

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



MONDAY, DECEMBER 1, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, December 1, 2014 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 Richard Jennings, River of Praise Church

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

- December 12-14, 2014 – **2014 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 13, 2014 – **“Christmas on Commerce”** from 10:00 a.m.-5:00 p.m., and **2nd Saturday at the Depot** – 5:00 p.m.
- December 24-25, 2014 – Christmas Holiday – City offices closed; open Friday, December 26, 2014
- January 1, 2015 – New Year’s Day Holiday – City offices closed; open Friday, January 2, 2015
- **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

6.0 Approve the Minutes of the November 17, 2014 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2014-39, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance, by Approving a Planned Development District of Approximately 27.16 Acres of Land, Legally Described as Tracts 2m & 4n, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of The City to Reflect The Planned Development District to be Known as Planned Development – 8 (Pd-8) District; Adopting a Concept Plan and Regulations Applicable to Pd-8 District; 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. 2014-40, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 2 Acres of Land, Legally Described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, Within the City Of Tomball, Harris County, Texas, From the Agricultural District to the Single-Family Residential-9 District; Said Property Being Generally Located North of F.M. 2920, West of Tomball Cemetery 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. 2014-41, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance By Changing the Zoning District Classification of Approximately 1.04 Acres of Land, Legally Described as Lot 9, Block 1, Liberty Springs, Within the City of Tomball, Harris County,

Texas, from the Planned Development-1 District to the Single-Family Estate Residential-20 District; Said Property Being Generally Located South of Brown-Hufsmith Road, East of Liberty Lane; Providing for the Amendment of the Official Zoning Map of The City; Providing for Severability; Providing for a Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings of Fact; And Providing for Other Related Matters.

8.0 New Business:

- 8.1 Approve, on First Reading, Resolution No. 2014-29-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and 2978 Panormus LP, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a multi-use project (Peck Station) on approximately 34.495 acres of land generally located at the northwest corner of FM 2978 and FM2920 in Tomball, Texas.
- 8.2 Approve Resolution No. 2014-30, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 21, 2015
- 8.3 Approve Facilities Extension Agreement with CenterPoint for Installation of Underground Electrical Service in the City of Tomball Railroad Depot Park, Located at 102 Fannin Street, and Removal of Overhead Electrical Service along Fannin and Market Streets, in the Amount of \$63,075.00, and Authorize City Manager to Execute Agreement
- 8.4 Approve Agreement between the City of Tomball and YMCA, Providing for the Non-Profit Use of Jerry Matheson Swimming Pool by the Tomball Cougar Aquatics Team (TCATS) from April 14 through June 5, 2015, June 9 through June 19, 2015, and June 23 through June 25, 2015 for 2015 Practice and Regular Season Meets and for the Installation by TCATS of an Equipment Building in Matheson Park for Off-Season Storage
- 8.5 Adopt, on First Reading, Ordinance No. 2014-42, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity no longer require the Continued Existence of a Certain Portion of a Gas Line Easement across a Certain 0.0125 Acre Tract of Land being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas and being out of and a part of Commercial Reserve No. 7 of Tomball Parkway Plaza, the Map of which is recorded in Volume 331, Page 10 of the Map Records of Harris County, Texas, Located in the City of Tomball, Texas; Vacating, Abandoning, and Closing Said Portion of Such Gas Line Easement; Authorizing the City Manager to Execute and the City Secretary to Attest a Quitclaim Deed Quitclaiming the City's Interest in Said Abandoned Easement; and Containing Other Provisions Relating to the Subject

9.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 25th day of November 2014 by 6:00 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: December 1, 2014

Topic:

- Led by Pastor Richard Jennings, River of Praise Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council Agenda Item Data Sheet

Meeting Date: December 1, 2014

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Council

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: December 1, 2014

Topic:

- December 12-14, 2014 – **2014 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 13, 2014 – “**Christmas on Commerce**” from 10:00 a.m.-5:00 p.m., and **2nd Saturday at the Depot** – 5:00 p.m.
- December 24-25, 2014 – Christmas Holiday – City offices closed; open Friday, December 26, 2014
- January 1, 2015 – New Year’s Day Holiday – City offices closed; open Friday, January 2, 2015
- **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

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:

“Christmas on Commerce”

4TH ANNUAL

"CHRISTMAS ON COMMERCE"

A 2ND SATURDAY EVENT ON COMMERCE STREET

DECEMBER 13TH IN DOWNTOWN TOMBALL

***HOLIDAY PERFORMANCES**

***FOOD – GAMES – VENDORS**

• CALEY BAILLIO STATE FARM INSURANCE
PRESENTS SANTA & MRS. CLAUS

• CREATE CRAFTS IN HIS WORKSHOP AT
CISCO'S SALSA COMPANY!

• MOVIE "JINGLE ALL THE WAY"
AT 6:00 PM

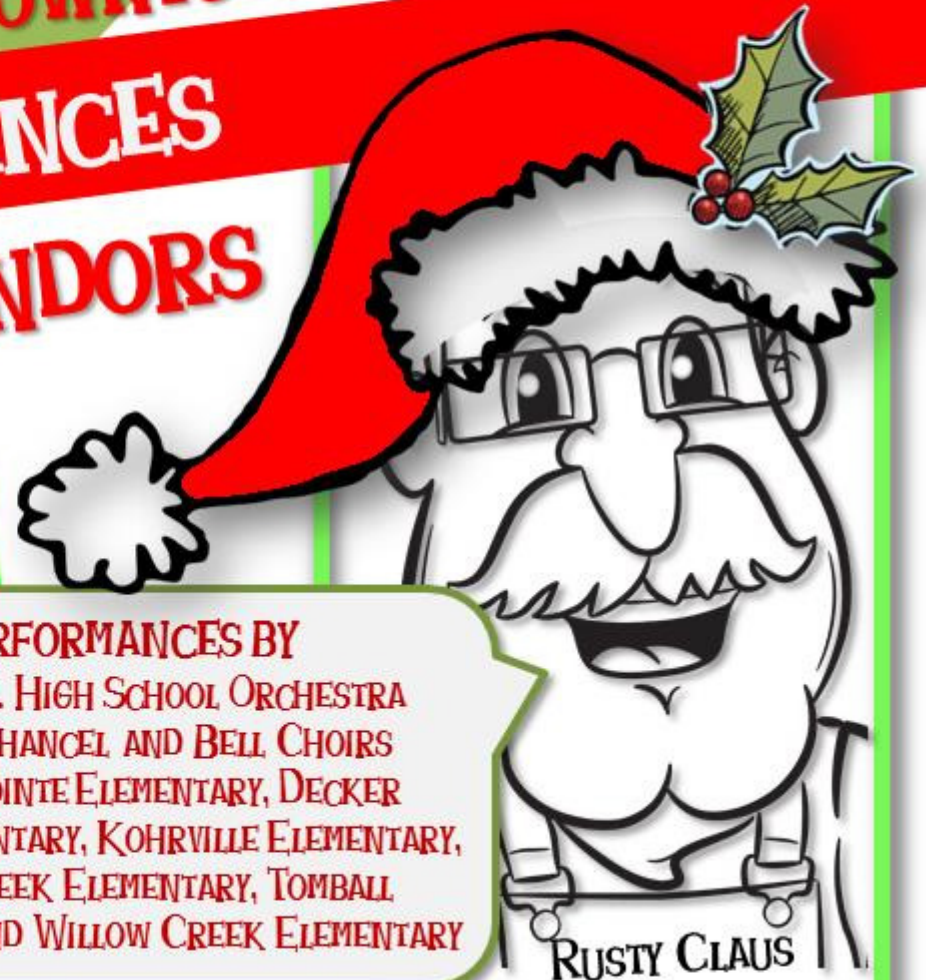
• FREE PONY RIDES & PETTING ZOO

• THE FUN STARTS AT 10 AM

• FREE ADMISSION AND PARKING

PERFORMANCES BY

TOMBALL JR. HIGH SCHOOL ORCHESTRA
RHUMC CHANCEL AND BELL CHOIRS
CANYON POINTE ELEMENTARY, DECKER
PRAIRIE ELEMENTARY, KOHRVILLE ELEMENTARY,
TIMBER CREEK ELEMENTARY, TOMBALL
ELEMENTARY AND WILLOW CREEK ELEMENTARY



Regular City Council Agenda Item Data Sheet

Meeting Date: December 1, 2014

Topic:

Approve the Minutes of the November 17, 2014 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

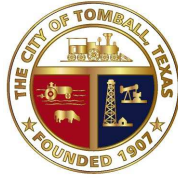
City Secretary

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

ATTACHMENTS:

Draft Minutes - November 17, 2014 Regular City Council Meeting

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



MONDAY, NOVEMBER 17, 2014

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 Hudgens
Councilman Degges
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

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
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Community Center Manager – Rosalie Dillon
Community Development Coordinator – Amelia Vasquez
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Neef-Fiore

2.0 The invocation was led by Commander Larry Fielder, American Legion

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

4.0 No comments were received.

5.0 Reports and Announcements:

- November 22, 2014 – **49th Annual Tomball Holiday Parade** –10:00 a.m.
- November 27-28, 2014 – Thanksgiving Holiday – City Offices Closed
- December 12-14, 2014 – **2014 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 13, 2014 – “**Christmas on Commerce**” from 10:00 a.m.-5:00 p.m., and **2nd Saturday at the Depot** – 5:00 p.m.
- December 24-25, 2014 – Christmas Holiday – City Offices Closed; open Friday, December 26, 2014
- January 1, 2015 – New Year’s Day Holiday – City Offices Closed; open Friday, January 2, 2015
- **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:
 - Glenn Windsor presented the Quarterly Investment Report for the Quarter ending September 30, 2014. The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On September 30, 2014, the City had total cash equivalents and investments totaling \$54,836,138. A copy of the report is attached for review.

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the November 3, 2014 Regular City Council Meeting and the November 10, 2014 Special City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to appoint Grant Stevens as Chief Prosecutor for the Tomball Municipal Court, with Term Beginning November 18, 2014 and Expiring December 31, 2016.

Motion carried unanimously.

7.2 Motion was made by Councilman Townsend, second by Councilman Hudgens, to re-appoint Matthew Goehring as Associate Municipal Court Prosecutor for the Tomball Municipal Court, with Term Beginning November 18, 2014 and Expiring December 31, 2016.

Motion carried unanimously.

- 7.3 Consideration to approve **ZONING CASE P14-187**: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-187** at 6:21 p.m.

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

- Motion was made by Councilman Stoll, second by Councilman Degges, to read Ordinance No. 2014-39 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2014-39, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance, by Approving a Planned Development District of Approximately 27.16 Acres of Land, Legally Described as Tracts 2m & 4n, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of The City to Reflect The Planned Development District to be Known as Planned Development – 8 (Pd-8) District; Adopting a Concept Plan and Regulations Applicable to Pd-8 District; 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>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 7.4 Consideration to approve **ZONING CASE P14-217**: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A,

Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-217** at 6:40 p.m.:

Luke Smoguls
30 East Rivercrest Drive
Houston, TX

- Expressed his desire to include this property in a Master Planned Development and add acreage from the north and east.

Receiving no further public comments, Mayor Fagan closed the Public Hearing at 6:43 p.m.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2014-40 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2014-40, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 2 Acres of Land, Legally Described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, Within the City Of Tomball, Harris County, Texas, From the Agricultural District to the Single-Family Residential-9 District; Said Property Being Generally Located North of F.M. 2920, West of Tomball Cemetery 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>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.5 Consideration to approve **ZONING CASE P14-218**: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-218** at 6:47 p.m.
Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:47 p.m.
- Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2014-41 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2014-41, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance By Changing the Zoning District Classification of Approximately 1.04 Acres of Land, Legally Described as Lot 9, Block 1, Liberty Springs, Within the City of Tomball, Harris County, Texas, from the Planned Development-1 District to the Single-Family Estate Residential-20 District; Said Property Being Generally Located South of Brown-Hufsmith Road, East of Liberty 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>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Degges, to approve and authorize City Manager to Execute Pipeline Relocation/Reimbursement Agreement with Tortuga Operating Company ("Tortuga"), in the Amount of \$85,199.00.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve **HAUSMAN REPLAT**; A Subdivision of a 16.1043 Acre Tract, being a Replat of Lots 182, 186, 190 and 194 of Tomball Outlots Vol. 2, PG. 65 H.C.M.R.

Motion carried unanimously.

7.8 Council Recessed at 6:52 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 - Deliberations Regarding Real Property

Upon reconvening in regular session at 7:03 p.m., no action was taken.

8.0 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 1st day of December 2014.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: December 1, 2014

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2014-39, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance, by Approving a Planned Development District of Approximately 27.16 Acres of Land, Legally Described as Tracts 2m & 4n, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of The City to Reflect The Planned Development District to be Known as Planned Development – 8 (Pd-8) District; Adopting a Concept Plan and Regulations Applicable to Pd-8 District; 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 August 5, 2014, City staff met with the applicant, Mark Kirkland (Kimley-Horn & Associates), to discuss the development of a mixed use project at the intersection of Holderrieth Road and State Highway 249. Mr. Kirkland indicated his desire to construct a 360-room apartment complex, a hotel, retail spaces, office spaces, and a restaurant.

On September 3, 2014, the City received a PDD Application from the applicant and property owner along with a concept plan and development standards.

On November 10, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-187. On November 17, Council adopted Ordinance No. 2014-39 on First Reading.

Origination:

Mark Kirkland (Kimley-Horn & Associates)

Recommendation:

Adopt Ordinance No. 2014-39 on Second Reading.

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. 2014-39
P14-187 Staff Report
Notice of Public Hearing
Property Owner Notification Letter

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS PLANNED DEVELOPMENT – 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 DISTRICT; 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 property owners have requested that approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee, generally located north of Holderrieth Road, east of State Highway 249 Business, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the property owners have presented an application to the City for a Planned Development District to allow the construction of a mixed use development; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); request letter (Exhibit "B"); and concept plan (Exhibit "C") attached to and made a part of this Ordinance; 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 City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Commercial District to the PD-8 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PD-8 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 of the Property, to PD-8 District as described above.

Section 5. PD-8 shall be subject to the following additional limitations, restrictions, and covenants:

- A. Compliance with Application and Concept Plan. The granting of the PD District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PD District (Exhibit “A”), request letter (Exhibit “B”), and concept plan (Exhibit “C”) made a part hereof for all purposes.
- B. Tracts A, B, C, & D:
 - 1. Permitted Uses: Any use permitted by right in the General Retail District
 - 2. Maximum Height:
 - i. Main Building: 3-stories, not to exceed 45-feet
 - ii. Accessory Building: 1-story, not to exceed 15-feet
 - 3. Minimum Lot Size:
 - i. Area: 6,000 square feet
 - ii. Width: 60-feet

- iii. Depth: 100-feet
- 4. Minimum Building Setback:
 - i. Front: 25-feet; 35-feet when adjacent to arterial street
 - ii. Side:
 - 1. Main Building: 5-feet; 25-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - iii. Rear:
 - 1. Main Building: 5-feet; 60-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
 - 2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
- 5. Maximum Lot Coverage: 50 percent
- 6. Maximum Impervious Coverage: 80 percent
- 7. Minimum Screening, Buffering, and Fencing:
 - i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
 - ii. All refuse containers shall be screened on four sides.
- 8. Minimum Off-Street Parking and Loading:
 - i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
 - ii. The minimum number of off-street parking stalls and loading areas shall be per Sections 50-82 and 50-112 of the Tomball Code of Ordinances.

9. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

10. Additional Requirements: Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.

C. Tract E (Multi-Family):

1. Permitted Uses: Multiple-family dwellings and accessory structures.

2. Maximum Height:

- i. Main Building: 3-stories, not to exceed 45-feet
- ii. Accessory Building: 1-story, not to exceed 15-feet
- iii. Clubhouse: 2-stories, not to exceed 27-feet

3. Maximum Dwelling Units Per Acre: 20; 26 when all parking spaces are constructed as covered or enclosed spaces

4. Minimum Lot Size:

- i. Area: 10 acres
- ii. Width: 120-feet
- iii. Depth: 200-feet

5. Minimum Building Setback:

- i. Front: 25-feet; 35-feet when adjacent to arterial street
- ii. Side:
 - 1. Main Building: 5-feet; 50-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street

iii. Rear:

1. Main Building: 15-feet; 50-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

6. Minimum Building Separation:

- i. 1-Story Building: 15-feet for buildings without openings; 20-feet for buildings with openings
- ii. 2-Story Building: 20-feet for buildings without openings; 30-feet for buildings with openings
- iii. Over 2-Story Building: 30-feet
- iv. Between Main and Accessory Buildings: 10-feet

7. Minimum Floor Area Per Dwelling Unit:

- i. Efficiency: 500 square feet
- ii. 1-Bedroom: 670 square feet
- iii. 2 or More Bedroom: 800 square feet plus 125 square feet for every bedroom over two

8. Maximum Lot Coverage: 50 percent

9. Maximum Impervious Coverage: 50 percent

10. Minimum Percent of Lot Area Dedicated to Green Space and Recreational Area: 50 percent

11. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. A minimum 6-foot tall solid fence, wall, or opaque screening device shall be constructed on the side/rear of any multi-family dwelling complex adjacent to a single-family zoned property

- iii. All refuse containers shall be screened on four sides.

12. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. 1 off-street parking stall shall be provided per bedroom

13. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

14. Additional Requirements:

- i. Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.
- ii. Walkways: A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walks shall be lighted at night with a minimum intensity of two footcandles' illumination.
- iii. Building length: Buildings shall not exceed 200 feet in length.
- iv. Oversized parking areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- v. Signage: Address numbers. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

- vi. Lighting: All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.
- vii. Gated/secured entrances: Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.
- viii. Streets or driveways: Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

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 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.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 17TH DAY OF NOVEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</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 1ST DAY OF DECEMBER 2014.

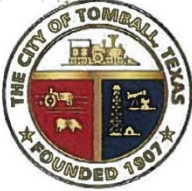
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

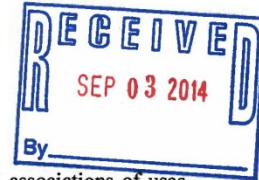
Exhibit "A"
PD District Application



Application for
Planned Development
Engineering & Planning Department

P14-187

Revised 1/20/09



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Owner (See additional owner information on attached page)

Name: Jeff Stallones (Maple Group Ltd.) Title: _____
Mailing Address: 46 Palmer Crest City: The Woodlands State: TX
Zip: 77381
Phone: (713) 899-4710 Fax: (713) 481-0938 Email: jeffstallones@gmail.com

Engineer/Surveyor (if applicable)

Name: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Description of Proposed Project: Mixed Use

Physical Location of Property: NE Corner of TX-249N and Holderrieth Rd

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

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

www.ci.tomball.tx.us

Legal Description of Property: Tracts 2M & 4N, Abstract 632 CV Pillot; Reserve A, Block 1 Kenneth Lee
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0440580000272; 1229190010001 Acreage: 27.159 acres

Current Use of Property: Undeveloped; Developed (commercial)

Proposed Use of Property: Mixed Use

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.

Additional Owner Information

Kenneth W Lee

PO BOX 1527

Magnolia, TX 77353-1527

Email: leeboy57@gmail.com

Phone: (281) 787-1024

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 Mah Kahl 8/29/14
Signature of Applicant Date

X Jeff Stallone 8-27-14
Signature of Owner Date

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X

Signature of Applicant

Date

X

Signature of Owner

Date

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

<http://www.ci.tomball.tx.us>

Exhibit "B"
PD District Request Letter

September 3, 2014

Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James St.
Tomball, TX 77375

Re: Planned Development Application
NEC of Holderrieth Road and State Highway 249
Tomball, Texas

Dear Mr. Meyers,

Kimley-Horn & Associates, Inc., as applicant, requests acceptance of the attached Planned Development (PD) Application for the 27.159 acre property located at the northeast corner of Holderrieth Road and State Highway 249, more specifically described by the metes and bounds included in the attached application. Per the published City of Tomball Zoning Map, the subject property is zoned Commercial District, C. The application proposes the current zoning designation to be revised to a Planned Development District, consisting of multifamily and retail uses with specified regulations.

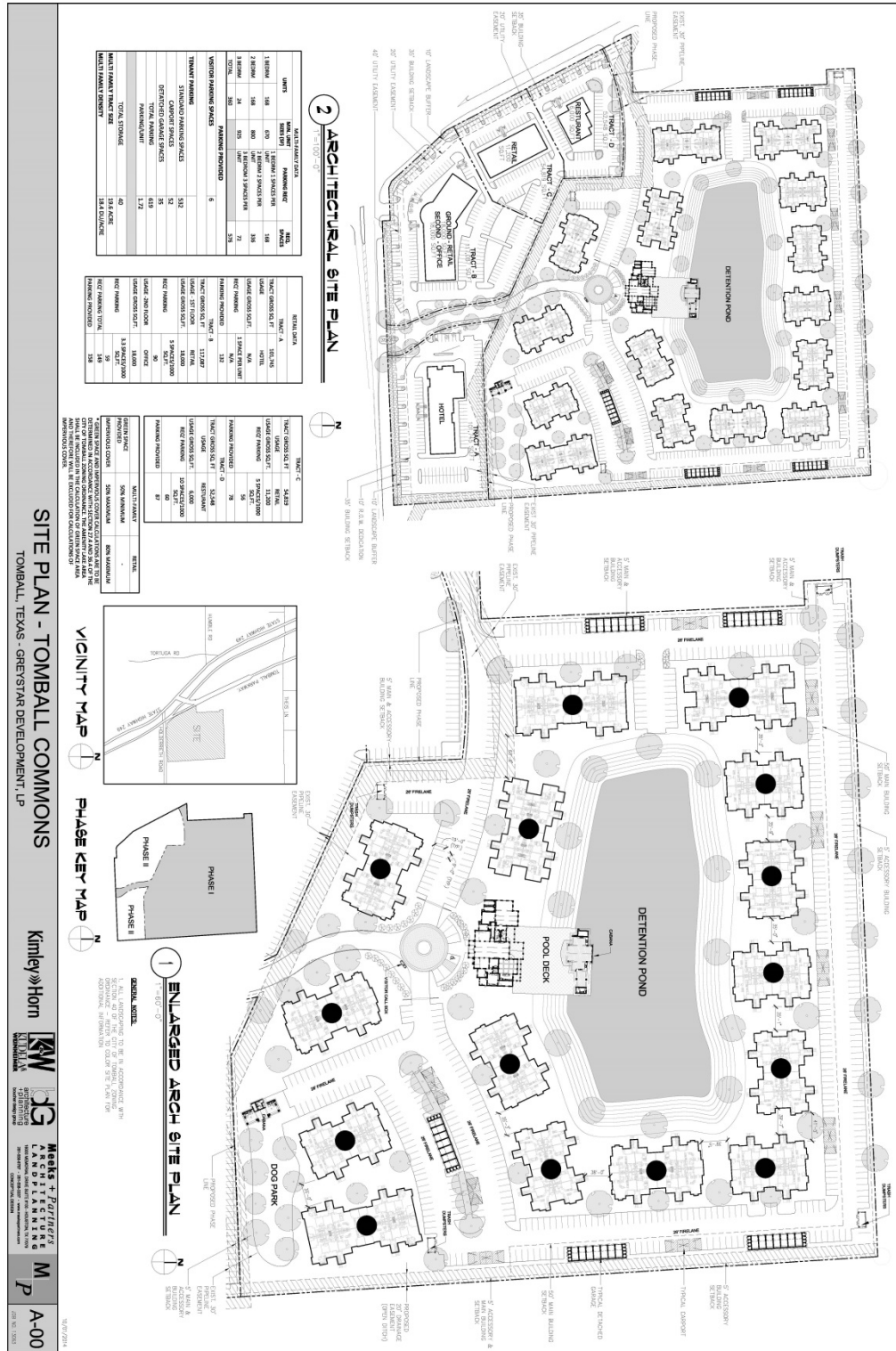
Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

Kimley-Horn & Associates, Inc.

Mark Kirkland
Associate



Exhibit “C” Concept Plan





Landscape Design
Scale: 1" = 40' - 0"

Date: September 2014

Tomball
Greystar



Landscape Architects
7155 Old Katy Road
Suite 270
Houston, Texas 77024
713-809-6967

HOUSTON - SAN ANTONIO



APARTMENT BLDG. ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP
Kimley»Horn

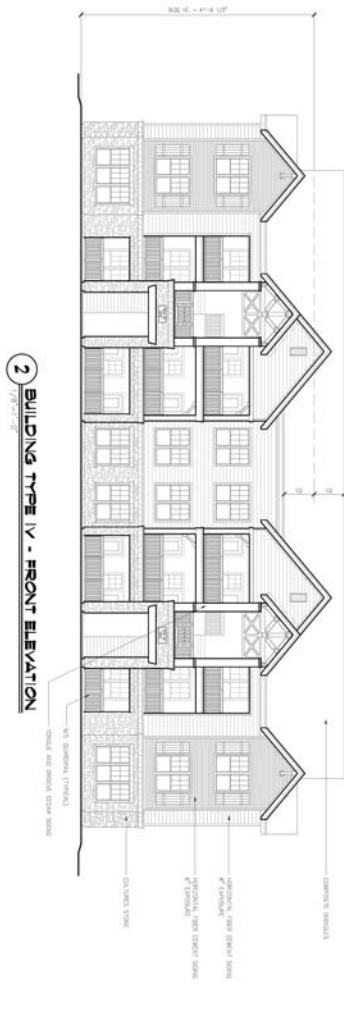


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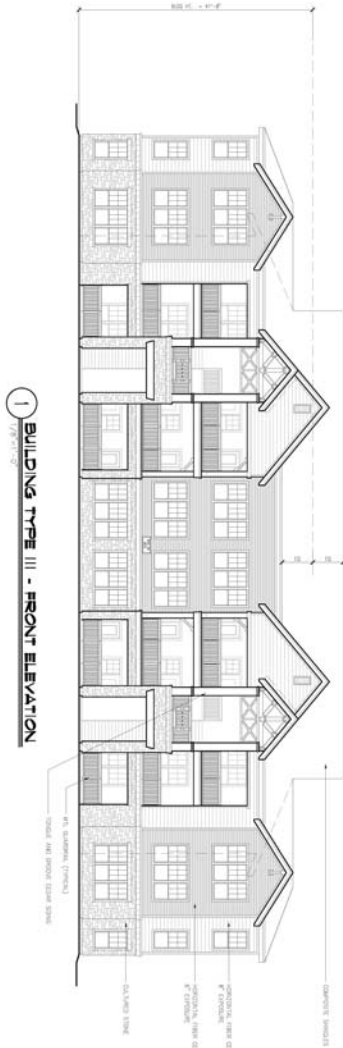
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A-01

200 West 10th



2 BUILDING TYPE IV - FRONT ELEVATION
1/8" = 1'-0"



1 BUILDING TYPE III - FRONT ELEVATION
1/8" = 1'-0"

APARTMENT BLDG ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn

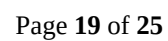
KH CONSULTING ENGINEERS

Weeks + Partners
ARCHITECTS

M P

A-02

10/10/2014





2 BUILDING TYPE VIII - FRONT ELEVATION



1 BUILDING TYPE VII - FRONT ELEVATION

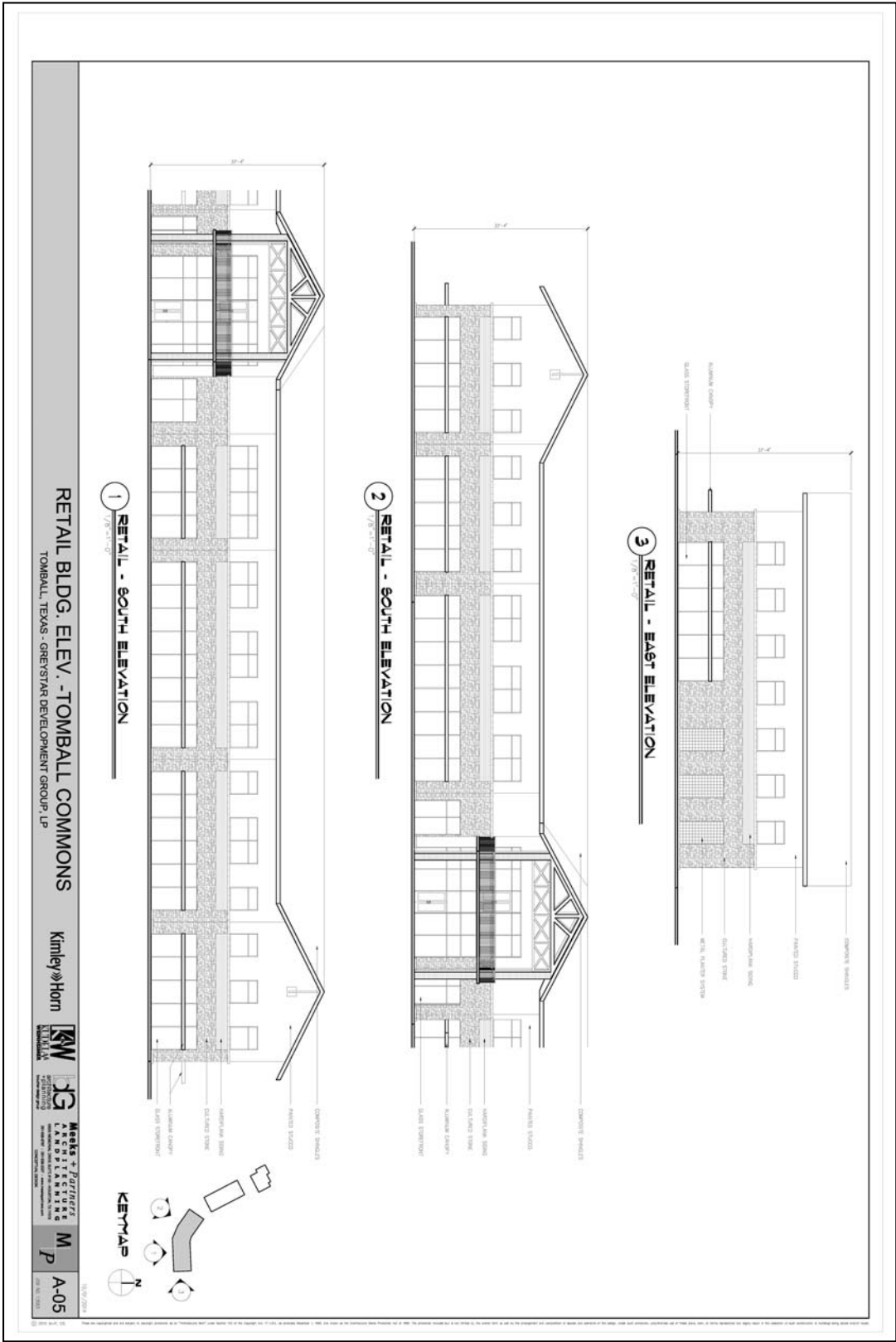
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TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

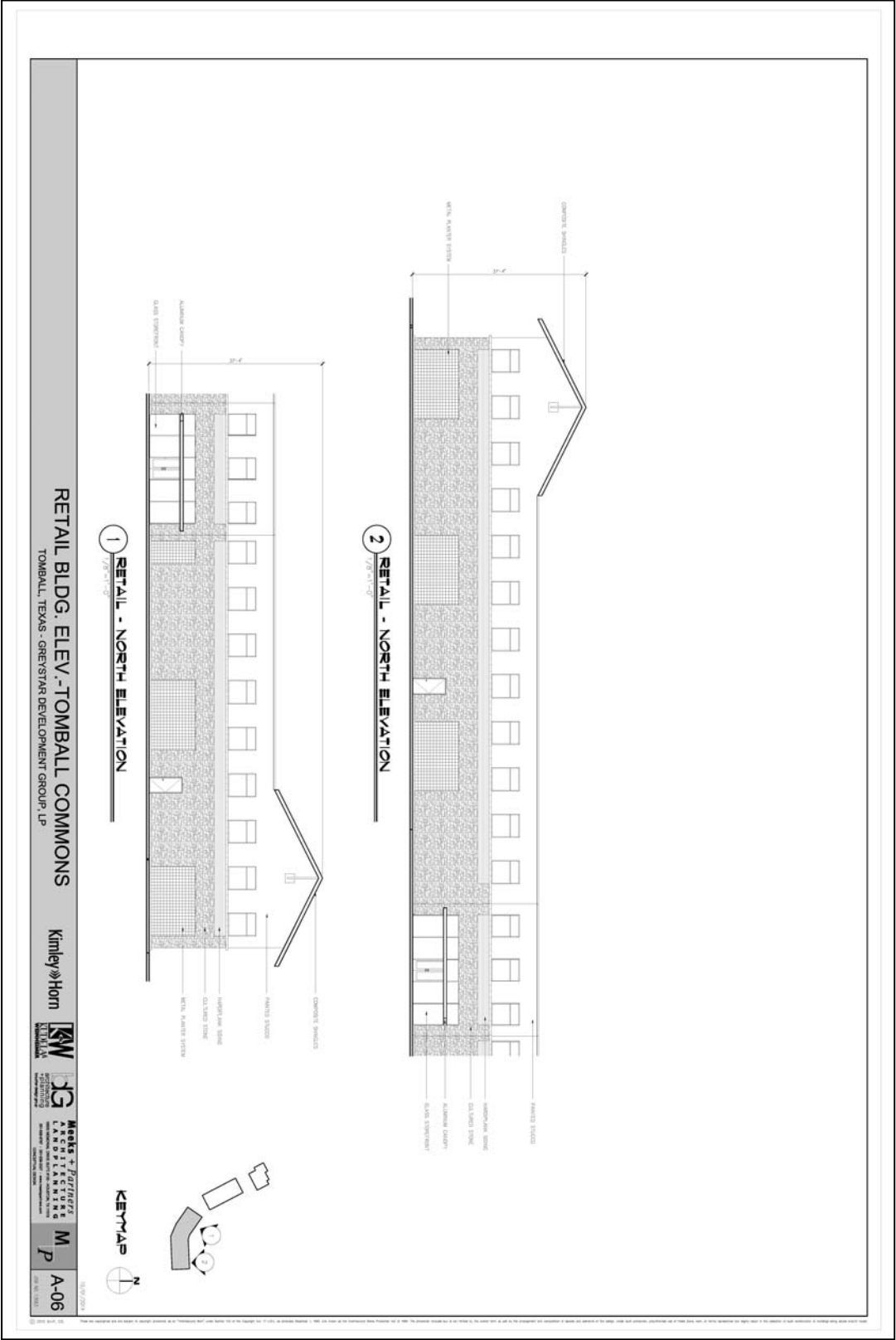
MECHANICAL
ELECTRICAL
PLUMBING
ARCHITECTURAL
STRUCTURAL
ENVIRONMENTAL
ENERGY

MECHANICAL
ELECTRICAL
PLUMBING
ARCHITECTURAL
STRUCTURAL
ENVIRONMENTAL
ENERGY

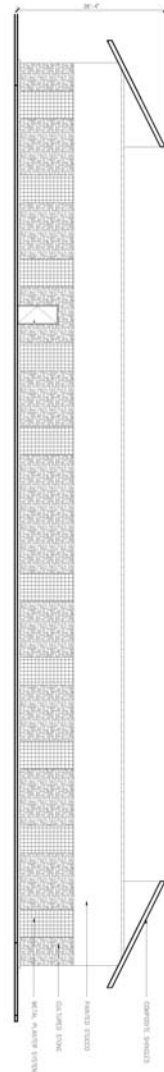
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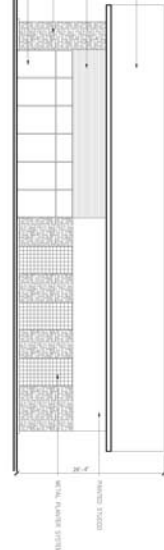
4 RETAIL - NORTH ELEVATION
1/8" = 1'-0"



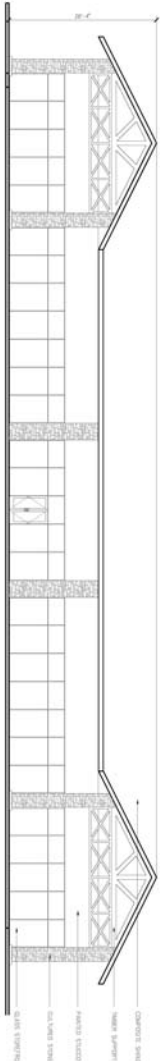
3 RETAIL - WEST ELEVATION
1/8" = 1'-0"



2 RETAIL - EAST ELEVATION
1/8" = 1'-0"



1 RETAIL - SOUTH ELEVATION
1/8" = 1'-0"



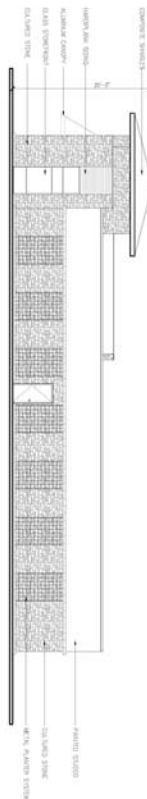
RETAIL BLDG. ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn

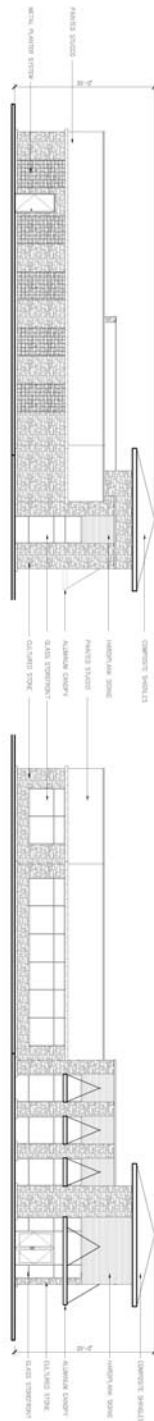


Meeks + Partners
ARCHITECTS
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Houston, Texas 77054
713.466.1000
www.meeksandpartners.com

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REV 01/2014

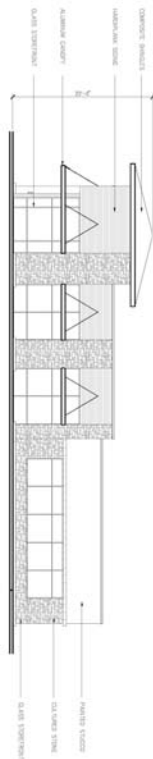


4 RESTAURANT - SOUTH ELEVATION
1/8" = 1'-0"

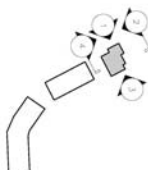


2 RESTAURANT - NORTH ELEVATION
1/8" = 1'-0"

3 RESTAURANT - EAST ELEVATION
1/8" = 1'-0"

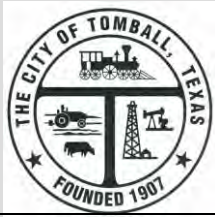


1 RESTAURANT - WEST ELEVATION
1/8" = 1'-0"



RESTAURANT BLDG. ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn
MECKES + PATTERSON
ARCHITECTS
P.C.
A-08



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: November 10, 2014

City Council Public Hearing Date: November 17, 2014

Zoning Case: P14-187

Property Owner(s): Maple Group, Ltd. and Kenneth Lee

Applicant(s): Mark Kirkland

Legal Description: Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee

Location: North of Holderrieth Road, east of State Highway 249 Business (Exhibit "A")

Area: 27.16 acres

Present Zoning and Use: Commercial District (Exhibit "B") / Undeveloped, limousine service, and moving company (Exhibit "C")

Comp Plan Designation: Mixed Use (Exhibit "D")

Proposed Zoning and Use: Planned Development – 8 (PD-8) District / Mixed use development with apartment complex, hotel, retail, office, and restaurant

Adjacent Zoning and Use:

North: Agricultural District / Undeveloped land

South: Unzoned / Holderrieth Road and agricultural land

West: Commercial District / S.H. 249, a chiropractor's office, a rock/soil/storage building sales, and an automobile transmission service center

East: Agricultural and Commercial Districts/ Undeveloped land and a single-family residence

BACKGROUND

On August 5, 2014, City staff met with the applicant, Mark Kirkland, to discuss the development of a mixed use project at the subject site. Mr. Kirkland indicated his desire to construct a 360-room apartment complex, a hotel, retail spaces, office spaces, and a restaurant. He also indicated that he would be requesting a planned development district (PDD) to facilitate this mixed use project. On September 3, 2014, the City received a PDD application (Exhibit "E") from the applicant and property owner along with a concept plan (Exhibit "F") and development standards (Exhibit "G").

ANALYSIS

The applicant is requesting that the property be rezoned from the Commercial District to the PD-8 District to allow for a mixed use development. According to Section 50-80 of the Code of Ordinances, a PDD “is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.” Additionally, a PDD “may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community...” The applicant’s request for a mixed use development appears to be consistent with the intent of the PDD and appears to meet the current needs of the community by:

1. Providing a superior design on lots or buildings. The lot sizes shown on the concept plan are well in excess of the minimum lot sizes established in the Tomball Code of Ordinances. The building façade material types shown on the concept plan meet the minimum façade material type requirements of the Old Town & Mixed Use District which are the City’s most stringent requirements.
2. Providing amenities or features that would be of special benefit to the property users or to the overall community. The amenity pond, clubhouse, and dog park are not required by the Tomball Code of Ordinances but are being provided as a special benefit to the residents of the multi-family community.

There is a mixture of land uses in the vicinity of the subject site. To the north is undeveloped land; to the south are Holderrieth Road and agricultural land; to the west are S.H. 249, a chiropractor’s office, a rock/soil/storage building sales, and an automobile transmission service center; and to the east are undeveloped land and a single-family residence. The PD-8 District, along with its concept plan and development standards, appears to be compatible with the surrounding land uses.

The two predominant zoning districts in the vicinity of the subject site are the Agricultural and Commercial Districts. To the north is the Agricultural District; to the south is unzoned property in the City’s extraterritorial jurisdiction (ETJ); to the west is the Commercial District; and to the east are the Agricultural and Commercial Districts. The PD-8 District, along with its concept plan and development standards, appears to be compatible with the surrounding zoning districts.

The Comprehensive Plan (CP) designates the subject site as Mixed Use. According to the CP, Mixed Use “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner.” The PD-8 District, along with its concept plan and development standards, appears to be compatible with the Mixed Use CP 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.**

The PD-8 District, along with its concept plan and development standards, appears to be compatible with the surrounding land uses.

- 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 no vacant tracts in the vicinity classified for similar development. However, PD-6 District, near the northwest intersection of F.M. 2978 and F.M. 2920 is vacant and is classified for similar development.

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

There has been no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

- 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 Comprehensive Plan.**

The PD-8 District appears to be compatible with the Mixed Use Comprehensive Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 30, 2014. As of November 4, 2014, one public comment form was received

from Martha Huebner of the Michel Family Trust (14219 Spring Pines Drive) in opposition to the request (Exhibit “H”).

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-187.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. PDD Application
- F. Concept Plan
- G. Draft PDD Ordinance
- H. Public Comment Form

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



Exhibit “C”
Site Photo(s)



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Subject site.

Exhibit "D"
Comprehensive Plan Map

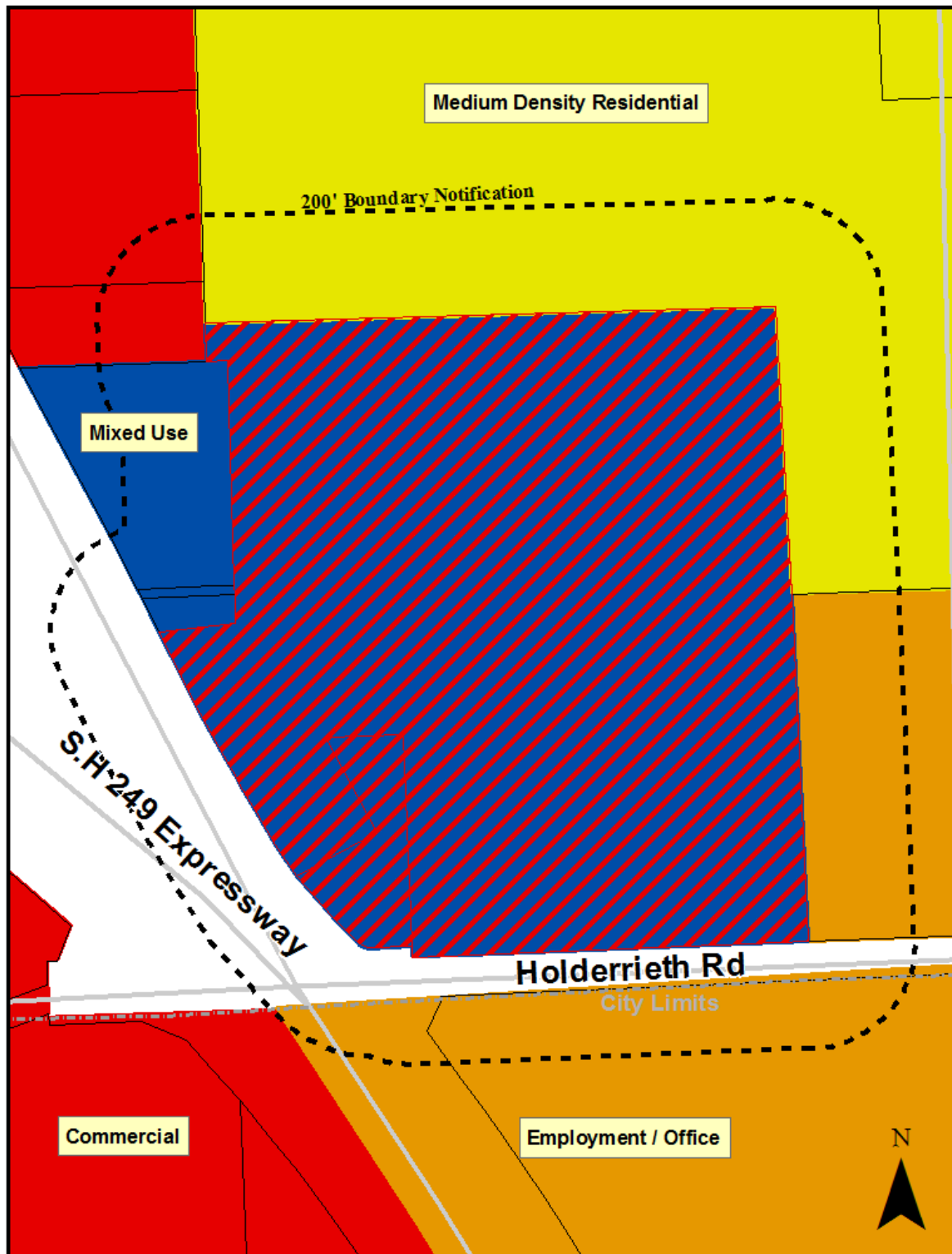


Exhibit "E"
PDD Application



914-187

Revised 1/20/09

**Application for
Planned Development**
Engineering & Planning Department



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

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Applicant

Name: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Owner (See additional owner information on attached page)

Name: Jeff Stallones (Maple Group Ltd.) Title: _____
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Phone: (713) 899-4710 Fax: (713) 481-0938 Email: jeffstallones@gmail.com

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Phone: (281) 787-1024

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X Mah Kahl 8/29/14
Signature of Applicant Date

X Jeff Stalder 8-27-14
Signature of Owner Date

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X

Signature of Applicant

Date

X

Signature of Owner

Date

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

September 3, 2014

Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James St.
Tomball, TX 77375

Re: Planned Development Application
NEC of Holderrieth Road and State Highway 249
Tomball, Texas

Dear Mr. Meyers,

Kimley-Horn & Associates, Inc., as applicant, requests acceptance of the attached Planned Development (PD) Application for the 27.159 acre property located at the northeast corner of Holderrieth Road and State Highway 249, more specifically described by the metes and bounds included in the attached application. Per the published City of Tomball Zoning Map, the subject property is zoned Commercial District, C. The application proposes the current zoning designation to be revised to a Planned Development District, consisting of multifamily and retail uses with specified regulations.

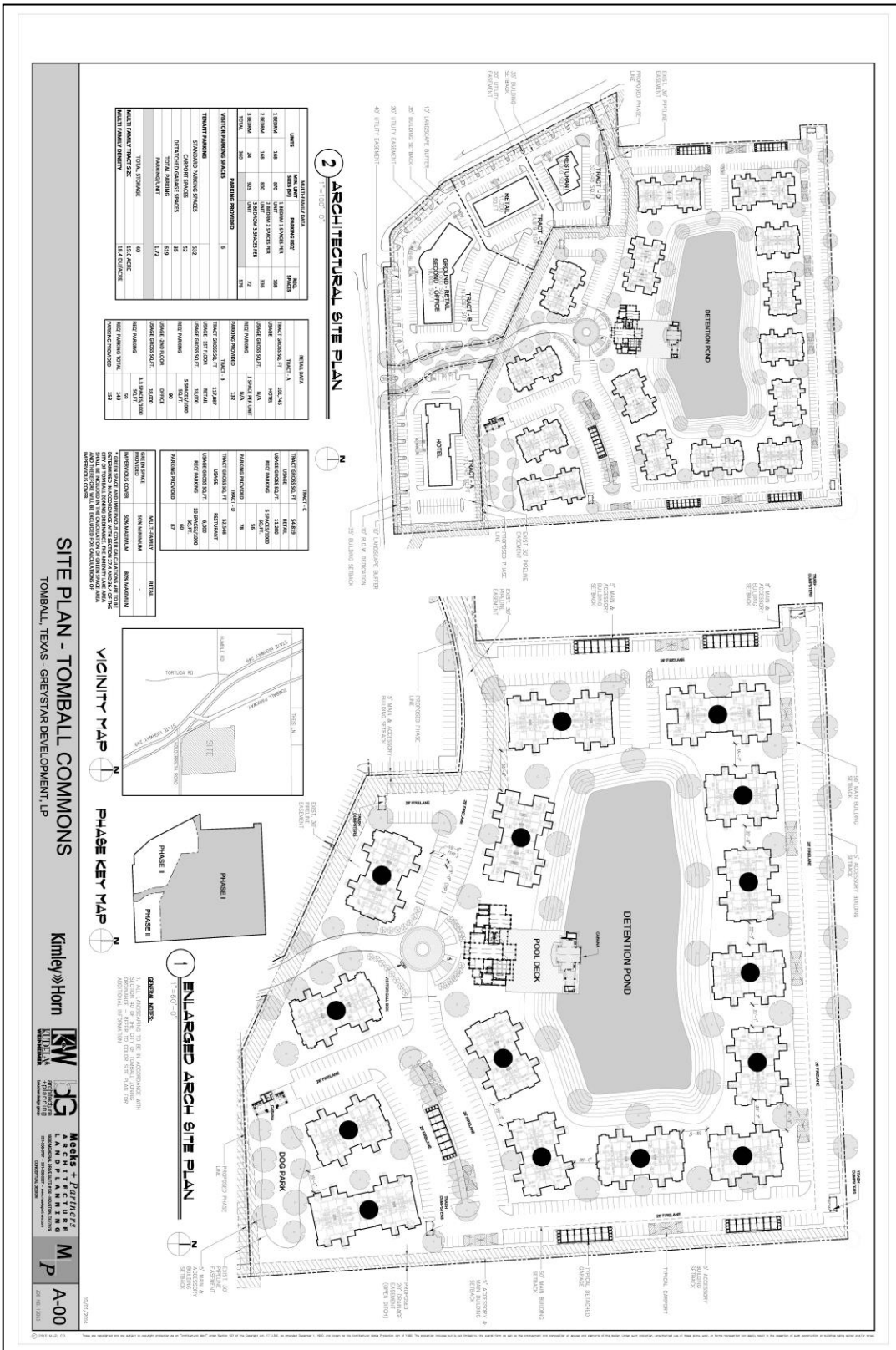
Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

Kimley-Horn & Associates, Inc.

Mark Kirkland
Associate



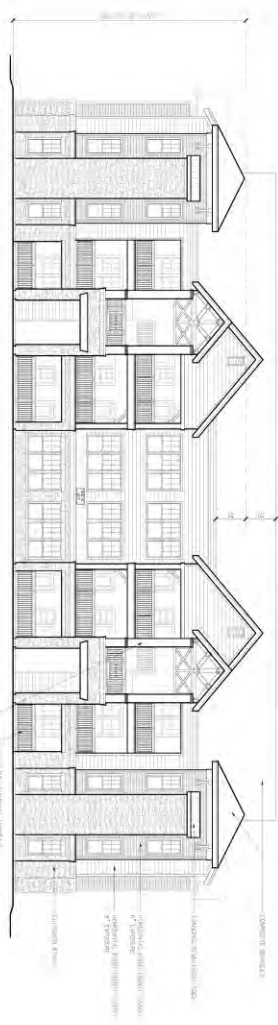
Exhibit “F” Concept Plan







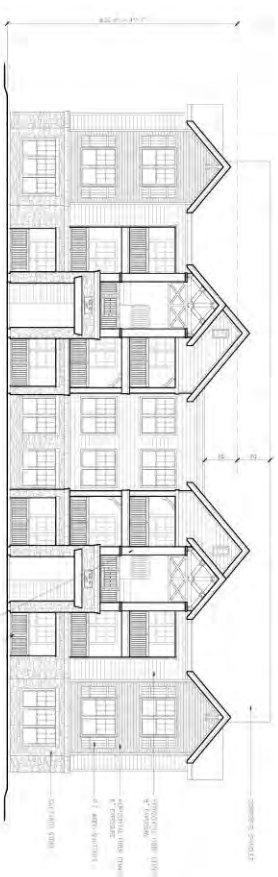
4 TRASH ENCLOSURE ELEV. 1/2" = 1'-0"



2 BUILDING TYPE II - FRONT ELEVATION 1/2" = 1'-0"



3 TRASH ENCLOSURE ELEV. 1/2" = 1'-0"



1 BUILDING TYPE I - FRONT ELEVATION 1/2" = 1'-0"

APARTMENT BLDG. ELEV. - TOMBALL COMMONS Kimley»Horn
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

ARCHITECT

ENGINEERING

LANDSCAPE ARCHITECTURE

PLANNING

ENVIRONMENTAL SCIENCE

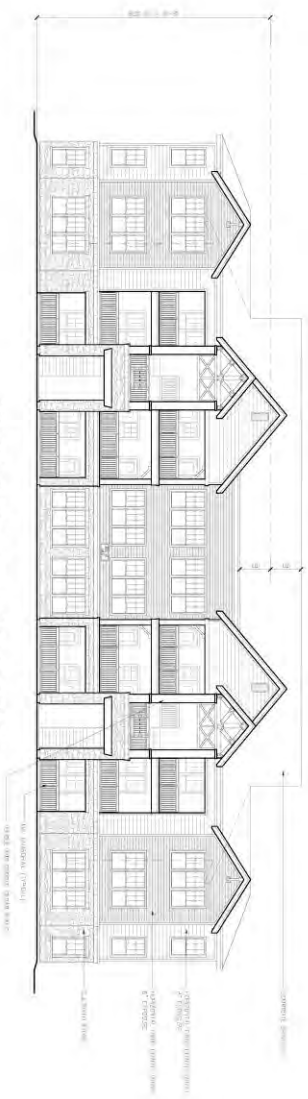
CONSTRUCTION MANAGEMENT

M P A-01

2 BUILDING TYPE IV - FRONT ELEVATION



1 BUILDING TYPE III - FRONT ELEVATION



APARTMENT BLDG ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn

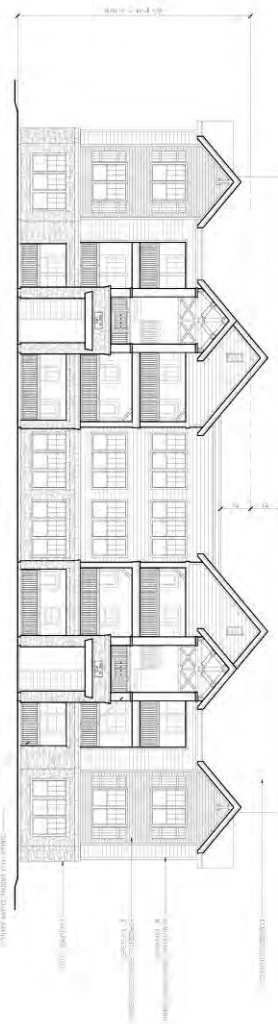
KH

15

Weeks + Partners
ARCHITECTS
10000 WEST 10TH STREET
SUITE 100
DALLAS, TEXAS 75243
(214) 343-1234

M
P

A-02



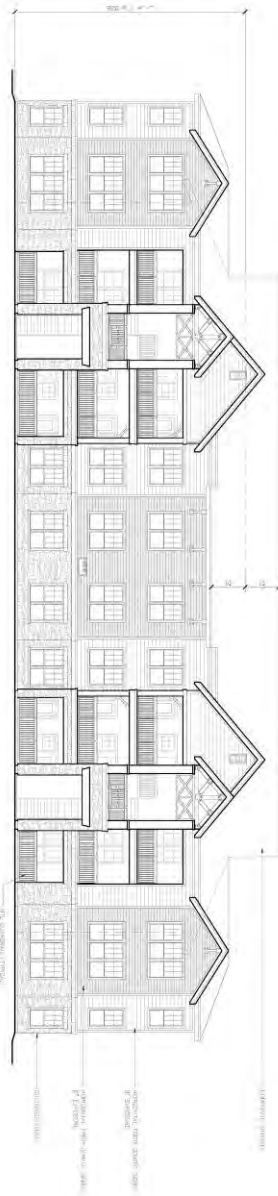
2 BUILDING TYPE VI - FRONT ELEVATION



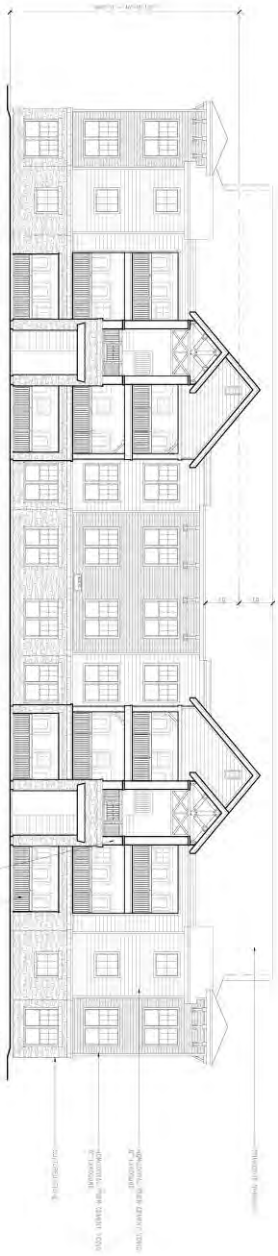
1 BUILDING TYPE V - FRONT ELEVATION

APARTMENT BLDG. ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

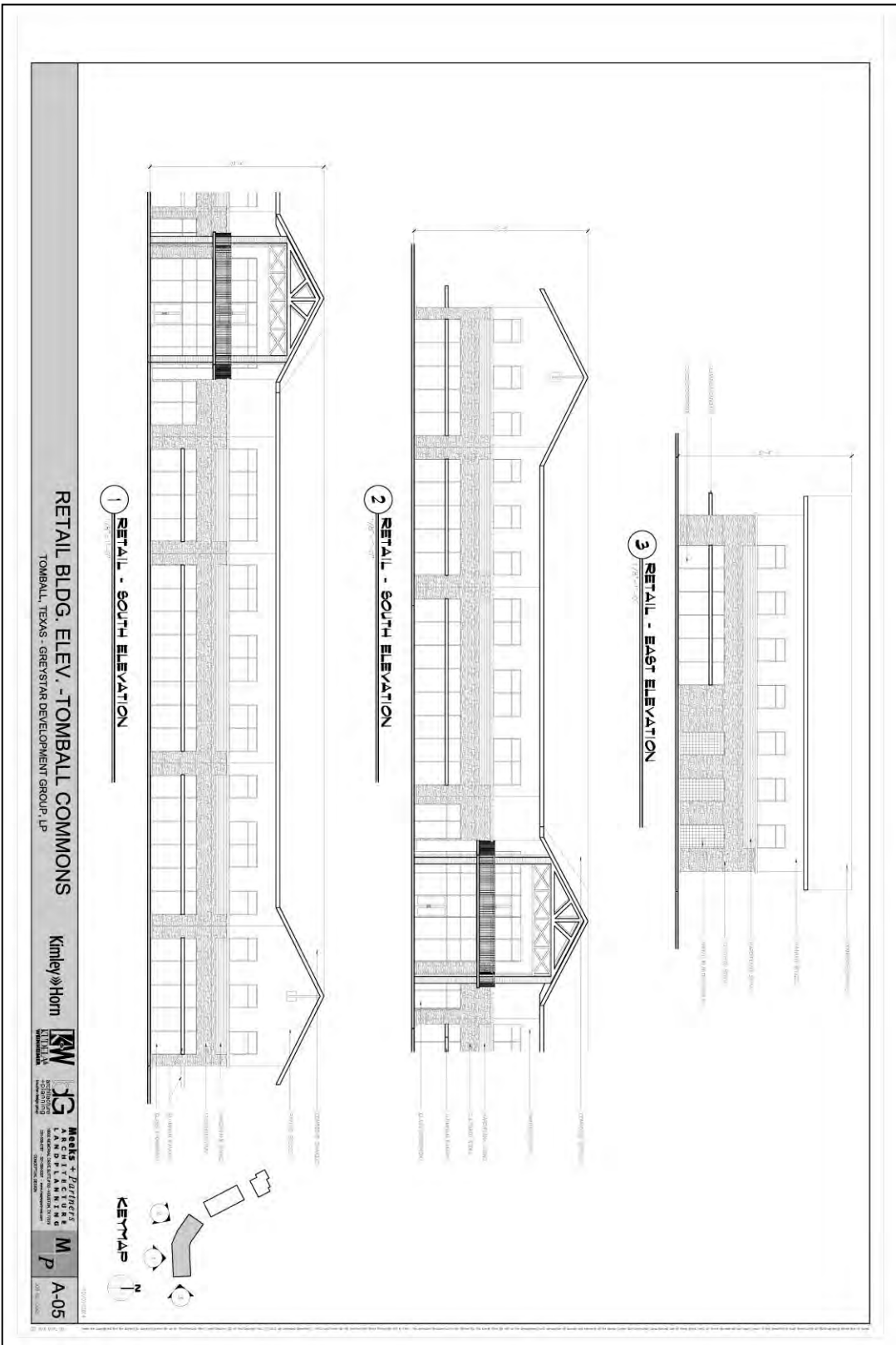
Kimley-Horn
ARCHITECTS
PLANNERS
ENGINEERS
LANDSCAPE ARCHITECTS
INTERIORS
M
P
A-03

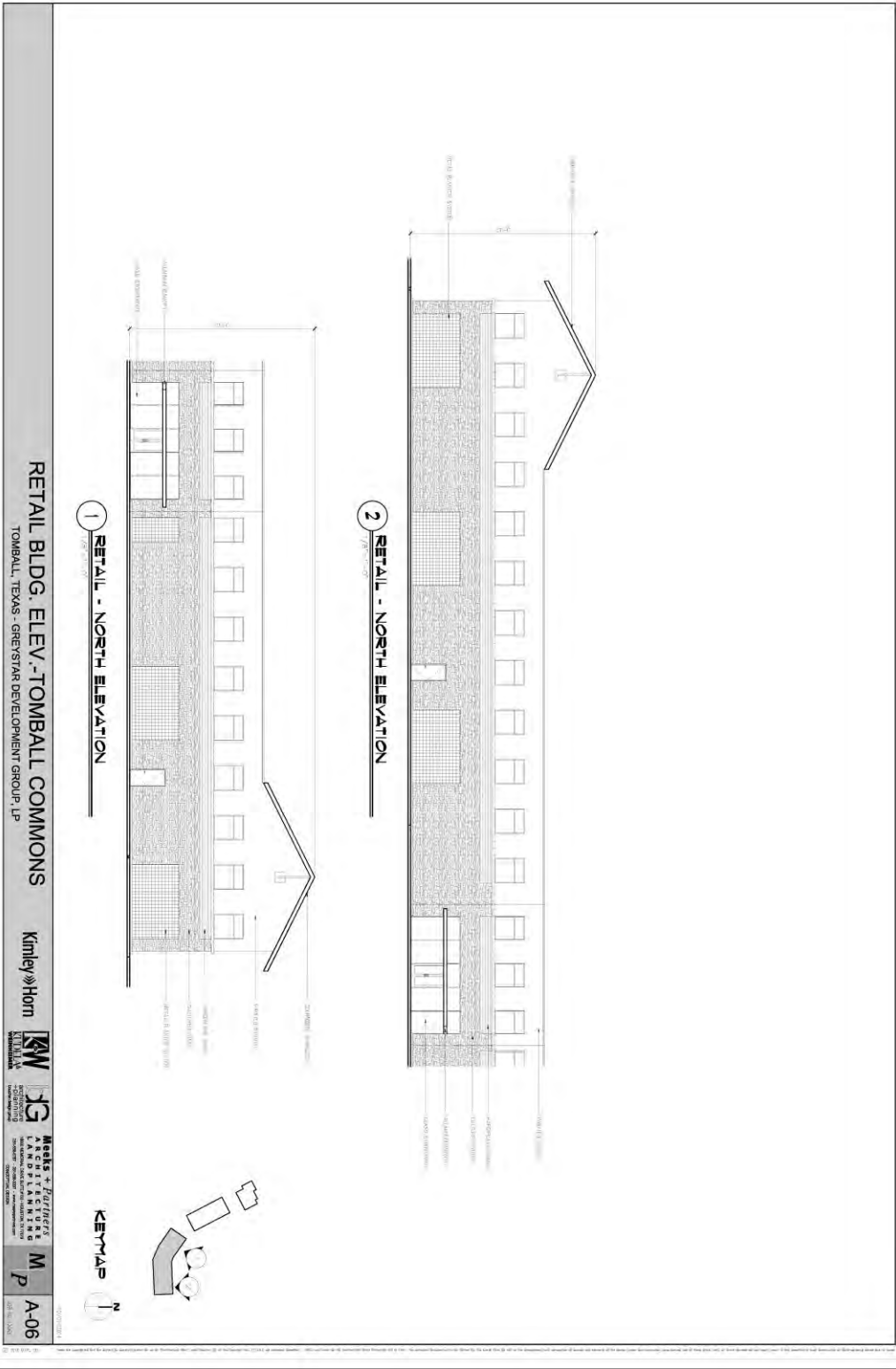


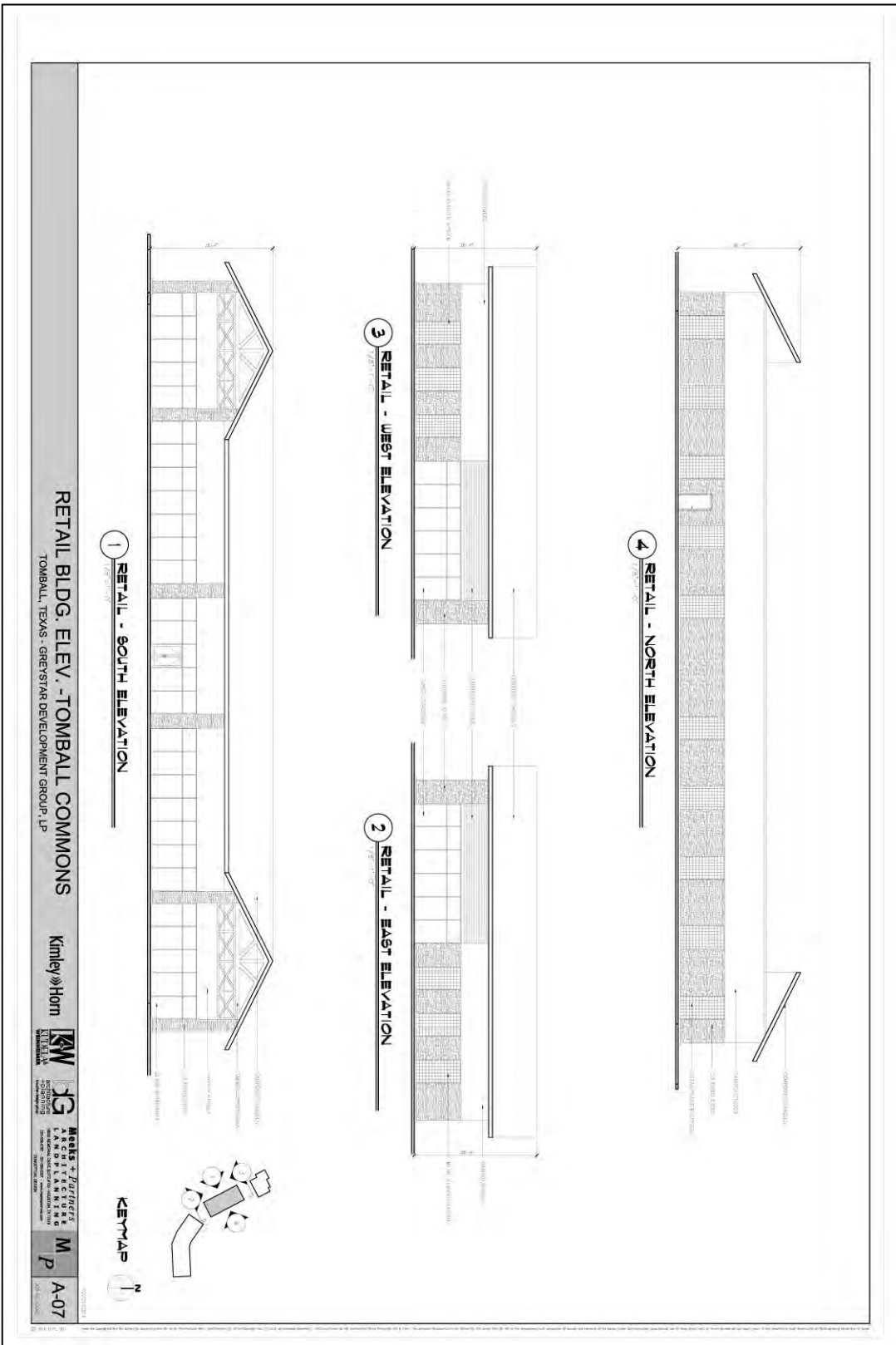
2 BUILDING TYPE VIII - FRONT ELEVATION

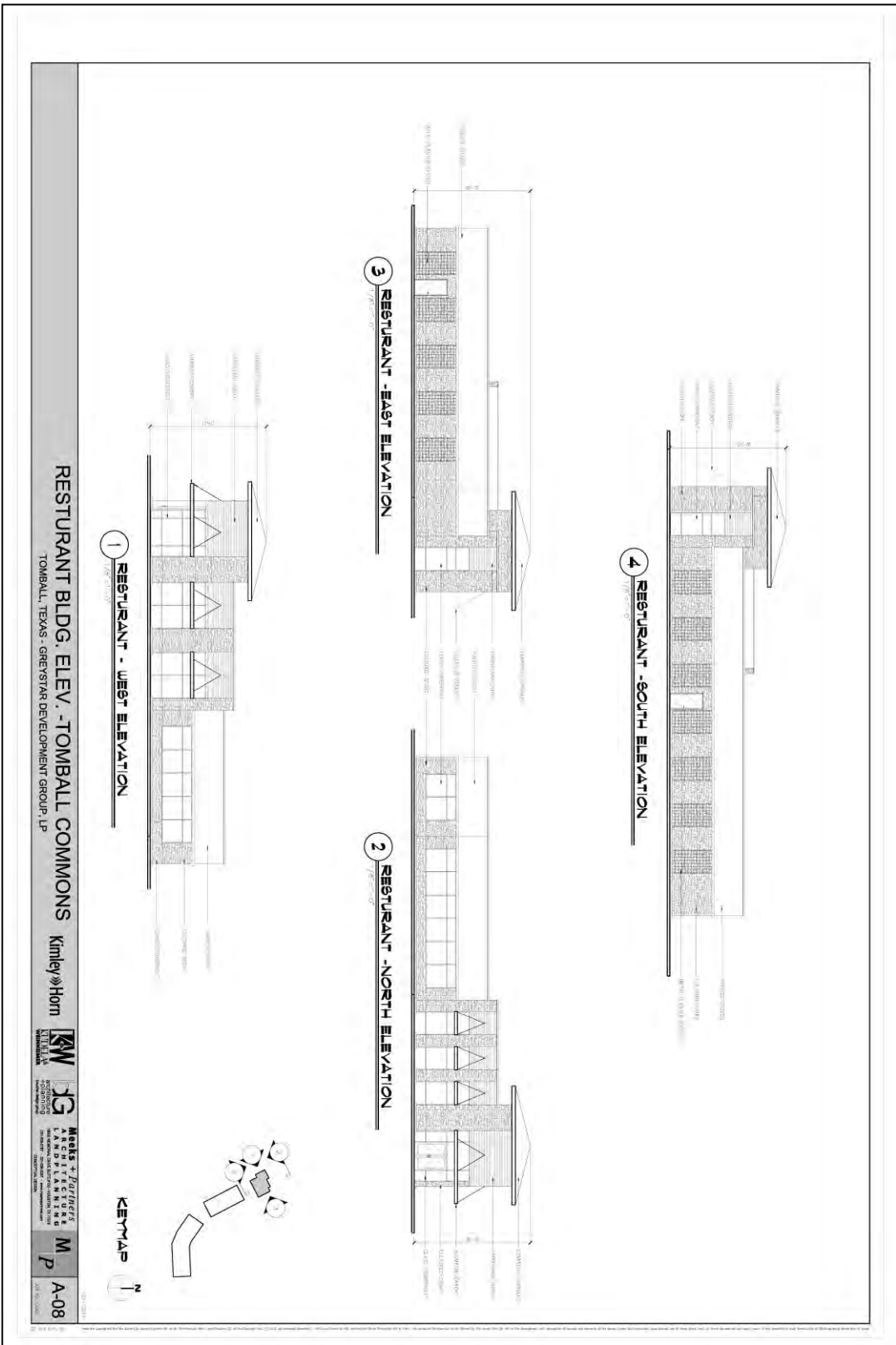


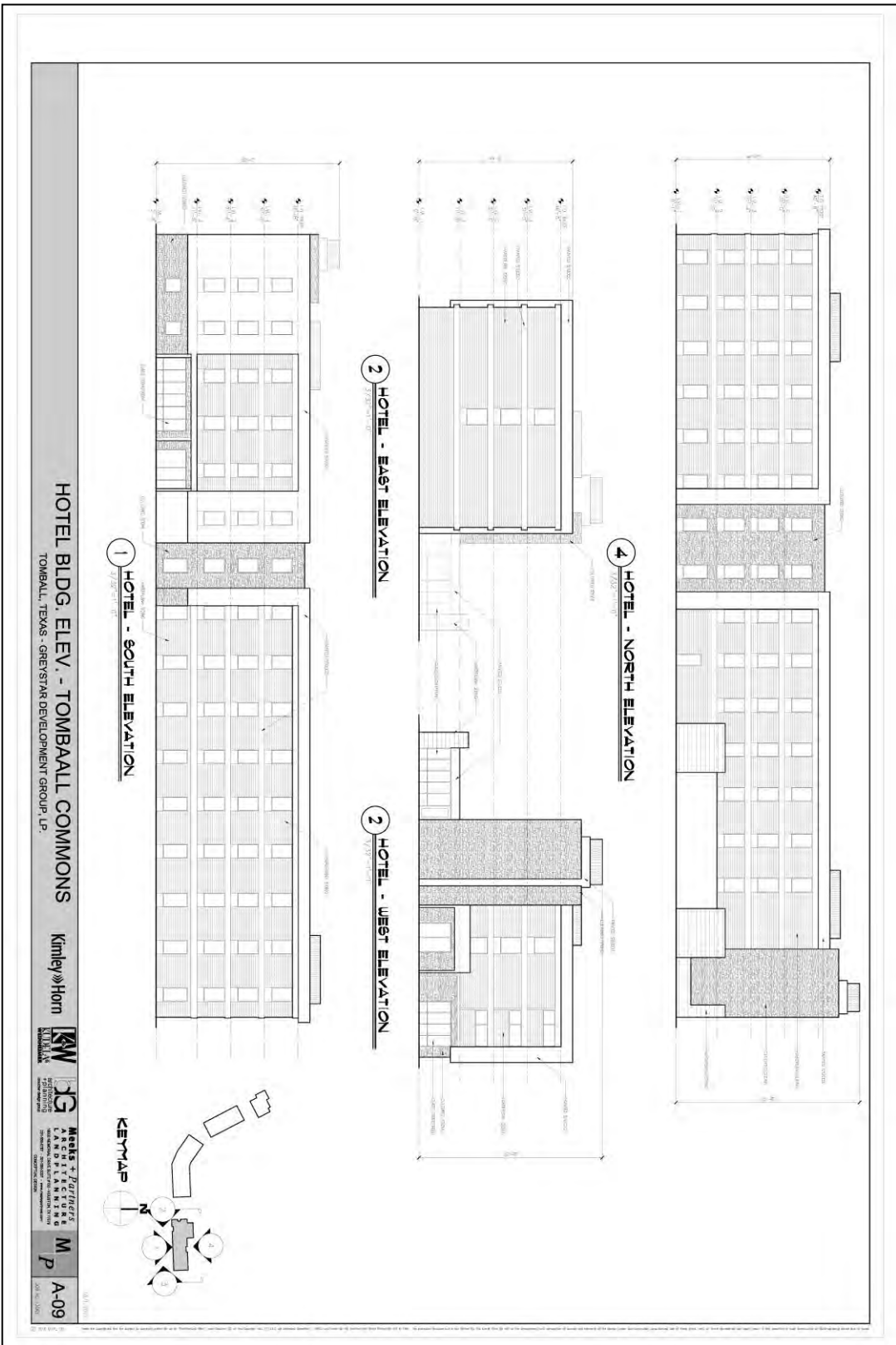
1 BUILDING TYPE VII - FRONT ELEVATION











**Exhibit “G”
Draft PDD Ordinance**

ORDINANCE NO. 2014-XX

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS PLANNED DEVELOPMENT – 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 DISTRICT; 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 property owners have requested that approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pilot and Reserve A, Block 1, Kenneth Lee, generally located north of Holderrieth Road, east of State Highway 249 Business, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the property owners have presented an application to the City for a Planned Development District to allow the construction of a mixed use development; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); request letter (Exhibit "B"); and concept plan (Exhibit "C") attached to and made a part of this Ordinance; 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/deny** 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 City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Commercial District to the PD-8 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PD-8 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 of the Property, to PD-8 District as described above.

Section 5. PD-8 shall be subject to the following additional limitations, restrictions, and covenants:

A. Compliance with Application and Concept Plan. The granting of the PD District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PD District (Exhibit "A"), request letter (Exhibit "B"), and concept plan (Exhibit "C") made a part hereof for all purposes.

B. Tracts A, B, C, & D:

1. Permitted Uses: Any use permitted by right in the General Retail District

2. Maximum Height:

i. Main Building: 3-stories, not to exceed 45-feet

ii. Accessory Building: 1-story, not to exceed 15-feet

3. Minimum Lot Size:

i. Area: 6,000 square feet

ii. Width: 60-feet

iii. Depth: 100-feet

4. Minimum Building Setback:

i. Front: 25-feet; 35-feet when adjacent to arterial street

ii. Side:

1. Main Building: 5-feet; 25-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street

iii. Rear:

1. Main Building: 5-feet; 60-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

5. Maximum Lot Coverage: 50 percent

6. Maximum Impervious Coverage: 80 percent

7. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. All refuse containers shall be screened on four sides.

8. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. The minimum number of off-street parking stalls and loading areas shall be per Sections 50-82 and 50-112 of the Tomball Code of Ordinances.

9. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

10. Additional Requirements: Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.

C. Tract E (Multi-Family):

1. Permitted Uses: Multiple-family dwellings and accessory structures.
2. Maximum Height:
 - i. Main Building: 3-stories, not to exceed 45-feet
 - ii. Accessory Building: 1-story, not to exceed 15-feet
 - iii. Clubhouse: 2-stories, not to exceed 27-feet
3. Maximum Dwelling Units Per Acre: 20; 26 when all parking spaces are constructed as covered or enclosed spaces
4. Minimum Lot Size:
 - i. Area: 10 acres
 - ii. Width: 120-feet
 - iii. Depth: 200-feet
5. Minimum Building Setback:
 - i. Front: 25-feet; 35-feet when adjacent to arterial street
 - ii. Side:
 1. Main Building: 5-feet; 50-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - iii. Rear:
 1. Main Building: 15-feet; 50-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

6. Minimum Building Separation:

- i. 1-Story Building: 15-feet for buildings without openings; 20-feet for buildings with openings
- ii. 2-Story Building: 20-feet for buildings without openings; 30-feet for buildings with openings
- iii. Over 2-Story Building: 30-feet
- iv. Between Main and Accessory Buildings: 10-feet

7. Minimum Floor Area Per Dwelling Unit:

- i. Efficiency: 500 square feet
- ii. 1-Bedroom: 670 square feet
- iii. 2 or More Bedroom: 800 square feet plus 125 square feet for every bedroom over two

8. Maximum Lot Coverage: 50 percent

9. Maximum Impervious Coverage: 50 percent

10. Minimum Percent of Lot Area Dedicated to Green Space and Recreational Area: 50 percent

11. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. A minimum 6-foot tall solid fence, wall, or opaque screening device shall be constructed on the side/rear of any multi-family dwelling complex adjacent to a single-family zoned property
- iii. All refuse containers shall be screened on four sides.

12. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. 1 off-street parking stall shall be provided per bedroom

13. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

14. Additional Requirements:

- i. Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.
- ii. Walkways: A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walks shall be lighted at night with a minimum intensity of two footcandles' illumination.
- iii. Building length: Buildings shall not exceed 200 feet in length.
- iv. Oversized parking areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- v. Signage: Address numbers. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- vi. Lighting: All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.

- vii. Gated/secured entrances: Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.
- viii. Streets or driveways: Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

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 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.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 17TH DAY OF NOVEMBER 2014.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF DECEMBER 2014.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "H"
Public Comment Form



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

Martha M Huebner Michel Family Trust

14219 Spring Pines Dr.

Tomball Tx 77375

Martha M. Huebner

Nov. 4, 2014

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P14-187**. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P14-187**. (Please state reasons below)

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

Monday, November 10, 2014, 6:00 PM

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

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

Monday, November 17, 2014, 6:00 PM

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

COMMENTS:

Do not need more multi-family development
within the city limits of Tomball. Will put more
pressure on schools, fire department, traffic on streets etc.

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

Please reference the case number in the subject line.

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2014
&
CITY COUNCIL
NOVEMBER 17, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 17, 2014, 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 P14-187: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

ZONING CASE P14-217: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

ZONING CASE P14-218: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

Persons interested in these cases will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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 6th day of November 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: P14-187

APPLICANT: Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee

LOCATION: North of Holderrieth Road, east of State Highway 249 Business

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

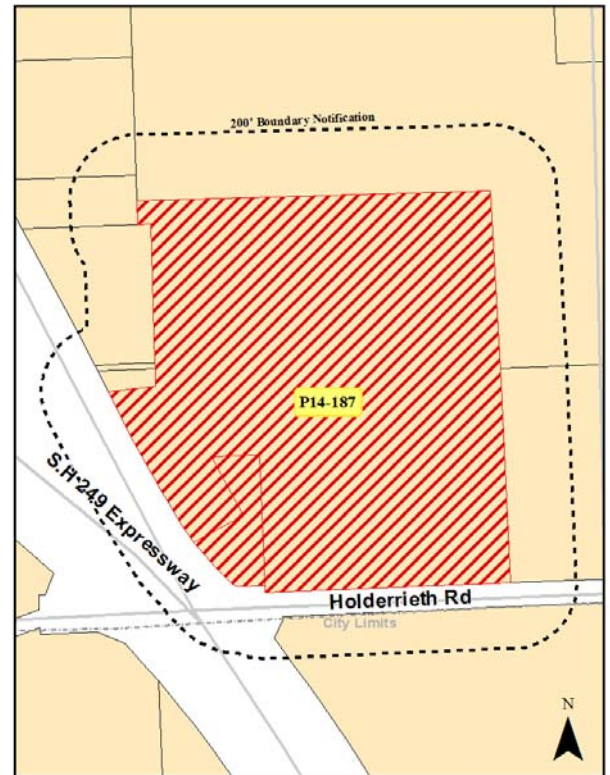
CONTACT: Rodney Schmidt

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 inspection Monday through Friday, holidays excepted, 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, November 10, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, November 17, 2014, 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

Meeting Date: December 1, 2014

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2014-40, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 2 Acres of Land, Legally Described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, Within the City Of Tomball, Harris County, Texas, From the Agricultural District to the Single-Family Residential-9 District; Said Property Being Generally Located North of F.M. 2920, West of Tomball Cemetery 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 September 22, 2014, City staff met with the Pine Country of Tomball developer, Russell Brown, to discuss the possible replat of the subject site into two lots for the construction of two additional single-family residences. City staff reviewed Mr. Brown's request and found that the proposed lots did not meet the minimum lot widths for the Agricultural District.

On October 29, 2014, Mr. Brown turned in a rezoning application requesting the property be rezoned from the Agricultural District to the SF-9 District.

On November 10, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-217. On November 17, Council adopted Ordinance No. 2014-40 on First Reading.

Origination:

Russell Brown (Pine Country of Tomball)

Recommendation:

Adopt Ordinance No. 2014-40 on Second Reading.

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. 2014-40
P14-217 Staff Report
Notice of Public Hearing
Property Owner Notification Letter

ORDINANCE NO. 2014-40

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 2 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A, BLOCK 1, PINE COUNTRY OF TOMBALL SECTION 2 REPLAT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE SINGLE-FAMILY RESIDENTIAL-9 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTH OF F.M. 2920, WEST OF TOMBALL CEMETERY 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, the property owner has requested that approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, generally located north of F.M. 2920, west of Tomball Cemetery 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 City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Agricultural District to the Single-Family Residential-9 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-Family Residential-9 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Single-Family Residential-9 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.

Section 7. City Council finds and determines that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code Ch. 551.

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 17TH DAY OF NOVEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGS	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

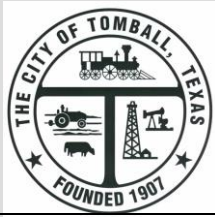
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF DECEMBER 2014.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: November 10, 2014
City Council Public Hearing Date: November 17, 2014

Zoning Case: P14-217

Property Owner(s): Joseph Family Limited Partnership, LTD

Applicant(s): Russell Brown

Legal Description: Reserve A, Block 1, Pine Country of Tomball Section 2 Replat

Location: North of F.M. 2920, west of Tomball Cemetery Road (Exhibit "A")

Area: 2 acres

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

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

Proposed Zoning and Use: Single-Family Residential-9 (SF-9) District¹ / Two single-family residences

Adjacent Zoning and Use:

- North:** Agricultural District / Single-family residences and Pine Country Boulevard
- South:** Agricultural District/ Agricultural land
- West:** Agricultural District / Detention pond
- East:** Unzoned / Tomball Cemetery Road, single-family residences, and agricultural land

BACKGROUND

On September 22, 2014, City staff met with the Pine Country of Tomball developer, Russell Brown, to discuss the possible replat of the subject site into two lots for the construction of two additional single-family residences. City staff reviewed Mr. Brown's request and found that the proposed lots did not meet the minimum standards for the Agricultural District. City staff then informed Mr. Brown that he could either request a variance from the Board of Adjustments for a reduction in the lot width or request a rezoning to the SF-9 District which would allow the lots to be replatted as requested. Mr. Brown subsequently turned in a rezoning application (Exhibit "E") requesting the property be rezoned from the Agricultural District to the SF-9 District.

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

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the SF-9 District. According to Section 50-70 of the Code of Ordinances, the SF-9 District “is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 9,000 square feet in size, churches, schools and public parks in logical neighborhood units.”

The two predominant land uses in the vicinity of the subject site are single-family residences and agricultural land. To the north are single-family residences and Pine Country Boulevard; to the south is agricultural land; and to the west is a Pine Country of Tomball detention pond; and to the east are Tomball Cemetery Road, single-family residences, and agricultural land. The SF-9 District appears to be compatible with the surrounding land uses.

The Agricultural District is the predominant zoning classification in the vicinity of the subject site. To the north, south, and west is the Agricultural District and to the east is unzoned land in the City of Tomball’s extraterritorial jurisdiction. The SF-9 District appears to be compatible with the Agricultural District.

The Comprehensive Plan (CP) designates the subject site as Medium Density Residential. According to the CP, Medium Density Residential “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The SF-9 District appears to be compatible with the Medium Density Residential CP 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.**

The uses permitted by the SF-9 District appear to be compatible with the surrounding land uses. Additionally, this rezoning will facilitate the creation of two residential lots of approximately one acre in size which appears to be compatible with remainder of Section 2 which has an average lot size of over 11,000 square feet.

- 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 limited vacant property in the vicinity zoned SF-9 District. However, there are numerous vacant tracts elsewhere in the City zoned SF-9 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 limited development City-wide in the SF-9 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 Comprehensive Plan.**

The SF-9 District appears to be compatible with the Medium Density Residential Comprehensive Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 30, 2014. No public comment forms have been received as of November 4, 2014

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-217.

EXHIBITS

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

Exhibit "A"
Aerial Photo

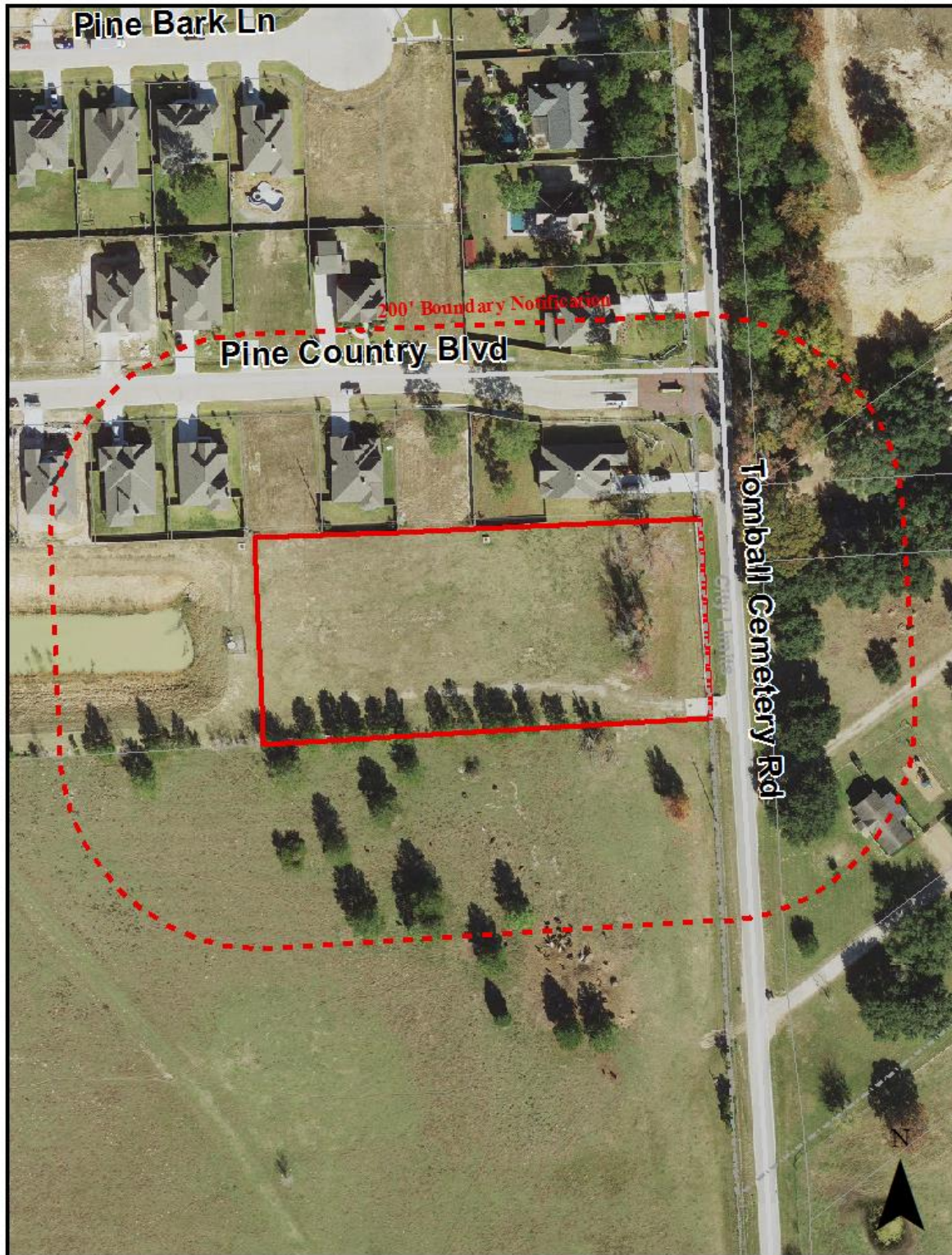


Exhibit "B"
Zoning Map

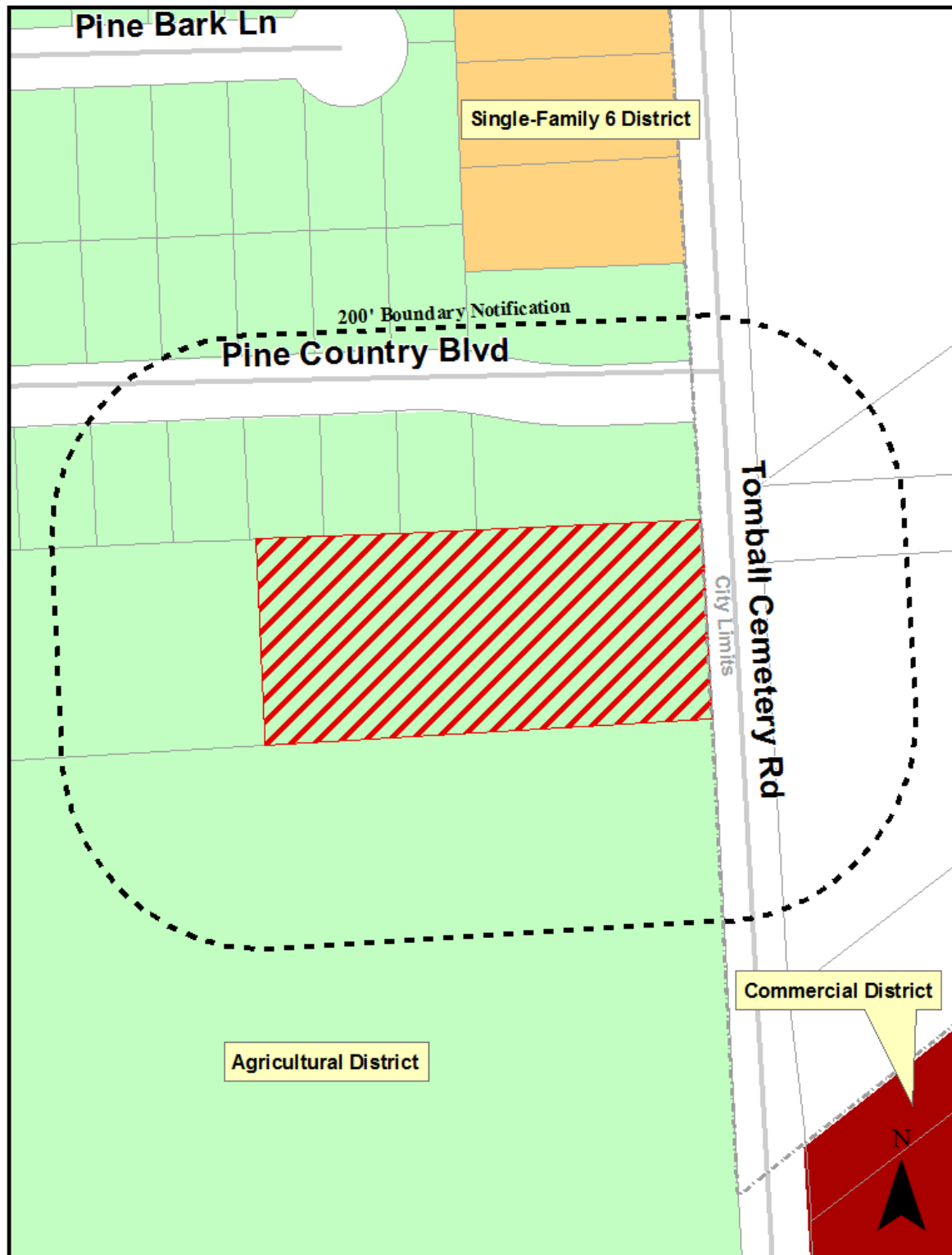


Exhibit “C”
Site Photo(s)



Figure 1: Subject site.

Exhibit "D"
Comprehensive Plan Map

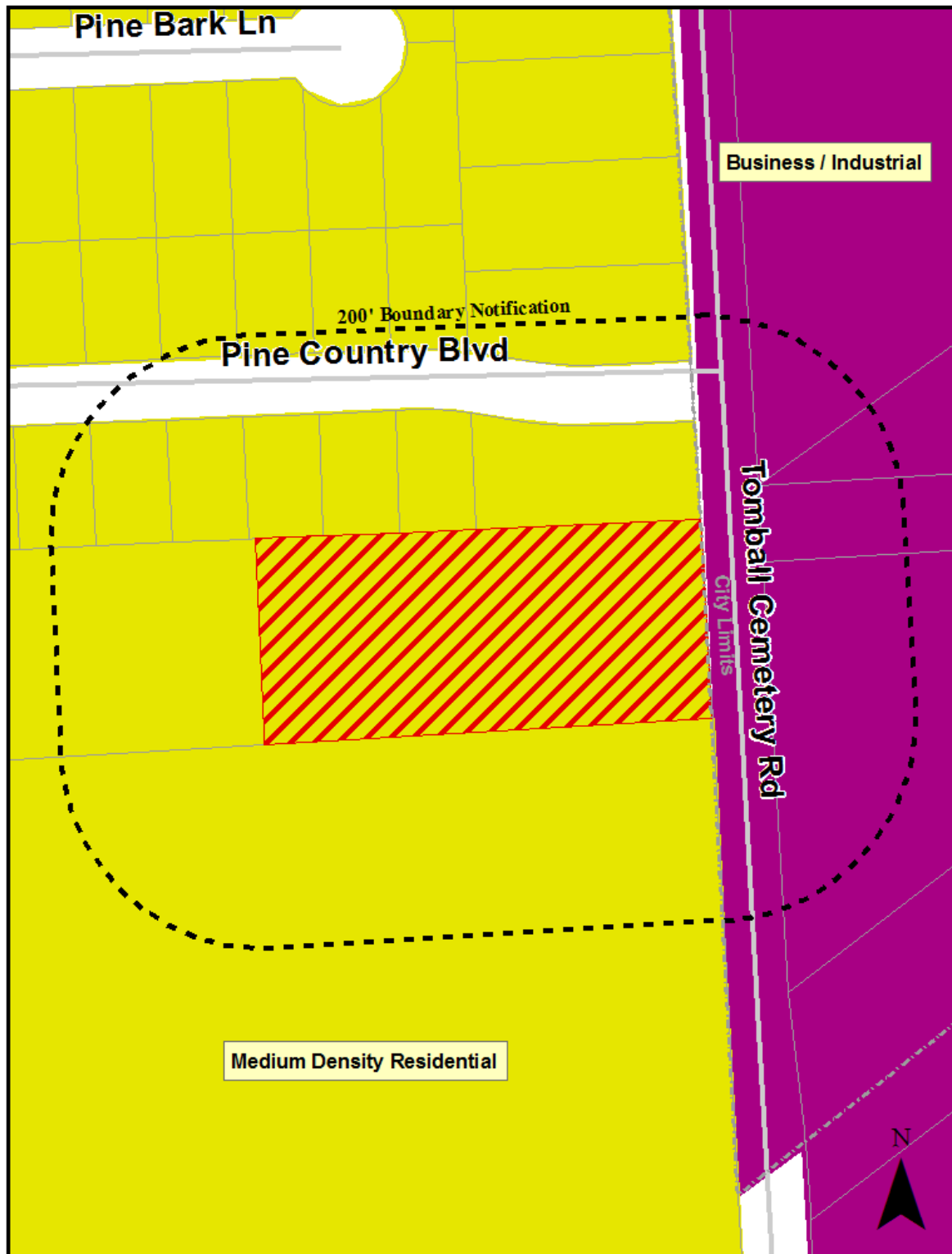
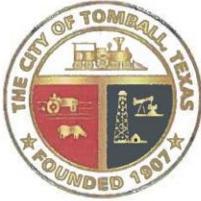


Exhibit "E"
Rezoning Application

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: RUSSELL E. BROWN Title: TRUSTEE
Mailing Address: 16020 PINE COUNTRY BLVD City: TOMBALL State: TX
Zip: 77377
Phone: (832) 688-1659 Fax: () Email: see below owner

Owner

Name: THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD. Title:
Mailing Address: 16020 PINE COUNTRY BLVD City: TOMBALL State: TX
Zip: 77377
Phone: (832) 688-1659 Fax: () Email: RE.BROWN43@HOTMAIL.COM

Engineer/Surveyor (if applicable)

Name: TONY SWONKE Title: SURVEYOR
Mailing Address: 700 KANE ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-7989 Fax: (281) 351-6285 Email: tonyswonke@gmail.com

Description of Proposed Project: 2 - 1 acre lots for Residential Homes

Physical Location of Property: APPROX. 1500' N. of. FM 2920 on Tomball CEMETERY RD
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: RESERVE "A" PINE COUNTRY SUBDIV. SACT. 2
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG- RESIDENTIAL

Current Use of Property: VACANT LAND FOR GRAZING

Proposed Zoning District: SF-9

Proposed Use of Property: 2 - 1 acre lots for Residential Homes

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

www.ci.tomball.tx.us

HCAD Identification Number: 1235990020022 Acreage: 2.0 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.

X Russell E. Brown 10/29/14
Signature of Applicant Date

X Russell E. Brown, Trustee 10/29/14
Signature of Owner Date

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2014
&
CITY COUNCIL
NOVEMBER 17, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 17, 2014, 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 P14-187: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

ZONING CASE P14-217: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

ZONING CASE P14-218: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

Persons interested in these cases will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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 6th day of November 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: P14-217

APPLICANT: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD.

LOCATION: North of F.M. 2920, west of Tomball Cemetery Road

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family Residential-9 District.

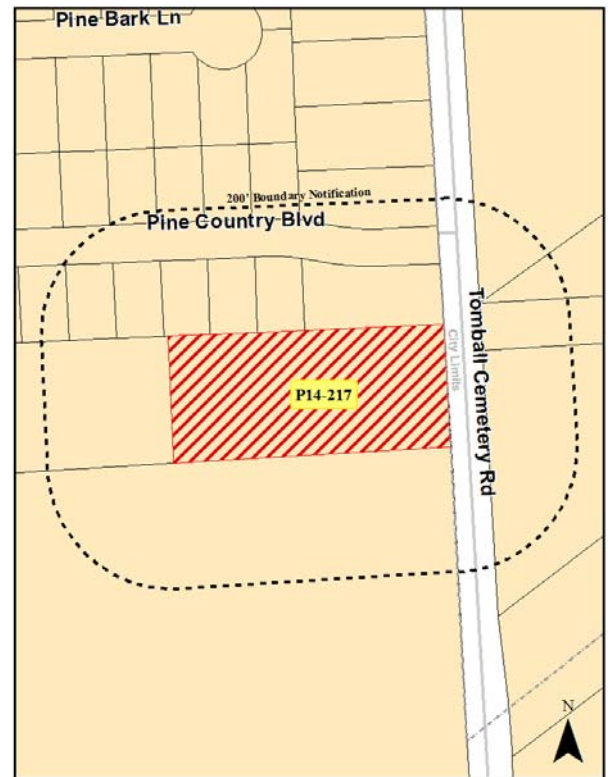
CONTACT: Rodney Schmidt

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 inspection Monday through Friday, holidays excepted, 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, November 10, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, November 17, 2014, 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

Meeting Date: December 1, 2014

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2014-41, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance By Changing the Zoning District Classification of Approximately 1.04 Acres of Land, Legally Described as Lot 9, Block 1, Liberty Springs, Within the City of Tomball, Harris County, Texas, from the Planned Development-1 District to the Single-Family Estate Residential-20 District; Said Property Being Generally Located South of Brown-Hufsmith Road, East of Liberty 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 February 4, 2008, the City of Tomball zoned the subject site PD-1 District which is intended for office uses designed with a residential look.

On October 1, 2014, the property owner contacted the City and asked what the PD-1 District means and what limitations this zoning designation placed on the property. City staff informed him that there appeared to be an error in the zoning map and that they would be pursuing a request to rezone the property to the SF-20 District like the rest of Liberty Springs subdivision.

On October 2, 2014 City staff received authorization from the City Manager to proceed with this City-initiated rezoning.

On November 10, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-218. On November 17, Council adopted Ordinance No. 2014-41 on First Reading.

Origination:

City of Tomball

Recommendation:

Adopt Ordinance No. 2014-41 on Second Reading

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. 2014-41

P14-218 Staff Report

Notice of Public Hearing

Property Owner Notification Letter

ORDINANCE NO. 2014-41

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.04 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 9, BLOCK 1, LIBERTY SPRINGS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT-1 DISTRICT TO THE SINGLE-FAMILY ESTATE RESIDENTIAL-20 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED SOUTH OF BROWN-HUFSMITH ROAD, EAST OF LIBERTY 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, the City of Tomball has requested that approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, generally located south of Brown-Hufsmith Road, east of Liberty 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 City Council finds that the facts and matters set forth in the preamble of this

Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Planned Development-1 District to the Single-Family Estate Residential-20 District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

Section 7. City Council finds and determines that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 17TH DAY OF NOVEMBER 2014.

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

SECOND READING:

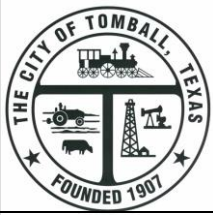
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF DECEMBER 2014.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: November 10, 2014

City Council Public Hearing Date: November 17, 2014

Zoning Case: P14-218

Property Owner(s): James Purse

Applicant(s): City of Tomball

Legal Description: Lot 9, Block 1, Liberty Springs

Location: South of Brown Road, east of Liberty Lane (Exhibit "A")

Area: 1.04 acres

Present Zoning and Use: Planned Development-1 (PD-1) District (Exhibit "B") / Single-family residence (Exhibit "C")

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

Proposed Zoning and Use: Single-Family Estate Residential-20 (SF-20) District¹ / Single-family residence

Adjacent Zoning and Use:

North: General Retail (GR) District / Undeveloped land and Brown Road

South: SF-20 District/ Single-family residences

West: SF-20 and GR Districts / Liberty Lane, undeveloped land, and a single-family residence

East: Office and PD-1 Districts / Undeveloped land

BACKGROUND

On February 4, 2008, the City of Tomball zoned the subject site PD-1 District which is intended for office uses designed with a residential look. When the this zoning classification was assigned, neither a set of development standards nor a concept plan was adopted giving City staff a full understanding of what this district was intended to look like. There has been a single-family residence on the site since 1980, it has never been an office, and it is part of the Liberty Springs residential subdivision.

On October 1, 2014, the property owner contacted the City and asked what the PD-1 District means and what limitations this zoning designation placed on the property. City staff informed him that the only direction they have in regards to the intent, limitations, or required development standards for the PD-1 District is that it is intended for office uses

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

designed with a residential look per the original zoning map adopted in February 2008. City staff informed him that this appeared to be an error in the zoning map and that they would be pursuing a request to rezone the property to the SF-20 District like the rest of Liberty Springs subdivision. Mr. Purse had no objection to the City's intention of rezoning the property to the SF-20 District. City staff received authorization from the City Manager to proceed with this City-initiated rezoning on October 2, 2014.

ANALYSIS

The applicant is requesting that the property be rezoned from the PD-1 District to the SF-20 District. According to Section 50-69 of the Code of Ordinances, the SF-20 District "is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks."

The two predominant land uses in the vicinity of the subject site are single-family residences and undeveloped land. To the north are undeveloped land and Brown Road; to the south are single-family residences; to the west are Liberty Lane, undeveloped land, and a single-family residence; and to the east is undeveloped land. The SF-20 District appears to be compatible with the surrounding land uses.

There are several zoning districts in the vicinity of the subject site. To the north is the GR District; to the south is the SF-20 District; to the west are the SF-20 and GR Districts; and to the east are the Office and PD-1 Districts. The SF-20 District appears to be compatible with the surrounding zoning districts.

The Comprehensive Plan (CP) designates the subject site as Medium Density Residential. According to the CP, Medium Density Residential "includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet." The SF-20 District appears to be compatible with the Medium Density Residential CP 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.

The uses permitted by the SF-20 District appear to be compatible with the surrounding land uses. Additionally, this rezoning will ensure that the zoning classification of this property is the same as the rest of Liberty Springs subdivision, which is zoned SF-20 district.

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 limited vacant property in the vicinity zoned SF-20 District. However, there are numerous vacant tracts elsewhere in the City zoned SF-20 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 SF-20 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 Comprehensive Plan.**

The SF-20 District appears to be compatible with the Medium Density Residential CP designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 30, 2014. No public comment forms have been received as of November 4, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-218.

EXHIBITS

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

Exhibit "A"
Aerial Photo

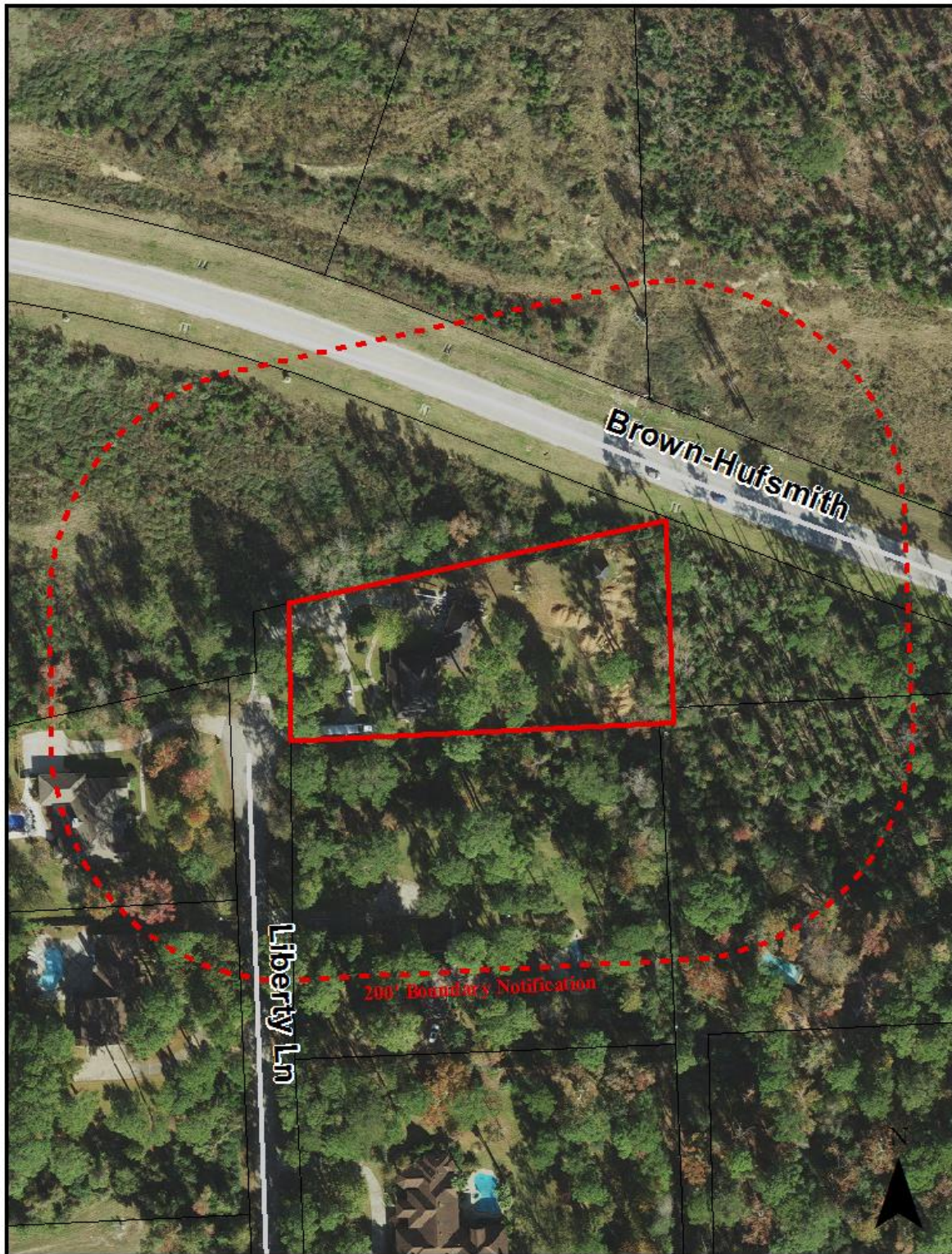
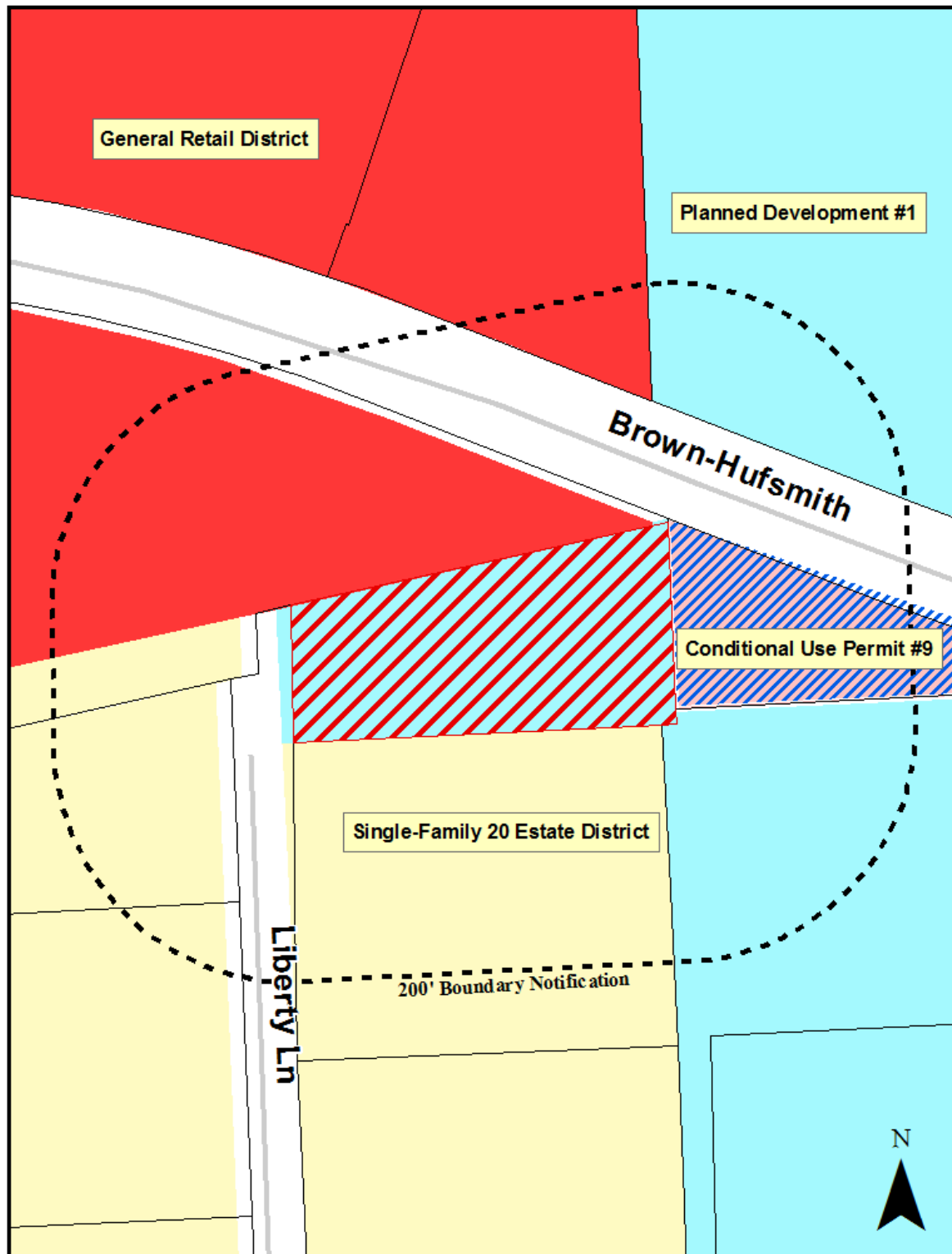


Exhibit "B"
Zoning Map

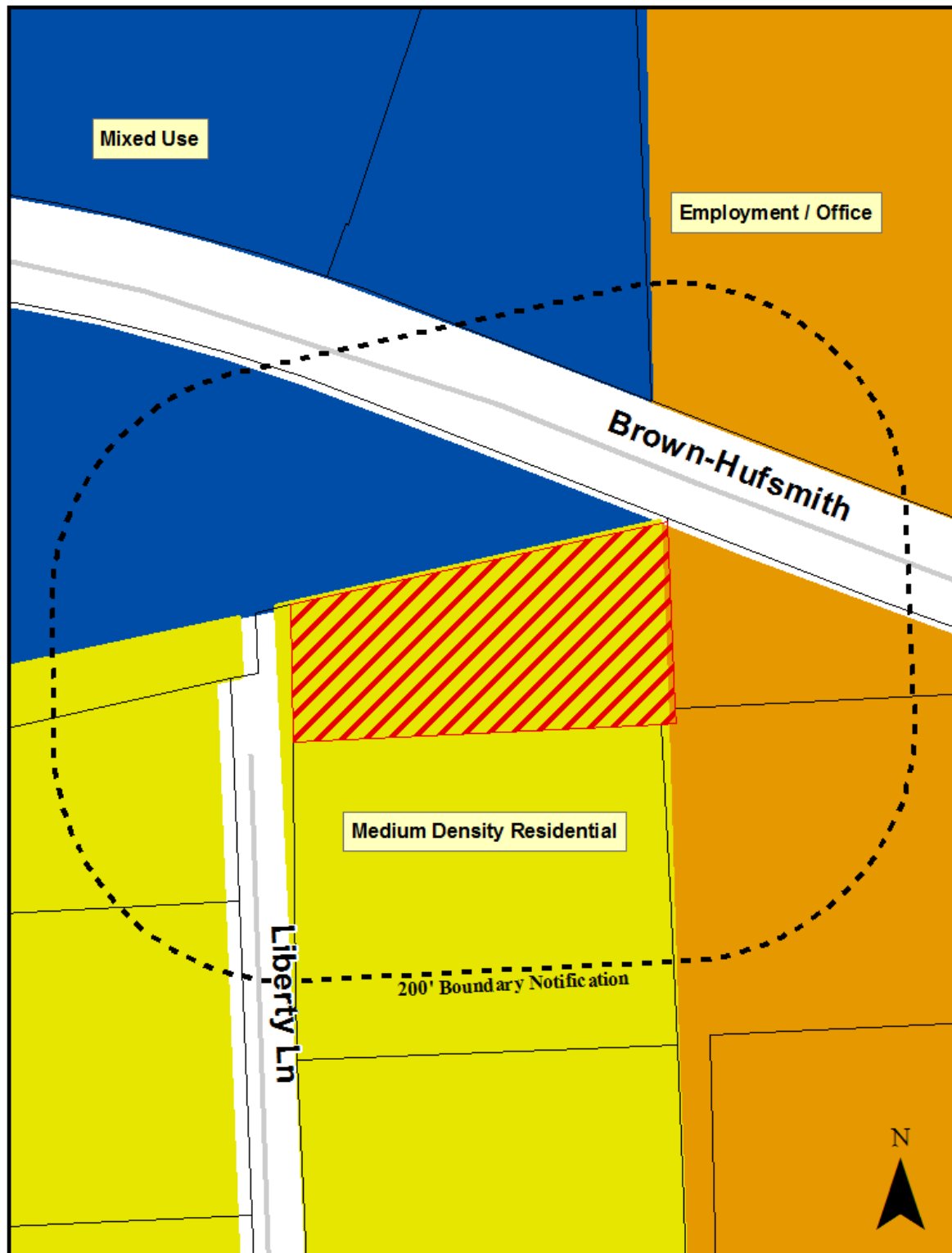


**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.

Exhibit "D"
Comprehensive Plan Map



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2014
&
CITY COUNCIL
NOVEMBER 17, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 17, 2014, 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 P14-187: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

ZONING CASE P14-217: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

ZONING CASE P14-218: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

Persons interested in these cases will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of November 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: P14-218

APPLICANT: Request by the City of Tomball

LOCATION: South of Brown-Hufsmith Road, east of Liberty Lane

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

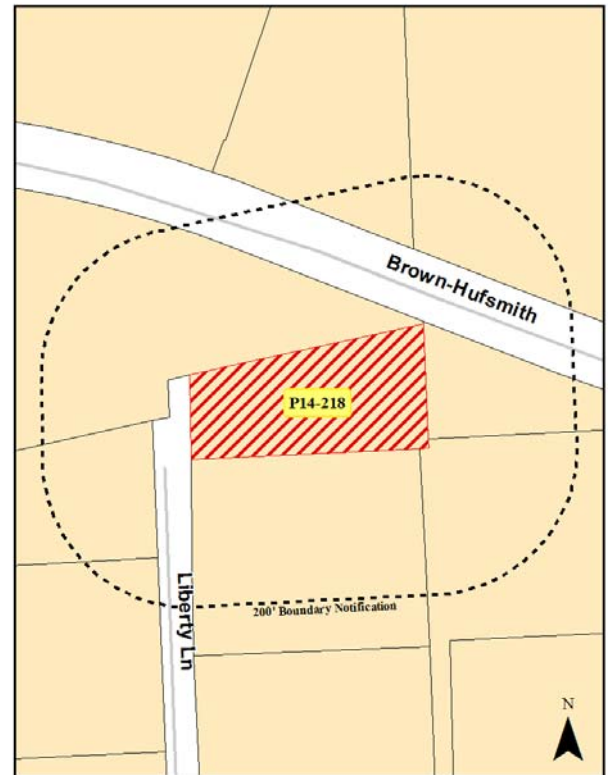
CONTACT: Rodney Schmidt

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 inspection Monday through Friday, holidays excepted, 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, November 10, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, November 17, 2014, 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

Meeting Date: December 1, 2014

Data Sheet

Topic:

Approve, on First Reading, Resolution No. 2014-29-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and 2978 Panormus LP, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a multi-use project (Peck Station) on approximately 34.495 acres of land generally located at the northwest corner of FM 2978 and FM2920 in Tomball, Texas.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At its regular meeting on November 18, 2014, the TEDC Board of Directors, did take formal action to approve, as a Project of the TEDC, an agreement with 2978 Panormus for the development of a mixed use project. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors.

Recommendation:

Approve, as a Project of the Corporation, the Performance Agreement with 2978 Panormus, LP

Funding: Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation.

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

ATTACHMENTS:

Cover Memo

Request Letter

Economic Impact Analysis

Resolution No. 2014-29-TEDC Peck Station

Draft Performance Agreement



TO: City Council Members
City of Tomball

FROM: Kelly Violette
Executive Director, Tomball Economic Development Corporation

MEETING DATE: December 1, 2014

SUBJECT: Peck Station

ITEM TYPE: Action

At the Regular TEDC Board Meeting on May 20, 2014, developers Damon Palermo and Jerry Haley of 2978 Panormus, LP made a presentation regarding a proposed mixed use development project known as Peck Station. At its August 5, 2014 Regular Board Meeting, the Tomball Economic Development Corporation (TEDC) reviewed a draft agreement for assistance with infrastructure necessary to develop the project however the item was tabled at the developer's request in order to further review the terms of the agreement.

The project is anticipated to include hotel, multi-family, retail, restaurant, and commercial uses, on an approximately 34.5 acre tract located northerly of FM 2920 between Snook Lane and FM 2978.

The project will include the construction of an east-west roadway through the site, from FM 2978 to Snook Lane, as well as water, sewer, gas and drainage infrastructure. The estimated cost for the construction of the infrastructure is \$2,234,764.68.

The proposed agreement requires construction and certification of the infrastructure improvements prior to any disbursement of the grant. Additionally, performance criteria has been set for the vertical improvements in order to receive funding.

The proposed economic incentive is \$500,808 (30% of the estimated 5 year net benefit of the project).

2978 PANORMUS, LP
10200 Grogan's Mill Road, Suite 550
The Woodlands, Texas 77380

TEDC Grant Request Letter

1 August 2014

Ms. Kelly Violette, AICP
Executive Director
Tomball Economic Development Corporation
29201 Quinn Rd., Suite B
Tomball, TX 77375

Reference: Request for grant assistance related to infrastructure improvements designed for the Peck Station Planned Development District comprising approximately 34.4 acres of land located near the northwest corner of FM 2920 and FM 2978, west of the Winfrey Lane ROW, in Tomball, Texas, (the "Property").

Dear Ms. Violette,

2978 Panormus, LP (the "Owners") respectfully request that the Tomball Economic Development Corporation consider the grant request to offset certain infrastructure improvements associated with the Property known as "Peck Station" located within the Tomball city limits. To better assist your board's evaluation of our grant request, I have listed key data points of our proposed development below:

Scope: As illustrated on the accompanying exhibits, Peck Station may incorporate a variety of higher density residential and commercial uses which are designed to support existing and future economic development along the City of Tomball's easterly boundary.

Land Developer: 2978 Panormus, LP – a joint development of White Oak Developers, Inc. and Palermo REI, LP which combines some 80 years of individual development experience across residential and commercial asset classes.

TEDC Grant Request for the Proposed Peck Station Mixed Use PDD

Principals: The project is co-managed by:

Damon P. Palermo
Palermo REI, LP – Managing Principal
10200 Grogan’s Mill Road, Suite 550
The Woodlands, Texas 77380
(o) 281.210.3401
(e) dpalermo@palermocrea.com

and

Jerry A. Hayley
White Oak Developers, Inc. – President
19221 Interstate 45
Conroe, Texas 77385
(o) 281.367.1194
(e) jahayley64@gmail.com

Contact Person: Damon P. Palermo
(o) 281.210.3401

Location of the Property: Near the northwest corner of FM 2920 and FM 2978, west of the Winfrey Lane ROW, in Tomball, Texas

Size of the Property: Approximately 34.4 acres of land being composed of two individual tracts; a ~33.3 acre parcel located at the current termination of the Winfrey Lane ROW and a ~1.1 acre, elongated parcel with frontage along Snook Lane.

Value of the Property: Upon completion of all vertical improvements, it is anticipated that the Property’s consolidated uses of density residential, hospitality and commercial developments shall have a value in excess of \$50M.

Unabated Value: It is anticipated that the Property’s possible multi-family and multi-tenant retail components will not be associated with an ad valorem tax abatement or rebate. If constructed, these two components could amass a combined value of approximately \$25M. Inventory and equipment valuations would also be subject to local business personal property taxes and not be subject to municipal incentives.

TEDC Grant Request for the Proposed Peck Station Mixed Use PDD

Deed(s): e-Filed and e-Recorded in the Official Public Records of Harris County:

ER 051-66-2338

ER 051-66-2315

*Estimated Value of
Infrastructure
Improvements:*

\$2,235,000

*Start Date of
Infrastructure
Improvements:*

4th Quarter of 2014

*Estimated
Completion Date
of Infrastructure
Improvements:*

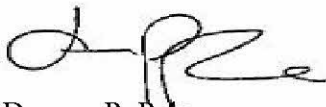
2nd Quarter of 2015

Besides the unabated ad valorem, construction related sales, and anticipated hotel occupancy taxes, the impact of the Peck Station infrastructure improvements will stretch beyond the physical boundaries of the Project by looping key utility infrastructure systems. This interconnectivity not only provides for a more stable municipal service delivery, but it may also assist in spurring possible economic growth within the nascent commercial district taking shape along Tomball's eastern city limits.

I am grateful for this opportunity for Peck Station to be considered a grant awardee. A reimbursement of capital associated with the proposed Peck Station infrastructure will enhance the Project's success rate and demonstrate to the broader Tomball community the positive results of local public/private partnerships.

Thank you again for your consideration.

Respectfully,



Damon P. Palermo

An Executive Summary of the Economic Impact of Peck Station in Tomball, Texas

July 30, 2014

Prepared for:

Tomball Economic Development Corporation
P.O. Box 820
Tomball, TX 77377

Prepared by:

Impact DataSource
4709 Cap Rock Drive
Austin, Texas 78735
(512) 892-0205
Fax (512) 892-2569
www.impactdatasource.com

An Executive Summary of the Projected Economic Impact from Peck Station

Introduction

This report presents the results of an economic impact analysis performed by Impact DataSource, Austin, Texas. The analysis was to determine the impact that Peck Station in Tomball, Texas, will have on the economy of the Tomball area and the costs and benefits for local taxing districts during construction and over the first ten years of operations.

Description of the Facility

Peck Station is a planned mixed-use development in Tomball.

Characteristics of the development are on the following page.

The development will have characteristics:

Characteristics of the Development	
Hotel:	
Site acreage	3
#of rooms	100
Capital Investment in Improvements	\$12,000,000
Land Price	\$1,045,440
Office 1:	
Approximate square feet	15,000
Acreage	2
Use type: general office/medical office, etc.	General
Capital Investment in Improvements	\$2,250,000
Land Price	\$348,480
Office 2:	
Approximate square feet	15,000
Acreage	2
Use type: general office/medical office, etc.	MOB
Capital Investment in Improvements	\$2,625,000
Land Price	\$348,480
Retail Strip Center:	
Approximate square feet	15,000
Acreage	2.5
Capital Investment in Improvements	\$2,250,000
Land Price	\$544,500

A summary of construction costs and taxable sales for each category of use is shown below.

Summary of Construction Costs and Taxable Sales in the First Year of Operations					
Component	Building Square Feet	Number of Units	Construction Cost	Lodging Sales	Taxable Retail Sales
Hotel		100	\$12,000,000	\$2,609,750	
Office	30,000		\$2,265,000		
Retail	15,000		\$2,250,000		\$3,206,250
	45,000	100	\$16,515,000	\$2,609,750	\$3,206,250

As shown above, an estimated \$16.5 million will be spent on vertical construction at the facility.

Further, the hotel, office and retail tenants in the development have an estimated \$3.75 million in business personal property

In addition, the facility expects to have annual taxable sales of \$3.2 million when fully occupied, along with lodging sales of \$2.6 million. Further, the facility will create an estimated 157 new jobs.

Economic Impact During Construction

The project may support an estimated \$26 million in gross area product or economic activity in the area during its construction, an estimated 144 total jobs each year during construction of the project, and total salaries estimated to be \$9 million.

This construction activity will generate the following revenues for the city and county:

Revenues for the City and County During Construction			
	City	County	Total
Sales taxes	\$143,442	\$0	\$143,442
Building permits and fees	\$99,090		\$99,090
Total revenues	\$242,532	\$0	\$242,532

The Estimated Economic Impact of the Facility over the First Ten Years of Operations

The facility will have the following economic impact on the Tomball area over the first ten years:

Economic Impact over the First Ten Years of Operations	
Estimated direct and indirect economic output	\$102,329,137
Total number of permanent direct and indirect jobs to be created	227
Number of direct and indirect workers who move to the city	19
Number of residents that the facility will bring to the city	56
Number of new residential properties to be built in the city	5
Number of new students for Tomball ISD	12
Salaries to be created for direct and indirect workers	\$66,687,763
Taxable sales and purchases created in the City	\$49,811,909
The value of residential property to be built for direct and indirect workers who move to the city	\$699,449
The facility's assets that will be added to local tax rolls	\$22,007,400

Costs and Benefits for Local Taxing Districts over the Next Ten Years

Local taxing districts can expect costs and benefits over the next ten years from the facility, as scheduled below, beginning with the additional revenues to be received.

Additional Revenues for Local Taxing Districts

Local taxing districts can expect to receive the following revenues over the first 10 years from the facility, its employees and workers in indirect jobs created in the community.

Additional Revenues For Local Taxing Districts Over the First Ten Years of the Facility's Operation				
	Sales Taxes	Property Taxes	Utilities	Utility Franchise Fees
City of Tomball	\$996,238	\$724,810	\$425,456	\$99,384
Harris	\$0	\$1,364,349		
Tomball ISD		\$2,899,241		
Lone Star College System		\$255,815		
Total	\$996,238	\$5,244,216	\$425,456	\$99,384

	Hotel Occupancy Taxes	Other Taxes and User Fees	Additional State and Federal School Funding	Total Additional Revenues
City of Tomball	\$2,038,573	\$61,891		\$4,346,353
Harris		\$19,341		\$1,383,690
Tomball ISD			\$560,855	\$3,460,097
Lone Star College System				\$255,815
Total	\$2,038,573	\$81,232	\$560,855	\$9,445,955

Additional Costs for Local Taxing Districts

Local taxing districts will incur the following costs over the first 10 years, as a result of the facility and direct and indirect employees.

Costs for Local Taxing Districts Over the First 10 Years of the Facility's Operation					
	Costs of Services to New Residents	Costs of Providing Monthly Utility Services	Costs of Educating New Students	Reduction in State School Funding as a Result of Property being Added to Local Tax Rolls	Total
City of Tomball	\$394,912	\$382,911			\$777,823
Harris	\$33,847				\$33,847
Tomball ISD			\$593,847	\$2,174,431	\$2,768,278
Lone Star College System					\$0
Total	\$428,759	\$382,911	\$593,847	\$2,174,431	\$3,579,947

Additional Net Benefits

The additional public benefits less additional public costs will result in the following net benefits for the City, County and other local taxing districts over the next ten years of the facility's operation:

Net Benefits for Local Taxing Districts Over the Next 10 Years of the Facility's Operation			
	Benefits	Costs	Net Benefits
City of Tomball	\$4,346,353	\$777,823	\$3,568,531
Harris	\$1,383,690	\$33,847	\$1,349,843
Tomball ISD	\$3,460,097	\$2,768,278	\$691,819
Lone Star College System	\$255,815	\$0	\$255,815
Total	\$9,445,955	\$3,579,947	\$5,866,008

Analysis of Possible Incentives for the Facility

The City/TEDC is considering providing incentives of 30% of the net benefits for the city over five

years, or \$500,808, to assist the developer with infrastructure costs.

Financial incentives such as these that may be offered the facility may be considered as investments that the City/TEDC is making in the facility.

If this is the case, rate of return and payback period may be calculated on this investment.

Rate of return on investment is the City's average annual rate of return from additional revenues that the City will receive on the investment of incentives that the City/TEDC may make in the facility. Payback period is the number of years that it will take the City to recover the costs of incentives from the additional revenues that it will receive from the facility.

Average annual rates of return on investment each year over the first ten years and payback periods for possible incentives are shown below.

Rate of Return and Payback Period for Possible City/TEDC Incentives			
Incentives	Amount	Annual Rate of Return	Payback Period (In years)
Infrastructure costs	\$500,808	71%	1.6

RESOLUTION NO. 2014-29-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND 2978 PANORMUS, LP TO PROMOTE AND DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Five Hundred Thousand Eight Hundred Eight Dollars (\$500,808), to assist in the construction of infrastructure necessary to promote the development of a Mixed-Use Project, defined under Planned Development-6 District under Zoning Case # P14-040 with uses including, but not limited to: hotels, pad site retail buildings, general and medical professional office buildings, and retail shopping centers, by 2978 Panormus, LP; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Five Hundred Thousand Eight Hundred Eight Dollars (\$500,808), to 2978 Panormus, LP, in accordance with an economic development agreement by and between the TEDC and 2978 Panormus, LP, to promote and develop new business enterprises, generally located northerly of FM 2920 between Snook Lane and FM 2978 in the City of Tomball.

Section 3. In the event any clause, phrase, provision, sentence, or part of this

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

PASSED AND APPROVED on first reading this ____ day of _____, 2014.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2014.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation** (the “TEDC”), an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **2978 Panormus, LP** (the “Company”), a Texas Limited Partnership.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to develop a 34.4945 acre tract of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas, being a partial replat of Lots 296, 297, 298, 302, 303, 308, 309, 310 & 311 of Tomball Townsite Volume 2, Page 65 M.R.Hc. 4 Reserves, 2 Blocks; generally located northerly of FM 2920 between Snook Lane and FM 2978 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, such development is defined as a Planned Development-6 District under Zoning Case # P14-040 with uses including, but not limited to: hotels, pad site retail buildings, general and medical professional office buildings, and retail shopping centers (the “Vertical

Improvements”), more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the TEDC is authorized to enter into this Agreement pursuant to Section 505.158 Texas Local Government Code relating to business development in cities under 20,000; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Five Hundred Thousand Eight Hundred Eight Dollars (\$500,808), to assist in the construction of infrastructure necessary to promote and develop new business enterprises on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are certain drainage facilities and related improvements, site improvements, water, sewer, and gas utilities, a lift station and a roadway through the project site (the “Infrastructure Improvements”), identified and described in Exhibit “C,” attached hereto and made a part hereof; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions;

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that its intent is to develop the Property with the Vertical Improvements as set forth in Exhibit “B.” In conjunction with the development of the Property, the Company agrees to construct the Infrastructure Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company represents and agrees that it will certify the

costs of the construction of such Infrastructure Improvements to the TEDC prior to reimbursement through the Company's designated engineer as set forth elsewhere or to otherwise comply with the requirements set forth in this Agreement prior to reimbursement.

The Company represents that the Vertical Improvements will maintain a minimum number of full time employees on the Property as further identified and described in this Agreement.

2.

Construction of the Infrastructure Improvements must commence within 180 days from the date of this Agreement (the "Start Date") Force Majeure pursuant to Paragraph 17 excepted, which shall be determined as of the date of issuance of a building permit. The Infrastructure Improvements and the Vertical Improvements shall be completed and all necessary occupancy permits from the City shall be obtained within seven (7) years of the Effective Date of this Agreement.

The projected minimum value of the Vertical Improvements will be Fifteen million dollars (\$15,000,000) by the seventh anniversary of the effective date of this Agreement. Reimbursement shall be based upon achieving the minimum value by phases in the order and in the amounts as set forth below. The value of the Vertical Improvements shall be based upon (i) final construction costs as certified pursuant to this Agreement for the Vertical Improvements or, alternatively, (ii) based upon the increase in value from the certified Harris County Appraisal District Valuation as of January 1, 2014 and the finally- approved taxable value of the Property, being real property and business personal property, with completed Vertical Improvements to which a phase correlates and as set forth below. For purposes of determining reimbursement

under this Agreement, either method described above may be used to establish “Minimum Value”:

- a. Phase 1: A hotel with a minimum of 80 rooms with a Minimum Value of Nine million dollars (\$9,000,000).
- b. Phase 2: Retail and/or office space developed with a minimum of 45,000 square feet with a total Minimum Value of Six million dollars (\$6,000,000), to be reimbursed in minimum increments of 10,000 square feet or until complete if less than 10,000 square feet with the Minimum Value of such increment being proportional to the total Minimum Value recited above; or
Phase 2: A second hotel with a minimum of 80 rooms with a Minimum Value of Nine million dollars (\$9,000,000).

Extensions of these deadlines due to extenuating circumstances beyond Force Majeure may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

Upon completion of each phase of Vertical Improvements as set forth above, Company shall ensure that the completed phase of the Vertical Improvements is occupied and maintained for the purposes set forth in the Planned Development-6 District for at least five (5) years, subject to the Force Majeure section herein. The TEDC acknowledges that the Company may market and sell individual land sites within the Property to third parties. Both parties understand that this shall not change the obligations of the parties hereto absent formal written assignment as set forth elsewhere in this Agreement.

As set forth elsewhere in this Agreement there shall be and maintained on the Property at least one hundred (100) full time employees or equivalents. One full time employee equivalent

shall be one or more employees who are paid collectively a total of 2,080 hours annually and each issued an Internal Revenue Service W-2 form.

Extensions of these timelines due to extenuating circumstances beyond Force Majeure may be granted by the Board of Directors of the TEDC at its sole discretion.

4.

The Company further covenants and agrees that the Company or any subsequent owner or lessee of the Vertical Improvements does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for a portion of the cost of the Infrastructure Improvements up to the amount of Five Hundred Thousand Eight Hundred Eight Dollars (\$500,808) which shall be the “Maximum Reimbursement Award”. Additionally, the rate of reimbursement shall be as set forth herein. No reimbursement may occur until completion of Phase 1. For purposes of this Agreement, completion shall be deemed to occur upon issuance of a certificate of occupancy or its equivalent for each Vertical Improvement. Upon completion of Phase 1 of the Vertical Improvements and upon meeting the requirements set forth herein, TEDC will reimburse Company Three Hundred Thousand Four Hundred Eighty Five Dollars (\$300,485). Upon completion of Phase 2 of the Vertical Improvements and upon meeting the requirements set forth

herein, TEDC will reimburse Company Two Hundred Thousand Three Hundred Twenty Three Dollars (\$200,323). Phase 2 may be payable in increments as set forth in Section 2 above.

In order to be reimbursed for the Infrastructure Improvements in the increments set forth above, the following requirements must be met:

1. The Infrastructure Improvements must be completed;
2. The Vertical Improvements for each phase for which reimbursement is requested must meet the Minimum Value as determined by either:
 - a. The proper submission of a letter from Company requesting such payment and including: (a) certification of the cost of constructing the Infrastructure Improvements; (b) certification of the cost of constructing the Vertical Improvements; (c) a copy of the City's occupancy permit for the Vertical Improvements to the Property; (d) a copy of a letter from the City acknowledging that all necessary plats, permits, plans, and specifications have been received, reviewed, and approved; (e) certification by the Company's engineer that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; (f) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released; and (g) Proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors.), or

- b. The proper submission of a letter from Company requesting such payment with documentation establishing the final Harris County Assessor or Appraisal District's valuation of the completed Vertical Improvements, including business personal property (furniture, fixtures and equipment), for the phase for which reimbursement is sought; and
3. Before final payment for Phase 2 is made, Company must certify there are One Hundred (100) full time employees retained and occupying one or more of the Vertical Improvements which is the subject of this Agreement according to the most recent available Texas Workforce Commission records which must also be submitted by Company.

Upon compliance with the above, the TEDC agrees to reimburse the Company the agreed upon amount within thirty (30) days.

6.

During the term, beginning thirty (30) days from the first anniversary of this Agreement and annually thereafter, the Company will certify to the TEDC that it has complied with the terms of this Agreement and provide written information on the ad valorem and business property taxes of the Vertical Improvements and the number of full time employees or equivalents for each of the completed individual Vertical Improvements. Company shall maintain all information and records it has within its discretion to retain relating to this Agreement and, upon the TEDC's written request, the Company will make such information available to TEDC to determine Company's compliance with this Agreement.

Additionally, the Company shall maintain the fiscal records and supporting documentation for expenditures of funds associated with this Agreement. The Company shall retain such records, and any supporting documentation for the greater of: (1) Five (5) years from the end of the Agreement period; or (2) the period required by other applicable laws and regulations.

The Company will allow the City access to the Property during regular business hours to inspect the Property, Infrastructure Improvements, Vertical Improvements, records and documentation to verify compliance with this Agreement.

7.

It is understood and agreed by the parties that, in the event of a default impacting the Property as a whole or impacting one or more phases of development of Vertical Improvements, as the case may be, beyond the cure period pursuant to Paragraph 16, by the Company, the Company may be obligated to refund the TEDC an amount equal to the reimbursement associated with the phase of Vertical Improvements as set forth in Paragraph 16.

It is further understood and agreed by the parties that if the Company receives one or more reimbursements as provided for in this Agreement and is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will refund the TEDC the full amount paid to the Company with interest as provided for herein not later than the 120th day after the date the TEDC notifies Company of the violation. The interest shall be at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, and shall begin accruing thirty (30) days after the date TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all court costs and reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain

reimbursement of such funds under any circumstance. Such court costs and reasonable legal fees reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default beyond the cure period pursuant to Paragraph 16.

8.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

9.

This Agreement may not be assigned without the express written consent of the non-assigning party, except that Company may assign this Agreement without obtaining the TEDC's consent (a) to one of its Affiliates, or (b) to any person or entity that directly or indirectly acquires, through merger, sale of stock, purchase, or otherwise, all or more than fifty percent (50%) of the assets of the Company as long as Company gives sixty (60) days prior written notice to TEDC and the assignee executes an agreement with the TEDC to be bound to all the terms and conditions of this Agreement and be responsible for any default(s) that occurred prior to or after the assignment. For any other assignment, Company must obtain approval from the Board of Directors of the TEDC, and the assignee must agree to be bound to all the terms and conditions of this Agreement and to accept all liability for any default that occurred prior to and/or after the assignment.

Any assignment agreement must be furnished in a form acceptable to the TEDC and be provided at least thirty days prior to the effective assignment date. TEDC agrees to notify the potential assignee of any known default, but such notification shall not excuse defaults that are not yet known to the TEDC.

10.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile or electronic transmission; provided a confirming copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:	Tomball Economic Development Corporation 401 W. Market Street Tomball, Texas 77375 Attn: President, Board of Directors Fax: Email:
-------------	---

If to Company:	2978 Panormus, LP 19221 Interstate 45 S., Suite 370 Conroe, Texas 77385 Attn: Jerry A. Hayley, Principal Fax: Email:
----------------	---

11.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

12.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

13.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

14.

The effective date of this Agreement shall be upon approval by both parties hereto and shall terminate upon completion of all the terms and conditions herein unless otherwise terminated in accordance with the provisions of this Agreement including in the event of default.

15.

In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and in lieu of each provision that is invalid, illegal or unenforceable, there shall be added a new provision to this Agreement as similar in terms to such invalid, illegal, or unenforceable provision as may be possible and yet be valid, legal and enforceable, by means of good faith negotiation by the parties to this Agreement or by reform by a court of competent jurisdiction.

16.

Default shall be deemed to occur with respect to one or more phases of development of Vertical Improvements as outlined in this Agreement when one or more of the following occur and upon 30 days advance written notice during which the defaulting party shall have an opportunity to cure such default:

- (a) The Company is placed in receivership or bankruptcy regardless of whether voluntary;
- (b) The pursuit of development of Vertical Improvements is abandoned as determined by the City when there is no measurable work toward completion for 90 days or longer following commencement, subject to the Force Majeure provisions herein;
- (c) Company allows the personal and/or real property taxes owed to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such personal and real property taxes regarding the Vertical Improvements;
- (d) Company fails to ensure that Property is used, occupied and maintained for the required time period and in a manner consistent with Planned Development-6 District as may, from time to time, be amended; or
- (e) The failure to timely and properly certify compliance as required under this Agreement.

In the event of default and following an opportunity to cure, this Agreement may be terminated as to the phase of Vertical Improvements to which the default relates by the non-defaulting party upon provision of written notice to the defaulting party. Regardless of any provisions to the contrary in this Agreement, in the event of default by Company, TEDC will not make any future reimbursements to Company for any phase of Vertical Improvements and may ask for a full refund from Company for the phase to which the default relates except that there shall be no refund of reimbursements to TEDC by Company if all Infrastructure Improvements have been completed.

Obligations or defaults that existed prior to termination under this section shall survive termination of this Agreement, including the refund provision, maintenance of records and access thereto.

17.

If, because of flood, fire, explosions, civil disturbances, unavailability of materials or equipment beyond the control of Company which shall not include unavailability due to increase of cost, strikes, war, casualties, acts of God, or other causes beyond the control of either party (“Force Majeure”), and either party is not able to perform any or all of its obligations under this Agreement, then the respective party’s obligations hereunder shall be suspended during such period but for no longer than such period of time when the party is unable to perform.

18.

Each party represents that they are authorized to enter into this Agreement and that the representative executing this Agreement has been duly authorized to do so.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2014 (the “Effective Date”).

2978 PANORMUS, LP

Jerry A. Hayley, Principal

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Name: _____
Title: President, Board of Directors

ATTEST:

By: _____
Name: _____
Title: _____

List of Exhibits:

A – Legal Description of the Property

B – Description of Vertical Improvements

C – List of Infrastructure Improvements

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2014, by Damon Palermo, Principal, 2978 Panormus, LP, for and on behalf of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2014, by _____, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit A
Legal Description of Property

34.4945 acre tract of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas, being a partial replat of Lots 296, 297, 298, 302, 303, 308, 309, 310 & 311 of Tomball Townsite Volume 2, Page 65 M.R.Hc. 4 Reserves, 2 Blocks; generally located northerly of FM 2920 between Snook Lane and FM 2978

Exhibit B

Description of Improvements

Please refer to Planned Development-6 District under Zoning Case # P14-040 as may, from time to time be amended.



NOTES:
1. THE PLANNED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF HOUSTON.
2. THE PLANNED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE HOUSTON AREA DEVELOPMENT CORPORATION.
3. THE PLANNED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE HOUSTON AREA DEVELOPMENT CORPORATION.
4. THE PLANNED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE HOUSTON AREA DEVELOPMENT CORPORATION.
5. THE PLANNED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE HOUSTON AREA DEVELOPMENT CORPORATION.

LEGEND
----- EASEMENT
----- EXISTING RIGHT-OF-WAY
----- EXISTING WATER LINE
----- EXISTING POWER LINE
----- EXISTING FLOOD LINE



DPK Engineering LLC
10000 Katy Road, Suite 100
Houston, Texas 77054
Tel: 281.460.0000
Fax: 281.460.0001
www.dpk-engineering.com

PROJECT INFORMATION
PROJECT NAME: **TOMBALL PLANNED DEVELOPMENT**
PROJECT LOCATION: **HOUSTON, TEXAS**
PROJECT NUMBER: **10000**
PROJECT DATE: **10/1/2011**

DESIGNER
DESIGNED BY: **DPK**
CHECKED BY: **DPK**
DATE: **10/1/2011**

APPROVED
APPROVED BY: **DPK**
DATE: **10/1/2011**

PLANNED DEVELOPMENT CONCEPT PLAN

FIG. #
OF 3

SHEET NUMBER
3

SCALE
1" = 100'

TYPICAL HOTELS



TYPICAL MULTIFAMILY



TYPICAL COMMERCIAL

[illegible]

DPK Engineering LLC
Land Development, Site Development, Municipal
Stormwater, Traffic
Ft. Lauderdale, FL 33301
Office and Fax: 305.444.2976
Cell: 305.305.5388
Free Registration No. 790201

DATE OF INSTALL CHECKING & PLANNING	DATE
DATE: January, 2014 JOB NO. 01130-818	ESTIMATED BY: SJA CHECKED BY: DVE

[illegible]

TYPICAL ELEVATIONS

	FILE #
	CPS #
	SCALE N/A
	SHEET NUMBER 5 OF 5

Exhibit C

Description of Infrastructure Improvements

- Earthwork – Detention Pond Area
- Lift Station
- Site Work
- Storm Drainage System
- Water Distribution System
- Sanitary Sewer System
- Gas Distribution System
- Roadway

PECK STATION

Storm Quantities Revised

	Unit	Quantity	Unit Price	Total Amount
24" RCP Complete in place	LF	1,157	65.00	\$75,205.00
Safety End Treatments for 24" RCP, Complete in place	EA	2	5000.00	\$10,000.00
36" RCP Complete in place	LF	123	100.00	\$12,300.00
48" RCP Complete in place	LF	771	200.00	\$154,200.00
18" RCP Complete in place	LF	1,378	50.00	\$68,900.00
6" PVC RESTRICTOR Complete in place	LF	62	20.00	\$1,240.00
TYPE "C" INLET, Complete in place	EA	8	5000.00	\$40,000.00
TYPE "C" MH, Complete in place	EA	12	7000.00	\$84,000.00
Total for Storm Drainage System			\$445,845.00	

Water Distribution Quantities

	Unit	Quantity	Unit Price	Total Amount
12" WL (Complete in place, all Appurtenances)	LF	4,350	33.00	\$143,550.00
Service Connections (Complete in place, all Appurtenances)	EA	4	1000.00	\$4,000.00
8" TS&V (Complete in place, all Appurtenances)	EA	1	4787.23	\$4,787.23
8" Water Valves (Complete in place, all Appurtenances)	EA	5	2200.00	\$11,000.00
Fire Hydrants (Complete in place, all Appurtenances)	EA	14	5000.00	\$70,000.00
Total for Water Distribution			\$233,337.23	

Sanitary Sewer Quantities

	Unit	Quantity	Unit Price	Total Amount
8" San Swr (Complete in place, all Appurtenances)	LF	1,241	35.00	\$43,435.00
Service Connections (Complete in place, all Appurtenances)	EA	4	1200.00	\$4,800.00
San Swr MH	EA	7	6000.00	\$42,000.00
6" Force Main	LF	827	25.00	\$20,675.00
WW Lift Station	EA	1	110000.00	\$110,000.00
Total for San Swr			\$220,910.00	

Gas Distribution Quantities

	Unit	Quantity	Unit Price	Total Amount
4" Gas Line, (Complete in place, all Appurtenances)	LF	4,300	20.00	\$86,000.00
4" Gas Valves		5	1200.00	\$6,000.00
2" Gas Valves	EA	-	0.00	\$0.00
Total for Gas Distribution			\$92,000.00	

Roadway Quantities

	Unit	Quantity	Unit Price	Total Amount
6" Concrete Roadway with 6" Stablized Subgrade (per Geotechnical Report). Complete in place to specified grade.	SY	9,650	50.00	\$482,500.00
6" Curb (Complete in place)	SY	6,500	3.00	\$19,500.00
4' Sidewalk with 4 1/2" concrete with #3 @ 18" C-C (exact amount to be determined)	SF	26,747	5.28	\$141,224.16
Handicap Sidewalk landings	EA	4	500.00	\$2,000.00
Hydromulch Disturbed area	AC	4	2000.00	\$8,000.00
Ditch Grading	LF	100	10.64	\$1,064.00
Stop Signs with Street Names and Speed Limit Signs	EA	3	425.53	\$1,276.59
Total for Roadway			\$655,564.75	

Earthwork
Detention

	Unit	Quantity	Unit Price	Total Amount
Detention Excavation (near outfall structure, if not complete) (May be separate contract, bid Accordingly)	CY	54000	5.00	\$270,000.00
Fille Low areas in Future Section, Complete Compact in place (May Be separate contract, bid accordingly)	CY	54000	1.60	\$86,400.00
Hydromulch Disturbed Areas	AC	15	1276.60	\$19,149.00
Clear fill area (May be Bid separately, Bid accordingly)	AC	10	3297.87	\$32,978.70
Total for Detention Pond Area			\$408,527.70	

MISCELLANEOUS ITEMS

	Unit	Quantity	Unit Price	Total Amount
Mobilization - Includes Necessary Bonding and Start up Costs Permitting	EA	1	50000.00	\$100,000.00
Construction Surveying and Geotechnical	EA	1	30000.00	\$53,710.00
SWPPP	EA	1	10000.00	\$24,860.00
Total for Misc Items			\$178,570.00	

TOTAL ESTIMATE

\$2,234,754.68

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 1, 2014

Topic:

Approve Resolution No. 2014-30, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 21, 2015

Background:

The Tomball Sports Association requests approval of Resolution No. 2014-30, expressing the City's support of the annual baseball parade, which will be held on Saturday, March 21, 2015. This Resolution is required for submission of TSA's Traffic Control Plan to the Texas Department of Transportation.

The parade will begin at the Tomball Intermediate parking lot on Main Street (FM 2920), continue east on Main Street, turn north onto North Cherry Street, and finish at the Little League Park in the Wayne Stovall Sports Complex.

As information regarding the cost of City-provided support services, this is considered a short, simple event, using a 'rolling barricade', and costs are approximately 15% the cost of a normal parade event. The estimated cost for the Public Works Department is \$250 and for the Police Department is \$500 for personnel to manage the parade. In addition, the Fire Department removes one or two vehicles from service to use in the parade as the "rolling barricade," either the tanker and the tower or the tower and the old city pumper. A minimum of two firefighters accompany each vehicle; the estimated total cost of personnel and fuel is \$250.

Origination:

Tomball Sports Association

Recommendation:

Approve Resolution No. 2014-30

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:

Resolution No. 2014-30

Request from TSA

RESOLUTION NO. 2014-30

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TOMBALL, TEXAS, SUPPORTING THE
ANNUAL BASEBALL PARADE, TO BE HELD IN
TOMBALL ON SATURDAY, MARCH 21, 2015.**

* * * * *

WHEREAS the Tomball Sports Association will undertake its Annual Baseball Parade to kick off the Spring 2015 baseball season, to be held in the City of Tomball at 9:00 a.m. on Saturday, March 21, 2015; and

WHEREAS the purpose of the Annual Baseball Parade is to celebrate the beginning of the baseball season and provide an event for our community and the children who enjoy sports; and

WHEREAS it is a chance for Tomball area merchants and business people to come out and encourage our young people by attending the Annual Baseball Parade; and

WHEREAS the Annual Baseball Parade will begin at the Tomball Intermediate School at the intersection of South Vernon and Main Street (FM 2920) and will continue east on Main Street (FM 2920), turning north on North Cherry Street, and finishing at the Little League Park, located in the Wayne Stovall Sports Complex; and

WHEREAS the Tomball Sports Association desires and requests the support and endorsement of the City of Tomball in this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Sports Association in promoting and undertaking the Annual Baseball Parade and pledge to encourage this effort to celebrate the beginning of baseball season;

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 1ST DAY OF DECEMBER 2014.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



TOMBALL SPORTS ASSOCIATION

Tomball Little League
PO BOX 1084
Tomball, TX 77377

November 19, 2014

Honorable Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, Texas 77375

Dear Mayor Fagan,

This letter is a request for the Tomball City Council to approve a resolution in favor of Tomball Sports Association's Annual Opening Day Parade, to kick off the Spring 2015 baseball season. The parade will be held in Tomball city limits, on Saturday, March 21, 2015, at 9:00am. This coming year, the parade will start at the intersection of S. Vernon (at Tomball Intermediate School) and Main Street (FM2920) and will continue east on Main Street (FM2920), to turn north onto N. Elm Street and finish at the Wayne Stovall Little League baseball park.

We appreciate the City of Tomball's past and ongoing support of our Little League Baseball program. Please contact me with any questions.

Sincerely,

Jennifer Longoria-Walker
Tomball Sports Association
Parent Auxiliary Director
Home: 281.414.1888

cc: Capt. Anthony Soloman, Tomball Police Department
~~David Kauffman~~, Director of Public Work
STEVE PURVIS

Regular City Council

Agenda Item

Meeting Date: December 1, 2014

Data Sheet

Topic:

Approve Facilities Extension Agreement with CenterPoint for Installation of Underground Electrical Service in the City of Tomball Railroad Depot Park, Located at 102 Fannin Street, and Removal of Overhead Electrical Service along Fannin and Market Streets, in the Amount of \$63,075.00, and Authorize City Manager to Execute Agreement

Background:

The Facilities Extension Agreement for the construction, extension, and installation of underground electrical service in the City's Railroad Depot Park and the de-energization and removal of overhead electrical service along Fannin and Market Streets is presented to Council for consideration and approval.

The concrete terminal pole is "engineered to order" and has a significant construction lead time. Upon Council's approval, execution of the agreement and provision of the required documents and payment to CenterPoint (CNP), CNP will make arrangements to set the two terminal poles and prepare the required easement documents. The Agreement and Project include the following requirements:

1. CNP will set two terminal poles in the ROW near the southwest corner of the park near the restrooms. (Poles #1 & #2).
2. CNP will install a 120/240v, 1-phase underground circuit through the park and set four pad-mounted transformers and a pull-hole (locations A, B, C, D & E); the City will be required to grant CNP a ten foot ground easement for these facilities.
3. The City will mark any underground utilities located within the park, including sprinkler lines; CNP's Contractor will make every effort to work around these facilities.
4. The City of Tomball will be responsible to change the current services from an overhead feed to an underground feed to be served from the new pad-mounted transformers; CNP crews will disconnect the services from the overhead transformers and connect the new services to the pad-mounted transformers.
5. After all the services have been switched, the overhead lines along Fannin Street and South Walnut Street will be removed (Poles #3, #4 & #7). The City of Tomball will be responsible to coordinate the removal of the other utilities existing on these poles. The poles cannot be removed until all communication cables have been disconnected.
6. During the life of these facilities, CNP will only be able to provide 120/240v, 1-phase service to the Park. Any request for a 3-phase service will require a major upgrade at the City's expense.
7. CNP will set a concrete pole (Pole #8) at the corner of Market Street & South Walnut. A 38" hole will be required for this pole. This is a long lead-time item and CNP may have to delay the removal of the poles along Market St (Poles #5 & #6) until the concrete pole has been set. The City should still make arrangements for the removal of the communication lines from these poles.
8. An outage will be required for some of the businesses along Market St. in order to set the concrete pole. The attached cost does not include any overtime for doing this work on a weekend.

Removal of the overhead electrical service and placing the electrical service underground will provide a safer, more secure environment in the Depot area and meets the Strategic Plan focus of expanding and improving the City's quality infrastructure, facilities and public services to meet current and future needs.

Origination:

City Manager

Recommendation:

Approval of Facilities Extension Agreement

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:

Facilities Extension Agreement - CenterPoint and City of Tomball

CenterPoint Energy Houston Electric, LLC

Applicable: Entire Service Area

CNP 8038

6.3 AGREEMENTS AND FORMS

6.3.1 FACILITIES EXTENSION AGREEMENT

This Facilities Extension Agreement is entered into by and between _____, herein called "Retail Customer" and CenterPoint Energy Houston Electric, LLC, herein called "Company" (hereinafter referred to as Agreement) for the construction, extension, installation, modification, repair, upgrade, conversion, relocation, de-energization or removal of Company's Delivery System, including temporary facilities (hereinafter referred to as facilities extension or extension), as described herein.

This Agreement covers the facilities extension to Retail Customer location at _____
Railroad Depot Park, 102 Fannin St., Tomball TX

The Company agrees to accept payment of \$63,075.00 Dollars to be paid by the Retail Customer, as a Non-Refundable Construction Payment in connection with the Retail Customer request to extend Company facilities to the above described location as follows: 1: Set two terminal poles near southwest corner of park. 2: Install 120/240v, 1-phase underground loop through park and set four pad-mounted transformers. 3: Set concrete pole at corner of Market St & S. Walnut. 4: Remove overhead lines along Fannin St. and Market St.

Note: Easements are required. City to coordinate with the removal of other utilities on the poles. See sketch

- Unless otherwise stated by Company in writing, the Non-Refundable Construction Payment amount above is valid for twelve months.

In consideration of said Non-Refundable Payment, to be paid to Company by Retail Customer prior to commencement of construction, Company agrees to install and operate lines and equipment necessary to distribute electric service to the identified location under the following General Conditions:

- Company shall at all times have title to and complete ownership and control over facilities installed by Company.
- Retail Customer must make satisfactory payment arrangements (if payment is required to extend Company facilities) and sign and return this Agreement before Company can proceed with the requested extension.

CenterPoint Energy Houston Electric, LLC

Applicable: Entire Service Area

CNP 8038

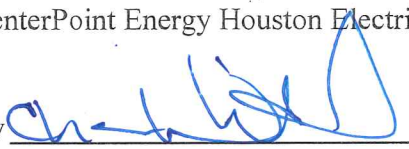
- Extension of service facilities is contingent on acquisition of all necessary easements and rights of way.

Nothing herein contained within this Agreement shall be construed as a waiver or relinquishment by Company of any right that it has or may hereafter have to discontinue service for or on account of default in the payment of any bill owing or to become owing thereafter for any other reason or cause stated in Company's Tariff.

This Agreement shall not be binding upon Company unless and until it is signed by an authorized representative of the Company.

CenterPoint Energy Houston Electric, LLC

By



Charles Whited

(name printed or typed)

Title Service Area Director

Date 11/17/2014

City of Tomball

Retail Customer

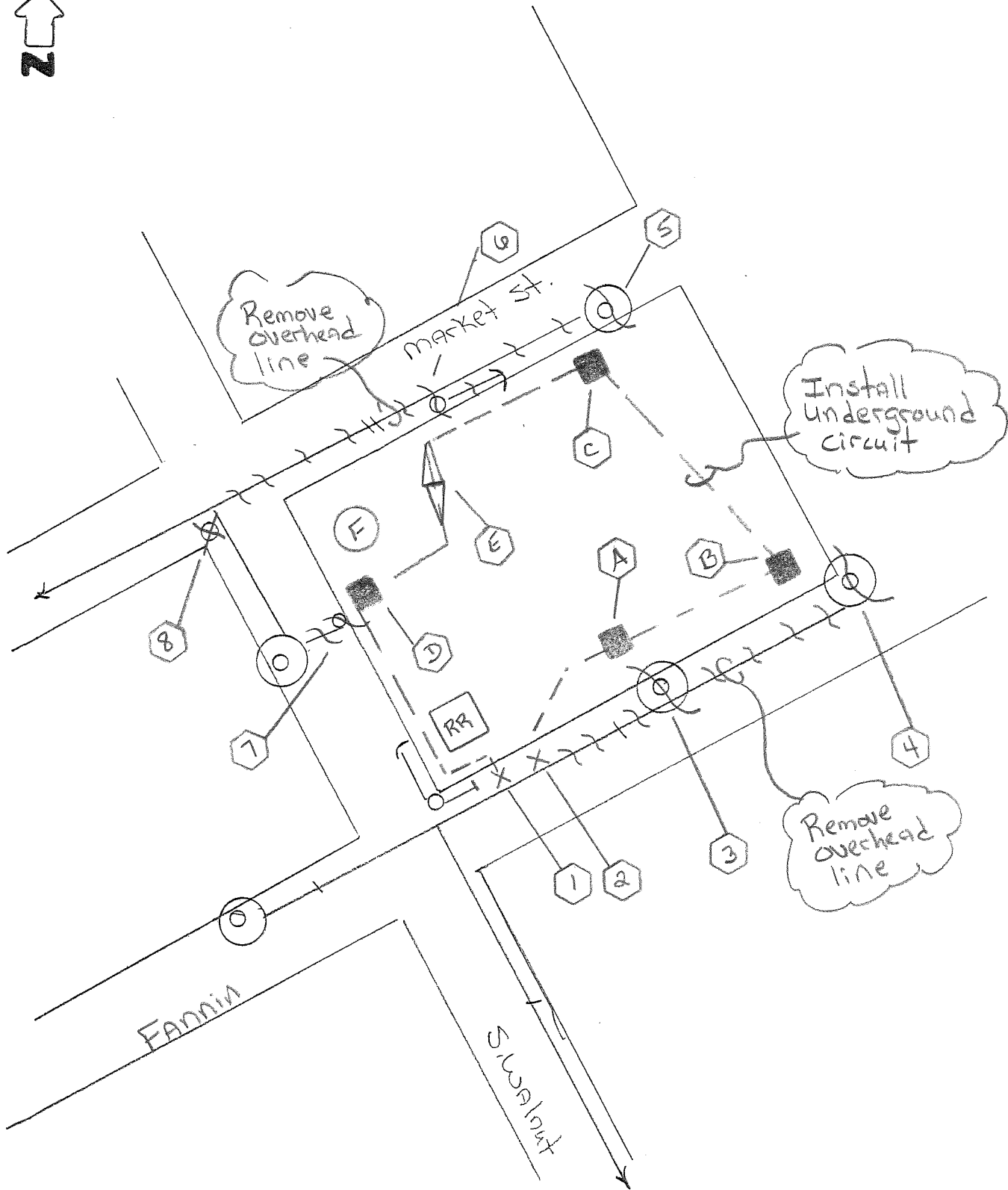
By

(name printed or typed)

Title

Date

- (F) Fountain
- [RR] Restroom



Not to scale

Regular City Council

Agenda Item

Meeting Date: December 1, 2014

Data Sheet

Topic:

Approve Agreement between the City of Tomball and YMCA, Providing for the Non-Profit Use of Jerry Matheson Swimming Pool by the Tomball Cougar Aquatics Team (TCATS) from April 14 through June 5, 2015, June 9 through June 19, 2015, and June 23 through June 25, 2015 for 2015 Practice and Regular Season Meets and for the Installation by TCATS of an Equipment Building in Matheson Park for Off-Season Storage

Background:

The Tomball Cougar Aquatics Team (TCATS) has requested, and the YMCA has agreed, to work together to provide opportunities for the TCATS to use Jerry Matheson Swimming Pool during 'down periods' for their 2015 practice and regular session meets.

The TCATS are also requesting permission to install an equipment building in Matheson Park for off-season storage of their equipment.

Provided for Council consideration are the letter from the YMCA to George Shackelford and the Proposal for Non-Profit Pool Usage package.

The proposal advances the Strategic Plan focus on community basics by capitalizing on recreational opportunities as an economic development strategy, while enhancing services to residents. Use by the TCATS of Jerry Matheson pool during inactive periods will enhance services to Tomball students/TCATS members; meets held at Jerry Matheson pool will bring visitors to the City of Tomball.

Origination:

City Manager and YMCA

Recommendation:

Approval of Non-Profit Use of Jerry Matheson Swimming Pool by the Tomball Cougar Aquatics Team

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:

YMCA Letter

TCATS Proposal for Non-Profit Use

Dear George,

The Magnolia/Tomball YMCA is very excited about the opportunity to work with the City as well as TCATS in providing a safe place for our young swimmers. The YMCA will be ready with certified lifeguards starting in April. Our lifeguards will be paid through the YMCA and will invoice the City (per our usual contract) the City will then invoice TCATS for the “rental” of lifeguards.

All YMCA standards will still have to be followed including but not limited to:

- Pool Closure if air temperature is 45 degrees or below
- 1:25 lifeguard to participant ratio (this includes ALL inside the fenced area)
- No Diving/ Head first jumps

All the above stipulations as well as our standards have been discussed with Brian Vestal of TCATS.

Contracts between the Y and the City will need to be signed by the YMCA of Greater Houston CFO as well as the City Manager in order to fulfill the full contract starting in April.

Again we look forward to working with both entities!

Sincerely,

Kira Sears-Elliott
Executive Director
Magnolia/Tomball YMCA

Table of Contents
TCATS Pool Usage Proposal

1. Detailed Team Information and Proposal
2. 501(C) 3 Approval Letter.
3. Letter from NWAL and Insurance Certificates
4. Detailed Practice Schedule By Week
5. Detailed Practice Schedule By Day
6. Tentative Meet Schedule
7. Meet Setup

Updated 11/18/2014

Revised 11/18/2014

Proposal For Non Profit Pool
Usage Spring / Summer 2015
TCATS Inc C/O Brian Vestal
P.O. Box 596 TOMBALL, TX 77377
Tax ID 47-1019028

PURPOSE: The purpose of the TCATS youth swimming program is to promote the growth of swimming within and around the Tomball High School proximity. Our primary focus is to teach fundamental swimming skills necessary to advance in competitive swimming including but not limited to high school and year around participation.

1. **SEASON PROFILE:** A typical season will include 200 swimmers, most of which attend school within the Tomball High School vertical. Training will be divided into three sessions. (Session A, Session B, and Session C). Each session will be balanced based on age and appropriate skill level. The time frame requested for the training of swimmers will be between 5:00pm and 8:00pm.
2. **CURRENT ATTENDANCE PROFILE:** An estimated $\frac{1}{4}$ of the 200 swimmers will swim with the Tomball Area Swim Club during training sessions held at the Tomball ISD Natatorium. An estimated $\frac{3}{4}$ will have seasonal membership and participate during the TCATS lead practices at the City of Tomball public pool located at Jerry Matheson Park.
3. **DATES:** A desired training schedule of Tuesday – Friday is requested. Practices would tentatively start **Tuesday April 14, 2015** and last through **Thursday June 25th, 2015**. Practice times would be between 5:00pm and 8:00pm weeks 1-8, 6:00 – 8:30 weeks 9-10, and 7:30pm – 8:30pm week 11.
4. **ANTICIPATED FACILITY NEEDS.** During a typical training session our needs will include the main pool area and small canopy inside the pool area. We will also need use of the restrooms inside and outside the pool area. During a typical swim meet, we would also request the use of the covered canopy inside and outside the pool area. We would like to have the ability to sell concessions during home meets.
5. **BILLING:** Please use the following contact information for billing purposes.

TCATS Inc C/O Brian Vestal
P.O. Box 596 TOMBALL, TX 77377
832-967-7833 (Phone)
coachvestal@gmail.com (Email)

6. Executive Board Officers Contact Information

President - Scott McCracken

(281) 382-4762 ~ scott.m.mccracken@gmail.com

Vice President – Brian Vestal

(832) 967-7833 ~ coachvestal@gmail.com

Secretary – Tracy Acosta

(832) 257-5072 ~ tracy.acosta@yahoo.com

Appendix A Team Information

TCATS Inc Tax ID 47-109028
P.O. Box 596 TOMBALL, TX 77377
832-967-7833 (Phone)

Registered Agent Information

Mike Swaim
143000 Cornerstone Village Dr. Houston, Texas 77014 (Phone 281-642-7710)

Certified Public Accountant Information

W. Michal Velotas CPA
14300 Cornerstone Village Dr. Houston, Texas 77014 (Phone 281-397-0175) (Fax 281-583 -7569)

Appendix B Insurance Information

Attached is a copy of the insurance policy, which covers the TCATS program. All members of the TCATS program are automatically covered once they have joined the team. Detailed insurance information beyond what is provided can be provided through our registered agent.

Mike Swaim
143000 Cornerstone Village Dr.
Houston, Texas 77014
Phone 281-642-7710

Appendix C (Demographic Information)

- Total Numbers of Kids participating as of season 2014(127 Kids -100%)
- Total Number of Kids who Swim "Year Around" AKA Tomball Area Swim Club (28 Kids -22%)
- Total Number of Kids who only swim "Seasonally" AKA TCATS (99 kids – 77.9%)
- Number of Kids from The Woodlands Area (Within Tomball ISD) (16 – 12.8%)
- Total Number of Kids who are Zoned to Tomball High School (110 Kids - 86.6 %)
- Total Number of Kids who are Zoned to Tomball Memorial High School (15 kids -11.8%)
- Total Number of kids who live in Tomball ISD (125 Kids – 98.4%)
- Total Number of kids who live outside the district. (2 Kids – 1.6%)

Appendix D (Team Spirit Nights)

- We would like to request the covered seating area, use of the restroom, and the sidewalk outside of the pool area.
- Each member, as a process of their registration, will buy tickets to be redeemed at a concession stand table setup under the covered seating area.

Revised 11/18/2014

- After practice on **Friday May 1st**, we would like to have our annual Baked Potato Concession Stand Dinner to help raise money for the TCATS program.

Appendix E - Pre Season Practice Meet (Tentative Date May 2nd)

Each season the team will need to use the pool for a pre season practice meet. Only TCATS will swim during this practice meet.

- An estimated Total Time for facility usage & cleaning (6:00am – 2:00pm) 8 Hours.
- Estimated actual pool usages (7:30am – 1:30pm) 6 hours.
- Total number of participants (including swimmers and parents 150)
- The team will need to use the main pool area, covered seating area, the restrooms inside and outside of the of the pool area.
- The team will set up in the grass, outside the pool area. Cars will park in the parking lot at Jerry Matheson Park or across the street.

Appendix F – Team Picture Day Monday May 11th between 5:00pm & 6:30pm

The team plans to use the park area for a team picture Monday May 11th between 5:00pm and 6:30pm without use of the pool.

Appendix G – Regular Season Meets & Tentative Dates TBD

Each season the team will have as few as two, but as many as four regular season homes meet. Home meets/ away meets are determined during the annual NWAL winter meeting.

- Estimated Total Time for facility usage & cleaning (7:00am – 2:00pm) 7 Hours.
- Estimated Actual pool usages (7:30am – 1:30pm) 6 hours.
- Total number of participants (including swimmers and parents 250)
- The team will need to use the main pool area, covered seating area, the restrooms inside and outside of the of the pool area.
- The team will set up in the grass, outside the pool area. Cars will park in the parking lot at Jerry Matheson Park or across the street.

Possible Dates

- **May 16th** (Possible 1st Dual Meet) - regular season
- **May 23rd** (Possible 2nd Dual Meet) – regular season
- **May 30th** (Possible 3rd Dual Meet) – regular season
- **June 6th** (Possible 4th Dual Meet) – regular season
- **June 13th** (Possible 5th Dual Meet) – regular season

** As few as two regular season meets, but possibly more depending on pool available, weather conditions leading up to the start of the season.

Appendix H – End of Season Championship Meet June 20th, 2015 (Pending Approval)

- Estimated Total Time for building usage & cleaning (6:00am – 4:00pm) 10 Hours.
- Estimated Actual pool usages (6:30am – 3:00pm) 8.5 hours.
- Total number of participants (including swimmers and parents 1050) – based on historical data.
- The team will need to use the main pool area, covered seating area, the restrooms inside and outside of the of the pool area.
- The team will set up in the grass, outside the pool area. Cars will park in the parking lot at Jerry Matheson Park or across the street.

Appendix I – Impact of our request on the community and City of Tomball

- The Community of Tomball will have a recreational summer swim league, not currently offered through the YMCA.
- Pool availability will be affected for three weeks. Week 9 & 10 there will be a two-hour closer between 6:00pm – 8:00pm. Week 11 there will be a thirty-minute closer between 7:30pm – 8:00pm.
- As few as three, but as many as four Saturdays will be impacted. This may delay the opening by several hours.

Appendix I – Equipment

- The TCATS program would like to keep lane ropes on a storage reel inside the pool area. Lane ropes would be used during training sessions. The storage reel is a movable cart and would keep lanes secure when not in use.
- The TCATS program would like to work towards obtaining a storage unit, to be kept on city property inside the pool area, to hold training equipment.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: OCT 30 2014

TCATS INC
9115 STAG BROOK COURT
HUMBLE, TX 77338

Employer Identification Number:
47-1019028
DLN:
17053177301004
Contact Person:
JULIE CHEN ID# 31261
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
October 22, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

NORTHWEST AQUATIC LEAGUE, INC.
14300 CORNERSTONE VILLAGE II, # 220
HOUSTON, TEXAS 77014

July 17, 2014

TCATS, LLC d/b/a Tomball Cougar Aquatics Team
c/o Brian Vestal
Via Email

Dear Brian:

The purpose of this letter is to confirm that TCATS LLC, d/b/a Tomball Cougar Aquatics Team is a Member in good standing with the Northwest Aquatic League, which is a summer competitive swim league governing competitive swimming throughout the North Harris and South Montgomery County area, as well as several outlying areas as far north as College Station, as far East as Livingston, Texas and as far West as Lee County, Texas. What we in NWAL refer to as "Tomball" is fully paid up on all dues and fees and has, in fact, successfully completed its first season with us.

This letter is also to confirm that all NWAL teams, including Tomball, are insured by a comprehensive General Liability policy of insurance that includes aggregate limits of \$3,000,000 per occurrence and \$1,000,000 per person, non-owned and hired auto coverage, abuse and molestation coverage, and medical coverage, including a blanket additional insured endorsement applicable to, among others, owners and operators of facilities. Several of the local municipalities, school districts, and other governmental entities are named as additional insured's under NWAL's policy. NWAL also maintains directors and officers liability coverage.

Coverage is provided for team members, managers, coaches, assistants, referees and officials, sponsors and other individuals participating in the official functions of the named insured.

It should be noted that I have requested certificates of insurance for both the City of Tomball and the newly formed TCATS LLC.

Sincerely,

Northwest Aquatic League, Inc.



By: MT Swain

Its: Treasurer



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/18/14

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Bollinger Sports & Leisure 101 JFK Parkway Short Hills, NJ 07078-5000 Lori Windolf Crispo Ext. 8105	800-446-5311 973-921-2876	CONTACT NAME:	
		PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Markel Insurance Company	
		NAIC #	
		38970	
INSURED Northwest Aquatic League Michael T Swaim 14300 Cornerstone Village #220 Houston, TX 77014	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		3602AH236028	02/01/14	02/01/15	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person) \$ 5,000
	☒ Incl Participants						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 3,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 1,000,000
A	AUTOMOBILE LIABILITY			3602AH236028	02/01/14	02/01/15	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	☒ HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	☒ SCHEDULED AUTOS NON-OWNED AUTOS						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	☐ OCCUR						AGGREGATE \$
	☐ EXCESS LIAB						
	DED ☐ RETENTION \$						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N ☒ N / A						OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
A	Accident Insurance			4102AH236025	02/01/14	02/01/15	Med Max: 100,000
	Full Excess						Ded: \$500/Claim

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Coverage is provided under this policy only for sponsored/supervised activities of the named insured for which a premium has been paid. The certificate holder is listed as additional insured on the liability policy. TCATS is an NWAL sanctioned team. Team and NWAL activities are covered by out insurance program.

CERTIFICATE HOLDER**CANCELLATION**

TCATLLC TCAT LLC P.O. Box 596 Tomball, TX 77377	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Lori Windolf Crispo Ext. 8105



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DATE (MM/DD/YYYY)

07/18/14

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PRODUCER Bollinger Sports & Leisure 101 JFK Parkway Short Hills, NJ 07078-5000 Lori Windolf Crispo Ext. 8105	800-446-5311 973-921-2876	CONTACT NAME:	
		PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: Markel Insurance Company	38970
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

INSURED
Northwest Aquatic League
Michael T Swaim
14300 Cornerstone Village #220
Houston, TX 77014

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person) \$ 5,000
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	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 3,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 1,000,000
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	☐ ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	☒ HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	☒ SCHEDULED AUTOS						
	☐ NON-OWNED AUTOS						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	☐ OCCUR						AGGREGATE \$
	☐ EXCESS LIAB						
	DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N						OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
A	Accident Insurance			4102AH236025	02/01/14	02/01/15	E.L. DISEASE - POLICY LIMIT \$
	Full Excess						Med Max: 100,000 Ded: \$500/Claim

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CERTIFICATE HOLDER**CANCELLATION**

CITTOMB City of Tomball C/O City Managers Office 501 James St Tomball, TX 77375	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Lori Windolf Crispo Ext. 8105

Updated 11/18/2014

2015 "TCATS" Tomball Cougar Aquatics Team

Weeks 1-8 (April 14 – June 5)

5:00pm – 5:10pm (10 minutes) practice preparation

5:10pm - 5:40pm (30 minutes) 6 & under

5:40pm – 6:20pm (40 minutes) 7 & 8

6:20pm – 7:00 pm (40 minutes) 9 & 10

7:00pm – 7:50pm (50 minutes) 11 & up

7:50 pm – 8:00pm (10 minutes) clean up & close out

Practice Meet May 2nd, 1st Dual Meet June 16th, 2nd Dual Meet June 23rd, 3rd Dual Meet June 30th, 4th Dual Meet June 6th, & 5th Dual Meet June 13th. (Locations TBD)

Weeks 9-10 (June 9 – June 19)

6:00 pm – 6:10pm (10 minutes) practice preparation

6:10pm - 6:40pm (30 minutes) 6 & under

6:40pm – 7:10pm (30 minutes) 7 & 8

7:10pm – 7:40 pm (30 minutes) 9 & 10

7:40pm – 8:30pm (40 minutes) 11 & up

8:30 pm – 8:45pm (15 minutes) clean up & close out

** Divisional Championship June 20th – Location TBA

Weeks 11 (June 23, 24th, & 25th) – Tuesday ,Wednesday, & Friday

7:30 pm – 7:40pm (10 minutes) practice preparation

7:40pm – 8:20pm (40 minutes) Invitational Swimmers

8:20 pm – 8:30pm (10 minutes) clean up & close out

** End of Season Championship Practice – End of Season Invitational Swimmers only.

List of Dates

Week 01	Date	Hours	Time
Tuesday	14-Apr	3	5:00pm -8:00pm
Wednesday	15-Apr	3	5:00pm -8:00pm
Thursday	16-Apr	3	5:00pm -8:00pm
Friday	17-Apr	3	5:00pm -8:00pm
Week 02			
Tuesday	21-Apr	3	5:00pm -8:00pm
Wednesday	22-Apr	3	5:00pm -8:00pm
Thursday	23-Apr	3	5:00pm -8:00pm
Friday	24-Apr	3	5:00pm -8:00pm
Week 03			
Tuesday	28-Apr	3	5:00pm -8:00pm
Wednesday	29-Apr	3	5:00pm -8:00pm
Thursday	30-Apr	3	5:00pm -8:00pm
Friday	1-May	3	5:00pm -8:00pm
Week 04			
Tuesday	5-May	3	5:00pm -8:00pm
Wednesday	6-May	3	5:00pm -8:00pm
Thursday	7-May	3	5:00pm -8:00pm
Friday	8-May	3	5:00pm -8:00pm
Week 05			
Tuesday	12-May	3	5:00pm -8:00pm
Wednesday	13-May	3	5:00pm -8:00pm
Thursday	14-May	3	5:00pm -8:00pm
Friday	15-May	3	5:00pm -8:00pm
Week 06			
Tuesday	19-May	3	5:00pm -8:00pm
Wednesday	20-May	3	5:00pm -8:00pm
Thursday	21-May	3	5:00pm -8:00pm
Friday	22-May	3	5:00pm -8:00pm
Week 07			
Tuesday	26-May	3	No Practice
Wednesday	27-May	3	5:00pm -8:00pm
Thursday	28-May	3	5:00pm -8:00pm
Friday	29-May	3	5:00pm -8:00pm

Week 08	Dates	Hours	Time
Tuesday	(2-Jun)	3	5:00pm -8:00pm
Wednesday	3-Jun	3	5:00pm -8:00pm
Thursday	4-Jun	3	5:00pm -8:00pm
Friday	5-Jun	3	5:00pm -8:00pm

Week 09			
Tuesday	9-Jun	3	6:00pm - 8:45pm
Wednesday	10-Jun	3	6:00pm - 8:45pm
Thursday	11-Jun	3	6:00pm - 8:45pm
Friday	12-Jun	3	6:00pm - 8:45pm

Week 10			
Tuesday	16-Jun	3	6:00pm - 8:45pm
Wednesday	17-Jun	3	6:00pm - 8:45pm
Thursday	18-Jun	3	6:00pm - 8:45pm
Friday	19-Jun	3	6:00pm - 8:45pm

Week 11			
Tuesday	23-Jun	3	7:30pm 8:45pm
Wednesday	24-Jun	3	7:30pm 8:45pm
Thursday	25-Jun	3	7:30pm 8:45pm

Practice Meet

Saturday	2-May	7	(6:00am - 2:00PM)
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Possible Dual Meets (250 People attendance)

Saturday	16-May	8	(6:00am - 2:00PM)
Saturday	23-May	8	(6:00am - 2:00PM)
Saturday	30-May	8	(6:00am - 2:00PM)
Saturday	6-Jun	8	(6:00am - 2:00PM)
Saturday	13-Jun	8	(6:00am - 2:00PM)

Above meets as few as two , but as many as three

Championship Meet (1050 Possible attendance)

Saturday	20-Jun	10	6:00am - 4:00pm)
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Updated 11/18/2014

2015 TCATS Season Schedule

<u>Date</u>	<u>Meet</u>	<u>Location</u>
Saturday, May 2, 15	Practice Meet (Tomball vs Tomball)	Home
Saturday, May 16, 15	Dual Meet #1	TBD
Saturday, May 23, 15	Dual Meet #2	TBD
Saturday, May 30, 15	Dual Meet #3	TBD
Saturday, June 6, 15	Dual Meet #4	TBD
Saturday, June 13, 15	Dual Meet #5	TBD
Saturday, June 20, 15	West 4 Divsional Championship Meet	Home

Optional Summer Invitational Schedule

<u>Meet</u>	<u>Location</u>	<u>Dates</u>
Summer Thunder	Klein Oak High School	6/7 & 6/8
Sprint Sizzler	Klein Oak High School	6/14 & 6/15
Red, White, Blue	Klein Forest High School	6/26, 6/27 , 6/28
Ponderosa	Klein Oak High School	6/27 & 6/28

Pool Locations		
Blue Marlins	7609 Antoine Houston, TX 77088	5 Lane Yrd Pool
Conroe ISD Natatorium	19133 David Memorial Dr, Shenandoah, TX 77385	8 Lane Yrd Pool
Cypress Point	14415 Backer Cypress , Cypress Texas 77429	5 Lane SCM Pool
Jerry Matheson Pool	1240 Ulrich Rd, Tomball, TX 77375	6 Lane Yrd Pool
Klein Collins HS	20811 Ella Blvd Houston Texas 77388	8 Lane Yrd Pool
Klein Forest HS	11400 Misty Valley Dr. Houston Texas 77066	8 Lane Yrd Pool
Klein HS	1675 Stuebner Airline Spring Texas 77379	8 Lane Yrd Pool
Klein Oak High School	22603 Northcrest Dr, Spring, TX 77389	8 Lane Yrd Pool
Northpointe	12655 Northpointe Blvd Tomball Texas 77377	6 Lane Yrd Pool
Ravenway	12730 Jarvis Road Cypress Texas 77429	6 Lane SCM Pool
Tomball Aquatic Center	13850 Zion RD Tomball Texas 77375	8 Lane Yrd Pool
Windsong	5203 Windsong Trail Houston Texas 77084	6 Lane Yrd Pool

Last Revised 11/17/2014

Check In Time

7:00AM

7:00AM

7:00AM

7:00AM

7:00AM

7:00AM

6:15AM

Check In Time

TBD

TBD

TBD

TBD

Regular City Council

Agenda Item

Meeting Date: December 1, 2014

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2014-42, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity no longer require the Continued Existence of a Certain Portion of a Gas Line Easement across a Certain 0.0125 Acre Tract of Land being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas and being out of and a part of Commercial Reserve No. 7 of Tomball Parkway Plaza, the Map of which is recorded in Volume 331, Page 10 of the Map Records of Harris County, Texas, Located in the City of Tomball, Texas; Vacating, Abandoning, and Closing Said Portion of Such Gas Line Easement; Authorizing the City Manager to Execute and the City Secretary to Attest a Quitclaim Deed Quitclaiming the City's Interest in Said Abandoned Easement; and Containing Other Provisions Relating to the Subject

Background:

Planet Fitness is currently building out a space on Tomball Parkway. They are adding additional square footage and would like a portion of the gas line easement abandoned where their building is to be expanded.

Engineering and Public Works have no concerns with the abandonment of the portion of the easement.

Origination:

Planet Fitness

Recommendation:

N/A

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. 2014-42

ORDINANCE NO. 2014-42

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A CERTAIN PORTION OF A GAS LINE EASEMENT ACROSS A CERTAIN 0.0125 ACRE TRACT OF LAND BEING OUT OF AND A PART OF THE WILLIAM HURD SURVEY, A-378, TOMBALL, HARRIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF COMMERCIAL RESERVE NO. 7 OF TOMBALL PARKWAY PLAZA, THE MAP OF WHICH IS RECORDED IN VOLUME 331, PAGE 10 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, LOCATED IN THE CITY OF TOMBALL, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PORTION OF SUCH GAS LINE EASEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY SECRETARY TO ATTEST A QUITCLAIM DEED QUITCLAIMING THE CITY'S INTEREST IN SAID ABANDONED EASEMENT; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City of Tomball, Texas ("City") owns a ten-foot (10') gas line easement containing 0.0125 acres of land being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas and being out of and a part of Commercial Reserve No. 7 of Tomball Parkway Plaza, the map of which is recorded in Volume 331, Page 10 of the Map Records of Harris County, Texas and is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes ("Easement"); and

WHEREAS, the City Council of the City has determined that public necessity and convenience no longer require the existence of the Easement; and

WHEREAS, the City Council has determined that the Easement should be vacated, abandoned, and closed for the reason that it is no longer needed by the City; and

WHEREAS, the City Council desires to convey the Easement to the owner of the property on which the Easement exists; now, therefore,

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

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

Section 2. That the City Council of the City of Tomball, Texas, hereby finds and determines that the public convenience and necessity no longer require the continued existence of the Easement described in Section 3 hereof.

Section 3. That the portion of that certain gas easement dedicated to the public and containing 0.0125 acres of land being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas and being out of and a part of Commercial Reserve No. 7 of Tomball Parkway Plaza, the map of which is recorded in Volume 331, Page 10 of the Map Records of Harris County, Texas and is more particularly described in Exhibit "A", is hereby vacated, abandoned, and closed.

Section 4. That the City Manager is authorized to execute a quitclaim deed quitclaiming Easement described in Section 3 hereof to the owners of the property on which the Easement is located in exchange for the receipt of fair market value for the Easement.

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 1ST DAY OF DECEMBER 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____ DAY OF
_____ 2014.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on this ____ day of _____, 2014,
by Gretchen Fagan, Mayor of the City of Tomball, Texas, a municipal corporation, on behalf of
said corporation.

Notary Public In and For the State of Texas

My Commission Expires: _____

(SEAL)

After Recording Return To:

City Secretary
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

10' GAS EASEMENT ABANDONMENT

Being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas, and being out of an and a part of commercial reserve No. 7 of Tomball Parkway Plaza, the map of which is recorded in volume 331, Page 10 of the Map Records of Harris County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the northeast corner of the said Commercial Reserve No. 7;

THENCE S02°33'34"E along the east line of said Commercial Reserve No 7 a distance of 88.82 feet to a point for corner;

THENCE N89°41'20"W a distance of 5.01 feet to the BEGINNING corner of the tract herein described, said point being in the west line of an existing 5' easement;

THENCE N89°41'20"W a distance of 76.6 feet to a point for corner in the eastern face of a proposed building;

START EASEMENT ABANDONMENT AT THIS POINT

THENCE N89°41'20"W a distance of 54.5 feet to a point for corner in the eastern face of the existing building;

THENCE N03°14'50"W along the eastern face of existing building a distance of 10.02 feet to a point for corner;

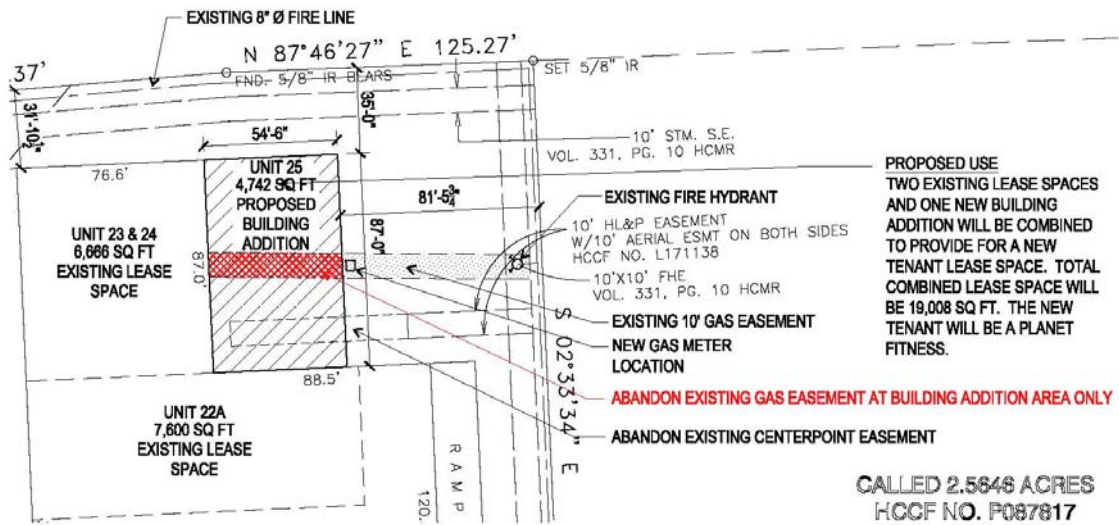
THENCE S89°41'20"E a distance of 54.5 feet to a point for corner in the eastern face of a proposed building;

END EASEMENT ABANDONMENT AT THIS POINT

THENCE S89°41'20"E a distance of 76.6 feet to a point for corner in the aforementioned west line of an existing 5' easement;

THENCE S02°33'34"E along the west line of said easement a distance of 10.01 feet to the place of BEGINNING, containing 0.0175 acre or 763.3 square feet of land, more or less.

EXHIBIT "A"



CALLED 2.5646 ACRES
HCCF NO. P087817

1 SITE PLAN SCALE: 1"=60.0'

