, chấp nhận nghị quyết số 2015-03, độ phân giải của thành phố Tomball, Texas, hủy các thành phố thường xuyên của viên chức bầu cử dự kiến sẽ được tổ chức vào ngày 9 tháng 5, năm 2015, phù hợp với phần 2.053(a) của luật bầu cử Texas; Chỉ đạo cho thông báo như vậy hủy bỏ của cuộc bầu cử; và cung cấp thông tin chi tiết liên quan đến hủy bỏ các cuộc bầu cử như vậy.

議案是議員克萊因奎因，其次由參議會·哈金斯，作出批准取消定期市官員選舉定于在 2015 年的 5 月，第 9 天根據德克薩斯州選舉守則；一節 2.053(a) 號決議到 2015 年-03 年度，托姆伯爾市德克薩斯州的一項決議導演給選舉；這種取消通知和提供細節，有關這類選舉取消

Councilman Townsend stated that he would abstain from the discussion and vote on Resolution No. 2015-03.

El Concejal Townsend declaró que él se abstendría de la discusión y voto en la Resolución Nro. 2015-03.

Hội viên hội đồng Townsend tuyên bố rằng ông sẽ tránh các cuộc thảo luận và bỏ phiếu về nghị quyết số 2015-03.

議員湯森說他會投棄權票，從討論和表決 2015 年-03 號決議。

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

- 9.2 Request by the Texas Mead Association for City Co-sponsorship for the 2015 Texas Mead Fest, to be held at the Tomball Depot area on Saturday, September 5, 2015 (Labor Day weekend) was withdrawn by the Requestor.

No action necessary.

- 9.3 Motion was made by Councilman Degges, second by Councilman Townsend, to reappoint Jarmon Wolfe, Billy Hemby, and Brett Tynes as Regular members, to Regular Member Positions 1, 3 and 5, respectively, to reappoint Rocky Pilgrim as Alternate member to Alternate Member Position 2, and to appoint Robert Maxwell as Alternate member to Alternate Member Position 4 on the City of Tomball Board of Adjustments.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve the Change Order #2 for \$266,267.00 Medical Complex Drive, Segment 3, Community Development Project No. 2011-10019, Project Bid No. 2014-04.

Motion carried unanimously.

- 9.5 Mayor Fagan opened the Public Hearing on the regarding the Grant Application for Broussard Community Park and Update on the Grant Application that is due March 31, 2015 and Current Work at the Park at 6:21 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:21 p.m.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2015-04, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Five related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost between the District and the City as a Whole; and Making other Findings Related to the District.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2015-05, a Resolution Authorizing the Establishment of the Public Improvement District Number Five in the City of Tomball, Texas; Authorizing Publication of this Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making other Provisions Related to the Subject.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Degges, to approve a Development Agreement between the City of Tomball and Yaupon Trails LTD LLC, a Texas Limited Liability Company (the Developer), regarding Public Improvement District Number Five (PID 5) in the City of Tomball, Texas.

Motion carried unanimously.

- 9.9 Council received the presentation by Nancy Newton from Tomball Sports Association regarding Needs for Tomball Little League Fields, Located in the Wayne Stovall Sports Complex.

No action taken.

- 9.10 Consideration to approve **ZONING CASE P14-254**: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-254** at 7:07 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:07 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2015-05 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2015-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Lots 335 & 336, Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Agricultural District to the Light Industrial District; Said Property Being Generally Located East of South Persimmon Street and South of 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. Vote was as follows:

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

Motion carried unanimously.

- 9.11 Consideration to approve **ZONING CASE P15-009**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris

County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-009** at 7:10 p.m.
Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:10 p.m.

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2015-06 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2015-06, 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 20.64 Acres of Land, Legally Described as Tracts 4h-1 and 4l-2, Abstract 632, C.N. Pillot Survey, Within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 9.12 Consideration to approve **ZONING CASE P15-020**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-020** at 7:13 p.m.
Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:13 p.m.

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2015-07 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; 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.

Motion to AMEND was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; 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, by amending Ordinance No. 2015-07 to state that the Old Town area is limited to a maximum production of 5,000 barrels per year and the remainder of the City is limited to a maximum production of 10,000 barrels per year. Vote was as follows:

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

Motion to AMEND carried, 3 votes Aye, 1 vote Nay.

- 9.13 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Following Plats as Recommended by the Planning and Zoning Commission:
- **YAUPON TRAILS SEC 1:** A subdivision of 10.9461 acres of Land, being a Replat of Unrestricted Reserve “E”, Final Plat of Leslie’s Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
 - **PYE ESTATES:** Being a subdivision of a 0.2410-acre tract, in the William Hurd Survey, A-371, Being a replat of Lots 29, 30 and 31 Block 29, Tomball Townsite as recorded in Volume 4, Page 25, Harris County Map Records Harris County, Texas.
 - **CJ’S COUNTRY:** A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas,

according to the map or plat thereof recorded in Volume 4, Page 25, of the Maps Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Motion carried unanimously.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Hudgens, to authorize City Staff to proceed with preparing for the Redemption of Waterworks and Sewer System Revenue Bonds, Series 1999.

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 6th day of April 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 6, 2015

Topic:

Adopt, on Second Reading, Ordinance No. 2015-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Lots 335 & 336, Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Agricultural District to the Light Industrial District; Said Property Being Generally Located East of South Persimmon Street and South of 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 March 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, unanimously recommended approval of Zoning Case P14-254. On March 16, 2015, Council adopted Ordinance No. 2015-05 on First Reading.

Origination:

Jose Aguirre

Recommendation:

Approval

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-05

P15-254 Staff Report

Notice of Public Hearing

Property Owner Notification Letter

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 10 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 335 & 336, TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EAST OF SOUTH PERSIMMON STREET AND SOUTH OF 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, Tower Steel Services, Inc has requested that approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, generally located east of South Persimmon Street and south of 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 approve the requested rezoning; 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 Light Industrial 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 Light Industrial 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 Light Industrial 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 MARCH 2015.

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

SECOND READING:

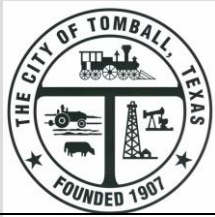
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF APRIL 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Hearing Date: March 9, 2015

City Council Public Hearing Date: March 16, 2015

Zoning Case: P14-254

Property Owner(s): Tower Steel Services, Inc.

Applicant(s): Jose Aguirre

Legal Description: Lots 335 & 336, Tomball Outlots

Location: East of South Persimmon Street and south of Lizzie Lane (Exhibit "A")

Area: 10 acres

Present Zoning and Use: Agricultural District (Exhibit "B") / Undeveloped land (Exhibit "C")

Comp Plan Designation: Low Density Residential (Exhibit "D")

Proposed Zoning and Use: Light Industrial (LI) District¹ / Light industrial and manufacturing

Adjacent Zoning and Use:

North: Commercial and LI Districts / Various commercial and industrial uses

South: Agricultural District / Agricultural land

West: Single-Family Residential-6 (SF-6), Commercial², and LI Districts / South Persimmon Street, undeveloped land, and City of Tomball drainage channel

East: Agricultural and Commercial Districts / Unimproved City of Tomball right-of-way, agricultural land, and undeveloped land

BACKGROUND

In August 2014, the applicant, Jose Aguirre, met with City staff to inform them of his desire to develop the subject site with light industrial and manufacturing uses (Exhibit "E") and to inquire into the property's zoning classification. City staff informed Mr. Aguirre of the following:

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning & Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

² The Planning & Zoning Commission recommended that Lot 1, Block 1, Vasquez-Phoenix (Zoning Case P14-262) be rezoned from the SF-6 District to the Commercial District on 2/9/15, the rezoning was approved by City Council on first and second readings on 2/16/15 and 3/2/15, and the rezoning takes effect on 3/16/15.

- The property was zoned Agricultural District;
- The Agricultural District classification did not allow light industrial and manufacturing uses;
- If he wanted to allow the light industrial and manufacturing uses he would be required to rezone the property to the LI District;
- The property had a Comp Plan future land use classification of Low Density Residential which was generally inconsistent with the LI District;

Subsequent to these discussions, the property owner turned in a rezoning application (Exhibit “F”) requesting the property be rezoned from the Agricultural District to the Light Industrial District.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the Light Industrial District. According to Section 50-78 of the Tomball Code of Ordinances, the Light Industrial District “is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits.”

There are several land uses in the vicinity of the subject site. To the north are various commercial and industrial uses; to the south is agricultural land; to the west are South Persimmon Street, undeveloped land, and a City of Tomball drainage channel; and to the east are unimproved City of Tomball right-of-way, agricultural land, and undeveloped land. The uses permitted by the Light Industrial District appear to be compatible with the commercial and industrial uses to the north.

There are several zoning classifications in the vicinity of the subject site. To the north are the Commercial and LI Districts; to the south is the Agricultural District; to the west are the SF-6, Commercial, and LI Districts; and to the east are the Agricultural and Commercial Districts. The LI District appears to be compatible with the Commercial and LI Districts to the north, west, and east. Any potential incompatibility of the request with the SF-6 and Agricultural Districts to the south, west, and east appears to be minimized by Chapter 50 (Zoning) of the Code of Ordinance’s building setback, landscaping, screening, and buffering requirements.

The Comp Plan designates the subject site as Low Density Residential. According to the Comp Plan, “Low Density Residential includes residential development on minimum 20,000 square foot lots with the intent to provide for a larger lot development pattern.” On the surface, the LI District does not appear to be compatible with the Low Density Residential Comp Plan designation. However, the Comp Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comp Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel.” The Comp Plan goes on to list eight questions the Planning

& Zoning Commission and City Council should consider. These questions are listed below along with the applicant's responses to the questions in *italics*.

1. Will the proposed development enhance the City economically?

The proposed development will enhance the city economically by promoting the creation and the relocation of businesses into the City. Our plan to build will increase the property value and assist in expansion of businesses in the light industrial & manufacturing industries thereby creating new jobs and revenues for the City.

2. Will the proposed development enhance the City aesthetically?

The proposed new development will enhance the city aesthetically as the new facilities will be new and professionally designed to integrate with existing buildings.

3. Is the proposed development consistent with the City's Goals, Objectives, and Actions?

The development is consistent the goals of the City as it also encourages new business development providing for additional economic and financial growth in the City.

4. Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?

Currently the property is zoned as agricultural land for hay production. However, due to the extreme weather conditions of the last few years, the production hay has been minimal with little or no revenue. Rezoning the land to light industrial will allow the construction of metal buildings that will bring in new business to the area providing the owners and the City new revenue and promoting economic development.

5. Will the proposed development impact adjacent residential areas in a positive or negative manner?

The development will impact the adjacent residential areas in a positive manner by encouraging the creation of new jobs for current residents as well as increase the value of their properties.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

The proposed development will have adequate access and road capacity as it is consistent with the City's plan to expand surrounding roadways.

7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

The property is currently surrounded by commercial and light industrial districts. Our proposal includes the construction of metal buildings that will be a similar development in both appearance, hours of operation and general compatibility.

8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

The development will positively affect public health, safety and the welfare of the community by bringing positive business activity to the area. Business activity in the area would discourage crime as well as provide new jobs for the community resulting in the economic enhancement and welfare of the community.

This requested rezoning appears to be compatible with the Comp Plan for the following reasons:

- The uses permitted in the LI District are anticipated to enhance the City economically more than the agricultural land use currently established.
- The request appears to be consistent with Comp Plan Goal LUD 7, “Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.” The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.
- Properties directly to the north and northeast are designated as Business/Industrial in the Comp Plan designation. The Business/Industrial designation is most compatible with the LI District.

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 by the Light Industrial District appear to be compatible with the commercial and industrial uses to the north.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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

There is little vacant property in the vicinity but numerous vacant properties elsewhere in the City zoned LI District.

- 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 City-wide in the Light Industrial District.

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

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

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

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

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

This requested rezoning appears to be compatible with the Comp Plan for the following reasons:

- The uses permitted in the LI District are anticipated to enhance the City economically more than the agricultural land use currently established.
- The request appears to be consistent with Comp Plan Goal LUD 7, “Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.” The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.
- The Business/Industrial Comp Plan designation which is compatible with the LI District is directly to the north and northeast.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 26, 2015. No public comment forms have been received as of March 4, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-254.

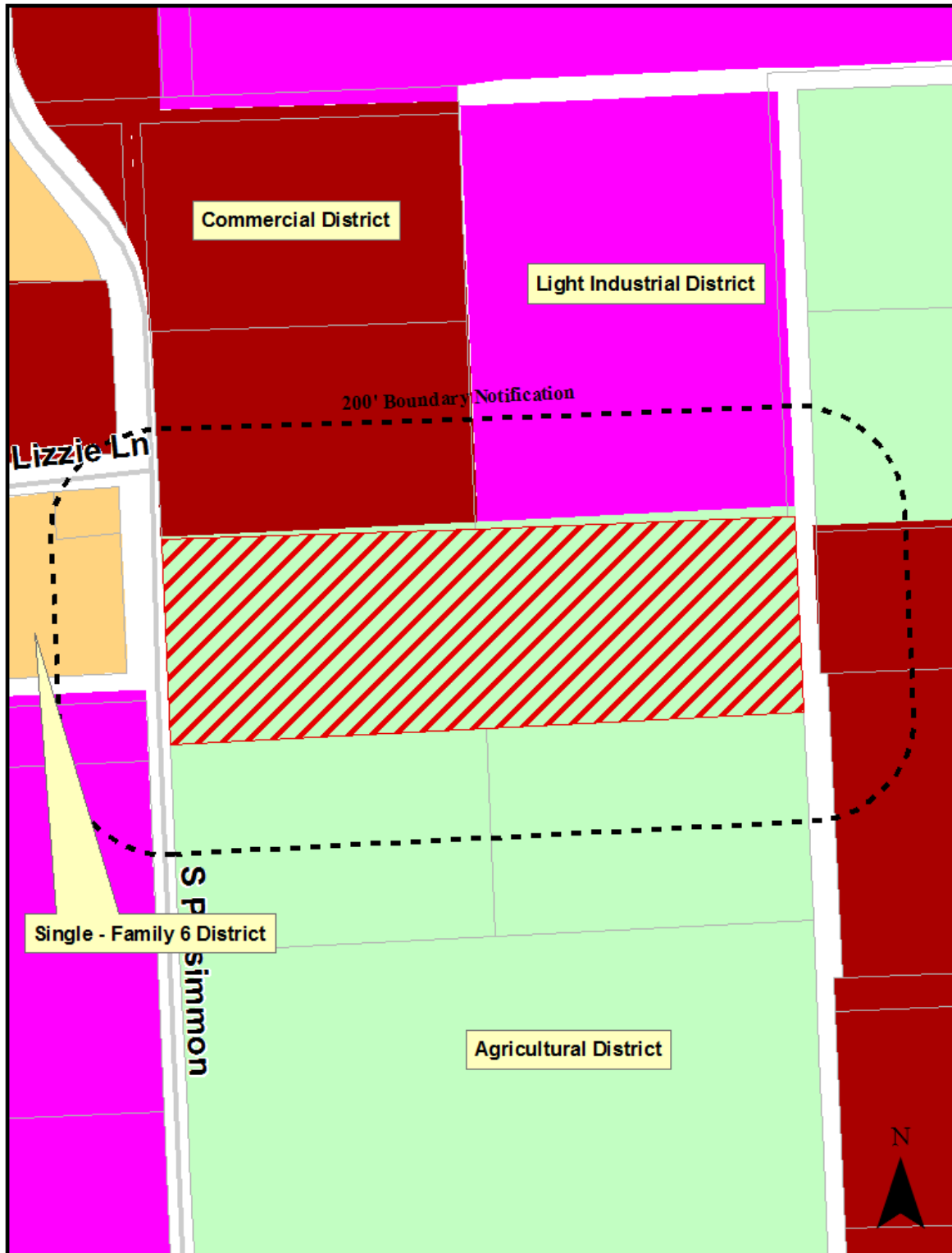
EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comp Plan Map
- E. Conceptual Site Plan
- F. Rezoning Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.
Source: City of Tomball, TX



Figure 2: Subject site.
Source: City of Tomball, TX

Exhibit "D"
Comp Plan Map

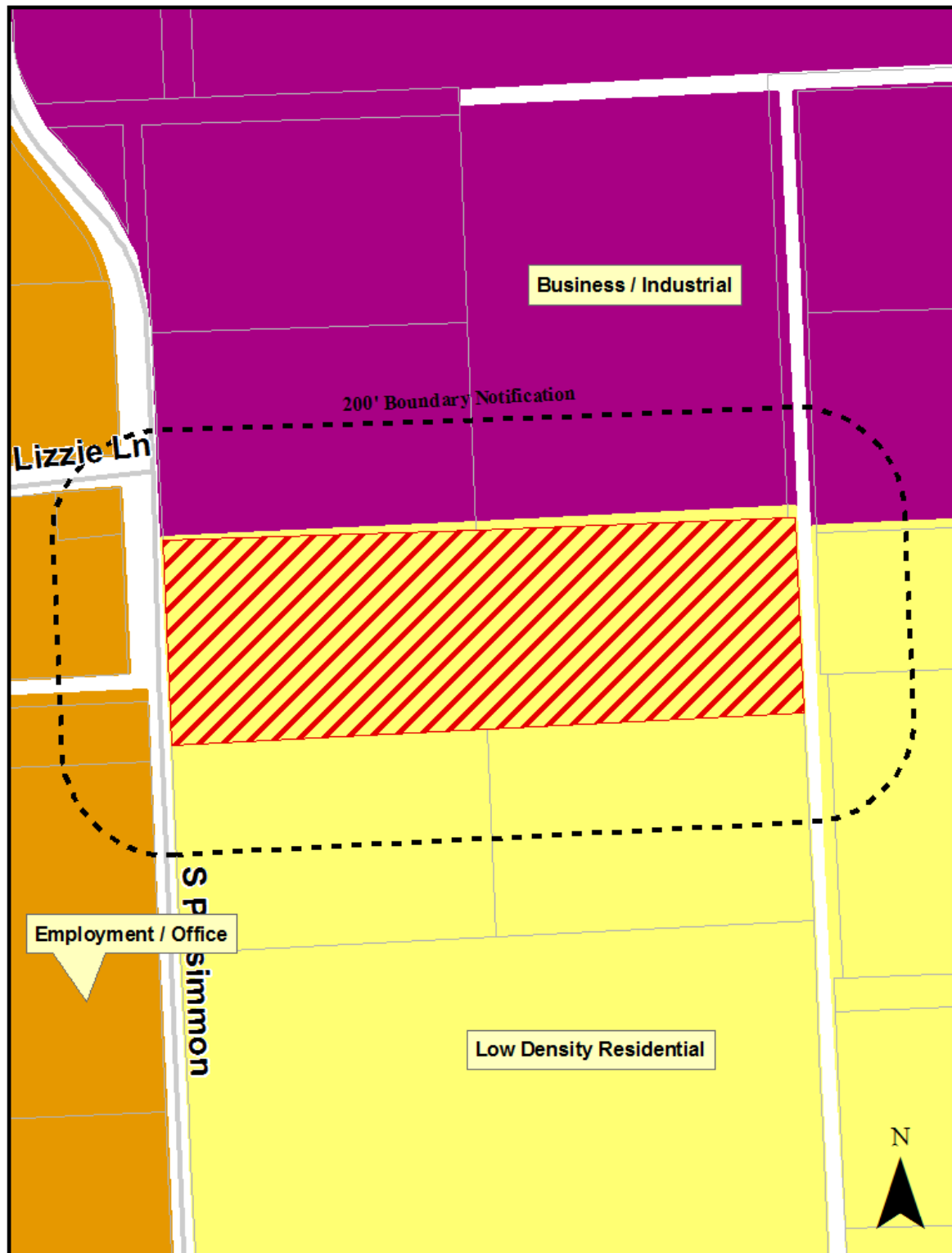


Exhibit “E”

Conceptual Site Plan

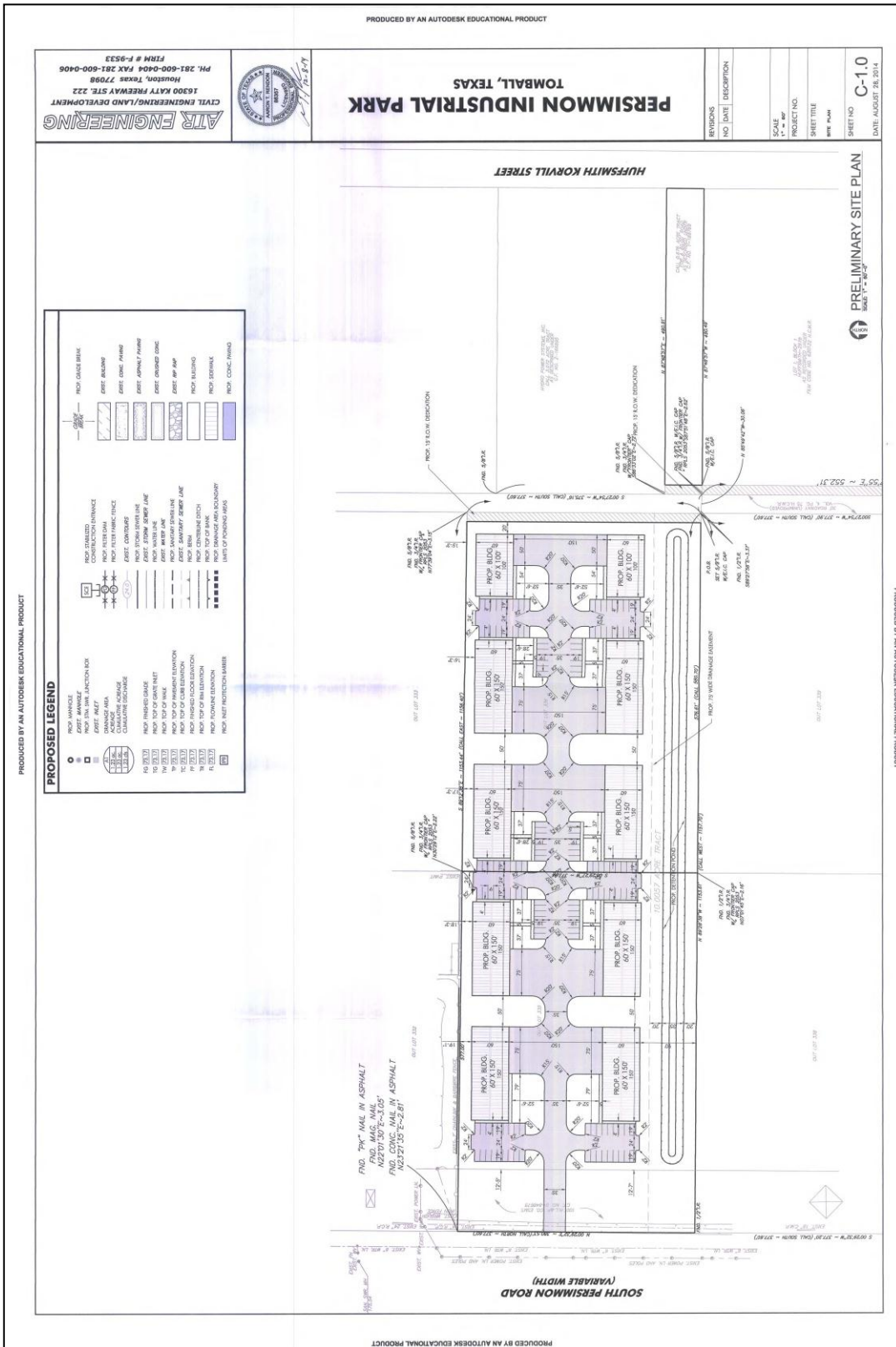


Exhibit "F"
Rezoning Application

P14-254

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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

Applicant

Name: Jose M. Aguirre, Jr. rep. for Tower Steel Services, Inc. Title: President
Mailing Address: PO Box 690208 City: Houston State: TX
Zip: 77269-0208
Phone: (281) 290-0130 Fax: (281) 351-1732 Email: Joe@tsteel.net

Owner

Name: Tower Steel Services, Inc. Title: _____
Mailing Address: PO Box 690208 City: Houston State: TX
Zip: 77269-0208
Phone: (281) 290-0130 Fax: (281) 351-1732 Email: joe@tsteel.net

Engineer/Surveyor (if applicable)

Name: ART Engineering Title: _____
Mailing Address: 16300 Katy Freeway #222 City: Houston State: TX
Zip: 77094
Phone: (281) 600-0404 Fax: (281) 600-0406 Email: aarontrendon@yahoo.com

Description of Proposed Project: light industrial use metal buildings

Physical Location of Property: 0 Persimmon Rd S, Tomball TX 77375
[General Location -- approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Outlots LTS 335, 336
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural District

Current Use of Property: Agricultural Hay Production

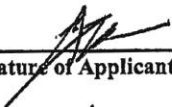
Proposed Zoning District: Light Industrial District

Proposed Use of Property: Light Industrial

HCAD Identification Number: 0352900000332 Acreage: 10 acres

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>		12/3/14
Signature of Applicant		Date
<u>X</u>		12/3/14
Signature of Owner		Date

Tower Steel Services, Inc.

(Shipping Address)
14608 Union Street
Tomball, Texas 77377

(Billing Address)
P.O. Box 690208
Houston, Texas 77269-0208
Phone – (281) 290-0130
Fax – (281) 351-1732

December 4, 2014

City of Tomball
501 James Street
Tomball, TX 77377

Attn: Engineering and Planning Department

Re: Rezoning Persimmon's Property
Tomball out lots 335, 336

We respectfully request that our property, referenced above, be rezoned from Agricultural to Light Industrial. Our plan is to build the value of the property with metal buildings and develop further business in the light industrial & manufacturing industries.

The property is adjacent to several light industrial and commercial districts making it a good fit for the business community in the area. Our belief is that the rezoning and development of this property would promote and bring additional commerce to the Tomball area.

Please feel free to contact me for any other details that you may need.

Sincerely,



Tower Steel Services, Inc.
Jose M. Aguirre, Jr.
President

Tower Steel Services, Inc.

(Shipping Address) (Billing Address)
14608 Union Street P.O. Box 690208
Tomball, Texas 77377 Houston, Texas 77269-0208
Phone – (281) 290-0130
Fax – (281) 351-1732

January 26, 2015

City of Tomball
501 James Street
Tomball, TX 77377

Attn: Engineering and Planning Department

Re: Rezoning Persimmon's Property
Tomball out lots 335, 336

The following is additional information provided to advance our request for the rezoning of the referenced property from Agricultural to Light Industrial.

Deviations from the Plan:

The proposed development will enhance the city economically by promoting the creation and the relocation of businesses into the City. Our plan to build will increase the property value and assist in expansion of businesses in the light industrial & manufacturing industries thereby creating new jobs and revenues for the City.

The proposed new development will enhance the city aesthetically as the new facilities will be new and professionally designed to integrate with existing buildings.

The development is consistent the goals of the City as it also encourages new business development providing for additional economic and financial growth in the City.

Currently the property is zoned as agricultural land for hay production. However, due to the extreme weather conditions of the last few years, the production hay has been minimal with little or no revenue. Rezoning the land to light industrial will allow the construction of metal buildings that will bring in new business to the area providing the owners and the City new revenue and promoting economic development.

The development will impact the adjacent residential areas in a positive manner by encouraging the creation of new jobs for current residents as well as increase the value of their properties.

The proposed development will have adequate access and road capacity as it is consistent with the City's plan to expand surrounding roadways.

The property is currently surrounded by commercial and light industrial districts. Our proposal includes the construction of metal buildings that will be a similar development in both appearance, hours of operation and general compatibility.

The development will positively affect public health, safety and the welfare of the community by bringing positive business activity to the area. Business activity in the area would discourage crime as well as provide new jobs for the community resulting in the economic enhancement and welfare of the community.

Please feel free to contact me for any other details that you may need.

Sincerely,

Tower Steel Services, Inc.
Jose M. Aguirre, Jr.
President

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

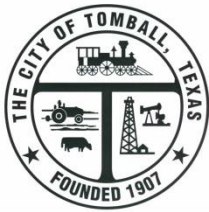
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@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 March 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez
Amelia Vasquez
Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P14-254

APPLICANT/OWNER: Jose Aguirre, on behalf of Tower Steel Services, Inc

LOCATION: East of South Persimmon Street and south of Lizzie Lane

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

* * *

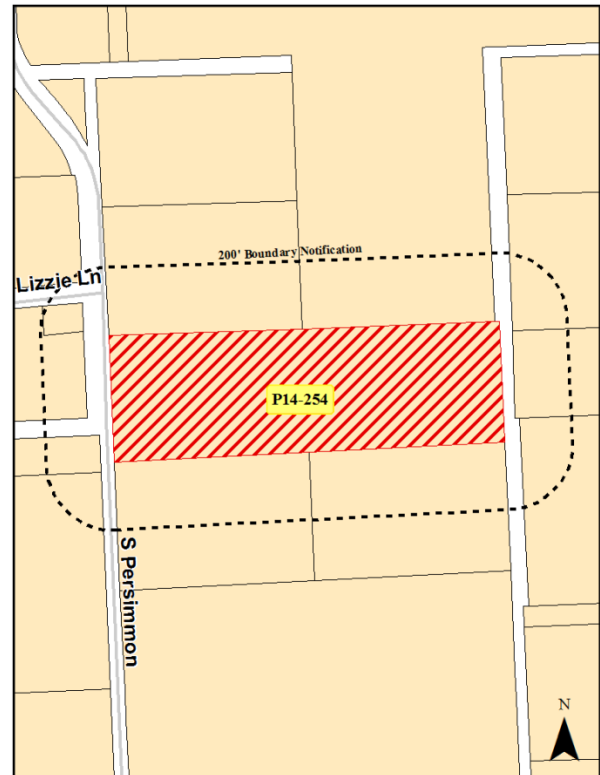
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, March 9, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, March 16, 2015, 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.

Regular City Council Agenda Item Data Sheet

Meeting Date: April 6, 2015

Topic:

Adopt, on Second Reading, Ordinance No. 2015-06, 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 20.64 Acres of Land, Legally Described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, Within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On March 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, voted to recommend approval of Zoning Case P15-009; 3 votes Aye, 1 vote Nay. On March 16, 2015, Council adopted Ordinance No. 2015-06 on First Reading.

Origination:

TNRG Development LLC

Recommendation:

Approval

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-06

P15-009 Staff Report

Notice of Public Hearing

Property Owner Notification Letter

ORDINANCE NO. 2015-06

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 20.64 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 4H-1 AND 4L-2, ABSTRACT 632, C.N. PILLOT SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE GENERAL RETAIL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED WEST OF SOUTH CHERRY STREET, NORTH OF HOLDERRIETH ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Frank P. Fontana has requested that approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, generally located west of South Cherry Street, north of Holderrieth Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF MARCH 2015.

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

SECOND READING:

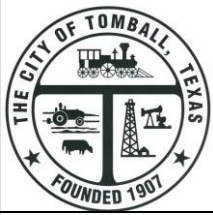
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF APRIL 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: March 9, 2015

City Council Public Hearing Date: March 16, 2015

Zoning Case: P15-009

Property Owner(s): Frank P. Fontana

Applicant(s): TNRG Development LLC

Legal Description: Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey

Location: West of South Cherry Street, north of Holderrieth Road (Exhibit "A")

Area: 20.64 acres

Present Zoning and Use: General Retail (GR) District (Exhibit "B") / Vacant (Exhibit "C")

Comp Plan Designation: Employment/Office (Exhibit "D")

Proposed Zoning and Use: Commercial District¹ / Business park

Adjacent Zoning and Use:

- North:** Agricultural District / Agricultural land, vacant land, single-family residence, and future City of Tomball drainage channel
- South:** Unzoned City of Tomball extraterritorial jurisdiction (ETJ) / Holderrieth Road right-of-way (ROW), agricultural land, and single-family residence
- West:** GR, Commercial, and Agricultural Districts / Future City of Tomball drainage channel and agricultural land
- East:** GR District / Agricultural land and vacant land

BACKGROUND

In July 2014, the applicant turned in a rezoning application requesting the property's zoning classification be changed from GR District to Light Industrial (LI) District to accommodate the development of multiple crane ready commercial/light industrial buildings. In its report to the Planning and Zoning Commission and City Council, City staff recommended denial of the request because the LI District appeared to be incompatible with the existing single-family residential and agricultural land uses in the vicinity and because the request was inconsistent with the Comp Plan's Employment/Office designation for the property. In September 2014, the Planning and Zoning Commission heard the request and recommended

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

denial to City Council. Before the case was heard by City Council, the applicant withdrew the rezoning request.

In January 2015, the applicant turned in a rezoning application requesting the property's zoning classification be changed from GR District to Commercial District to accommodate the development of a business park (Exhibit "E").

ANALYSIS

The applicant is requesting that the property be rezoned from the GR District to the Commercial District. According to Section 50-77 of the Tomball Code of Ordinances, the Commercial District "is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses."

There are several land uses in the vicinity of the subject site. To the north are agricultural land, vacant land, a single-family residence, and a future City of Tomball drainage channel; to the south are Holderrieth Road ROW, agricultural land, and a single-family residence; to the west are a future City of Tomball drainage channel and agricultural land; and to the east are agricultural land and vacant land. On the surface, the uses permitted in the Commercial District appear to be incompatible with the existing single-family residential and agricultural land uses in the vicinity. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize land use incompatibility.

There are several zoning classifications in the vicinity of the subject site. To the north is the Agricultural District; to the south is unzoned City of Tomball ETJ; to the west are the GR, Commercial, and Agricultural Districts; and to the east is the GR District. On the surface, the uses permitted in the Commercial District appear to be incompatible with the Agricultural District since it is considered a residential zoning district in the Code of Ordinances. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize zoning district incompatibility.

The Comprehensive Plan designates the subject site as Employment/Office. According to the Comprehensive Plan, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The Commercial District appears to be compatible with the Employment/Office Comp Plan designation.

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.**

On the surface, the uses permitted in the Commercial District appear to be incompatible with the existing single-family residential and agricultural land uses in the vicinity. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize land use incompatibility.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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

There are several vacant properties in the vicinity and elsewhere in the City zoned Commercial District.

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 City-wide in the Commercial District.

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

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

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

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

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

The Commercial District appears to be compatible with the Employment/Office Comp Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 26, 2015. One public comment form has been received as of March 4, 2015, in support of the proposed zone change.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-009.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Rezoning Application

Exhibit "A"
Aerial Photo

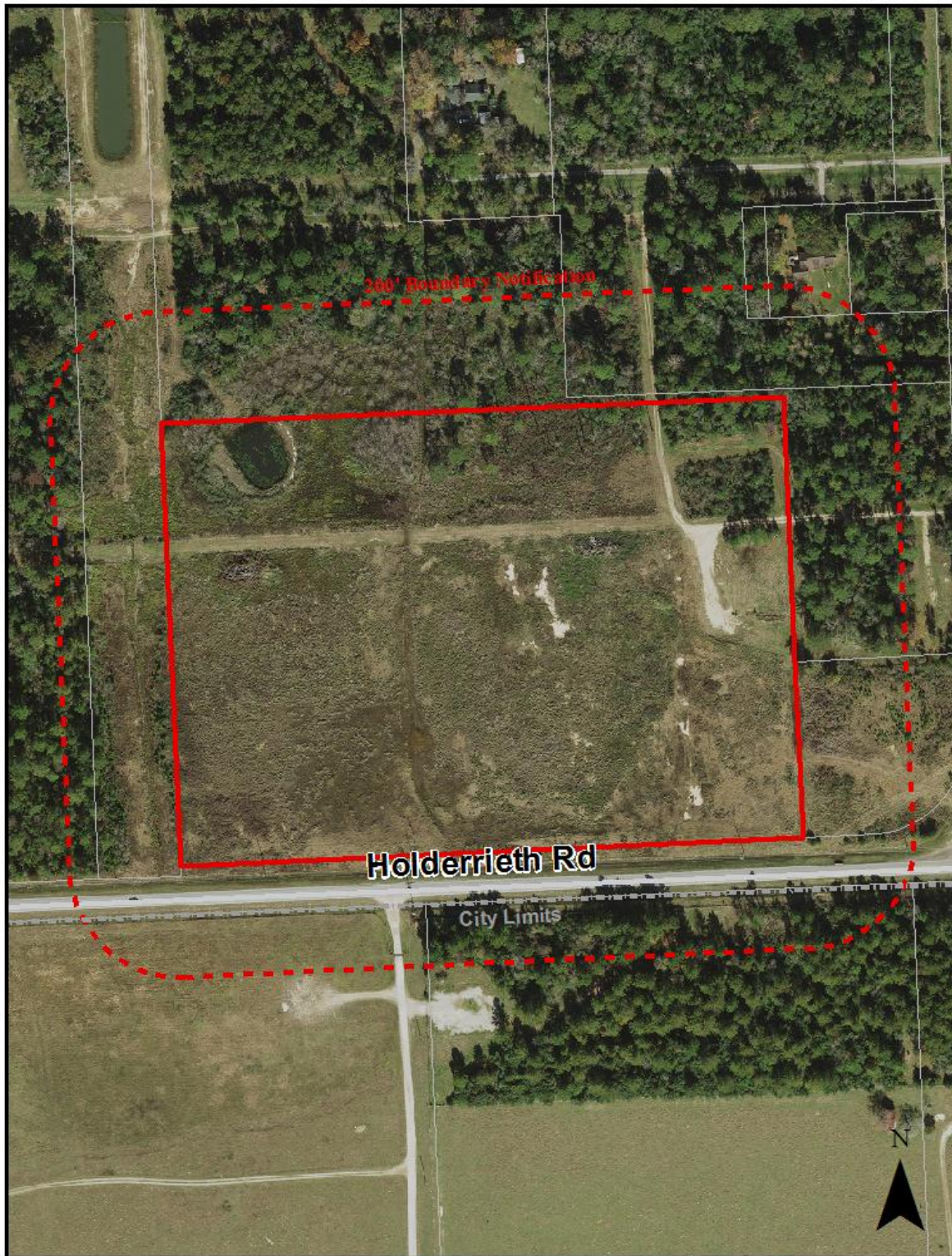
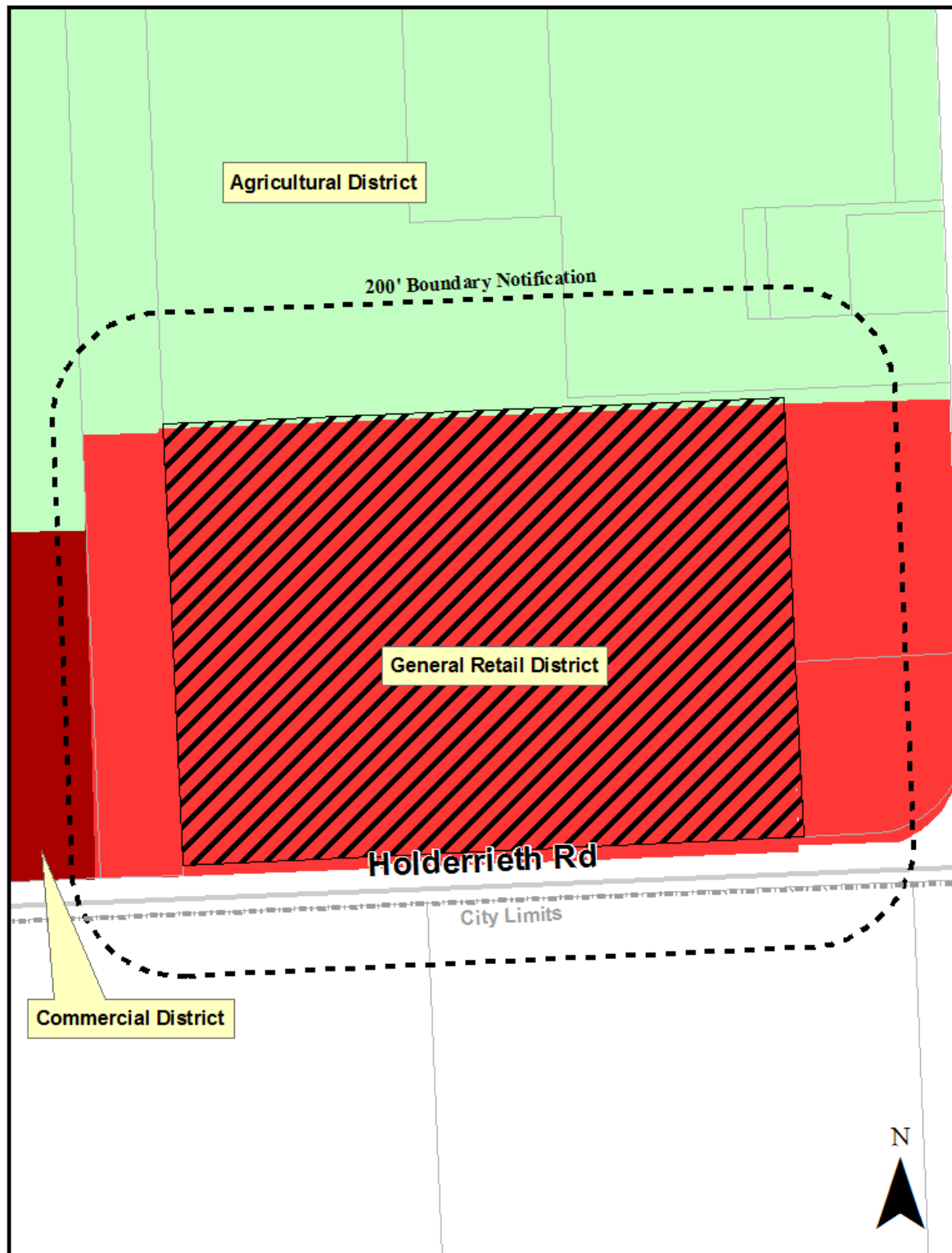


Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.
Source: Google Earth



Figure 2: Subject site.
Source: Google Earth

Exhibit "D"
Comprehensive Plan Map

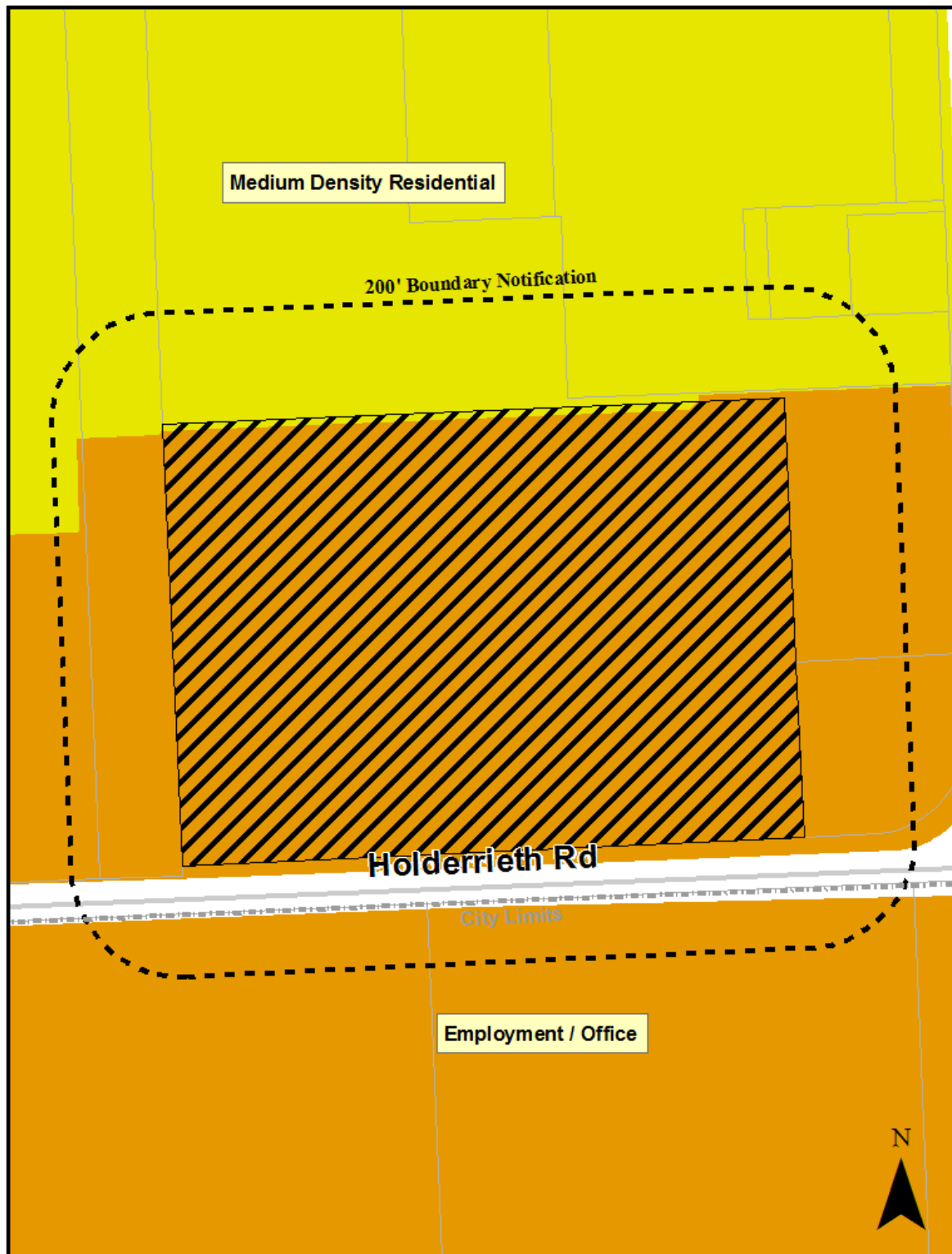
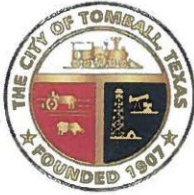


Exhibit "E"
Rezoning Application

P15-009

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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

Applicant

Name: TNRG Development, LLC Title: _____
Mailing Address: 15120 Northwest Freeway #200 City: Houston State: TX
Zip: 77040
Phone: (713) - 956-1000 Fax: (713) 856-1000 Email: beummings@TNRG.NET

Owner

Name: FRANK P. FONTANA Title: OWNER
Mailing Address: 14807 Carson Bend City: Cypress State: TX
Zip: 77429
Phone: (281) 798-2726 Fax: (281) 257-0413 Email: LNFontana@Comcast.NET

Engineer/Surveyor (if applicable)

Name: TEXAS LAND ENGINEERS - John Gerdes Title: ENGINEER
Mailing Address: 550 Westcott #550 City: Houston State: TX
Zip: 77007
Phone: (281) 576-1085 Fax: (281) 576-1086 Email: John.Gerdes@TexasLandEngineers.com

Description of Proposed Project: COMMERCIAL BUILDING DEVELOPMENT

Physical Location of Property: HOLDAWORTH NEAR INTERSECTION OF HOLDAWORTH + CHERRY ST
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: TRS 44-1 + 46-2 ABST 632 CN PLOT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: GENERAL RETAIL DISTRICT (GR)

Current Use of Property: VACANT LAND

Proposed Zoning District: COMMERCIAL (C)

Proposed Use of Property: COMMERCIAL BUILDING DEVELOPMENT

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

www.ci.tomball.tx.us

HCAD Identification Number: 0440580000281 Acreage: 20.64

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  1-27-15
Signature of Applicant Date

X  1-28-15
Signature of Owner Date



January 26, 2015

City of Tomball, Texas
501 James Street
Tomball, TX 77375

Re: Rezoning Request and Application pertaining to approximately 20.64 acres of land, out of the C.M. Pillot Survey, Abstract Number 632, Harris County, Texas and also being out of a 106.5632 acre tract of land described under Harris County Clerk's File Number (H.C.C.F#) L990867.

Planning Staff:

As the applicant to this rezoning request, TNRG Development is respectfully requesting rezoning from GR- (General Retail District) to C – (Commercial) for an approximate 20.64 acre tract on the North side of Holderrieth Road, also known as the Fontana Tract.

We are proposing the development of multiple commercial buildings for this business park. We feel it would lend itself as an attractive gateway to the Tomball Industrial business park located on the corner of Holderrieth and Huffsmith Kohrville and bring necessary conveniences to the area.

We would appreciate your positive consideration of our rezoning request. Should you need additional information or have questions regarding our rezoning request, please call me at 713-744-7473 or via email at bcummings@tnrg.net

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Cummings", is written over a horizontal line.

Bill Cummings
TNRG Development

15120 NORTHWEST FREEWAY, SUITE 190 • HOUSTON, TEXAS 77040
713.956.1000 • WWW.TNRG.NET • fax 713.856.5100

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

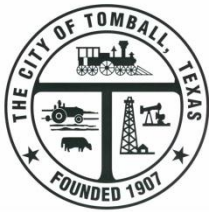
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@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 March 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez
Amelia Vasquez
Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P15-009

APPLICANT/OWNER: TNRG Development LLC, on behalf of Frank P. Fontana

LOCATION: West of South Cherry Street, north of Holderrieth Road

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District.

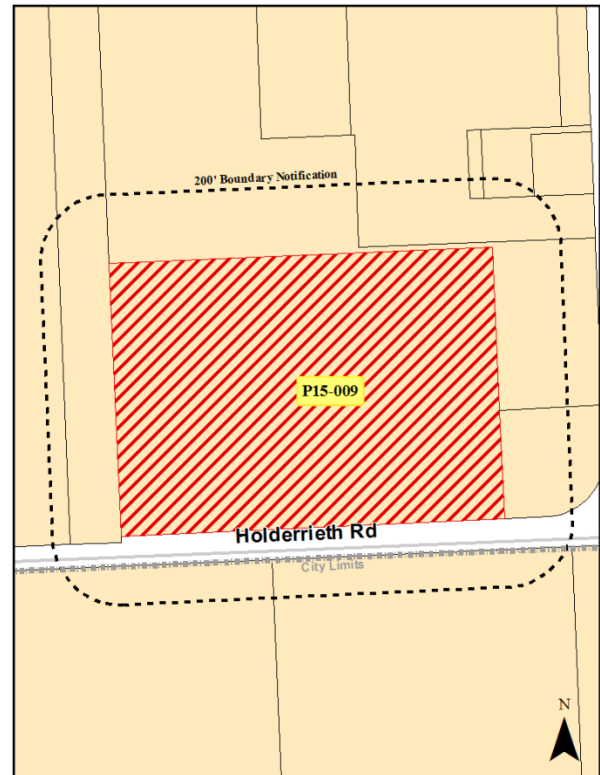
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, March 9, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, March 16, 2015, 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.

Regular City Council Agenda Item Data Sheet

Meeting Date: April 6, 2015

Topic:

Adopt, on Second Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; 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 March 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, unanimously recommended approval of Zoning Case P15-020.

On March 16, 2015, Council adopted Ordinance No. 2015-07 on First Reading, with an amendment stating that the Old Town area is limited to a maximum production of 5,000 barrels per year and the remainder of the City is limited to a maximum production of 10,000 barrels per year.

Origination:

City of Tomball

Recommendation:

Approval

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-07

P15-020 Staff Report

Notice of Public Hearing

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY AMENDING SECTIONS 50-2 (“DEFINITIONS”) AND 50-82 (B) (“USE CHARTS”) TO ADD A LAND USE AND ASSOCIATED DEFINITION FOR “BREW PUB”; 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 Sections 50-2 (“Definitions”) and 50-82(b) (“Use Charts”) 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 Sections 50-2 (“Definitions”) and 50-82(b) (“Use Charts”) 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 Sections 50-2 (“Definitions”) and 50-82(b) (“Use Charts”) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Sections 50-2 (“Definitions”) and 50-82(b) (“Use Charts”) 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 50-2 (“Definitions”) of the Code of Ordinances is hereby amended by adding the following:

Barrel: A quantity of beer, ale, etc. equal to 31 standard gallons.

Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking or eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year, or 5,000 barrels per year in the Old Town and Mixed Use zoning district.

Section 3. Section 50-82(b) (“Use Charts”) of the Code of Ordinances is hereby amended by adding the following:

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Brewpub								C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments

Section 4. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 5. 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 6. 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 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

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 MARCH 2015.

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

SECOND READING:

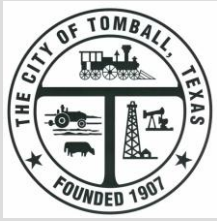
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF APRIL 2015.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 9, 2015

City Council Public Hearing Date: March 16, 2015

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (Definitions) and 50-82 (b) (Use Charts) of the Code of Ordinances, adding an additional land use and associated definition for a “brewpub” in the City of Tomball.

BACKGROUND

On February 16, 2015, City Council directed City staff to bring forward amendments to Sections 50-2 (Definitions) and 50-82 (Use Charts) of the Code of Ordinances to create a new land use for a “brewpub” and to establish which zoning districts they would be permitted to operate in.

PROPOSED AMENDMENTS

Sections 50-2 (Definitions)

Barrel: A quantity of beer, ale, etc. equal to 31 standard gallons.

Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking or eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.

50-82 (Use Charts)

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Brewpub								C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments

ANALYSIS

Section 50-82(b) of the Code of Ordinances does not allow for a “brewpub” land use. The closest use in Section 50-82(b) is for the “distillation of liquors, spirits, etc. (brewery).” This use is listed in the light and heavy manufacturing/industrial portion of the use chart and appears to be intended for the large-scale production of alcoholic beverages similar the facility below.



Figure 1: Miller Brewery; Fulton, NY

The intent of this text amendment is to allow for the brewing of beer, ale, etc. on a much smaller scale along with on-site eating and/or drinking establishments similar to the facility below.



Figure 2: Triple 7 Restaurant and Microbrewery; Las Vegas, NV

City staff is proposing to require that all brewpubs have an eating and/or drinking establishment component and that the brewing production be limited to 10,000 barrels per year¹ to ensure that the use is retail- and not industrially-oriented. As the intent is to be retail-oriented, this use is being proposed to be permitted by right in the Old Town and Mixed Use, General Retail, Commercial, and Light Industrial Districts and by conditional use permit in the Office District as eating establishment (with no drive-through service) are currently permitted in the Code of Ordinances.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on February 23, 2015. No public comment forms have been received as of March 4, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-020.

¹ The 10,000 barrel per year production maximum is also the Texas Alcoholic Beverage Code production limit for brewpubs.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

At the public hearings, parties in 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, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@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 March 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez
Amelia Vasquez
Secretary of the Board

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

Regular City Council Agenda Item Data Sheet

Meeting Date: April 6, 2015

Topic:

Presentation/Discussion regarding Possible Revisions to Sign Ordinance

Background:

City Staff desires input from Council regarding possible revisions to the sign ordinance.

Origination:

Robert Hauck, Assistant City Manager

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	