

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



MONDAY, NOVEMBER 21, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 21, 2011 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Invocation
 - Led by Pastor James Clark, First Baptist Church
- 3.0 Pledges to U.S. and Texas Flags
 - Led by Members of the Tomball High School Student Council
- 4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Presentations:

- Proclamation - November 2011 is "***Pancreatic Cancer Awareness Month***"

6.0 Reports and Announcements

- ***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 – November 19, 2011 ***Tomball Art Walk***

7.0 Approve the Minutes of the November 7, 2011 Regular City Council Meeting

8.0 New Business:

- 8.1 Appoint a Member to the Tomball Economic Development Corporation to Fill Unexpired Term/Vacancy Created by Resignation of Gary Smith for Term Expiring May 2, 2012.
- 8.2 Consideration and possible action to approve, as a Project of the Corporation, an agreement with Houston Poly Bag I, Ltd, to make direct incentives to or expenditures for equipment expansion for the creation and retention of primary jobs for Houston Poly Bag I, Ltd. The estimated amount of expenditures for such project is an amount not to exceed \$80,000.00.
- 8.3 Approve and authorize City Manager to execute Professional Services Agreement with AECOM Technical Services, Inc. (AECOM) for services related to Utilities GIS in the amount of \$150,000.
- 8.4 Consideration and possible action to approve First Amendment to Economic Development Agreement between the Tomball Economic Development Corporation and Stripes L.L.C. for additional funding of \$15,400.
- 8.5 Approve, on First Reading, Resolution No. 2011-24-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and ValueBank Texas to Make Direct Incentives to, or Expenditures for, relocation and rent assistance for new or expanded business enterprise; Containing Other Provisions Relating to the Subject; and Providing for Severability, Approving, as a Project of the Corporation, an agreement with ValueBank Texas to make direct incentives to, or expenditures for, relocation and rent assistance for new or expanded business enterprise to be located at 990 Village Square, Suite P, Tomball, Texas. The estimated amount of such expenditures for such Project is \$15,750.00.
- 8.6 Appoint/Reappoint Members to the Tourism Advisory Committee

- 8.7 Consideration to approve **ZONING CASE P11-360**: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.
- Conduct a Public Hearing on **ZONING CASE P11-360**
 - Adopt on First Reading, Ordinance No. 2011-27, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the C-Commercial and OT/MU-Old Town & Mixed Use Districts to the C-Commercial District; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters
- 8.8 Consideration to approve **ZONING CASE P11-362**: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.
- Conduct a Public Hearing on **ZONING CASE P11-362**
 - Adopt on First Reading, Ordinance No. 2011-28, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the C-Commercial District to the OT/MU-Old Town and Mixed Use District; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters
- 8.9 Consideration to approve **ZONING CASE P11-371**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)
- Conduct a Public Hearing on **ZONING CASE P11-371**
 - Adopt on First Reading, Ordinance No. 2011-29, an Ordinance of the City of

Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 6.928 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the SF-Single-Family Residential-9 and C-Commercial Districts to the GR-General Retail District; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

- 8.10 Consideration to approve **ZONING CASE P11-372**: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

- Conduct a Public Hearing on **ZONING CASE P11-372**
- Adopt on First Reading, Ordinance 2011-30, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Peter and Sylvia Hildreth, to operate a “Tool and Machinery Rental (with outdoor storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the GR-General Retail Districts; Providing requirements and conditions for this Conditional Use Permit; 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.

- 8.11 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 18th

day of November 2011 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer

City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 21, 2011

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 21, 2011

Topic:

- Proclamation - November 2011 is "*Pancreatic Cancer Awareness Month*"

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

Pancreatic Cancer Awareness Month

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** in 2011, an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease, one of the deadliest cancers—a disease for which there is no cure and in which no significant improvements in survival rates have been made in the last 40 years—and the fourth leading cause of cancer death in the United States; and
- WHEREAS,** when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years—approximately 2,260 deaths will occur in Texas in 2011; and
- WHEREAS,** of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and
- WHEREAS,** the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and
- WHEREAS,** the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Tomball and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and
- WHEREAS,** the Pancreatic Cancer Action Network and its affiliates in Tomball support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and
- WHEREAS,** the good health and well-being of the residents of Tomball are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, I, Gretchen Fagan, by virtue of the authority vested in me as **Mayor of the City of Tomball**, on behalf of the Tomball City Council and all citizens hereof, do hereby proclaim the month of **November 2011**, as:

"PANCREATIC CANCER AWARENESS MONTH"



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

ATTEST:

DATE:

[Signature]

November 7, 2011

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 21, 2011

Topic:

- *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
 - o Mike Baxter – November 19, 2011 *Tomball Art Walk*

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 21, 2011

Topic:

Approve the Minutes of the November 7, 2011 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

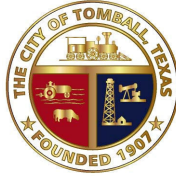
City Secretary

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

ATTACHMENTS:

Draft Minutes - 11/7/2011 Regular City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, NOVEMBER 7, 2011
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order by Mayor Pro Tem Mark Stoll. Other members present were:

Councilman Hudgens
Councilman Townsend
Councilman Dodson

Members absent:

Mayor Gretchen Fagan - Excused
Councilman Brown – Excused.

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – David Kauffman
Assistant City Engineer – Lori Lakatos
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Fire Inspector – Doug Sanguedolce
Marketing Director – Mike Baxter
Community Events Coordinator – Rosalie Dillon

Draft

2.0 The invocation was led by Pastor Al Navarro, Puente para Cristo

3.0 Pledges to U. S. and Texas Flags were led by Eric Schaffer, Member of the Tomball High School Student Council

4.0 No public comments were received.

5.0 Reports and Announcements:

- November 12, 2011 – **Farmers Market** – 9 a.m.-1:00 p.m. (Last Saturday)
- November 12, 2011 – **"Christmas at Give Thanks Tomball" 2nd Saturday at the Depot** – 6:00 p.m.
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - **Special Walk Tomball** in the Holiday Parade behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk**, 11:00 a.m.–6:00 p.m.; Free Concert at the Depot, 4:30 p.m.–7:00 p.m. (Kelly McGuire)
- **Walk Tomball!** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - Glenn Windsor presented the Quarterly Investment Report for the Period Ending September 30, 2011.
 - Randy Parr presented information regarding turnout for a successful Fall Festival.
 - George Shackelford advised Council that Randy Parr has earned the level of active Peer Assessor Level 1 (PA-L1) from the Commission on Fire Accreditation International (CFAI)
 - George Shackelford advised Council that Doris Speer, City Secretary, has earned the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC)

6.0 Motion was made by Councilman Dodson, second by Councilman Hudgns, to approve the minutes of the following meetings:

- Regular City Council Meeting – October 17, 2011
- Special City Council and Planning and Zoning Commission Meeting – October 24, 2011

Motion carried unanimously.

7.0 New Business:

7.1 Doris Speer presented the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2011-25, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District.

Motion carried unanimously.

- 7.2 Glenn Windsor presented the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve Resolution No. 2011-26, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas (Raleigh Creek).

Motion carried unanimously.

- 7.3 Randy Parr presented the proposed Amendment to the Interlocal Agreement. Motion was made by Councilman Townsend, second by Councilman Dodson, to authorize the City Manager to Execute the Annual Compensation Amendment to the Interlocal Agreement for Fire Protection, Fire Suppression and Rescue Services between the City of Tomball and Harris County ESD #15. The compensation is increasing from \$45,000 in 2011 to \$60,000 in 2012.

Motion carried unanimously.

- 7.4 Lori Lakatos presented the proposed Replat. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve **J & A ENTERPRISE REPLAT**: A replat of Lot 22 and "Unrestricted Reserve" of ED-MICH TRACT replat into New Lot 22 in Block 61 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, said Block 61 being situated in the William Hurd Survey (A-371).

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of November 2011.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Appoint a Member to the Tomball Economic Development Corporation to Fill Unexpired Term/Vacancy Created by Resignation of Gary Smith for Term Expiring May 2, 2012.

Background:

Appoint a member to the Tomball Economic Development Corporation to fill the position of Gary Smith whose term expires on May 2, 2012. The applications include four members who are currently serving on the Planning and Zoning Commission. They are Michelle Beauvais, Evelyn Chervenak, James Kendler and Barbara Tague.

Mayor recommends the appointment of Lori Klein-Quinn.

Origination:

City Secretary's Office.

Recommendation:

Funding:

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

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

ATTACHMENTS:

board applications
board applications
board applications
board applications
board applications
board applications
board applications
board applications



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type or Print Clearly:

Date: 3/20/2011

Name: Michele Beauvais

Phone: 832-559-7532

Address: 29502 Imperial Creek Dr.

Phone: 281-831-3332 (Home)

City/State/Zip Tomball, TX. 77377

Cell: 281-831-3332 (Work)

Email: mbeauvais@comcast.net

I have lived in Tomball 4.5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Co owner of American Communications Construction,
Interior Designer

Professional and/or Community Activities: Habitat for Humanity, A.A.R.S
T.A.I.D

Additional Pertinent Information/References

Dana & Trevor Pugh, ANN Marie &
Kwan McWilliams, Laurel & Mark Norris,

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

(✓) Planning & Zoning Commission

(✓) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

(✓) Tomball Economic Development Corporation

(✓) Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

(✓) Downtown Tomball Advisory Committee

Meeting Information

As called

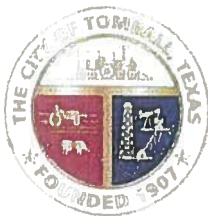
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Name: Evelyn Torres-Chervena

Address: 111 Mc Phail

City/State/Zip: Tomball Tx 77375

Email: _____

Date: January 26, 2010

Phone: 832-704-8090

Phone: 832-704-8090
(Home)
(Work)

I have lived in Tomball 1 1/2 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Accountant

Professional and/or Community Activities:

Haplan University - Student Accounting Association (SAA) member

SAA Judicial Committee Member

SAA Special Review and Task Force Committee ~~At~~ Secretary

Additional Pertinent Information/References:

Self Employed - Etc. Services

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Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

(1) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(2) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(3) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 7/20/11

Name: Chad Degges

Phone: 832-698-1126
(Home)

Address: 29602 Imperial Creek Dr.

Phone: 281-820-9002
(Work)

City/State/Zip: Tomball, TX 77377

Email: cdegges@htstx

I have lived in Tomball 2.5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Sales Engineer and V.P. Operations at Heat Transfer Specialists, Inc.

• V.P. of AWC Properties Inc.

• Partner SWFC Aero Investments.

Professional and/or Community Activities: Tomball Little League Coach,
Member of Salem Lutheran, Committee Member of
SW Flying Club (Hooks Airport)

Additional Pertinent Information/References:

Paul Bailey, IMG Financial Services, 713-622-1150

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Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

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To Be Announced; Evenings

Separate Legal Entities

Meeting Information

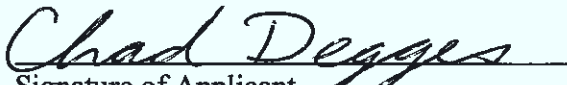
(X) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

() Tomball Hospital Board

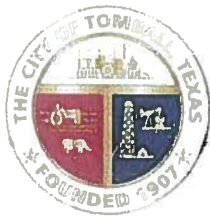
Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 01/26/ 2010

Name: JOHN P. DILLON

Phone: 281-351-2921

Address: 14166 TURNER VIVE

Phone: 713-755-7405 (Home)

City/State/Zip: TOMBALL TX 77375

CELL (Work)
281-610-1133

Email: JOHN P DILLON 76 (a) GAHOO.COM

I have lived in Tomball 18 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: DEPUTY SHERIFF

Professional and/or Community Activities: COMMISSIONER ESD 8

Additional Pertinent Information/References: TRUSTEE AT CHURCH

FINANCE COMMITTEE AT CHURCH

LAY REPRESENTATIVE AT STATE CONFERENCE AT CHURCH

ROSE HILL UNITED METHODIST

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

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Decision-Making Boards and Commissions

Meeting Information

1 (X) Planning & Zoning Commission

Second Monday each month, 6 p.m.

3 (X) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

2 (X) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

() Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

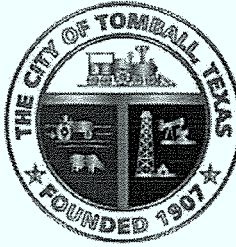
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: 832-978-9624

(Home)

Address: 30810 Country Meadows Dr

Phone:

(Work)

City/State/Zip Tomball, TX 77375

Cell: 832-978-9624

Email: William.Harris@yahoo.com

I have lived in Tomball 6 years.

I am ☒ ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Private Security

Professional and/or Community Activities: AWANA Leader at Graceview Baptist Church
Architectural Control Committee member for Country Meadows HOA
Cubmaster (leader) Cubscout Pack - Boy Scouts of America

Additional Pertinent Information/References: _____

References available upon request.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- (1) Planning & Zoning Commission
- (3) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- (2) Tomball Economic Development Corporation
- (4) Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

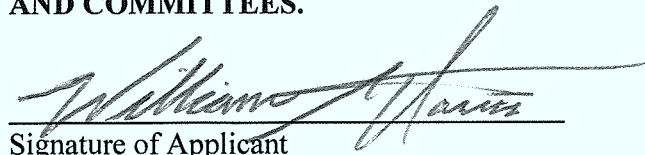
Ad Hoc/Advisory Committees

- (5) Downtown Tomball Advisory Committee
- DTAC does not require Tomball residency

Meeting Information

As called

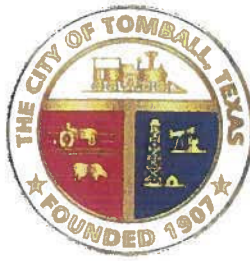
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Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 11-17-2011

Name: Lori Klein Quinn

Phone: 281-351-5676

(Home)

Address: 13415 Lost Creek Road

Phone: 281-370-0300

(Work)

City/State/Zip Tomball, Texas 77375

Cell: 713-254-0579

Email: LKlein@Kleinwealthmgmt.com

I have lived in Tomball 35 years. 25 yrs gone 20 then I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency BACK 10

Occupation: CPA/PFS MS CFP CFS

owner: L Klein and Company, P.C. - tax planning - preparation firm

owner: Klein Wealth Management - financial planning firm,
estate, retirement, protection and investment planning
small business consulting

Professional and/or Community Activities: please see attached

Additional Pertinent Information/References: please see attached

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

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- ☐ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

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☒ Tomball Economic Development Corporation

☐ Tomball Hospital Board

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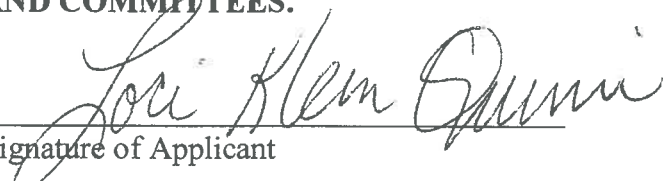
Ad Hoc/Advisory Committees

- ☐ Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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City of Tomball
401 Market Street
Tomball, TX 77375

Lori Klein Quinn, CPA, PFS, MS, CFP®, CFS

Klein Wealth Management

L. Klein & Co., P.C.

Lori graduated cum laude from the University of Houston receiving her B.S. in Accounting. She has over 28 years experience in public accounting and is currently practicing as a Certified Public Accountant with L. Klein and Company, P.C. and the financial planning firm of Klein Wealth Management.

Ms. Klein has attained the Personal Financial Specialist designation from the American Institute of Certified Public Accountants. She also received her Certified Financial Planner designation as well as her Masters in Financial Planning through the College for Financial Planning in Denver, Colorado. To best service her clients, Ms. Klein became a Certified Funds Specialist and is licensed as an Independent Registered Investment Advisor through Jonathan Roberts Advisory Group, Inc. with securities through J.W. Cole Financial, Inc. in Tampa, Florida.

Lori was recognized in the H Texas Magazine, in 2007, for Top Accounting Firm and again in 2008 for Top Financial Planner. She is also recognized for her achievements in the 2008 December issue of Texas Monthly for the Top Dependable Accounting Firms in Texas and again in 2009 for Customer Service and Sept 2011 for wealth management. Broker Dealer J.W. Cole Financial Inc acknowledged Lori in 2009 with the Outstanding Achievement award in wealth management and again this year, 2011.

Ms Klein is very active in community affairs. She has been past President of Women's Business Forum, Tomball Business & Professional Women, the American Heart Association/Northwest Harris County Division, past Chairman on the Board of Directors of the Greater Tomball Area Chamber of Commerce, Rotary International Group Studies Exchange Ambassador to Japan in 1991, and Recipient of the Outstanding Texan Award given to five persons by the Texas Jaycees. She has also been honored with a "Woman of Excellence" award, and Tomball's Citizen of the Year. For almost 20 years, she has been a member of the Advisory board and the current financial advisor for Cypress Woodlands Junior Forum, and recognized as their honoree for 2011. Lori was a founding Board Member of the North Harris Montgomery Community College District Foundation; now known as the Lone Star College Foundation. Most recently Lori enjoyed serving as a reoccurring financial expert on KHOU TV Channel 11, Saving Cents, with Sherry Williams. Currently she is serving on the board of the Grand Parkway Association and the Christian Business Luncheon.

Lori is married to David R. Quinn, Architect, Past City of Tomball's Councilman and Mayor ProTem. They are blessed with 4 daughters in their blended family and 3 grandchildren. She is a member of the Trinity Lutheran Church in Klein, Texas where she volunteers in children's ministry.

References: Contact Information to be furnished upon request

Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce
Allen Fletcher, State Representative of Texas
David Gornet, President, Grand Parkway Association
Betty Reinbeck, Retired Director, TEDC



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 2-1-2010

Name: William E. Sumner, Jr.

Phone: 281-351-7653

Address: 12321 Zion RD

Phone: 281-351-1726

City/State/Zip: Tomball 77375

Email: MSL131912@aol.com

(Work)

I have lived in Tomball 24 years.

I am X am not a U.S. Citizen

Occupation: MANAGER Houston Poly BAC

Professional and/or Community Activities: Society of SENIORS
Trinity Lutheran Church

Additional Pertinent Information/References:

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Decision-Making Boards and Commissions

() Planning & Zoning Commission

() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

~~X~~ Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

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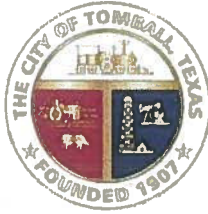
Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.


Signature of Applicant

Please return this application to:

**City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375**



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 2-1-2010

Name: BARBARA TAGUE

Phone: 281-351-0904

Address: 503 INWOOD DR.

(Home)
Phone: 713-851-0737

City/State/Zip: Tomball, TX 77375

(Work) Cell

Email: btague@sbccglolocal.net

I have lived in Tomball 36 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired

Professional and/or Community Activities:

Downtown Tomball Assn, Great Northwood Houston CVB, Tomball CERT Coordinator, Tomball Local Emergency Planning Comm. Sec/Trea. Board of Adjustment - 2nd Alternate

Additional Pertinent Information/References:

Harris County CERT Rodeo 2010 Chairperson

See attached Resume

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

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Decision-Making Boards and Commissions

Meeting Information

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Second Monday each month, 6 p.m.

(2) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(3) Tomball Economic Development Corporation

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Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Consideration and possible action to approve, as a Project of the Corporation, an agreement with Houston Poly Bag I, Ltd, to make direct incentives to or expenditures for equipment expansion for the creation and retention of primary jobs for Houston Poly Bag I, Ltd. The estimated amount of expenditures for such project is an amount not to exceed \$80,000.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At its regular meeting on November 15, 2011, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Houston Poly Bag I, Ltd. for equipment expansion for the creation and retention of primary jobs for Houston Poly Bag I, Ltd. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approve, as a Project of the Corporation, the Performance Agreement with Houston Poly Bag I, Ltd.

Funding: Yes

Account Number: Project Grants

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

Kelly Violette

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

ATTACHMENTS:

Cover Memo

Request Letter

Economic Impact Model

Agreement



TO: Board of Directors
Tomball Economic Development Corporation

FROM: Kelly Violette
Executive Director

MEETING DATE: November 15, 2011

SUBJECT: Houston Poly Bag I, Ltd.

ITEM TYPE: Action

Houston Poly Bag I, Ltd. (HPB) is a custom manufacturer of polyethylene products used for packaging, including bags, films, sheeting, and liners. HPB has been in business since 1979 and is located within a 50,000 square foot facility at 11726 Holderrieth Rd., Tomball, Texas 77375.

As per the attached grant funding request letter from William E. Sumner, III, General Manager of HPB, the company must upgrade and expand its manufacturing equipment in order to retain its existing contracts and remain competitive.

Houston Poly Bag I, Ltd currently employs sixty (60) people, six of which will be directly affected if the manufacturing process is not updated and contracts are lost. These jobs are primary jobs as defined by the Texas Local Government Code.

Equipment, improvements, and expenditures that are for the creation and retention of primary jobs are eligible expenditures under the sales tax statute.

An economic impact model form is included with the agreement to show the five (5) year impact of this project on Tomball's economy.

If the agreement between the TEDC and Houston Poly Bag I, Ltd. is approved as a Project of the Corporation, the grant funding amount will be forty percent of the actual equipment cost, not to exceed \$80,000.



Houston Poly Bag I, Ltd.

11726 Holderrieth Road
Tomball, Texas 77375
WES SUMNER, GENERAL MANAGER

Telephone (800) 992-7659 (281) 351-1726
Fax (800) 446-9329 (281) 351-9329

October 26, 2011

Ms. Kelly Violette
Tomball Economic Development Corporation
P.O. Box 820
Tomball, Texas 77375

Dear Ms. Violette,

Houston Poly Bag is requesting funding help from the TEDC under the Job Creation/Retention Program. We must expand/change our equipment at Houston Poly Bag or we will lose a large piece of business which will lead to layoffs at our plant. This expansion could lead to adding additional jobs in the future. All new equipment would be installed at our plant located at 11726 Holderrieth Road in the city of Tomball.

We currently manufacture printed plastic bags for the insulation industry. These bags are shipped from our Tomball location to points across the U.S. The industry is in the process of converting their equipment from using bags to using a printed sheet of plastic. The cost associated with this change is in the range of \$200,000.00 and will take approximately six months to purchase and install all equipment.

This expansion and new equipment will allow us to continue to employ 6-10 employees. If the business grows as we expect, at a later date we could actually add 4-6 employees. The average hourly wage of the employees is approximately \$12.50 to \$14.00 per hour.

Our property at 11726 Holderrieth Road is five acres with a 50,000 square foot tilt wall concrete structure with 2,500 square feet of office space. Our property and building are valued by HCAD at \$930,000.00. Our equipment, after depreciation, is valued at \$2,300,000.00.

If you need any further information, please contact me at the number below.

Best Regards,

William E. Sumner, III
General Manager
NAICS Code 326.11
Houston Poly Bag I, Ltd.
11726 Holderrieth Road
Tomball, Texas 77375
281-351-1726



ECONOMIC DEVELOPMENT CORPORATION

ECONOMIC DEVELOPMENT ASSISTANCE APPLICATION

Initials of Company Official: WES

Texas Government Code Section 2264.01 Certification

Company certifies that Company, or a branch, division, or department of Company, does not and will not knowingly employ an undocumented worker. If, after receiving a public subsidy, Company or a branch, division, or department of Company is convicted of a violation under 8 U.S.C. Section 1324a(f), Company shall repay the amount of the public subsidy paid by TEDC to Company with interest at the rate of 18% per annum, not later than the 120 days after the date that Company receives a notification of such a violation.

The company's representative that is authorized to enter into a binding agreement with TEDC is:

Name: William E. Sumner, III Title: GENERAL PARTNER

Signature of Company Representative

GENERAL PARTNER

Title

HOUSTON POLY BAG I, LTD.
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL ECONOMIC IMPACT MODEL

Average Annual Wage Assessment:

<u>Number of Employees</u>	<u>Average Hourly Wage</u>	<u>Average Weekly Wages</u>	<u>Total Annual Wages (52 wks.per Yr.)</u>
Existing: 60			
Prospective: 5			
TOTAL: 65	24.86	64,636	3,361,072
Federal Income and FICA Taxes at 28% deducted			941,100
Fixed payments for rent, insurance, etc. at 25%			840,268
Net Disposable Annual Income			1,579,704

Total Return to Local Government by Annual Payroll:

Local Sales Tax Rate of 2% on Fixed Payments:	16,805
Average Multiplier effect of the Dollar turning over 3.5 times to Calculate the Total Annual Local Sales Tax Impact:	58,819

Annual Sales Tax Impact:

<u>Value of Retail Sales</u>	<u>Sales Tax</u>	
0	2.00%	0

Estimated Property Tax Impact:

<u>Value of Property and Improvements</u>	<u>Tomball Tax Rate (per \$100)</u>	
3,430,000	0.34146	11,712
Annual Economic Impact of Company Expansion		70,531
Economic Impact over a Five Year Period		352,653

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Industrial Development Corporation**, (also called Tomball Economic Development Corporation), an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, now Chapter 505 of the Texas Local Government Code, which is located in Harris County, Texas (the “TEDC”), and **Houston Poly Bag I, Ltd.** (the “Company”), 11726 Holderrieth Road, Tomball, Texas, 77375.

WITNESSETH:

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

WHEREAS, the Company owns a 5 acre tract of land within the City, located at 11726 Holderrieth Road, Tomball, Texas, 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to expand its current operation at the Property, and as part of the process, plans to expend funds to add additional equipment necessary to convert and update its manufacturing process in order to maintain and expand its current level of production (the “Improvements”), more particularly described in Exhibit “B” attached hereto and made a part hereof.

WHEREAS, the Company also proposes to maintain the current sixty (60) jobs at the Property in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to fund a portion of the cost of the Improvements up to the amount of Eighty Thousand Dollars (\$80,000.00) to assist in the purchase and installation of the equipment; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the expansion of the business operations at the Property and the creation and retention of primary jobs at the Property;

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the Property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, maintain sixty (60) employees on the Property at the prevailing wage.

2.

The Company also covenants and agrees that construction of the Improvements and obtaining all necessary permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating

circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Improvements up to the amount of Eighty Thousand Dollars (\$80,000.00) in order to convert and update its manufacturing process and retain the existing sixty (60) jobs at the Property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Property; (b) proof that the Company has maintained the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; (c) verification from the City acknowledging that all necessary plats, plans, permits, and specifications have been received, reviewed, and approved; (d) verification that the Improvements have been constructed in accordance with the approved plans and specifications; and, (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released.

In the event the number of jobs originally projected is not met, the amount of the funding provided to the Company by the TEDC will be reduced on a pro rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}$ % per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f) (engaging in a pattern or practice of employing unauthorized aliens), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}$ % per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

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

6.

This Agreement shall inure to the benefit of, and be binding upon, both the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

7.

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

If to City:	Tomball Economic Development Corporation 401 W. Market Street Tomball, Texas 77375 Attn: President, Board of Directors
If to Company:	Houston Poly Bag I, Ltd. 11726 Holderrieth Road Tomball, Texas 77375 Attn: William E. Sumner, III – General Manager

8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas. Venue for any action arising under this Agreement shall lie exclusively in the state and federal courts in Harris County, Texas.

9.

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

10.

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

11.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

12.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this
__7__ day of _January_____ 2012 (the “Effective Date”).

HOUSTON POLY BAG I, LTD.

By: _____

Name: William E. Sumner, III

Title: General Manager

ATTEST:

By: _____

Name: Tiffani Wooten

Title: TEDC Coordinator

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: Steven Vaughan

Title: Vice President, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2011, by William E. Sumner, III, General Manager, Houston Poly Bag I, Ltd. for and on behalf
of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2011, by Gretchen Fagan, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit “A”

Legal Description of Property

HOUSTON POLY BAG PLAT, BEING A 5 ACRE TRACT IN THE C.N. PILLOT SURVEY, ABSTRACT NO. 632, IN TOMBALL, HARRIS COUNTY, TEXAS, RECORDED IN VOL. 335, PG. 108.

Exhibit “B”

Description of Improvements

Purchase and install new equipment including:

- 6 color flexographic printing press
- Corona treaters (used for preparing PE film to print)
- Rotator and cart (used to make smooth large diameter rolls)
- 6 printing cylinders (for various registration sizes)

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Approve and authorize City Manager to execute Professional Services Agreement with AECOM Technical Services, Inc. (AECOM) for services related to Utilities GIS in the amount of \$150,000.

Background:

The project continues to advance and improve the City's Geographical Information System (GIS), consistent with the City's GIS Needs Assessment and Implementation Plan which describes GIS and proposes a plan to implement GIS within the City of Tomball. The scope of work describes a set of tasks designed to create a functional Infrastructure GIS for the City of Tomball that maps the location of features that make up the gas, sanitary sewer, storm, water, and water utilities. Reference Exhibit A for complete description and scope of work.

Origination:

Engineering and Planning

Recommendation:

Engineering and Planning recommends approval of this Professional Service Agreement.

Funding: Yes

Account Number: 100-156-6304

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

Engineering and Planning

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

ATTACHMENTS:

Professional Services Agreement

Scope of Work

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
UTILITIES GIS - E&P PROJECT NUMBER 2010-10017**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

THIS AGREEMENT made on the _____ day of _____, 2011 entered into, and executed by and between the City of Tomball, Texas (the "City"), a municipal corporation of the State of Texas, and AECOM Technical Services, Inc. (AECOM) ("Engineer").

WITNESSETH:

WHEREAS, the City desires to create and establish a utilities geographic information system (GIS) (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to create and establish a utilities geographic information system (GIS), and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional services to the City related to creating and establishing a utilities geographic information system (GIS);

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Engineer shall do all things necessary to render the engineering services and perform the Scope of Work in a professional and workmanlike manner using that degree of care and skill ordinarily exercised by members of same profession performing the same or similar services under similar conditions in similar localities. No other warranties, express or implied, are made or intended. It is expressly understood and

agreed that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer pursuant to this Agreement. Upon payment in full for all amounts due hereunder, the City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same. Any modification to Engineer's work product or unintended use of same shall be at the sole risk of the City.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Work is three hundred Sixty-five days (365) days beginning from the execution date of this Agreement. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

SECTION V COMPLIANCE AND STANDARDS

Engineer agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

To the fullest extent permitted by Texas Local Government Code Section 271.904, Engineer shall and does hereby agree to indemnify and hold harmless the City, its officers, authorized agents, and employees against liability for damage to the extent caused by or resulting from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer, the Engineer's agent, consultant under contract, or another entity over which the

Engineer exercises control under this Agreement. To the fullest extent permitted by law and notwithstanding any other provision of this Agreement; the total liability, in the aggregate, of Engineer and Engineer's officers, directors, employees, agents and subcontractors, and any of them, to the City and anyone claiming by, through or under the City for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes including, but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or warranty, express or implied, of Engineer or Engineer's officers, directors, employees, agents or subcontractors, or any of them, shall not exceed the total compensation received by Engineer under any Work Authorization pursuant to this Agreement. Neither party to this Agreement shall be liable to the other party or any third party claiming through the other respective party, for any special, punitive, incidental, indirect or consequential damages of any kind including but not limited to lost profits or loss of use, loss of access, that may result from this Agreement, or out of any goods or services furnished hereunder.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual work performed under the Scope of Work, on the basis set forth in Attachment "A," up to an amount not to exceed \$150,000.00, including reimbursable expenses.

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving ten (10) day written notice to Engineer. In the event the Agreement is terminated for cause, the Engineer will be given a written Notice to Cure affording the Engineers ten (10) day to address any alleged deficiencies specified in the Notice. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer for all work performed under this Agreement, less such payments on account of the charges as have been previously made plus any reasonable and necessary termination costs. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated. Engineer may terminate this Agreement upon 30 days prior written notice in the event of a material breach of the terms of this Agreement by the City.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

AECOM Technical Services, Inc.
5757 Woodway Drive
Houston, TX 77057
Attn: Stephen Berckenhoff, PE

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball
401 W. Market Street
Tomball, Texas 77375
Attn: Engineering & Planning Department

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto. Notwithstanding the foregoing, Engineer may assign this Agreement to its parent company or any affiliated company or organization without prior consent of the City.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the Owner on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV
PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI
INSURANCE

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B", for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property, and claims of errors and omissions.

SECTION XVII
MISCELLANEOUS PROVISIONS

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2250 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the work covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Engineer further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

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

EXECUTED on this _____ day of _____, 2011.

ENGINEER:

AECOM Technical Services, Inc.

By: _____
Name: Stephen Berckenhoff
Title: Vice President

CITY OF TOMBALL, TEXAS

George Shackelford, City Manager

ATTEST:

Doris Speer, City Secretary

ATTACHMENT "A"
SCOPE OF SERVICES
AND
BASIS OF COMPENSATION

ATTACHMENT “B”

INSURANCE

Introduction

AECOM will continue to assist the City of Tomball with the population of the City's infrastructure geodatabase for the four utilities: Gas, Sanitary Sewer, Storm Water, and Water.

Background

During the previous year, the City provided AECOM with digital copies of selected documents that were generated by CLR and IT Nexus for the City as part of a prior GIS project including a geodatabase containing the framework of the design and the various GIS layers, attributes, and related tables in the geodatabase. After meetings were held with the Acting City Engineer and Construction Inspector, the geodatabase design was finalized and included a dataset for each of the utilities: Gas, Sanitary Sewer, Storm Sewer and Water. Then field activities commenced populating the geodatabase with the GPS location of the four utilities in the older portions of the City where reliable as-built data was unavailable.

Exhibit A outlines the older residential areas that the field team focused on and captured initial data for during the previous year. These areas include sections where data was not captured due to satellite interference. In Phase 2, these areas will be engaged in another method of data capture to be determined with the Acting City Engineer. Exhibit A also shows the areas already decided for data capture in Phase 2. Once these areas are completed, we will submit our recommendations to the Acting City Engineer and proceed as directed.

Step 1 – Divide the City into Zones and Prioritize

While capturing feature locations and attributes with GPS provides more accurate results than other methods using as-built drawings, it is also more expensive as it requires more time and effort. In order to be as efficient as possible with the City's funds, AECOM will work with the City to identify areas where data for the City's GIS should be captured using GPS and those areas with good coverage by City drawings where it will be better to base locations and attributes on plan and as-built drawings.

In addition, the City and AECOM will prioritize the order of data capture for these areas by neighborhood utilizing HCAD data.

Step 2 – Geodatabase population

2a – Field data and map

Using the previously developed processes, AECOM will continue to capture data using GPS for the areas identified in Step 1.

2b – Feature interpolation & attribute data population

Using the City's existing CAD utility file and as-built and plan drawings, AECOM will digitize the features in other areas with good as-built drawings, as identified in Step 1.

In addition AECOM will use the CAD utility file and as-build drawings to digitize and populate attributes for features that are not part of the GPS collection phase, such as the location of water lines. When digitizing these features, AECOM will insure that features are digitized to insure that connectivity between features is appropriately established.

2c – QA

Prior to the data capture process, the City and AECOM will outline a QA process for evaluating the quality of the field and digitized data.

2d – Data delivery

After the completion of the QA process, AECOM will notify the City that the zone has been completed. AECOM will provide a digital copy of the geodatabase using AECOM's Send Files utility.

Step 3 – Initial Geodatabase delivery

At the conclusion of Step 2, AECOM will deliver a copy of the geodatabase in an ArcGIS version 10 personal geodatabase format. AECOM will assist with the installation of a copy of the geodatabase on a City's computer network.

Compensation and Schedule

AECOM requests approval of a budget of \$150,000.00. Phase 2 is scheduled to last from October 1, 2011 until August 30, 2012.

Step 2 – Create an as-built and plan drawing GIS index layer.

AECOM will create a GIS layer of the extents of the scanned as-built and plan drawings. In this layer, AECOM will digitize the approximate boundary of the extent of any drawing that contains features related to one of the four utilities. Attributes in this GIS layer will identify if the drawing contains Gas, Sanitary Sewer, Storm Sewer and/or Water features. Another attribute will indicate whether the drawing is a plan sheet, profile sheet or other. An additional attribute will identify the source of the sheet based on data in the title block, as well as the date the sheet was prepared. One more attribute will identify whether or not the drawing is an as-built or plan drawing. Finally, the drawing filename will also be captured as an attribute.

The filename attribute will be formatted so it can be used as a hyperlink in ArcMap.

If the City elects to implement this option, this GIS layer will be incorporated into the City's geodatabase.

2b – Photo capture

While locating and capturing features in the field using GPS, AECOM will also take a photograph of each feature. These photographs will be stored in a database table. This table will also include attributes that will allow the photos to be linked to the captured features in the geodatabase.

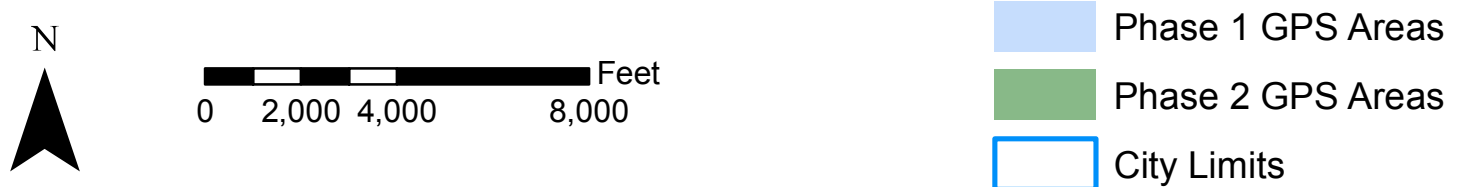
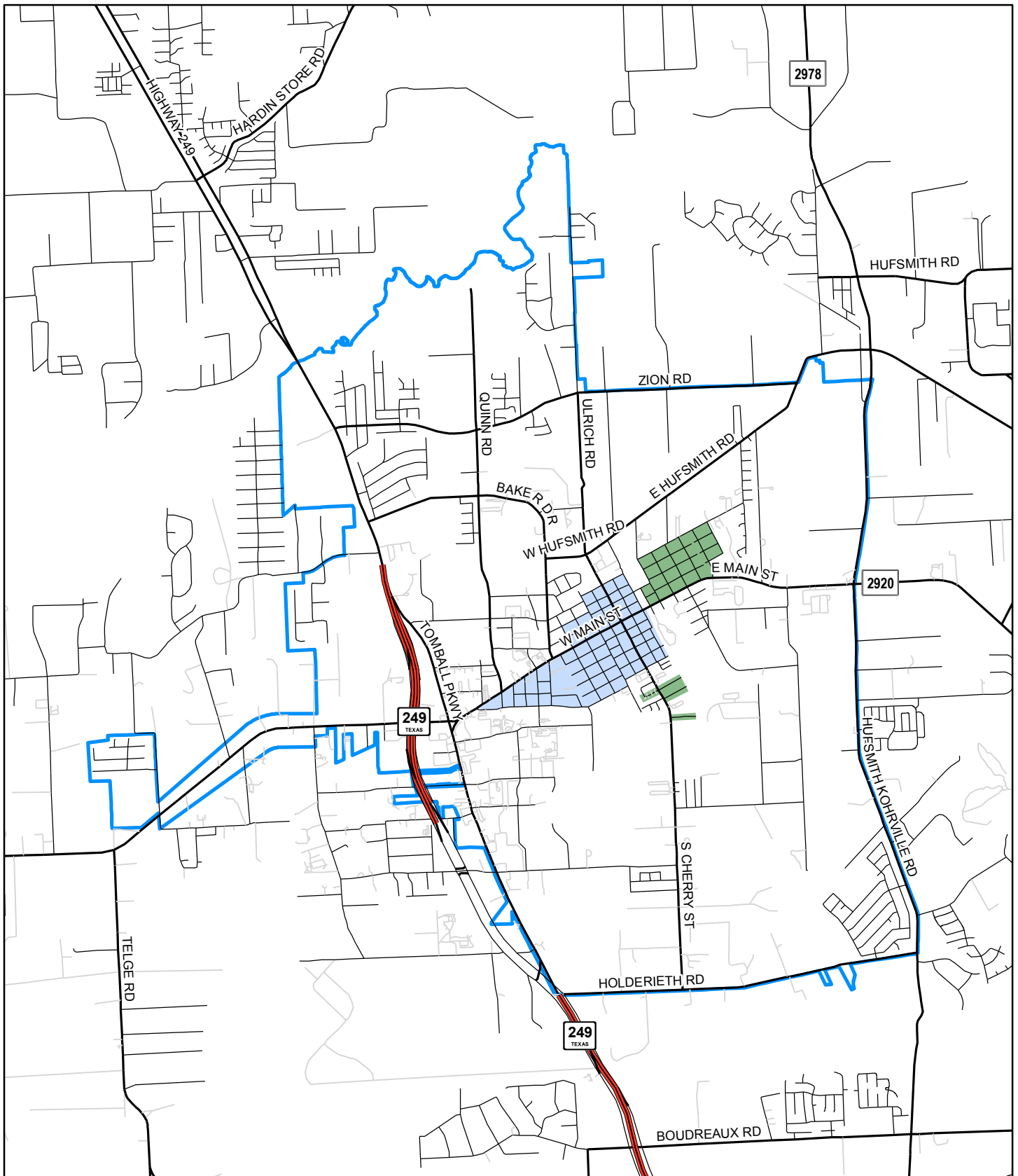
2c – ArcGIS Server map service

While locating and capturing features in the field using GPS, AECOM will create an ArcGIS service that will allow the City to view all the data in the geodatabase that has gone through the QA process. This service will be viewable on any City PC that has a copy of ArcMap or ArcGIS Explorer and is also connected to the Internet. The data will actually reside on an AECOM server. This service will be password protected so only approved City staff will be able to view the data.

2d – ArcGIS Server web map

In addition to providing a digital copy of the geodatabase, AECOM will create a web based map that will allow the City to view all the contents in the geodatabase that has gone through the QA process. This web based map will be accessible on any City PC that has an acceptable web browser and is connected to the Internet. The data will actually reside on an AECOM server. This service will be password protected so only City staff with the proper credentials will be able to view the data.

City of Tomball Utilities GIS Database Scope of Work Exhibit A



Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Consideration and possible action to approve First Amendment to Economic Development Agreement between the Tomball Economic Development Corporation and Stripes L.L.C. for additional funding of \$15,400.

Background:

On October 11, 2011, Richard Hatch, Jr., Senior Counsel for Susser Holdings Corporation, submitted a request to amend the agreement between the Tomball Economic Development Corporation (TEDC) and Stripes LLC, which was approved by the TEDC Board of Directors on May 24, 2011 and by the Tomball City Council on 1st reading on June 6, 2011, and on 2nd reading on June 20, 2011.

Stripes LLC is currently in the permitting phase with the City of Tomball for the construction of a gasoline service station at the northwest corner of FM 2920 and FM 2978. Mr. Hatch is requesting additional assistance from the TEDC in order to extend a 6" natural gas line to and through the site in accordance with City of Tomball ordinance requirements. The original agreement that was approved included the extension of water and sanitary sewer lines; however gas was not included in the original grant agreement.

The amendment provides additional funding in the amount of \$15,400 (forty percent of the infrastructure cost). The Tomball Economic Development Corporation Board of Directors approved the amendment at its meeting on October 18, 2011.

Since the requested amendment involves the expenditure of additional grant funds, final approval of such expenditure would need to be made by the City Council.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the grant funding amendment to the Stripes LLC - TEDC agreement

Funding: Yes

Account Number: Grants Designated

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

Kelly Violette

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

ATTACHMENTS:

Cover Memo

Request Letter

Amended Agreement

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 21, 2011

Topic:

Approve, on First Reading, Resolution No. 2011-24-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and ValueBank Texas to Make Direct Incentives to, or Expenditures for, relocation and rent assistance for new or expanded business enterprise; Containing Other Provisions Relating to the Subject; and Providing for Severability, Approving, as a Project of the Corporation, an agreement with ValueBank Texas to make direct incentives to, or expenditures for, relocation and rent assistance for new or expanded business enterprise to be located at 990 Village Square, Suite P, Tomball, Texas. The estimated amount of such expenditures for such Project is \$15,750.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At a Special Meeting on October 18, 2011, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with ValueBank Texas for relocation and rent assistance for new or expanded business enterprise. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the Resolution authorizing, as a Project of the TEDC, an agreement with ValueBank Texas

Funding: Yes

Account Number: Grant Funds Available

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

Kelly Violette

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

ATTACHMENTS:

TEDC Memo

Request Letter

Economic Impact Form

Agreement

Resolution No. 2011-24-TEDC



TO: Board of Directors
Tomball Economic Development Corporation

FROM: Kelly Violette
Executive Director

MEETING DATE: October 18, 2011

SUBJECT: ValueBank Texas

On September 27, 2011, TEDC staff received a request letter from Mike Shivers, Executive Vice President of ValueBank Texas, for funding assistance for a new combination Loan Production Office (LPO), Deposit Production Office (DPO), and Remote Servicing Unit (RSU) proposed to be located in a 3,500 square foot leased space at 990 Village Square, Suite P, Tomball, Texas.

ValueBank Texas is an independent community bank that provides a wide-array of financial services to individuals and corporate customers in Texas. ValueBank Texas is headquartered in Corpus Christi and maintains branch locations in Ingleside, Orange Grove, Port Aransas, Aransas Pass, Portland, Rockport and Richmond. ValueBank Texas is a preferred SBA lender with the Small Business Administration.

According to the request letter, ValueBank Texas desires to open a new office location in Tomball to “provide commercial loans and deposit products and services to small and medium sized businesses in the Greater Tomball Area.” The Tomball location will house four employees, including one employee of Catalyst Financial Company of Houston which will lease approximate 300 square feet from ValueBank Texas. The average salary of the employees will be \$118,500. ValueBank Texas proposes to invest approximately \$150,000 in technology and equipment for the Tomball facility.

The proposed incentive package is based upon a rent assistance agreement to fund 25% of the base monthly rent for the first year of operation only. The lease agreement that was submitted in conjunction with the request letter shows a three-year lease commitment with a monthly rent amount of \$5,250 for the first year and a rent reduction in years two and three. The proposed grant amount is \$15,750 payable after the first year of operation

based on landlord verification of rents paid and meeting the performance agreement criteria.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

An economic impact model form is included with the agreement to show the five (5) year impact of the company on Tomball's economy.

If the agreement between the TEDC and ValueBank Texas is approved as a Project of the Corporation, the grant funding amount will not exceed \$15,750, based on 25% of the base monthly rent for the first 12 months of operation.



September 27, 2011

Kelly Violette

Executive Director

Tomball Economic Development Corporation

P.O. Box 820

Tomball, Texas 77377-0820

Dear Ms. Violette:

ValueBank Texas, a Texas State Chartered Banking Corporation, headquartered in Corpus Christi, Texas intends to expand its business by opening a combination Loan Productions Office (LPO), Deposit Production Office (DPO), and a Remote Servicing Unit (RSU) as defined in the Texas Banking Code in Tomball, Texas

ValueBank has entered into negotiations to lease office space from Gatewood and Associates at a location known as 990 Village Square, Suite P, Tomball, Texas 77375.

We are leasing 3500 square feet of space under the terms of the specimen lease attached.

Information on ValueBank is as follows:

President and CEO: Scott Heitkamp

Home office address: 3649 Leopard Street, Corpus Christi, Texas 78408

Mailing address: P.O. Box 4958, Corpus Christi, Texas 75469

Main telephone: 361-888-4451

Contact person for project: Steven L. Vaughan, Vice President 281-413-4193

ValueBank Texas is in the business of commercial banking and operates under the NAICS code of 52210. The bank offers commercial and consumer checking accounts, treasury management services, consumer and commercial loans, commercial leasing, and is a preferred SBA lender with the Small Business Administration. Please refer to our website at www.valuebanktx.com for a complete explanation of our total products and services. Our mission in Tomball is to provide commercial loans and deposit products and services to small and medium sized businesses in the Greater Tomball area. By bringing our capital to Tomball, we want to fuel the growth and well being of the business customers there. We intend to apply the latest technologies to our efforts in Tomball so that we can serve our customers through any channel they desire. The locations will not be a full service branch in the classic sense. It will be dedicated to serving businesses and the owners and employees of those businesses.

ValueBank intends to invest over \$150,000 in technology in its Tomball LPO. These include computer servers and workstations, signage, and a unique approach to deposit service known as video banking. Video banking consists of a kiosk located in our LPO/DPO office that can handle any transaction that a

teller can, only the teller can be located anywhere. For a complete explanation and demos, go to http://ugenius.com/learnmore_whatishvbs.php.

ValueBank is also subleasing 300 sq ft to Catalyst Financial Company of Houston who will have an office within the LPO. Catalyst provides commercial factoring and asset based lending and operates under the NAICS code 522298.

We will bring 4 new jobs to Tomball upon opening.

The average wage will be \$118,500.00

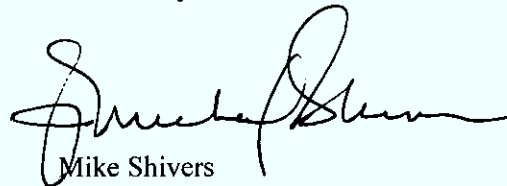
Steven Vaughan has provided you with projected financial information on the project.

We intend to start immediately upon approval of the Texas Banking Department and upon the consideration for a grant from the Tomball Economic Development Corporation. We plan to be open within 60 days of approvals.

Attached please find a copy of the proposed lease and some financial highlights of ValueBank Texas.

Your consideration in this matter is appreciated.

Yours truly,

A handwritten signature in black ink, appearing to read "Mike Shivers", with a stylized, flowing script.

Mike Shivers

Executive Vice President

ValueBank Texas

ValueBank Texas

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

CITY OF TOMBALL ECONOMIC IMPACT MODEL

Average Annual Wage Assessment:

Number of Employees	Average Hourly Wage	Average Weekly Wages	Total Annual Wages (52 wks.per Yr.)
Existing: 0			
Prospective: 4			
TOTAL: 4	57.00	9,120	474,240
Federal Income and FICA Taxes at 28% deducted			132,787
Fixed payments for rent, insurance, etc. at 25%			118,560
Net Disposable Annual Income			222,893

Total Return to Local Government by Annual Payroll:

Local Sales Tax Rate of 2% on Fixed Payments:	2,371
Average Multiplier effect of the Dollar turning over 3.5 times to Calculate the Total Annual Local Sales Tax Impact:	8,299

Annual Sales Tax Impact:

Value of Retail Sales	Sales Tax
0	2.00% 0

Estimated Property Tax Impact:

Value of Property and Improvements	Tomball Tax Rate (per \$100)	
150,000	0.25146	377
Annual Economic Impact of Manufacturing and Maintenance Facility		8,676
Economic Impact over a Five Year Period		43,382

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, now Chapter 505 of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **ValueBank Texas** (the “Company”), 3649 Leopard Street, Corpus Christi, Texas, 78408.

WITNESSETH:

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

WHEREAS, the Company will be leasing and equipping a 3,500 square foot existing lease space located at 990 Village Square, Suite P, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company, currently located at 3649 Leopard Street, Corpus Christi, Texas, 78408, proposes to expand its business operations by opening a combination Loan Production Office, Deposit Production Office, and Remote Servicing Unit at the Property, and as part of the process, plans to expend funds, equip, facilitate, and make capital improvements (the “Improvements”), generally described in Exhibit “B,” attached hereto and made a part hereof, as are necessary to acquire and occupy an existing 3,500 square foot lease space; and

WHEREAS, the Company also proposes to create four (4) full-time jobs in Tomball in conjunction with the new location and upgrading of its business operations to the Property; and

WHEREAS, the TEDC agrees to provide to the Company an amount equal to twenty-five percent (25%) of the base monthly rent for the first 12 consecutive months of operation not to exceed Fifteen Thousand Seven Hundred and Fifty Dollars (\$15,750.00), to assist in the construction of the Improvements and the addition of the four (4) new employees at the Property; and

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

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

1.

Except as provided by paragraph 3, the Company covenants and agrees that it will operate and maintain the proposed business for a term of at least three (3) years within the City of Tomball.

2.

The Company also covenants and agrees that construction of the Improvements, the addition of the four (4) new employees, and obtaining all necessary occupancy permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company an amount equal to twenty-five percent (25%) of the base monthly rent for the first 12 consecutive months of operation not to exceed Fifteen Thousand Seven Hundred and Fifty Dollars (\$15,750.00), to fund a portion of the cost of the Improvements and the addition of the four (4) new employees to the Company's business operations on the Property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Improvements to the Property; (b) proof that the Company has added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; (c) verification from the City acknowledging that all necessary plats, plans, and specifications have been received, reviewed, and approved; (d) verification that the Improvements have been constructed in accordance with the approved plans and specifications; (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released; and, (f) an affidavit from the landlord of the Property stating that

all rents have been paid in accordance with the terms of the lease agreement for the first twelve consecutive months of operation.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}\%$ per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}\%$ per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

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

6.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

7.

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

If to City:

Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company:

ValueBank Texas
3649 Leopard Street
Corpus Christi, Texas, 78408
Attn: Mike Shivers, Executive Vice President

8.

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

9.

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

10.

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

11.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

12.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2011 (the "Effective Date").

VALUEBANK TEXAS

By: _____

Name: Mike Shivers

Title: Executive Vice President

ATTEST:

By: _____

Name: _____

Title: _____

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: _____

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2011, by Mike Shivers, Executive Vice President of ValueBank Texas, for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2011, by Gretchen Fagan, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit “A”

Legal Description of Property

All that certain tract or parcel containing 2.3352 acres of land, legally described as Reserve “B1”, Block 2 of Tomball Village Square, Harris County, Texas according to the map or plat thereof filed for record in Volume 318, Page 86 of the Harris County Map Records,

DRAFT

Exhibit “B”

Improvements

- Install computers, server, network, video banking equipment and furniture
- Necessary tenant improvements to build-out office space

DRAFT

RESOLUTION NO. 2011-24-TEDC

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

* * * * *

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

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Fifteen Thousand Seven Hundred and Fifty Dollars (\$15,750.00) found by the Board to be required or suitable to promote a new business enterprise by ValueBank Texas.; and

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

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

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Fifteen Thousand Seven Hundred and Fifty Dollars (\$15,750.00) to ValueBank Texas, in accordance with an economic development agreement by and between the TEDC and ValueBank Texas, to promote and develop a new or expanded business enterprise, to be located at 990 Village Square, Suite P, in Tomball, Texas.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be

adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2011.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2011.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 21, 2011

Topic:

Appoint/Reappoint Members to the Tourism Advisory Committee

Background:

The Tourism Advisory Committee (TAC) consists of nine (9) positions. City residents were appointed to Positions 1, 2, and 3, city business owners or employees were appointed to Positions 4, 5, and 6, and members of the hotel industry were appointed to Positions 7, 8, and 9.

The appointments in each category were made for 1-, 2-, and 3-year terms in order to create staggered expiration dates. The 1-year terms are now expiring and appointments/reappointments must be made for the following positions:

- Representing Tomball Residents:
 - Ken Shuman - Position 1
- Representing Businesses located within Tomball:
 - Holly Cook - Position 4
- Representing a Hotel or Motel located within Tomball:
 - Kevin Lala, America's Best Value Inn of Tomball - Position 7

Mr. Shuman, Mrs. Cook and Mr. Lala have requested reappointment to the Tourism Advisory Committee. Appointees to Positions 1, 4 and 7 will now serve for three years, with terms expiring December 1, 2014. Attached are Mrs. Cook and Messrs. Shuman and Lala's applications, along with attendance records of the TAC board members; we have received no applications from other individuals interested in serving on the Tourism Advisory Committee. Mayor recommends reappointment of these three.

Origination:

City Secretary

Recommendation:

Reappointment of Ken Schuman, Holly Cook, and Kevin Lala.

Funding:

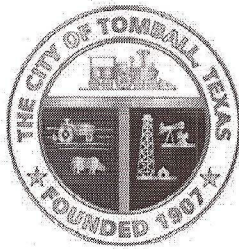
Party(ies) responsible for placing this item on agenda:

City Secretary

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

ATTACHMENTS:

Application - Ken Shuman - Resident
Application - Holly Cook - Business
Application - Kevin Lala - Hotel Industry
TAC Attendance Report - 2011



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type or Print Clearly:

Date: 11-17-10

Name: Ken Shuman

Phone: 713-569-1934

Address: 611 Clayton St.

(Home)

Phone: 713-569-1934

Email: kwshuman@gmail.com

(Work)

I have lived in Tomball 4 years.

I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

☒
☐
☐

a Tomball Resident, residing within the city limits of Tomball
an Employee, Owner, Officer or Director of a business, other than
a hotel or motel, with offices within the city limits of Tomball
an Employee, Owner, or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: Pastor - Wellspring Church
Adjunct Professor at the Houston Graduate School of Theology.

Professional and/or Community Activities: I serve on the board of
Matryoska Haus a global ministry organization.

Additional Pertinent Information/References: I have served on numerous
committees and boards for Union Baptist Association.
I am also a past moderator of Union Baptist Association.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

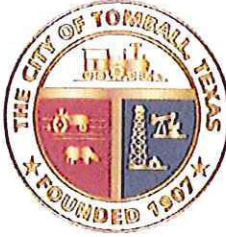
I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Ken Shuman

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type of Print Clearly:

Date: November 2, 2010

Name: Holly O. Cook

Phone: 832-859-8628

Address: 990 Village Sq Dr R-100 Tomball TX 77375

Phone: 713-948-9304 (Home)

Email: hcook@texascitizensbank.com

Phone: 713-948-9304 (Work)

I have lived in Tomball 8 years.

I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

☐
☒
☐

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel of
motel, with offices within the city limits of Tomball
an Employee or Officer of a hotel or motel located in the city
limits of Tomball

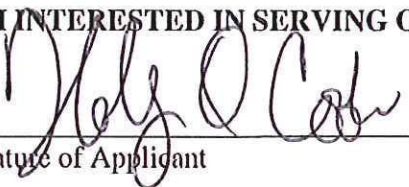
Occupation: Vice President, Banking Center Manager Texas Citizens Bank

Professional and/or Community Activities: Ambassador for the Tomball Chamber, Volunteer for Titans Youth Football, Facilitator and Advisory Member for Network Tomball, Chairman of the 2011 Chairman's Ball (Tomball Chamber), Volunteer Tomball Museum Center

Additional Pertinent Information/References: I have been very active in the Chamber for many years, and look forward to working to be more involved in the City of Tomball. I can provide a list of references if needed.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

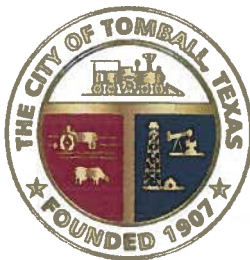
I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type of Print Clearly:

Date: 11/7/10

Name: KEVIN LALA

Phone: 214-454-1030
(Home)

Address: 14110 TOMBALL PKWY

Phone: _____
(Work)

Email: KEVIN1171@HOTMAIL.COM

I have lived in Tomball ___ years.

I am ☒ am not ___ a U.S. Citizen

I am applying as (please check all that apply):

- ☐ a Tomball Resident, residing within the city limits of Tomball
- ☐ an Employee, Owner, Officer or Director of a business, other than a hotel or motel, with offices within the city limits of Tomball
- ☒ an Employee, Owner, or Officer of a hotel or motel located in the city limits of Tomball

Occupation: PRESIDENT of AMERICAS BEST VALUE INN of
TOMBALL. NEW PROJECT.

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256

Tourism Advisory Committee Attendance

January 24, 2011 (Regular)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala
LeMar Barr
Ronald Tocci

February 16, 2011 (Special)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala - [absent](#)
LeMar Barr - resigned
Ronald Tocci

February 28, 2011 (Special)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala – [absent](#)
Ronald Tocci

April 28, 2011 (Regular)

Holly Cook
Ken Shuman – [absent](#)
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala – [absent](#)
Prakesh Patel
Ronald Tocci

July 5, 2011 (Special)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala
Prakesh Patel – [absent](#)
Ronald Tocci

July 18, 2011 (Special)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Beverly Leday – [absent](#)
Rodney Hutson
Kevin Lala
Prakesh Patel
Ronald Tocci – [absent](#)

July 25, 2011 (Regular)

Holly Cook
Ken Shuman – [absent](#)
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala – [absent](#)
Prakesh Patel – [absent](#)
Ronald Tocci

August 22, 2011 (Special)

Holly Cook
Ken Shuman – [absent](#)
Mary Harvey
Jeffie Cappadonna
Beverly Leday – [absent](#)
Rodney Hutson
Kevin Lala
Prakesh Patel
Ronald Tocci – [absent](#)

October 24, 2011 (Regular)

Holly Cook

Ken Shuman – [absent](#)

Mary Harvey

Jeffie Cappadonna – [absent](#)

Beverly Leday

Rodney Hutson

Kevin Lala – [absent](#)

Prakesh Patel – [absent](#)

Ronald Tocci

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-360**: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P11-360**
- Adopt on First Reading, Ordinance No. 2011-27, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the C-Commercial and OT/MU-Old Town & Mixed Use Districts to the C-Commercial District; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

Background:

On September 9, 2011, the Engineering & Planning Department received a rezoning application from First Baptist Church of Tomball for an entire 32 acre site be rezoned from the Commercial and Old Town & Mixed Use Districts to the Commercial District. The intent of this rezoning is to facilitate the development of of their new church campus to include a new worship center, church offices, family/chidren's ministries, and other church related facilities.

There is a mixture of land uses in the vicinity. To the north of the subject site are Hicks Street right-of-way (ROW) and commercial, undeveloped, and residential land uses within the Commercial, Old Town & Mixed Use, and SF-20-E Districts; to the south are Tomball Fire Station #1 and undeveloped and residential land uses within the Commercial and Old Town & Mixed Use Districts; to the east are Quinn Road ROW, offices, Northwest EMS facility, and undeveloped and multi-family land uses within the Old Town & Mixed Use and Multi-Family Districts; and to the west is State Highway 249 ROW and undeveloped land within the Agricultural District.

On November 14, 2011, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P11-360. The case is now being forwarded to City Council for consideration and possible action.

Origination:

First Baptist Church of Tomball

Recommendation:

Funding:

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

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

ATTACHMENTS:

noph

p11360

p11360 staff

ord.2011-27

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. 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 Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P11-360

APPLICANT: First Baptist Church of Tomball

LOCATION: Southerly of Hicks Street, westerly of Quinn Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

* * *

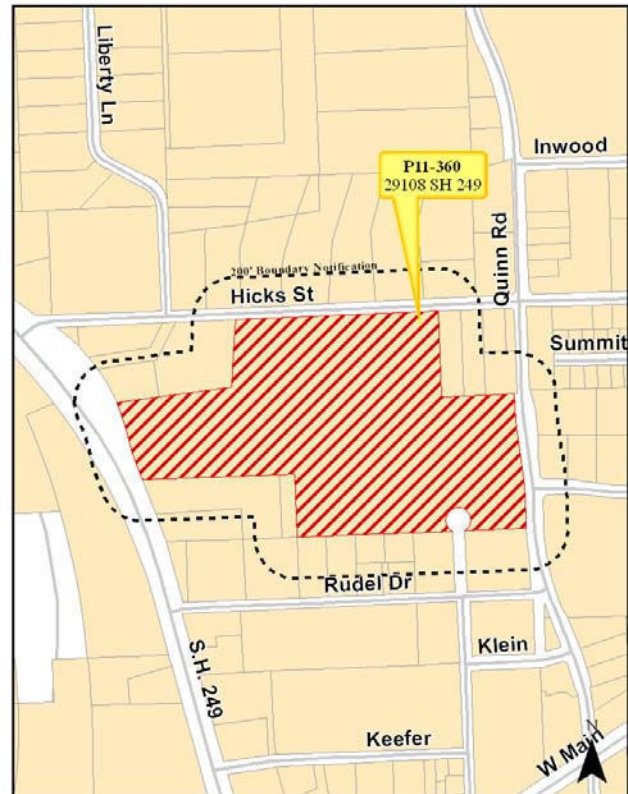
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning 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 Engineering and Planning 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 and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, November 21, 2011, 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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-360
Property Owner(s): First Baptist Church of Tomball
Applicant(s): First Baptist Church of Tomball
Legal Description: Reserve A, Block 1, First Baptist Church of Tomball
Location: Generally located southerly of Hicks Street, westerly of Quinn Road
Area: 32.03 acres
Present Zoning and Use: Commercial and Old Town & Mixed Use Districts / Religious (Prayer Chapel)
Comp Plan Designation: Medium Density Residential and Employment/Office
Proposed Zoning and Use: Commercial District / Religious Land Use (First Baptist Church Tomball Campus)

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Commercial, Old Town & Mixed Use, and SF-20-E Districts / Hicks Street Right-of-Way (ROW), Commercial, Undeveloped, and Residential
South: Commercial and Old Town & Mixed Use Districts / Undeveloped, Residential, and Tomball Fire Station
East: Old Town & Mixed Use and Multi-Family Districts / Quinn Road ROW, Offices, Northwest EMS Station, Undeveloped, and Multi-Family Development
West: Agricultural District / S.H. 249 ROW and Undeveloped

BACKGROUND

The subject site is legally described as Reserve A, Block 1, First Baptist Church of Tomball totaling approximately 32.03 acres. The site is zoned Commercial and Old Town & Mixed Use (Exhibit "A") and is generally located southerly of Hicks Street, westerly of Quinn Road (Exhibit "B"). First Baptist Church is currently in the process of constructing a prayer chapel at this site.

On September 9, 2011, the Engineering & Planning Department received a rezoning application and letter (Exhibits “C” & “D”) for the subject site from the applicant and property owner, First Baptist Church Tomball. The property owner is requesting the entire 32 acre site be rezoned from the Commercial and Old Town & Mixed Use Districts to the Commercial District to facilitate the development of their new church campus. The campus will include a new worship center, church offices, family/children’s ministries, and other church related facilities (Exhibit “E”). The Old Town & Mixed Use District currently has a two story and 27 foot maximum height limit (Section 34.3.A). By rezoning the property to the Commercial District, the applicant would be allowed a maximum building height of 70 feet (Section 30.3.A) for all proposed structures at the new church campus.

As a matter of information, the zoning ordinance’s “Church/Temple/Place of Worship” land use is permitted by right in the Commercial District.

ANALYSIS

According to the Tomball Zoning Ordinance, the Commercial District “is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.”

There is a mixture of land uses in the vicinity. To the north of the subject site are Hicks Street right-of-way (ROW) and commercial, undeveloped, and residential land uses within the Commercial, Old Town & Mixed Use, and SF-20-E Districts; to the south are Tomball Fire Station #1 and undeveloped and residential land uses within the Commercial and Old Town & Mixed Use Districts; to the east are Quinn Road ROW, offices, Northwest EMS facility, and undeveloped and multi-family land uses within the Old Town & Mixed Use and Multi-Family Districts; and to the west is State Highway 249 ROW and undeveloped land within the Agricultural District.

The Comprehensive Plan’s future land use map identifies the western portion of the site as “Medium Density Residential” and the eastern portion as “Employment/Office” (Exhibit “F”). The Comp Plan states, “Medium Density Residential includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” Employment/Office is defined as “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” Because the anticipated use of the site will be for a religious institution and because it will be used for non-industrially focused employment purposes, the rezoning would be generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

As a matter of information, the future development of this site will require the applicant to comply with the City’s use and area regulations outlined in the zoning ordinance. A site plan

application, which require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, are required to be submitted and approved by the Engineering & Planning Department and Fire Marshal's Office prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There is a mixture of land uses in the vicinity (Exhibit "G"). To the north of the subject site are Hicks Street right-of-way (ROW) and commercial, undeveloped, and residential land uses within the Commercial, Old Town & Mixed Use, and SF-20-E Districts; to the south are Tomball Fire Station #1 and undeveloped and residential land uses within the Commercial and Old Town & Mixed Use Districts; to the east are Quinn Road ROW, offices, Northwest EMS facility, and undeveloped and multi-family land uses within the Old Town & Mixed Use and Multi-Family Districts; and to the west is State Highway 249 ROW and undeveloped land within the Agricultural District.

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

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is no vacant land currently classified for similar development in the immediate vicinity of the subject site. However, there are several undeveloped properties zoned Commercial District within the immediate vicinity.

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

There has been steady development city-wide in the Commercial District; there has been limited development within the vicinity in the Commercial District.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s future land use map identifies the western portion of the site as “Medium Density Residential” and the eastern portion as “Employment/Office.” The Comp Plan states, “Medium Density Residential includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” Employment/Office is defined as “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” Because the anticipated use of the site will be for a religious institution and because it will be used for non-industrially focused employment purposes, the rezoning would be generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P11-360 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.

- b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service the proposed religious land use.
2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Rezoning Application
- D. Rezoning Request Letter
- E. First Baptist Church Master Plan
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos

Exhibit "A"
Zoning Map

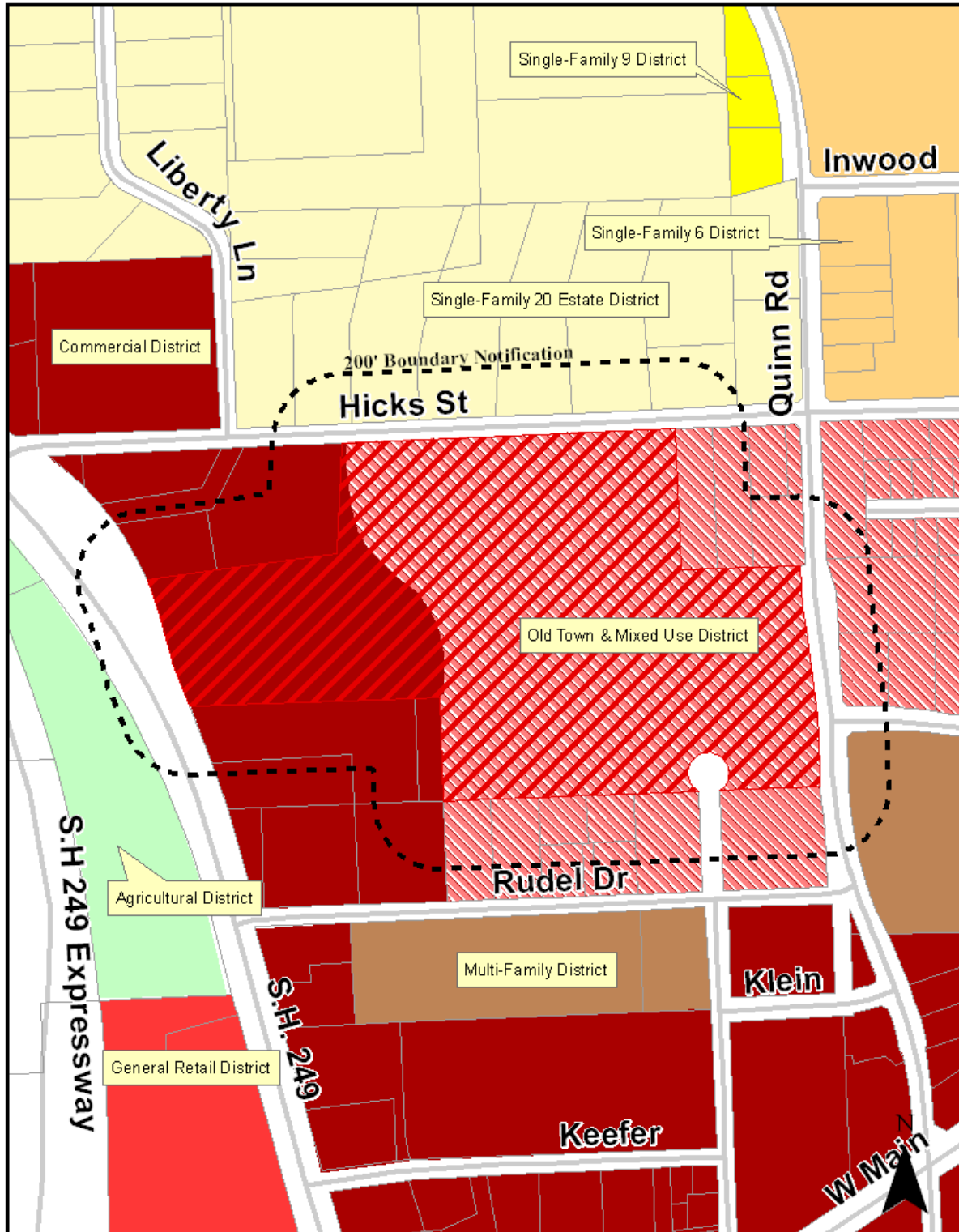


Exhibit "B"
Aerial Photo

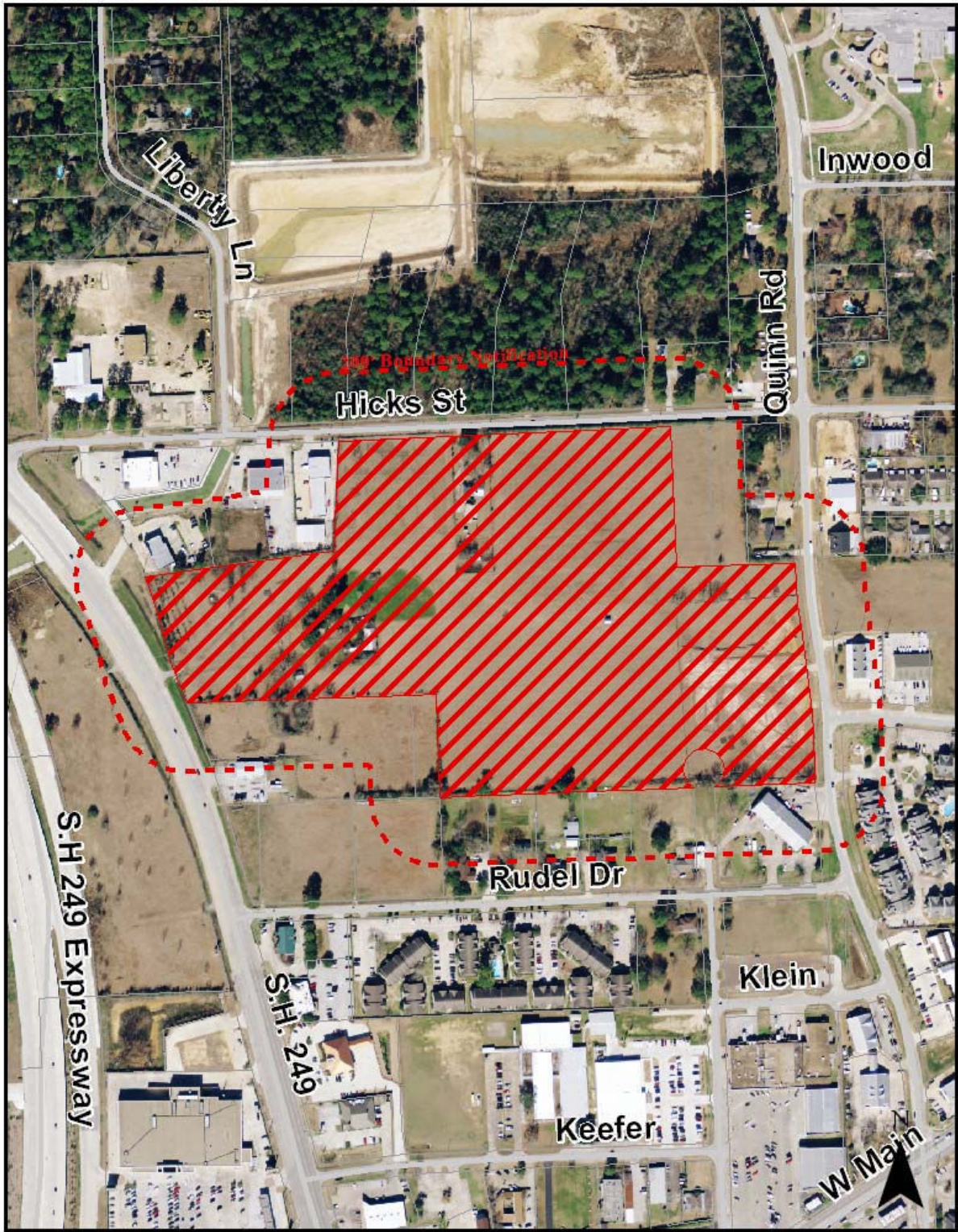


Exhibit "C"
Rezoning Application



APPLICATION FOR REZONING
Engineering & Planning Department

Revised 1/20/09



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: First Baptist Church of Tomball Title: Senior Pastor
Mailing Address: 401 Oxford Street City: Tomball State: Texas
Zip: 77375
Phone: (281) 351-4997 Fax: (281) 351-2576 Email: james_clark@fbctomball.org

Owner

Name: First Baptist Church Title: _____
Mailing Address: 401 Oxford St. City: Tomball State: Texas
Zip: 77375
Phone: (281) 351-4997 Fax: (713) 351-2576 Email: james_clark@tomball.org

Engineer/Surveyor (if applicable)

Name: C & C Surveying Company Title: _____
Mailing Address: 7424 FM 1488 Suite A City: Magnolia State: Texas
Zip: 77354
Phone: (281) 356-5172 Fax: (281) 356-1935 Email: _____

Description of Proposed Project: Rezone all 32.028 acres the same

Physical Location of Property: 29108 State Hwy 249 and 1415 Hufsmith Road Tomball Tx 77375

[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: Parcel A, Block 1, First Baptist Church Tomball
Joseph House Survey, Abstract 34, Harris County Tx
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: C (Comercial)-OT & MU (Old Town and Mixed Use District)

Current Use of Property: X3 Religious Exempt 4301 Res. Struct. or Conversion

Proposed Zoning District: C (Comercial)

Proposed Use of Property: X3 Religious Exempt 4620 Religious

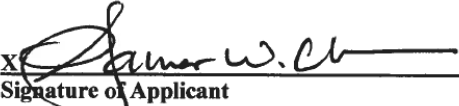
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 1299550010001 Acreage: 1,395,139 SF

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  9/9/2011
Signature of Applicant Date

X  9/9/2011
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter

**FIRST BAPTIST
CHURCH TOMBALL**

September 9, 2011

City of Tomball
Engineering and Planning Department
501 James Street
Tomball, TX 77375

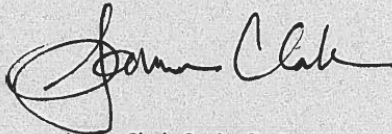
Re: Application for Rezoning

HCAD #1299550010001

First Baptist Church owns 32.028 acres of a single plated property, bordered by State Highway 249/Hicks St./Quinn St./Rudel St., for the purpose of building a new church campus. When zoning was instituted this property was zoned both Commercial and Old Town Mixed Use. We are requesting the entirety of the single plat be zoned as Commercial.

Thank you for helping to correct the mixed zoning of our property and continue with the establishment of a new ministry campus.

Sincerely,



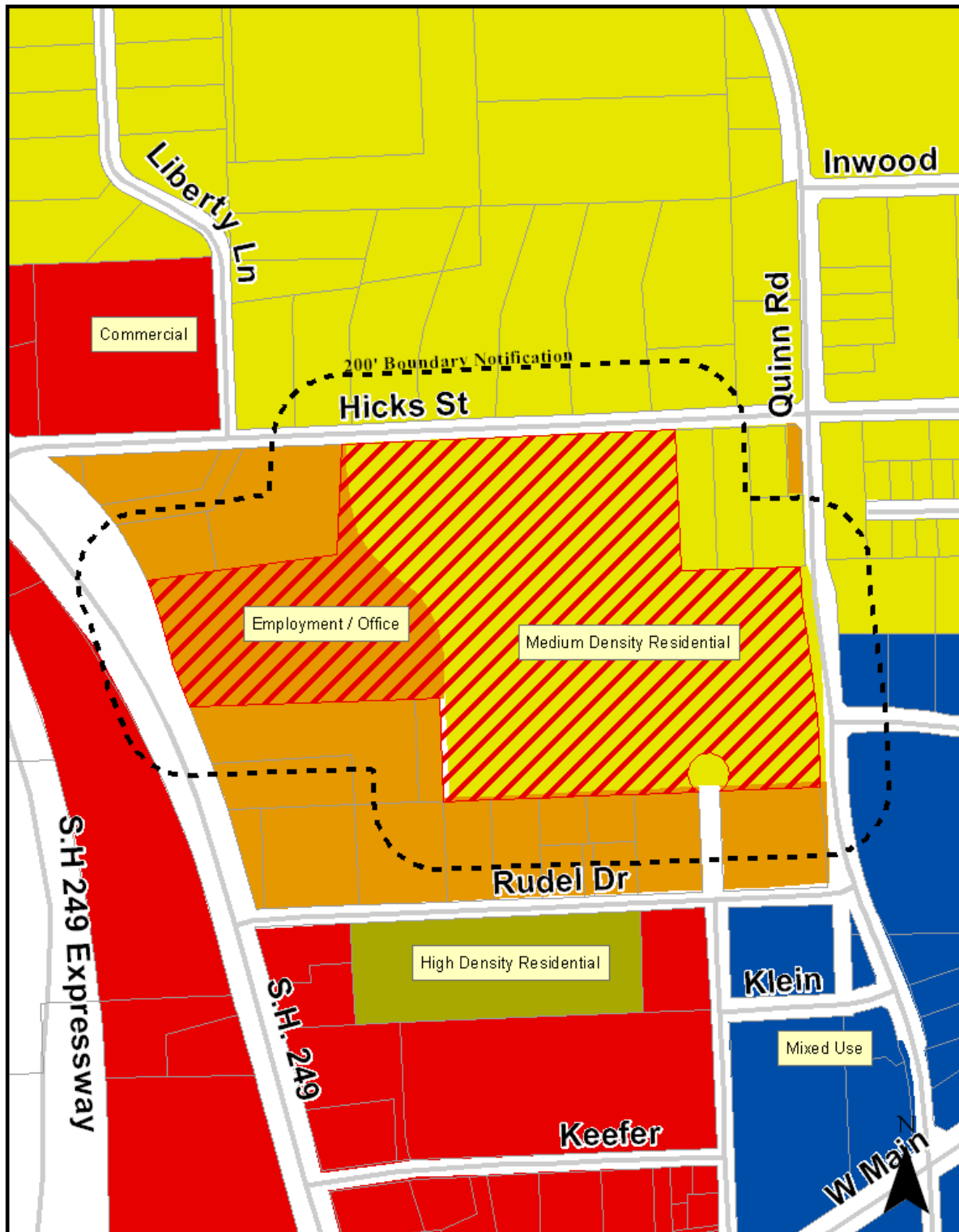
James Clark, Senior Pastor

A | 401 Oxford Street Tomball, TX 77375-4461
T | 281 351 4997
F | 281 351 2576
W | www.fbctomball.org

Exhibit “E”
First Baptist Church Master Plan



Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Westerly view of subject site.



Figure 2: Tomball FD Station #1 south of subject site.



Figure 3: Residences to the south of subject site.



Figure 4: Apartment complex southeast of subject site.



Figure 5: ESD station and office to the east of subject site.



Figure 6: Residence to the northeast of subject site.



Figure 7: Westerly view up Hicks Street. Subject site on left.



Figure 8: Commercial buildings to the northwest of subject site.

ORDINANCE NO. 2011-27

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 32.03 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A, BLOCK 1, FIRST BAPTIST CHURCH OF TOMBALL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED SOUTHERLY OF HICKS STREET, WESTERLY OF QUINN ROAD, FROM THE C-COMMERCIAL AND OT/MU-OLD TOWN & MIXED USE DISTRICTS TO THE C-COMMERCIAL DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, generally located southerly of Hicks Street, westerly of Quinn Road, from the C-Commercial and OT/MU-Old Town & Mixed Use Districts to the C-Commercial District.; and

Whereas, at least eight (8) 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 written notice of that hearing 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 proposal to change the zoning for the Property from C-Commercial and OT/MU-Old Town & Mixed Use Districts to the C-Commercial District.; and

Whereas, the public hearing was held at least forty calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning and Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; 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 on the proposal to change the zoning district classification for the Property from the C-Commercial and OT/MU-Old Town & Mixed Use Districts to the C-Commercial District., the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and,

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

TOMBALL, TEXAS, THAT:

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, is hereby changed from the AG-Agricultural District to the C-Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, generally located southerly of Hicks Street, westerly of Quinn Road, as C-Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, generally located southerly of Hicks Street, westerly of Quinn Road, to C-Commercial District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF NOVEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

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 5TH DAY OF DECEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-362**: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P11-362**
- Adopt on First Reading, Ordinance No. 2011-28, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the C-Commercial District to the OT/MU-Old Town and Mixed Use District; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

Background:

On September 19, 2011, the Engineering & Planning Department received a rezoning application from Leslie Lagerquist on behalf of Catlin Joint Venture for the subject site to be rezoned from the Commercial District to the Old Town & Mixed Use District. The intent of this rezoning is to allow for a residential land use on the site.

There is a mixture of land uses in the vicinity. To the north of the site is a medical office in the Commercial District; to the south is the Barbara Street right-of-way (ROW) and residential land uses in the SF-6 District; to the east are residential land uses in the Old Town & Mixed Use District; and to the west is the Raymond Avenue ROW and Tomball Assembly of God Church in the Commercial District.

On November 14, 2011, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P11-362. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Leslie Lagerquist, on behalf of Catlin Joint Venture

Recommendation:

Funding:

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

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

ATTACHMENTS:

- Notice of Public Hearing
- Property Owner Notification Letter
- P11-362 Staff Report
- Ordinance 2011-28

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. 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 Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P11-362

APPLICANT: Leslie Lagerquist, on behalf of Catlin Joint Venture

LOCATION: Northerly of Barbara Street, easterly of Raymond Avenue

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, from the Commercial District to the Old Town and Mixed Use District.

* * *

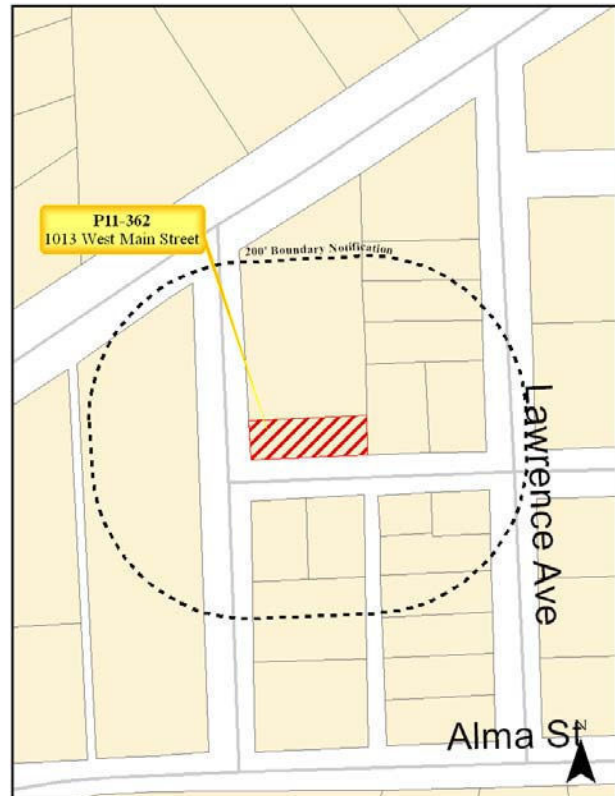
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning 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 Engineering and Planning 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 and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, November 21, 2011, 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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-362
Property Owner(s): Catlin Joint Venture
Applicant(s): Leslie Lagerquist
Legal Description: Lot 9, Block 7, Main Street Addition
Location: Generally located northerly of Barbara Street, easterly of Raymond Avenue
Area: 0.17 acres
Present Zoning and Use: Commercial District / Undeveloped
Comp Plan Designation: Mixed Use
Proposed Zoning and Use: Old Town & Mixed Use District / Residential

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Commercial District / Medical Office
South: SF-6 District / Barbara Street Right-of-Way (ROW) and Residential
East: Old Town & Mixed Use District / Residential
West: Commercial District / Raymond Avenue ROW and Tomball Assembly of God Church

BACKGROUND

The subject site is legally described as Lot 9, Block 7, Main Street Addition totaling approximately 0.17 acres. The site is zoned Commercial District (Exhibit "A") and is generally located northerly of Barbara Street, easterly of Raymond Avenue (Exhibit "B"). Lot 9 is undeveloped, however, Lots 4 through 8 north of the subject site are developed with a medical office building and are also owned by Catlin Joint Venture.

On September 19, 2011, the Engineering & Planning Department received a rezoning application and letter for the subject site from Leslie Lagerquist on behalf of Catlin Joint Venture (Exhibits "C" and "D"). The applicant is requesting the site be rezoned from the Commercial District to the Old Town & Mixed Use District to allow for a residential land use on the site.

As a matter of information, the Old Town & Mixed Use District allows for a number of residential land uses including, but not limited to, multi-family (apartments), quadriplex, duplex, and single-family.

ANALYSIS

According to the Tomball zoning ordinance, “The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses” (Section 34.1.A). Furthermore, “The Old Town and Mixed Use District is also intended for those areas outside the Old Town Area that either currently have or are suitable for a mixture of retail, commercial and other nonresidential uses, along with single family homes and multiple-family uses and are designated for such mixed use on the adopted Comprehensive Plan” (Section 34.1.C).

There is a mixture of land uses in the vicinity. To the north of the site is a medical office in the Commercial District; to the south is the Barbara Street right-of-way (ROW) and residential land uses in the SF-6 District; to the east are residential land uses in the Old Town & Mixed Use District; and to the west is the Raymond Avenue ROW and Tomball Assembly of God Church in the Commercial District.

The Comprehensive Plan’s future land use map identifies the site as “Mixed Use” (Exhibit “E”). It states the “Mixed Use” land use classification “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development.” The proposed rezoning and land use are generally consistent with the Comprehensive Plan. The proposed Old Town & Mixed Use zoning classification and residential land use will help to further diversify the land uses in this area, thereby helping to realize the vision of the Mixed Use Comp Plan designation and Old Town & Mixed Use zoning district. **It should be noted that any use permitted in the Old Town & Mixed Use District would be allowed at this location if the zoning is changed.**

Additionally, action item LUD 3.5.3 of the Comprehensive Plan seeks to “Allow for mixed use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.” Lot 9 is currently underutilized and the proposed rezoning will help to facilitate its future development for residential purposes.

As a matter of information, the future development of this site will require the applicant to comply with the City’s use and area regulations outlined in the zoning ordinance. A site plan application, which require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, are required to be submitted and approved by the Engineering & Planning Department and Fire Marshal’s Office prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There is a mixture of land uses in the vicinity (Exhibit “F”). To the north of the site is a medical office in the Commercial District; to the south is the Barbara Street right-of-way (ROW) and residential land uses in the SF-6 District; to the east are residential land uses in the Old Town & Mixed Use District; and to the west is the Raymond Avenue ROW and Tomball Assembly of God Church in the Commercial District.

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

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is no vacant land currently classified for similar development in the immediate vicinity of the subject site. However, there are several undeveloped properties zoned Old Town & Mixed District in the City.

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

There has been steady development City-wide in the Old Town & Mixed District; there has been no development within the immediate vicinity in the Old Town & Mixed District.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s future land use map identifies the site as “Mixed Use.” It states the “Mixed Use” land use classification “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development.” The proposed rezoning and land use are generally consistent with the Comprehensive Plan. The proposed Old Town & Mixed Use zoning classification and residential land use will help to further diversify the land uses in this area, thereby helping to realize the vision of the Mixed Use Comp Plan designation and Old Town & Mixed Use zoning district.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P11-362 based on the following:
 - a. The proposed zoning of Old Town & Mixed Use District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Old Town & Mixed Use District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a residential use at the site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Comprehensive Plan Future Land Use Map
- F. Site Photos

**Exhibit “A”
Zoning Map**

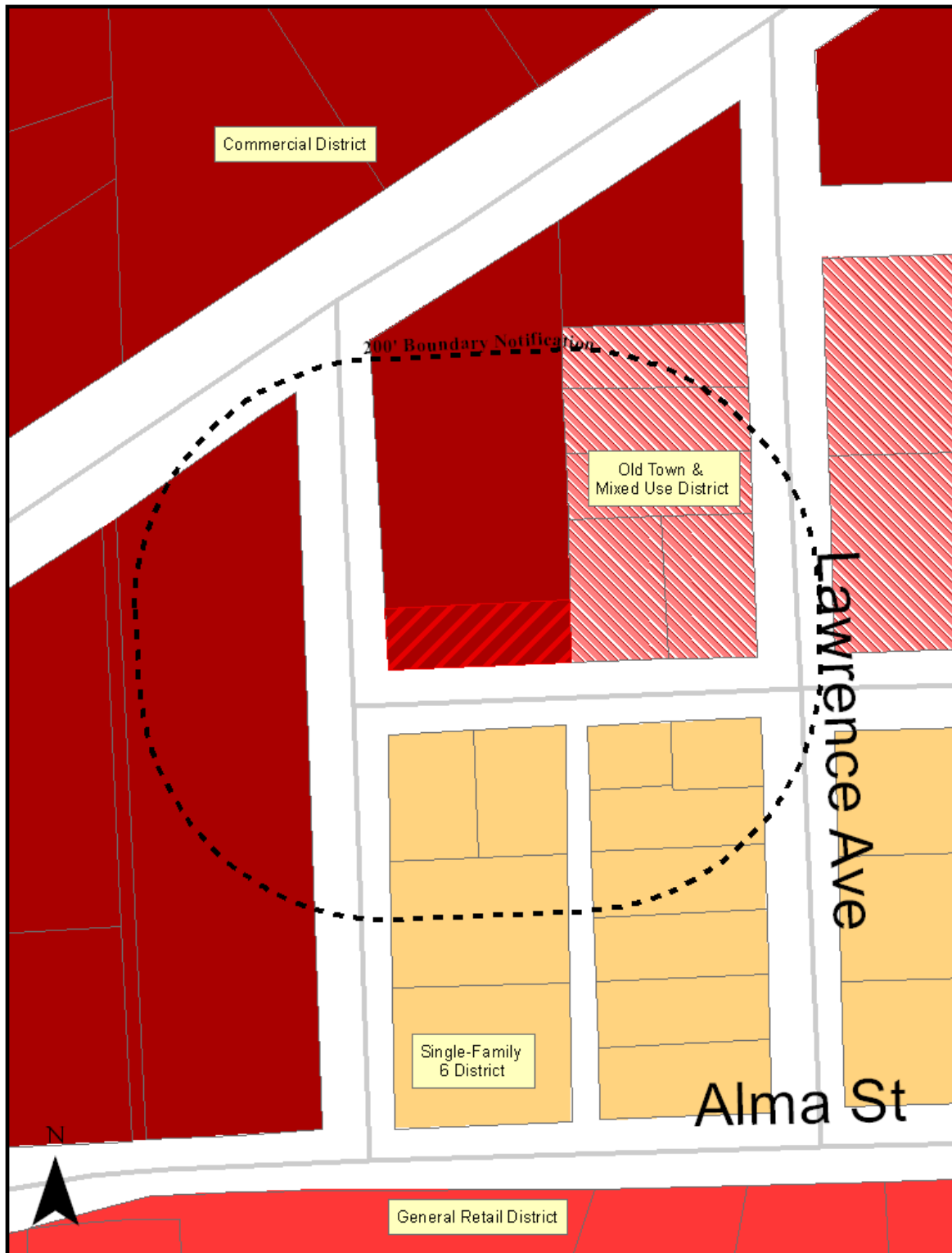


Exhibit "B"
Aerial Photo



Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: LESLIE LAGERQUIST OR JAMES GEAR Title: OWNERS
Mailing Address: 30711 Wm. JUERGENS DR. City: TOMBALL State: TX
Zip: 77375
Phone: (713) 899 5287 Fax: () Email: TWOOTHDOC@ME.COM

Owner

Name: CATLAN JV VENTURE Title: _____
Mailing Address: 30711 Wm. JUERGENS DR City: TOMBALL State: TX
Zip: 77375
Phone: (713) 899 5287 Fax: () Email: TWOOTHDOC@ME.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: REZONING ONE TOMBALL CITY LOTS FROM COMMERCIAL TO RESIDENTIAL

Physical Location of Property: CORNER N.E. BARBARA + RAYMOND ST. TOMBALL TX
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: LOT 9 BLK 7 MAIN STREET ADDITION TOMBALL
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: COMMERCIAL DISTRICT

Current Use of Property: NONE

Proposed Zoning District: UNDEVELOPED USE

Proposed Use of Property: RESIDENTIAL

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

www.ci.tomball.tx.us

HCAD Identification Number: 067 099 007 0016 Acreage: 1.04

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 SAME
Signature of Applicant Date

X [Signature]
Signature of Owner Date 9-16-11

Exhibit "D"
Rezoning Request Letter

September 16, 2011

City of Tomball
Zoning and Planning Div.

Re: Application for rezoning

To Whom It May Concern:

This letter is to comply with the requirements for rezoning as follows

The accompanying application requests that one pre-platted city lot be changed from a Commercial zoned entity to a residential status. This lot is not being used. The owners intend to sell the lot in order to improve the balance sheet and ongoing expense issues associated with the remaining commercial property.

The change from Commercial District to Old Town and Mixed Use is in keeping with adjacent properties.

Yours truly,

Catlan Jt. Venture


Leslie L Lagerquist

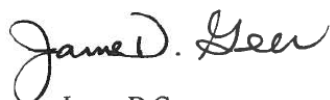
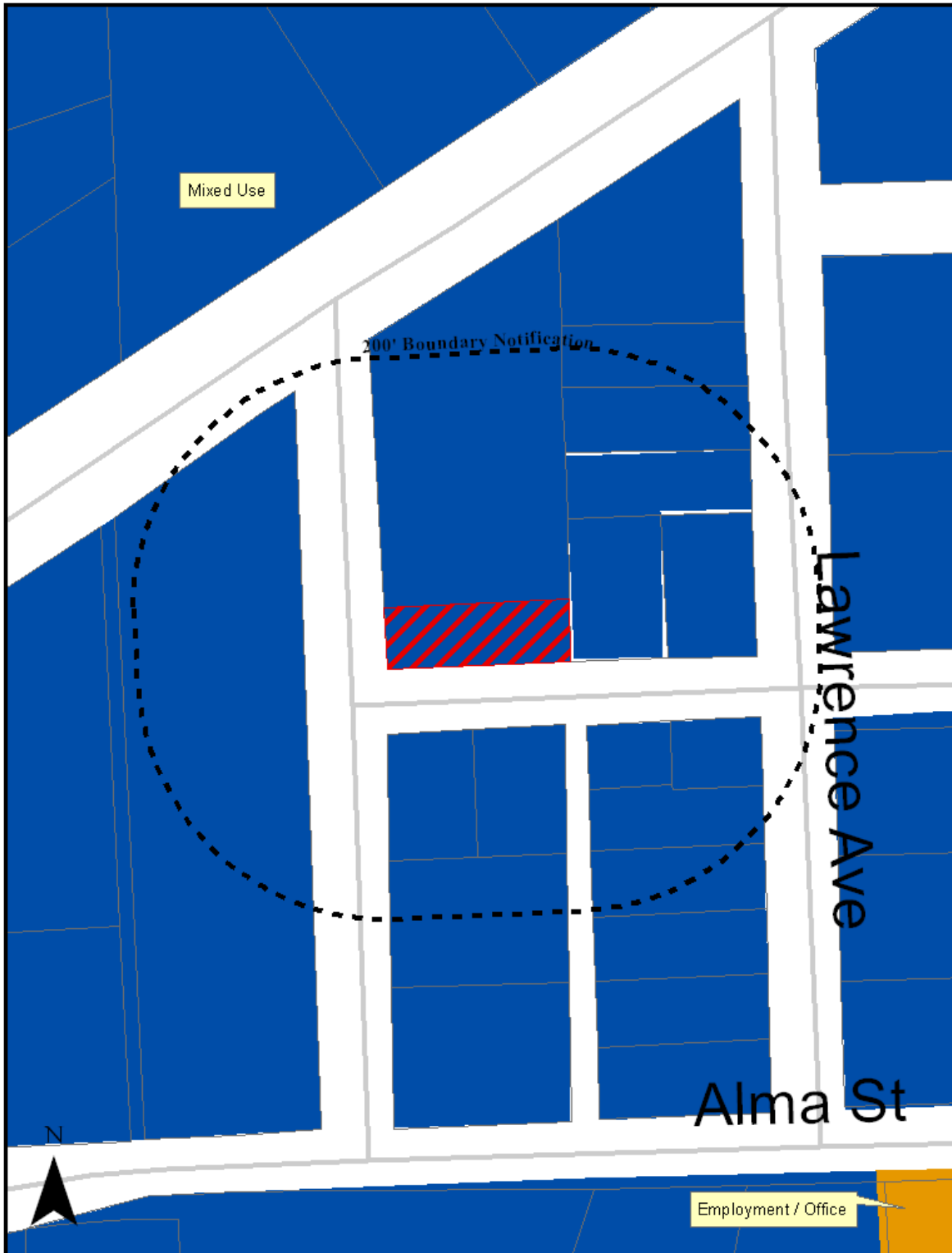

James D Geer

Exhibit "E"
Comprehensive Plan Future Land Use Map



**Exhibit “F”
Site Photos**



Figure 1: Northerly view of subject site and adjacent medical office use.



Figure 2: Residence to the east of subject site.



Figure 3: Residences to the south of subject site.



Figure 4: Church to the west of subject site.

ORDINANCE NO. 2011-28

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 0.17 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 9, BLOCK 7, MAIN STREET ADDITION, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED NORTHERLY OF BARBARA STREET, EASTERLY OF RAYMOND AVENUE, FROM THE C-COMMERCIAL DISTRICT TO THE OT/MU-OLD TOWN AND MIXED USE DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the C-Commercial District to the OT/MU-Old Town and Mixed Use District; and

Whereas, at least eight (8) 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 written notice of that hearing 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 proposal to change the zoning for the Property from the C-Commercial District to the OT/MU-Old Town and Mixed Use District; and

Whereas, the public hearing was held at least forty calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning and Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; 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 on the proposal to change the zoning district classification for the Property from the C-Commercial District to the OT/MU-Old Town and Mixed Use District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and,

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property;

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, is hereby changed from the C-Commercial District to the OT/MU-Old Town and Mixed Use District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, (“Zoning District Map”), shall be revised and amended to show the designation of 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, as OT/MU-Old Town and Mixed Use District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, generally located northerly of Barbara Street, easterly of Raymond Avenue, to OT/MU-Old Town and Mixed Use District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF
NOVEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

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 5TH DAY OF
DECEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-371**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

- Conduct a Public Hearing on **ZONING CASE P11-371**
- Adopt on First Reading, Ordinance No. 2011-29, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 6.928 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the SF-Single-Family Residential-9 and C-Commercial Districts to the GR-General Retail District; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

Background:

On October 5, 2011, the Engineering & Planning Department received a rezoning application, conditional use permit (CUP) application, and letter explaining the rezoning and CUP requests. The property owners, Peter and Sylvia Hildreth, are requesting the site be rezoned from the Single-Family Residential-9 (SF-9) and Commercial Districts to the General Retail District and that a CUP be approved to allow for "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse" land uses.

There is a mixture of land uses in the vicinity. To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

On November 14, 2011, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend denial by a vote of 4-1 of Zoning Case P11-371. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Peter and Sylvia Hildreth

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P11-371 Staff Report

Ordinance 2011-29

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. 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 Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P11-371

APPLICANT: Peter and Sylvia Hildreth

LOCATION: Easterly side of State Highway 249, northerly of Zion Road

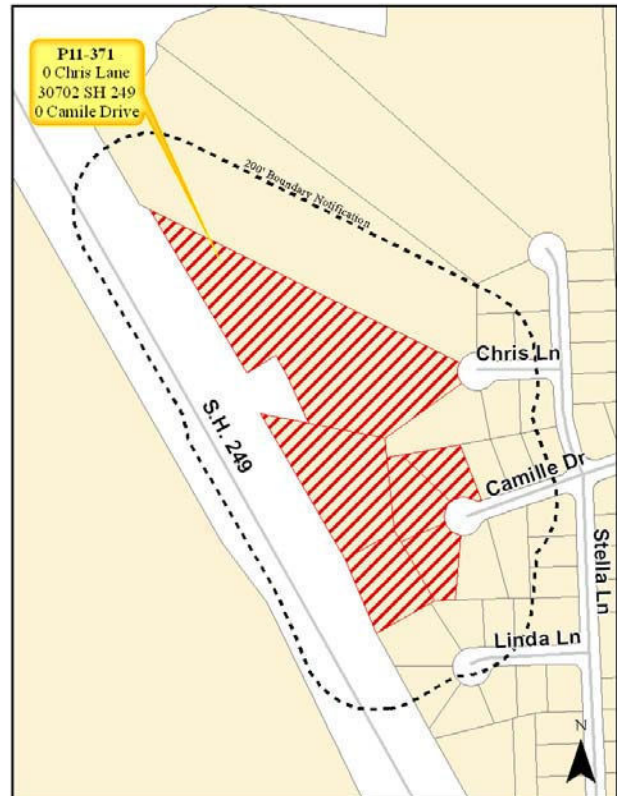
PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

* * *

CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us



**Planning and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

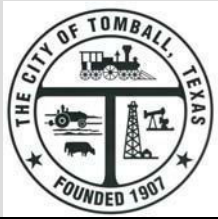
**City Council Public Hearing:
*Monday, November 21, 2011, 6:00 PM**

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

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning 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 Engineering and Planning 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.

*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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-371

Property Owner(s): Peter and Sylvia Hildreth

Applicant(s): Peter and Sylvia Hildreth

Legal Description: Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey

Location: Generally located on the easterly side of State Highway 249, northerly of Zion Road

Area: 6.928 acres

Present Zoning and Use: Single-Family Residential-9 and Commercial Districts / Undeveloped and Tool and Machinery Rental (with Outdoor Storage)

Comp Plan Designation: Medium Density Residential and Open Space

Proposed Zoning and Use: General Retail District / Tool and Machinery Rental (with Outdoor Storage) and Warehouse

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Single-Family Residential-9 District / Undeveloped

South: Single-Family Residential-9 and Commercial Districts / Residential and Retail

East: Single-Family Residential-9 / Residential

West: Commercial District / State Highway 249 Right-of-Way and Lone Star College

BACKGROUND

The subject site is legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey totaling approximately 6.928 acres. The site is generally located on the easterly side of State Highway 249, northerly of Zion

Road and is utilized by Hilltop Tool Rental as a “Tool and Machinery Rental (with Outdoor Storage)” land use (Exhibit “A”). Lot 36, 43, 44, and 45 are zoned SF-9 District and Reserve D and Tract 27 are zoned Commercial District (Exhibit “B”).

On October 5, 2011, the Engineering & Planning Department received a rezoning application (Exhibit “C”), conditional use permit (CUP) application (Exhibit “D”), and letter explaining the rezoning and CUP requests (Exhibit “E”). The property owners, Peter and Sylvia Hildreth, are requesting the site be rezoned from the Single-Family Residential-9 (SF-9) and Commercial Districts to the General Retail District and that a CUP be approved to allow for “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.

The CUP concept plan (Exhibit “F”) shows considerable improvements being proposed for the site, including:

- 10’ landscape buffer around the entire site (except along the southern property boundary where there is an existing structure);
- 6-8’ tall screening wall along property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- Parking stalls;
- 3 acre detention pond;
- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance; and
- 3 new storage buildings to be constructed with brick facades.

The CUP request will be considered under zoning case P11-372.

On September 12, 2011, the Planning & Zoning Commission voted to recommend denial of a request by Peter and Sylvia Hildreth to rezone Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat from the SF-9 to the Commercial District. The property owners then pulled the request before it was voted on by City Council.

ANALYSIS

According to the Tomball zoning ordinance, “The GR, General Retail, district is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes” (Section 27.1).

There is a mixture of land uses in the vicinity. To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

The Comprehensive Plan’s future land use map identifies the site as “Medium Density Residential” and “Open Space” (Exhibit “G”). The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local

residents where deemed appropriate by the City.” The “Open Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.” **It should be noted that any use permitted in the General Retail District would be allowed at this location if the zoning is changed.**

As a matter of information, the future development of this site will require the applicant to comply with the City’s use and area regulations outlined in the zoning ordinance. A site plan application, which require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, are required to be submitted and approved by the Engineering & Planning Department and Fire Marshal’s Office prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There is a mixture of land uses in the vicinity (Exhibit “H”). To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

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

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is no vacant land in the immediate vicinity zoned General Retail District. However, there are numerous vacant parcels within the City of Tomball zoned General Retail District.

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

There has been steady development throughout the City in the General Retail District. However, there has been no development in the vicinity in the General Retail District.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and,
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s future land use map identifies the site as “Medium Density Residential” and “Open Space.” The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” The “Open Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.”

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report, twenty (20) public comment forms were received in opposition to the request (Exhibit “I”):

- Barbara Scherer - 31303 Stella Lane
- Brad Hallmark - 28231 Camille Drive
- Delcie Juergens - 31302 Antonia Lane
- Don Tobola - 31307 Stella Lane
- James and Linda Wrentz - 31203 Antonia Lane

- Jo Free Green - 31219 Stella Lane
- Joe Stanley Green - 31219 Stella Lane
- Katherine Burts - 31118 Alice Lane
- Ken Carlton - 31210 Alice Lane
- Loyd Scherer - 31303 Stella Lane
- Marcel Pugh - 31310 Stella Lane
- Mary Ann Duncan - 28110 Linda Lane
- Mitchell Holderrieth - 31203 Alice Lane
- Pamela Murray - 31314 Stella Lane
- Rhonda Bolton - 28111 Camille Drive
- Robert Pugh - 31310 Stella Lane
- Roy Johlke - 31314 Antonia Lane
- Sam Murray - 31314 Stella Lane
- Sue Carlton - 31210 Alice Lane
- William Pritchett - 31406 Stella Lane

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. CUP Application
- E. Rezoning & CUP Request Letter
- F. CUP Concept Plan
- G. Comprehensive Plan Future Land Use Map
- H. Site Photos
- I. Public Comment Form(s)

Exhibit "A"
Aerial Photo



**Exhibit “B”
Zoning Map**

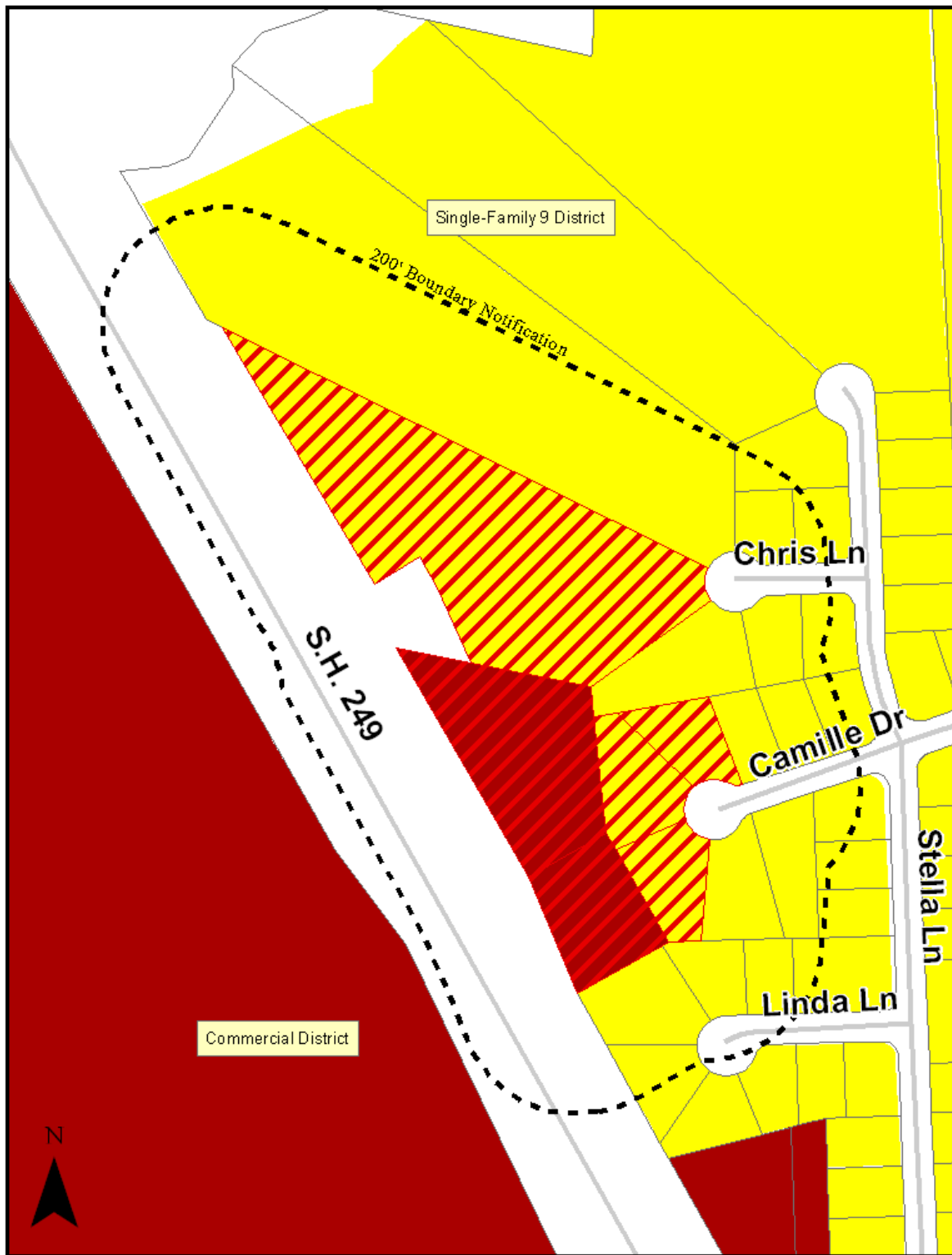
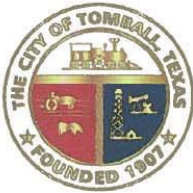


Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: PETER R. HILDRETH Title: Owner
Mailing Address: 30702 SH249 City: Tomball State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: hildrethpeter@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S BROUSSARD, PE Title: CONSULTANT
Mailing Address: 17527 Hawkins LN City: Tomball State: TX
Zip: 77379
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Zion Rd, E of SH249, S of Spring Creek

[General Location - approximate distance to nearest existing street corner]
Remainder of 0.92 ac (Tract D, Blk 4) Tomball Hills Add RP
1100 ac (W-965252)
Legal Description of Property: Lots 43, 44, 45, 380 Tomball Hills Add RP V299/P111
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~REC~~ SF-9

Current Use of Property: Tool & Machinery Rental (w/ outdoor storage)

Proposed Zoning District: GENERAL RETAIL

Proposed Use of Property: Tool & Machinery Rental (w/ outdoor storage)
& WAREHOUSE

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

www.ci.tomball.tx.us

12-957-000-0036
-0047
-0043
-0044
-0045
-0047
HCAD Identification Number: _____ Acreage: 6.9

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  10-13-2011
Signature of Applicant Date

X  & Sylvia H. Hill 10-18-2011
Signature of Owner Date

Exhibit "D"
CUP Application

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: PETER R. HILDRETH Title: OWNER
Mailing Address: 30702 SH 249 City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: HILLTOPPETER@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S. BROUSSARD, P.E. Title: CONSULTANT
Mailing Address: 17527 HAWKIN LANE City: Tomball State: TX
Zip: 77377
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

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

www.ci.tomball.tx.us

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Fina Rd., E of SH299, S of Spring Creek

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

Legal Description of Property: Remainder of 0.42 ac (Tract D, Block 4) Tomball Hills Add RP V279/P111
" 0.42 ac (HCCP N. 905252)

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

HCAD Identification Number: 112-951-000-0036 Acreage: 6.9

Current Use of Property: Tool & Machinery Rental (with Outdoor Storage)

Proposed Use of Property: Tool & Machinery Rental (with Outdoor Storage)
& WAREHOUSE

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 Peter R. Heischke
Signature of Applicant

10-13-2011
Date

X Peter R. Heischke & Sylvia Heischke
Signature of Owner

10-13-2011
Date

Exhibit "E"
Rezoning & CUP Request Letter

O. Otis Bakke
Attorney at Law
1272 Handkerchief Way
Haslet, Texas 76052

(817) 437-1729 Telephone
(817) 439-1322 Facsimile

otisbakke@sbcglobal.net

November 25 , 2011

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

Mr. F.S. Hudgens
City Councilman, Position 1
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Mark Stoll
City Councilman, Position 2
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Rick Brown
City Councilman, Position 3
401 Market Street
City of Tomball
Tomball, Texas 77375

Mr. Derek Townsend Sr.
City Councilman, Position 4
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Preston L. Dodson
City Councilman, Position 5
City of Tomball

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

Mr. Scott Bounds
Tomball City Attorney
Olson & Olson, LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Ms. Lori Lakatos, P.E., C.F. M.
Tomball City Engineer
501 James Street
Tomball, Texas 77375

Mr. Rodney Schmidt
Assistant City Planner
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Lots 36,43, 44,45, and Unrestricted Tract "D" in Block 4 of the Tomball Hills Addition, Tomball, Texas according to the map or plat thereof recorded in Volume 279, Page 111 of the Map Records of Harris County, Texas, and Tract 27 in Abstract 34 of the Joseph House Survey in Harris County, Texas

Ladies and Gentlemen:

This law firm represents Peter R. Hildreth and his wife, Mrs. Sylvia Hildreth who are the owners of the above referenced property. The Hildreths now petition the City of Tomball, Texas to rezone the referenced G R General Retail District zoning with Conditional Use Permit. Lots 36,43, 44 and 45 are currently zoned as Residential and Unrestricted Tract "D" and Tract 27 are zoned as Commercial. A completed Application for Rezoning is being filed with the City of Tomball Engineering and Planning Department.

The Hildreths have acquired and used this property over the past 18 years. During that time span the entire tract has been involved in the rental and sales of large and small equipment and tools incidental to the operation of Hilltop Tool Rental and Supply. That entity is owned and operated as a sole proprietorship by Mr. Peter R. Hildreth. The entire property is debt free and all property taxes are paid current,

Mr. Hildreth's business operations involve all of the subject property to one extent or

another. His rental inventory consists of hundreds of small and very large pieces of equipment and tools. . The equipment is located all about the property according to category, size, type and use.

When Mr. Hildreth first acquired the property, zoning was not in effect in the City of Tomball. Most of the property was designated as "Unrestricted Reserve" in the subdivision dedication plat. The property was considered as Unrestricted Reserve property until the City of Tomball adopted the Zoning Ordinance. Yielding to the vociferous demands of neighbors in the Tomball Hills Subdivision, the City elected to zone the subject property as residential, notwithstanding its present and historical use.

Mr. Hildreth would show that the location, and physical attributes of the subject property will show that its highest and best use (if not its only viable use) is as a General Retail District zoned property with a Conditional Use Permit and Warehousing. The following points are illustrative:

- The zoning of the subject lots as residential properties did not follow the historical use of the property. There has never been a residential use of these lots and none is possible. The only development of the lots has been by Mr. Hildreth in conjunction with his tool rental business.
- The property is on a sharp incline from the East toward FM 249 and the terrain makes the construction of a single family residence impossible from an engineering point of view. There is not enough surface area available to create feasible building sites.
- The property is located adjacent to and partially within the flood plain where no permanent structures can be built. There is not enough lot area outside the flood plain area to permit the construction of a single family residence.
- The City of Tomball is proceeding with a sewer lift station on Lot 37 of the Tomball Hills Subdivision. The presence of that facility virtually in the center of the subject property will deter prospective homeowners from using any of the surrounding lots for home sites.
- The property has been dedicated to general retail sales uses only for about twenty years. In City of Corpus Christi v. J W Allen, 52 Tex 137; 254 SW2d 759 the Texas Supreme Court declared that property could not be changed from its historical use by the zoning process.

The Conditional Use Permit with Warehousing would require that Mr. Hildreth would:

- 1) Establish and maintain a 10 foot wide landscape buffer on all common property lines with Tomball Hills residents. This, coupled with the opaque screening wall, will provide a sound barrier and a visual barrier to isolate his business from the homes in the subdivision.
- 2) Construct an opaque screening wall of not less than six (6) feet, nor more than eight (8) feet in height along the property line separating Hilltop Tool Rental from the adjacent Tomball Hills properties.
- 3) All warehouse building elevations which are visible to the Tomball Hills residents will have brick fascia to help mask the commercial nature of his site.
- 4) Hilltop Tool Rental shall be open for business during normally recognized daytime hours and shall not be open for business during accepted night time hours

The property use will be determined and governed by the Laws of the State of Texas, the Ordinances of the City of Tomball, and the Restrictions imposed by the Conditional Use Permit. The Property will be used to operate the Hilltop Toll Rental Business which is owned by Mr. Hildreth. This will cause a planned development that will aesthetically improve the view along Highway 249 to all who enter the city .

Wherefore, premises considered, Peter R. Hildreth and Sylvia Hildreth respectfully urge the City of Tomball Texas to rezone the subject property as a General Retail district with Conditional Use Permit and Warehousing.

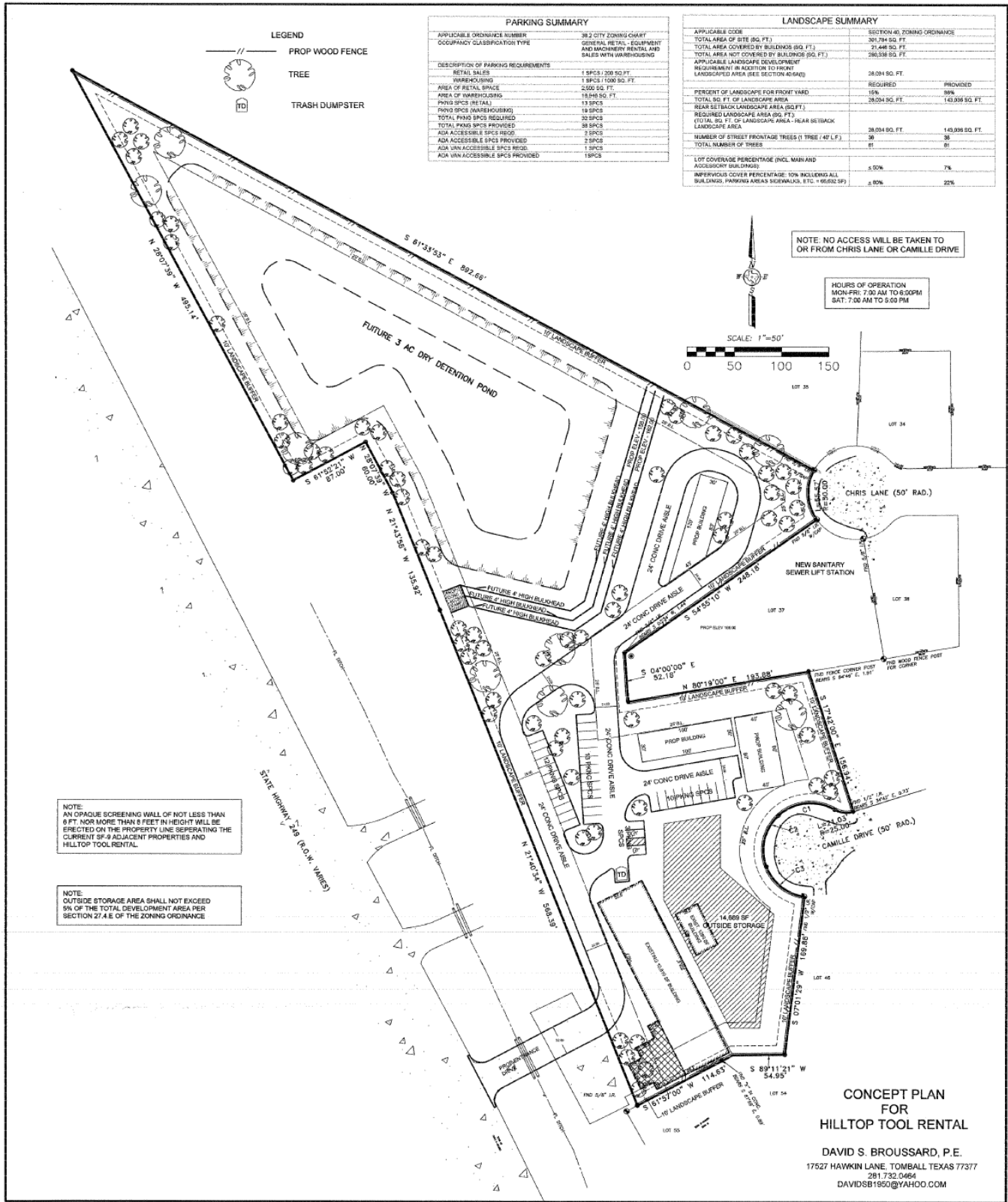
Respectfully,

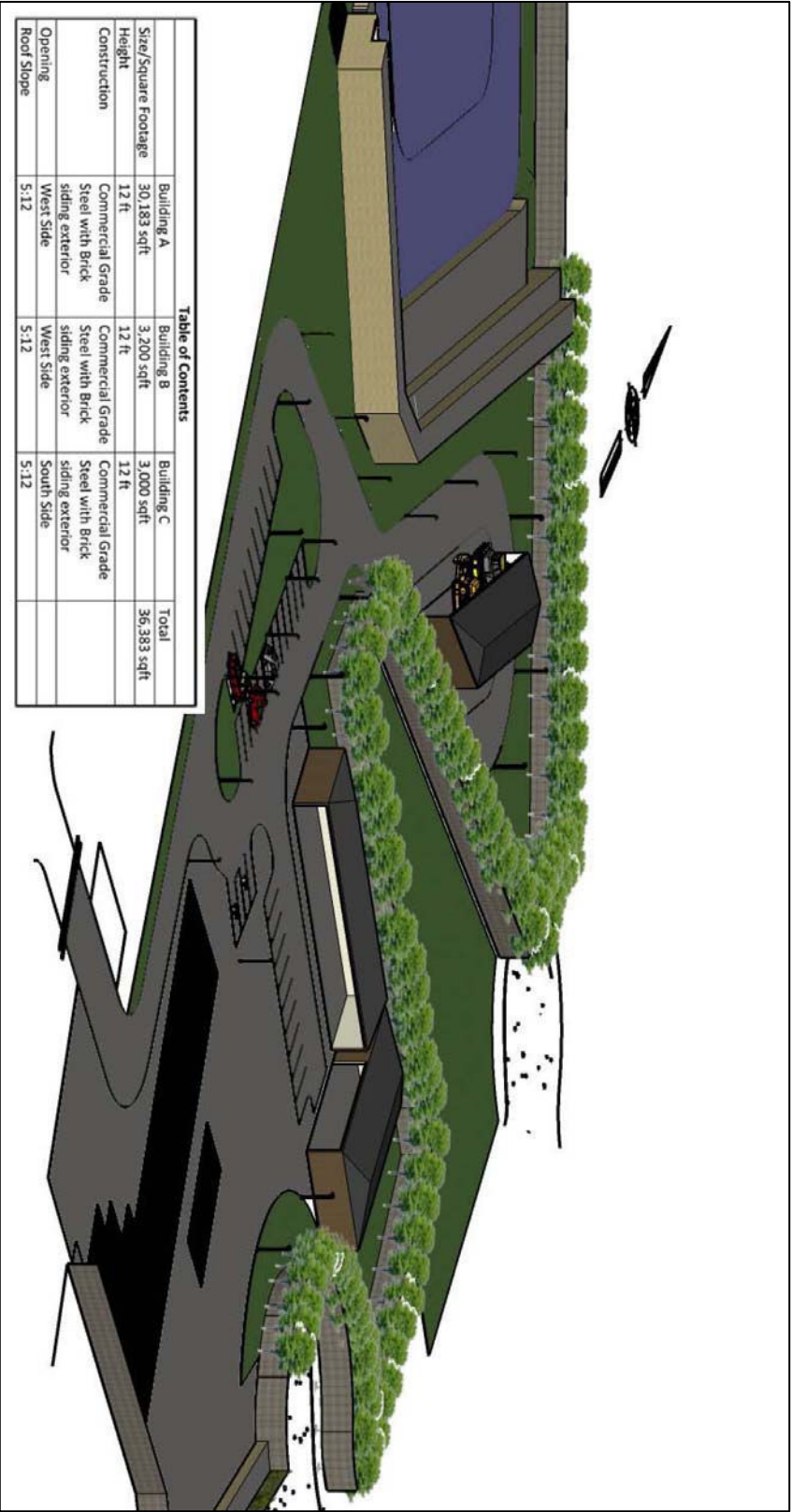
O. Otis Bakke

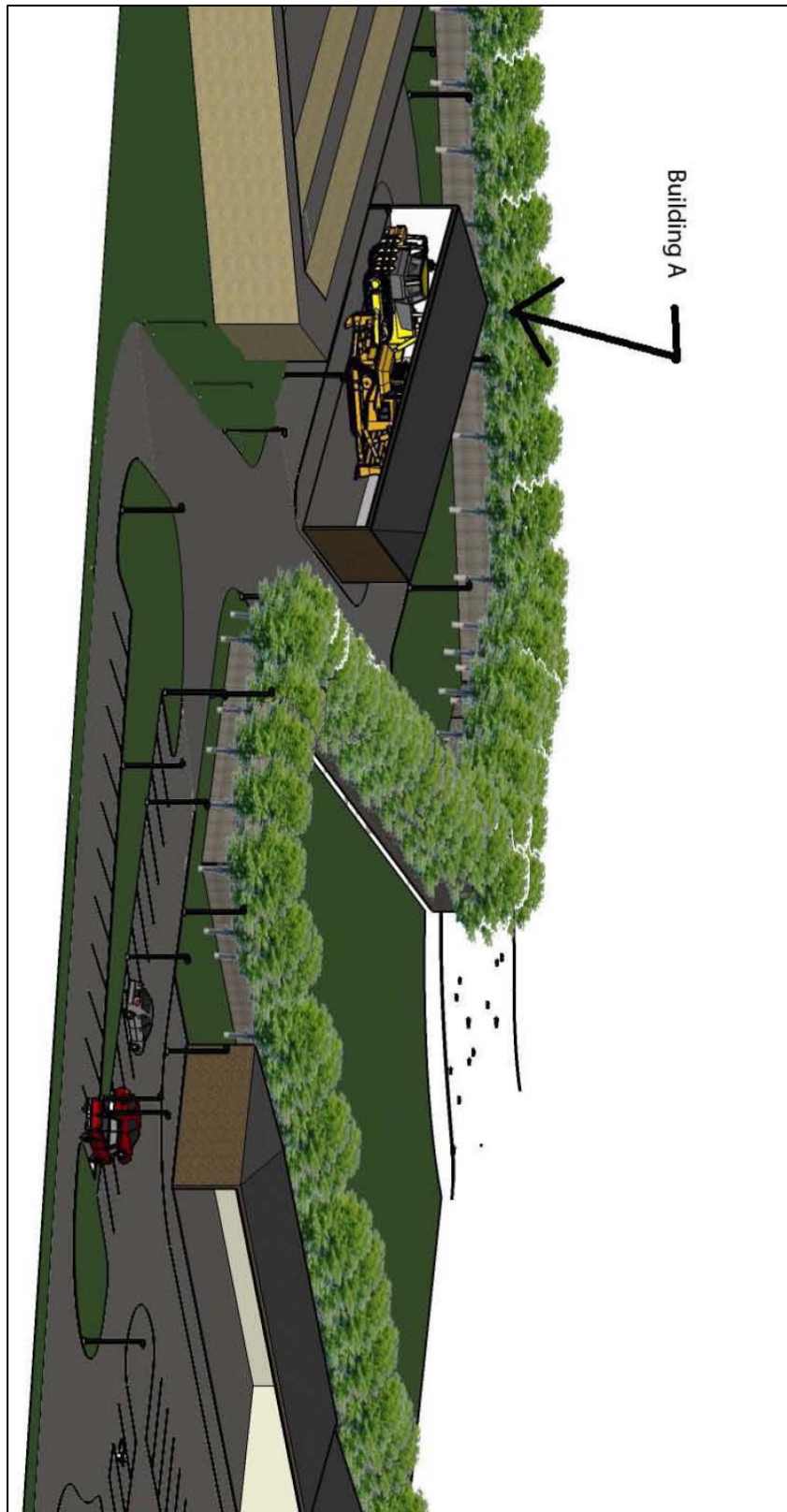
CC: David S. Broussard, P.E.
17527 Hawkin Lane
Tomball, Texas 77377

CC: Peter R and Sylvia Hildreth
30702 State Highway 249
Tomball, Texas 77375

Exhibit "F" CUP Concept Plan







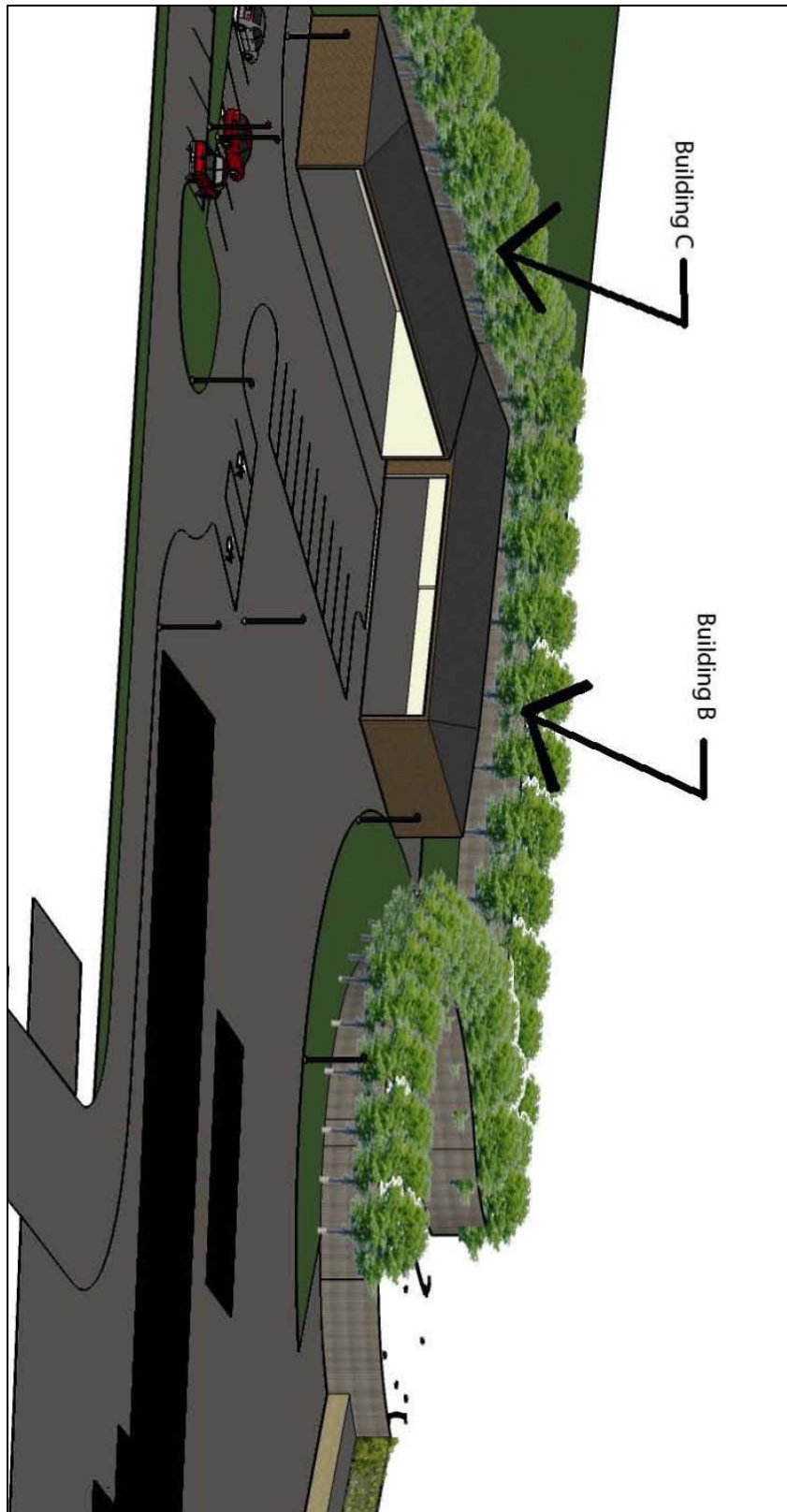
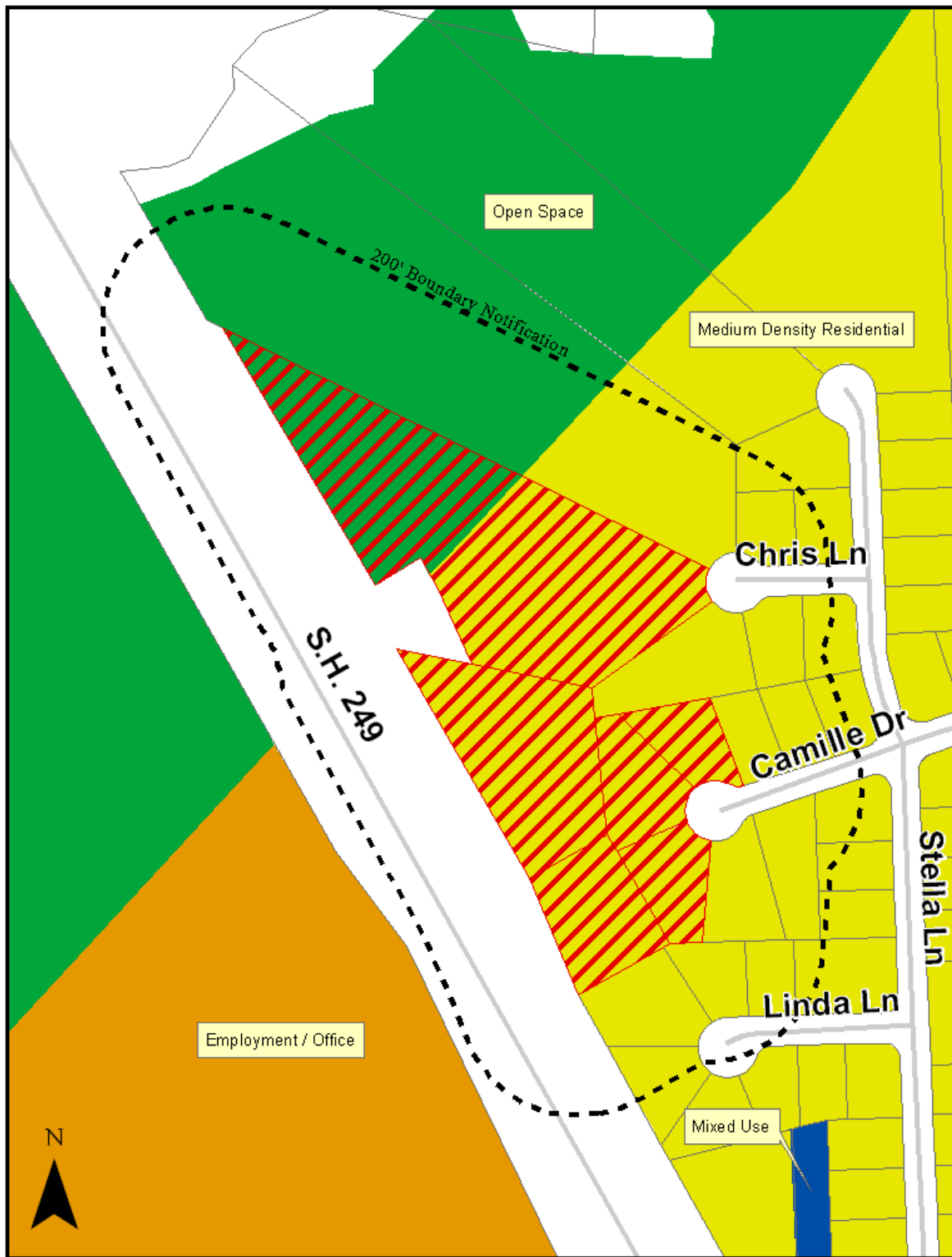


Exhibit “G”
Comprehensive Plan Future Land Use Map



**Exhibit “H”
Site Photos**



Figure 1: Hilltop Tool Rental



Figure 2: Subject site (Tract 36).



Figure 3: Subject site (Lot 43).



Figure 4: Subject site (Lots 44 and 45).



Figure 5: Single-family residence within Tomball Hills Subdivision to the east of subject site.



Figure 6: City of Tomball lift station being constructed on Lot 37 near subject site.

Exhibit "I"
Public Comment Form(s)



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Barbara J. Scherer
(please print)
Address: 31303 Stella Ln.

Signature: Barbara J. Scherer
Date: 11/9/11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371. (Please state reasons below)**

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

1. Noise
2. Looks
3. Trees removed
4. Devalues the area property
5. He does not keep his word — refer to 2002 meeting

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: BRAD HALLMARK
(please print)
Address: 28231 CAMILLE DR
Tomball, TX 77375
Signature: Brad Hallmark
Date: 11/7/2011

☒ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)
☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I AM NOT IN FAVOR OF THIS
REQUEST. PLEASE DO NOT TABLE THIS ISSUE.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: DELOIE M. Juergens
(please print)
Address: 31302 ANTONIA LN
TOMBALL, TX 77375
Signature: DeLoie M. Juergens
Date: 11-7-11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

11-7-11 I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

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

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

To rezone our residential neighbor with a commercial
Our homes. This should not happen!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

DON TOBOLA

(please print)

Address:

31307 STELLA LANE

TOMBALL, TEXAS 77375

Signature:

[Handwritten Signature]

Date:

11/9/11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

☒

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

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

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

WE ARE AGAINST THE REZONING OF THE TOMBALL HILLS SUBDIVISION LOTS AND PROPERTY. I DO NOT WANT ANY COMMERCIAL OR RETAIL BUSINESS WITHIN THE CONFINES OF THE SUBDIVISION. IF THIS PASSES, IT SETS A DANGEROUS PRECEDENCE FOR OTHER LOTS AND PROPERTY IN THE SUBDIVISION TO BE CONVERTED FOR USE INCLUDING AUTO REPAIR OUT OF GARAGES, PLUMBING REPAIR ETC. ALLOWING THIS TO HAPPEN WILL DEPRECIATE THE VALUE OF PROPERTY & LIFE IN THE SUBDIVISION.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: JAMES R. WRENTZ and Linda L Wrentz
(please print)
Address: 31203 ANTONIA LN Tomball, TX 77375
Signature: [Signature]
Date: 11-7-2011

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Please Take Action and No not table, please.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

Jo Lee Dyer
3/219 Stella Lane

Signature:
Date:

Jo Lee Dyer
11/9/2011

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

As a real estate broker the person
has devalued our property values in
the sub division. I am a local
real estate broker past 26 years !!!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Joe Stanley Green
(please print)
Address: 31219 Stella Ln.
Tomball 77375
Signature: [Signature]
Date: _____

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Tired of Broken Promises
As a Real Estate Matter - it is
depreciating our Sub. Values

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: KATHERINE BURTS
(please print)
Address: 3118 Alice Ln.

Signature: Katherine Burt
Date: 11-17-11

☐ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

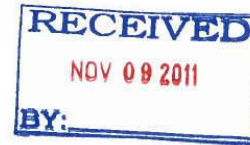
Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Ken R. Carlton
(please print)
Address: 31210 Alice Lane
Tomball, TX, 77375
Signature: Ken R. Carlton
Date: 11-7-11

☒ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

This violates our homeowners' restrictions. We want
it left residential.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.



Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: LOYD H. SCHERER
(please print)
Address: 31303 STELLA LANE
TOMBALL, TX 77375
Signature: Lloyd H. Scherer
Date: Nov. 9, 2011

☐ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

1. I am against the Request to rezone land from Single Family Residential - 9 to General Retail District
2. These lots were never intended to be anything else except for residential use only. Why can't he get this through, it's heard and leave Tomball Halla and forget the whole thing.
3. It will increase heavy truck traffic through Tomball Hill

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning

Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

MARCEL O PUGH

31310 STELLA LANE
TOMBALL, TX 77375

Signature:

Marcel O Pugh

Date:

Nov 9, 2011

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

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City Council Chambers of the City of Tomball, City Hall
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Monday, November 21, 2011, 6:00 PM
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401 Market Street, Tomball, Texas

COMMENTS:

Would decrease our property in Tomball Hills Subdivision.

Would increase traffic and noise.

Would endanger residents of Tomball Hills because we have no sidewalks.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Mary Ann Duncan
(please print)
Address: 28110 Linda Lane
Tomball, TX 77375
Signature: Mary Ann Duncan
Date: 11/8/11

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)



☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
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Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM
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401 Market Street, Tomball, Texas

COMMENTS:

Increased traffic would endanger
residents
Increased noise would prevent residents
from enjoying their homes
Caliber of neighborhood & value of property decreased

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:
 City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name: Mitchele Hildreth
 (please print)
 Address: 31203 Alice Lane
Tomball, TX 77375
 Signature: [Signature]
 Date: 11-7-11

☐ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS:

Please Deny Mr. Hildreth's request
to re-zone these lots. These are residential
lots within our subdivision! The result
from this proposed action would be a detriment
to this area! Our roads will become more
dangerous and our children in danger! Much
less the property values will plummet! Thank you!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: PAMELA C. MURRAY
(please print)
Address: 31314 STELLA LANE
TOMBALL TX 77375
Signature: Pamela C Murray
Date: 11/9/11

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

PCH I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
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Date, Location & Time of City Council meeting:

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COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

Rhonda Bolton
2811 Camille Dr

Signature:

[Handwritten Signature]
Date: 11/7/11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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

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Monday, November 21, 2011, 6:00 PM
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COMMENTS: Please deny rezoning request.
Please deny conditional use permit.
Please deny replatting lots.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

ROBERT W PUGH JR
31310 STELLA LANE
TOMBALL, TX 77375

Signature:
Date:

R. W. Pugh Jr. Nov 9, 2011

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
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Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

WOULD DEVALUE OUR PROPERTY IN THE TOMBALL HILLS
SUBDIVISION.
WOULD INCREASE TRAFFIC AND NOISE.
WOULD ENDANGER THE RESIDENTS OF TOMBALL HILLS
SUBDIVISION UNNECESSARILY.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

ROY A. JOHLKE

(please print)

Address:

31314 ANTONIA LN.

TOMBALL TEXAS 77375

Signature:

ROY JOHLKE

Date:

NOV 7, 2011

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

THIS IS RESIDENTIAL ZONING AND SHOULD REMAIN SUCH

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: SAM C. MURRAY JR
(please print)
Address: 31314 STELLA LANE
TOMBALL, TX 77375
Signature: Sam C. Murray Jr
Date: Nov 7, 2011

_____ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

SM I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
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Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

ZONING protects property/home owners. CHANGING said
ZONING ORDINANCES devalues property values AS
PER NOTICE of PUBLIC HEARING CASE NUMBER P11-371 AND P11-372.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

Sue Carlton

(please print)

Address:

31210 Alice Ln

Signature:

Sue Carlton

Date:

11-7-2011

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

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

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

All lots should be left Residential. That would only set a precedent to open up other lots to commercial -- which we do not want.

Any Commercial usage would disrupt our neighborhood
Any Retail usage is not acceptable

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)

William F. Rick Pritchett

Address:

31406 Stella Lane
Tomball, TX 77375

Signature:

William F. Rick Pritchett

Date:

11-14-11

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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

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City Council Chambers of the City of Tomball, City Hall
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COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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

ORDINANCE NO. 2011-29

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 6.928 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 36, 43, 44, 45, AND RESERVE D OUT OF THE TOMBALL HILLS ADDITION PLAT AND TRACT 27, ABSTRACT 34, JOSEPH HOUSE SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE EASTERLY SIDE OF STATE HIGHWAY 249, NORTHERLY OF ZION ROAD, FROM THE SF-SINGLE-FAMILY RESIDENTIAL-9 AND C-COMMERCIAL DISTRICTS TO THE GR-GENERAL RETAIL DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of 6.928 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the SF-Single-Family Residential-9 and C-Commercial Districts to the GR-General Retail District.; and

Whereas, at least eight (8) 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 written notice of that hearing 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 proposal to change the zoning for the Property from the SF-Single-Family Residential-9 and C-Commercial Districts to the GR-General Retail District; and

Whereas, the public hearing was held at least forty calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning and Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; 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 on the proposal to change the zoning district classification for the Property from the SF-Single-Family Residential-9 and C-Commercial Districts to the GR-General Retail District., the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and,

Whereas, the City Council deems it appropriate to grant such proposed change in the

zoning district classification of the Property;

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 6.928 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, is hereby changed from the SF-Single-Family Residential-9 and C-Commercial Districts to the GR-General Retail District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 6.928 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, as GR-General Retail District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 6.928 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey generally located on the easterly side of State Highway 249, northerly of Zion Road, to the GR-General Retail District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF
NOVEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

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 5TH DAY OF
DECEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: November 21, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-372**: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

- Conduct a Public Hearing on **ZONING CASE P11-372**
- Adopt on First Reading, Ordinance 2011-30, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Peter and Sylvia Hildreth, to operate a “Tool and Machinery Rental (with outdoor storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the GR-General Retail Districts; Providing requirements and conditions for this Conditional Use Permit; 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 October 5, 2011, the Engineering & Planning Department received a rezoning application, conditional use permit (CUP) application, and letter explaining the rezoning and CUP requests. The property owners, Peter and Sylvia Hildreth, are requesting the site be rezoned from the Single-Family Residential-9 (SF-9) and Commercial Districts to the General Retail District and that a CUP be approved to allow for “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.

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.” Additionally, the Ordinance requires all CUP applications include a concept plan to ensure that the proposed project is in compliance with all applicable City ordinances.

The CUP concept plan indicates the following:

- 10’ landscape buffer will be established around the entire site (except along the southern property boundary where there is an existing structure);
- At least 81 trees will be planted ;
- 6-8’ tall screening wall will be erected along the property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- 38 off-street parking stalls;
- 3 acre detention pond;

- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance;
- 3 new storage buildings to be constructed with brick facades;
- No access will be taken to or from Chris Lane or Camille Drive; and
- Hours of operation will be Monday to Friday 7 am to 6 pm and Saturday 7 am to 5 pm.

On November 14, 2011, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to unanimously to recommend denial of Zoning Case P11-371 due to the denial of the rezoning, case P11-371. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Peter and Sylvia Hildreth

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing
 Property Owner Notification Letter
 P11-372 Staff Report
 Ordinance 2011-30

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. 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 Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

YOU ARE INVITED TO ATTEND a Public Hearing before the **PLANNING & ZONING COMMISSION** of the City of Tomball regarding the following item:

CASE NUMBER: P11-372

APPLICANT: Peter and Sylvia Hildreth

LOCATION: Easterly side of State Highway 249, northerly of Zion Road

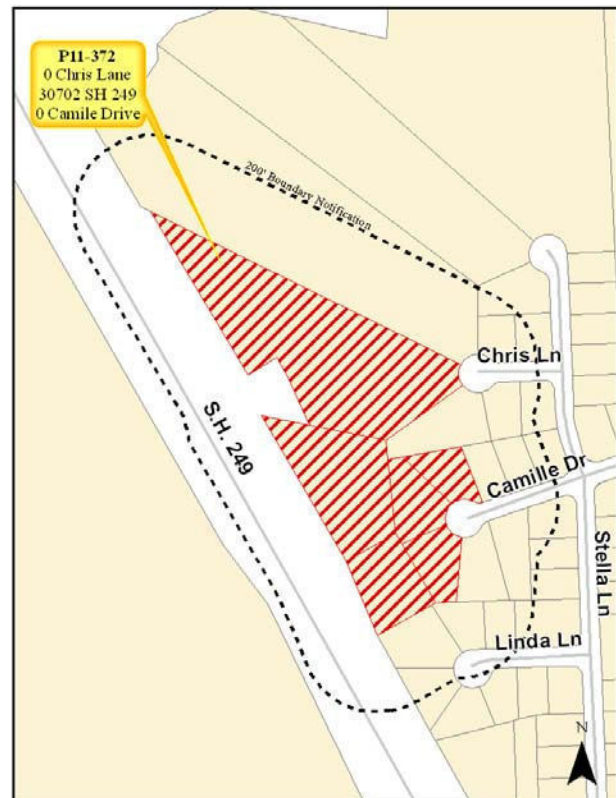
PROPOSAL: Request for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

* * *

CONTACT CITY PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us



Interested parties may contact the City Planner 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 Engineering and Planning 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 and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, November 21, 2011, 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 and Zoning Commission.



CUP Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-372

Property Owner(s): Peter and Sylvia Hildreth

Applicant(s): Peter and Sylvia Hildreth

Legal Description: Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey

Location: Generally located on the easterly side of State Highway 249, northerly of Zion Road

Area: 6.928 acres

Present Zoning and Use: Single-Family Residential-9 and Commercial Districts / Undeveloped and Tool and Machinery Rental (with Outdoor Storage)

Comp Plan Designation: Medium Density Residential and Open Space

Proposed Use: Tool and Machinery Rental (with Outdoor Storage) and Warehouse

Request: Conditional Use Permit (CUP) to allow a “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.

Adjacent Zoning & Land Uses:

North:	Single-Family Residential-9 District / Undeveloped
South:	Single-Family Residential-9 and Commercial Districts / Residential and Retail
East:	Single-Family Residential-9 / Residential
West:	Commercial District / State Highway 249 Right-of-Way and Lone Star College

BACKGROUND

The subject site is legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey totaling approximately 6.928 acres. The site is generally located on the easterly side of State Highway 249, northerly of Zion Road and is utilized by Hilltop Tool Rental as a “Tool and Machinery Rental (with Outdoor Storage)” land use (Exhibit “A”). Lot 36, 43, 44, and 45 are zoned SF-9 District and Reserve D and Tract 27 are zoned Commercial District (Exhibit “B”).

On October 5, 2011, the Engineering & Planning Department received a rezoning application (Exhibit “C”), conditional use permit (CUP) application (Exhibit “D”), and letter explaining the

rezoning and CUP requests (Exhibit “E”). The property owners, Peter and Sylvia Hildreth, are requesting the site be rezoned from the Single-Family Residential-9 (SF-9) and Commercial Districts to the General Retail District and that a CUP be approved to allow for “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.

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.” Additionally, the Ordinance requires all CUP applications include a concept plan to ensure that the proposed project is in compliance with all applicable City ordinances.

The CUP concept plan (Exhibit “F”) indicates the following:

- 10’ landscape buffer will be established around the entire site (except along the southern property boundary where there is an existing structure);
- At least 81 trees will be planted ;
- 6-8’ tall screening wall will be erected along the property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- 38 off-street parking stalls;
- 3 acre detention pond;
- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance;
- 3 new storage buildings to be constructed with brick facades;
- No access will be taken to or from Chris Lane or Camille Drive; and
- Hours of operation will be Monday to Friday 7 am to 6 pm and Saturday 7 am to 5 pm.

On September 12, 2011, the Planning & Zoning Commission voted to recommend denial of a request by Peter and Sylvia Hildreth to rezone Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat from the SF-9 to the Commercial District. The property owners then pulled the request before it was voted on by City Council.

ANALYSIS

When considering applications for a conditional use permit, 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’s future land use map identifies the site as “Medium Density Residential” and “Open Space” (Exhibit “G”). The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” The “Open

Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.”

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

According to the Tomball zoning ordinance, “The GR, General Retail, district is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes” (Section 27.1).

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the zoning ordinance;

The CUP concept plan indicates the following:

- 10’ landscape buffer will be established around the entire site (except along the southern property boundary where there is an existing structure);
- At least 81 trees will be planted ;
- 6-8’ tall screening wall will be erected along the property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- 38 off-street parking stalls;
- 3 acre detention pond;
- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance;
- 3 new storage buildings to be constructed with brick facades;
- No access will be taken to or from Chris Lane or Camille Drive; and
- Hours of operation will be Monday to Friday 7 am to 6 pm and Saturday 7 am to 5 pm.

Should the CUP application be approved, the applicant will be required to submit a full set of civil plans to the Engineering & Planning Department for review and approval. The plans must exhibit compliance with all applicable ordinance regulations, including but not limited to paving, detention, curbing, landscaping, fire access, etc.

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;

There is a mixture of land uses in the vicinity (Exhibit “H”). To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

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 zone change is not anticipated to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other properties in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report, twenty (20) public comment forms were received, 19 in opposition and one (Jo Stanley Free - 31219 Stella Lane) without a position noted: (Exhibit "I"):

- Barbara Scherer - 31303 Stella Lane
- Brad Hallmark - 28231 Camille Drive
- Delcie Juergens - 31302 Antonia Lane
- Don Tobola - 31307 Stella Lane
- James and Linda Wrentz - 31203 Antonia Lane
- Jo Free Green - 31219 Stella Lane
- Joe Stanley Green - 31219 Stella Lane
- Katherine Burts - 31118 Alice Lane
- Ken Carlton - 31210 Alice Lane
- Loyd Scherer - 31303 Stella Lane
- Marcel Pugh - 31310 Stella Lane
- Mary Ann Duncan - 28110 Linda Lane
- Mitchell Holderrieth - 31203 Alice Lane
- Pamela Murray - 31314 Stella Lane
- Rhonda Bolton - 28111 Camille Drive
- Robert Pugh - 31310 Stella Lane
- Roy Johlke - 31314 Antonia Lane
- Sam Murray - 31314 Stella Lane
- Sue Carlton - 31210 Alice Lane
- William Pritchett - 31406 Stella Lane

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. CUP Application
- E. Rezoning & CUP Request Letter
- F. CUP Concept Plan
- G. Comprehensive Plan Future Land Use Map
- H. Site Photos
- I. Public Comment Form(s)

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

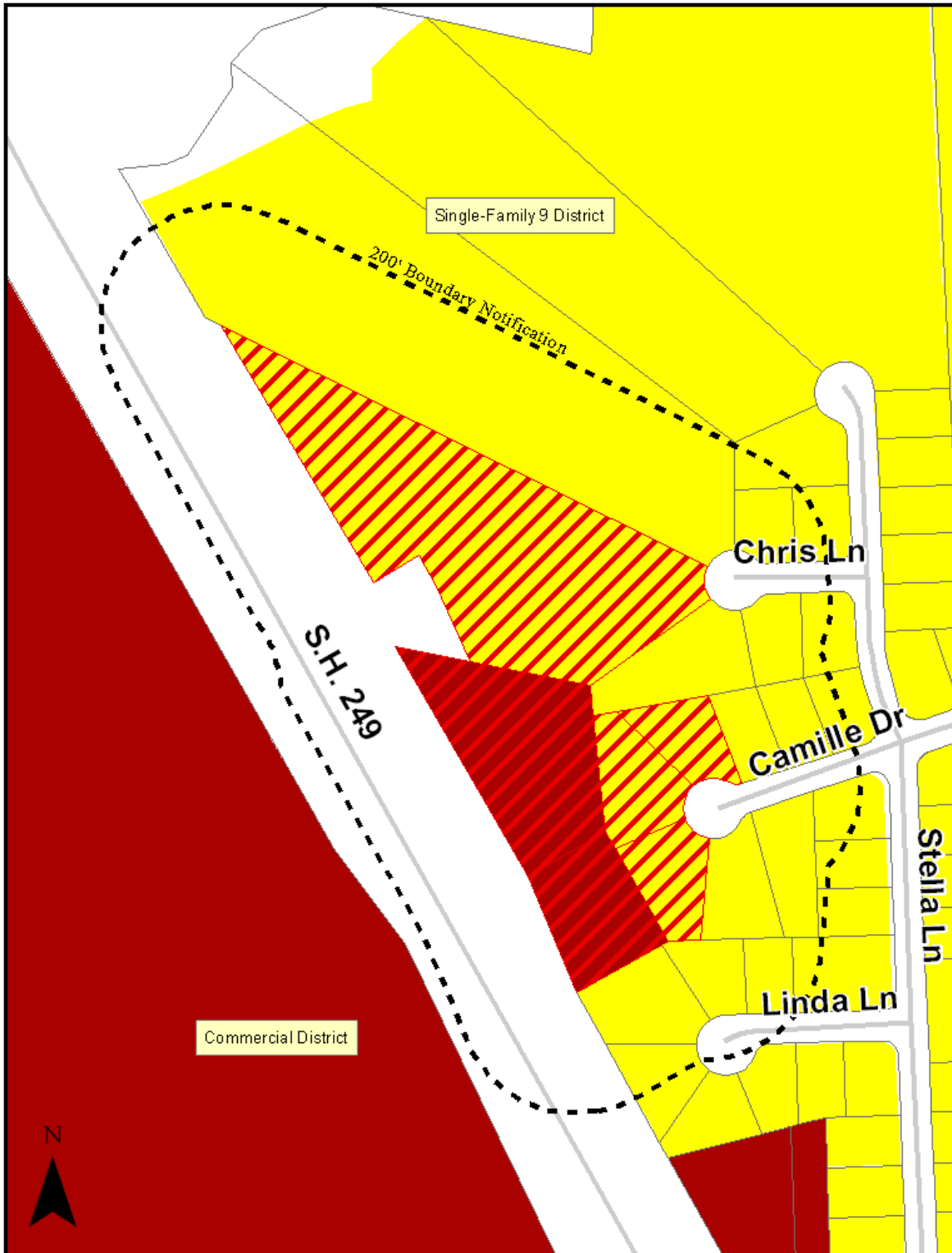


Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: PETER R. HILDRETH Title: Owner
Mailing Address: 30702 SH249 City: Tomball State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: hiltap Peter@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S BROUSSARD, PE Title: Consultant
Mailing Address: 17527 Hawkins Ln City: Tomball State: TX
Zip: 77379
Phone: (281) 351-0803 Fax: () N/A Email: DAVID SB1950@yahoo.com

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Zion Rd, E of SH249, S of Spring Creek

[General Location - approximate distance to nearest existing street corner]
Remainder of 0.92 ac (Tract B, Block 4) Tomball Hills Add RP
1.00 ac (15-986252)
Legal Description of Property: Lots 43, 44, 45, 380 Tomball Hills Add RP V299/P111
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~RC~~ SF-9

Current Use of Property: Tool & Machinery Rental (w/ outdoor storage)

Proposed Zoning District: GENERAL RETAIL

Proposed Use of Property: Tool & Machinery Rental (w/ outdoor storage)
WAREHOUSE

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

www.ci.tomball.tx.us

12-957-000-0036
-0067
-0043
-0044
-0045
-0067
HCAD Identification Number: _____ Acreage: 6.9

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  10-13-2011
Signature of Applicant Date

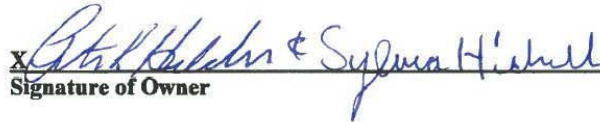
X  & Sylvia H. Smith 10-18-2011
Signature of Owner Date

Exhibit "D"
CUP Application



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: PETER R. HILDRETH Title: OWNER
Mailing Address: 30702 SH 249 City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: HILLTOPPETER@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S. BROUSSARD, P.E. Title: CONSULTANT
Mailing Address: 17527 HAWKIN LANE City: Tomball State: TX
Zip: 77377
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

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

www.ci.tomball.tx.us

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Fion Rd., E of SH249, S of Spring Creek

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

Remainder of 0.4822 (Tract D, Block 4) Tomball Hills Addl RP V279/P111

Legal Description of Property: Lots 36, 43, 44, 45 Tomball Hills Addl. R/P V279/P111

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

HCAD Identification Number: 112-951-000-0036 Acreage: 6.9

00 43
00 44
00 45
00 65

Current Use of Property: Tool & Machinery Rental (with Outdoor Storage)

Proposed Use of Property: Tool & Machinery Rental (with Outdoor Storage)
& WAREHOUSE

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 Peth R. Huchuck
Signature of Applicant

10-13-2011
Date

X Peth R. Huchuck & Sybil Huchuck
Signature of Owner

10-13-2011
Date

Exhibit "E"
Rezoning & CUP Request Letter

O. Otis Bakke
Attorney at Law
1272 Handkerchief Way
Haslet, Texas 76052

(817) 437-1729 Telephone
(817) 439-1322 Facsimile

otisbakke@sbcglobal.net

November 25 , 2011

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

Mr. F.S. Hudgens
City Councilman, Position 1
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Mark Stoll
City Councilman, Position 2
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Rick Brown
City Councilman, Position 3
401 Market Street
City of Tomball
Tomball, Texas 77375

Mr. Derek Townsend Sr.
City Councilman, Position 4
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Preston L. Dodson
City Councilman, Position 5
City of Tomball

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

Mr. Scott Bounds
Tomball City Attorney
Olson & Olson, LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Ms. Lori Lakatos, P.E., C.F. M.
Tomball City Engineer
501 James Street
Tomball, Texas 77375

Mr. Rodney Schmidt
Assistant City Planner
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Lots 36,43, 44,45, and Unrestricted Tract "D" in Block 4 of the Tomball Hills Addition, Tomball, Texas according to the map or plat thereof recorded in Volume 279, Page 111 of the Map Records of Harris County, Texas, and Tract 27 in Abstract 34 of the Joseph House Survey in Harris County, Texas

Ladies and Gentlemen:

This law firm represents Peter R. Hildreth and his wife, Mrs. Sylvia Hildreth who are the owners of the above referenced property. The Hildreths now petition the City of Tomball, Texas to rezone the referenced G R General Retail District zoning with Conditional Use Permit. Lots 36,43, 44 and 45 are currently zoned as Residential and Unrestricted Tract "D" and Tract 27 are zoned as Commercial. A completed Application for Rezoning is being filed with the City of Tomball Engineering and Planning Department.

The Hildreths have acquired and used this property over the past 18 years. During that time span the entire tract has been involved in the rental and sales of large and small equipment and tools incidental to the operation of Hilltop Tool Rental and Supply. That entity is owned and operated as a sole proprietorship by Mr. Peter R. Hildreth. The entire property is debt free and all property taxes are paid current,

Mr. Hildreth's business operations involve all of the subject property to one extent or

another. His rental inventory consists of hundreds of small and very large pieces of equipment and tools. . The equipment is located all about the property according to category, size, type and use.

When Mr. Hildreth first acquired the property, zoning was not in effect in the City of Tomball. Most of the property was designated as "Unrestricted Reserve" in the subdivision dedication plat. The property was considered as Unrestricted Reserve property until the City of Tomball adopted the Zoning Ordinance. Yielding to the vociferous demands of neighbors in the Tomball Hills Subdivision, the City elected to zone the subject property as residential, notwithstanding its present and historical use.

Mr. Hildreth would show that the location, and physical attributes of the subject property will show that its highest and best use (if not its only viable use) is as a General Retail District zoned property with a Conditional Use Permit and Warehousing. The following points are illustrative:

- The zoning of the subject lots as residential properties did not follow the historical use of the property. There has never been a residential use of these lots and none is possible. The only development of the lots has been by Mr. Hildreth in conjunction with his tool rental business.
- The property is on a sharp incline from the East toward FM 249 and the terrain makes the construction of a single family residence impossible from an engineering point of view. There is not enough surface area available to create feasible building sites.
- The property is located adjacent to and partially within the flood plain where no permanent structures can be built. There is not enough lot area outside the flood plain area to permit the construction of a single family residence.
- The City of Tomball is proceeding with a sewer lift station on Lot 37 of the Tomball Hills Subdivision. The presence of that facility virtually in the center of the subject property will deter prospective homeowners from using any of the surrounding lots for home sites.
- The property has been dedicated to general retail sales uses only for about twenty years. In City of Corpus Christi v. J W Allen, 52 Tex 137; 254 SW2d 759 the Texas Supreme Court declared that property could not be changed from its historical use by the zoning process.

The Conditional Use Permit with Warehousing would require that Mr. Hildreth would:

- 1) Establish and maintain a 10 foot wide landscape buffer on all common property lines with Tomball Hills residents. This, coupled with the opaque screening wall, will provide a sound barrier and a visual barrier to isolate his business from the homes in the subdivision.
- 2) Construct an opaque screening wall of not less than six (6) feet, nor more than eight (8) feet in height along the property line separating Hilltop Tool Rental from the adjacent Tomball Hills properties.
- 3) All warehouse building elevations which are visible to the Tomball Hills residents will have brick fascia to help mask the commercial nature of his site.
- 4) Hilltop Tool Rental shall be open for business during normally recognized daytime hours and shall not be open for business during accepted night time hours

The property use will be determined and governed by the Laws of the State of Texas, the Ordinances of the City of Tomball, and the Restrictions imposed by the Conditional Use Permit. The Property will be used to operate the Hilltop Toll Rental Business which is owned by Mr. Hildreth. This will cause a planned development that will aesthetically improve the view along Highway 249 to all who enter the city .

Wherefore, premises considered, Peter R. Hildreth and Sylvia Hildreth respectfully urge the City of Tomball Texas to rezone the subject property as a General Retail district with Conditional Use Permit and Warehousing.

Respectfully,

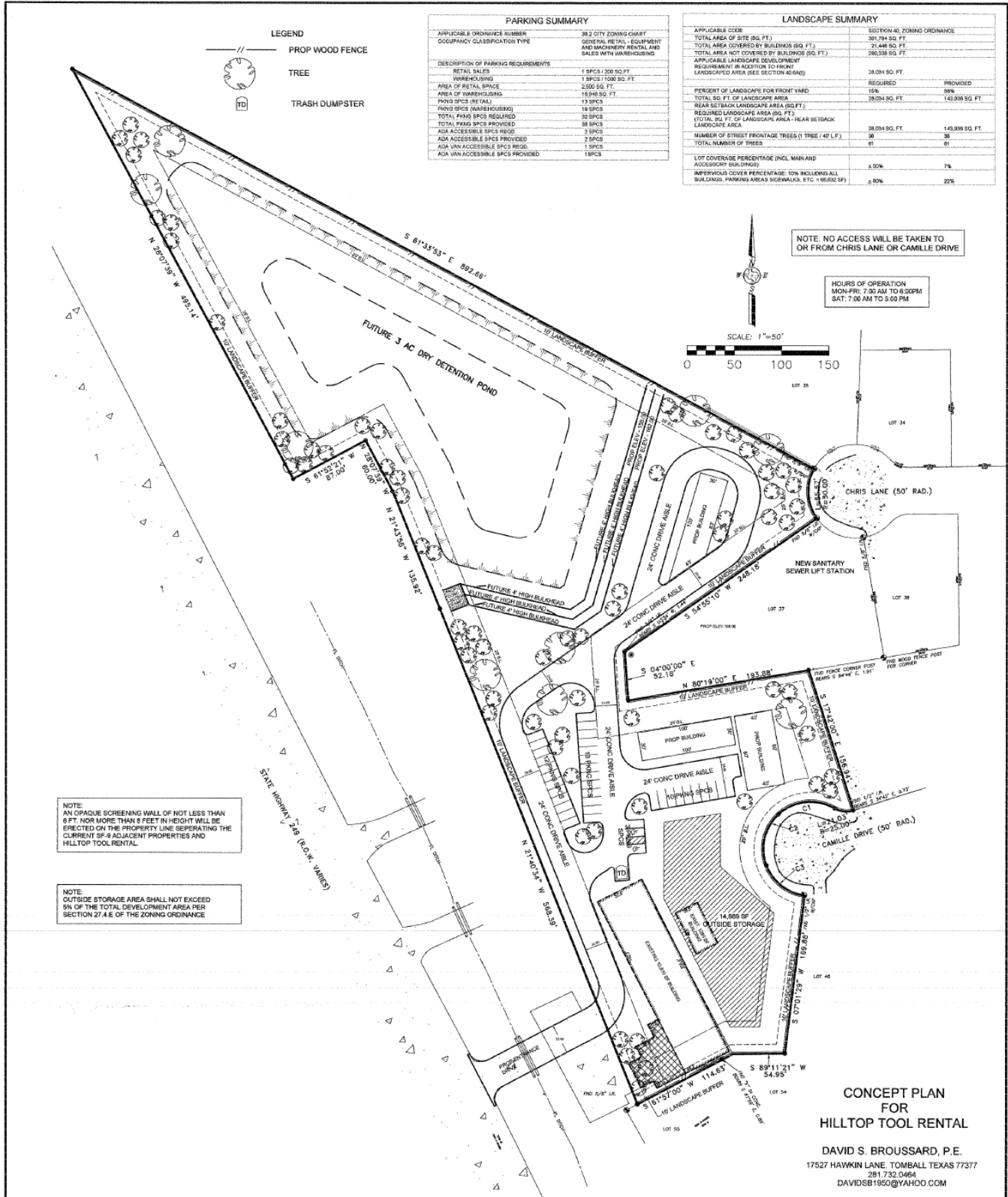
O. Otis Bakke

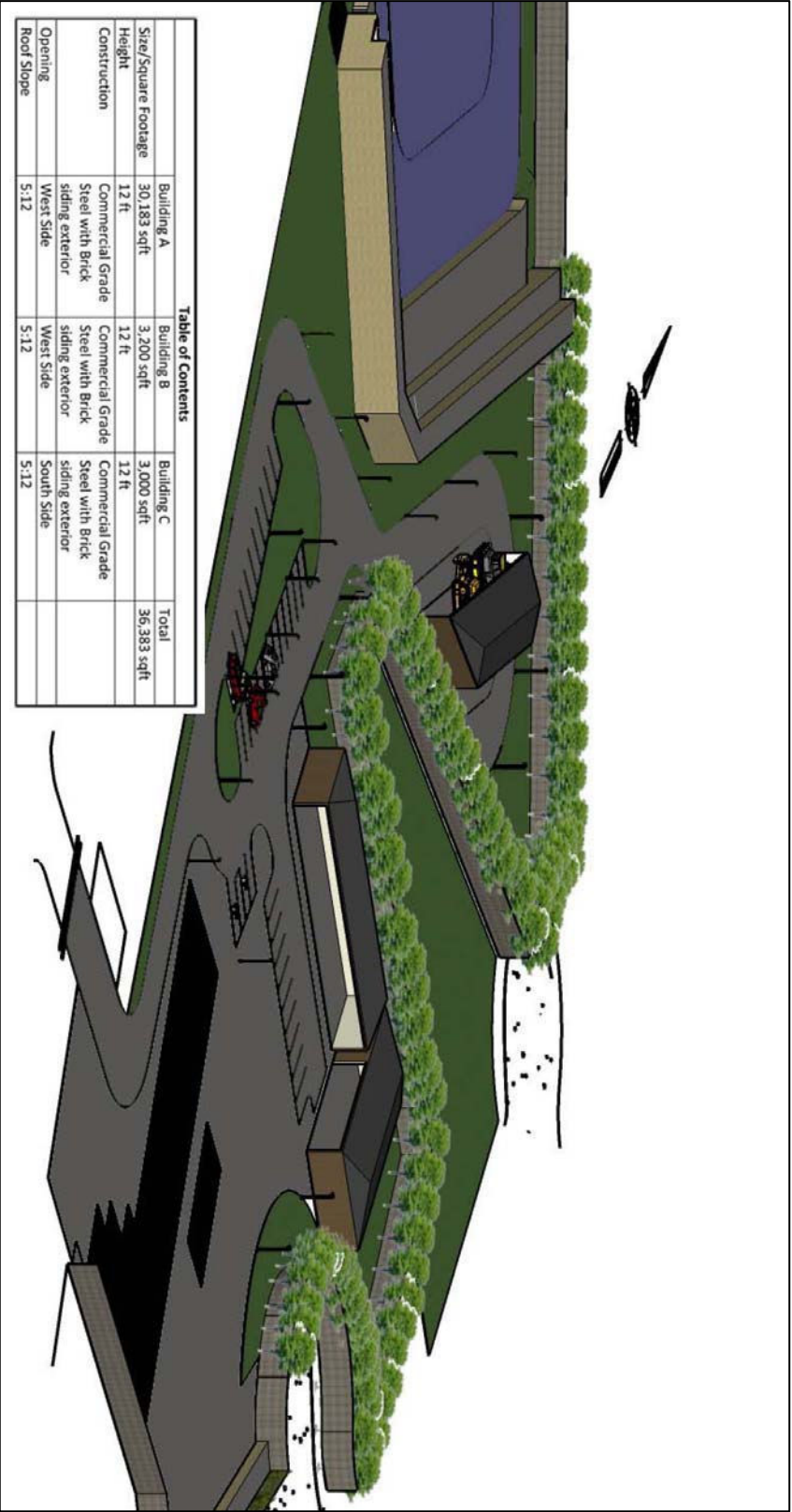
CC: David S. Broussard, P.E.
17527 Hawkin Lane
Tomball, Texas 77377

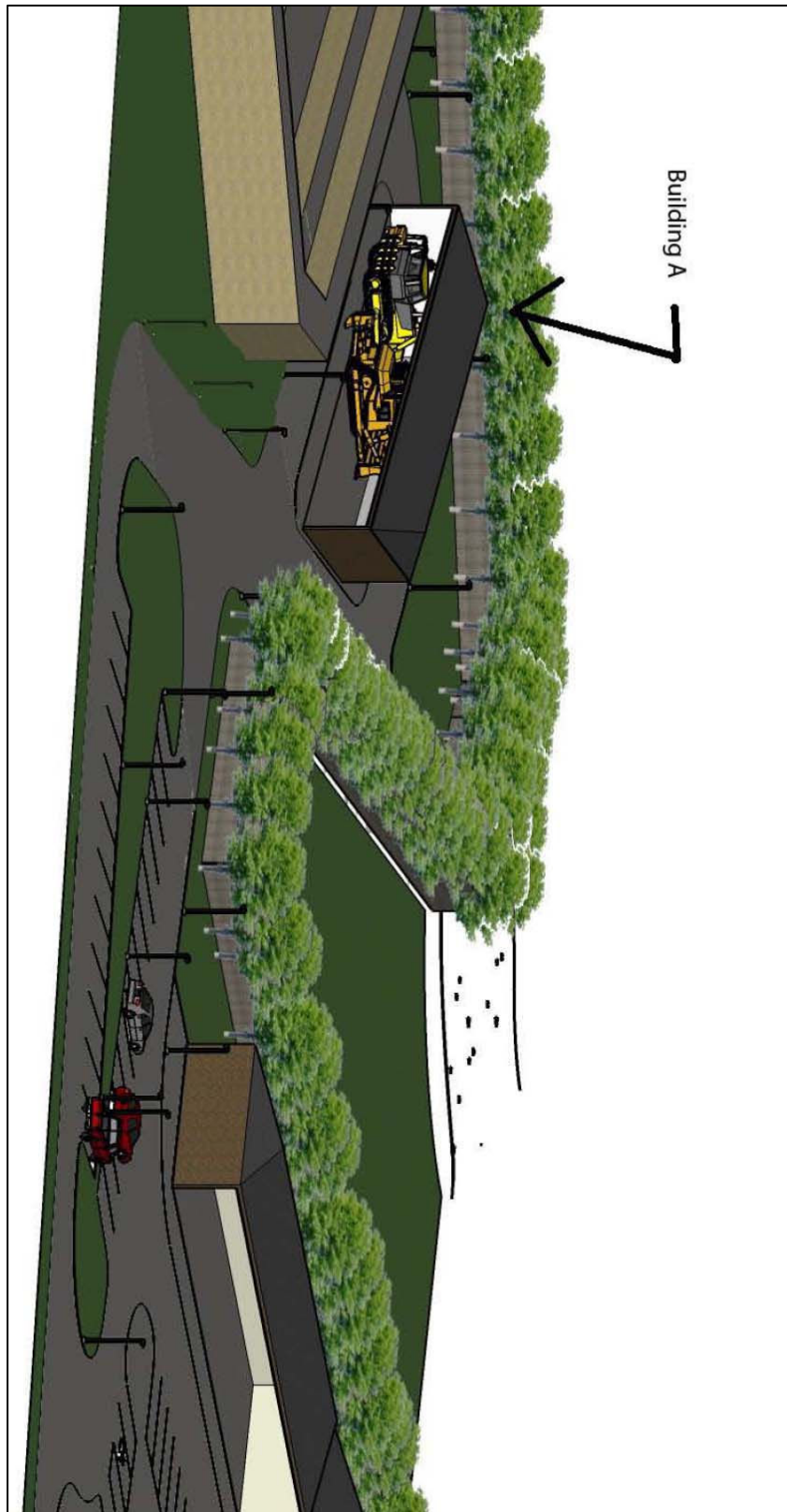
CC: Peter R and Sylvia Hildreth
30702 State Highway 249
Tomball, Texas 77375

Exhibit "F"

CUP Concept Plan







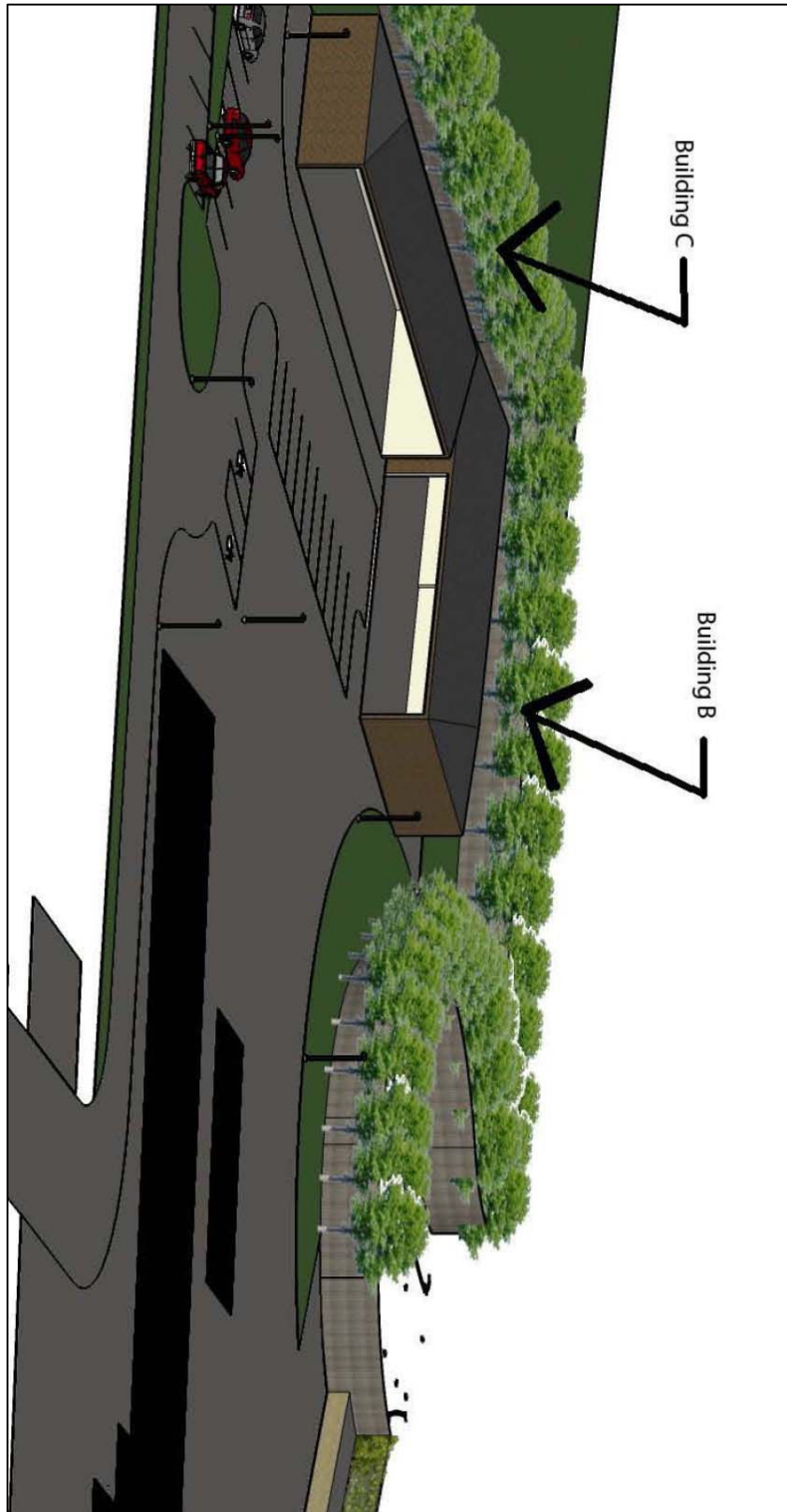
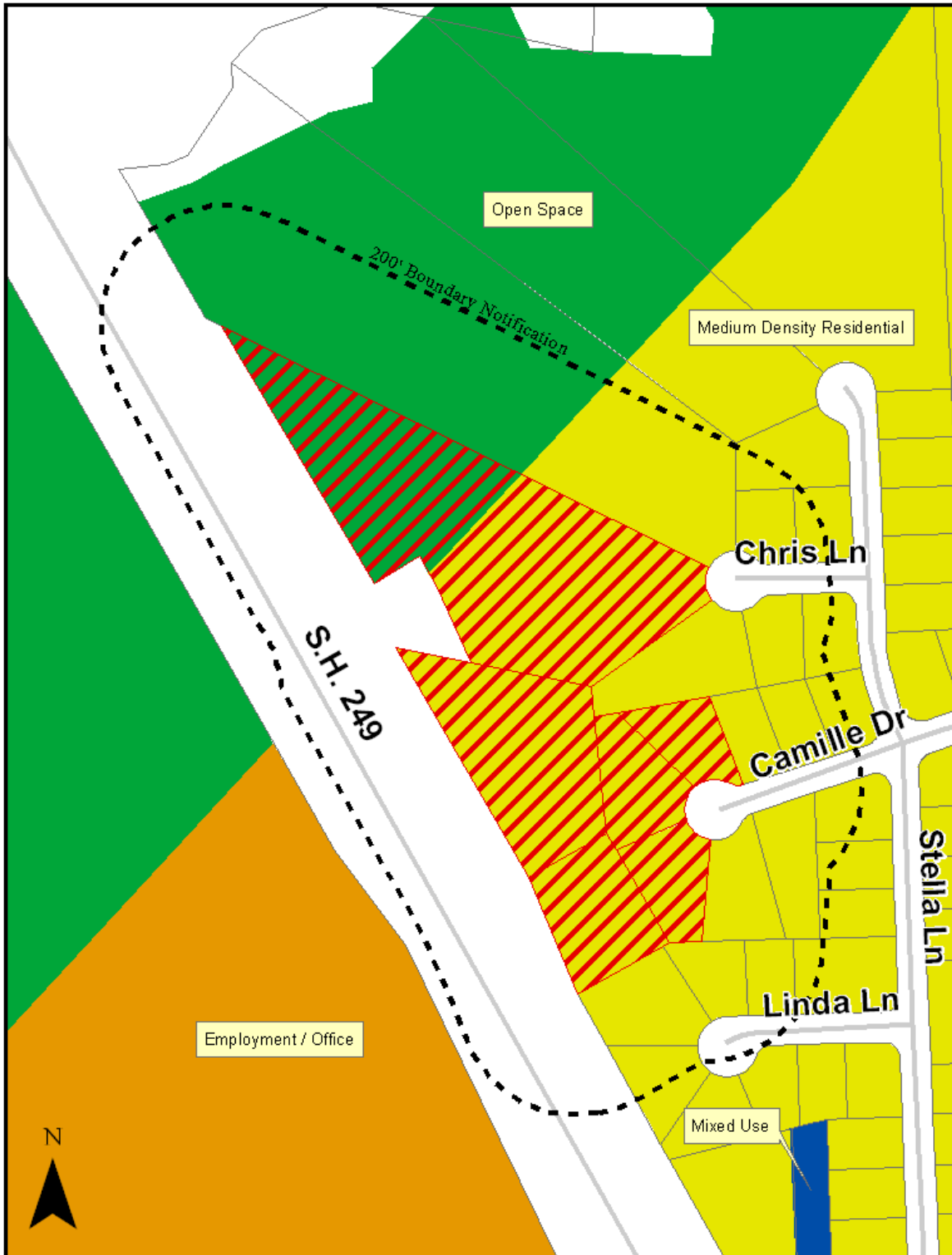


Exhibit "G"
Comprehensive Plan Future Land Use Map



**Exhibit “H”
Site Photos**



Figure 1: Hilltop Tool Rental



Figure 2: Subject site (Tract 36).



Figure 3: Subject site (Lot 43).



Figure 4: Subject site (Lots 44 and 45).



Figure 5: Single-family residence within Tomball Hills Subdivision to the east of subject site.



Figure 6: City of Tomball lift station being constructed on Lot 37 near subject site.

Exhibit "I"
Public Comment Form(s)

Engineering and Planning Department



Public Comment Form
(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Barbara J. Scherer
(please print)
Address: 31303 Stella Ln.

Signature: Barbara J. Scherer
Date: 11-9-11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

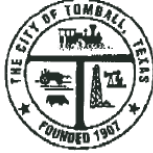
Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Do not like the look
Do not like the noise
Do not like the possibility of defoliation of property
in adjoining area.
He does not keep his word - refer to 2002 City meeting

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.
For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: BRAD HALLMARK
(please print)
Address: 28831 CAMILLE DRIVE
TOMBALL, TX 77375
Signature: Brad Hallmark
Date: 11/7/2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I AM NOT IN FAVOR OF THIS
REQUEST. PLEASE DO NOT TAKE THIS CUP.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Dejaire M. Juergens
(please print)
Address: 31302 ANTONIA LN
Tomball, TX 77375
Signature: Dejaire M. Juergens
Date: 11-7-11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

11-7-11 I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

I've just recently moved to the
sub division, I love this neighborhood, please don't
let this request for our sub division to go commercial

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: DON TOBALA
(please print)
Address: 31307 STELLA LANE
TOMBALL, TEXAS 77375
Signature: [Signature]
Date: 11/8/11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

WE ARE AGAINST APPROVAL OF THIS PROPERTY BEING
RE-ZONED AND PERMIT BEING ISSUED AS STATED. THE
TOMBALL HILLS SUBDIVISION PROPERTY RISKS A LONG TERM
DEPRECIATION DUE TO COMMERCIAL OR RETAIL BEING CONDUCTED
ON SUBDIVISION PROPERTY. IT ALSO SETS A DANGEROUS PRECEDENCE
IN THE FUTURE TO ALLOW FURTHER COMMERCIAL OR RETAIL BUSINESSES
WITHIN THE SUBDIVISION.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:
 City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name: James R. Wenzel and Linda Wenzel
 (please print)
 Address: 3120 1/2 AMTOWN LN Tomball TX 77375
31203 Amtown Ln Tomball TX 77375
 Signature: James R. Wenzel Linda Wenzel
 Date: 11-7-11 11-7-2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
 Monday, November 14, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
 Monday, November 21, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS: Please take action if not table, please!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Jo Free-Green
Address: 31219 Stella Lane
Signature: [Signature]
Date: 11/9/2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)



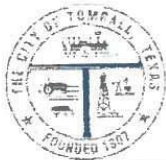
☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
101 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
101 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to richard@cityoftomball.com. Please reference the zoning case number in the subject line.
For questions regarding this request please call 281-291-1212



Public Comment Form

(Please type or use black ink)

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Joe Stanley Green

(please print)
Address: 31219 Stella Lane

Tomball, Texas 77375

Signature: [Signature]

Date: _____

I am FOR the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

I am AGAINST the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281.290-1410.



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

KATHERINE BURKS
31118 Alice St.

Signature:
Date:

Katherine Burks
11-7-11

I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name:

Ken R. Carlton

(please print)

Address:

31210 Alice Lane

Tomball, Tx 77375

Signature:

Ken R. Carlton

Date:

11-7-11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

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

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

This violates our homeowners restrictions. We want
 it left residential.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: LOYD H. SCHERER
(please print)
Address: 31303 STELLA LANE
TOMBALL, TX 77375
Signature: Lloyd H. Scherer
Date: Nov. 9, 2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

1. I am against the request for a conditional use permit to operate tool and machinery rental and storage use on the site located in the single family Residential-9 district.
2. These lots were never intended for commercial use of any kind. Why can't he get this through his head?
3. It ~~will~~ will only increase heavy truck traffic through Tomball Hills residential areas.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: MARCEL O PUGH
(please print)
Address: 31310 STELLA LANE
TOMBALL, TX 77375
Signature: Marcel O Pugh
Date: Nov 9, 2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

X

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

Would devalue our property in Tomball Hills Subdivision
Would increase traffic and noise
Would endanger residents of Tomball Hills because
we have no sidewalks.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Mary Ann Duncan
(please print)
Address: 28110 Linda Lane
Tomball, TX 77375
Signature: Mary Ann Duncan
Date: 11/9/11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
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Date, Location & Time of **City Council** meeting:

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

COMMENTS:

Increased traffic would endanger residents.
Increased noise would prevent some owners from
enjoying their homes.
Caliber of neighborhood & value of property
would be decreased.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name: Mitchell Holderrichter
 (please print)
 Address: 31203 Alice Ln
Tomball, TX 77375
 Signature: Mitchell Holderrichter
 Date: 11-7-11

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)



☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS:

same as previous sheet

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: PAMELA C. MURRAY

(please print)

Address: 31314 STELLA LANE

TOMBALL TX 77377

Signature: Pamela C. Murray

Date: 11/7/11

I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

PCM

I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

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

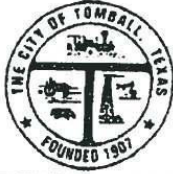
Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

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Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

(please print)

Address:

Rhonda Bolton

28111 Camille Dr

Signature:

Date:

11/7/11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

Please do not allow this request to rezone or build commercial buildings in our neighborhood. Do not table - do not let this happen to our neighborhood.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

ROBERT W PUGH JR

(please print)

Address:

31310 STELLA LANE

TOMBALL, TX 77375

Signature:

[Handwritten Signature]

Date:

NOV 9, 2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

WOULD DEVALUE OUR PROPERTY IN THE
TOMBALL HILLS SUBDIVISION.

WOULD INCREASE TRAFFIC AND NOISE.

WOULD ENDANGER THE RESIDENTS OF
TOMBALL HILLS SUBDIVISION UNNECESSARILY.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

(please print)

Address:

Signature:

Date:

ROY A. JOHLKE
31314 ANTONIA LN.
TOMBALL TX 77375

Roy Johke
Nov. 7, 2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: SAM C. MURRAY JR
(please print)
Address: 31314 STELLA LANE
TOMBALL, TX 77375
Signature: [Signature]
Date: 11/09/2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

SM

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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

Monday, November 14, 2011, 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

I VOTED FOR ZONING IN HOPES OF STABILIZING
PROPERTY VALUES AND OTHER THINGS BEING EQUAL.
CHANGING THE CITY'S ZONING ORDINANCE WILL ADVERSELY
EFFECT PROPERTY VALUES FOR RESIDENCES IN TOMBALL HILLS
SUBDIVISION

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Sue Carlton
(please print)
Address: 31210 Alice Ln

Signature: Sue Carlton
Date: 11-7-2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372. (Please state reasons below)**

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372. (Please state reasons below)**

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

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
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Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

All lots within Tomball Hills should stay Residential.
We do not want any Commercial/Residential within our
Subdivision.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375

RECEIVED

NOV 09 2011

Name:

(please print)

Address:

Signature:

Date:

William F. "Rick" Patchett
31406 Ste 116 Lane
Tomball, TX 77375
William F. Patchett
11/14/11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

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

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Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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

ORDINANCE NO. 2011-30

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY GRANTING A CONDITIONAL USE PERMIT TO PETER AND SYLVIA HILDRETH, TO OPERATE A “TOOL AND MACHINERY RENTAL (WITH OUTDOOR STORAGE)” AND “WAREHOUSE” LAND USES. THE PROPERTY IS AN APPROXIMATELY 6.93 ACRE SITE, LEGALLY DESCRIBED AS LOTS 36, 43, 44, 45, AND RESERVE D OUT OF THE TOMBALL HILLS ADDITION PLAT AND TRACT 27, ABSTRACT 34, JOSEPH HOUSE SURVEY, GENERALLY LOCATED ON THE EASTERLY SIDE OF STATE HIGHWAY 249, NORTHERLY OF ZION ROAD. THE SITE IS LOCATED IN THE GR-GENERAL RETAIL DISTRICTS; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CONDITIONAL USE PERMIT; 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, Peter and Sylvia Hildreth, have made application for a Conditional Use Permit to allow a “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” facility to operate in the GR-General Retail District. The property is an approximately 6.93 acre site described on the tax maps as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, and generally located on the located on the easterly side of State Highway 249, northerly of Zion Road, within the City of Tomball, Harris County, Texas; and

WHEREAS, the Property presently has a zoning classification of GR-General Retail District, pursuant to the Comprehensive Zoning Ordinance of the City; and

WHEREAS, the Owner of the Property, through its duly authorized representative, has presented an application to the City for the granting of a Conditional Use Permit to allow a “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” facility to operate in a General Retail District (the “Conditional Use”); and

WHEREAS, the Planning & Zoning Commission of the City, after notice and hearing as required by law, has made a recommendation to the City Council regarding the conditional use permit subject to the terms and conditions contained in the final report of said Commission; and,

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning & Zoning Commission that such specific use permit should be granted subject to the terms and conditions contained herein; now, therefore,

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

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 Conditional Use Permit to allow a “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” facility to operate in a General Retail District, to Peter and Sylvia Hildreth, in accordance with the application and plans submitted to the Planning and Zoning Commission on November 14, 2011 and subject to the terms and conditions set forth below, is hereby granted to the Owner, including any successor in interest.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the Conditional Use authorized hereby for the Property as provided in Section 2 hereof, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Conditional Use 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 Conditional Use Permit as herein provided.

Section 5. The Conditional Use Permit 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 Conditional Use herein authorized within said two-year period, or unless an extension of time is approved by City Council.

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

1. Use shall be restricted to “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse”
2. The applicant shall submit a full set of civil plans to the Engineering & Planning Department for review and approval. The plans must exhibit compliance with all applicable ordinance regulations, including but not limited to paving, detention, curbing, landscaping, fire access, etc.
3. Platting shall be in conformance with Chapter 70, “Plats and the Subdivision of Land” of the City’s Code of Ordinances

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 21ST DAY OF
NOVEMBER 2011.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

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 5TH DAY OF
DECEMBER 2011.

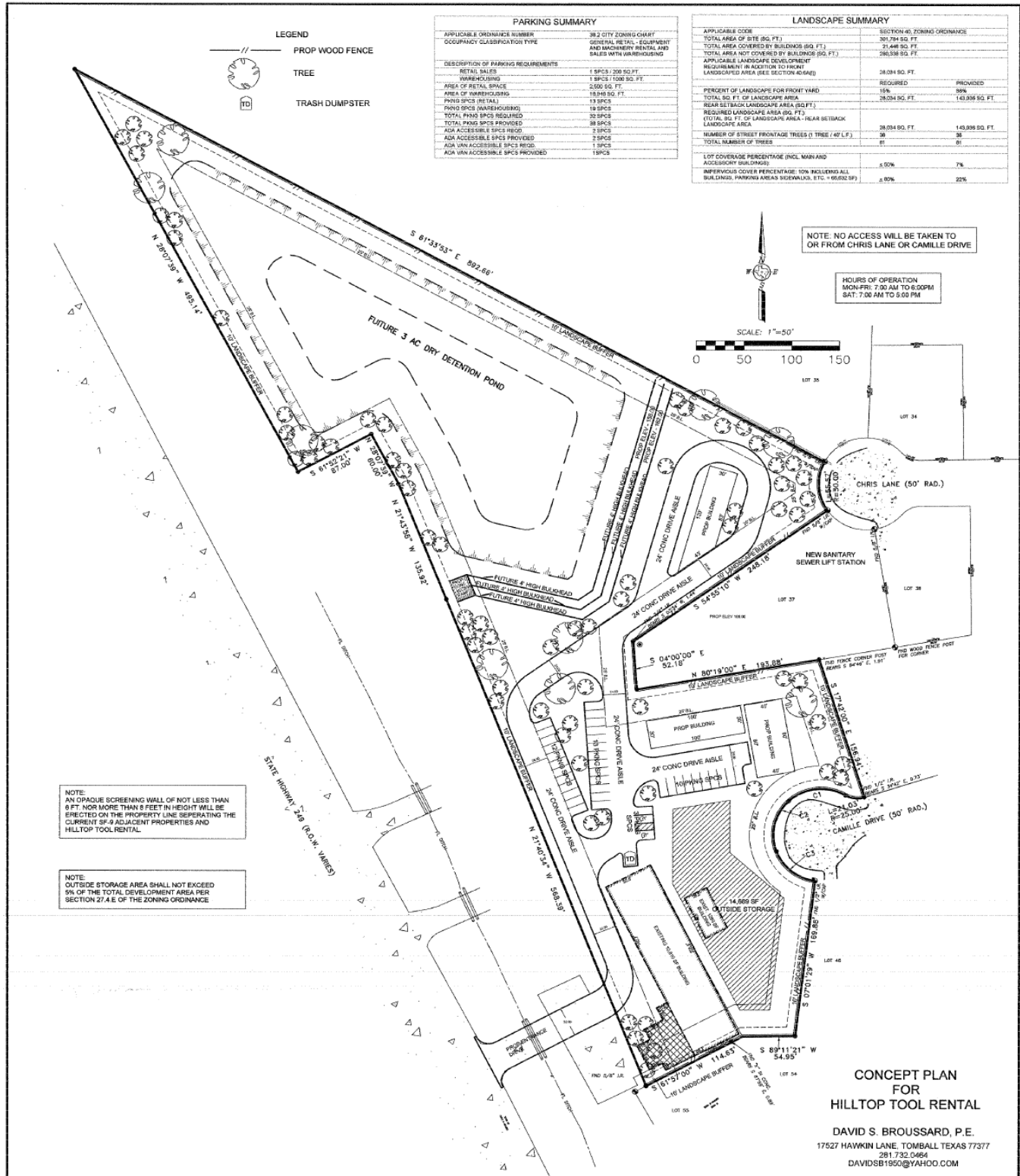
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A" Concept Plan



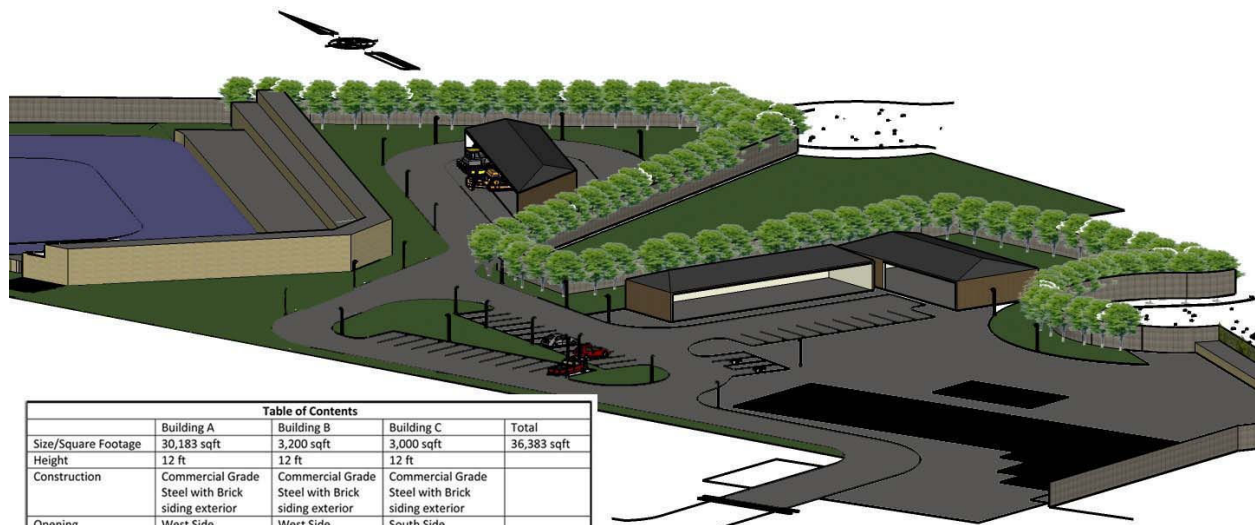
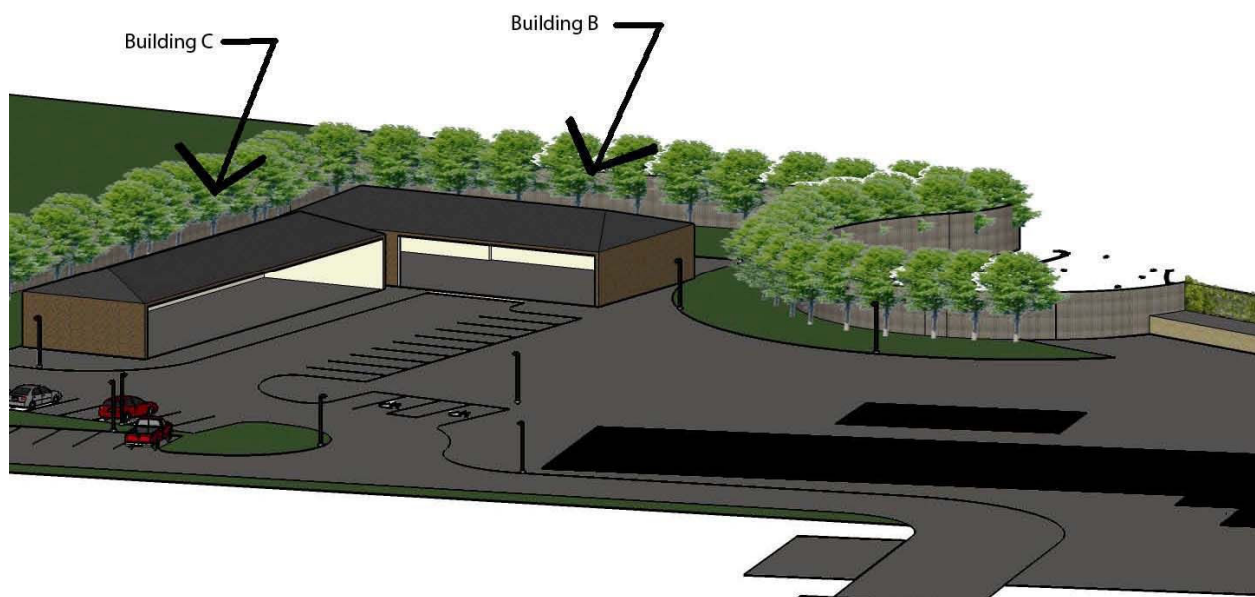
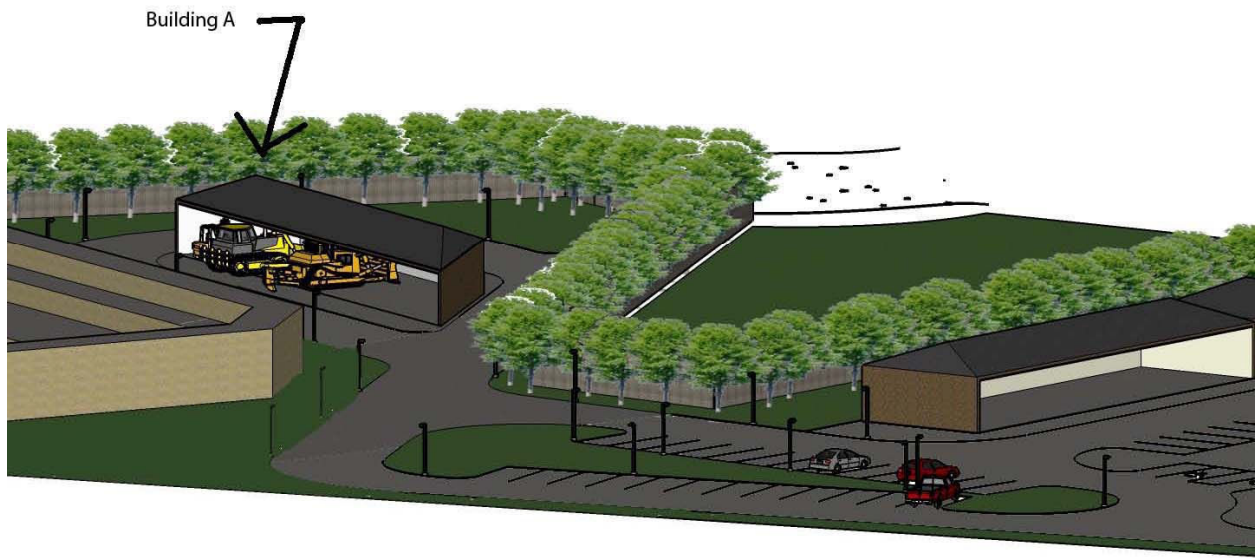


Table of Contents				
	Building A	Building B	Building C	Total
Size/Square Footage	30,183 sqft	3,200 sqft	3,000 sqft	36,383 sqft
Height	12 ft	12 ft	12 ft	
Construction	Commercial Grade Steel with Brick siding exterior	Commercial Grade Steel with Brick siding exterior	Commercial Grade Steel with Brick siding exterior	
Opening	West Side	West Side	South Side	
Roof Slope	5:12	5:12	5:12	



DRAFT

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 21, 2011

Topic:

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

- Sec. 551.072 – Deliberations Regarding Real Property

Background:**Origination:**

Christal Weber

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	