

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



MONDAY, NOVEMBER 3, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 3, 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 Chaplain Steve Allison, VFW Chaplain

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 Presentations:

- Proclamation declaring Saturday, November 8, 2014 as ***"Team Rachel Ann Can" Day***

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.**
- 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.***
- ***Walk Tomball!*** – Every Saturday at ***9:00 a.m.*** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – ***3rd Annual Tomball Bluegrass Festival***
 - Lisa Coe – ***2nd Annual "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness***

7.0 Approve the Minutes of the October 20, 2014 Regular City Council Meeting

8.0 Old Business:

8.1 Consideration of a Revision to Section 40-76 of the Tomball Code of Ordinances:

Adopt of 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, Subdivisions, 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.

8.2 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-Foot, 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.

- 8.3 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.

9.0 New Business:

- 9.1 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
- 9.2 Consideration and Possible Action Regarding Request by Bill Cummings (TNRG Development) to Develop Per Previously Adopted Building Codes (IBC 2003)
- 9.3 Approve Resolution No. 2014-26, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2014-2015.
- 9.4 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
- 9.5 Consideration and Possible Action regarding 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

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 30th day of October 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 3, 2014

Topic:

- Led by Chaplain Steve Allison, VFW Chaplain

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: November 3, 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 3, 2014

Topic:

- Proclamation declaring Saturday, November 8, 2014 as *"Team Rachel Ann Can" Day*

Background:

Origination:

Mayor

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 3, 2014

Topic:

- **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.**
- 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.**
- *Walk Tomball!* – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – **3rd Annual Tomball Bluegrass Festival**
 - Lisa Coe – **2nd Annual "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness**

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Sample Ballot - November 4, 2014 Local Option Election
2nd Saturday at the Depot - "Free Birds"

OFFICIAL BALLOT *BOLETA OFICIAL*

LOCAL OPTION ELECTION

ELECCIÓN DE OPCIÓN LOCAL

CITY OF TOMBALL, TEXAS

CIUDAD DE TOMBALL, TEXAS

November 04, 2014 - *4 de noviembre de 2014*

Precinct *Precinto* 1

Instruction Text:

Please use a black or blue pen to mark your ballot. To vote for your choice in each contest, completely fill in the box provided to the left of your choice.

Texto de Instrucción:

Favor de usar una pluma de tinta negra o azul para marcar su boleta.

Para votar por su selección en cada carrera, llene completamente el espacio cuadrado a la izquierda de su selección.

Vote for one:

"The Legal Sale of All Alcoholic Beverages Including Mixed Beverages."

Vote por uno:

"La venta legal de todas las bebidas alcohólicas, incluyendo las bebidas mezcladas."

☐ FOR *A FAVOR*

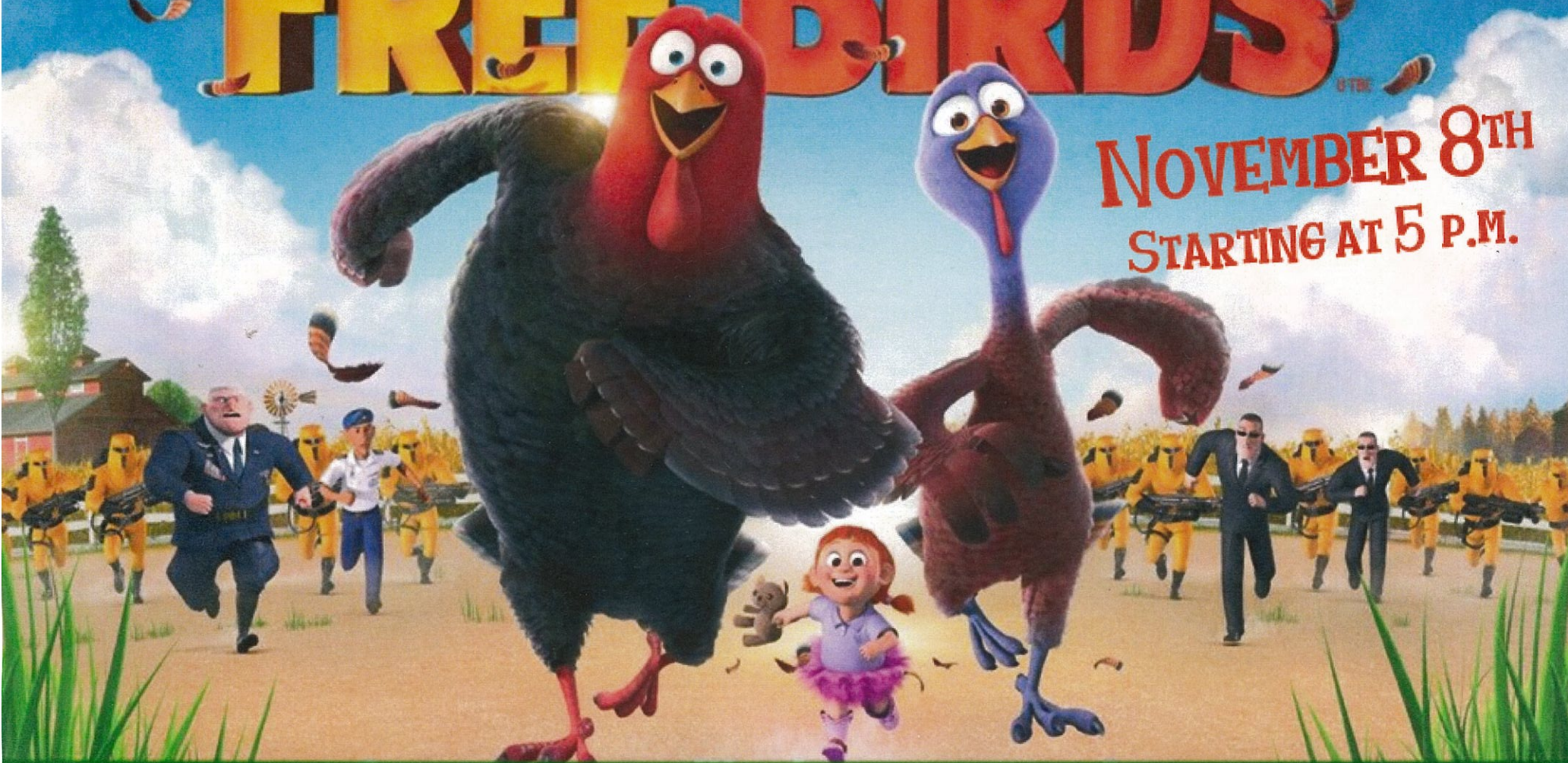
☐ AGAINST *EN CONTRA*

SAMPLE
BALLOT

IT'S "2ND SATURDAY AT THE DEPOT" . . . IT'S "2ND SATURDAY AT THE DEPOT" . . .

FREE BIRDS

NOVEMBER 8TH
STARTING AT 5 P.M.



TURKEY BOWLING!
PRESENTED BY



T.E.A.M. FOOD DRIVE
BRING NON-PERISHABLE
FOOD ITEMS AND RECEIVE A
GIFT WHILE SUPPLIES LAST

 **State Farm**TM
CALEY BAILLO

Regular City Council Agenda Item Data Sheet

Meeting Date: November 3, 2014

Topic:

Approve the Minutes of the October 20, 2014 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

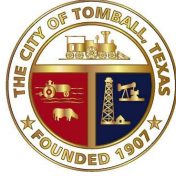
City Secretary

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

ATTACHMENTS:

Draft Minutes - October 20, 2014 Regular City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



MONDAY, OCTOBER 20, 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 Townsend
Councilman Klein Quinn

Members absent:

Councilman Stoll - Excused

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
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Superintendent of Streets and Parks – Steve Purvis
Superintendent of Utilities – John Escamilla
Community Center Manager – Rosalie Dillon
Community Development Coordinator – Amelia Vasquez
Community Events Coordinator – Denise Neef-Fiore
Chief-NWEMS – Brian Bayani

2.0 The invocation was led by Pastor David Crowson, The Real Church.

3.0 Pledges to U. S. and Texas Flags were led by Brian Bayani and Robert Hauck

4.0 No public comments were received.

5.0 Reports and Announcements:

- October 20-24, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- October 27-31, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- **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 – 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:
 - Rosalie Dillon reported on the success of **“Zomball in Tomball”**
 - Mike Baxter introduced the new Community Events Coordinator, Denise Neef-Fiore

6.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve the Minutes of the October 6, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-36 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First 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>Absent</u>

Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

8.0 New Business:

- 8.1 Consideration was given to **ZONING CASE P14-184**: Request by Clarus Hotels, Inc., on behalf of JTS Development, Ltd., for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, is generally located south of Medical Complex Drive, west of State Highway 249 Bypass, and is located in the General Retail District.

- Mayor Fagan called the public hearing on **ZONING CASE P14-184** to order at 6:17 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:17 p.m.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2014-37 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First 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>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.2 Consideration was given to **ZONING CASE P14-186**: Request by Jose Toriello, on behalf of Tennis Ventures, LLC, for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a “Country Club (Private).” The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, is generally located north of East Hufsmith Road, west of Hospital Road, and is located in the Agricultural District.

- Mayor Fagan called the public hearing on **ZONING CASE P14-186** to order at 6:27 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:27 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2014-38 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First 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>Absent</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 Degges, second by Councilman Hudgens, to accept Purchase and Financing Proposal to Acquire a New 2015 Pierce Velocity Pumper to Replace Engine 3, a 1995 E-One Pumper.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to award Contract for Project No. 2014-06 (Solid Waste Collection and Disposal) to Waste Corporation of Texas, LP.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Degges, to award Contract for Project No. 2015-01 - North Wastewater Treatment Plant Emergency Backup Generator to National Electrical Systems, Inc., in the Amount of \$249,456.00. Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Development Agreement between the City of Tomball and Big Diamond LLC, a Texas Limited Liability Company, to Participate with the Over-Sizing Cost of Water and Sanitary Sewer Facility Extensions along Tomball Parkway (SH 249 Business), in the Amount Not to Exceed \$34,100.00

- 8.7 Discussion was held regarding amending Section 50-82(b) to Prohibit or to Allow Through a Conditional Use Permit Auto Dealer (New, Auto Servicing and Used Auto Sales as Accessory Uses Only, with Outdoor Sales) and Auto Dealer, Primarily Used Auto Sales with Outdoor Sales in the Old Town and Mixed Use Zoning District.

No action taken.

- 8.8 Discussion was held regarding possible amendments to Chapter 34, Signs.

No action taken.

- 8.9 Council recessed at 6:54 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

Upon reconvening in regular session at 7:51 p.m., no consideration was given regarding the following items and no action was taken.

- 8.10 No consideration was given regarding the approval of Development Agreement with NewQuest Properties, 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.

No action taken.

- 8.11 No consideration was given regarding a Strategic Partnership Agreement with NewQuest Properties, 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.

No action taken.

- 9.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, 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 Data Sheet

Meeting Date: November 3, 2014

Topic:

Consideration of a Revision to Section 40-76 of the Tomball Code of Ordinances:

Adopt of 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, Subdivisions, 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.

Background:**Origination:**

City Attorney

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

Community Development Director

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

ATTACHMENTS:

Ordinance No. 2014-36

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, SUBDIVISIONS, 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.

* * * * *

WHEREAS, the City Council of the City of Tomball finds that it is in the best interest of the health, safety and welfare of its citizens for above-ground electrical distribution lines be located along the perimeter of subdivisions; and

WHEREAS, the City Council desires to amend Section 40-76 of the Tomball Code of Ordinances to require all above-ground electrical distribution lines to be located along the perimeter of the area within a recorded subdivision plat; now, therefore,

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

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct.

Section 2. Section 40-76, Utilities, of Article III, Design Standards, of Chapter 40, Plats and the Subdivision of Land, of the Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting the language struck through below and adding the language underscored below:

“Section 40-76. Utilities.

Adequate provision for all utilities shall be provided to the entire subdivision. All distribution and service lines of, telephone, television, and other wire-carrier type (other than electric) utilities shall be underground. Transformers, amplifiers, or similar devices associated with the underground lines (other than electric) shall be located upon the ground or below ground level. Where the underground placement of such facilities, other than electric facilities, is not a standard practice of the utility involved, the subdivider or developer shall request the applicable utility to place the facilities underground and shall pay all costs associated with the non-standard installation. Electric utility distribution lines shall be underground if the customer elects such non-standard installation pursuant to the terms of the utility’s distribution tariff. Electric distribution lines, if installed aboveground, shall be located along the perimeter of the overall subdivision unless the utility determines different placement is needed to provide safe and reliable electric service. All utility installations, other than electric, shall comply with the ‘City of Tomball Minimum Construction Standards for Community Improvements.’”

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, 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 \$2000. Each day of violation shall constitute a separate offense.

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF OCTOBER 2014.

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

SECOND READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: November 3, 2014

Data Sheet

Topic:

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.

Background:

Mr. Vishal Mody, a representative of the applicant, contacted the City of Tomball regarding the construction of a 103-room Marriott Residence Inn and the desire to construct the hotel taller than the 42-feet maximum height permitted for the General Retail District. Mr. Mody was informed that additional height may be approved through City Council approval of a Conditional Use Permit.

On August 29, 2014, Mr. Mody submitted a Conditional Use Permit Application and concept plan requesting the proposed hotel be 59-feet, 3-inches in height.

On October 13, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-184. On October 20, 2014, Council adopted Ordinance No. 2014-37 on First Reading.

Origination:

Clarus Hotels, Inc.

Recommendation:

Adopt Ordinance No. 2014-37 on Second Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2014-37
P14-184 Staff Report
Notice of Public Hearing
Property Owner Notification Letter

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.

* * * * *

Whereas, the owner of approximately 2.2 acres of land, legally described as Lot 2, Block 1, JTS Subdivision Final Plat, generally located south of Medical Complex Drive, west of State Highway 249 Bypass, in the City of Tomball, Harris County, Texas, (the "Property"), has requested a CUP to operate a hotel/motel that is 59-feet, 3-inches in height; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested CUP, the City Council held the public hearing for the requested CUP and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested CUP.

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

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

Section 2. A CUP to operate a hotel/motel that is 59-feet, 3-inches in height at the Property, in accordance with the concept plan, attached hereto as Exhibit “A,” and subject to the terms and conditions set forth below, is hereby granted to JTS Development, Ltd.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “A.”

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

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF OCTOBER 2014.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF NOVEMBER 2014.

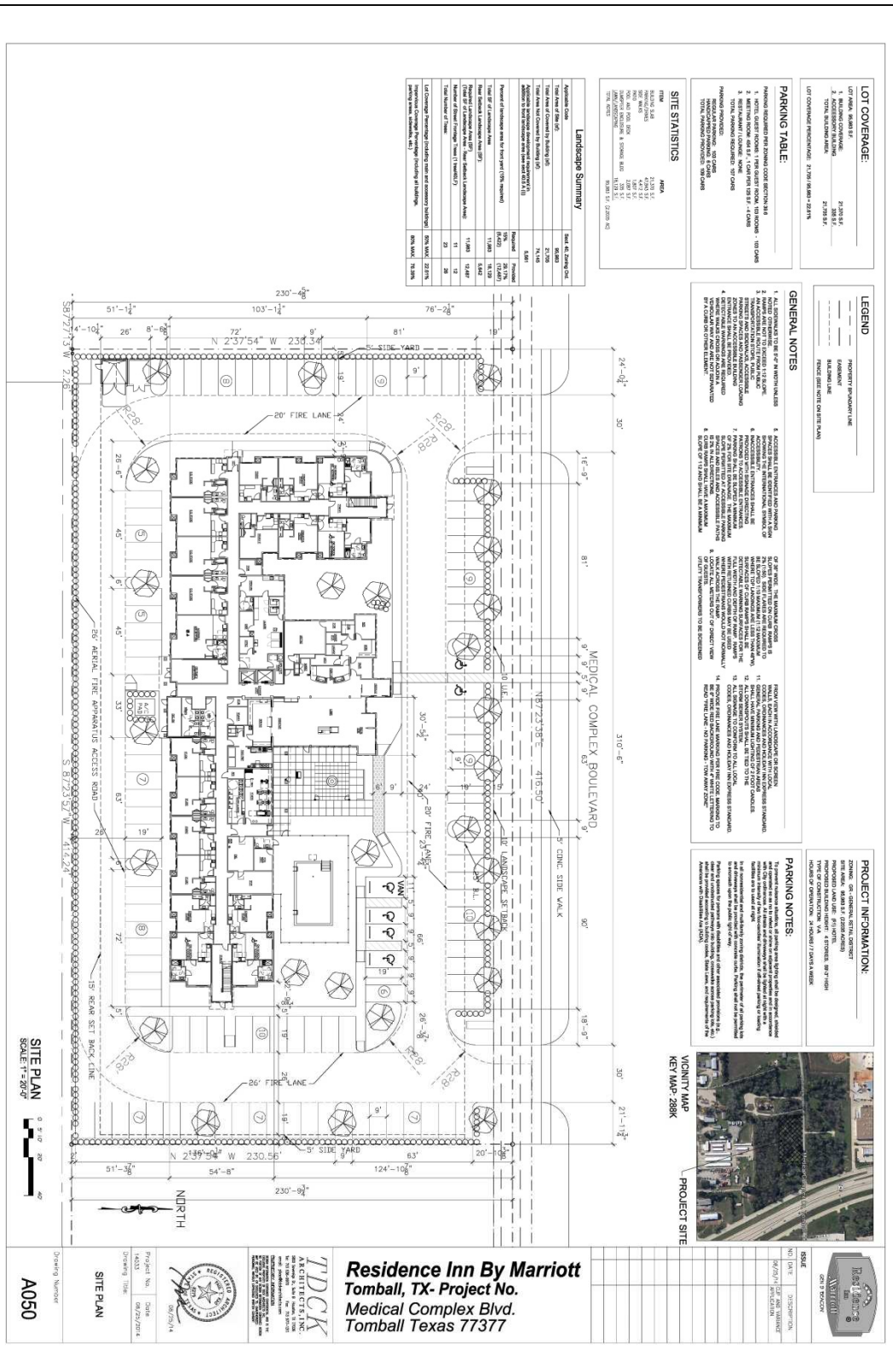
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit “A” Concept Plan



REFERENCE NOTES

1. SEE ARCHITECT'S NOTES FOR GENERAL NOTES.
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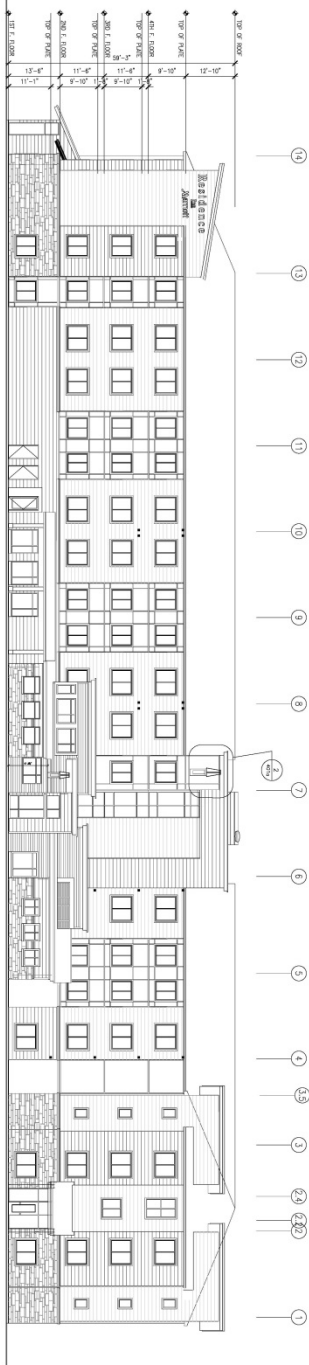
CRITERIA NOTES

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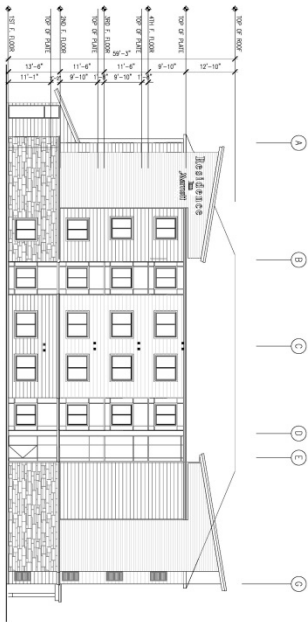
SYMBOL LEGEND

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1 NORTH FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



Residence Inn By Marriott
Tomball, TX- Project No.
Medical Complex Blvd.
Tomball Texas 77377

TDCK
ARCHITECTS, INC.
10000 Katy Road, Suite 100
Houston, Texas 77054
Phone: 281.486.1111
Fax: 281.486.1112
www.tdck.com

08/29/14
Project No. 14031
Date 08/29/2014
Drawing Title BUILDING ELEVATIONS
Drawing Number A2.00

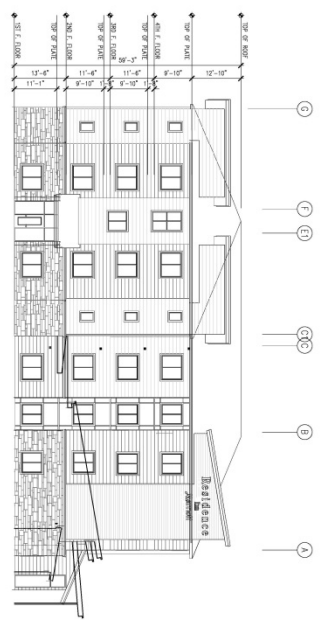
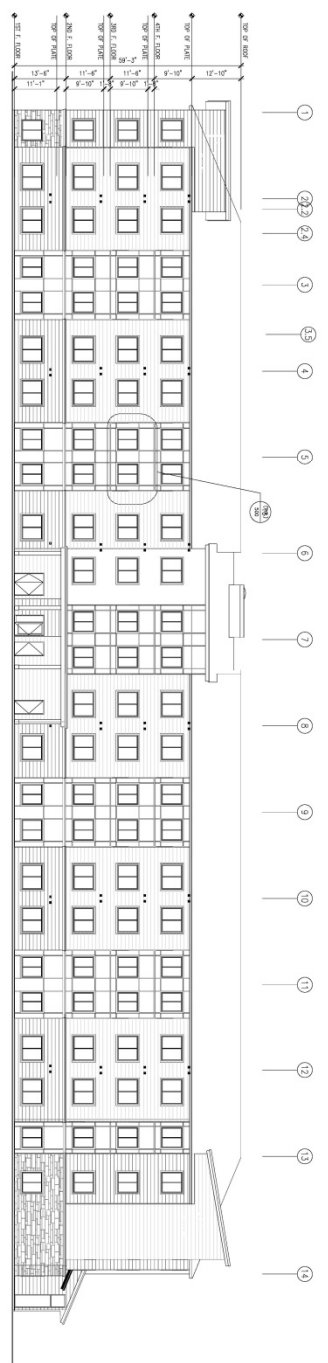


DATE: 08/29/14
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

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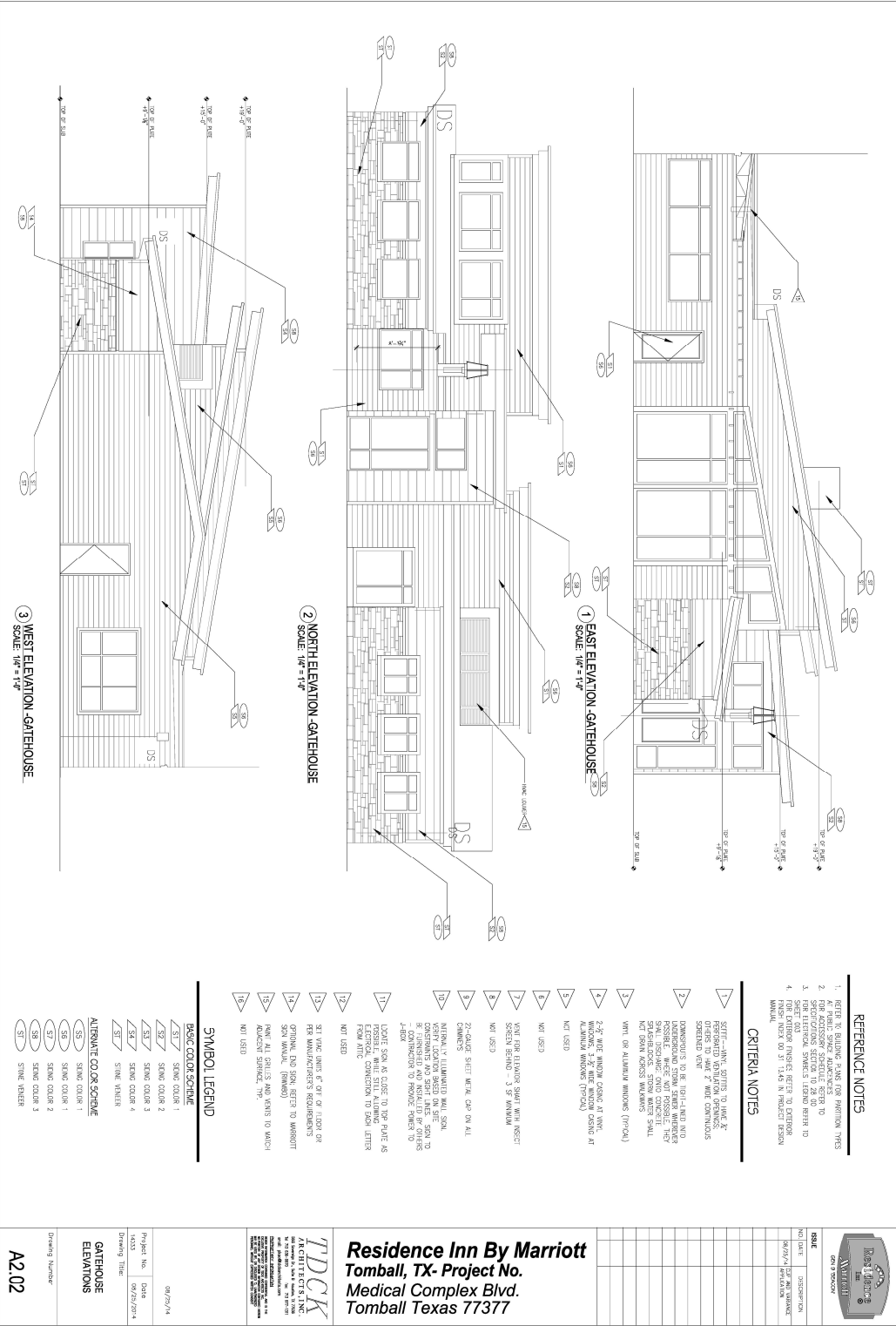
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Residence Inn By Marriott
Tomball, TX- Project No.
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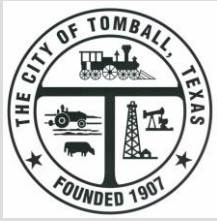
TDCK
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 10000 Katy Road, Suite 100
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 Fax: 281.466.1001
 Email: info@tdck.com
 Website: www.tdck.com

08/29/2014
 Project No. 08/29/2014
 Date 08/29/2014
 Drawing Title BUILDING ELEVATIONS
 Drawing Number A2.01



Residence Inn By Marriott
Tomball, TX- Project No.
Medical Complex Blvd.
Tomball Texas 77377

Project No.		09/27/14
Date		09/27/2014
Drawing Title		GATEHOUSE ELEVATIONS
Drawing Number		A2.02



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: October 13, 2014

Rezoning Case: P14-184
Property Owner(s): JTS Development, Ltd.
Applicant(s): Clarus Hotels, Inc.
Legal Description: Lot 2, Block 1, JTS Subdivision Final Plat
Location: South of Medical Complex Drive, west of State Highway 249 Bypass (Exhibit "A")
Area: 2.2 acres
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: General Retail (Exhibit "C") / Undeveloped land (Exhibit "D")
Proposed Use(s): Hotel
Request: CUP to allow a hotel 59-feet, 3-inches in height
Adjacent Zoning & Land Uses:
North: General Retail District / Medical Complex Drive and undeveloped land
South: General Retail District / Undeveloped land
West: General Retail District / Undeveloped land
East: General Retail District / Undeveloped land

BACKGROUND

On August 18, 2014, City staff spoke with Vishal Mody, a representative of the applicant, regarding the construction of a 103-room Marriot Residence Inn at the subject site. Mr. Mody informed City staff of his desire to construct the hotel taller than the 42-foot maximum permitted for the General Retail District. City staff informed Mr. Mody that he could request a height in excess of this limit through a CUP per Section 27.3.A.3 of the Zoning Ordinance.

On August 29, 2014, Mr. Mody submitted his CUP application (Exhibit "E") and concept plan (Exhibit "F") requesting the proposed hotel be 59-feet, 3-inches in height.

ANALYSIS

When considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the CUP on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- A. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as “Mixed Use” which “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner.” Because the Mixed Use classification intends for uses to “be located within a development, either horizontally or vertically in form” and vertically constructed mixed use developments are typically at least four-stories and approximately 60-feet in height, the request does not appear to be inconsistent with the Comprehensive Plan.

- B. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

The proposed use of the site as a hotel is permitted by right in the General Retail District and therefore appears to be consistent with the general purpose and intent of the General Retail District. The request to allow the hotel to be 59-feet, 3-inches in height also appears to be consistent with the general purpose and intent of the General Retail District. This district, like all others, establishes height limits to maintain similar building mass and scale. In this situation, the requested height does not appear to be out of character with other hotels in the area, does not appear to be out of character with the surround building mass and scale because the surround properties are undeveloped, and is not anticipated to be out of character with surrounding buildings if they are constructed at the 42-foot maximum permitted by the General Retail District.

- C. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

Should the CUP application be approved, the applicant will be required to submit a full site plan application, and supporting documents, to the City for review and approval before construction. The site improvements proposed on the concept plan appear to be generally consistent with the Zoning Ordinance.

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

The requested height does not appear to be out of character with other hotels in the area, does not appear to be out of character with the surround building mass and scale because the surround properties are undeveloped, and is not anticipated to be out of character with surrounding buildings if they are constructed at the 42-foot maximum permitted by the General Retail District. Additionally, the concept plan proposes the hotel be located towards the center of the property, well in excess of the minimum side and rear building setbacks, which appears to make this proposal even more compatible with any future adjacent developments.

- E. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The request does not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 2, 2014. No public comment forms have been received as of October 8, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-184, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F."

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

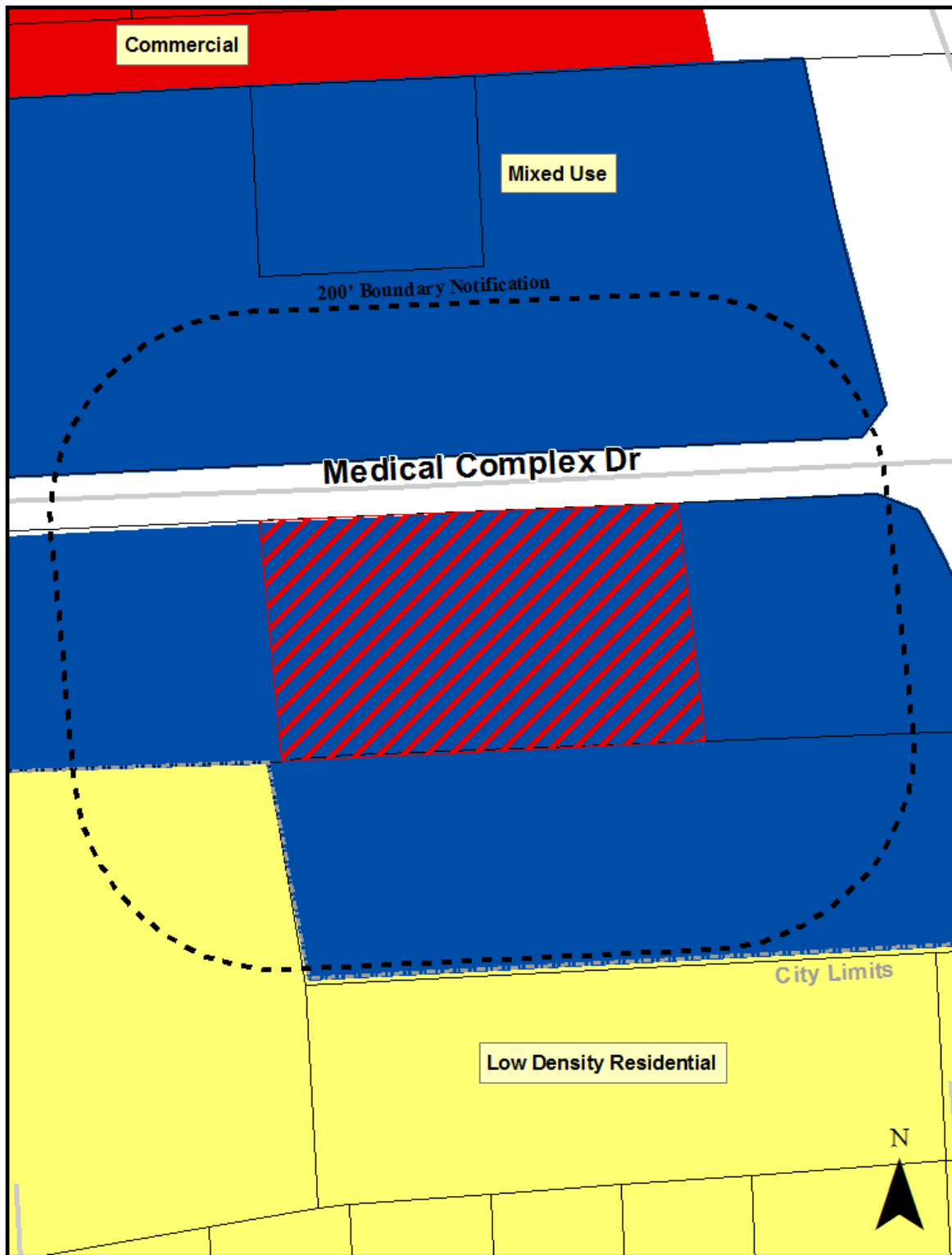
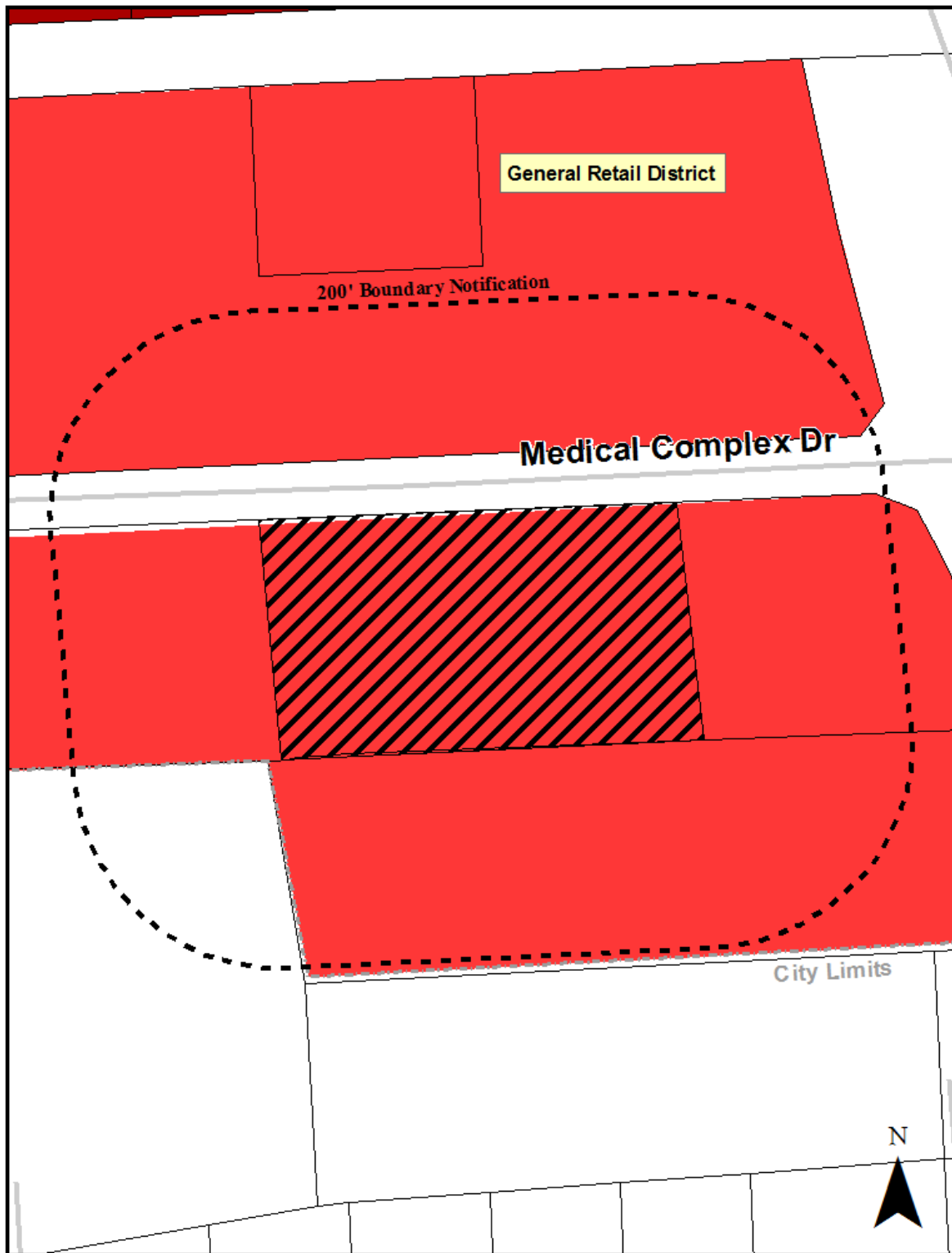


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

P14-184

Revised 1/20/09



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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: CLARUS HOTELS INC; VISHAL MOOY Title: VICE PRESIDENT
Mailing Address: 16618 SEMINOLE RIDGE DR City: CYPRESS State: TX
Zip: 77433
Phone: (817) 296-8474 Fax: (281) 295-1778 Email: VMOOY@CLARUSHOTELS.COM

Owner

Name: JTS DEVELOPMENT LTD; JEFF STALLONES Title: _____
Mailing Address: 46 PALMER CREST City: THE WOODLANDS State: TX
Zip: 77380
Phone: (713) 899-4710 Fax: () Email: JEFFSTALLONES@GMAIL.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: MANHATTAN RESIDENCE TOWN HOTEL

Physical Location of Property: ABOUT 400 FEET WEST OF THE SWC OF MEDICAL COMPLEX # SH 249
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 1B & 8F-1, ABST 375 JM HOPPER, ~~ORIGINAL~~ WILL SUPPLY EXACT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] DESCRIPTION AS
SOON AS SURVEY
SURVEYOR IS
COMPLETE

HCAD Identification Number: 0430410000205 **Acreage:** Approx 2.2

Current Use of Property: VACANT LAND

Proposed Use of Property: * 59'3" hotel

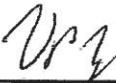
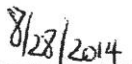
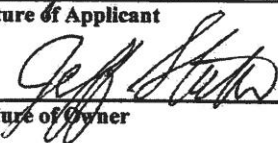
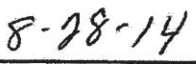
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

** Revised on 9-5-14 per applicant's permission*

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

www.ci.tomball.tx.us

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



ClarusHotels

16618 Seminole Ridge Drive
Cypress, Texas 77433

Tomball Planning and Zoning

501 James Street

Tomball, Texas 77375

Re: Marriott Residence Inn Conditional Use Permit

To whom it may concern:

We would like to request a waiver on the height restriction set on the land in question located at Medical Complex Drive. We are developing a 103 room upscale Marriott Residence Inn hotel on the proposed site and would like to go up four stories with the building. We believe this height will give the building a very nice look and be a great start to the development on west Medical Complex Drive. Please accept this letter as our formal request to build a four story hotel.

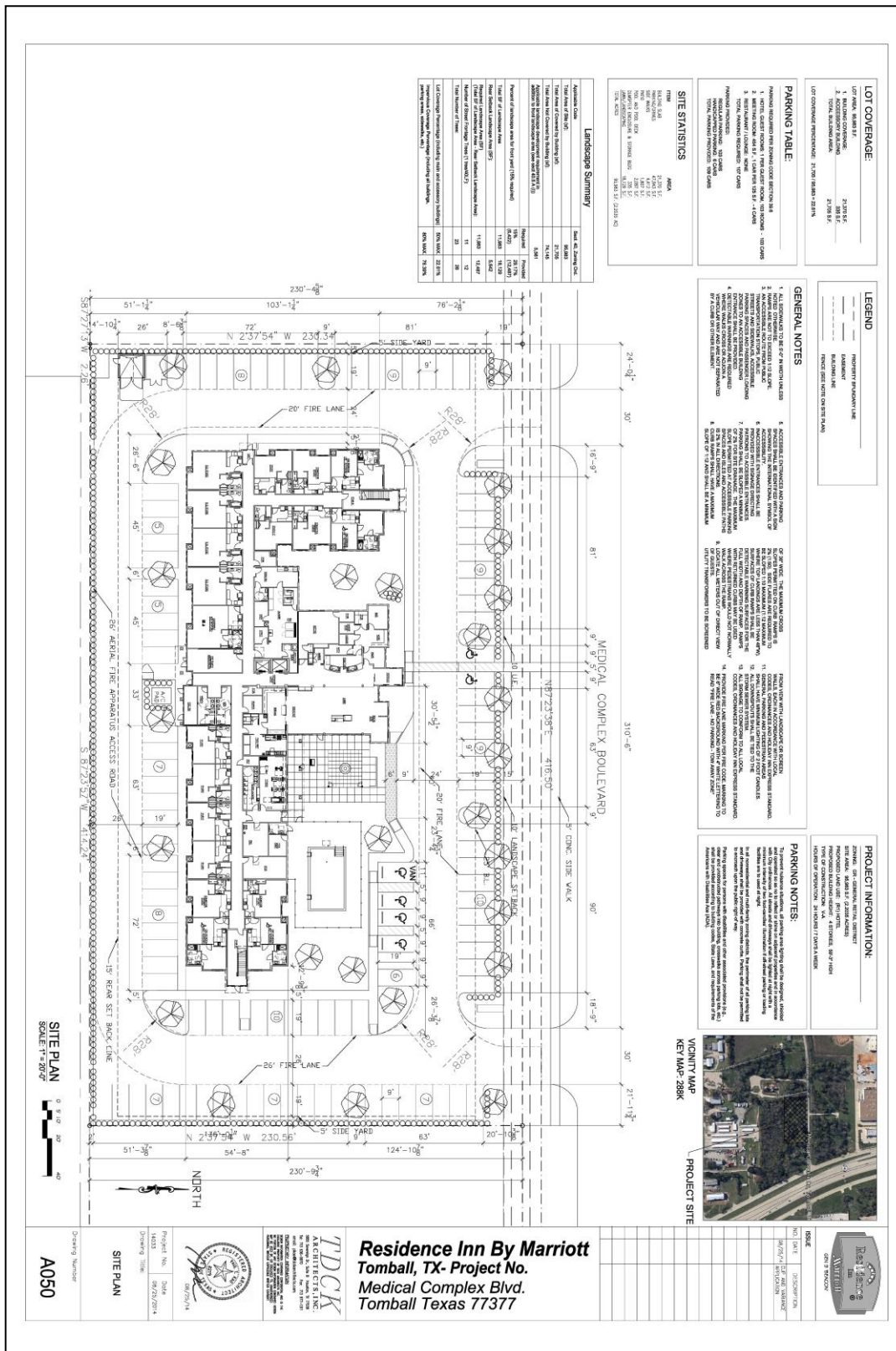
Thank you,

Vishal Mody

Tel: 817-296-8474, Fax: 281-295-1778, visit us at www.clarushotels.com



Page 43 of 99



REFERENCE NOTES

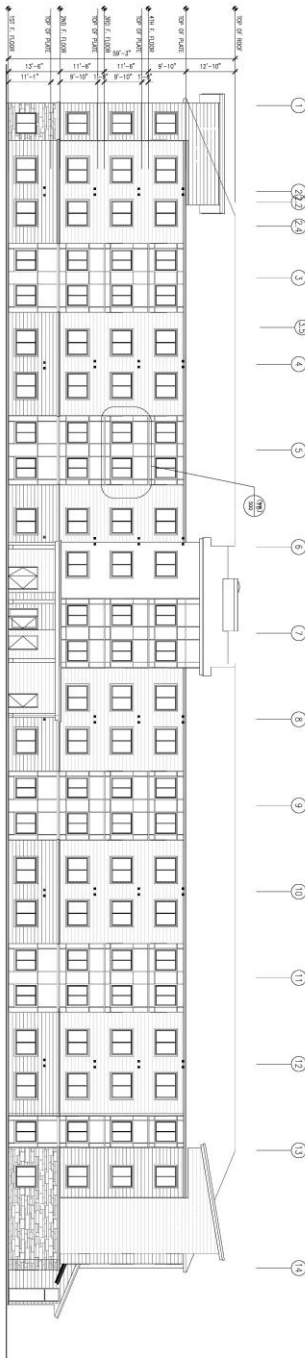
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2. SEE ARCHITECT'S NOTES FOR MATERIALS.
3. SEE ARCHITECT'S NOTES FOR FINISHES.
4. SEE ARCHITECT'S NOTES FOR MECHANICAL.
5. SEE ARCHITECT'S NOTES FOR ELECTRICAL.
6. SEE ARCHITECT'S NOTES FOR PLUMBING.
7. SEE ARCHITECT'S NOTES FOR FIRE PROTECTION.
8. SEE ARCHITECT'S NOTES FOR SPECIALTIES.
9. SEE ARCHITECT'S NOTES FOR SIGNAGE.
10. SEE ARCHITECT'S NOTES FOR FURNITURE.
11. SEE ARCHITECT'S NOTES FOR EQUIPMENT.
12. SEE ARCHITECT'S NOTES FOR ACCESSORIES.
13. SEE ARCHITECT'S NOTES FOR OTHERS.

CRITERIA NOTES

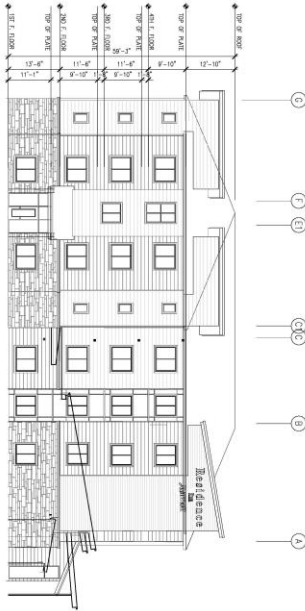
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11. SEE ARCHITECT'S NOTES FOR EQUIPMENT.
12. SEE ARCHITECT'S NOTES FOR ACCESSORIES.
13. SEE ARCHITECT'S NOTES FOR OTHERS.

SYMBOL LEGEND

- | SYMBOL | DESCRIPTION |
|--------|--|
| 1 | SEE ARCHITECT'S NOTES FOR GENERAL NOTES. |
| 2 | SEE ARCHITECT'S NOTES FOR MATERIALS. |
| 3 | SEE ARCHITECT'S NOTES FOR FINISHES. |
| 4 | SEE ARCHITECT'S NOTES FOR MECHANICAL. |
| 5 | SEE ARCHITECT'S NOTES FOR ELECTRICAL. |
| 6 | SEE ARCHITECT'S NOTES FOR PLUMBING. |
| 7 | SEE ARCHITECT'S NOTES FOR FIRE PROTECTION. |
| 8 | SEE ARCHITECT'S NOTES FOR SPECIALTIES. |
| 9 | SEE ARCHITECT'S NOTES FOR SIGNAGE. |
| 10 | SEE ARCHITECT'S NOTES FOR FURNITURE. |
| 11 | SEE ARCHITECT'S NOTES FOR EQUIPMENT. |
| 12 | SEE ARCHITECT'S NOTES FOR ACCESSORIES. |
| 13 | SEE ARCHITECT'S NOTES FOR OTHERS. |



① SOUTH ELEVATION
SOUTH SIDE - 1/2"



② EAST ELEVATION
EAST SIDE - 1/2"

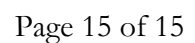
Residence Inn By Marriott
Tomball, TX- Project No.
Medical Complex Blvd.
Tomball Texas 77377

TPDCK
ARCHITECTS, INC.
11111 KIRKWOOD DRIVE
HOUSTON, TEXAS 77057
713.861.1111
www.tpdck.com

Project No. 2014
Drawing Title: BUILDING ELEVATIONS
Drawing Number: A2.01



DATE: 08/27/14
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 13, 2014
&
CITY COUNCIL
OCTOBER 20, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 13, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 20, 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 P14-184: Request by Clarus Hotels, Inc., on behalf of JTS Development, Ltd., for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, is generally located south of Medical Complex Drive, west of State Highway 249 Bypass, and is located in the General Retail District.

ZONING CASE P14-186: Request by Jose Toriello, on behalf of Tennis Ventures, LLC, for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a “Country Club (Private).” The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, is generally located north of East Hufsmith Road, west of Hospital Road, and is located in the Agricultural 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 9th day of October 2014 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.ci.tomball.tx.us.



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: P14-184

APPLICANT: Clarus Hotels, Inc., on behalf of JTS Development, Ltd.

LOCATION: South of Medical Complex Drive, west of State Highway 249 Bypass

PROPOSAL: Request for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, and is located in the General Retail District.

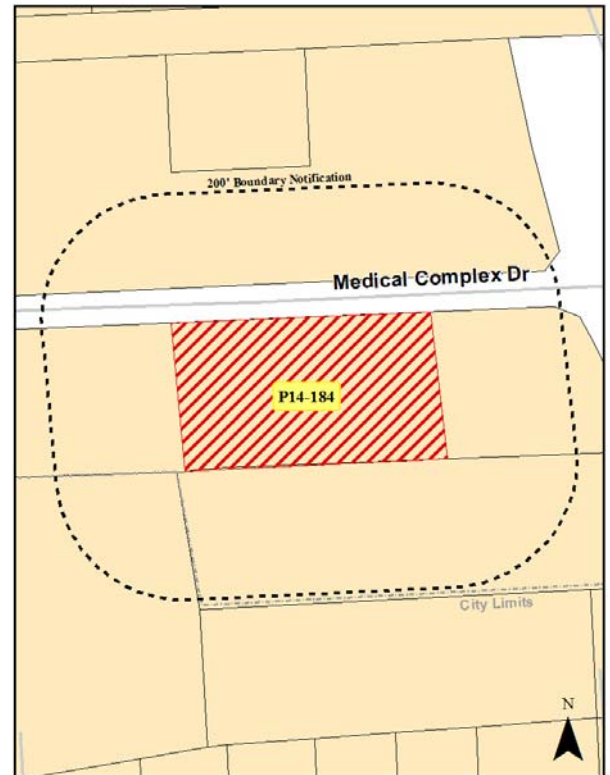
CONTACT: Rodney Schmidt

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, October 13, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, October 20, 2014, 6:00 PM**

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

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

Regular City Council

Agenda Item

Meeting Date: November 3, 2014

Data Sheet

Topic:

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.

Background:

On September 2, 2014, Mr. Toriello submitted a Conditional Use Permit Application and concept plan proposing a tennis club and academy in the Agricultural District. The use is defined as "Country Club (Private)" which is permitted in the Agricultural District with City Council's approval of a Conditional Use Permit.

On October 13, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-186. On October 20, 2014, Council adopted Ordinance No. 2014-38 on First Reading.

Origination:

Jose Toriello

Recommendation:

Adopt Ordinance No. 2014-38 on Second Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2014-38

P14-186 Staff Report

Property Owner Notification Letter

Notice of Public Hearing

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.

* * * * *

Whereas, the owner of approximately 4.02 acres of land, legally described as Tract 64B-1, Tomball Outlots, generally located north of East Hufsmith Road, west of Hospital Road, in the City of Tomball, Harris County, Texas, (the "Property"), has requested a CUP to operate a “Country Club (Private);” and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested CUP, the City Council held the public hearing for the requested CUP and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested CUP.

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

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

Section 2. A CUP to operate a “Country Club (Private)” at the Property, in accordance with the concept plan, attached hereto as Exhibit “A,” and subject to the terms and conditions set forth below, is hereby granted to Tennis Ventures, LLC.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “A.”

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

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF OCTOBER 2014.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF NOVEMBER 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

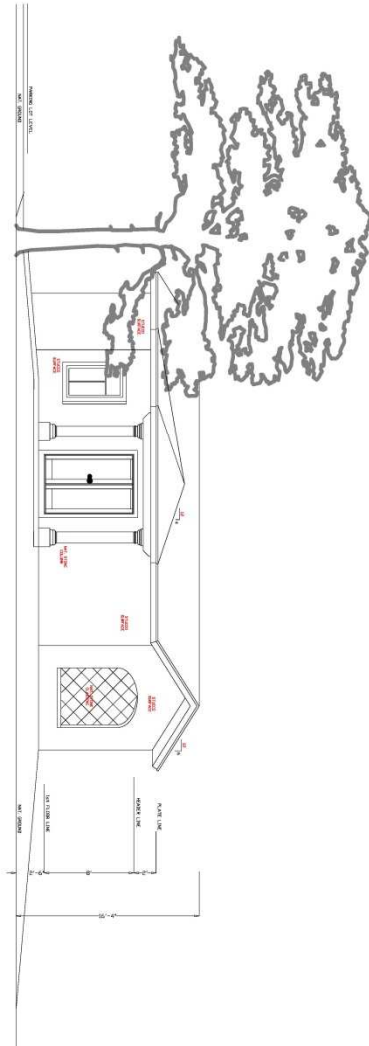
Gretchen Fagan, Mayor

ATTEST:

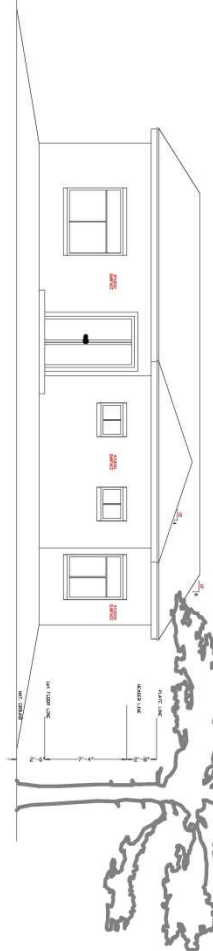
Doris Speer, City Secretary

Exhibit “A” Concept Plan





PROPOSED FRONT ELEVATION
SEC. 1/4" = 1' - 0"



PROPOSED BACK ELEVATION
SEC. 1/4" = 1' - 0"

Graphic: 3/20/2020

Tennis Venture LLC
43 Golden Orchard Plac, The Woodlands, Tx 77354

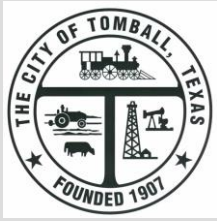
PROPOSED :
ELEVATIONS

No.	Section / View	Date
1	Front Elevation	
2	Back Elevation	

All in Natural Stone Llc
14863 Hwy 105 W
Montgomery, Tx

TENNIS VENTURE LLC
East Fulshear Rd
The Woodlands, Tx
77380

Sheet
A2
Scale
1/4" = 1'



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: October 13, 2014

Rezoning Case: P14-186
Property Owner(s): Tennis Ventures, LLC
Applicant(s): Jose Toriello
Legal Description: Tract 64B-1, Tomball Outlots
Location: North of East Hufsmith Road, west of Hospital Road (Exhibit "A")
Area: 4.02 acres
Comp Plan Designation: Rural Residential (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Undeveloped (Exhibit "D")
Proposed Use(s): Country Club (Private)
Request: CUP to allow a private tennis club and academy

Adjacent Zoning & Land Uses:

North: Agricultural District / Undeveloped

South: SF-6 and Agricultural Districts / East Hufsmith Road and undeveloped

West: Agricultural and SF-20-E Districts / Single-family residence, undeveloped, and private baseball club and academy

East: Agricultural District / Single-family residence and animal shelter

BACKGROUND

On August 7, 2014, City staff met with the applicant, Jose Toriello, to discuss the possible construction of a private tennis club and academy. City staff informed the applicant of the following:

- The proposed use is classified as a "Country Club (Private)" per Section 38.2 of the Zoning Ordinance;
- The property is zoned Agricultural District; and
- The "Country Club (Private)" use is only permitted in the Agricultural District with a CUP.

On September 2, 2014, Mr. Toriello submitted his CUP application (Exhibit "E") and concept plan (Exhibit "F") requesting the private tennis club and academy.

ANALYSIS

According to Section 37.6 of the Zoning Ordinance, when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;

The Comprehensive Plan identifies the subject site as Rural Residential which “includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.” The proposed use appears to be consistent with the Comprehensive Plan for the following reasons:

- Although private tennis clubs and academies are not specifically mentioned in the Rural Residential section of the Comprehensive Plan as an envisioned use, this request is a use permitted by CUP in the Agricultural District which is the district most compatible with the Rural Residential classification.
- The location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan appear to minimize the impact of the use on adjacent Rural Residential properties.
- Two of the nearby properties are designated in the Comprehensive Plan as “Parks” which is described as “mini, neighborhood, community, or regional parks that are both active and passive recreational areas. This can include both publicly and privately owned parks, open spaces, and recreation areas. Park and open space uses are also appropriate in all residential land use designations.” This private, park-like use appears to be consistent with the nearby Parks classification. Additionally, Rural Residential is considered a “residential land use designation” and therefore appears to be consistent with the proposed use.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

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

The external effect of the proposed use on the existing and planned uses of adjoining property and neighborhood appear to be mitigated through the location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan.

3. **The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

Should the CUP application be approved, the applicant will be required to submit a full site plan application, and supporting documents, to the City for review and approval before construction. The site improvements proposed on the concept plan appear to be generally consistent with the Zoning Ordinance.

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

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood through the location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 2, 2014. No public comment forms have been received as of October 8, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-186, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F."

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

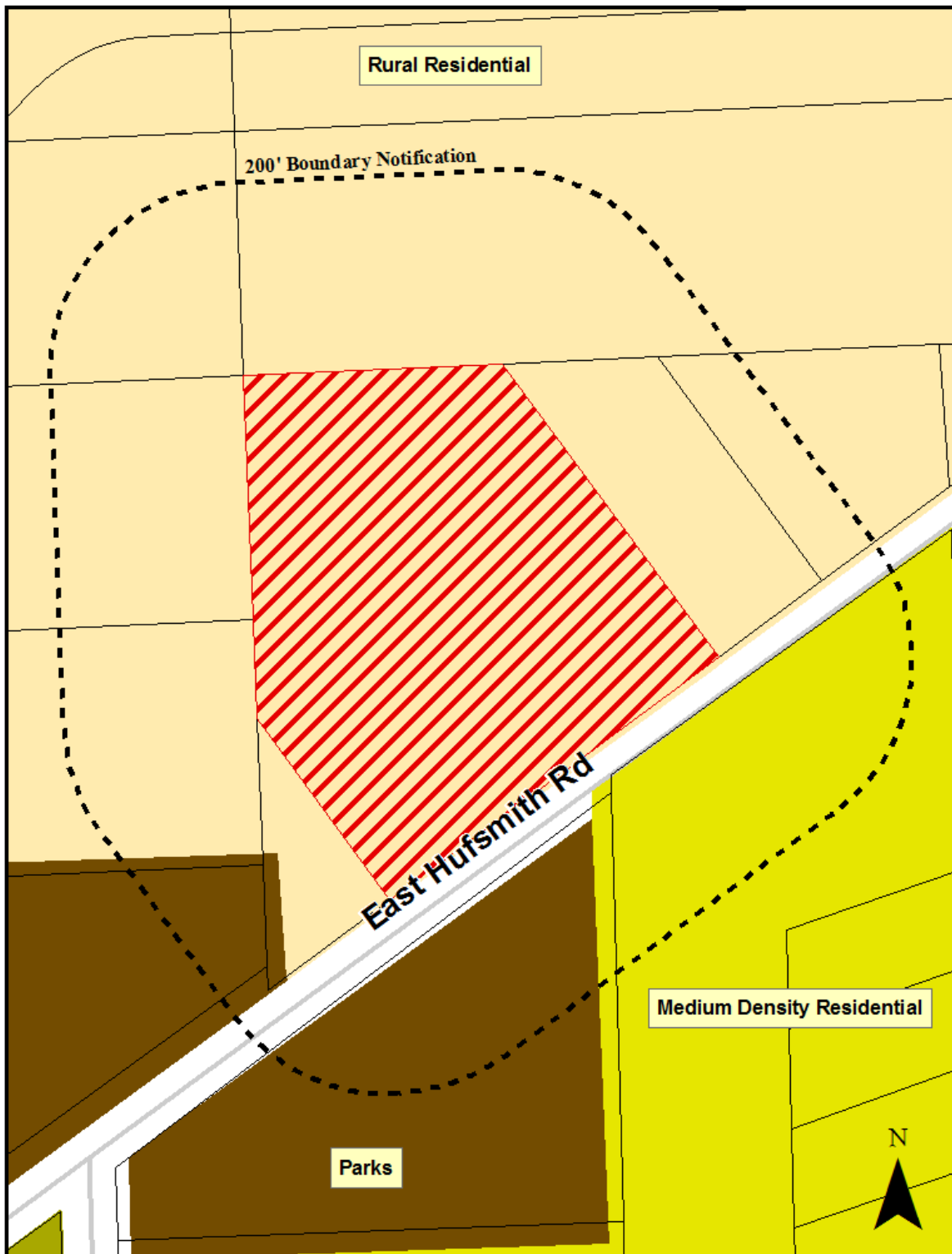


Exhibit "C"
Zoning Map

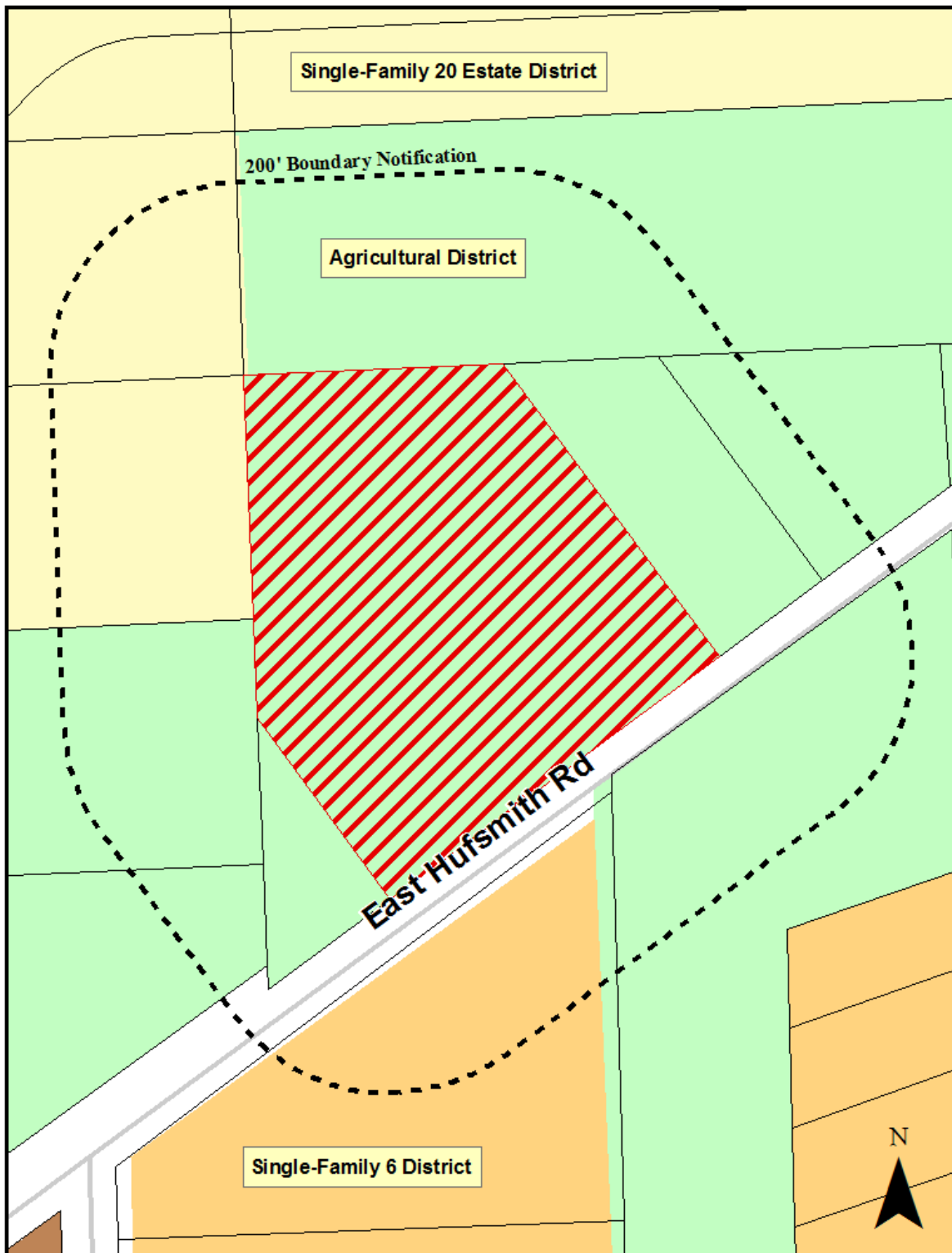


Exhibit “D”
Site Photo

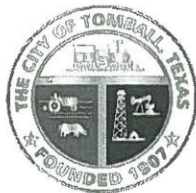


Figure 1: Subject site.
Source: City of Tomball

Exhibit "E"
CUP Application

P14-186

Revised 1/20/09



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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

Applicant

Name: JOSE TORIELLO Title: ARCHITECT.
Mailing Address: 14863 HWY 105 W. City: MONTGOMERY State: TX
Zip: 77356 Email: JTORIELLO@ALLINNATURALSTONE.COM.
Phone: (936) 718 1489 Fax: (936) 230 3646

Owner

Name: TENNIS VENTURE LLC Title: OWNER
Mailing Address: 43 GOLDEN ORCHARD PL City: WOODLANDS State: TX
Zip: 77354 Email: BLUEBENCEBU@YAHOO.COM.
Phone: (832) 671 4519 Fax: (832) 521-3439

Engineer/Surveyor (if applicable)

Name: TOMY SWONKE Title: LAND SURVEYING.
Mailing Address: 700 KANE ST. City: TOMBALL State: TX
Zip: 77375 Email: TOMYSWONKE@GMAIL.COM.
Phone: (281) 351 7789 Fax: ()

Description of Proposed Project: TENNIS CLUB

Physical Location of Property: EAST HUFFSMITH RD, TRACT 64B1, TOMBALL

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

Legal Description of Property: RALPH HUBBARD SURVEY, ABSTRACT N-383, H.C.
PART OF LOT 64 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352820000176 Acreage: 4.017

Current Use of Property: AGRICULTURAL.

Proposed Use of Property: CONDITIONAL COMMERCIAL
COUNTRY CLUB (PRIVATE.)

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
Signature of Applicant

09-02-14

Date

X
Signature of Owner

09-02-14

Date

09/02/2014

CITY OF TOMBALL
Engineering and Planning Department

To Whom it May Concern;

Tennis Venture LLC is the applicant company for the city of Tomball tx. Masters International Tennis Academy will be the company operating the business on the Facility.

Masters International Tennis Academy

Is a Tennis Club that will provide different varieties of Adult and Junior Programs. We will serve quality training by carrying one of the best tennis coaches of Texas. We use worldwide trainings techniques which makes us unique. We use Russian Style Mental Training, Technical exercises from Germany, Footwork Drills from Spain and South America, and of course the Team Work and Motivation from the United States.

Giovanni Halman

Originally from Munich Germany
Former NCAA tennis player and National Champion.
Former Professional player
Trained top ranked Texas players.
Number 1 girl in Texas 12' 16' and 18's
Trained David Lou 15th In the United States and world ranked players.

Oscar Ortiz

Former ATP player a ranking as high as of 139 in the world singles
115 doubles, played in the Olympics and players such as Andre Agassi.
Main draw US Open
Head coach of the Mexican Davis cup team
Trained top ranked world junior players

MITA will be a facility that will use a Clay surface for the courts. Why use Clay Courts?

Clay Court is one of the most difficult surfaces to move on and much healthier to train on, especially with our young athletes who have a long career ahead of them. Mastering the movement on Clay Courts will be able to help improve each player on every other surface. If you know about the World Dominating training in Europe, almost all players come from a Clay Court surface trainings atmosphere. We strongly believe that each player should know how to master their movement on the Clay Court and will be naturally able to move successfully on the Hard Court and Grass atmosphere.
FLORIDA & CALIFORNIA are heavily known for training many players on Clay Court Surfaces.

Our main customers will be Juniors from age of 4 all the way to adults 50 and up. The city of Tomball is an excellent location for us because we carry clients from all over Houston. It would also benefit Tomball to have people from other areas like the Woodlands, Houston (Galleria), Gleanloch Farms and North Gate that are strongly committed to their areas, getting used to the Tomball area and help the city grow. Tomball is not known for strong tennis and we will change that. This will also help for Tomball High School's programs to get better and compete better against their competition - WOODLANDS, SPRING. MAGNOLIA, etc.....

We will make a huge difference for the Tomball District in this sport.

Our business hours will be from 7 a.m. - 9 p.m. and we will be hosting different types of events. Community get together and offering free drills for juniors and adults to help grow this sport within the community. We will host some tournaments - 50 players throughout the weekend

We are expecting around 30 - 50 customers throughout the day from 7 - 9 p.m.

We will be the best academy in Texas and eventually we will be National and internationally known with the help with our very knowledgeable coaching squad and we already have players that are high state and nationally ranked.

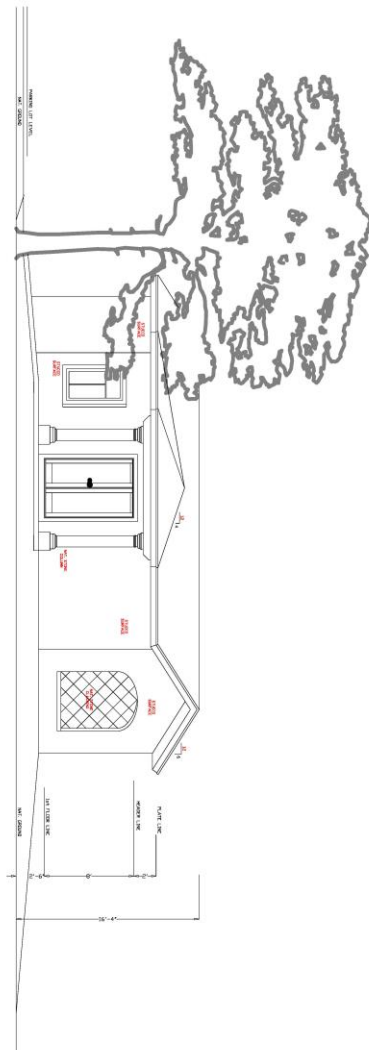
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Sincerely,

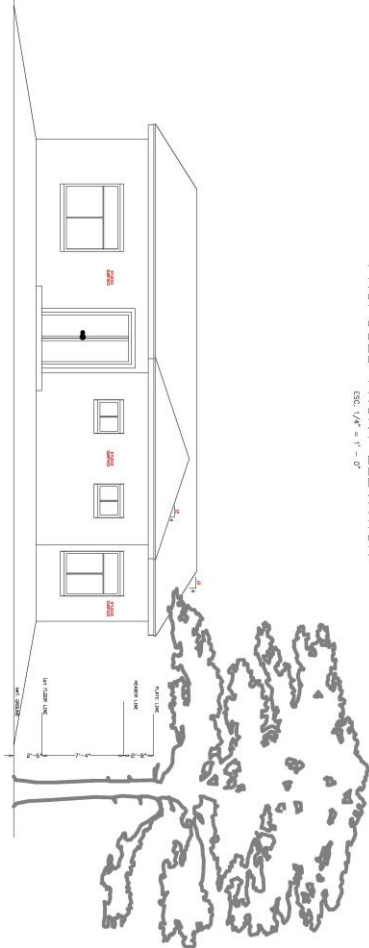
**Tennis Venture LLC.
Masters International Tennis Academy
Your Tennis Family and Home**

Exhibit “F” Concept Plan





PROPOSED FRONT ELEVATION
Elev. 101.00 = 1' - 0"



PROPOSED BACK ELEVATION
Elev. 101.00 = 1' - 0"

Tennis Venture LLC
43 Golden Orchard Plac., The Woodlands, Tx 77354

PROPOSED ;
ELEVATIONS

NO.	DESCRIPTION / NOTES	DATE

All in Natural Stone LLC
14863 Hwy 105 W
Montgomery, TX

TENNIS VENTURE LLC
Evan Hargrett Rd
Tomball, TX

Sheet
A2
Scale
1" = 1'



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: P14-186

APPLICANT: Jose Toriello, on behalf of Tennis Ventures, LLC

LOCATION: North of East Hufsmith Road, west of Hospital Road

PROPOSAL: Request for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a "Country Club (Private)." The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, and is located in the Agricultural District.

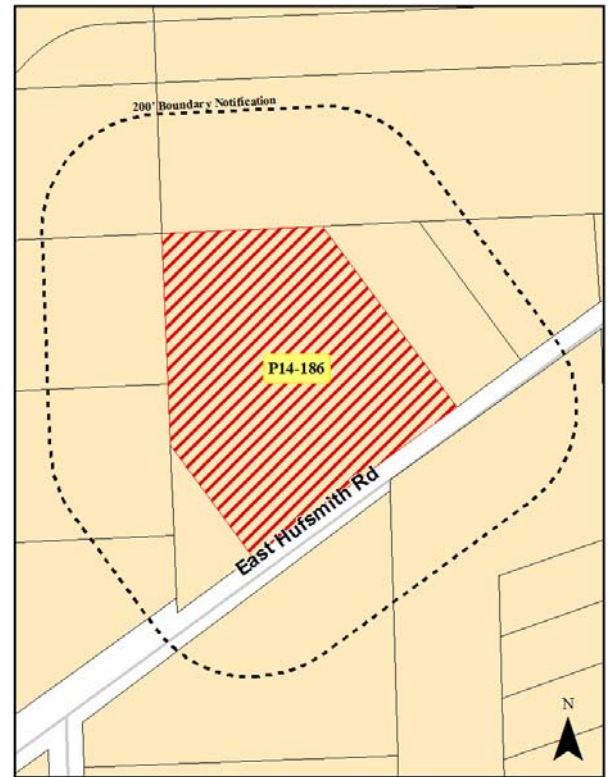
CONTACT: Rodney Schmidt

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, October 13, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, October 20, 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 13, 2014
&
CITY COUNCIL
OCTOBER 20, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 13, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 20, 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 P14-184: Request by Clarus Hotels, Inc., on behalf of JTS Development, Ltd., for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, is generally located south of Medical Complex Drive, west of State Highway 249 Bypass, and is located in the General Retail District.

ZONING CASE P14-186: Request by Jose Toriello, on behalf of Tennis Ventures, LLC, for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a "Country Club (Private)." The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, is generally located north of East Hufsmith Road, west of Hospital Road, and is located in the Agricultural 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 9th day of October 2014 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.ci.tomball.tx.us.

Regular City Council

Agenda Item

Meeting Date: November 3, 2014

Data Sheet

Topic:

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

Background:

The Chamber of Commerce must request approval from TxDOT to close FM 2920 for the annual Holiday Parade; the request must include a Resolution from the City of Tomball supporting the parade.

This is the City's customary resolution supporting and endorsing the annual Chamber-sponsored Tomball Holiday Parade, scheduled to take place on Saturday, November 22, 2014.

In addition to closing FM 2920 from FM 2978 to Business 249 from 9:15 a.m. until 12:30 p.m. for the parade, the Chamber is requesting closure of the following streets on Saturday, November 22, from 7:00 a.m. until noon:

- North Elm between Main Street and Hufsmith Road
- North Walnut between Main and Epps Streets
- 100 and 200 Blocks of Commerce
- 100 and 200 Blocks of Houston
- 100 and 200 Blocks of Oxford
- South Elm between Main and Market Streets
- South Walnut between Main and Fannin Streets
- 100 and 200 Blocks of Market Street
- Parking lot at the corner of Main and South Walnut.

The Chamber is also requesting the use of Tomball Police, Fire and Public Works personnel; the estimated cost for the use of City personnel/support services is \$6,000-\$6,500.

The annual Holiday Parade is extremely popular with the local community and brings visitors from the surrounding areas who often remain to shop, eat, and enjoy our city's amenities; we anticipate large crowds before, during, and following the event.

Origination:

Greater Tomball Area Chamber of Commerce

Recommendation:

Approve Resolution No. 2014-27

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2014-27

GTACC Request and Map of Parade Route

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.**

* * * * *

WHEREAS the Greater Tomball Area Chamber of Commerce will undertake the 49th Annual Tomball Holiday Parade, to be held in the City of Tomball at 10:00 a.m. on Saturday, November 22, 2014; and

WHEREAS the theme of the 49th Annual Tomball Holiday Parade is “**A Star Spangled Christmas**”, and the purpose of the 49th Annual Tomball Holiday is to celebrate our quality of life and to create an avenue for others outside to come to our fair City to enjoy fun, food and good cheer; and

WHEREAS it is a chance for Tomball area merchants and business people to gain a new customer base through monies spent by those attending the 49th Annual Tomball Holiday Parade; and

WHEREAS activities celebrating the 49th Annual Tomball Holiday Parade will include the annual parade, food, crafts, and hometown merchants selling from their businesses; and

WHEREAS the Greater Tomball Area Chamber of Commerce desires and requests the support and endorsement of the City of Tomball in this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Greater Tomball Area Chamber of Commerce in promoting and undertaking the 49th Annual Tomball Holiday Parade and pledge to encourage this effort to celebrate our heritage and promote our future betterment.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 3rd DAY OF November, 2014.

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary



October 28, 2014

City of Tomball
Mr. George Shackelford
401 Market Street
Tomball, Texas 77375

RE: Tomball Holiday Parade

Dear Mr. Shackelford,

We are anticipating a fabulous Tomball Holiday Parade at 10 a.m. on Saturday, November 22, 2014 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction is a Tomball tradition that has continued for 49 years. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

To insure the safety of the many visitors and Parade participants who will be in Tomball on November 22, we are asking for street closures for the following streets on Saturday morning only from 7:00 a.m. until noon:

- North Elm between Main Street and Hufsmith Rd.
- North Walnut between Main Street and Epps
- 100 & 200 block of Commerce
- 100 & 200 block of Houston
- 100 & 200 block of Oxford
- South Elm between Main Street and Market Street
- South Walnut between Main Street and Fannin
- 100 & 200 block of Market Street
- Parking lot at corner of Main and South Walnut

From 9:15 a.m. until 12:30 p.m.

- FM 2920 from FM 2978 to Business 249

Enclosed is a map for your review. Residents of these streets will still have access to and from their homes.

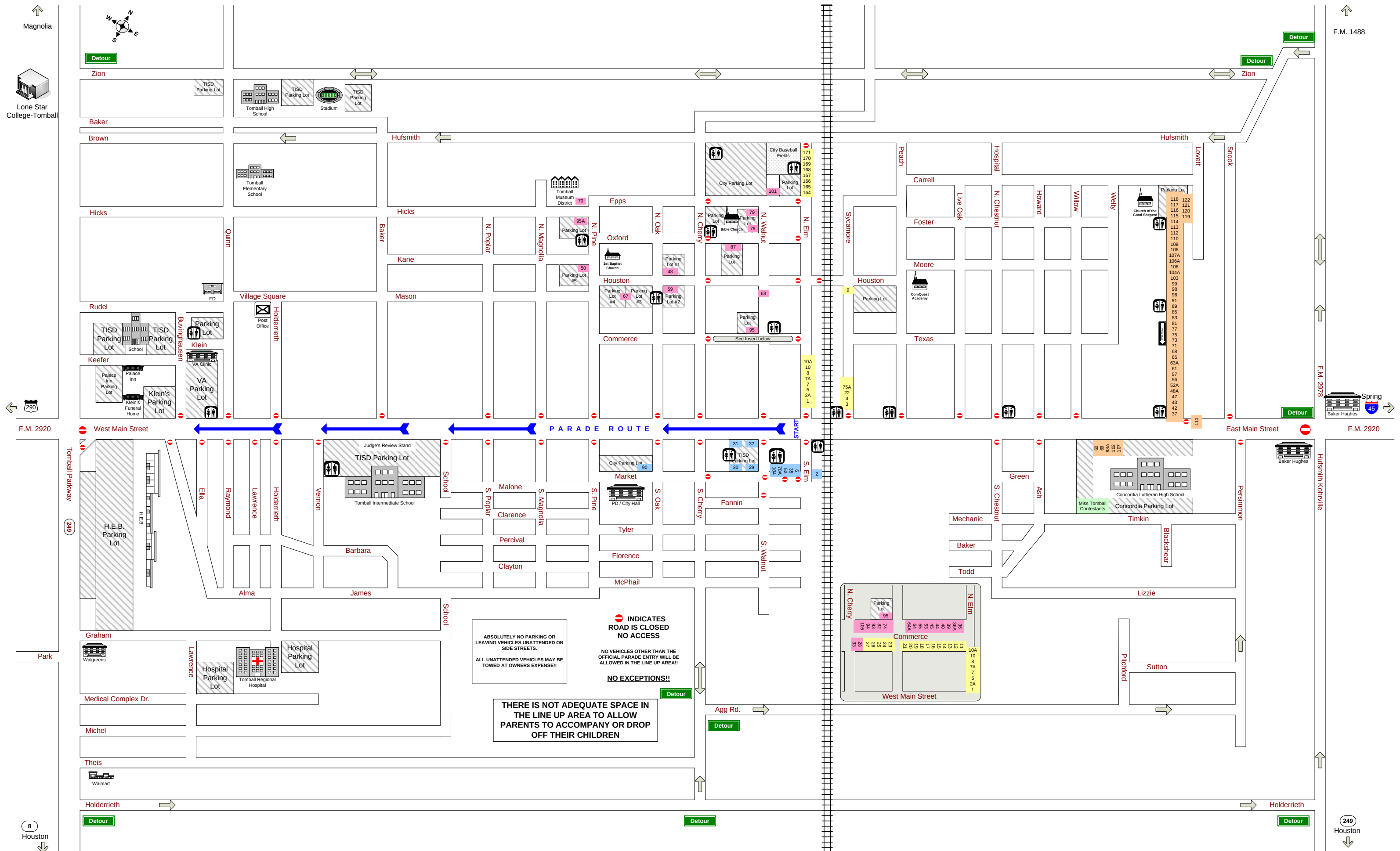
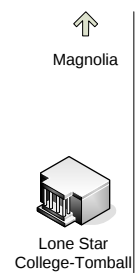
We appreciate the City of Tomball, its special partnership with the chamber and the assistance always offered for our events. Should you have any questions or concerns, please contact Brandy Beyer or myself at 281-351-7222.

Sincerely,

Bruce Hillegeist
President

*Thanks, George!
Grateful for you City
and your team...*

Encl: Map



Regular City Council

Agenda Item

Meeting Date: November 3, 2014

Data Sheet

Topic:

Consideration and Possible Action Regarding Request by Bill Cummings (TNRG Development) to Develop Per Previously Adopted Building Codes (IBC 2003)

Background:

On May 5, 2014, City Council adopted updated building codes including IBC 2012, IRC 2012, IMC 2012, IPC 2012 and NEC 2011. The City initiated the update in order to be up to date on the most current industry standards and to maintain its current Class 6 Building Code Effectiveness Grading Schedule (BCEGS) Rating. BCEGS factors into a City's overall ISO rating, which affects insurance premiums for residents and business owners.

It was necessary to establish an effective date of the updated codes prior to ISO's deadline of the re-rating, which was established as June 13, 2014. Therefore, an effective date of the updated codes was established for new Building Permit Applications submitted after June 1, 2014 per Ordinance No. 2014-10.

Origination:

Bill Cummings

Recommendation:

N/A

Funding:

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

Community Development Department

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

ATTACHMENTS:

Ordinance No. 2014-10

TNRG Development Letter

ORDINANCE NO. 2014-10

ADOPT ON FIRST READING, ORDINANCE NO. 2014-10, AN ORDINANCE AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING SECTIONS 14-35, INTERNATIONAL BUILDING CODE ADOPTED, AND 14-36, AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, OF ARTICLE II, BUILDING CODE, AND ADOPTING NEW SECTIONS 14-35 AND 14-36 ADOPTING THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND MAKING AMENDMENTS THERETO; BY DELETING SECTIONS 14-65, INTERNATIONAL MECHANICAL CODE ADOPTED, AND 14-66, AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE, OF ARTICLE III, AIR CONDITIONING AND MECHANICAL WORK, AND ADOPTING NEW SECTIONS 14-65 AND 14-66 ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND MAKING AMENDMENTS THERETO; BY DELETING SECTION 14-147, SUPERVISION OF WORK, OF SUBDIVISION I, GENERALLY, OF DIVISION 3, ELECTRICIANS, OF ARTICLE IV, ELECTRICITY, AND ADOPTING A NEW SECTION 14-147; BY DELETING SECTIONS 14-185, LICENSE REQUIRED, OF SUBDIVISION III, MASTER ELECTRICIAN, OF DIVISION 3, ELECTRICIANS, OF ARTICLE IV, ELECTRICITY, AND ADOPTING NEW SECTION 14-185, LICENSE REQUIRED AND 14-193, INSURANCE; BY DELETING SECTION 14-210, LICENSE REQUIRED, OF SUBDIVISION IV, JOURNEYMAN ELECTRICIAN, OF DIVISION 3, ELECTRICIANS, OF ARTICLE IV, ELECTRICITY, AND ADOPTING A NEW SECTION 14-210, LICENSE REQUIRED; BY DELETING SECTION 14-230, LICENSE REQUIRED, OF SUBDIVISION V, APPRENTICE ELECTRICIAN REGISTRATION, OF SUBDIVISION 3, ELECTRICIANS, OF ARTICLE IV, ELECTRICITY, AND ADOPTING A NEW SECTION 14-210, LICENSE REQUIRED; BY DELETING SECTIONS 14-272, DEATH OF MASTER ELECTRICIAN, AND 14-284, ADOPTION, OF DIVISION 4, PERMITS AND INSPECTIONS, OF ARTICLE IV, ELECTRICITY, AND ADOPTING NEW SECTIONS 14-272, DEATH OF MASTER ELECTRICIAN, AND 14-284, ADOPTION, PROVIDING FOR THE ADOPTION OF THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE, NFPA 70; BY DELETING SECTIONS 14-325, INTERNATIONAL RESIDENTIAL CODE ADOPTED, AND 14-328, AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE, OF DIVISION 2, HOUSING CODE, OF ARTICLE V, HOUSING, AND ADOPTING NEW SECTIONS 14-325 AND 14-328 ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND MAKING AMENDMENTS THERETO; BY DELETING SECTION 14-391, BOND, OF DIVISION 1, GENERALLY, OF ARTICLE VI, PLUMBING AND GAS; BY DELETING SECTIONS 14-405, INTERNATIONAL PLUMBING CODE ADOPTED, AND 14-406, AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE, OF

**DIVISION 2, CODES, OF ARTICLE VI, PLUMBING AND GAS, AND
ADOPTING NEW SECTIONS 14-405 AND 14-406 ADOPTING THE
INTERNATIONAL PLUMBING CODE, 2012 EDITION, AND MAKING
AMENDMENTS THERETO; PROVIDING A PENALTY IN AN AMOUNT
NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION HEREOF;
AND PROVIDING FOR SEVERABILITY.**

* * * * *

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

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting in their entirety Sections 14-35 and 14-36 of Chapter 14 thereof and new Sections 14-35 and 14-36 of Chapter 14, are hereby added to read as follows:

“Sec. 14-35. International Building Code adopted.

The International Building Code, 2012 Edition (non-residential), hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which shall be kept on file with the city secretary.

Sec. 14-36. Amendments to the International Building Code.

(a) Section 101.4.1 of said Code is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the National Electrical Code, 2011 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(b) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Building Safety. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her,. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official.

(c) Section 104 of said Code is hereby amended to provide as follows:

104. Powers and Duties of the Building Official.

104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this Code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code.

104.3 Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(d) Section 105 of said Code is hereby amended and by adding a new Section 105.8 to provide as follows:

105.2. Work exempt from permit.

105.2.2. Fences not over 8 feet high.

105.8 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section 109.4 of said Code is hereby amended to provide as follows:

109.4 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

(f) Section 111.1 of said Code is hereby amended to provide as follows:

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this Code, or other ordinances of the City shall not be valid.

(g) Section 113.1 of the Code is hereby amended to provide as follows:

113.1 Appeals. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Section 113.2 and 113.3 of the Code are hereby deleted in their entirety.

(i) Section 903, entitled "Automatic Sprinkler Systems" is hereby deleted in its entirety. Sprinkler systems are required as provided in the International Fire Code, 2012 Edition, as adopted.

(j) Section 1507.8 of said Code is hereby amended to provide as follows:

1507.8 Wood Shingles and Shakes.

(a) Allowed roof coverings of any structure regulated by this Code shall be as provided in this Section.

(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or reproofing of any structure.

(c) Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. "Repair" means the

replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(k) Section 1507.9 of said Code is hereby deleted in its entirety.

(l) Appendices. The following Appendices contained in this Code are deleted in their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix E, Supplementary Accessibility Requirements;

Appendix H, Signs; and

Appendix I, Patio Covers.

The following Appendices are hereby adopted in their entirety:

Appendix C, Group U - Agricultural Buildings;

Appendix F, Rodent Proofing;

Appendix G, Flood-Resistant Construction;

Appendix J of said Code is hereby amended to provide as follows:

J106.1 Maximum Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:
 - 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected against erosion.

- 1.3. It is no more than 8 feet (2438 mm) in height.
 - 1.4. It is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.”

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting in their entirety Sections 14-65 and 14-66 of Chapter 14 thereof and new Sections 14-65 and 14-66 of Chapter 14, are hereby added to read as follows:

“Sec. 14-65. International Mechanical Code adopted.

The *International Mechanical Code*, 2012 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

Sec. 14-66. Amendments to the International Mechanical Code.

- (a) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Building Safety. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her,. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official.

- (b) Sections 106.4.3 and 106.4.4 of said Code are deleted in their entirety and a new Section 106.4.3 is substituted therefor as follows:

106.4.3 Expiration: Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed one and one-half (1- 1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued

in order to resume work, together with payment of fees for such reissued permit.

- (c) Section 106 of said Code is amended by adding a new Section 106.5.4, to provide as follows:

106.5.4 State License. All persons performing work within the City governed by this Code shall be licensed by the State of Texas, and shall submit to the City proof of insurance as required by the State or by statute.

- (d) Said Code is amended by deleting Section 106.5 and Appendix B, entitled 'Permit Fee Schedule' as fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time.
- (e) Section 109 of said Code is hereby amended to provide as follows:

109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.”

Section 3. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting in their entirety Sections 14-147, 14-185, 14-186–14-192, 14-193, 14-210, 14-230, 14-272, and 14-284 of Chapter 14 thereof and new Sections 14-147, 14-185, 14-186–14-192, 14-193, 14-210, 14-230, 14-272, and 14-284 of Chapter 14, are hereby added to read as follows:

“Sec. 14-147. Supervision of work.

All electrical work performed within the city shall be under the control, supervision, direction, and responsibility of a master electrician licensed by the State of Texas. A journeyman or apprentice electrician shall perform the actual work under the supervision, control and responsibility of a master electrician.

Sec. 14-185. License required.

Except as otherwise provided by this article, it shall be unlawful for any person to perform or contract for electrical work within the city unless such person is licensed by the State of Texas as a master electrician.

Secs. 14-186--14-192. Reserved.

Sec. 14-193. Insurance

- (a) For any permits to be issued, the applicant must provide evidence of holding a comprehensive general liability insurance policy (including products liability and completions operations coverage) with minimum limits of \$1,000,000.00 for

death or bodily injury and \$250,000.00 for property damage, per occurrence. This policy must be issued by a carrier with a rating of B+ or better in the last published edition of Best's Insurance Reports-Property Casualty Volume (published by A. M. Best Company, Oldwich, New Jersey 08858). Proof of the coverage shall be provided in the form of a certificate issued by an authorized agent or employee of the company issuing the policy, that specifies coverage and identifies the insured. Each certificate shall provide that not less than 30 days' written notice shall be given to the city in the event of reduction or cancellation of the policy prior to the expiration date specified on the certificate, or lapse by nonrenewal.

- (b) These insurance requirements would not apply to any permits obtained by homeowners as outlined in section 14-141.

Sec. 14-210. License required.

No person shall undertake any work as a journeyman electrician unless such person has first obtained the appropriate current State of Texas electrician license.

Sec. 14-230. License required.

No person shall undertake any work as an apprentice electrician unless such person has first obtained the appropriate current State of Texas electrician license.

Sec. 14-272. Death of master electrician.

After the death of a master electrician, for a period of 60 days, any person engaged in the electrical contractor business shall have the privilege of completing any work currently authorized under the master electrician's license.

Sec. 14-284. Adoption.

- (a) With the passing of the Ordinance from which this article derives, the 2011 edition of the National Electrical Code, NFPA 70, prepared by the National Fire Protection Association, Inc., will be adopted.
- (b) In case of conflict between the provisions of the National Electrical Code and the provisions of this article, this article shall prevail."

Section 4. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting in their entirety Sections 14-325 and 14-328 of Chapter 14 thereof and new Sections 14-325 and 14-328 of Chapter 14, are hereby added to read as follows:

“Sec. 14-325. International Residential Code adopted.

The *International Residential Code*, 2012 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached to the ordinance from which this section derives and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

Sec. 14-328. Amendments to the International Residential Code.

- (a) Section R103 of said Code is hereby amended to provide as follows:

R103 Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her,. Said deputies shall serve at the pleasure of the building official and may be removed without cause by building official.

- (b) Section R105.2. Work exempt from permit.

105.2.2. Fences not over 8 feet high.

- (c) Section R105.5 of said Code is hereby amended to provide as follows:

R105.5 Expiration: No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1- 1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit. Section R103 of said Code is hereby amended to provide as follows:

- (d) Section R105 of said Code is hereby amended by adding a new Section

R105.10 to provide as follows:

R105.10 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The

certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City. Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

- (e) Section R108 of the Code is amended by adding to section R108.2 the following provision:

R108.2 Schedule of permit fees. Fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time.

- (f) Section R108 of said Code is hereby amended by adding a new Section R108.6 to provide as follows:

R108.6 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

- (g) Section R112.1 of the Code is hereby deleted and new Section 112.1 is substituted therefor as follows:

112.1. Appeals. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

- (h) Section R112.3 of the Code is hereby deleted in its entirety.

- (i) Section R113 of the Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

- (j) Sections R905.7 and R905.8 of the Code are deleted in their entirety and a new Section R905.7 is substituted therefor as follows:

R905.7 Wood Shingles and Shakes

- (a) Allowed roof coverings of any structure regulated by this Code shall be as provided in this Section.
- (b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure. Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class

C roofing material, over the existing wood shingles and shakes, provided that the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

- (k) Appendices. The following Appendices contained in the Code is deleted its entirety:

Appendix E, Manufactured Housing Used As Dwellings

Appendices B through D contained in the Code are hereby adopted."

Section 5. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting in their entirety Sections 14-391, 14-405, and 14-406 of Chapter 14 thereof and new Sections 14-405 and 14-406 of Chapter 14 are hereby added to read as follows:

Sec. 14-391. Bond - *deleted*.

Sec. 14-405. International Plumbing Code adopted.

The *International Plumbing Code*, 2012 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., and as amended herein, is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

Sec. 14-406. Amendments to the International Plumbing Code.

- (a) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Plumbing Inspection. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her,. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official.

- (b) Section 104 of said Code is hereby amended to provide as follows:

104.7 Stop Work Orders. Whenever any work is being done contrary to the provisions of this Code, the Building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work. The building official shall issue all necessary notices or orders to ensure compliance with this code.

- (c) Sections 106.5.3 and 106.5.4 of said Code are deleted in their entirety and a new Section 106.5.3 is substituted therefor as follows:

106.5.3 Expiration. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1- 1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

- (d) Section 106.6 of said Code is hereby amended to provide as follows:

106.6 Fees. Fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

- (e) Section 106 of said Code is amended by adding a new Section 106.6.4, which provides as follows:

106.6.4 State License. All persons performing work in the City governed by this Code shall be licensed by the State of Texas, and shall submit to the City proof of insurance as required by the State or by statute.

- (f) Section 109 of said Code is hereby amended to provide as follows:

109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this Code shall be to City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.

- (g) Section 108 of said Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

- (h) Section 605 of said Code is amended by deleting any and all references to "polybutylene pipe and tubing." Installation of polybutylene pipe and tubing, or use for repair, is prohibited.

- (i) Section 702 of said Code is amended by deleting any and all references to concrete pipe and asbestos-cement pipe and tubing. Installation of concrete pipe or asbestos-cement pipe and tubing, or use for repair, is prohibited.
- (j) Appendix A, Plumbing Permit Fee Schedule, contained in the Code is deleted its entirety and Appendices B-F contained in said Code are hereby adopted."

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 \$2000. Each day of violation shall constitute a separate offense.

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

Section 8. This Ordinance shall become effective on June 1, 2014. Building Permit Applications submitted on that date or thereafter shall be in conformance with this Ordinance. The City Secretary is directed to publish the caption of this Ordinance in the City's official newspaper within 14 days after the passage of this Ordinance.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21st DAY OF APRIL 2014.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5TH DAY OF MAY 2014.

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



Gretchen Fagan, Mayor
City of Tomball

ATTEST:



Doris Speer, City Secretary
City of Tomball

October 29, 2014

City of Tomball
501 James Street
Tomball, TX 77375

Reference: Ordinance No. 2014

Dear City of Tomball Staff,

TNRG Development request that the projects listed below be considered as a continuation of the permit process that began months prior to the adoption of the new building code. As of June 1, 2014, any building permit not submitted by that date must adhere to the new IBC 2012 code. Currently, one must move the civil set through the permit office and receive approval before we are able to submit for the Building permit. There is a great deal of time and money spent during the civil process to get to the building permit point. As you can see below by a few items, we started the process based on the code that was in place at that time. All of our designs, Building Packages, Structural, Electrical, Insulation, etc. have been bid and our budgets are all based on these numbers. By having to adhere to the new code, it will have a negative financial impact these projects. We request to be on the agenda for November 3rd 2014 to discuss this consideration. One of the biggest potential impacts that we noticed from the new code is that the Building wind load was change from 120 to 130 mph. The material, structural design and erection cost will change considerably. Also, the energy code is so new that the (SEER) rating on the HVAC unit for the Grimes job has yet to be manufactured for this region.

Tomball Industrial Permit# 201401101

Partnership Documents created on October 2013
Signed civil proposal with TLC in December 2013
Received Driveway permits in February 2014
Cleared land tract February 2014
Receive preliminary budget proposal from contractor March 17th, 2014
Received Building Addresses May 2014
Pre-construction meeting with the City of Tomball May 15th, 2014
TLC (Civil) submitted grading and storm water plans June 6th
Received permit for site work in October

Grimes Industrial Permit # 201401065

**Our PM for this job is out on a job site and cannot get this info from him until tomorrow.
Jody Grimes worked directly with the City of Tomball prior to 2014 and will be available for comments on Monday as well.**

Signed construction contract in April, 2014
Received permit for site work in October 2014

Respectfully,



Bill Cummings
TNRG Development

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 3, 2014

Topic:

Approve Resolution No. 2014-26, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2014-2015.

Background:

On October 6, 2014, the Tomball City Council adopted a Master Fee Schedule for Fiscal Year 2014-2015.

On October 21, 2014, Council approved a new contract with Waste Corporation of Texas, LP, resulting in changes in the monthly rate for residential customers and for dumpsters for commercial customers for Fiscal Year 2014-2015.

The fees reflected in Exhibit "A", attached to Resolution No. 2014-26, must be authorized by Council prior to incorporation into the Master Fee Schedule for Fiscal Year 2014-2015 and replacement on the City's website.

Origination:

City Secretary

Recommendation:

Approve Resolution No. 2014-26, amending the Master Fee Schedule for FY 2014-2015.

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2014-26

RESOLUTION NO. 2014-26

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS,
AMENDING THE MASTER FEE SCHEDULE FOR FISCAL YEAR
2014-2015.**

* * * * *

WHEREAS, on October 6, 2014, the Tomball City Council adopted a Master Fee Schedule for Fiscal Year 2014-2015 to provide easier access for Tomball residents and commercial interests; and

WHEREAS, on October 21, 2014, the Tomball City Council approved a new contract with Waste Corporation of Texas, LP, resulting in changes in the monthly rate for residential customers and for dumpsters for commercial customers for Fiscal Year 2014-2015; **NOW, THEREFORE**

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

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. Pages 56 and 57 of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2014-2015 are hereby amended, copies of which are attached hereto as Exhibit "A" and incorporated into the Master Fee Schedule.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of 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.

PASSED, APPROVED, AND RESOLVED this 3rd day of November, 2014.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Exhibit “A” – Page 1

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

- a. **Residential - Winter Rates (November-February):** A base rate of \$8.51, plus a charge of \$2.98 for each 1,000 gallons of potable water used.
- b. **Residential - Summer Rates (March-October):** Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.
 - c. **Small Commercial.** A base rate of \$13.69, plus a consumption charge of \$3.78 for each 1,000 gallons of potable water used. “Small Commercial” shall mean commercial customers using up to 5,000 gallons of potable water during the billing month.
 - d. **Medium Commercial.** A base rate of \$20.76, plus a consumption charge of \$4.72 for each 1,000 gallons of potable water used. “Medium Commercial” shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons in the billing month.
 - e. **Large Commercial.** A base rate \$43.06, plus a charge of \$5.90 for each 1,000 gallons of potable water used. “Large Commercial” shall mean commercial customers using 51,001 gallons or more of potable water during a billing month.

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

- a. **Residential.** A base rate of \$35.01, plus a charge of \$2.29 for each drain in excess of ten (10) drains within such residence.
- b. **Commercial.** A base rate of \$58.26, plus a charge of \$2.32 for each drain in excess of fifteen (15) drains within such commercial unit.

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

- a. **Residential.** **\$15.70**
- c. **Commercial**
 - (1) **Hand Loaded.** For once a week pickup, **\$24.87** for the first container, **\$17.70** for each additional container. For twice a week pickup, **\$25.52** for the first container, **\$29.62** for each additional container. Each collection of excess garbage and refuse (i.e. - garbage and refuse in volume which exceeds the capacity of the approved container(s) for which the customer’s regular billing is determined) shall be assessed a \$5.00 excess collection fee and can only be collected on Monday and Thursday collection days.

Exhibit "A" – Page 2

(2) Roll-Off Container:

	Size Container, Cubic Yards		
	20	30	40
Delivery Fee	\$ 115.46	\$ 115.46	\$ 115.46
Monthly Rental	141.36	141.36	141.36
Daily Rental	4.71	4.71	4.71
Haul and Disposal Rate	266.00	307.77	348.87

(3) Compactor/Equipment:

Monthly Rental	(As quoted)
Haul Rate	\$250.00
Disposal Fee/Ton	25.00

(4) Monthly Rate for Dumpsters:

Size	Extra Pickup Rate	Services Per Week*					
		1	2	3	4	5	6
3 Yd – 1 st Container	\$30.00	\$79.04	\$126.20	\$189.96	\$238.07	\$290.50	\$356.48
Each add'l container		71.00	105.00	159.00	198.00	247.00	235.47
4 Yd – 1 st Container	\$35.00	85.84	136.61	204.26	256.30	318.73	383.80
Each add'l container		76.77	122.28	173.00	216.00	270.00	323.00
6 Yd – 1 st Container	\$40.00	110.58	174.35	262.69	329.16	411.12	491.80
Each add'l container		98.86	148.00	236.77	278.00	336.00	416.00
8 Yd – 1 st Container	\$50.00	134.00	214.67	320.04	402.00	491.80	589.88
Each add'l container		121.00	193.84	288.83	339.00	442.10	510.00

(5) Locking Dumpsters -

Gravity Lock System	\$55.00
Front Panel Padlock System	\$40.00

(6) Exchange Charge - \$45.00

Regular City Council Agenda Item Data Sheet

Meeting Date: November 3, 2014

Topic:

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

- Sec. 551.071 – 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

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: November 3, 2014

Topic:

Consideration and Possible Action regarding 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

Background:

Origination:

A-K Venture Capital, LC and Harris County Municipal Utility District No. 273

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	