

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



MONDAY, NOVEMBER 17, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 17, 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 Commander Larry Fielder, American Legion

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

- 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 - 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 Approve the Minutes of the November 3, 2014 Regular City Council Meeting and the November 10, 2014 Special City Council Meeting

7.0 New Business:

- 7.1 Appoint Grant Stevens as Chief Prosecutor for the Tomball Municipal Court, with Term Beginning November 18, 2014 and Expiring December 31, 2016.
- 7.2 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.
- 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.

- Conduct a Public Hearing on **ZONING CASE P14-187**
- 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.

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.

- Conduct a Public Hearing on **ZONING CASE P14-217**
- 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.

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.

- Conduct a Public Hearing on **ZONING CASE P14-218**
- 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.

- 7.6 Approve and Authorize City Manager to Execute Pipeline Relocation/Reimbursement Agreement with Tortuga Operating Company ("Tortuga"), in the Amount of \$85,199.00
- 7.7 Consideration 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.
- 7.8 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

8.0 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 13th 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: November 17, 2014

Topic:

- Led by Commander Larry Fielder, American Legion

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: November 17, 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: November 17, 2014

Topic:

- 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.
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor - 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.

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	

ATTACHMENTS:

Quarterly Investment Report for the Quarter Ending September 30, 2014

CITY OF TOMBALL PORTFOLIO DIVERSIFICATION September 30, 2014

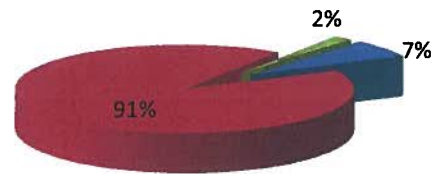
By Type

	Current Market Value	Percent Portfolio
Securities	\$ 3,637,523	6.63%
Investment Pools	50,188,367	91.52%
Checking and Cash on hand	1,010,248	1.84%
Total Portfolio	\$ 54,836,138	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in Securities of Federal, State and Local Governments, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard & Poor's highest rating of AAAm. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City is in compliance with this provision.

Diversification By Type

■ Securities
■ Investment Pools
■ Checking and Cash on hand

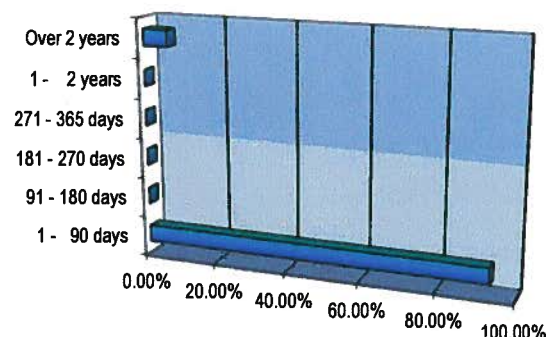


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 51,198,615	93.37%
91 - 180 days	-	-
181 - 270 days	-	-
271 - 365 days	-	-
1 - 2 years	-	-
Over 2 years	3,637,523	6.63%
Total Portfolio	\$ 54,836,138	

Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. This overnight investment (TexPool) has been performing according to market in the yield category as well as providing liquidity.

Diversification by Maturity



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
September 30, 2014**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	2,400,000	2,398,502	0.9994	0.530%	0.11%
Purchases	3,250,000	3,250,000			
Maturities	2,000,000	2,000,000			
Change in value	-	(10,979)			
Sales					
End of period	3,650,000	3,637,523	0.9966	0.818%	0.13%

Total Accrued Interest at end of period: \$ 3,708

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 902 days.

This report is in compliance with the investment strategies as approved
and the Public Funds Investment Act.



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF SEPTEMBER 30, 2014**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 09/30/14	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Freddie Mac- .750%	3134G5E84	AA+	11/21/2016	0.750%	747,956	783	20.562%	161.00
2) Federal Home Loan Bank- .75%	3130A2TW6	AA+	11/28/2016	0.750%	998,039	790	27.437%	216.75
3) Freddie Mac- 0.650%	3134G56W0	AA+	12/23/2016	0.650%	398,805	815	10.964%	89.35
4) Federal Home Loan Bank- 1.12%	3130A2UB0	AA+	8/25/2017	1.120%	1,492,724	1060	41.037%	434.99
TOTALS				0.818%	3,637,523	862	100.000%	902.10

CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
September 30, 2014

FUNDS	CASH AND CASH EQUIVALENTS				INVESTMENTS			TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES	TOTAL INVESTMENTS	
MAJOR FUNDS								
General	\$ 2,271,386	\$ 8,553,223	\$ 110,873	\$ 2,200	\$ 10,937,682	\$ 1,396,844	\$ 1,396,844	\$ 12,334,526
Debt Service	\$ 945,670	\$ 1,660,605	\$ 29,920	\$ -	\$ 2,636,195	\$ -	\$ -	\$ 2,636,195
Enterprise	\$ 2,689,403	\$ 4,754,937	\$ 375,997	\$ 600	\$ 7,820,937	\$ 2,240,679	\$ 2,240,679	\$ 10,061,616
OTHER FUNDS								
Special Revenue	\$ 75,713	\$ 61,589	\$ 12,245	\$ -	\$ 149,547	\$ -	\$ -	\$ 149,547
Municipal Court Building Security	\$ 100,951	\$ 115,566	\$ 10,460	\$ -	\$ 226,977	\$ -	\$ -	\$ 226,977
Municipal Court Technology	\$ 60,570	\$ 194,786	\$ 14,941	\$ -	\$ 270,297	\$ -	\$ -	\$ 270,297
Hotel Occupancy Tax	\$ 100,951	\$ 270,540	\$ 48,390	\$ -	\$ 419,881	\$ -	\$ -	\$ 419,881
Red Light Camera Program	\$ 252,376	\$ 2	\$ 5,350	\$ -	\$ 257,728	\$ -	\$ -	\$ 257,728
PD District Attorney Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Department of Justice Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SAFER Grant	\$ -	\$ -	\$ (146,594)	\$ -	\$ (146,594)	\$ -	\$ -	\$ (146,594)
Tomball "Fun Runs"	\$ -	\$ -	\$ 19,455	\$ -	\$ 19,455	\$ -	\$ -	\$ 19,455
General Capital Projects	\$ 50,475	\$ 14,809,952	\$ 108,769	\$ -	\$ 14,969,196	\$ -	\$ -	\$ 14,969,196
Business Park	\$ -	\$ 8,305,488	\$ -	\$ -	\$ 8,305,488	\$ -	\$ -	\$ 8,305,488
Fleet Replacement	\$ 454,277	\$ 923,623	\$ 225,697	\$ -	\$ 1,603,597	\$ -	\$ -	\$ 1,603,597
Water Capital Recovery	\$ 100,951	\$ 1,151,571	\$ 16,844	\$ -	\$ 1,269,366	\$ -	\$ -	\$ 1,269,366
Sewer Capital Recovery	\$ 151,426	\$ 1,301,521	\$ 31,271	\$ -	\$ 1,484,218	\$ -	\$ -	\$ 1,484,218
Health Insurance Trust	\$ -	\$ 830,815	\$ 143,830	\$ -	\$ 974,645	\$ -	\$ -	\$ 974,645
TOTALS	\$ 7,254,149	\$ 42,934,218	\$ 1,007,448	\$ 2,800	\$ 51,198,615	\$ 3,637,523	\$ 3,637,523	\$ 54,836,138

Regular City Council Agenda Item Data Sheet

Meeting Date: November 17, 2014

Topic:

Approve the Minutes of the November 3, 2014 Regular City Council Meeting and the November 10, 2014 Special City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

City Secretary

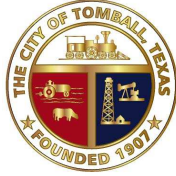
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - November 3, 2014 Regular City Council Meeting

Draft Minutes - November 10, 2014 Special City Council Meeting

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



MONDAY, NOVEMBER 3, 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/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
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
Building Official – Ken Cole

2.0 The invocation was led by Chaplain Steve Allison, VFW Chaplain.

3.0 Pledges to U. S. and Texas Flags were led by Denise Amador, member of the Tomball High School Student Council, and Jai Michael and Davis Duerer, members of Boy Scout Troop 471.

4.0 The following public comments were received:

- | | |
|---|--|
| H. G. Harrington
619 N. Magnolia, 77375 | - Expressed his opposition to Item 9.5 and any long-term tax abatements. |
| Bruce Hillegeist, GTACC
20339 Telge, 77375 | - Expressed his wish for Council support of Item 9.1, Resolution No. 2014-27, supporting the 49 th annual Holiday Parade. |

5.0 Mayor Fagan presented a Proclamation declaring Saturday, November 8, 2014 as ***“Team Rachel Ann Can” Day*** to the Nut family, to raise awareness of Down Syndrome and to raise funds for the Down Syndrome Association of Houston.

6.0 Reports and Announcements:

- **November 4, 2014 (Tuesday) – Local Option Election, City Hall, 7:00 a.m.-7:00 p.m.**
- November 8, 2014 – ***6th Annual 5K Tomball Dash (Woodforest Bank)***
- November 8, 2014 – ***2nd Saturday at the Depot – “Free Birds” – 5:00 p.m.***
- **November 10, 2014 – Canvass Election – 5:00 p.m.**
- ***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:
 - Mayor Fagan announced that City crews will be flushing the water system on November 3, 4, 6 and 7.
 - Mike Baxter presented a report on the success of the **3rd Annual Tomball Bluegrass Festival.**
 - Lisa Coe and Rosalie Dillon presented a check in the amount of \$10,836.16 to Judy Deyo and Robert Hauck on behalf of TOMAGWA from the **2nd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run for Breast Cancer Awareness.**
 - Robert Hauck – announced “No Shave” November in support of Prostate Cancer Awareness.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the October 20, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 40-76, Utilities, of Article III, Design Standards, of Chapter 40, Plats and the Subdivision of Land, to Require all Utility Lines, Other than Electric Lines, to be Located Underground; to

Require all Electric Distribution Lines to be Underground if the Customer Elects Such Pursuant to the Utility's Distribution Tariff; and to Require All Aboveground Electric Distribution Lines be Located Along the Perimeter of the Overall Subdivision Unless the Utility Determines Different Placement is Needed to Provide Safe and Reliable Electric Service; Providing a Penalty in an Amount Not to Exceed \$2,000 for Each Violation Hereof; and Providing for Severability; and Making Other Provisions and Findings Related Thereto. 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.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-37, an Ordinance of the City Of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit (CUP) to JTS Development, Ltd. to Operate a Hotel/Motel that is 59-Feet, 3-Inches in Height; Said Property Being Approximately 2.2 Acres, and Being Legally Described as Lot 2, Block 1, JTS Subdivision Final Plat, Generally Located South of Medical Complex Drive, West of State Highway 249 Bypass; Providing Requirements and Conditions for this CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount not to Exceed Two Thousand Dollars For Violations Hereof; and Providing For Severability. 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.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2014-38, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit (CUP) to Tennis Ventures, LLC. to Operate a "Country Club (Private);" Said Property Being Approximately 4.02 Acres, and Being Legally Described as Tract 64B-1, Tomball Outlots, Generally Located North of East Hufsmith Road, West of Hospital Road; Providing Requirements and Conditions for this CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount not to Exceed Two Thousand Dollars for Violations Hereof; and Providing For Severability. 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.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2014-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 49th Annual Tomball Holiday Parade, “A Star Spangled Christmas”, to be held in Tomball on Saturday, November 22, 2014 and to approve Requested Street Closures and In-kind Services

Motion carried unanimously.

- 9.2 Motion was made by Councilman Degges, second by Councilman Stoll, to approve Request by Bill Cummings (TNRG Development) to Develop per Previously Adopted Building Codes (IBC 2003).

Motion carried unanimously.

Council requested that City staff provide suggestions

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2014-26, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2014-2015

Motion carried unanimously.

- 9.4 Council Recessed at 7:12 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. 551.071 – Private Consultation with Attorney in Closed Meeting regarding Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session
- Sec. 551.072 - Deliberations Regarding Real Property

Upon reconvening in regular session at 8:42 p.m., the following action was taken:

- 9.5 Motion was made by Councilman Townsend, second by Councilman Degges, to approve a Development Agreement with A-K Venture Capital, LC, Harris County Municipal Utility District No. 273 and the City of Tomball for Property Consisting of 153.0194 Acres at the Southwest Corner of State Highway and the Grand Parkway, as amended to define “development” in Section 7.02 to state that development means “any physical activity in furtherance of development”, to add “substantially in the form” to Section 4.03.

Motion carried unanimously.

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

Motion carried unanimously.

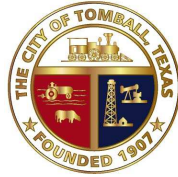
Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2014.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

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



MONDAY, NOVEMBER 10, 2014

5:00 P.M.

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Klein Quinn

Members absent:

Councilman Degges - Excused
Councilman Townsend - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
City Engineer – Lori Lakatos
IT Manager – Doug Tippey
Community Center Manager – Rosalie Dillon
Chief-NWEMS – Brian Bayani

2.0 Canvass of Election:

- 2.1 The City Council received the Unofficial Canvass of the Election.
El Consejo de la ciudad recibió el proselitismo no oficial de las elecciones.
Hội đồng thành phố được không chính thức Canvass cuộc bầu cử.
收到的市議會的非官方游說的選舉。

- 2.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve Resolution No. 2014-28, a Resolution and Order Canvassing the Returns and Declaring the Results of the Special Local Option Election Held on November 4, 2014

El Concejal Stoll, secundado por el Concejal Hudgens, presentó la moción de aprobar la Resolución Nro. 2014-28, una Resolución y Orden de Escrutinio y Declaración de Resultados de la Elección Especial de Opción Local celebrada el 4 de noviembre de 2014.

Ủy Viên Hội Đồng Stoll đưa ra kiến nghị, Ủy Viên Hội Đồng Hudgens tán thành, phê chuẩn Nghị Quyết số 2014-28, Nghị Quyết và Lệnh Kiểm Phiếu và Tuyên Bố Kết Quả Cuộc Bầu Cử Đặc Biệt Biểu Quyết Lựa Chọn của Cộng Đồng tổ chức vào ngày 4 tháng Mười một, 2014

動議由議員 Stoll 提出，議員 Hudgens 附議，批准決議案編號2014-28，此為關於審核選票返回以及宣布2014年11月4日舉行的當地選項特別選舉結果的決議和命令。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

La moción fue aprobada por unanimidad.

該動議一致通過。

- 3.0 The following public comments were received:

Laura Wilson 25630 Hufsmith Cemetery, 77377	-	Expressed her appreciation to everyone in the City for their support of the Old Town Tomball merchants and the local option election.
--	---	---

- 4.0 New Business:

4.1 Mayor Fagan administered the Oath of Office to newly appointed Chief of Police, Billy Tidwell.

- 5.0 Motion was made by Councilman Stoll, second to Councilman Hudgens, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2014.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 17, 2014

Data Sheet

Topic:

Appoint Grant Stevens as Chief Prosecutor for the Tomball Municipal Court, with Term Beginning November 18, 2014 and Expiring December 31, 2016.

Background:

On October 30, 2014, we received a letter of resignation from Jo Ann Linzer as Chief Prosecutor for the City of Tomball, effective November 13, 2014, due to her accepting the position of First Assistant District Attorney in Grimes County.

Based on input from Chief Prosecutor Linzer, Maria Morris, the Court Administrator, and myself regarding his service as an Associate Prosecutor and following confirmation of his interest in the position, I would like to recommend the appointment of Grant Stevens as Chief Prosecutor for a two-year term. Mr. Stevens has provided excellent service as an Associate Prosecutor and his philosophy regarding prosecution meshes well with the direction anticipated for our Municipal Court.

With Mr. Stevens as Chief Prosecutor and Mr. Goehring as Associate Prosecutor, we anticipate having sufficient coverage for the current docket load as City staff advertises for one, possibly two, Associate Prosecutors and continues developing new policies and procedures to improve the prosecutorial area of the Municipal Court. The Chief Prosecutor will also participate in the interviewing and recommendation process, as one of the primary responsibilities of the Chief Prosecutor will be to mentor, train, and supervise the prosecution personnel.

Providing excellent prosecutorial services in the Municipal Court supports the City's strategic plan in the focus area of community basics by meeting current and future needs in maintaining effective and timely service to the public.

A copy of Mr. Stevens' resume is provided for Council review.

Origination:

Municipal Court

Recommendation:

Appoint Grant Stevens as Chief Municipal Court Prosecutor.

Funding: Yes

Account Number: 100-122-6303

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

Doris Speer, City Secretary

ACTION TAKEN

APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER
---	---	--------------

ATTACHMENTS:

Resignation Letter - Jo Ann Linzer

Qualifications - Grant Stevens

LAW OFFICE OF JO ANN LINZER
BOARD CERTIFIED – CRIMINAL LAW – TEXAS BOARD OF LEGAL SPECIALIZATION
336 N. MAIN • CONROE, TEXAS 77301
TEL (281) 631-5291 • FAX (936) 756-0472 • LINZERLAW@GMAIL.COM

October 30, 2014

Doris Speer, City Secretary
City of Tomball, Texas
401 Market St.
Tomball, TX 77375

Dear Doris,

This letter is to express my gratitude for the opportunity I was given to be a part of such an incredible office and to resign from my position as a Chief Prosecutor for the City of Tomball, Texas. My resignation is personally bittersweet. I have enjoyed my short time with the City of Tomball and the incredible team that works in the court. I have accepted a position as the First Assistant District Attorney in Grimes County, Texas. I am excited about this new opportunity, but will miss being part of such a great team that works to do the right thing every day.

If it works out okay for you, my last day with Tomball will be on November 13, 2014, as I start my new position on November 17, 2014.

I will forever be grateful for my time with your office and wish everyone there the very best in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jo Ann Linzer', with a stylized, cursive script.

Jo Ann Linzer, PLLC
336 North Main Street
Conroe, Texas 77301

Grant Stevens

Objective	Prosecutorial position in a local municipality
Summary	Attorney licensed in the State of Texas since May 6, 1994. Owned and Operated a General Solo practice in Montgomery County, Texas since 1999. Handle a variety of cases including Civil and Criminal. High litigation volume. Skills include: analyzing fact situations, determining best course of action, preparing cases for trial, strategy, selecting a jury, negotiating, interpreting law, brief writing, interacting with clients, judges and court staff.
Education	1989-1993 University of Houston, Law Center, Houston, Texas Doctor of Jurisprudence 1982-1986 Lamar University, Beaumont, Texas Bachelor of Science in Communication
Professional	General Solo Practice 1999-Present Civil Cases include: construction, contract disputes, liens, collections, mediations, family and probate. Criminal cases include: misdemeanors, felonies, appeals and juvenile. Montgomery County District Attorney's Office 1997-1999 Assistant District Attorney. Prosecuted felony cases. Handled large case loads and managed staff. Montgomery County Attorney's Office 1995-1997 Assistant County Attorney. Prosecuted misdemeanor cases. Liberty County Attorney's Office 1993-1994 Assistant County Attorney. Prosecuted misdemeanor cases. TRW 1986-1992 Account Manager. Sales and service for credit bureau reports. Clients included banks, car dealers, retailers and hospitals

**Professional
Memberships**

State Bar of Texas, 1994-Present

Montgomery County Bar Association, Board of Directors 2013-2014, member 1999-Present

Texas Criminal Defense Lawyer's Association, 1999-Present

Montgomery County Criminal Defense Bar, 1999-Present

Texas District and County Attorney's Association 1995-1999

**Volunteer
Position**

Bible Study Fellowship 2000-2012

Substitute Teaching Leader (3 years)

Discussion Leader (5 years)

Wildwood Christian Academy, Board of Directors 2011-2014

References

Furnished on request

Regular City Council

Agenda Item

Meeting Date: November 17, 2014

Data Sheet

Topic:

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.

Background:

On June 16, 2014 Council approved the appointment of Matthew Goehring as Associate Prosecutor. Based on input from former Chief Prosecutor Linzer, Associate Prosecutor Stevens, Maria Morris, the Court Administrator, and myself, regarding Mr. Goehring's excellent work as an Associate Prosecutor, I would like to recommend the re-appointment of Matthew Goehring as Associate Prosecutor for a two-year term.

Providing excellent prosecutorial service in the Municipal Court supports the City's strategic plan in the focus area of community basics by meeting current and future needs in maintaining effective and timely service to the public.

Mr. Goehring's resume is provided for Council review.

Origination:

Municipal Court

Recommendation:

Re-appoint Matthew Goehring as Associate Municipal Court Prosecutor.

Funding: Yes

Account Number: 100-122-6303

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Qualifications - Matthew Goehring

Matthew Goehring

27 Clingstone Place
The Woodlands, TX
(281) 795-0157

Education

Texas Wesleyan School of Law

Fort Worth, Texas

Juris Doctor

- Highest grades in Criminal Law courses
 - o Federal Criminal Procedure: B
 - o Texas Criminal Procedure: A
 - o Texas Death Penalty Litigation: A
 - o Post Conviction Actual Innocence Claims: B+
 - o Evidence: B

Sam Houston State University

Huntsville, Texas

Bachelor of Science in Criminal Justice, *magna cum laude*, May 2010

Honors/Activities: Golden Key International Honor Society
Sergeant At arms for the Delta Chi Chapter of Lambda Alpha Epsilon
Dean's List – Fall 2006, Spring/Fall 2007, Spring/Fall 2008,
Spring/Fall 2009, Spring 2010
Nominated for the 2009 Outstanding Service Sammy Award

License

Texas State Bar License 24081697

Legal Experience

Joseph Labella and Associates

Conroe, Texas

Attorney

May 2014 through present

- Assist attorneys with pretrial preparation
- Represent clients in various criminal hearings
- Review and summarize evidence
- Research legal issues in client matters
- Prepare legal documents for clients and attorneys

Wise County District Attorney's Office

Decatur, Texas

Intern

July 2011 through June 2013

- Assisted attorneys with legal research
- Prepared cases for trial
- Reviewed, prepared, and presented felony cases to grand jury
- Interviewed witnesses and victims
- Argued Motion to Adjudicate before the 271st District Court
- Presented pleas to the court

Orgain, Bell & Tucker LLP

File Clerk

The Woodlands, Texas
Summer 2007, Summer 2008

- Created and maintained records according to the firm's policies
- Edited and updated firm's record database daily
- Organized firm's materials into the necessary files according to lawyer's requests
- Helped senior partner receive and record evidence

Montgomery County District Attorney's Office

Intern

Conroe, Texas
Summer 2005

- Summer internship in District Attorney Michael McDougal's office
- Internship was awarded through The Woodlands High School
- Assisted the District Attorney with filing, organized paperwork for court cases, and observed courtroom sessions

Work Experience**Texas Wesleyan School of Law Bookstore**

Associate

Fort Worth, Texas
May 2011 to May 2013

- Assist students with finding and purchasing textbooks for class.
- Assist manager with stocking shelves and receiving textbook orders

Kroger

Associate

The Woodlands, Texas
February 2004 to August 2006

- Progressed through numerous positions of increasing responsibility, including Sacker, Checker, Dairy Assistant, USCAN Operator, Customer Service Assistant, Starbucks Barista

Skills

Proficient in using Lexis, Westlaw, Windows, and Microsoft Word

Interests include traveling, reading crime and mystery novels, spending time with friends and family, fishing, and hunting.

Regular City Council

Agenda Item

Meeting Date: November 17, 2014

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P14-187**
- 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.

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.

Origination:

Mark Kirkland (Kimley-Horn & Associates)

Recommendation:

Approval

Funding:

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

Community Development Department

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

ATTACHMENTS:

Ordinance 2014-39

Notice of Public Hearing

Property Owner Notification Letter

P14-187 Staff Report

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	_____
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.

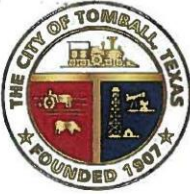
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

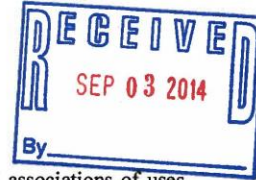
ATTEST:

Doris Speer, City Secretary

Exhibit "A"
PD District Application



Application for
Planned Development
Engineering & Planning Department



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

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

Signature of Applicant

Date

X

Signature of Owner

Date

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

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.

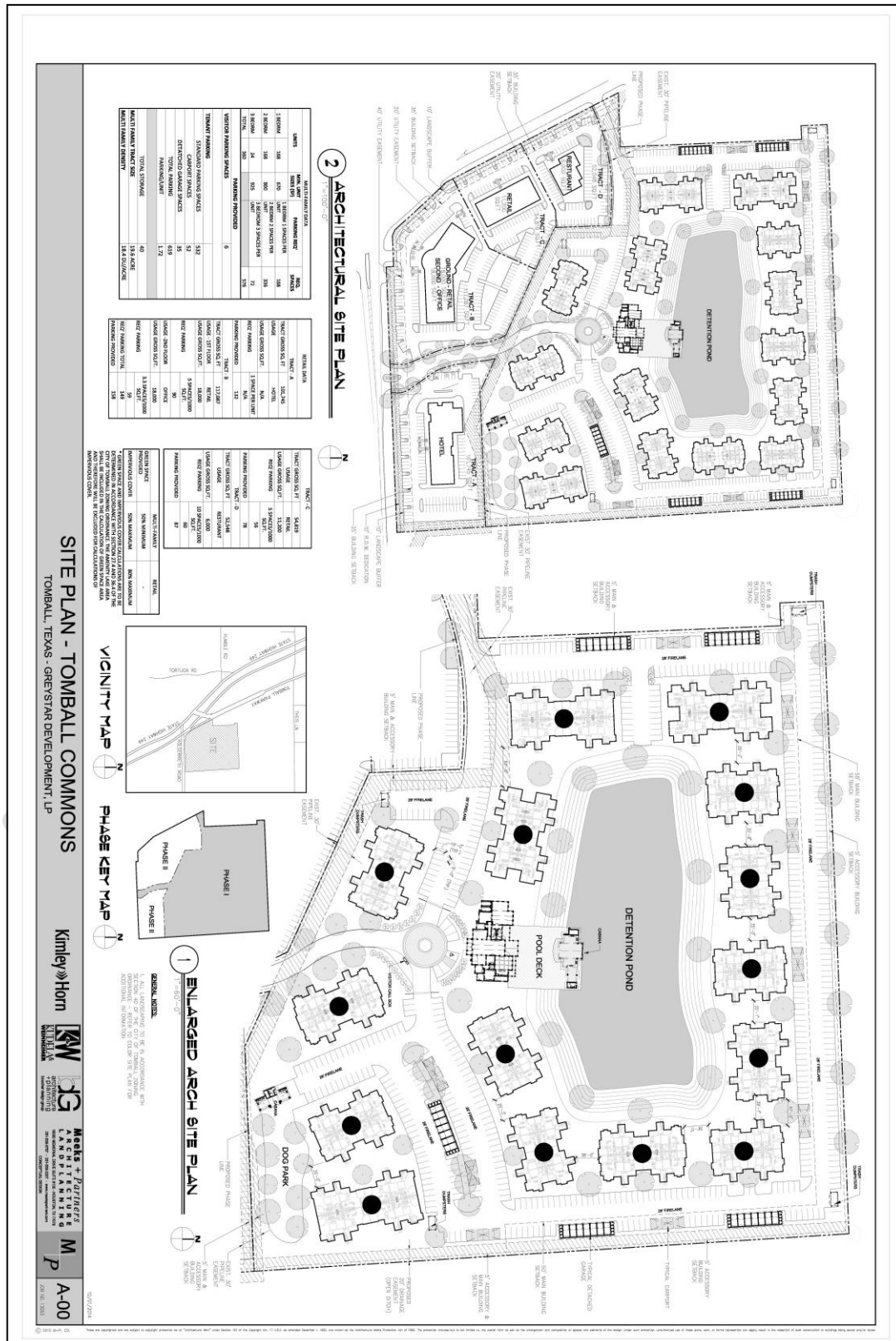
Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

Kimley-Horn & Associates, Inc.

Mark Kirkland
Associate



Exhibit “C” Concept Plan





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

Date: September 2014

Tomball
Greystar

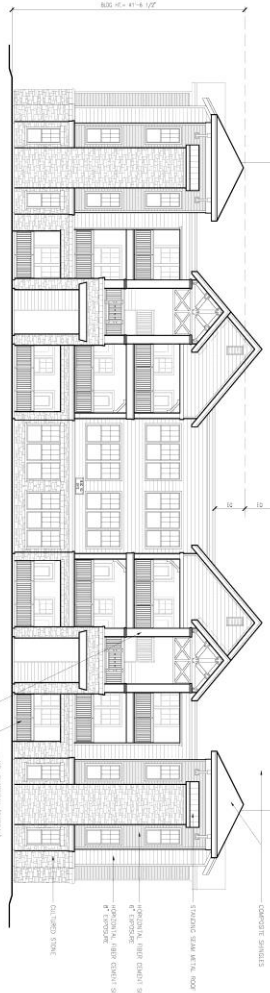


Landscape Architects
1155 Old Katy Road
Suite 270
Houston, Texas 77024
713-809-0887

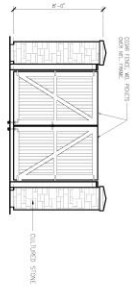
HOUSTON - SAN ANTONIO



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"

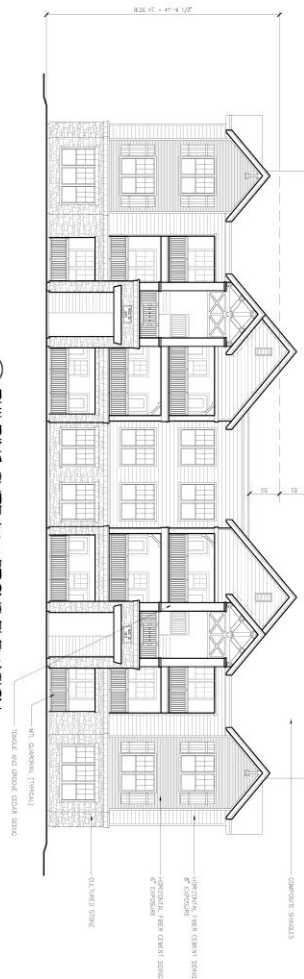
APARTMENT BLDG. ELEV. - TOMBALL COMMONS Kimley»Horn
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn
ARCHITECTS
10000 WEST 10TH STREET, SUITE 100
DALLAS, TEXAS 75243
214.343.7000
www.kimleyhorn.com

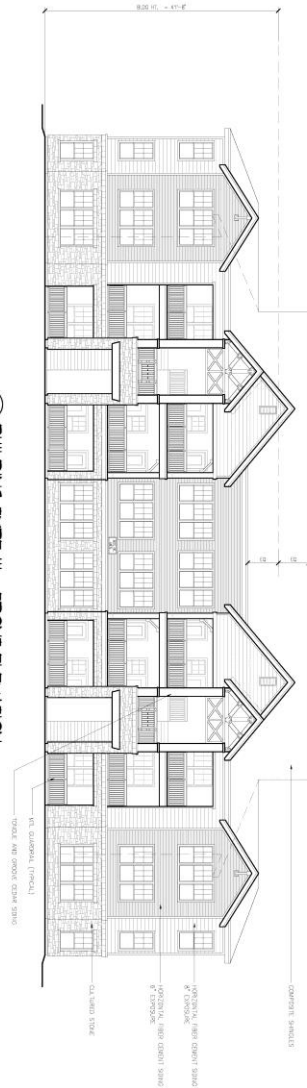
Weeks + Partners
LAND PLANNING
10000 WEST 10TH STREET, SUITE 100
DALLAS, TEXAS 75243
214.343.7000
www.weekspartners.com

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A-01
10/07/2014

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

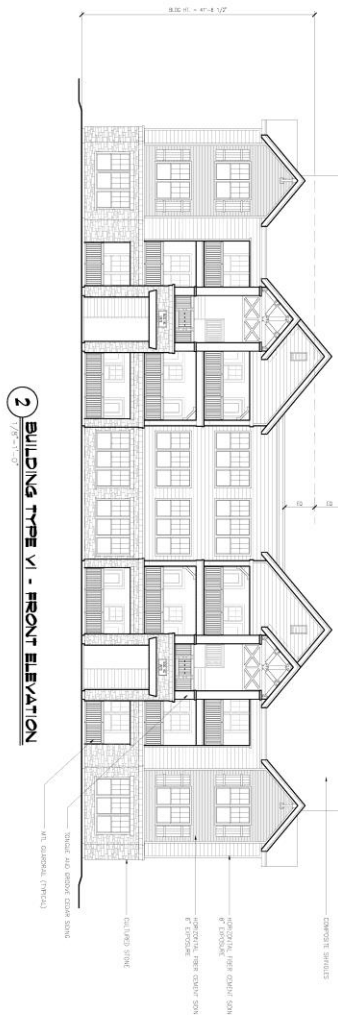


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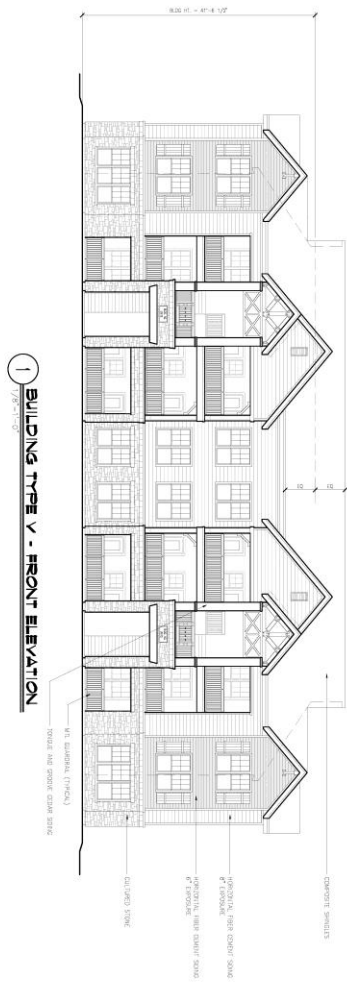


APARTMENT BLDG ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn
KH
Weeks + Partners
W&P
LAND PLANNING
M
P
A-02
10/29/2014



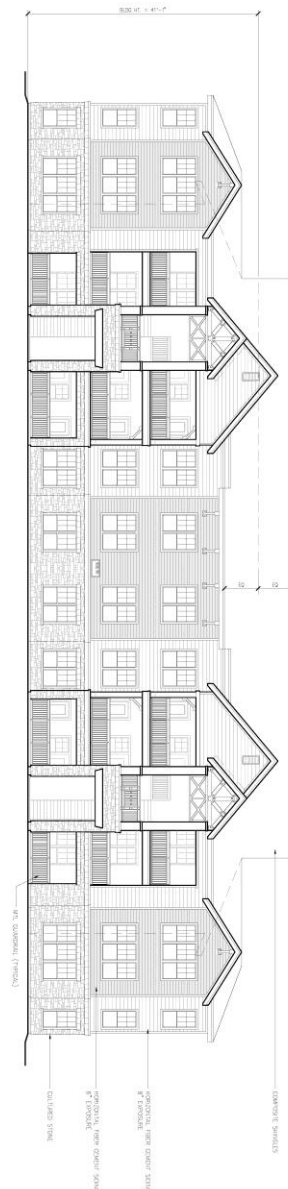
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TYPE VI



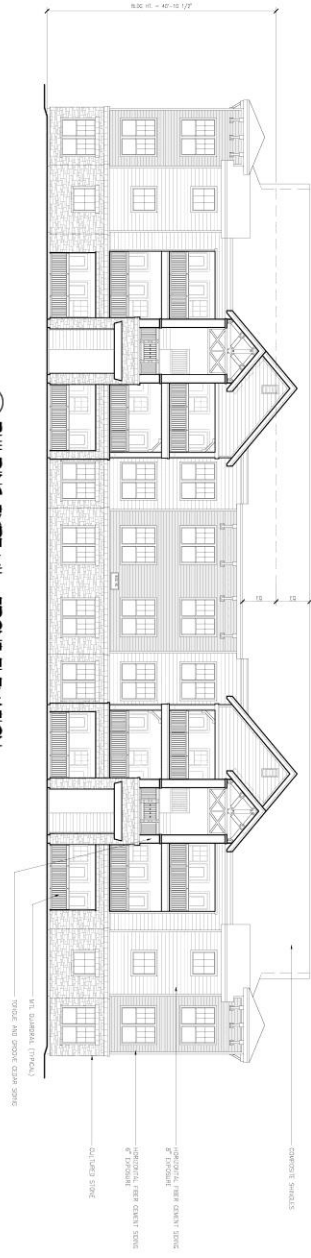
1 BUILDING TYPE V - FRONT ELEVATION
TYPE V

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

Kimley»Horn
KIMLEY-HORN
ARCHITECTS
MECKES + PARTNERS
LANDSCAPE ARCHITECTS
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P
A-03
10/07/2014



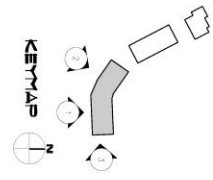
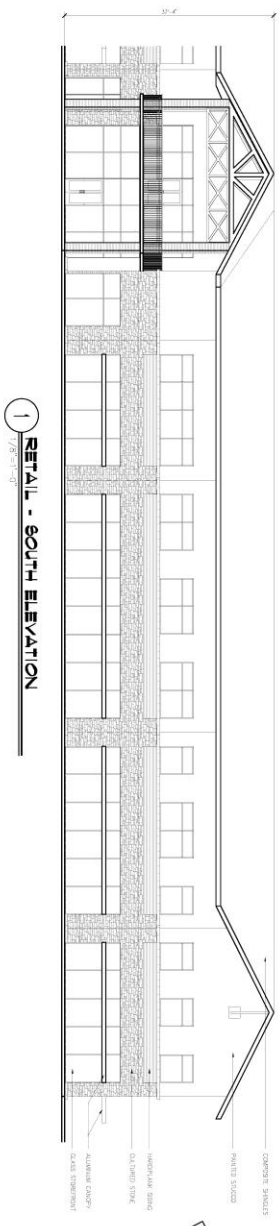
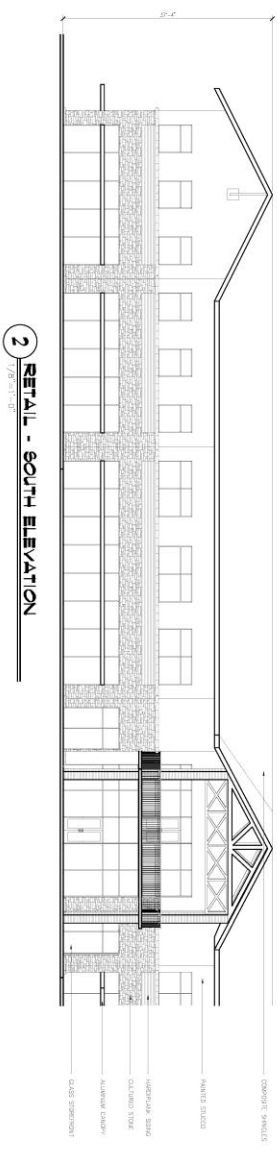
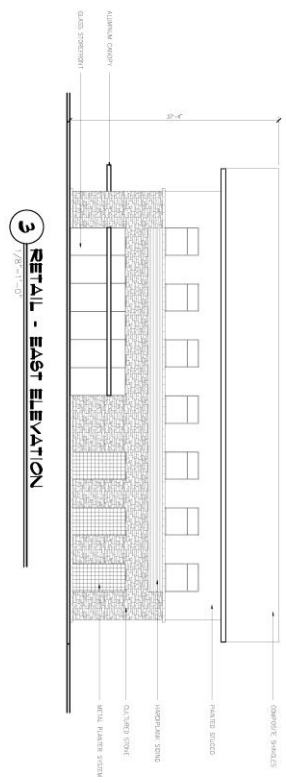
2 BUILDING TYPE VIII - FRONT ELEVATION
1/8" = 1'-0"



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

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

Kimley»Horn
K&H
JG
Meeks + Partners
LANDSCAPE ARCHITECTS
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10/07/2011



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

Kimley»Horn

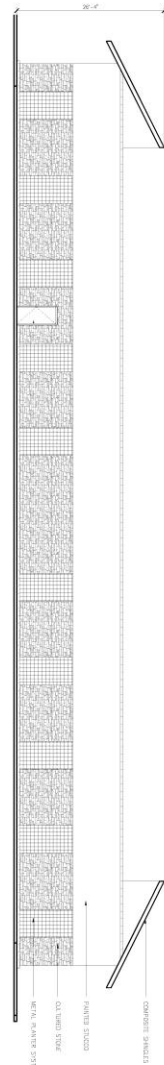


MECKS + PARTNERS
ARCHITECTS

LAOPHANTHONG
ARCHITECTS

M P A-05
10/07/2018

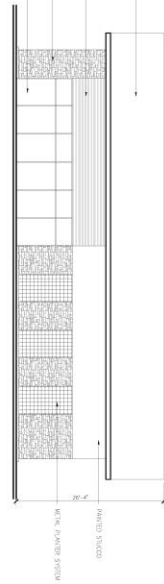
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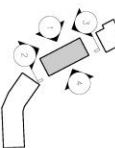
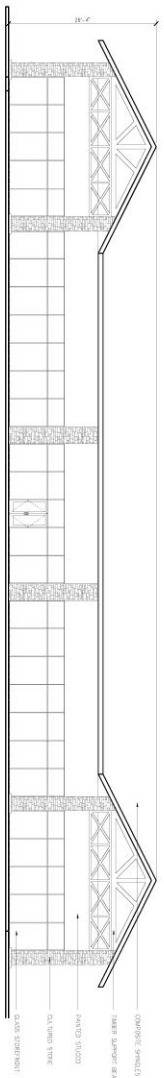
3 RETAIL - WEST ELEVATION
1/8" = 1'-0"



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

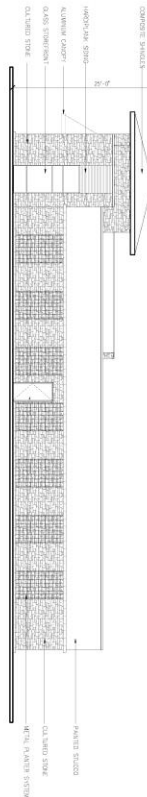


Weeks + Partners
LANDSCAPE ARCHITECTS
10000 Katy Freeway, Suite 100
Houston, Texas 77054
(281) 416-1000

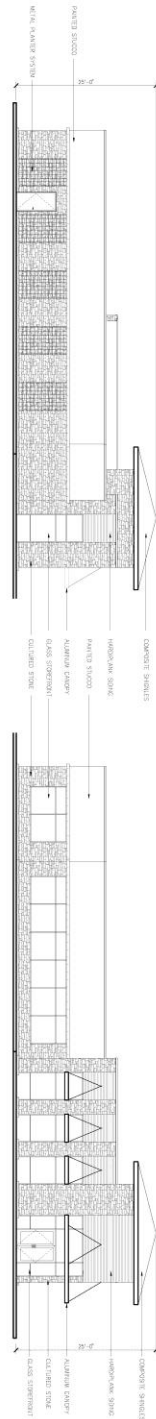
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10/10/2014

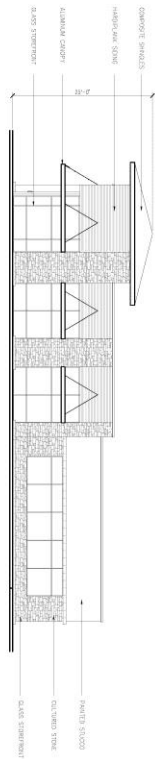


4 RESTAURANT - SOUTH ELEVATION
1/8" = 1'-0"

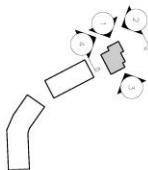


3 RESTAURANT - EAST ELEVATION
1/8" = 1'-0"

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

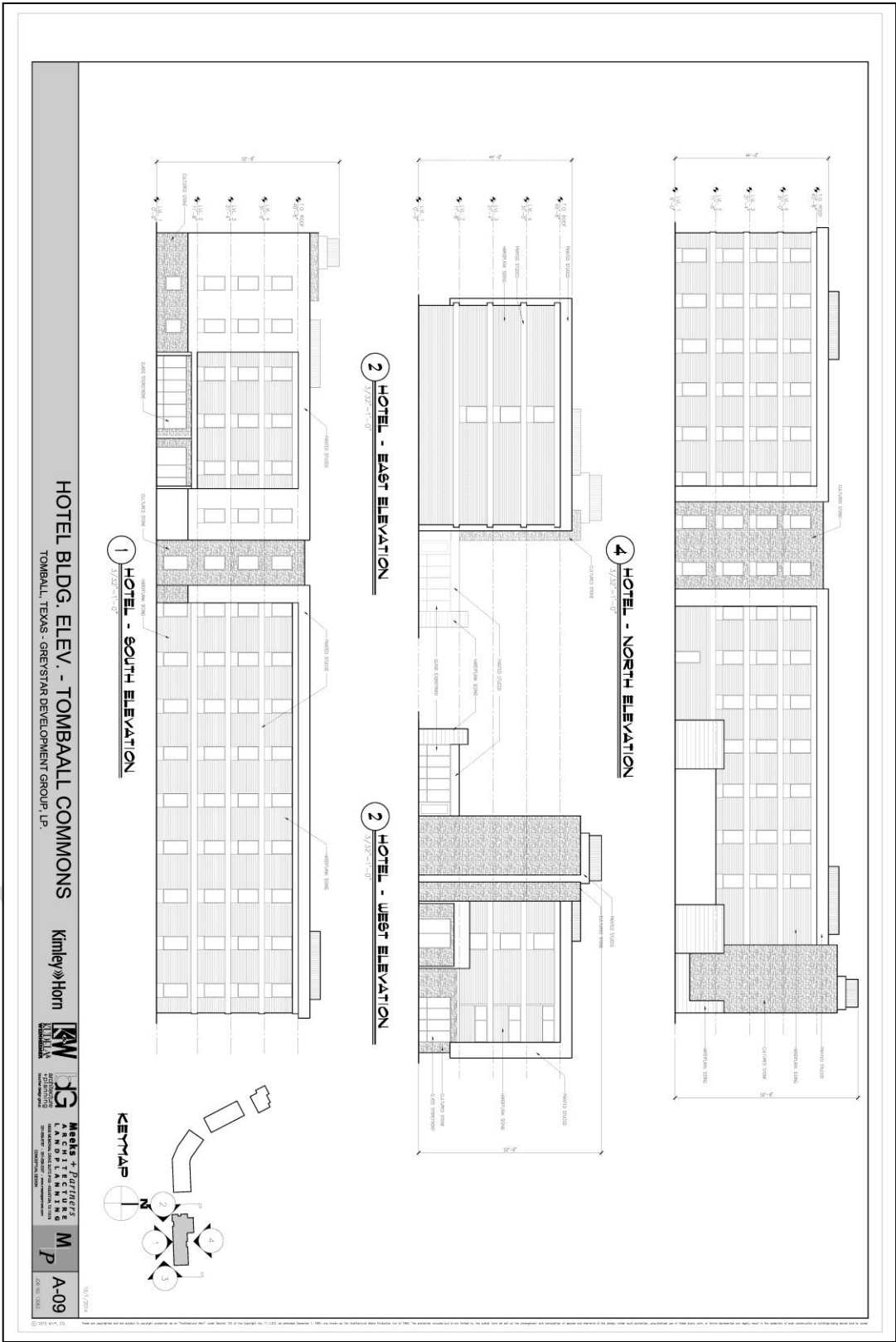


1 RESTAURANT - WEST ELEVATION
1/8" = 1'-0"



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

Kimley»Hom
KIMLEY
MECKS + PARTNERS
LANDSCAPE ARCHITECTS
M P A-08
307/7281
408 (N) 12801



**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.

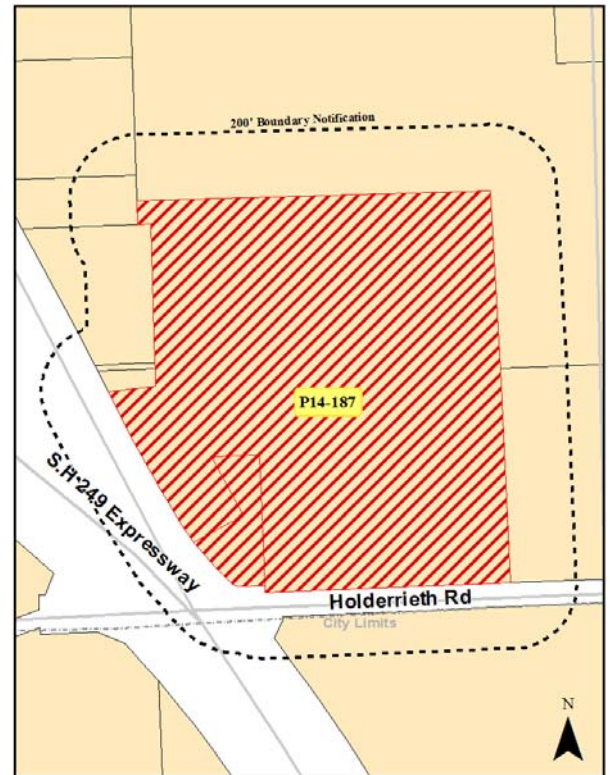
CONTACT: Rodney Schmidt

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.

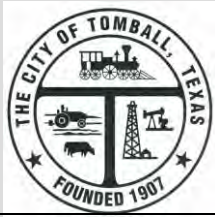


**Planning & Zoning Commission
Public Hearing:
Monday, November 10, 2014, 6:00 PM**

**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.



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

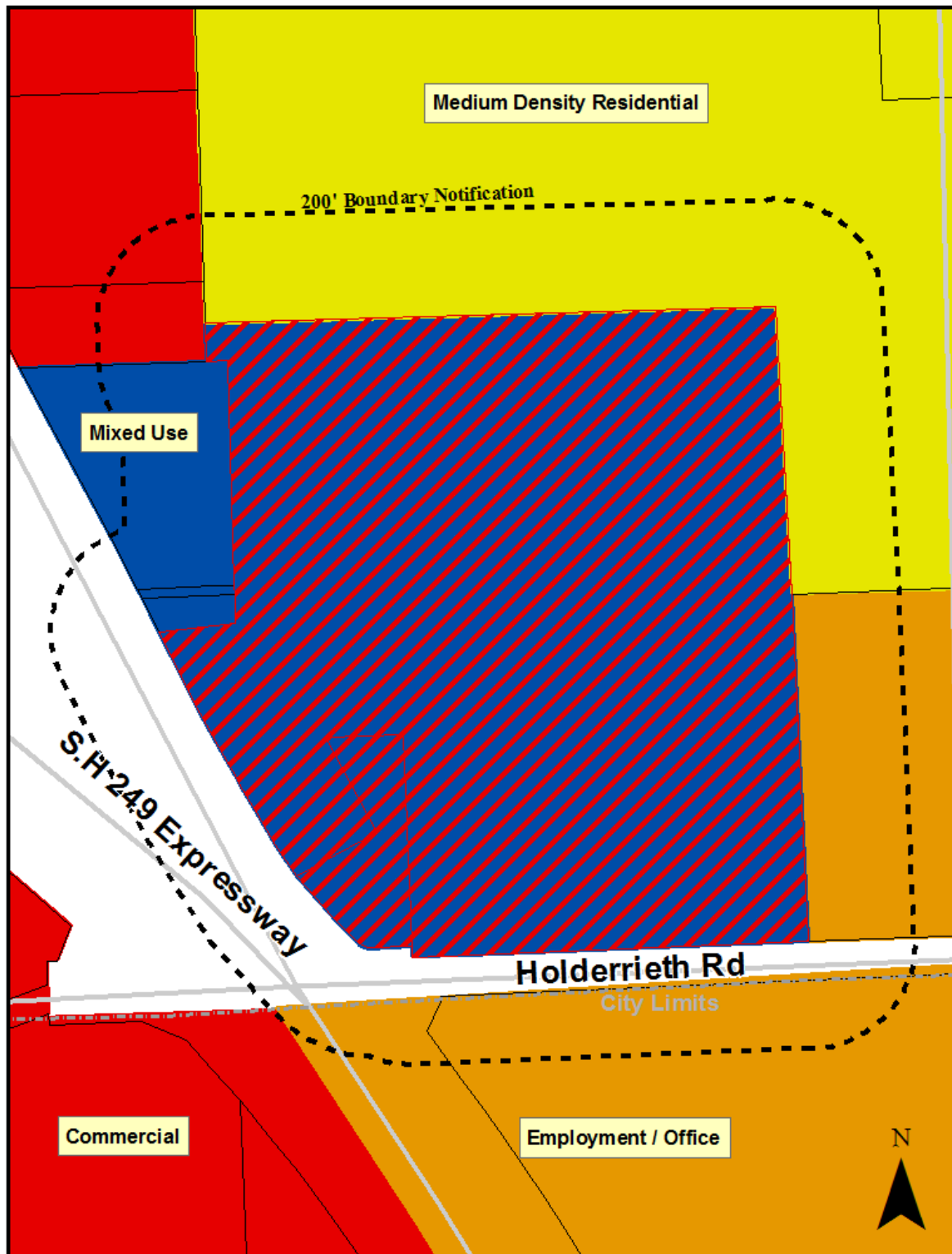


Exhibit "E"
PDD Application



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.

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 Stalder 8-27-14
Signature of Owner Date

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

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,

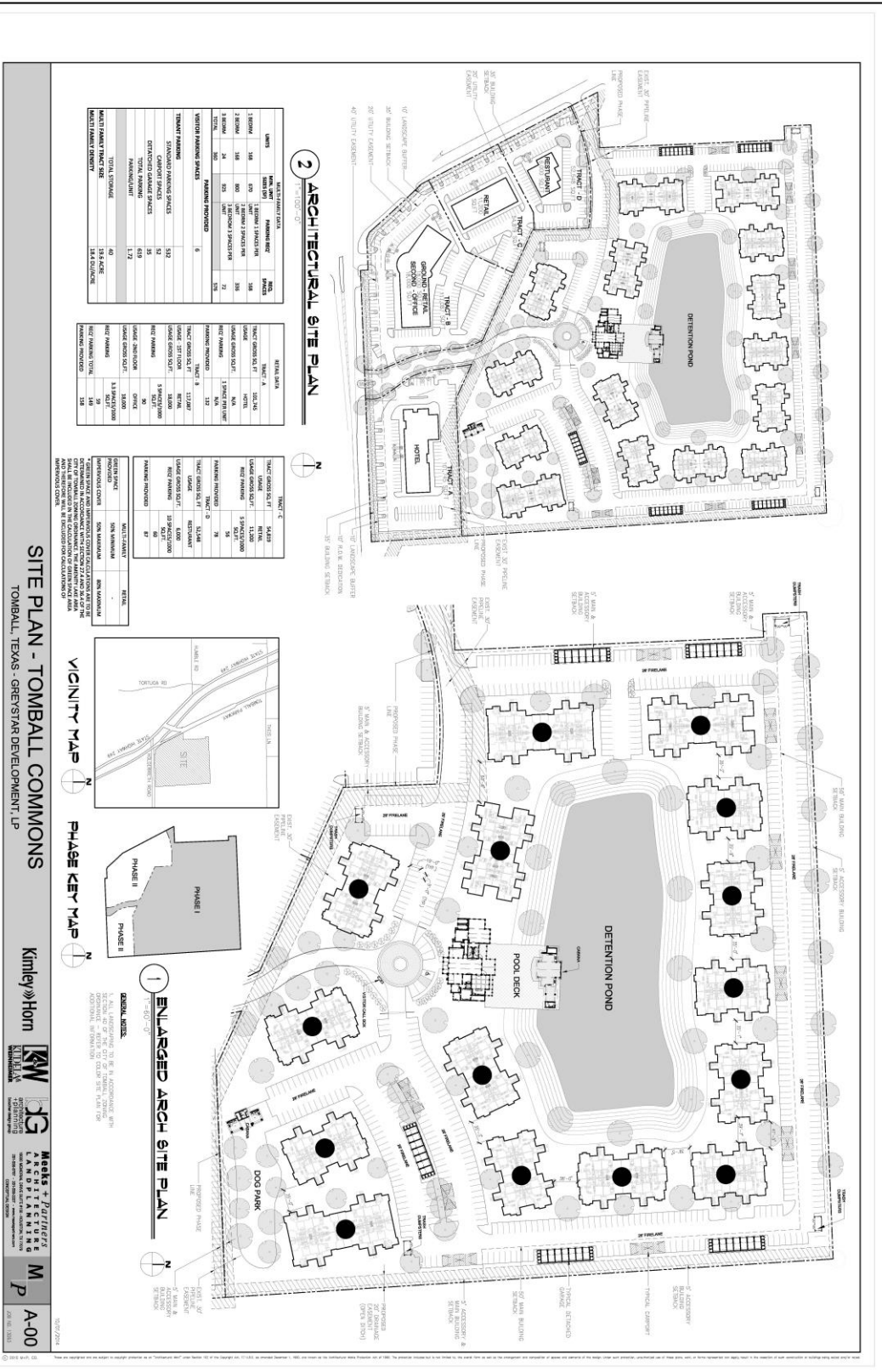
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Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

Kimley-Horn & Associates, Inc.

Mark Kirkland
Associate





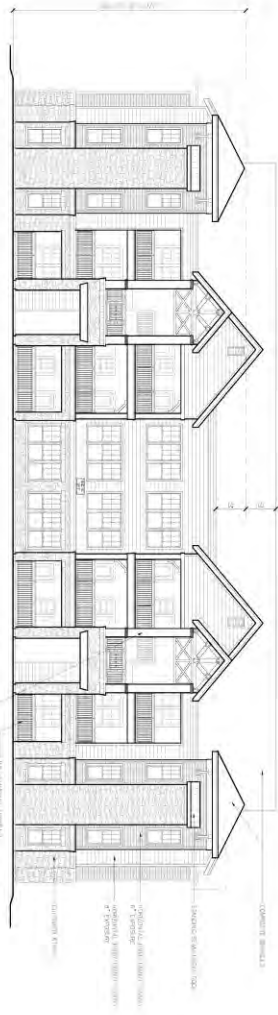




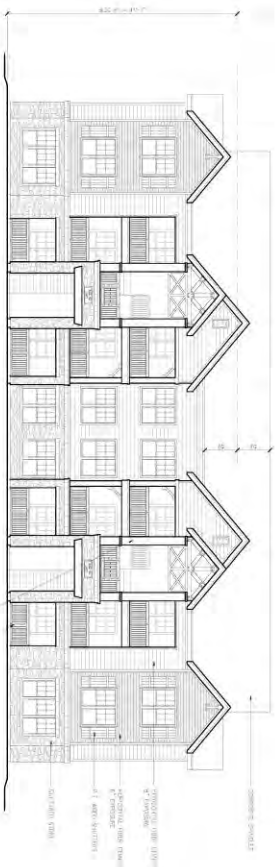
4 TRASH ENCLOSURE ELEV. 1/2" = 1'-0"



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



2 BUILDING TYPE II - FRONT ELEVATION 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

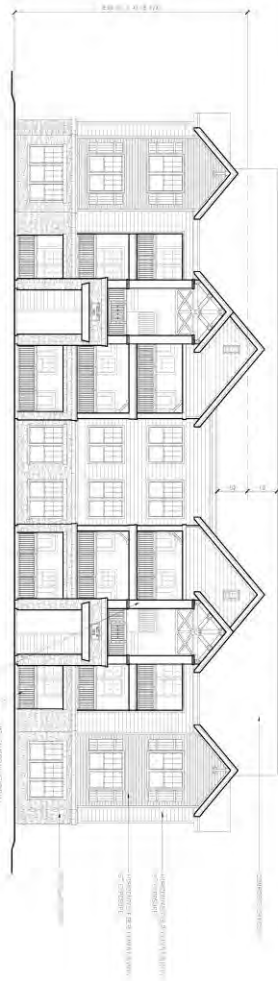
ARCHITECT

ENGINEERING

LANDSCAPE ARCHITECTURE

M P A-01

2 BUILDING TYPE IV - FRONT ELEVATION



1 BUILDING TYPE III - FRONT ELEVATION

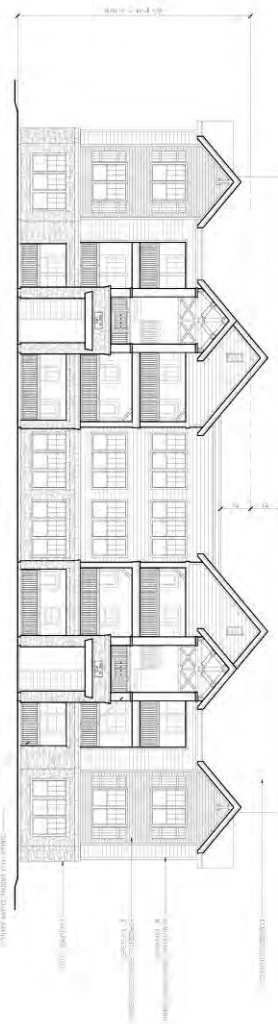


APARTMENT BLDG ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn
ARCHITECTS
15000 KIMLEY HORN DRIVE
HOUSTON, TEXAS 77057
713.462.1000
www.kimleyhorn.com

Weeks + Partners
ARCHITECTS
10000 WESTHEIMER BOULEVARD
HOUSTON, TEXAS 77036
281.419.0000
www.weeks-partners.com

M P A-02



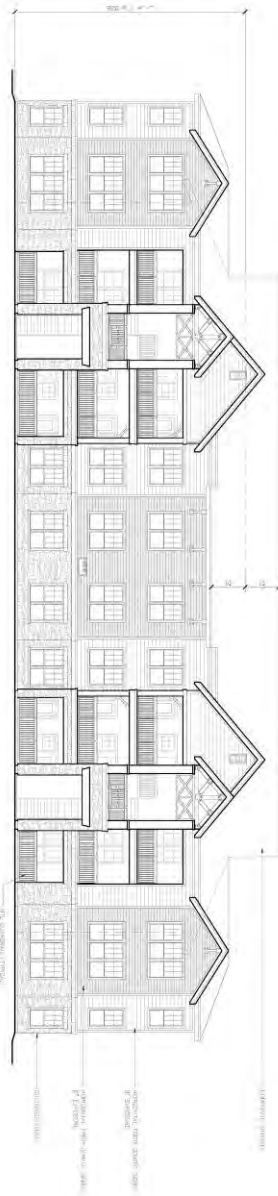
2 BUILDING TYPE VI - FRONT ELEVATION



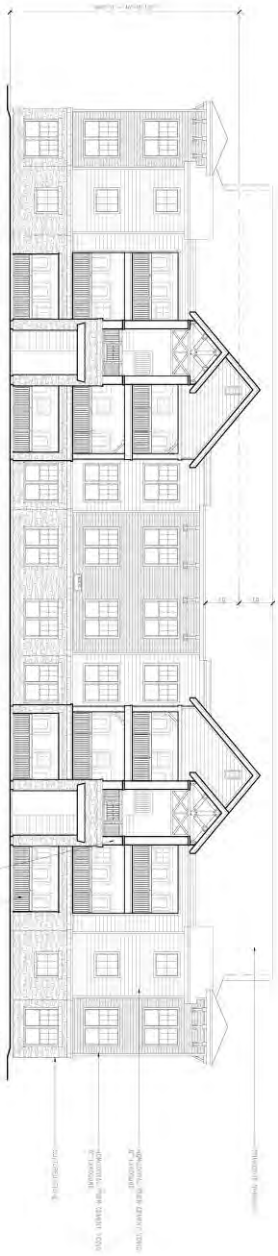
1 BUILDING TYPE V - FRONT ELEVATION

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

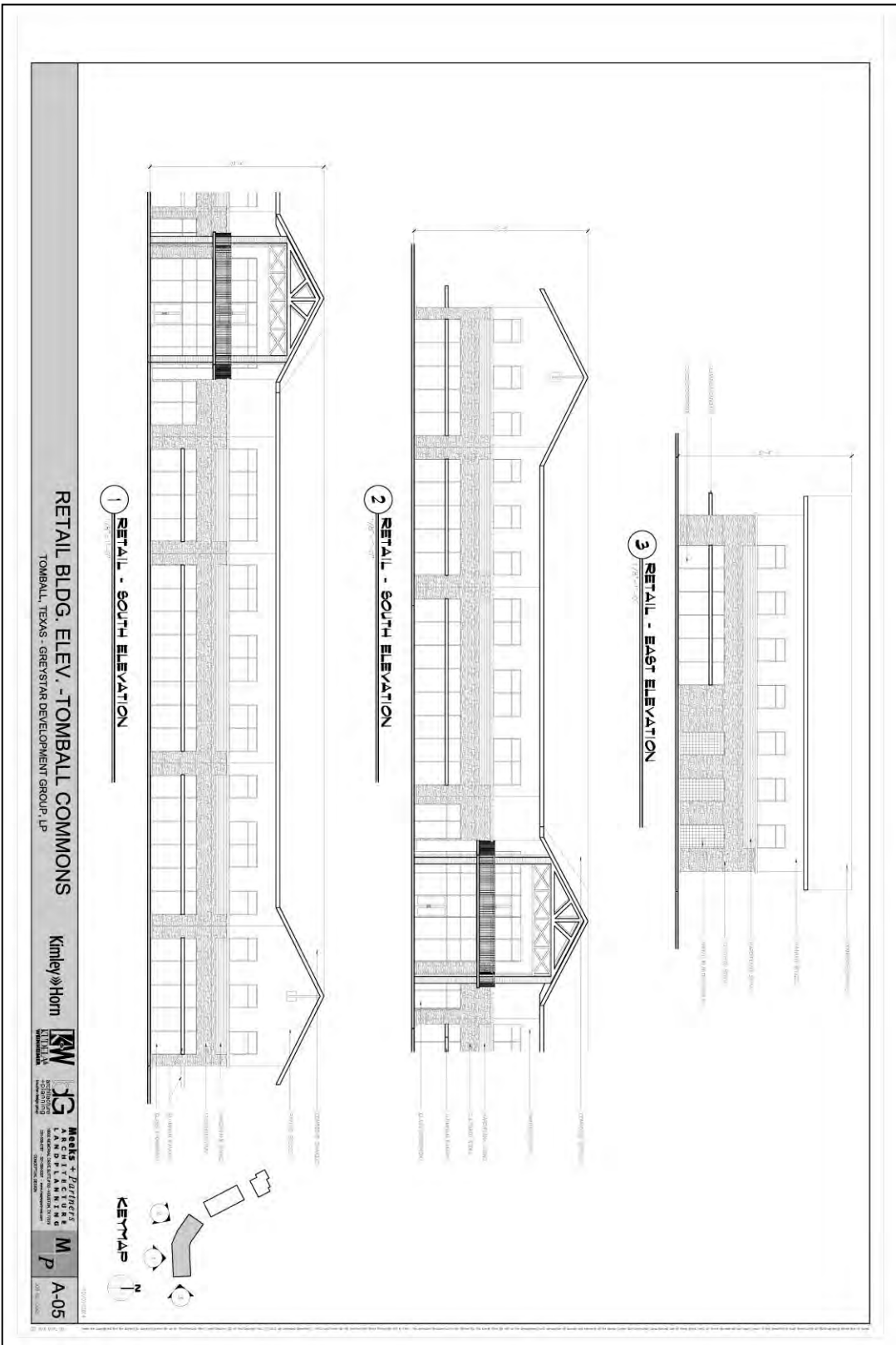
Kimley-Horn
ARCHITECTS
JG
MEERS & PARTNERS
ARCHITECTS
M
P
A-03

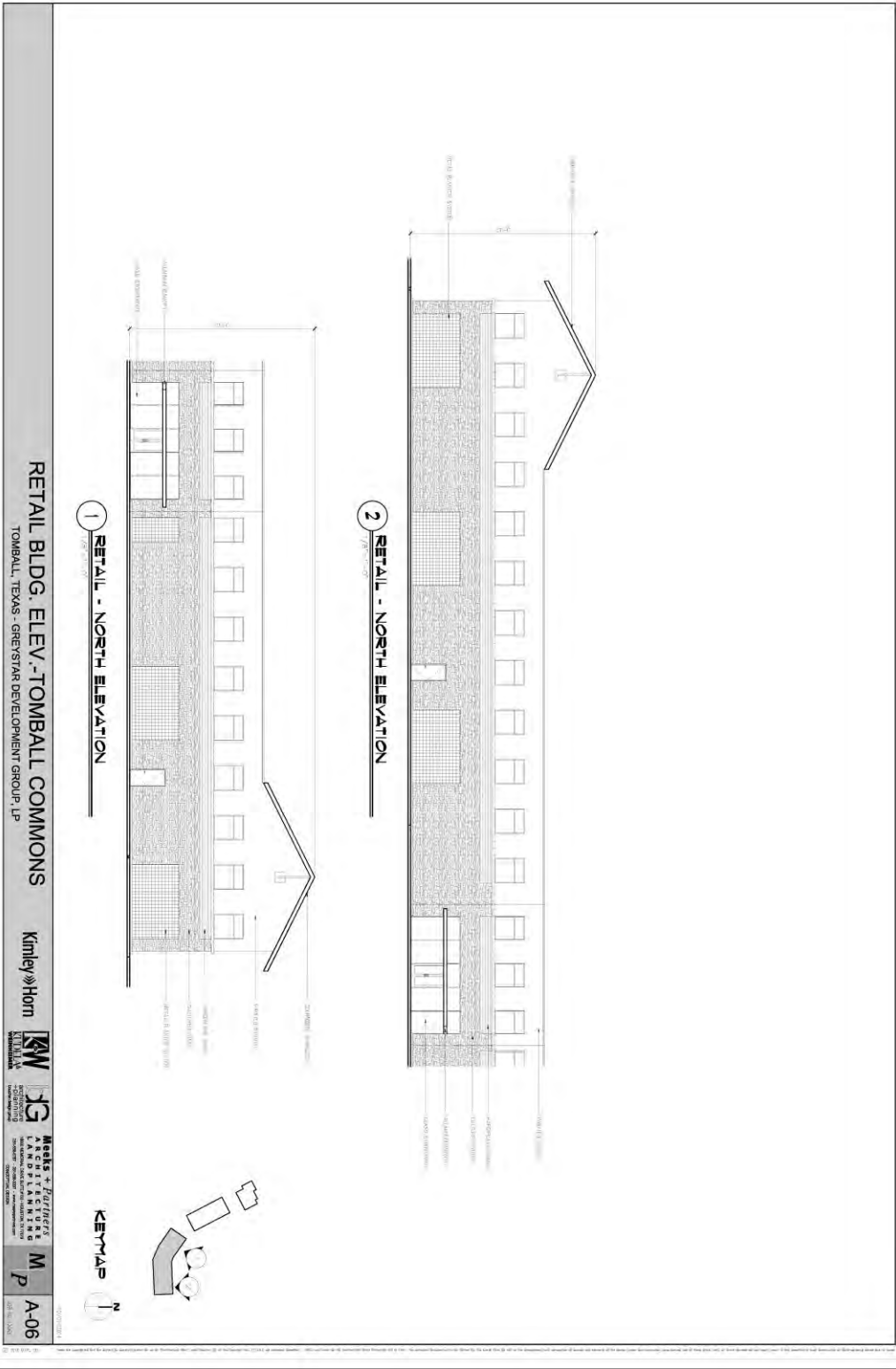


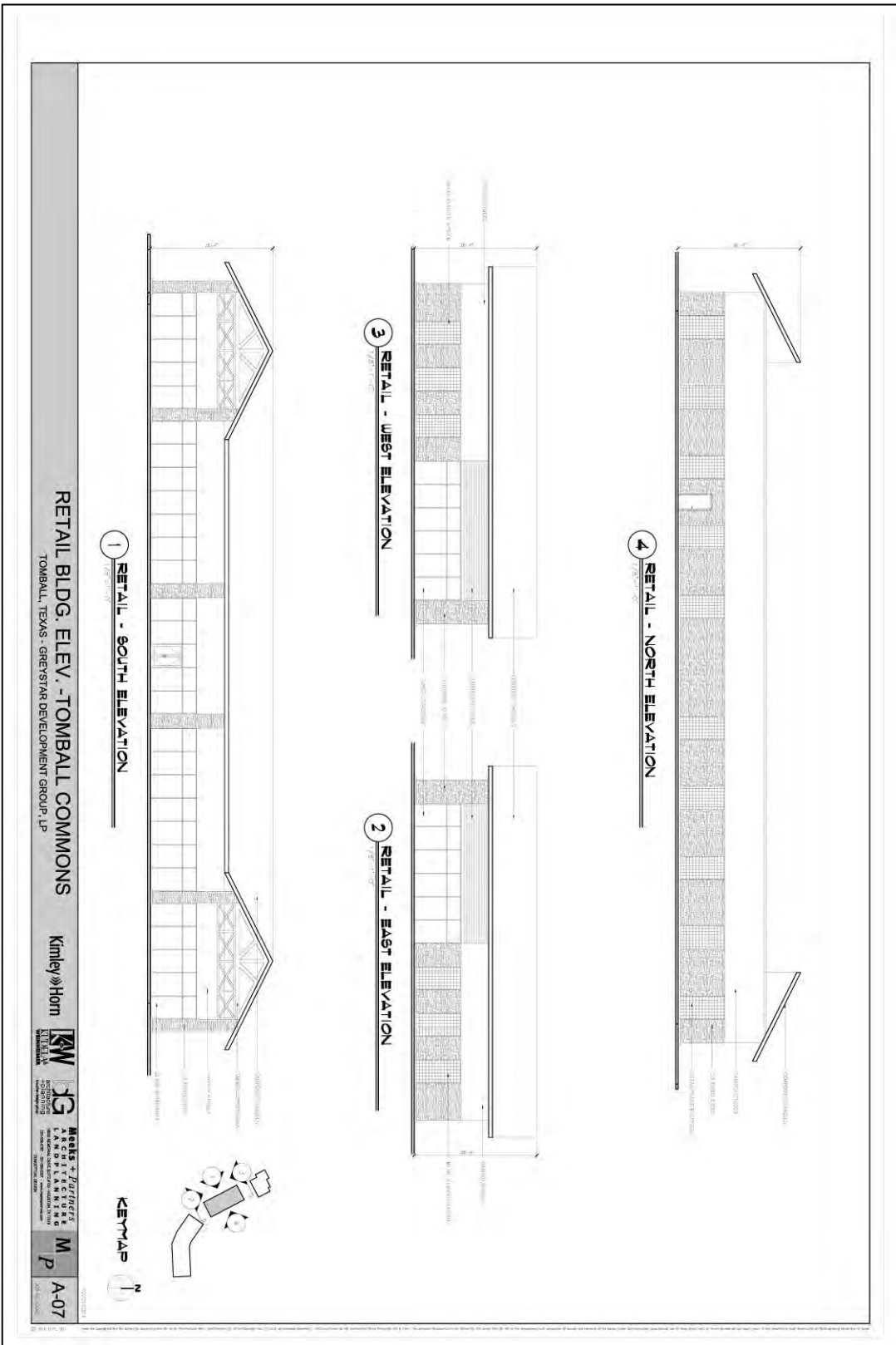
2 BUILDING TYPE VIII - FRONT ELEVATION

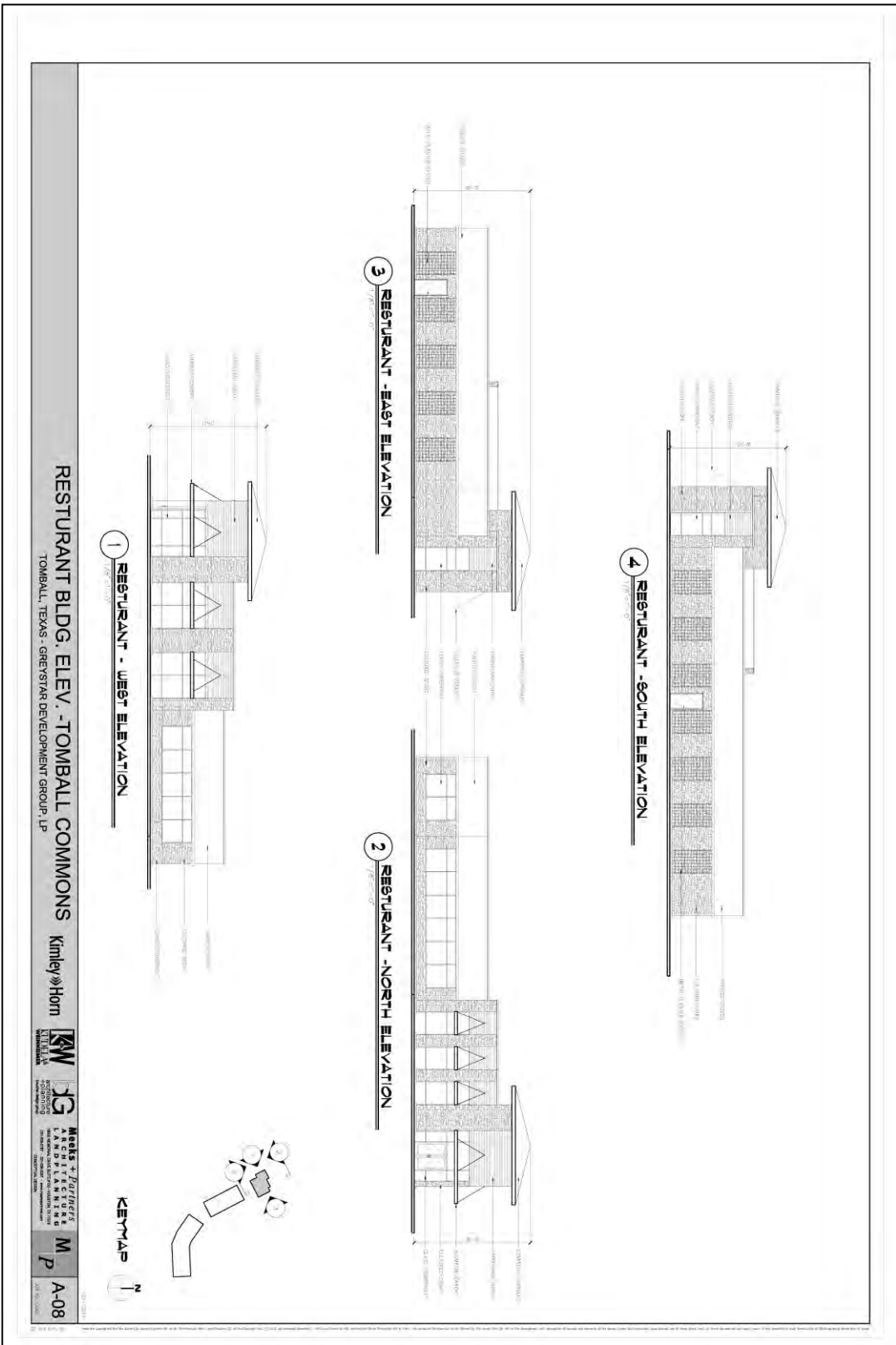


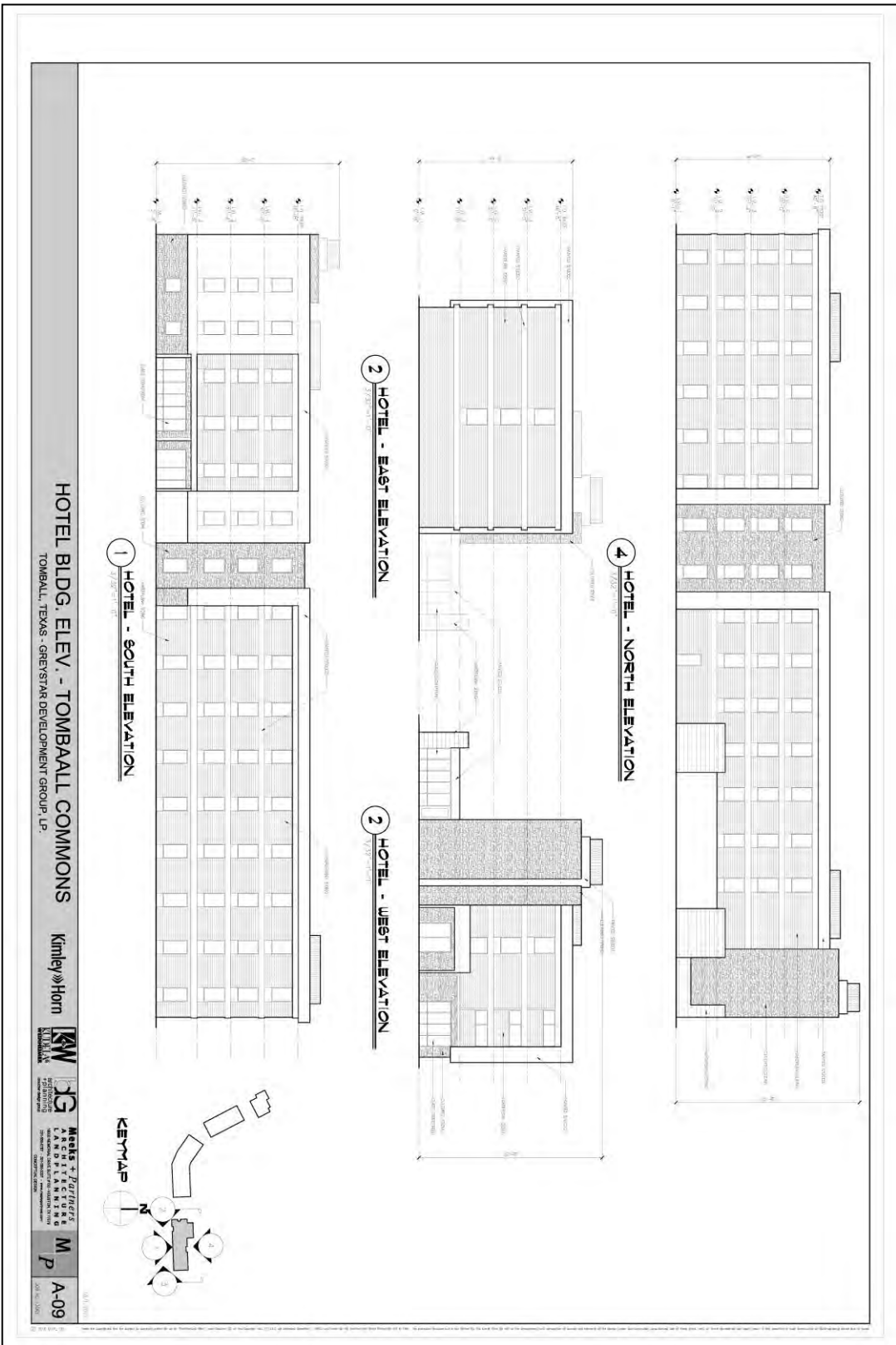
1 BUILDING TYPE VII - FRONT ELEVATION











**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.

Regular City Council

Agenda Item

Meeting Date: November 17, 2014

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P14-217**
- 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.

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.

Origination:

Russell Brown (Pine Country of Tomball)

Recommendation:

Approval

Funding:

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

Community Development Department

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

ATTACHMENTS:

Ordinance 2014-40

Notice of Public Hearing

Property Owner Notification Letter

P14-217 Staff Report

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 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	_____
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

**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.

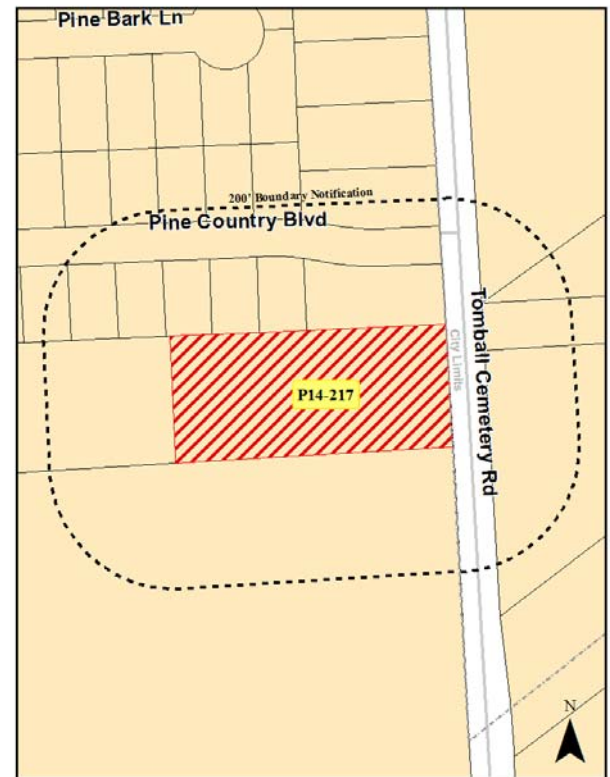
CONTACT: Rodney Schmidt

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.

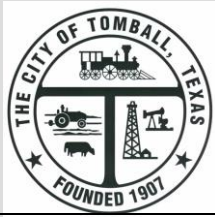


**Planning & Zoning Commission
Public Hearing:
Monday, November 10, 2014, 6:00 PM**

**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.



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

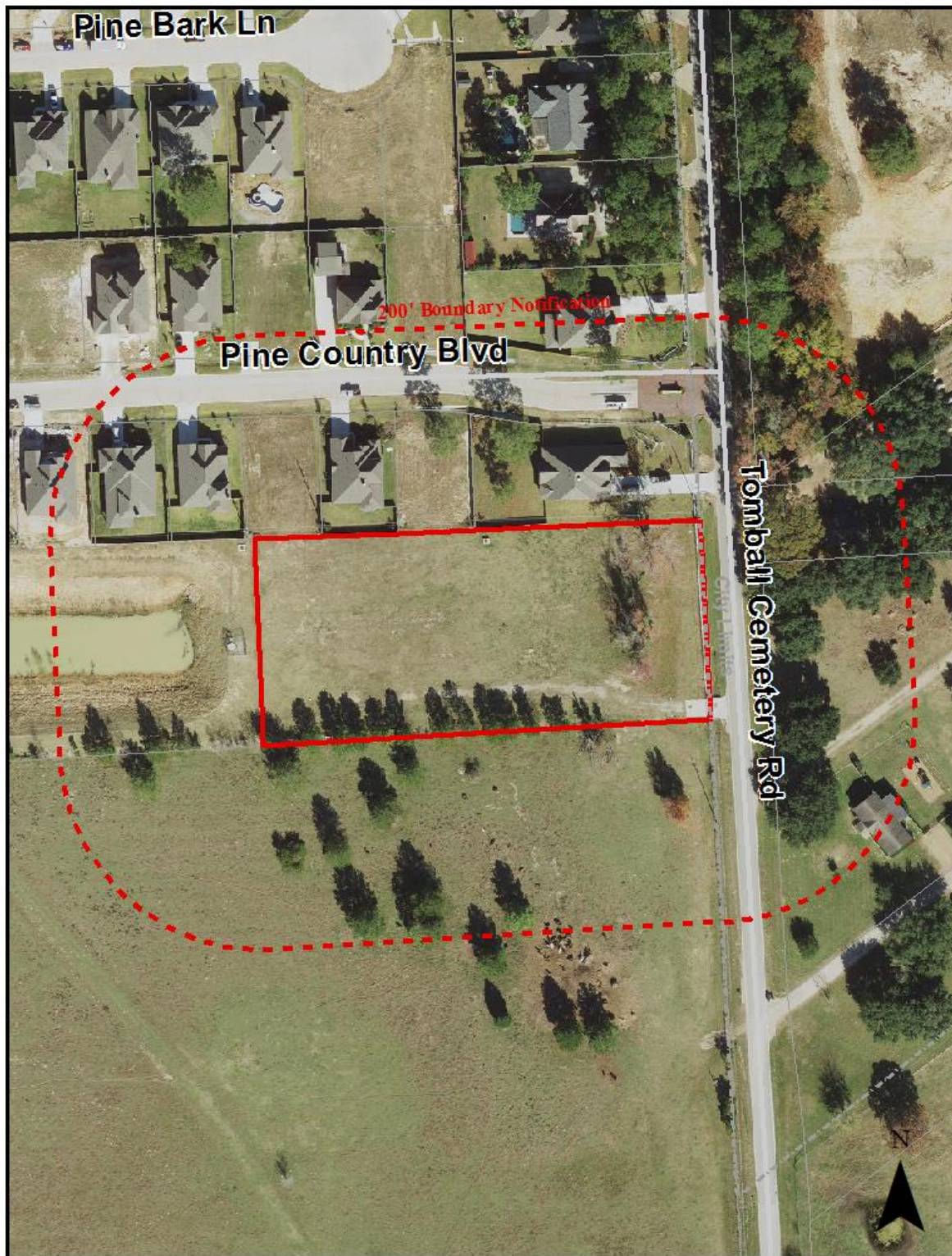


Exhibit "B"
Zoning Map

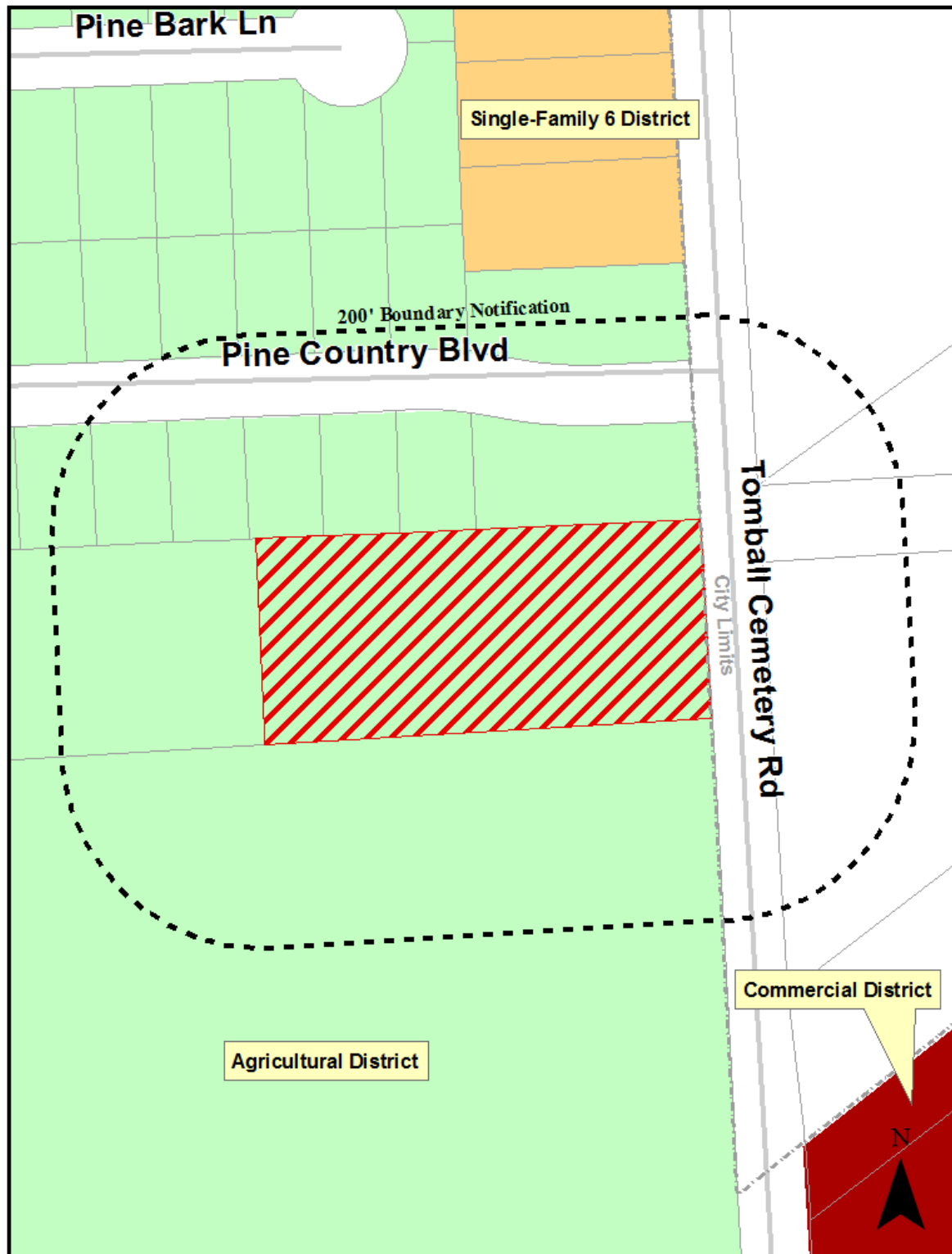


Exhibit "C"
Site Photo(s)



Figure 1: Subject site.

Exhibit "D"
Comprehensive Plan Map

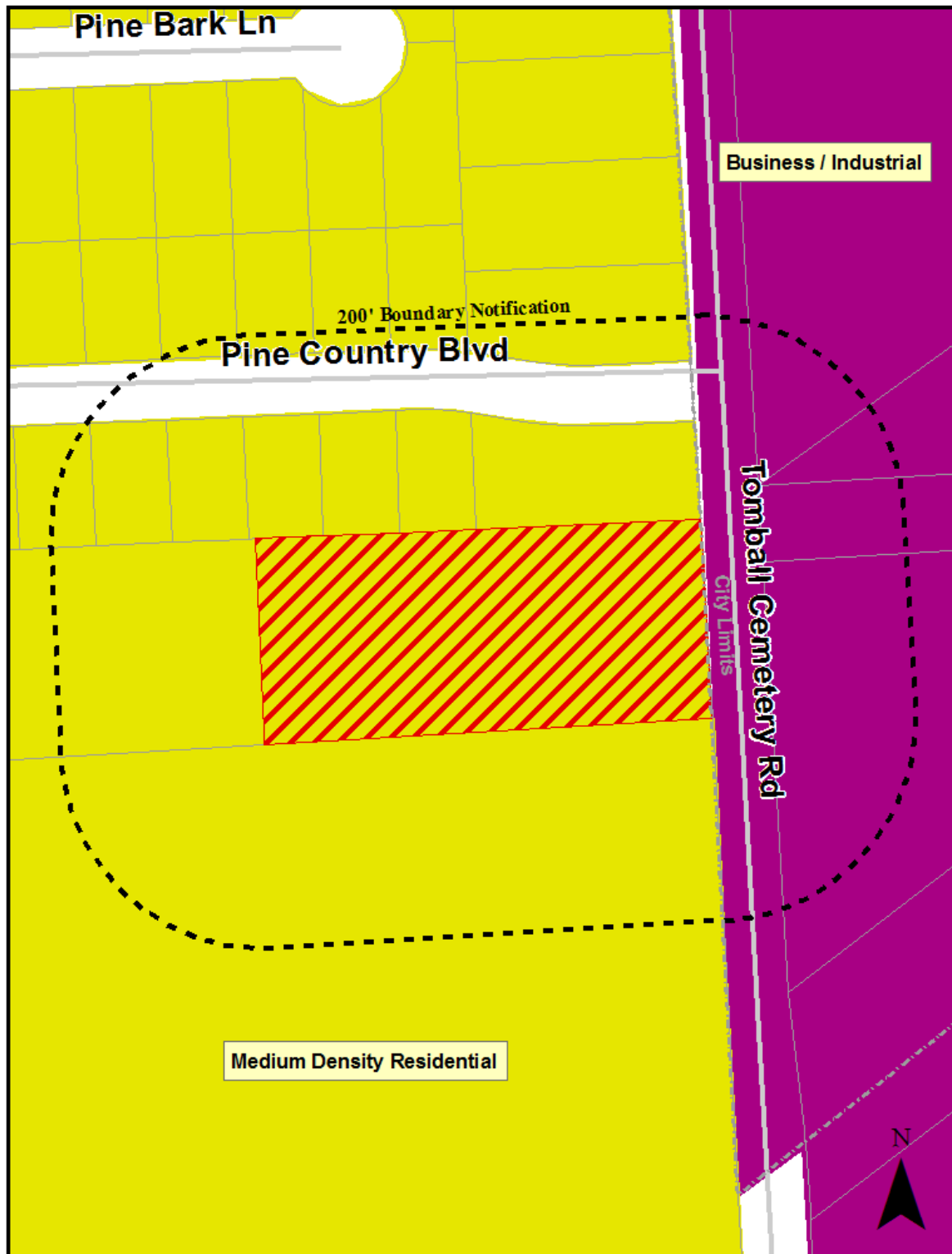
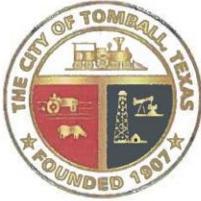


Exhibit "E"
Rezoning Application

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

Regular City Council

Agenda Item

Meeting Date: November 17, 2014

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P14-218**
- 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.

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.

Origination:

City of Tomball

Recommendation:

Approval

Funding:

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

Community Development Department

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

ATTACHMENTS:

Ordinance 2014-41

Notice of Public Hearing

Property Owner Notification Letter

P14-218 Staff Report

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 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	_____
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

**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.

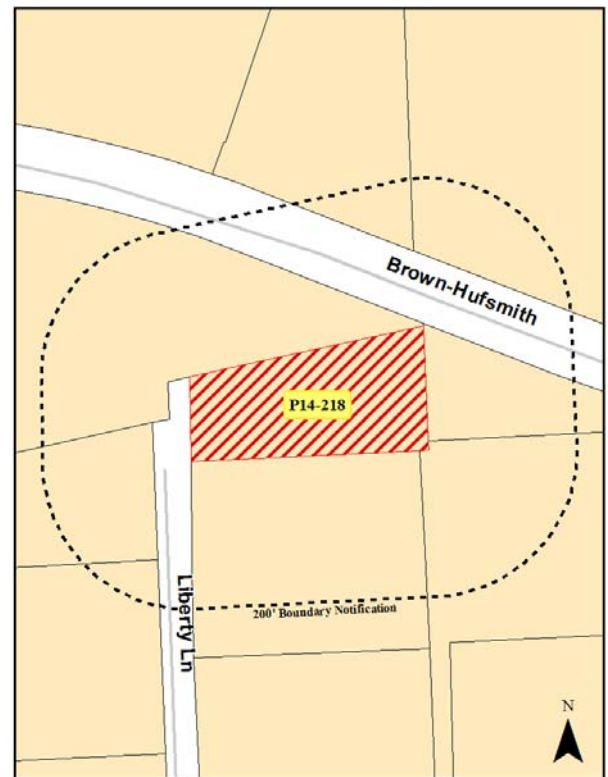
CONTACT: Rodney Schmidt

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.

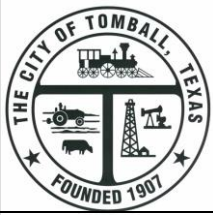


**Planning & Zoning Commission
Public Hearing:
Monday, November 10, 2014, 6:00 PM**

**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.



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

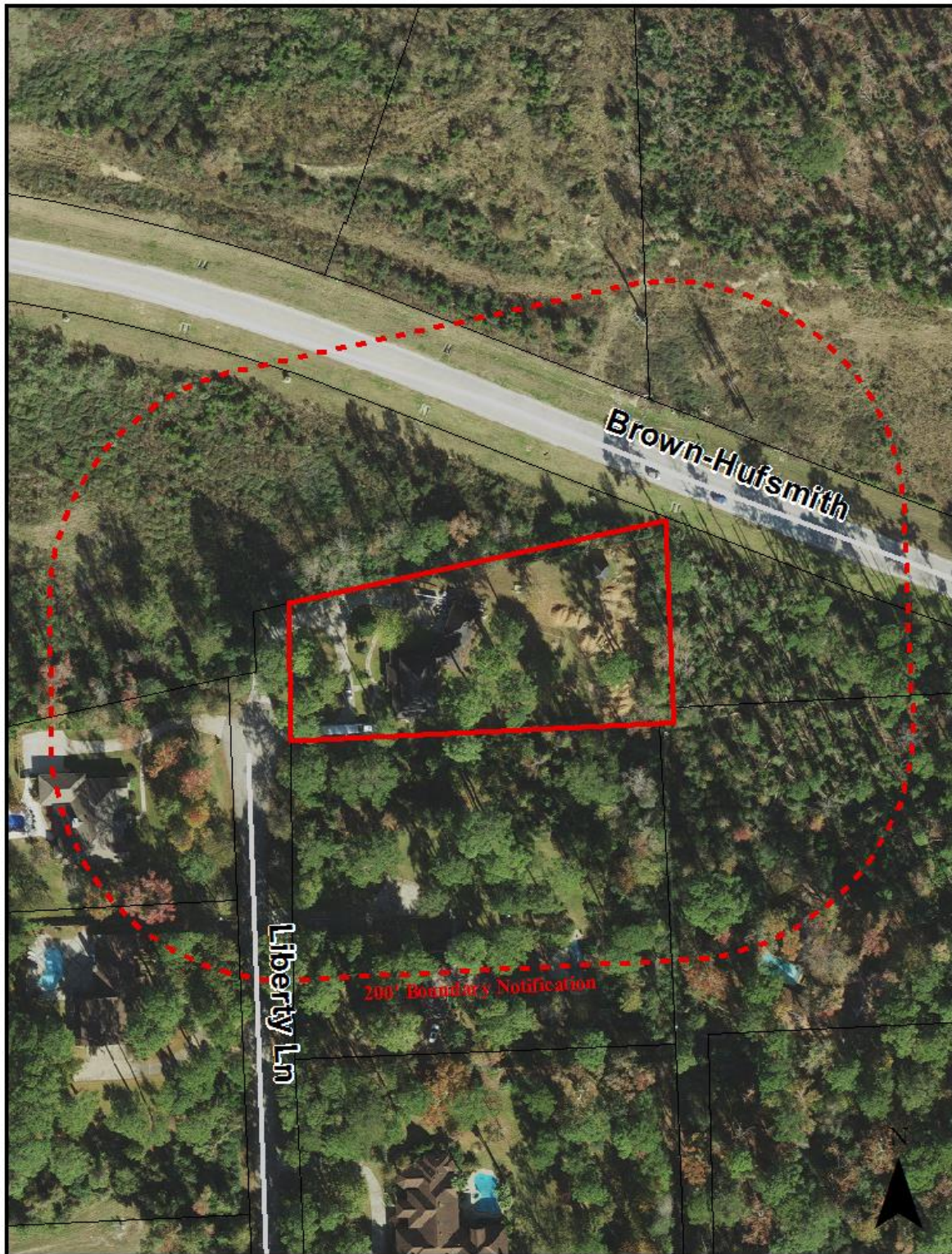
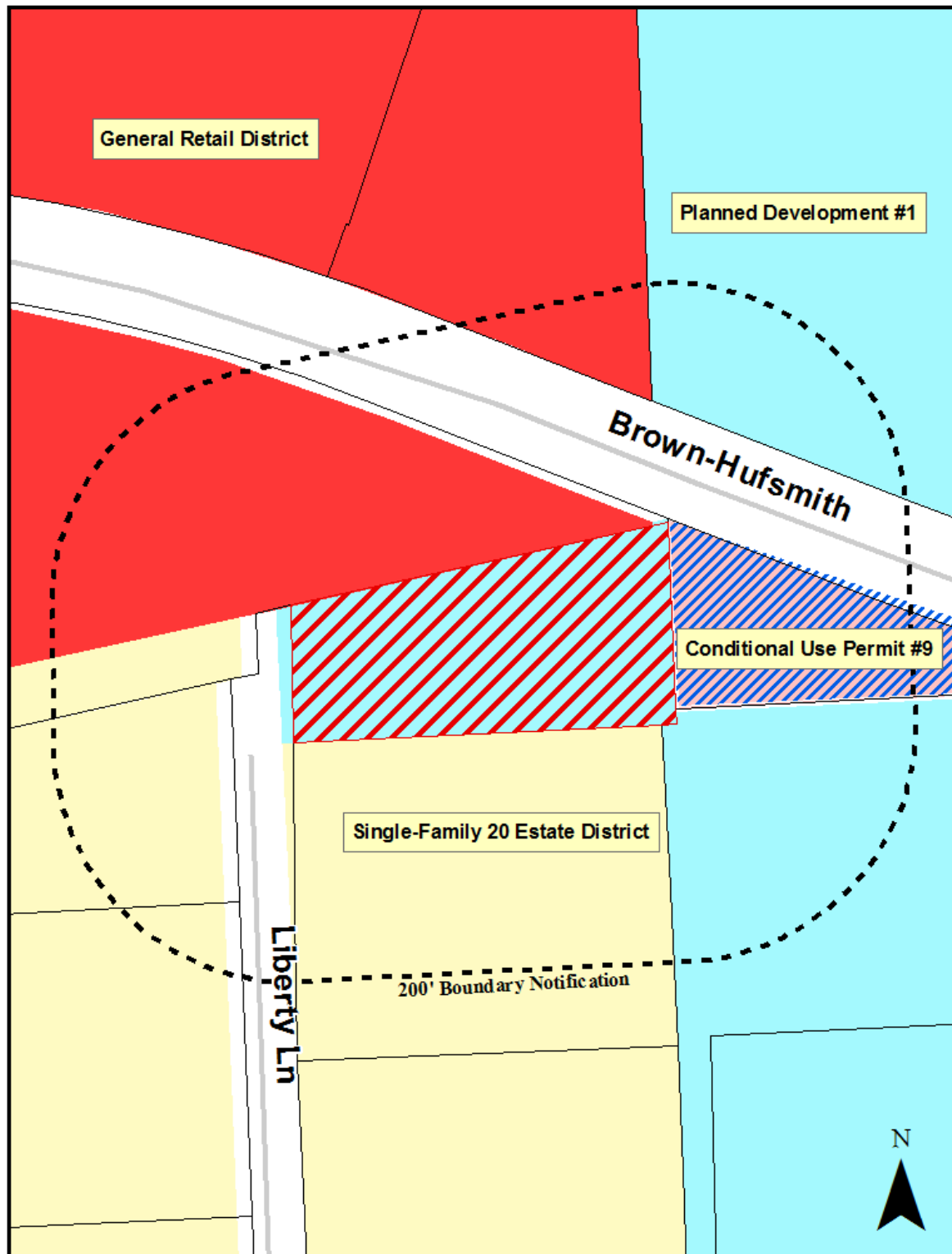


Exhibit "B"
Zoning Map

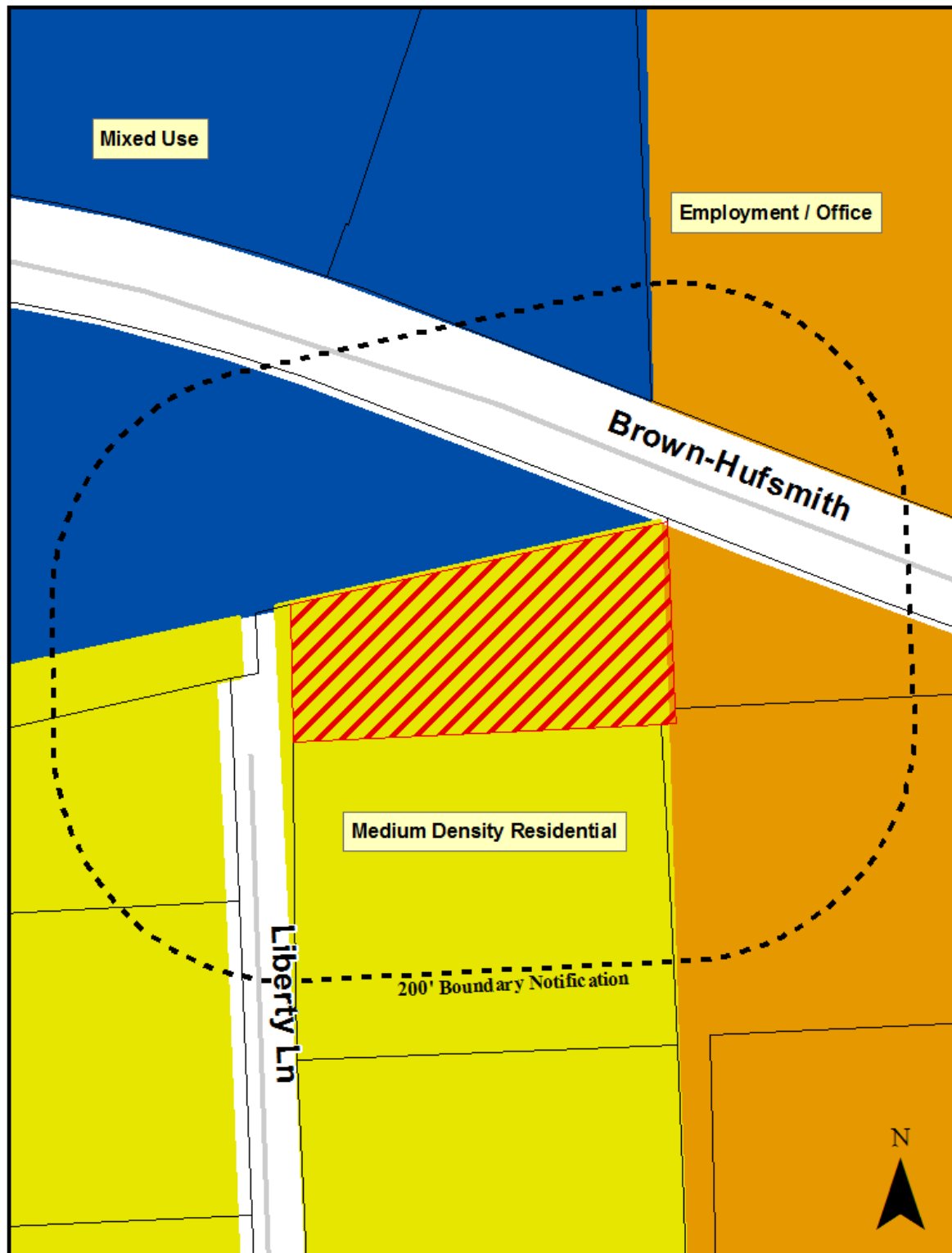


**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.

Exhibit "D"
Comprehensive Plan Map



Regular City Council

Agenda Item

Meeting Date: November 17, 2014

Data Sheet

Topic:

Approve and Authorize City Manager to Execute Pipeline Relocation/Reimbursement Agreement with Tortuga Operating Company ("Tortuga"), in the Amount of \$85,199.00

Background:

Tortuga is the current owner and operator of an existing 2-inch nominal diameter steel pipeline that traverses the ROW pursuant to the rights granted in that certain pipeline easement effective August 29, 1986, from Art DePue, Trustee, to Tortuga Operating Company, recorded under Harris County Clerk's File Number K903828.

The City has notified Tortuga of its plans to construct Medical Complex Drive Segment 3 and M121 West Drainage Channel Project that will conflict with Tortuga's use and maintenance of the existing pipeline. The City requested that Tortuga relocate/lower the existing pipeline in order to accommodate the road project. Tortuga determined that it is agreeable to relocating/lowering a portion of its existing pipeline, subject to the attached Pipeline Relocation/Reimbursement Agreement.

The pipeline relocation is required prior to the performing the excavation of M121 West Drainage Channel in the area of the pipeline to provide detention for Medical Complex.

Origination:

Engineering Division of the Community Development Department

Recommendation:

Approval

Funding: Yes

Account Number: 400-154-6409

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:

Relocation/reimbursement Agreement

STATE OF TEXAS §
COUNTY OF HARRIS §

1. Tortuga shall modify its pipeline system and in particular Tortuga shall remove its Pipeline that crosses Station 83+00 on the construction drawings prepared by CobbFendley to avoid all underground utility facilities so that the City can construct and expand the M121 West Drainage Channel Project.
2. Tortuga shall have no obligation to perform any work pursuant to this Agreement unless and until all of the following conditions have been performed to Tortuga's satisfaction: (a) this Reimbursement Agreement has been fully executed; (b) the Encroachment Agreement provided herewith has been fully executed; and (c) the payment outlined in Paragraph 3a has been received by Tortuga.

3. The City shall pay \$85,199.00 to Tortuga consistent with the projected costs set forth in Attachment II. To the extent that the costs exceed the estimated costs, Tortuga shall bear such excess costs. To the extent that the costs are less than the estimated costs, the City shall have no right to receive any costs savings that Tortuga may achieve.
4. Within seven days after the City makes the payment of \$85,199.00, Tortuga shall commence and shall diligently and continuously pursue such modifications to its pipeline system. However, this Agreement is null and void if Tortuga has not received the payment of \$85,199.00 by December ____, 2014. Tortuga shall complete its pipeline modifications within 45 days of receiving payment, subject only to Force Majeure delays.
5. The City shall commence construction work within the Easement only after Tortuga provides written permission to do so and the City shall perform any work with the Easement in accordance with the Encroachment Agreement.
6. TO THE EXTENT PERMITTED BY LAW AND THE TEXAS CONSTITUTION, THE CITY AGREES TO RELEASE, PROTECT, INDEMNIFY, DEFEND AND HOLD TORTUGA, ITS RESPECTIVE AFFILIATES, SHAREHOLDERS, MEMBERS, MANAGERS, OWNERS, DIRECTORS, EMPLOYEES, OFFICERS, AGENTS AND OTHER REPRESENTATIVES, CONSULTANTS AND SERVANTS AND ITS AND THEIR SUCCESSORS AND ASSIGNS (COLLECTIVELY, "COMPANY GROUP") HARMLESS FROM AND AGAINST ALL CLAIMS FOR COMPENSATIONS, CAUSES OF ACTION (INCLUDING DAMAGE TO PROPERTY OR INJURY OR DEATH TO PERSONS, ADMINISTRATIVE OR REGULATORY PROCEEDINGS, DAMAGES, COSTS OR EXPENSES (INCLUDING REASONABLE ATTORNEYS' FEES AND COSTS OF DEFENSE) (COLLECTIVELY "CLAIMS) ASSERTED BY ANY HOLDERS OF INTEREST IN THE REAL PEROPERTY ON WHICH THE EXISTING PIPELINE IS LOCATED IN CONNECTION WITH THE PIPELINE WORK BY COMPANY GROUP.
7. This Agreement shall be binding upon and inure to the benefit of each of the undersigned parties and their respective successors, assigns, and legal representatives.
8. This Agreement shall be interpreted under and construed in accordance with the laws of the State of Texas. The parties covenant and agree that Texas law shall control the validity and enforceability of the obligations created by this Agreement. This Agreement shall be deemed performable in Harris County, Texas. Venue for any litigation filed involving this Agreement shall be in Harris County, Texas. BOTH PARTIES AGREE THAT, TO THE EXTENT ALLOWED BY THE GOVERNING LAW, EACH PARTY HEREBY WAIVES ALL RIGHTS TO A JURY TRIAL WITH RESPECT TO ANY LITIGATION INVOLVING THIS AGREEMENT. Nothing herein shall prohibit a party from availing itself of a court of competent jurisdiction for the purpose of injunctive relief.
9. In the event of any dispute among any of the parties hereto with respect to this Agreement, the prevailing party in any litigation arising therefrom shall be entitled to receive from the losing party its reasonable attorney's fees incurred in connection therewith.
10. Each party hereto hereby represents and warrants that the individual executing this Agreement is a person duly authorized to execute this Agreement and that the execution and delivery of this Agreement results in this Agreement being a valid and binding agreement of the parties, enforceable in accordance with its terms.

11. This Agreement may be executed as one instrument signed by all parties or in separate counterparts hereof, each of which counterparts shall be considered an original and all of which shall be deemed to be one instrument, and any signed counterpart shall be deemed delivered by the party signing it if sent to any other party hereto by electronic facsimile transmission.
12. Nothing in this Agreement is intended, or shall be deemed to create or constitute a partnership or joint venture between the parties.

Executed this _____ day of December, 2014.

TORTUGA OPERATING COMPANY

By: _____
Name: Peter L. Turbett
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of _____, 2014, by Peter L. Turbett, President of TORTUGA OPERATING COMPANY on behalf of said corporation.

Notary Public in and for the
State of TEXAS

THE CITY OF TOMBALL

By: _____
Name: George Shackelford
Title: City Manager

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of _____, 2014, by George Shackelford, City Manager of the City of Tomball.

Notary Public in and for the

ATTACHMENT II

Expense Type Description	Cost (\$)
Engineering Services	12,000
Materials, Shipping, and Use Tax	14,338
Labor (direct/dedicated charges), Expenses, Wages, Benefits, Travel	0
Contractual Services - Construction	50,000
Contractual services, contract labor, professional services, outside services, ext. legal	3,000
Land Acquisition, Damages, Right-of-way, Property Rental (less labor & contract)	1,300
Other (office, telecom, vehicle & other expenses, fees, permits, utilities, rentals)	1,075
Administrative and General Expense	3,486
Allowance for Funds Used During Construction - debt, equity, billed from others	0
Total	85,199

Scope of Work:

Tortuga will modify its pipeline system and in particular shall remove its existing 2-inch nominal diameter steel pipeline that crosses Station 83+00 on the construction drawings prepared by CobbFendley so as to avoid all underground utility facilities so that the City of Tomball can construct and expand the M121 West Drainage Channel Project.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 17, 2014

Topic:

Consideration 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.

Background:

The Planning and Zoning Commission voted 4-0 to approve the Hausman Replat with contingencies on November 10, 2014. The plat has been corrected and is now being forwarded to the City Council for approval consideration.

Origination:

Recommendation:

Funding:

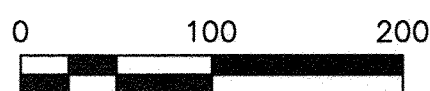
Party(ies) responsible for placing this item on agenda:

Community Development Department

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

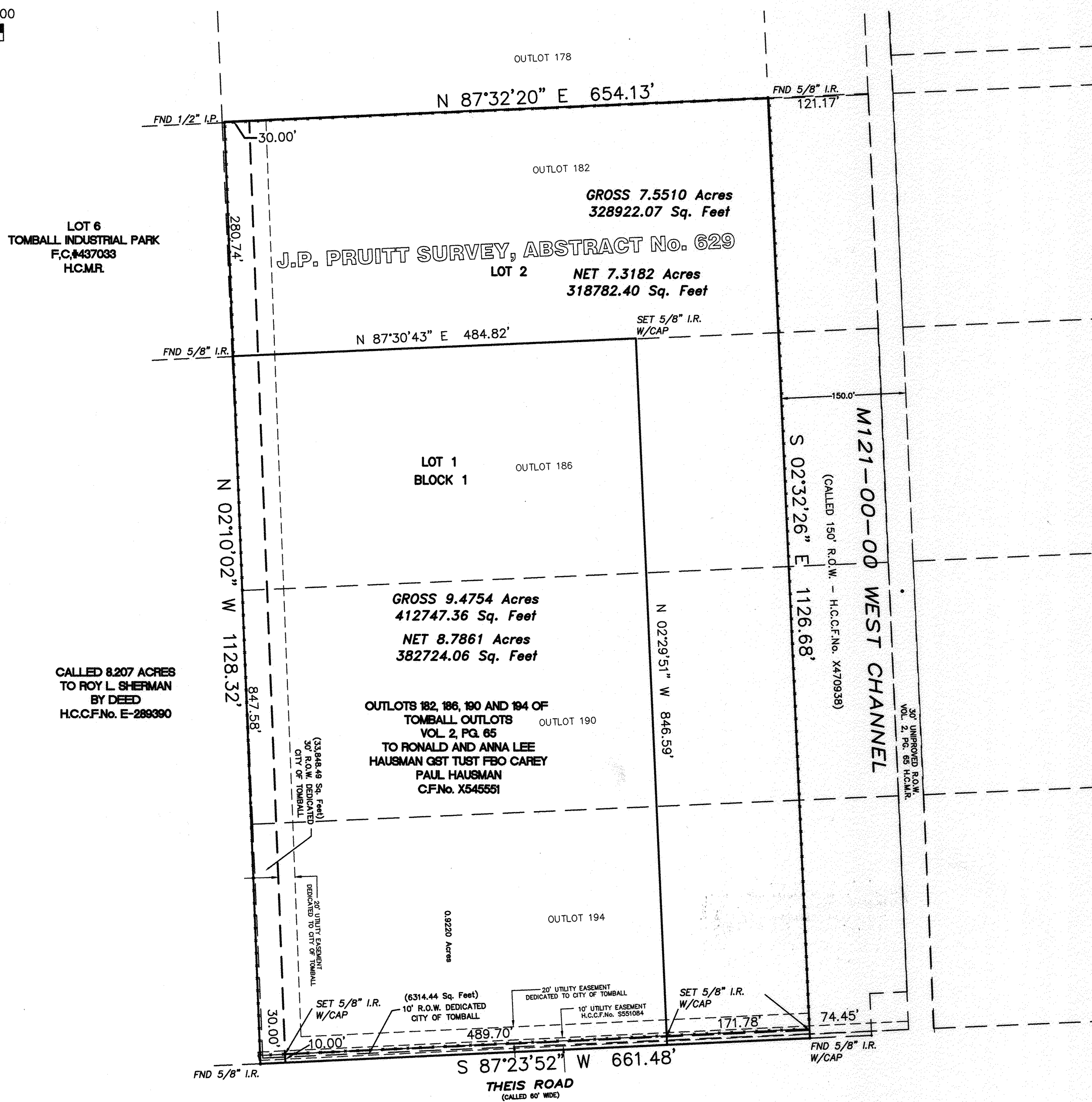
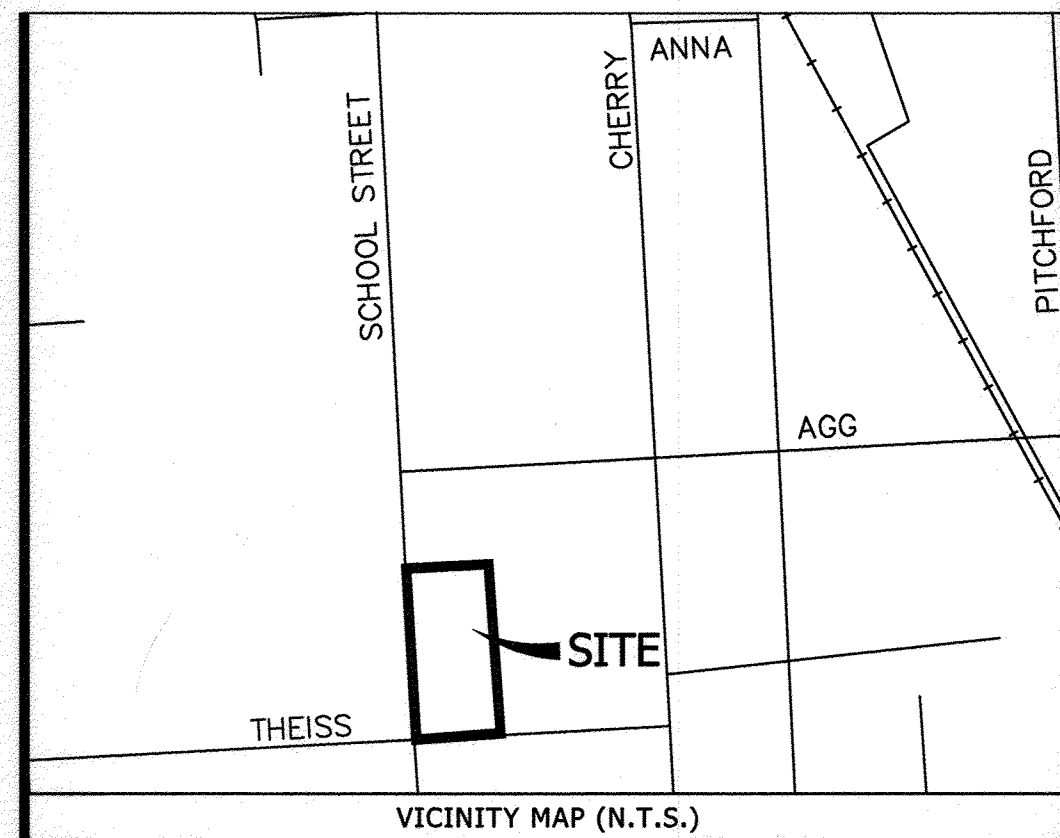
ATTACHMENTS:

Hausman Replat



A.E.
B.L.
H.C.C.F.
H.C.M.R.
R.O.W.
U.E.
VOL. PG.

AERIAL EASEMENT
BUILDING LINE
HARRIS COUNTY CLERK'S FILE
HARRIS COUNTY MAP RECORDS
HARRIS COUNTY DEED RECORDS
RIGHT OF WAY
UTILITY EASEMENT
VOLUME PAGE



Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
According to FEMA Firm Panel Nos. 48201C0230L (Effective Date 06/18/07), this property is in Zone "X".

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
The Building Lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
7. H.C.M.R. Indicates Harris County Map Records.
8. No lots dedicated by this plat are within Zone "AE".

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, RONALD AND ANNA LEE HAUSMAN GST TRUST FBO CAREY PAUL HAUSMAN, acting by and through, CAREY P. HAUSMAN, TRUSTEE, Owner hereinafter referred to as owner of the 16.1043 Acre Tract described in the above and foregoing plat of HAUSMAN REPLAT, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

CAREY P. HAUSMAN, TRUSTEE.

IN TESTIMONY WHEREOF, RONALD AND ANNA LEE HAUSMAN GST TRUST FBO CAREY PAUL HAUSMAN, has caused these presents to be signed by CAREY P. HAUSMAN, TRUSTEE, thereunto authorized and its common seal hereunto affixed this ____ day of _____, 20____.

By:
CAREY P. HAUSMAN, TRUSTEE

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared CAREY P. HAUSMAN, TRUSTEE respectively of RONALD AND ANNA LEE HAUSMAN GST TRUST FBO CAREY PAUL HAUSMAN, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this 12th day of November, 2014.

Notary Public In and For the State of Texas
My Commission Expires: 10/11/15

I, Mark L. Sherley, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plot boundary corners have been tied to the nearest survey corner.

By:
Mark L. Sherley
Registered Professional Land Surveyor
Texas Registration No. 5326

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of HAUSMAN REPLAT in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of ____, 20____.

By:
Barbara Tague
Chairman

By:
Darrell Roquemore
Vice Chairman

REASON FOR REPLAT:
TO COMBINE 4 OUTLOTS AND MAKE 2 LOTS

WE, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

By:
George Shackelford
City Manager

By:
Lori Lakatos, P.E.
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 20____.

By:
Gretchen Fagan
Mayor

By:
Doris Speer
City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on ____ at ____ o'clock _____, and duly recorded on ____ at ____ o'clock _____, and under film code number ____ of the map records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

HAUSMAN REPLAT
A SUBDIVISION OF A 16.1043 ACRE TRACT,
701,506.46 SQUARE FEET,
BEING A REPLAT OF
LOTS 182, 186, 190 AND 194
OF TOMBALL OUTLOTS
VOL. 2, PG. 65 H.C.M.R.

OCTOBER 2014
1 Blocks 2 Lots 0 Reserves

OWNER: RONALD & ANNA LEE HAUSMAN GST TRUST FBO CAREY PAUL HAUSMAN
CONTACT: CAREY P. HAUSMAN, TRUSTEE
9950 CYPRESSWOOD DR., SUITE 330
HOUSTON, TEXAS 77070
PHONE: 832-684-6827

SURVEYOR: FOURPOINTS SURVEYING
83 GREYING CIR.
THE WOODLANDS, TEXAS 77382
PHONE: 281-961-0714

Page 1 of 1

Regular City Council Agenda Item Data Sheet

Meeting Date: November 17, 2014

Topic:

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

Background:**Origination:**

City Manager

Recommendation:

N/A

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

City Secretary

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