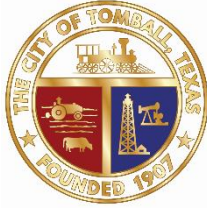


**NOTICE OF REGULAR COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, July 18, 2022  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, July 18, 2022 at 6:00 PM, 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.

**THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JULY 18, 2022, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375 VIA PHYSICAL ATTENDANCE AND ZOOM. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:**

**[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38)**

**A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 934 6472 9416, Passcode: 172843. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Chaplain Gary Crowe – TPD Chaplain
- C. Pledges to U.S. and Texas Flags
- D. 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 - GC, 551.042.]*

E. Reports and Announcements

1. Announcements

I. **Tomball City Pool – 2022 Swim Season** - Jerry Matheson Park Pool will be open from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.

End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m. –6 p.m. to close out the Swim Season.

The pool will be closed every Monday during swim season 2022, except Labor Day (September 5).

II. **TOMBALL KID'S CLUB – Activities:** July 19, 21, 26 and 28, then August 2, 4, 9, and 11 from 10:00 a.m. to 12:00 p.m., at the **Juergens Park Pavilion**.

III. August 5, 2022 – **50<sup>th</sup> Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**

IV. August 13, 2022 – **2<sup>nd</sup> Saturday at the Depot**

V. September 9-10, 2022 – **“9-11 21st Anniversary Remembrance”**; an event to remember the events of **9-11** - at the Depot

VI. September 17, 2022 – **GroovFest 2022** – 11:00 a.m. – 6:00 p.m. at the Depot

VII. September 24, 2022 – **Fiesta de Tomball** – 11:00 a.m. – 6:00 p.m. at the Depot

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

I. Sasha Smith – Report on the Success of the **July Fourth Celebration & Street Fest**

II. Katherine Tapscott - Quarterly Investment Report for Period Ending June 30, 2022. The Public Funds Investment Act requires that a report of the City's cash and investments be presented to City Council on a quarterly

basis. As of June 30, 2022, the City's cash and investment balances totaled \$64,472,843.

F. Approval of Minutes

1. Approve the Minutes of the July 5, 2022 Regular Tomball City Council Meeting and the July 6, 2022 Special Joint Tomball City Council and Tomball Economic Development Meeting

G. Old Business

1. Remove from Table for Consideration to Adopt, on First Reading, Ordinance No. 2022-13, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the Zoning District Classification of approximately 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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.

H. New Business

1. Consideration of a Presentation for a Proposed Green Energy Storage Facility, west of South Chestnut/Lizzie Lane, across from Chestnut Business Park
2. Award and authorize the City Manager to execute a Professional Services Contract with Public Management, Inc. for Grant Administration Services (RFP 2022-05) and a specific work authorization for grant administration services for American Rescue Plan Act funds in the amount \$95,000.00; and authorize the expenditure of funds from the American Rescue Plan Act funds.
3. Accept Petition and Approve Resolution No. 2022-25, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on August 15, 2022, for the creation of Tomball Public Improvement District No. 14 (Seven Oaks) and being located within the City of Tomball
4. Consideration to approve Zoning Case P22-205: Request by Michael Seitz for a Conditional Use Permit to allow an accessory residence within General Retail (GR) zoning. The property is legally described as approximately 0.78 acres, being a portion of the Jesse Pruitt Survey, Abstract Number 629. The property is located at 817 E. Main Street, within the City of Tomball, Harris County, Texas.

- a. Conduct Public Hearing on Zoning Case P22-205
- b. Adopt, on First Reading, Ordinance No. 2022-16, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Clinton Hankla to Operate an “Office Showroom / Warehouse” Facility at 343 East Hufsmith Road; Said Property being Approximately 3.78 Acres of Land Legally Described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the North Side of East Hufsmith Road, between Peach Street and Hospital Street, and is Zoned General Retail Use District; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability.

- 5. Approve Resolution No. 2022-26, a Resolution by the City Council of the City of Tomball, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Office Statement; and Approving Other Matters Incidental Thereto [*Notice of Intent to Issue Certificates of Obligation, Series 2022*]

I. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 13th day of July by 3:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer, City Secretary, TRMC, MMC

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 contact the City Secretary’s office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: July 18, 2022

**Topic:**

**Tomball City Pool – 2022 Swim Season** - Jerry Matheson Park Pool will be open from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.

End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m. –6 p.m. to close out the Swim Season.

The pool will be closed every Monday during swim season 2022, except Labor Day (September 5).

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>6-13-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

***TOMBALL KID'S CLUB – Activities:*** July 19, 21, 26 and 28, then August 2, 4, 9, and 11 from 10:00 a.m. to 12:00 p.m., at the **Juergens Park Pavilion.**

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>5-27-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

August 5, 2022 – 50<sup>th</sup> Annual Tomball Night, Parade of Lights, and Health & Wellness Expo

**Background:**

**Origination:**

**Recommendation:**

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	Doris Speer	5-11-2022	Approved by		
	Staff Member	Date		City Manager	Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

August 13, 2022 – **2<sup>nd</sup> Saturday at the Depot**

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>6-13-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

September 9-10, 2022 – “*9-11 21st Anniversary Remembrance*”; an event to remember the events of **9-11** - at the Depot

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>6-29-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

September 17, 2022 – *GroovFest 2022* – 11:00 a.m. – 6:00 p.m. at the Depot

**Background:**

**Origination:**

**Recommendation:**

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	Doris Speer	6-29-2022	Approved by		
	Staff Member	Date		City Manager	Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

September 24, 2022 – *Fiesta de Tomball* – 11:00 a.m. – 6:00 p.m. at the Depot

**Background:**

**Origination:**

**Recommendation:**

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	Doris Speer	6-29-2022	Approved by		
	Staff Member	Date		City Manager	Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

Sasha Smith – Report on the Success of the **July Fourth Celebration & Street Fest**

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>7-12-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



# Tomball July 4<sup>th</sup> Celebration and Street Fest



































# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: July 18, 2022

**Topic:**

Katherine DuBose – Quarterly Investment Report for Period Ending June 30, 2022. The Public Funds Investment Act requires that a report of the City’s cash and investments be presented to City Council on a quarterly basis. As of June 30, 2022, the City’s cash and investment balances totaled \$64,472,843.

**Background:**

**Origination:** Finance Director

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Katherine Tapscott, Finance Director

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Katherine Tapscott</u>	<u>7/11/2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

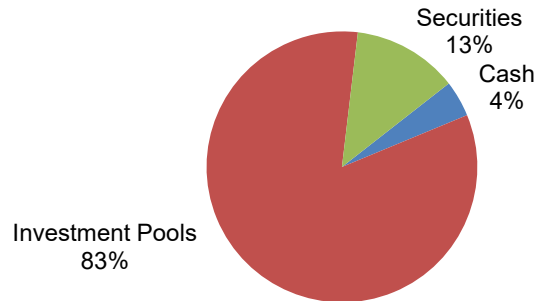
# CITY OF TOMBALL

## QUARTERLY INVESTMENT REPORT

### June 30, 2022

	Market Value		
	3/31/2022	6/30/2022	Change
Cash	\$ 3,186,619	\$ 2,790,280	\$ (396,339)
Investment Pools	52,811,182	53,571,294	760,112
Securities	8,045,155	8,111,269	66,114
<b>Total Portfolio</b>	<b>\$ 64,042,956</b>	<b>\$ 64,472,843</b>	<b>\$ 429,887</b>

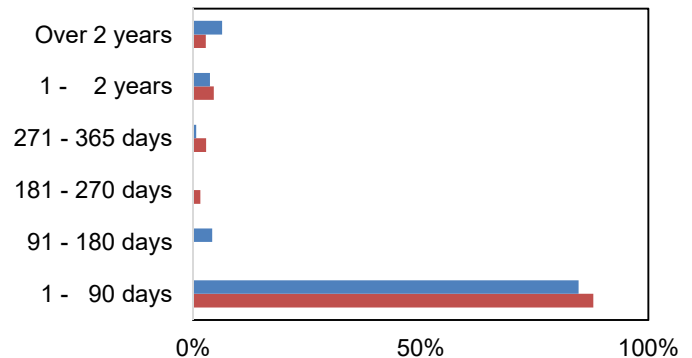
**Diversification by Type  
as of June 30, 2022**



Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in securities of federal, state and local governments, and investment pools. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard & Poor's highest rating of AAAM. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City currently has reserves in excess of the charter requirement.

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 56,682,289	88%
91 - 180 days	-	0%
181 - 270 days	1,092,241	2%
271 - 365 days	1,873,363	3%
1 - 2 years	2,978,254	5%
Over 2 years	1,846,696	3%
<b>Total Portfolio</b>	<b>\$ 64,472,843</b>	

**Diversification by Maturity**



Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and matches the maturity of investments with future cash needs. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. These overnight investments (TexPool, Texas CLASS) have been performing according to market in terms of yield as well as providing liquidity.

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

*K. Tapscott*

Katherine Tapscott  
Finance Director

**CITY OF TOMBALL**  
**INVESTMENT PORTFOLIO SUMMARY**  
**ACTIVITY FOR QUARTER ENDING**  
**June 30, 2022**

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
<b>Beginning of period</b>	<b>\$ 8,483,601</b>	<b>\$ 8,045,155</b>	<b>94.83%</b>	<b>3.276%</b>	<b>1.63%</b>
Purchases	1,000,000	993,547			
Maturities/Calls	(860,000)	(861,577)			
Change in Value	-	(65,857)			
<b>End of period</b>	<b>\$ 8,623,601</b>	<b>\$ 8,111,269</b>	<b>94.06%</b>	<b>3.276%</b>	<b>2.80%</b>

\*\*Benchmark security is the One-year U. S. Treasury Bill

Weighted average maturity of the portfolio at quarter end is the following number of days: 539

**CITY OF TOMBALL  
INVESTMENT PORTFOLIO  
AS OF JUNE 30, 2022**

	SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	PAR VALUE	MARKET VALUE	DAYS AFTER 06/30/22	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT	CALLABLE
1	Univ of TX Build America	9151375J8	AAA	8/15/2022	3.675%	320,000	320,715	46	3.95%	2	Y
2	Alvin TX ISD	022447S98	AAA	2/15/2023	5.000%	370,000	377,879	230	4.66%	11	N
3	Lubbock TX	549188UK4	AA+	2/15/2023	2.520%	500,000	499,323	230	6.16%	14	N
4	Texas St University System Revenue	88278PZR8	AA	3/15/2023	5.000%	210,000	215,038	258	2.65%	7	N
5	Texas A&M Revenue	88213AKA2	AAA	5/15/2023	2.349%	470,000	467,859	319	5.77%	18	N
6	Allen TX WTRWKS & SWR Revenue	018112SF0	AAA	6/1/2023	5.000%	400,000	411,957	336	5.08%	17	N
7	Federal Home Loan Bank	3130ASAP4	AAA	6/16/2023	2.250%	1,000,000	993,547	351	12.25%	43	Y
8	Grand Parkway Trans	38611TCV7	AA	10/1/2023	1.608%	445,000	436,978	458	5.39%	25	Y
9	Texas ST REF TXBL	8827235H8	AAA	10/1/2023	4.000%	570,000	577,359	458	7.12%	33	N
10	Austin TX Elec Utility	052414PE3	AA-	11/15/2023	5.000%	875,000	912,477	503	11.25%	57	N
11	N Harris CNTY	65956NGL4	A+	12/15/2023	5.000%	270,000	282,323	533	3.48%	19	N
12	San Antonio Elec & Gas Rev	7962532J0	AA-	2/1/2024	5.250%	255,000	268,313	581	3.31%	19	Y
13	Amarillo TX Tax NTS	023015J35	AAA	2/15/2024	2.000%	500,000	500,804	595	6.17%	37	N
14	Nueces Co TXBL REF Ser B	670386ST9	AA	2/15/2025	0.864%	500,000	468,331	961	5.77%	55	N
15	Wisconsin ST GF Annual A TXBL	977100GX8	AA	5/1/2025	1.899%	450,000	431,433	1,036	5.32%	55	Y
16	Federal Home Loan Bank	3130AMTK8	AAA	6/30/2025	1.000%	1,000,000	946,932	1,096	11.67%	128	Y
<b>TOTAL</b>					<b>3.276%</b>	<b>\$ 8,135,000</b>	<b>\$ 8,111,269</b>	<b>499</b>	<b>100.00%</b>	<b>539</b>	

# City Council Meeting Agenda Item Data Sheet

Meeting Date: July 18, 2022

**Topic:**

Approve the Minutes of the July 5, 2022 Regular Tomball City Council Meeting and the July 6, 2022 Special Joint Tomball City Council and Tomball Economic Development Meeting

**Background:**

**Origination:** City Secretary

**Recommendation:**

Approve

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**FUNDING (IF APPLICABLE)**

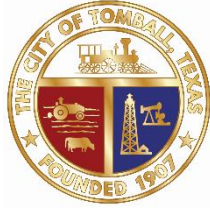
Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>7-12-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

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



**Tuesday, July 5, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for Tuesday, July 5, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:00 p.m.

### **PRESENT**

Council 1 John Ford  
Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 5 Randy Parr  
Council 4 Derek Townsend, Sr.

### **OTHERS PRESENT:**

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Director of Community Development – Nathan Dietrich  
Finance Director – Katherine DuBose  
Fire Chief – Joe Sykora  
IT Manager – Doug Tippet  
Director of Public Works – Drew Huffman  
Marketing Manager – Sasha Smith  
Assistant City Secretary - Tracylynn Garcia  
Court Administrator – Maria Morris  
Police Captain-Investigations – Ricky Doerre  
Police Captain-Patrol – Brandon Patin  
City Planner – Jared Smith  
Assistant to the City Manager/Communications Coordinator – Rebecca Beahan  
Community Center Manager – Rosalie Dillon  
Attorney, Olson & Olson – Tommy Ramsey

- B. Invocation - Led by Chaplain Steve Allison - Tomball VFW Post 2427
- C. Pledges to U.S. and Texas Flags - Led by Chaplain Steve Allison - Tomball VFW Post 2427
- D. No Public Comments were received.
- E. Reports and Announcements
  - 1. Announcements
    - I. **Tomball City Pool – 2022 Swim Season** - Jerry Matheson Park Pool will be open from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.  
  
End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m. –6 p.m. to close out the Swim Season.  
  
The pool will be closed every Monday during swim season 2022, except Labor Day (September 5).
    - II. **TOMBALL KID'S CLUB – Activities:** July 7, 12, 14, 19, 21, 26 and 28, then August 2, 4, 9, and 11 from 10:00 a.m. to 12:00 p.m., at the **Juergens Park Pavilion**.
    - III. July 9, 2022 – **2<sup>nd</sup> Saturday at the Depot**
    - IV. August 5, 2022 – **50<sup>th</sup> Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**
    - V. August 13, 2022 – **2<sup>nd</sup> Saturday at the Depot**
    - VI. September 9-10, 2022 – **“9-11 21st Anniversary Remembrance”**; an event to remember the events of **9-11** - at the Depot
    - VII. September 17, 2022 – **GroovFest 2022** – 11:00 a.m. – 6:00 p.m. at the Depot
  - 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
    - I. Drew Huffman presented the City of Tomball's Drought Contingency Plan



II. Jared Smith presented the City of Tomball New Interactive Map

F. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the June 20, 2022 Regular Tomball City Council Meeting

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

G. Old Business

1. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to adopt, on Second Reading, Ordinance No. 2022-12, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the Zoning District Classification of approximately 2.10 acres of land legally described as being a portion of Lot 5 in Tomball Medical Park from Agricultural (AG) to the Office (O) District. The property is generally located within the 13100 block of Medical Complex Drive (north side), approximately 250-feet east from the intersection of School Street and Medical Complex Drive, 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

Voting Yea: Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr  
Abstaining: Council 1 Ford

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to remove from Table for Consideration to Adopt, on First Reading, Ordinance No. 2022-13, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the Zoning District Classification of approximately 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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

*[NOTE: Motion to Adopt, on First Reading, Ordinance No. 2022-13 was made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, on June 20, 2022; no motion to adopt on First Reading required]*

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to Table for Consideration to Adopt, on First Reading, Ordinance No. 2022-13, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the Zoning District Classification of approximately 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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, until the July 18, 2022 Council Meeting.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion to TABLE to July 18, 2022 carried unanimously.

3. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adopt, on Second Reading, Ordinance No. 2022-15, an ordinance of the City of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Major Thoroughfare Plan Map; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters

Motion to AMEND made by Council 5 Parr to include in Ordinance No. 2022-15, the language “by Downgrading a Portion of Medical Complex Drive from a Major Arterial to a Minor Arterial”.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion to AMEND carried unanimously.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion to adopt Ordinance No. 2022-15 on Second Reading, as AMENDED, carried unanimously.

H. New Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the purchase of 3 vehicles for Police through the State BuyBoard Cooperative Contract, from Caldwell Country in the amount of \$119,815.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin, to approve a contract for Land Related Services to Threshold Land Services, Inc. for an amount not to exceed \$100,000.00.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to reappoint Judge Brett Peabody to the Municipal Court for terms of office which begin October 1, 2022 and ends on September 31, 2024.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to reappoint Chief Prosecutor, Grant Stevens, to the Municipal Court for a term of office which begins October 1, 2022 and ends on September 30, 2024.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Consideration to Approve Request from Turn To Productions to host “Texas Hot Sauce Festival” in downtown Tomball, on Saturday, November 5th, through Sunday, November 6th, 2022, with setup on Friday, November 4th, was withdrawn at the request of Turn To Productions; request will be resubmitted for the July 18, 2022 Council meeting.

No action taken.

6. Katherine DuBose presented the Annual Comprehensive Financial Report for fiscal year ending September 30, 2021

No action necessary.

7. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2022-24, a Resolution of the City Council of the City of Tomball, Texas, Designating the City Manager as the Authorized Official/Program Director of the City to Apply for Grants for the Motor Vehicle Crime Prevention Authority Auxiliary Grant Program and Execute the Necessary Documents, and Designating the Finance Director [Motor Vehicle Crime Prevention Authority Auxiliary Grant Program]

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

8. Executive Session: The City Council recessed at 7:04 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of Public Officers or Employees – Police Department
- Sec. 551.076 – Deliberation regarding Security Devices

Upon reconvening at 8:13 p.m., no action was taken.

- I. Motion by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Meeting adjourned at 8:13 p.m.

PASSED AND APPROVED this the 18<sup>th</sup> day of July 2022.

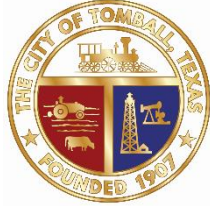
---

Doris Speer  
City Secretary, TRMC, MMC

---

Lori Klein Quinn  
Mayor

**MINUTES OF SPECIAL JOINT CITY COUNCIL  
AND TOMBALL ECONOMIC DEVELOPMENT CORPORATION  
MEETING  
CITY OF TOMBALL, TEXAS**



**Wednesday, July 6, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, and the Tomball Economic Development Corporation, conducted the meeting scheduled for July 5, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance only.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:03 p.m.

**PRESENT**

Council 1 John Ford

Council 2 Mark Stoll

Council 3 Dane Dunagin

Council 5 Randy Parr (counted in TEDC for quorum)

Council 4 Derek Townsend, Sr.

**OTHERS PRESENT (CITY):**

City Manager – David Esquivel

Assistant City Manager – Jessica Rogers

City Secretary – Doris Speer

City Attorney – Justin Pruitt

TEDC President Fagan called the special meeting of the Tomball Economic Development Corporation to order at 6:00 p.m.

**PRESENT:**

TEDC President, Fagan

TEDC Board Member Degges

TEDC Board Member Bruce

Council 5/TEDC Board Member Parr

**OTHERS PRESENT (TEDC):**

Executive Director-TEDC – Kelly Violette

B. Public Comments and Receipt of Petitions:

C. New Business:

1. Executive Session: The City Council and the Tomball Economic Development Corporation recessed at 6:04 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
  - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
  - Sec. 551.087 – Deliberation regarding Economic Development negotiations.

Upon reconvening at 7:09 p.m., no action was taken.

D. There being no further business for consideration, President Fagan adjourned the Tomball Economic Development Corporation meeting and Mayor Klein Quinn adjourned the Council meeting at 7:09 p.m.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of June 2022.

---

Doris Speer  
City Secretary, TRMC, MMC

---

Lori Klein Quinn  
Mayor

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: July 5, 2022

#### Topic:

Remove from Table for Consideration to Adopt, on First Reading, Ordinance No. 2022-13, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the Zoning District Classification of approximately 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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 June 20, 2022, Council voted to place consideration of this item 'on the table'. The public hearing was held; the first item of business will be to "Remove Consideration of Ordinance No. 2022-13 from the Table".

City Staff recommends approval. Planning & Zoning Commission recommends APPROVAL (3 Vote Aye, 0 Votes Nay)

**Origination:** Welcome Land Development, LLC and Jacquelyn Marshall represented by Bryan Harrison

#### Recommendation:

Remove Consideration of Ordinance No. 2022-13 from the Table; consideration to adopt Ordinance No. 2022-13 on First Reading.

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich, Community Development Director

#### FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_  
If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_



**ORDINANCE NO. 2022-13**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 13.2 ACRES OF LAND OUT OF TOMBALL OUTLOTS 163, 167, 171, 172, 175, AND 176 FROM THE AGRICULTURAL (AG) DISTRICT TO THE COMMERCIAL (C) DISTRICT, BEING GENERALLY LOCATED WITHIN THE 13000 BLOCK (SOUTH SIDE) OF MEDICAL COMPLEX DRIVE, 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**, Welcome Land Development LLC and Jacquelyn Marshall have requested that approximately 13.2 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176, generally located within the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas, (the “Property”), be rezoned; and

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of the Commercial District; and

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

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

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

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

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

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20<sup>th</sup> DAY OF JUNE 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

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 5<sup>th</sup> DAY OF JULY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

## Exhibit "A"

### **TRACT 1**

BEING 3.5879 ACRES (156,290 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 7.56 ACRE TRACT RECORDED UNDER H.C.C.F. NO. 20120271296 AND BEING A PORTION OF OUTLOTS 172, 175 AND 176 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 3.5879 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a 1-inch iron pipe found at the West right-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of said called 7.56 acre tract and the herein described tract;

THENCE, South  $87^{\circ}28'49''$  West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southeast corner of that certain called 2.500 acre tract recorded under H.C.C.F. No. 20130397880, said iron rod also marks the Southwest corner of said called 7.56 acre tract and the herein described tract;

THENCE, North  $02^{\circ}21'26''$  West, along the East line of said called 2.500 acre tract, a distance of 188.18 feet to a 5/8 inch iron rod with cap found in the South line of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644 for the Westerly most Northwest corner of the herein described tract;

THENCE, North  $87^{\circ}29'33''$  East, along the South line of said called 15.541 acre tract, a distance of 199.17 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Townsite, said pinch pipe also marks an interior corner for the herein described tract;

THENCE, North  $02^{\circ}39'54''$  West, along the common line between said called 7.56 acre tract and said called 15.541 acre tract, a distance of 134.16 feet to a point in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20150107119 for the Northwest corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears N  $82^{\circ}17'$  E, 0.36 feet, said point falling in the arc of a non-tangent curve to the Left;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of  $28^{\circ}35'35''$ , a radius of 1560.00, an arc length of 778.51 feet and a chord bearing and distance of S  $73^{\circ}19'34''$  E, 770.45 feet to a 5/8 inch iron rod with cap found marking the Westerly cutback corner at the intersection of East right-of-way line said South Cherry Street, said iron rod also marks the Northerly most Northeast corner of the herein described tract;

THENCE, South  $45^{\circ}17'46''$  East, along said cutback line, a distance of 36.70 feet to a 5/8 inch iron rod with cap found marking the Easterly cutback corner at the intersection of East right—of-way line said South Cherry Street and the South right—of-way line of Medical Complex Drive, said iron rod also marks the Easterly most Northeast corner of the herein described tract;

THENCE, South  $02^{\circ}24'16''$  East, along the East right—of-way line of South Cherry Street, a distance of 42.07 feet to the POINT OF BEGINNING and containing 3.5879 acres (156,290 square feet) of land, more or less.

### **TRACT 2**

BEING 2.5043 ACRES (109,087 SQUARE FEET) OF LAND BEING ALL OF THAT CERTAIN 2.500 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOT 175 OF TOMBALL TOWN SITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 2.5043 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

COMMENCING at a 1-inch iron pipe found at the Westright-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of that certain called 7.56 acre tract recorded under H.C.C.F. No. 20120271296;

THENCE, South 87°28'49" West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southwest corner of said called 7.56 acre tract, said iron rod also marks the Southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 87°28'49" West, continuing along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 579.21 feet to a point in the West line of said Outlot 175 for the Northwest corner of said Lot 1, Block 1 of Devasco International and the Southwest corner of the herein described tract, from which a found 3/4 inch iron pipe bears, N 76°26' E, 1.4 feet;

THENCE, North 02°32'23" West, along the West line of said called 2.500 acre tract, a distance of 188.30 feet to a point for the common West corner of Outlots 171 and 175, the Southwest corner of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644, said point also marks the Northwest corner of said called 2.500 acre tract and the herein described tract, from which a found 1-inch iron pipe bears N 65°31' E, 1.39 feet;

THENCE, North 87°29'33" East, along the South line of said called 15.541 acre tract, a distance of 579.81 feet to a 5/8 inch iron rod with cap found for the Northwest corner of said called 7.56 acre tract, Northeast corner of said called 2.500 acre tract and the herein described tract;

THENCE, South 02°21'26" East, along the common line between said called 7.56 acre tract and said called 2.500 acre tract, a distance of 188.18 feet to the POINT OF BEGINNING and containing 2.5043 acres (109,087 square feet) of land, more or less.

### **TRACT 3**

BEING 7.1364 ACRES (310,860 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 15.541 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOTS 163, 167 AND 171 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 7.1364 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a point in the East right-of-way line of a 30.00 foot road (unimproved), as shown on said Plat of Tomball Townsite for the common West corner of said Outlots 171 and 175, said point also marks the Southwest corner of said called 15.541 acre tract and the herein described tract, from which a found 1-inch iron pipe bears, N 65°31' E, 1.39 feet;

THENCE, North 02°32'23" West, along the East right-of-way line of said 30.00 foot road, being common with the West line of said Outlots 163, 167 and 171, a distance of 643.20 feet to a 5/8 inch iron rod with cap set in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20130059562 for the Northwest corner of the herein described tract, said iron rod falling in the arc of a non-tangent curve to the Right;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Right, having a central angle of 07°25'11", a radius of 2940.00, an arc length of 380.73 feet and a chord bearing and distance of S 61°30'58" E, 380.46 feet to a 5/8 inch iron rod with cap set for the Point of Tangency;

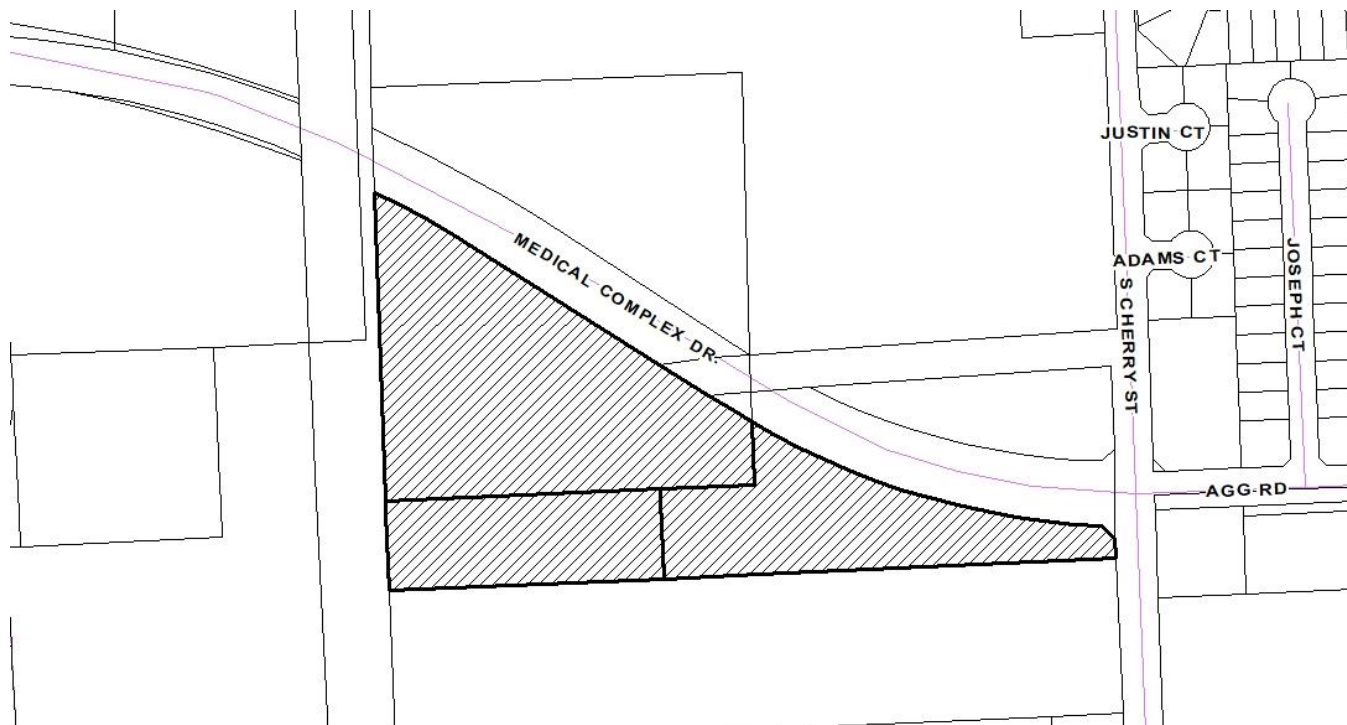
THENCE, South 57°48'23" East, continuing along the Southeast right-of-way line of Medical Complex Drive, a distance of 517.25 feet to a 5/8 inch iron rod with cap set for the Point of Curvature of a curve to the Left;

THENCE, in a Southeasterly direction, continuing along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of 01°13'24", a radius of 1560.00, an arc length of 33.31 feet and a chord bearing and distance of S 58°25'05" E, 33.31 feet to a point in the East line of said called 15.541 acre tract and said Outlot 171 for the Northeasterly corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, N 82°17' E, 0.36 feet;

THENCE, South  $02^{\circ}39'54''$  East, along the East line of said called 15.541 acre tract, a distance of 134.16 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Site, said pinch pipe also marks the Southeast corner for the herein described tract:

THENCE, South  $87^{\circ}29'33''$  West, along the South line of said called 15.541 acre tract, at 199.17 feet pass a 5/8 inch iron rod with cap found marking the common North corner of s called 7.56 acre tract recorded under H.C.C.F. No. 20120271296 and a called 2.500 acre tract recorded under H.C.C.F. No. 20130397880 and continuing a total distance of 778.98 feet to the POINT OF BEGINNING and containing 7.1364 acres (310,860 square feet) of land, more or less.

Location: 13000 Block (South side) of Medical Complex D



**NOTICE OF PUBLIC HEARING**  
**CITY OF TOMBALL**  
**PLANNING & ZONING COMMISSION (P&Z)**  
**June 13, 2022**  
**&**  
**CITY COUNCIL**  
**June 20, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 13, 2022 at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 20, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

**Zoning Case P22-111:** Request from Shahnaz Shahzad represented by Atif Shahzad to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 2.1 acres of land legally described as being a portion of Lot 5 in Tomball Medical Park from Agricultural (AG) to the General Retail (GR) District. The property is generally located within the 13100 block of Medical Complex Drive (north side), approximately 250-feet east from the intersection of School Street and Medical Complex Drive, within the City of Tomball, Harris County, Texas.

**Zoning Case P22-115:** Request from Welcome Land Development, LLC and Jacquelyn Marshall represented by Bryan Harrison to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.2 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

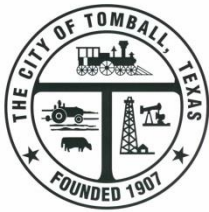
## CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10<sup>th</sup>** day of **June 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Jared Smith*

Jared Smith  
City Planner

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



## Notice of Public Hearing

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

**CASE NUMBER:** P22-115

**APPLICANT/OWNER:** Welcome Land Development, LLC and Jacquelyn Marshall represented by Bryan Harrison

**LOCATION:** Generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.2 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District.

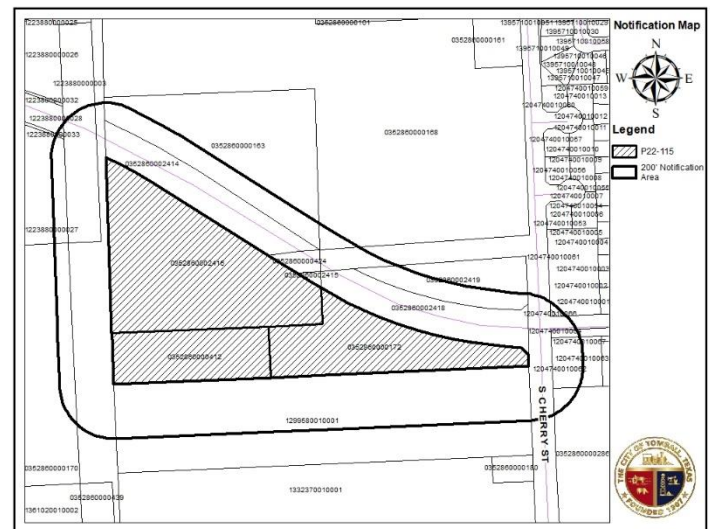
**CONTACT:** Jared Smith, City Planner

**PHONE:** (281) 290-1491

**E-MAIL:** [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

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

**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**



**Planning & Zoning Commission**

**Public Hearing:**

**Monday, June 13, 2022 @ 6:00 PM**

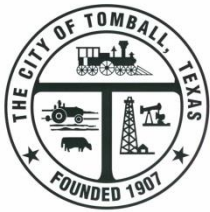
**City Council Public Hearing:**

**\*Monday, June 20, 2022 @ 6:00 PM**

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

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





# Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball  
Attn: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

\_\_\_\_\_ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-115. (Please state reasons below)**

\_\_\_\_\_ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-115. (Please state reasons below)**

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

**Monday, June 13, 2022 @ 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, June 20, 2022 @ 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 [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Jared Smith @ 281-290-1491.



# Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball  
Attn: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

Jacquelyn Marshall

(please print)

Address:

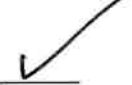
16002 Stablepoint Lane  
Cypress Tx 77429

Signature:

Jacquelyn Marshall

Date:

5-30-2022



I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-115**. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-115**. (Please state reasons below)

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

**Monday, June 13, 2022 @ 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, June 20, 2022 @ 6:00 PM**

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

**COMMENTS:**

This will be a better use of the land along  
Medical Complex Drive

You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Jared Smith @ 281-290-1491.



# Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball  
Attn: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

Claire Sebesta

(please print)

Address:

16007 Stablepoint Lane

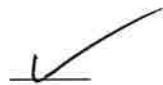
Cypress TX 77429

Signature:

Claire Sebesta

Date:

5-30-2022



I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-115. (Please state reasons below)**

\_\_\_\_\_

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-115. (Please state reasons below)**

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

**Monday, June 13, 2022 @ 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, June 20, 2022 @ 6:00 PM**

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

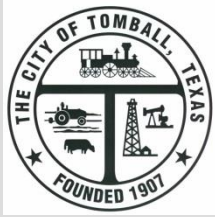
## COMMENTS:

This will be a better use of the land  
along Medical Complex Drive

You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Jared Smith @ 281-290-1491.



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 13, 2022

City Council Public Hearing Date: June 20, 2022

**Rezoning Case:** P22-115

**Property Owner(s):** Welcome Land Development, LLC and Jacquelyn Marshall

**Applicant(s):** Bryan Harrison

**Legal Description:** Portion of Tomball Outlots 163, 167, 171, 172, and 176

**Location:** 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive (Exhibit "A")

**Area:** 13.2 acres

**Comp Plan Designation:** Neighborhood Commercial (Exhibit "B")

**Present Zoning and Use:** Agricultural (AG) District (Exhibit "C") / Vacant (Exhibit "D")

**Request:** Rezone from the Agricultural District to the Commercial District

**Adjacent Zoning & Land Uses:**

- North:** Agricultural / Vacant
- South:** Light Industrial / Office-Warehouse
- West:** Agricultural & Commercial / Drainage Channel (M-121), Vacant
- East:** Office / Office Building

### **BACKGROUND**

The subject properties have been located within the original Tomball Townsite since 1909. The properties have remained vacant since that time. According to information provided by the applicant, the zone change request is to allow the subject property to be developed as an office business park that will include offices, commercial uses, and warehousing facilities.

### **ANALYSIS**

The subject property is approximately 13.2 acres, located within the 13000 block of the south side of Medical Complex Drive. In 2008, when the City of Tomball adopted zoning the Agricultural zoning classification was applied to the subject property. North of the subject property is vacant land within Agricultural zoning. West of the subject site is an existing drainage channel (M-121) and vacant tracts that are within Agricultural and Commercial zoning. East of the subject property is an office building within an Office zoning district. South of the subject property is an existing office-warehouse facility most recently occupied by Devasco International, Inc. This warehouse facility was constructed in 2007. When the city of Tomball adopted zoning in 2008, the adjacent

property was zoned Light Industrial. The requested Commercial zoning for the subject property would effectively serve as a buffer from the existing Light Industrial use.

**Comprehensive Plan Recommendation:**

The Future Land Use Map designates the subject property as “Neighborhood Commercial.” This Neighborhood Commercial land use category is intended for “commercial uses that are developed with the appropriate context, scale, and design to complement residential development. These areas are intended to be accessible by both vehicles and pedestrians.”

The Comprehensive Plan identifies Office, General Retail, and Planned Development as being potentially compatible zoning districts with the Neighborhood Commercial land use.

In making decisions regarding the neighborhood commercial land use category the following items should be considered: “Neighborhood commercial development should be located adjacent to an intersection of a collector street or greater functional classification.”

**Staff Review Comments:**

Although the requested Commercial zoning does not strictly adhere to the Neighborhood Commercial land use that is identified on the Future Land Use Map, the conditions on the ground would suggest the proposed land use category may be more appropriate. Given the existing industrial zoning/land use immediately south of the subject property and the business park industry land use that it falls within as well as the lack of residential land uses adjacent to the subject site, the Neighborhood Commercial land use does not appear appropriate at this time. Furthermore, land uses that would result from the rezoning of the subject property would be in character with the surrounding land uses. This zone change would encourage the goal of providing an appropriate transition of land use between the existing Light Industrial zoning immediately south of the subject property and the existing manufactured home residential land use north of Medical Complex Drive. Moreover, the subject site is at the intersection of two arterial streets (Medical Complex Drive and S. Cherry Street). Intersections such as this are customarily appropriate for commercial land uses as they provide convenient access and exposure often considered necessary for commercial success.

**PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on May 26, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**STAFF RECOMMENDATION:**

Based on the findings outlined in the analysis section of this staff report, the City staff recommends approval of Zoning Case P22-115.

**P&Z COMMISSION RECOMMENDATION:**

APPROVAL (3 Vote Aye, 0 Vote Nay):

Items of discussion during the meeting:

- Questions regarding the proposed “light manufacturing” uses stated in the application provided, and what manufacturing uses would be permitted if the zone change occurred.

- Discussion regarding the suitability of the site for the “Neighborhood Commercial” land use identified in the Future Land Use Plan Map for this area.

## **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Commercial Permitted Use Chart
- F. Rezoning Application



Exhibit "A"  
Aerial Photo

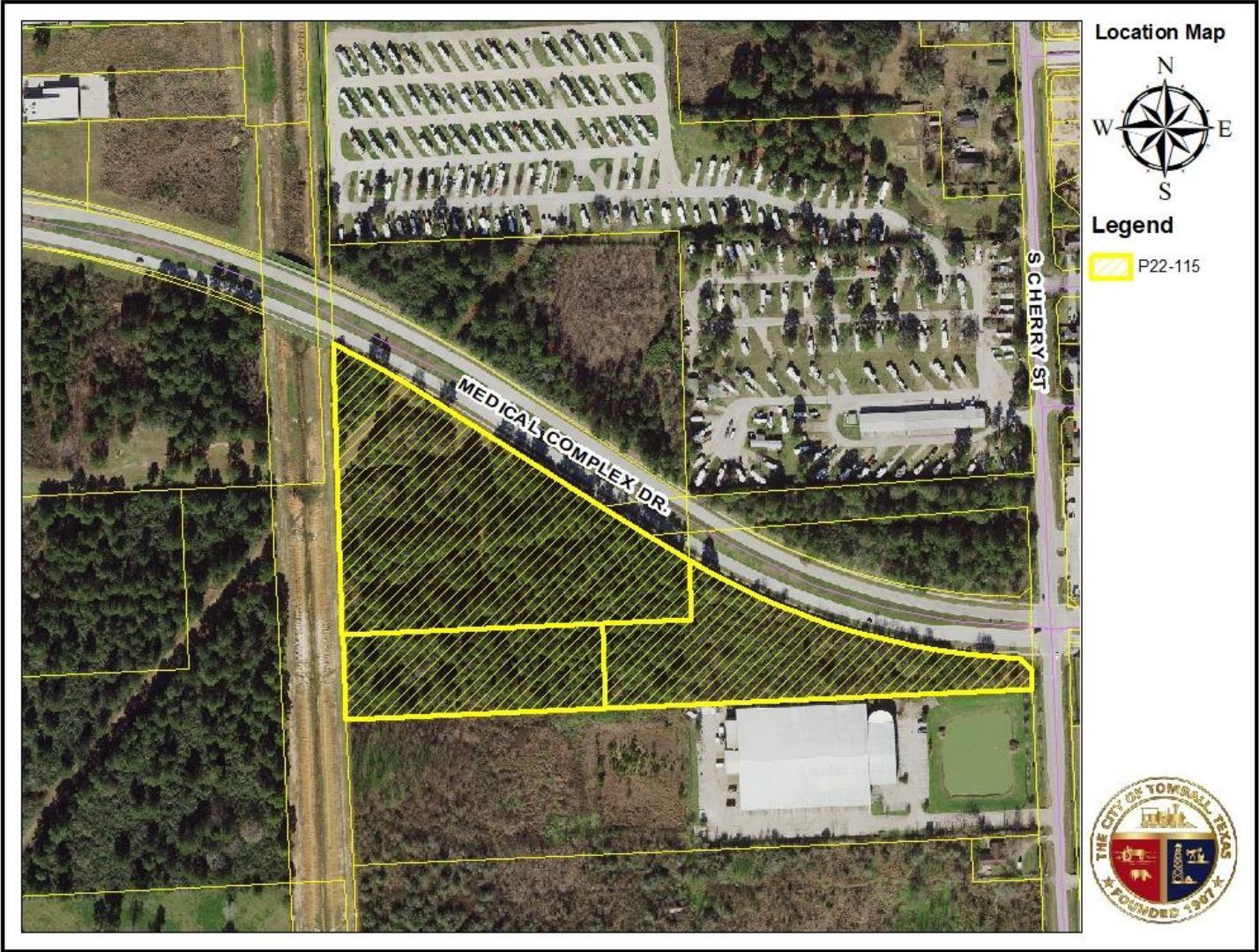
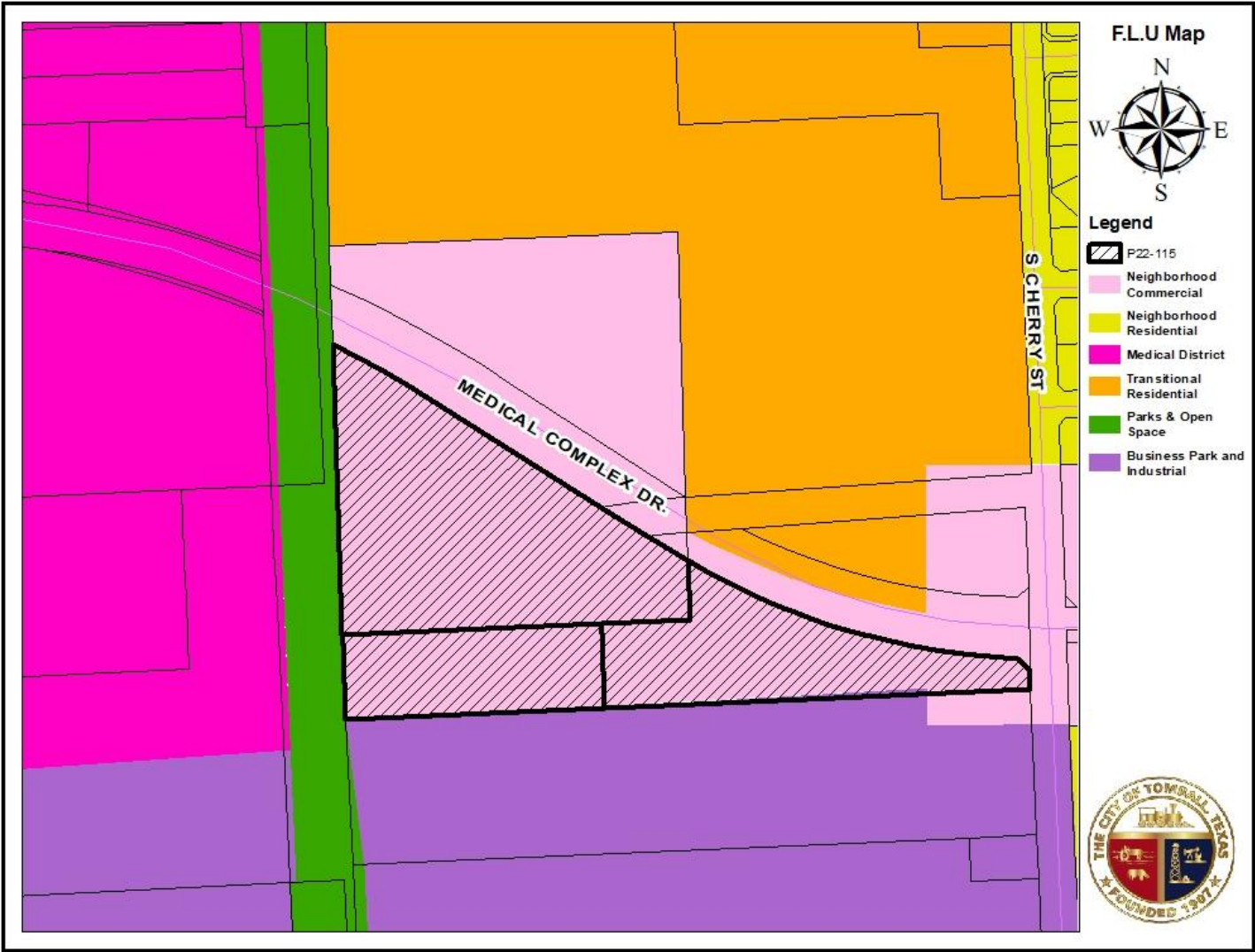
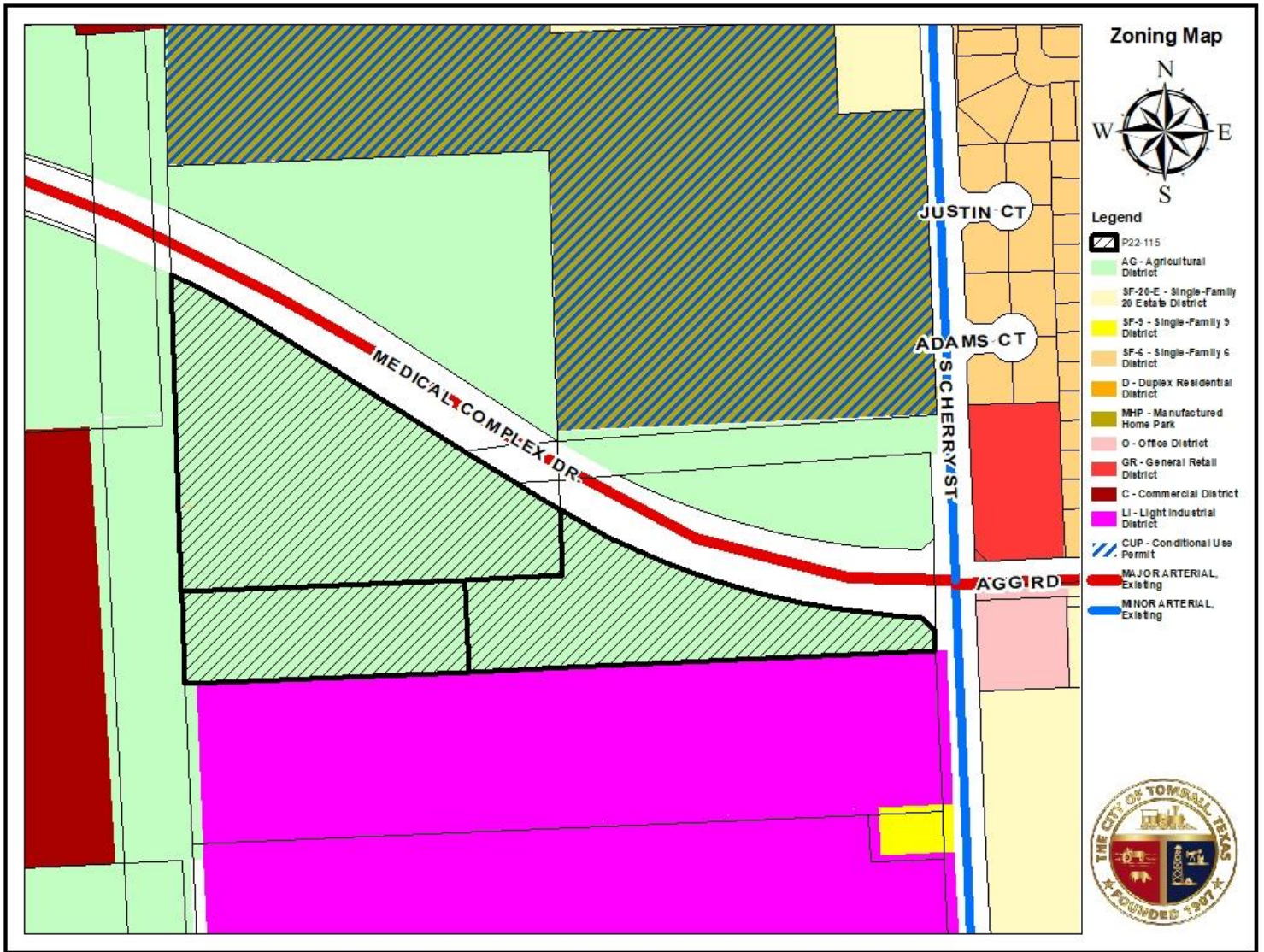


Exhibit "B"  
Future Land Use Map





# Exhibit "C" Zoning Map





**Exhibit “D”  
Site Photo(s)**



# **Exhibit “E” Commercial Permitted Use Chart**

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Agriculture		
Bulk Grain and/or feed storage	CUP Required (Learn More)	1 space per 1,000 square feet
Farm (ranch, garden, crops, livestock, or orchard) ‡	Permitted	None
Feed and grain store/farm supply store ‡	Permitted	1 space per 500 square feet
Residential		
Accessory building/structure (business or industry) ‡	Permitted	None
Caretaker's, guard's residence ‡	Permitted	1 space per caretaker/guard
Home occupation ‡	Permitted	None
Residential use ‡	CUP Required (Learn More)	2 spaces per dwelling
Private street subdivision	CUP Required (Learn More)	None
Office		
Clinic, emergency care	Permitted	1 space per 150 square feet
Clinic, medical and/or dental	Permitted	1 space per 300 square feet
Credit agency	Permitted	1 space per 300 square feet
Bank, savings and loan, or credit union (no motor bank services)	Permitted	1 space per 300 square feet
Bank, savings and loan, or credit union (with motor bank services)	Permitted	1 space per 300 square feet
Office, professional and general business ‡	Permitted	1 space per 300 square feet
Office, parole-probation	Permitted	1 space per 300 square feet
Office showroom/warehouse ‡	Permitted	1 space per 300 square feet
Security monitoring company (no outside storage)	Permitted	1 space per 300 square feet
Telemarketing agency	CUP Required (Learn More)	1 space per 250 square feet



TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Telephone exchange/switching station ‡	Permitted	1 space per 500 square feet
Temporary real estate field office	Permitted	4 spaces
Model home (including sales office)	<a href="#">CUP Required (Learn More)</a>	2 spaces per model
<b>Personal and Business</b>		
Ambulance service	Permitted	1 space per 500 square feet
Automobile driving school (including defensive driving)	Permitted	1 space per classroom seat
Barber/beauty shop (no related school/college)	Permitted	1 space per 200 square feet
Bed and breakfast inn ‡	Permitted	2 spaces plus one per guest room
Check cashing service	<a href="#">CUP Required (Learn More)</a>	1 space per 100 square feet
Dance hall/dancing facility ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 100 square feet
Dance/drama/music schools (performing arts, martial arts)	Permitted	1 space per 100 square feet
Funeral home ‡	Permitted	See Section 50-112
Greenhouse (non-retail/hobby)		None
Health club (indoor)	Permitted	1 space per 300 square feet
Health club (outdoor)	Permitted	1 space per 300 square feet
Hotel‡	Permitted	See Section 50-112
Motel‡	<a href="#">CUP Required (Learn More)</a>	See Section 50-112
Laundromat/washateria/self-service ‡	Permitted	1 space per 200 square feet
Laundry/dry cleaning (retail only, drop off/pick up) ‡	Permitted	1 space per 200 square feet
Loan service (payday/auto title)	<a href="#">CUP Required (Learn More)</a>	1 space per 100 square feet
Mailing service (private)	Permitted	1 space per 200 square feet
Pharmacy (retail only)	Permitted	1 space per 200 square feet
Reception venue	Permitted	1 space: 4 seats

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Rehabilitation care facility (halfway house) ‡	Permitted	Greater of 1 per three beds or 1.5 spaces per dwelling
Rehabilitation care institution (business) ‡	Permitted	Greater of 1 per three beds or 1.5 spaces per dwelling
Seamstress, dressmaker or tailor (retail only)	Permitted	1 space per 200 square feet
Tattoo or body piercing studio ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 200 square feet
Wedding chapel	Permitted	1 space per four seats
<b>Retail</b>		
Antique shop (no outside sales or storage) ‡	Permitted	1 space per 500 square feet
Antique shop (with outside storage)	Permitted	1 space per 500 square feet
Apparel shop	Permitted	1 space per 200 square feet
Art gallery/museum/dealer ‡	Permitted	1 space per 500 square feet
Artist or photography studio	Permitted	1 space per 500 square feet
Bakery, retail (eating establishment, no drive-through) ‡	Permitted	1 space per 200 square feet
Bakery, retail (with drive-through)	Permitted	1 space per 200 square feet
Bakery (wholesale) ‡	Permitted	1 space per 500 square feet
Bird and pet shops (retail only)	Permitted	1 space per 200 square feet
Book/stationery shop (retail only) ‡	Permitted	1 space per 200 square feet
Brewpub	Permitted	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments.
Building material sales/lumber yard ‡	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Carpenter shop	Permitted	1 space per 500 square feet
Catering service	Permitted	1 space per 500 square feet
Consignment shop	Permitted	1 space per 300 square feet
Convenience store (with or without gasoline sales) ‡	Permitted	See Section 50-112
Copy shop ‡	Permitted	1 space per 200 square feet
Drinking establishment	Permitted	
Drug store (retail only)	Permitted	1 space per 200 square feet
Eating establishment (with drive-in service) ‡	Permitted	Whichever is greater: 1 per 100 square feet; 1 per 3 seats based on max seating capacity or; 1 per 12 spaces
Eating establishment (with no drive-through service) ‡	Permitted	
Eating establishment (with drive-through service) ‡	Permitted	
Electronic goods (retail only)	Permitted	1 space per 200 square feet
Florist shop (retail only) ‡	Permitted	1 space per 200 square feet
Food or grocery store	Permitted	1 space per 500 square feet
Furniture and appliance store (retail only) ‡	Permitted	1 space per 500 square feet
Furniture store (new and used) ‡	Permitted	1 space per 200 square feet
General retail stores (no outside storage)	Permitted	1 space per 200 square feet
Gift or card shop (retail only)	Permitted	1 space per 200 square feet
Hardware store	Permitted	1 space per 400 square feet
Hobby and crafts store (retail only)	Permitted	1 space per 200 square feet
Home improvement center	Permitted	1 space per 400 square feet plus one per 1,000 square feet of warehouse area

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Jewelry store	Permitted	1 space per 200 square feet
Market, open air, flea	<a href="#">CUP Required (Learn More)</a>	1 space per 200 square feet
Meat and fish market (retail only)	Permitted	1 space per 200 square feet
Mobile Food Court ‡	<a href="#">CUP Required (Learn More)</a>	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor
Motion picture studios, commercial films	Permitted	1 space per 300 square feet
Motion picture theater (indoors)	Permitted	See Section 50-112
Nursery ‡	Permitted	1 space per 1,000 square feet of sales area
Garden shop ‡	Permitted	1 space per 200 square feet
Painting and refinishing shop	Permitted	1 space per 500 square feet
Piano and musical instruments (retail only)	Permitted	1 space per 200 square feet
Shoe repair shop (retail only)	Permitted	1 space per 200 square feet
Sign shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)	Permitted	1 space per 300 square feet
Stone monuments and gravestones, engraving and retail sales only	Permitted	1 space per 500 square feet
Trophy engraving	Permitted	1 space per 300 square feet
Upholstery shop (nonauto)	Permitted	1 space per 200 square feet
Used merchandise	Permitted	1 space per 200 square feet
Video rental/sales	Permitted	1 space per 200 square feet
<b>Transportation and Auto Services</b>		
Airport or landing field ‡		1 space per 500 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display)	Permitted	1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)	Permitted	1 space per 300 square feet
Auto accessories (retail sales only)	Permitted	1 space per 200 square feet
Auto body repair/painting	Permitted	1 space per 200 square feet
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡	Permitted	See Section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)	Permitted	See Section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡	Permitted	See Section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Auto glass repair/tinting	Permitted	1 space per 200 square feet
Auto interior shop/upholstery	Permitted	1 space per 200 square feet
Auto muffler shop	Permitted	1 space per 200 square feet
Auto paint shop	Permitted	1 space per 200 square feet
Auto parts sale (new or rebuilt; no outside storage, no outside display, no repair)	Permitted	1 space per 200 square feet
Auto parts sale (new or rebuilt; with outside storage or display)	Permitted	1 space per 200 square feet



TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Auto rental	Permitted	1 space per 200 square feet
Auto repair (major) ‡	Permitted	1 space per 200 square feet
Auto repair (minor) ‡	Permitted	1 space per 200 square feet
Auto storage or auto auction ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Auto tire sales (indoor)	Permitted	1 space per 200 square feet
Auto wrecker service	Permitted	1 space per 200 square feet
Automobile parts manufacturing	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Automobile wash (full service/detail shop) ‡	Permitted	3 spaces per washing capacity of module
Automobile wash (self-service) ‡	Permitted	3 spaces per washing capacity of module
Bike sales and/or repair	<a href="#">CUP Required (Learn More)</a>	1 space per 500 square feet
Bus or truck storage	Permitted	1 space per 1,000 square feet
Gasoline station	Permitted	See Section 50-112
Motor freight transportation, storage, and terminal	Permitted	See Section 50-112
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡	Permitted	See Section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Parking lot or garage for passenger cars and trucks of less than one-ton capacity ‡	Permitted	None
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display	Permitted	See Section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display	Permitted	See Section 50-112

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Railroad team tracks, unloading docks, and spurs	Permitted	None
Railroad yards, round house or shop	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Taxi/limousine service	Permitted	1 space per 1.5 automobiles in service
Tire sales (indoors, no outside storage) ‡	Permitted	1 space per 1,000 square feet
Tire sales (outdoors, with outside storage) ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Transfer station (refuse/pick-up) ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 500 square feet
Transit terminal ‡	Permitted	See Section 50-112
Truck and bus leasing ‡	Permitted	1 space per 1,000 square feet
Truck sales and services (heavy trucks) ‡	Permitted	1 space per 1,000 square feet
Truck stop ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Truck terminal ‡	Permitted	See Section 50-112
<b>Amusement and Recreation</b>		
Amusement, commercial (indoor) ‡	Permitted	1 space per 100 square feet
Amusement, commercial (outdoor) ‡	Permitted	10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area
Amusement, commercial, temporary, (e.g., carnival, haunted house). (Note: Allowed by building official for up to 10 days) ‡	<a href="#">CUP Required (Learn More)</a>	Determined by P & Z
Amusement devices/arcade (4 or more devices, indoors only) ‡	Permitted	1 space per game table plus one per amusement device
Billiard/pool Facility (4 or more tables)	Permitted	1 space per 200 square feet
Bingo facility	Permitted	1 space per 200 square feet
Bowling alley (air conditioned and soundproofed)	Permitted	4 spaces per lane

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Dinner theatre	Permitted	1 space per three seats or bench seating space
Drive-in theater	<a href="#">CUP Required (Learn More)</a>	1 space per speaker
Golf driving range	Permitted	See Section 50-112
Golf course (private) ‡	<a href="#">CUP Required (Learn More)</a>	6 spaces per hole
Golf course (publicly owned) ‡	Permitted	6 spaces per hole
Playfield or stadium (private)	Permitted	1 space per three seats
Recreational vehicle park/campground ‡	<a href="#">CUP Required (Learn More)</a>	1.5 per RV pad
Skating rink	Permitted	1 space per 200 square feet, plus 1 per 3 seats based on max capacity
Swimming pool, private (use by membership) ‡	Permitted	1 space for each 100 square feet of gross water surface and deck area
Swimming pool, commercial ‡	Permitted	1 space per 100 square feet of gross water surface and deck area
Tennis court (private/not lighted)	Permitted	2 spaces per court
Tennis court (private/lighted)	<a href="#">CUP Required (Learn More)</a>	2 spaces per court
<b>Institutional/Governmental</b>		
Adult day care (business)	<a href="#">See Section 50-116</a>	
Antenna (commercial)	<a href="#">See Section 50-116</a>	
Antenna (noncommercial)	<a href="#">See Section 50-116</a>	
Armed services recruiting center	Permitted	1 space per 300 square feet
Assisted living facility (continuing care retirement community) ‡	Permitted	1.5 spaces per dwelling unit plus any additional space for accessory uses
Auction house	Permitted	1 space per 100 square feet
Broadcast station (with tower)	<a href="#">See Section 50-116</a>	
Broadcast towers (commercial)	<a href="#">See Section 50-116</a>	

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Cellular communications tower/PCS	<a href="#">See Section 50-116</a>	
Cemetery and/or mausoleum ‡	CUP Required (Learn More)	1 space per 5,000 square feet of land
Child day care center (business) ‡	Permitted	1 space per three children
Church/temple/place of worship ‡	Permitted	1 space per four seats in sanctuary
Civic center (municipal) ‡	Permitted	10 spaces plus 1 per 300 square feet above 2,000 square feet
Civic club	Permitted	See Section 50-112
Community center (public)	Permitted	See Section 50-112
Community or social buildings ‡	Permitted	1 space per 300 square feet
Country club (private) ‡	CUP Required (Learn More)	10 spaces plus 1 per 300 square feet above 2,000 square feet
Earth satellite dish (private, less than 3 feet in diameter)	<a href="#">See Section 50-116</a>	
Electric power plant	CUP Required (Learn More)	1 space per 1,000 square feet
Electrical substation ‡	CUP Required (Learn More)	1 space per 1,000 square feet
Exhibition hall ‡	Permitted	1 space per 100 square feet
Fair ground or rodeo ‡	CUP Required (Learn More)	1 space per 1,000 square feet of land area
Family home (child care in place of residence) ‡	Permitted	1 space per 10 children plus 1 space per teacher
Fraternal organization ‡	Permitted	10 spaces plus 1 per 300 square feet above 2,000 square feet
Fraternity or sorority house ‡	CUP Required (Learn More)	2 spaces per bedroom
Governmental building or use (county, state or federal) ‡	Permitted	1 space per 300 square feet
Heliport ‡	CUP Required (Learn More)	3 spaces
Helistop	CUP Required (Learn More)	3 spaces
Hospital ‡	Permitted	1 space per bed



TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Household care facility ‡		1 space per 6 clients
Household care institution	Permitted	1 space per 6 clients
Institution for alcoholic, narcotic, or psychiatric patients ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 200 square feet
Institution of religious, educational or philanthropic nature	Permitted	1 space per 200 square feet
Municipal facility or use ‡	Permitted	1 space per 300 square feet
Museum	Permitted	See Section 50-112
Park and/or playground (private) ‡	Permitted	
Park and/or playground (public, municipal) ‡	Permitted	
Penal or correctional institutions	Permitted	1 space per 500 square feet
Post office (governmental)	Permitted	10 plus 1 per 200 square feet
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)	Permitted	1 space per 4 seats
Radio, television and communications towers	<a href="#">See Section 50-116</a>	
Rectory/parsonage	Permitted	5 spaces, plus 1 per bedroom
Retirement housing for the elderly ‡	See assisted living facility	
Riding academy	<a href="#">CUP Required (Learn More)</a>	1 space per five stalls
Sanitary landfill (private)		1 space per ten acres
School, business (e.g., barber/beauty/cosmetology)	Permitted	1 space per three students, based on design
School, college or university	Permitted	10 per classroom plus 2 per office
School, commercial trade (vocational) ‡	Permitted	1 space per student
School, public or denominational ‡	Permitted	See Section 50-112
School, other than public or denominational ‡	Permitted	
Sheltered care facility ‡	<a href="#">CUP Required (Learn More)</a>	1 space per three beds or 1.5 per dwelling

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Sign, all types (defined within the referenced section) ‡	<a href="#">See Ch. 34 of this Code</a>	
Skilled nursing facility ‡	Permitted	See Section 50-112
Studio for radio and/or television (no towers) ‡	Permitted	1 space per 200 square feet
Commercial and Wholesale Trade		
Animal kennel (outdoor pens)	CUP Required ( <a href="#">Learn More</a> )	1 space per 500 square feet
Appliance repair	Permitted	1 space per 500 square feet
Book binding	Permitted	1 space per 500 square feet
Carpet and rug cleaning plant	Permitted	1 space per 1,000 square feet
Cleaning plant (commercial laundry) ‡	Permitted	1 space per 1,000 square feet
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)	Permitted	1 space per 1,000 square feet
Construction contractor with storage yard	Permitted	1 space per 1,000 square feet of land
Contractor's office/sales, no outside storage including vehicles	Permitted	1 space per 1,000 square feet of land
Contractor's temporary on-site construction office (only with permit from building official.)	Permitted	None
Distribution center ‡	Permitted	1 space per 1,000 square feet
Electric repair, (domestic equipment and autos)	Permitted	1 space per 1,000 square feet
Electronic assembly	Permitted	1 space per 1,000 square feet
Electro-plating/electro-typing	Permitted	1 space per 1,000 square feet
Exterminator service/company (no outdoor sales or storage)	Permitted	1 space per 300 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Fix-it shops, small engine, saw filing, mower sharpening	Permitted	1 space per 500 square feet
Heating and air conditioning sales/services	Permitted	1 space per 1,000 square feet
Iron works (ornamental)	CUP Required ( <a href="#">Learn More</a> )	1 space per 1,000 square feet
Lawnmower repair and/or sales	Permitted	1 space per 500 square feet
Loading or storage tracks	Permitted	None
Locksmith	Permitted	1 space per 500 square feet
Machine shop	Permitted	1 space per 1,000 square feet
Maintenance and repair service for buildings/janitorial	Permitted	1 space per 500 square feet
Manufactured home display or sales (new or used) ‡	CUP Required ( <a href="#">Learn More</a> )	1 space per 1,000 square feet
Mattress, making and renovating	Permitted	1 space per 1,000 square feet
Milk depot, wholesale	Permitted	1 space per 1,000 square feet
Mini-warehouse/self storage ‡	Permitted	See Section 50-112
Mortuary	Permitted	See Section 50-112
Moving and storage company	Permitted	1 space per 1,000 square feet
News printing	Permitted	1 space per 1,000 square feet
Outdoor sales as a primary use ‡	Permitted	1 space per 5,000 square feet of land area
Pawn shop ‡	Permitted	1 space per 200 square feet
Pet and animal grooming shop (no outside kennels) ‡	Permitted	1 space per 200 square feet
Plumbing shop	Permitted	1 space per 200 square feet
Printing equipment, supplies and repairs	Permitted	1 space per 500 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Propane sales filling (retail)	Permitted	1 space per 200 square feet
Publishing and printing company	Permitted	1 space per 500 square feet
Quick lube/oil change/minor inspection	Permitted	1 space per 200 square feet
Scientific and industrial research laboratories (hazardous) ‡	CUP Required ( <a href="#">Learn More</a> )	1 space per 300 square feet
Scientific and industrial research laboratories (nonhazardous) ‡	Permitted	1 space per 300 square feet
Security systems installation company	Permitted	1 space per 300 square feet
Sheet metal shop	Permitted	1 space per 1,000 square feet
Storage of cement, sands and gravel	CUP Required ( <a href="#">Learn More</a> )	1 space per 5,000 square feet of storage area
Storage of used lumber and building materials	CUP Required ( <a href="#">Learn More</a> )	1 space per 5,000 square feet of storage area
Taxicab storage and repair	Permitted	1 space per 500 square feet
Taxidermist	Permitted	1 space per 500 square feet
Tool and machinery rental (indoor storage only) ‡	Permitted	1 space per 200 square feet
Tool and machinery rental (with outdoor storage) ‡	Permitted	1 space per 200 square feet
Vacuum cleaner sales and repair ‡	Permitted	1 space per 200 square feet
Veterinarian clinic (indoor kennels) ‡	Permitted	1 space per 500 square feet
Veterinarian clinic (outdoor kennels or pens) ‡	CUP Required ( <a href="#">Learn More</a> )	1 space per 500 square feet
Warehouse (defined under storage or wholesale warehouse) ‡	Permitted	1 space per 1,000 square feet
Welding shop	Permitted	1 space per 1,000 square feet
Wholesale trade, nondurable goods	Permitted	1 space per 1,000 square feet



TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Woodworking shops	Permitted	1 space per 1,000 square feet
<b>Light and Heavy Manufacturing/Industrial</b>		
Adhesives and sealants manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Animal processing and slaughter	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Any manufacture or industrial process not listed and not prohibited by law	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Artificial flower manufacture	Permitted	1 space per 1,000 square feet
Awning manufacture, cloth, metal and wood	Permitted	1 space per 1,000 square feet
Bag manufacturing	Permitted	1 space per 1,000 square feet
Bottling works	Permitted	1 space per 1,000 square feet
Broom manufacture	Permitted	1 space per 1,000 square feet
Candy and other confectionary products manufacture	Permitted	1 space per 1,000 square feet
Canning and preserving factory	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Canvas and related products manufacture	Permitted	1 space per 1,000 square feet
Ceramic products manufacture	Permitted	1 space per 500 square feet
Clothing manufacture	Permitted	1 space per 500 square feet
Coffee roasting	<a href="#">CUP Required (Learn More)</a>	
Coffin manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Cold storage plants/locker	Permitted	1 space per 1,000 square feet
Concrete or asphalt mixing/batching plant (temporary) ±	Permitted	1 space per 5,000 square feet of land
Cutlery, handtools and general hardware manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Dairy products manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Dyeing plant	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Electric lamp manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Enameling and painting	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Engraving plant	Permitted	1 space per 1,000 square feet
Envelope manufacture	Permitted	1 space per 1,000 square feet
Farm/garden machinery and equipment manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Feed manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 500 square feet
Food processing ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Footwear manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 500 square feet
Fixtures manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Furniture manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Heavy machinery sales and storage ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Ice cream/ice manufacture	Permitted	1 space per 1,000 square feet
Leather products manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Machinery manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Marble working and finishing	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Metal cans and shipping containers manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Metal products, stamping and manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Mirror resilvering	<a href="#">CUP Required (Learn More)</a>	1 space per 200 square feet
Office equipment manufacture	Permitted	1 space per 1,000 square feet
Orthopedic, prosthetic, surgical appliances and supplies manufacture	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	C	
Paint manufacture and/or mixing	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Paper products and paper box manufacture	Permitted	1 space per 1,000 square feet
Pecan processing	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Petroleum distribution/storage ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Plastic products, molding, casting and shaping	Permitted	1 space per 1,000 square feet
Rug and carpet manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Sand, gravel, or stone storage (including sales) ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 1.5 employees, plus five per acre
Sign manufacturing (no outside storage)	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Sign manufacturing (with outside storage)	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Textile products manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Tire retreading and recapping	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Water distillation	Permitted	1 space per 1,000 square feet
Wood container manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet
Wood products manufacture	<a href="#">CUP Required (Learn More)</a>	1 space per 1,000 square feet

); Ord. No. 2012-18, § 2, 7-2-2012; Ord. No. 2013-23, § 2, 2-2-2013; Ord. No. 2013-19, § 2, 11-4-2013)

**Exhibit "E"**  
**Rezoning Application**



RECEIVED (KC)  
04/29/2022

Revised: 4/13/2020  
ZONING CASE #P22-115

**APPLICATION FOR RE-ZONING**  
Community Development Department  
Planning Division

**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: BRYAN HARRISON Title: SR. PROJECT MANAGER  
Mailing Address: 5858 WESTHEIMER, SUITE 150 City: HOUSTON State: TX  
Zip: 77057 Contact: 713-882-3567  
Phone: (713) 541-5070 Email: bharrison@kdwltd.com

**Owner**

Name: WELCOME LAND DEVELOPMENT, LLC - Ryan Wasaff Title: Development Director  
Mailing Address: 5858 WESTHEIMER, SUITE 800 City: HOUSTON State: TX  
Zip: 77057 Contact: rwasaff@welcomegroup.com  
Phone: (713) 243-6875 Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**

Name: PATRICK RUMMEL, P.E. Title: PROJECT MANAGER  
Mailing Address: 11750 KATY FREEWAY, SUITE 300 City: HOUSTON State: TX  
Zip: 77079 Contact: \_\_\_\_\_  
Phone: (713) 541-3530 Fax: ( ) Email: prummel@gundacorp.com

**Description of Proposed Project:** MEDICAL COMPLEX BUSINESS PARK

Physical Location of Property: 3 TRACTS AT SOUTHWEST CORNER OF MEDICAL COMPLEX BLVD. AND S. CHERRY STREET

[General Location - approximate distance to nearest existing street corner]  
Legal Description of Property: (TRACT 1) A PORTION 163 167A 171 & 171B TOMBALL OUTLOTS; (TRACT 2) TRS 175A-1 & 504A TOMBALL OUTLOTS; (TRACT 3) TRS 172A 175A 176A & 504B TOMBALL OUTLOTS  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - AGRICULTURAL DISTRICT

Current Use of Property: VACANT

Proposed Zoning District: C - COMMERCIAL DISTRICT

Proposed Use of Property: BUSINESS PARK

HCAD Identification Number: (TRACT 1) 0352860002416 Acreage: (TRACT 1) 7.1364 ACRES  
(TRACT 2) 0352860000412 (TRACT 2) 2.5043 ACRES  
(TRACT 3) 0352860000172 (TRACT 3) 3.5879 ACRES  
(TOTAL) 13.2286 ACRES

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)



## **Submittal Requirements**

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

**Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- ☐ **Completed application form**
- ☐ **\*Copy of Recorded/Final Plat**
- ☐ **Check for \$400.00 + \$10.00 per acre (Non-Refundable)** *CHECK \$ 470<sup>00</sup>*
- ☐ **Letter stating reason for request and issues relating to request**
- ☐ **Conceptual Site Plan (if applicable)**
- ☐ **Metes & Bounds of property**
- ☐ **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

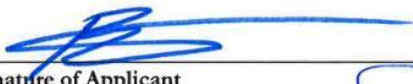
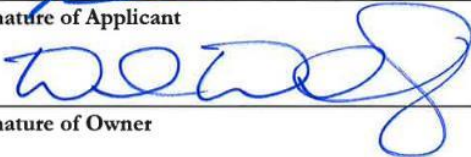
(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

**The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.**

**\*Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

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

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

<u>X</u>		<u>4/22/22</u>
	Signature of Applicant	Date
<u>X</u>		<u>4/25/22</u>
	Signature of Owner	Date

# 1. SCHEMATIC SITE PLAN

Scale: 1" = 10'



COMMENTS PARKING SPACE REQUIREMENTS	
RE: 2005 I.C. 100N OR 101N, 4.17 - ONE SPACE FOR EACH 300 S.F. OF FLOOR AREA.	175
RE: 2005 I.C. 100N OR 101N, 4.17 - ONE SPACE FOR EACH 100 S.F. OF FLOOR AREA.	60
RE: 2005 I.C. 100N OR 101N, 4.17 - ONE SPACE FOR EACH 100 S.F. OF FLOOR AREA.	60
TOTAL REQUIRED PARKING SPACES	295
TOTAL AVAILABLE SPACES	295
REMARKS	100% COMPLIANT

BUILDING SF CALCULATION	
EXIST. BUILDING 1 SF	48,400 SF
EXIST. BUILDING 2 SF	28,800 SF
INDUSTRIAL BUILDING 3 SF	34,600 SF
INDUSTRIAL BUILDING 4 SF	28,800 SF
TOTAL BUILDING SF	140,600 SF

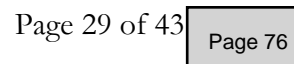
SD4.3

FOR REVIEW ONLY  
NOT FOR CONSTRUCTION

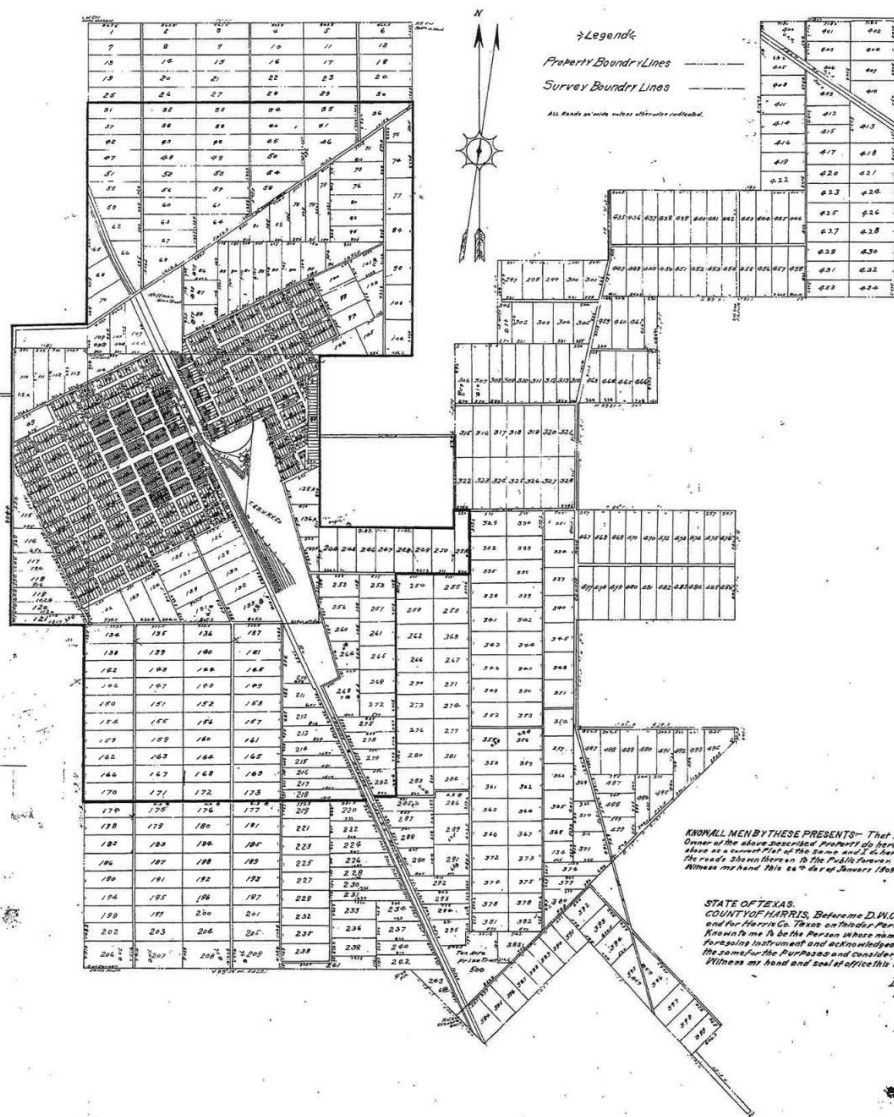
DATE	2/1/2024
BY	SD4.3
REVISIONS	

## MEDICAL COMPLEX BUSINESS PARK TOMBALL, TEXAS









KNOW ALL MEN BY THESE PRESENTS: That I Wm. Malone, Owner of the above described property do hereby accept the above as a correct plat of the same and I do hereby certify the roads shown hereon to be Public Roads. Witness my hand and seal of office this 24th day of January 1905.

William Malone

STATE OF TEXAS,  
COUNTY OF HARRIS, Before me D.W. COOLEY a Notary Public in and for Harris Co. Texas on this 24th day of January 1905, personally appeared Wm. Malone known to me to be the Person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Witness my hand and seal of office this 24th day of January 1905.

D.W. COOLEY  
Notary Public, Harris Co. Tex.

# FIVE ACRE TRACTS TOM BALL TOWNSITE.

Dated Nov 15 1907.

ORIGINAL Scale 1" = 40' reduced to 1" = 80'

Garage & Denham Engrs.

# 48285.

Filed for record May 16, 1908 at 2:30 p.m. Recorded Aug 1908 at 5:00 p.m. Geo. Jones, County Clerk, and for Harris County Texas.

By H. M. Morgan, Deputy

65

## Request for Zone Change

### Medical Complex Business Park, Tomball, TX, TX

#### Letter of Intent

April 11, 2022

Dear Members of the Planning and Zoning Commission and City Council,

#### Request:

We are submitting a request to rezone the property generally located at the southwest corner of the intersection of Medical Complex Drive and South Cherry Street. (See Vicinity Map for general location). The property under consideration encompasses three tracts. The request is to rezone the property from Agricultural zoning district (AG) to Commercial zoning district (C). The purpose of the rezoning is to allow the development of the property as a business park that will include offices and commercial uses with warehousing facilities, uses that are not permitted in an AG zoning district.

#### Zone Change Request Summary:

TRACT	HCAD NUMBER	CURRENT	PROPOSED
1	0352860002416	AG	C
2	0352860000412	AG	C
3	0352860000172	AG	C
4	1299580010001	LI	LI

#### Property Description:

The intent is to develop four tracts at this location in a unified manner, three of which (Tracts 1, 2, and 3) are currently zoned Agricultural zoning district (AG) and one (Tract 4) zoned Light Industrial zoning district (LI). The northern three tracts that are included in this zone change request that are currently zoned Agricultural zoning district are vacant. The southern tract that is not part of the zone change is zoned LI and is partially developed. The tracts front on Medical Complex Drive and South Cherry Street. This segment of Medical Complex Drive was constructed as a four-lane boulevard in 2016. The city's Throughfare Map designates Medical Complex Road as a Major Arterial and South Cherry as a Minor Arterial.

The tracts will be combined in the future to enable unified development of the four tracts. In preparation for a unified development, existing pipeline will be relocated and the well will be capped on Tract 1.



The area is in transition due to the growth in the region and proposed improvements to the roadways by the City and the County. With the expansion of Huffsmith – Kohrville Road by the County and Medical Complex Drive by the City, Medical Complex Blvd. will be a heavily travelled east-west corridor between Huffsmith – Kohrville Road and Business 249, in addition to West Main Street.

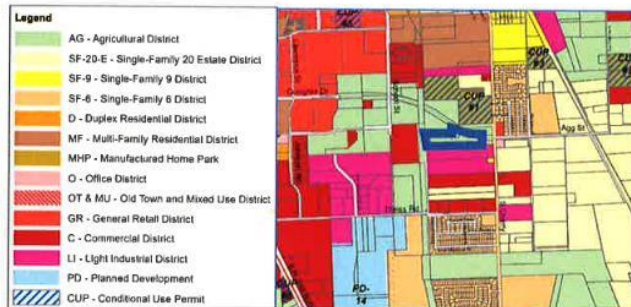
**Surrounding Zoning and Uses:**

	Zoning District	Uses
East	SF 20 -E - Single Family Estate, and O Office	South Cherry Street, office, and single family residential east of South Cherry Street
West	AG	Drainage channel (buffer), vacant
North	AG	Medical Complex Drive and vacant land.
South	LI	Industrial

**Zoning:**

**Current Zoning** – The property is zoned AG zoning district currently. Low density uses such as farming, ranching, and other similar agricultural uses and large single family lots are considered appropriate for the AG zoning district. This zoning is also appropriate for newly annexed land as a temporary holding zone until permanent zoning is approved. The AG zoning district is also appropriate for areas where utilities or city services are not readily available.

**Proposed Zoning** – C zoning district is intended for office, retail, commercial and service-related establishments, and some light manufacturing uses subject to certain conditions. The uses envisioned for the C Commercial zoning district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. C zoning district is generally intended for sites that have access to thoroughfares and collector streets.



**Thoroughfare Designation:**

The City's Thoroughfare Map designates Medical Complex Road as a Major Arterial and South Chery as a Minor Arterial. The primary function of arterials is to provide a high degree of vehicular mobility through effective street design. Generally, the higher the classification of a street (Major Arterial being the highest), the greater the volumes, length of trips and the fewer



the access points. Arterials typically connect activity centers within the city to interstate and other regional roads.



#### Comprehensive Plan Future Land Use Map (FLUP) Recommendations:

The FLUP recommends Neighborhood Commercial (NC) future land use category for the area. This land use category is considered compatible to residential use and encourages commercial uses to be developed with the appropriate context, scale and design to compliment residential development. These areas are intended to be accessible by both vehicles and pedestrians. The requested C zoning district is not considered to be a suitable zoning district for the NC future land use category, and O: Office, GR: General Retail, PD: Planned Development are considered more appropriate.

The Comprehensive Plan also states that the Future Land Use Plan... "however, is also intended to be a guide and is subject to modification over time-based upon new or changing information and circumstances."

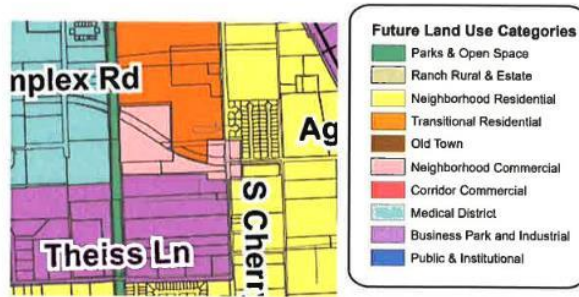
With the development of Medical Complex Blvd. as a Major Arterial, the location of the parcel adjacent to industrial zoning districts, and lack of any residential areas immediately adjacent to the parcel that would encourage walkable environments, the designation of Neighborhood Commercial (NC) category does not appear to be appropriate for this location.

The designation of Corridor Commercial is more appropriate for this parcel as it meets the intent as stated in the Comprehensive Plan – "...intended for predominantly nonresidential uses along high-traffic, regionally serving thoroughfares. The land uses are typically comprised of varying lot sizes and intensities predominantly serving the automobile. While these areas will always be auto-oriented, there is opportunity to improve bicycle/pedestrian accommodations and to create a pleasing environment which leaves a lasting impression on residents and passers-by."

The designation of Corridor Commercial future land use category would encourage the most economic and functional use of this highly accessible corner located at the intersection of two arterials. It would also provide an appropriate transition between the Business Park and Industrial future land use category to the south and the Medical Center Drive to the north.

The Comprehensive Plan considers C zoning district as being compatible with the Corridor Commercial future land use category. Due to lack of any residential uses around, the uses permitted in the C zoning district would not have an adverse impact on the surroundings.





**Summary:**

In summary, we believe that the requested zone change would be appropriate for the following reasons:

1. Due to its location at the intersection of a Major Arterial and Minor Arterial street and ease of vehicular access, the parcel is suitable for more intense developments than those envisioned in the Neighborhood Commercial(NC) future land use category .
2. The current Neighborhood Commercial land use category designation is considered appropriate for uses that provide services to surrounding residential, that people can walk or bike to. Due to lack of residential neighborhoods immediately abutting the parcels and separation of neighborhoods in the vicinity by two arterials, Neighborhood Commercial land use category designation is not appropriate for this parcel. Corridor Commercial land use category designation is better suited.
3. The character of this area is undergoing transition due to the proposed improvements to the roadways by the City and the County (Huffsmith – Kohrville Road). Medical Complex Blvd. will be a heavily travelled east-west corridor between Huffsmith – Kohrville Road and Business 249 and will not be conducive for neighborhood commercial development. The uses permitted in a C zone will be better suited to this site.
4. The rezoning to C zoning district would be in conformance with the Comprehensive Plan that states that the C zoning district is generally intended for sites that have access to thoroughfares and collector streets.
5. The current zoning of AG is appropriate for newly annexed land as a temporary holding zone until permanent zoning is approved. The AG zoning district is also considered appropriate for areas where utilities or city services are not readily available. With adequate utilities and infrastructure available to the parcel, the requested C zone will provide an opportunity for maximum utilization of the parcel. The designation of C zone would encourage the most economic and functional use of this highly accessible corner located at the intersection of two arterials.
6. The rezoning will not have any adverse impact on surrounding uses since the abutting parcels do not contain any single family residential or similar uses. The rezoning will provide an appropriate buffer between the industrial zoning to the south and the Medical Center Drive to the north.

TRACT 1

FIELD NOTE DESCRIPTION OF 3.5879 ACRES (156,290 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 7.56 ACRE TRACT RECORDED UNDER H.C.C.F. NO. 20120271296 AND BEING A PORTION OF OUTLOTS 172, 175 AND 176 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 3.5879 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a 1-inch iron pipe found at the West right-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of said called 7.56 acre tract and the herein described tract;

THENCE, South 87°28'49" West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southeast corner of that certain called 2.500 acre tract recorded under H.C.C.F. No. 20130397880, said iron rod also marks the Southwest corner of said called 7.56 acre tract and the herein described tract;

THENCE, North 02°21'26" West, along the East line of said called 2.500 acre tract, a distance of 188.18 feet to a 5/8 inch iron rod with cap found in the South line of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644 for the Westerly most Northwest corner of the herein described tract;

THENCE, North 87°29'33" East, along the South line of said called 15.541 acre tract, a distance of 199.17 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Townsite, said pinch pipe also marks an interior corner for the herein described tract;

THENCE, North 02°39'54" West, along the common line between said called 7.56 acre tract and said called 15.541 acre tract, a distance of 134.16 feet to a point in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20150107119 for the Northwest corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears N 82°17' E, 0.36 feet, said point falling in the arc of a non-tangent curve to the Left;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of 28°35'35", a radius of 1560.00, an arc length of 778.51 feet and a chord bearing and distance of S 73°19'34" E, 770.45 feet to a 5/8 inch iron rod with cap found marking the Westerly cutback corner at the intersection of East right-of-way line said South Cherry Street, said iron rod also marks the Northerly most Northeast corner of the herein described tract;

THENCE, South 45°17'46" East, along said cutback line, a distance of 36.70 feet to a 5/8 inch iron rod with cap found marking the Easterly cutback corner at the intersection of East right-of-way line said South Cherry Street and the South right-of-way line of Medical Complex Drive, said iron rod also marks the Easterly most Northeast corner of the herein described tract;

THENCE, South 02°24'16" East, along the East right-of-way line of South Cherry Street, a distance of 42.07 feet to the POINT OF BEGINNING and containing 3.5879 acres (156,290 square feet) of land, more or less.

CENTURY ENGINEERING, INC.

Dated this 13th day of October, 2021



Michael A. Zumsteg

Registered Professional Land Surveyor No. 5127



CEI JOB NO. 21089-00.00  
(QW25) 21089C.T

FIELD NOTE DESCRIPTION OF 7.1364 ACRES (310,860 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 15.541 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOTS 163, 167 AND 171 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 7.1364 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a point in the East right-of-way line of a 30.00 foot road (unimproved), as shown on said Plat of Tomball Townsite for the common West corner of said Outlots 171 and 175, said point also marks the Southwest corner of said called 15.541 acre tract and the herein described tract, from which a found 1-inch iron pipe bears, N 65°31' E, 1.39 feet;

THENCE, North 02°32'23" West, along the East right-of-way line of said 30.00 foot road, being common with the West line of said Outlots 163, 167 and 171, a distance of 643.20 feet to a 5/8 inch iron rod with cap set in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20130059562 for the Northwest corner of the herein described tract, said iron rod falling in the arc of a non-tangent curve to the Right;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Right, having a central angle of 07°25'11", a radius of 2940.00, an arc length of 380.73 feet and a chord bearing and distance of S 61°30'58" E, 380.46 feet to a 5/8 inch iron rod with cap set for the Point of Tangency;

THENCE, South 57°48'23" East, continuing along the Southeast right-of-way line of Medical Complex Drive, a distance of 517.25 feet to a 5/8 inch iron rod with cap set for the Point of Curvature of a curve to the Left;

THENCE, in a Southeasterly direction, continuing along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of 01°13'24", a radius of 1560.00, an arc length of 33.31 feet and a chord bearing and distance of S 58°25'05" E, 33.31 feet to a point in the East line of said called 15.541 acre tract and said Outlot 171 for the Northeasterly corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, N 82°17' E, 0.36 feet;

THENCE, South 02°39'54" East, along the East line of said called 15.541 acre tract, a distance of 134.16 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Site, said pinch pipe also marks the Southeast corner for the herein described tract;



THENCE, South 87°29'33" West, along the South line of said called 15.541 acre tract, at 199.17 feet pass a 5/8 inch iron rod with cap found marking the common North corner of s called 7.56 acre tract recorded under H.C.C.F. No. 20120271296 and a called 2.500 acre tract recorded under H.C.C.F. No. 20130397880 and continuing a total distance of 778.98 feet to the POINT OF BEGINNING and containing 7.1364 acres (310,860 square feet) of land, more or less.

CENTURY ENGINEERING, INC.  
Dated this 13th day of October, 2021

  
Michael A. Zumsteg  
Registered Professional Land Surveyor No. 5127



CEI JOB NO. 21089-00.00  
(QW25) 21089E.T

TRACT 2

FIELD NOTE DESCRIPTION OF 2.5043 ACRES (109,087 SQUARE FEET) OF LAND BEING ALL OF THAT CERTAIN CALLED 2.500 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOT 175 OF TOMBALL TOWN SITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 2.5043 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

COMMENCING at a 1-inch iron pipe found at the West right-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of that certain called 7.56 acre tract recorded under H.C.C.F. No. 20120271296;

THENCE, South 87°28'49" West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southwest corner of said called 7.56 acre tract, said iron rod also marks the Southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 87°28'49" West, continuing along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 579.21 feet to a point in the West line of said Outlot 175 for the Northwest corner of said Lot 1, Block 1 of Devasco International and the Southwest corner of the herein described tract, from which a found 3/4 inch iron pipe bears, N 76°26' E, 1.4 feet;

THENCE, North 02°32'23" West, along the West line of said called 2.500 acre tract, a distance of 188.30 feet to a point for the common West corner of Outlots 171 and 175, the Southwest corner of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644, said point also marks the Northwest corner of said called 2.500 acre tract and the herein described tract, from which a found 1-inch iron pipe bears N 65°31' E, 1.39 feet;

THENCE, North 87°29'33" East, along the South line of said called 15.541 acre tract, a distance of 579.81 feet to a 5/8 inch iron rod with cap found for the Northwest corner of said called 7.56 acre tract, Northeast corner of said called 2.500 acre tract and the herein described tract;

THENCE, South 02°21'26" East, along the common line between said called 7.56 acre tract and said called 2.500 acre tract, a distance of 188.18 feet to the POINT OF BEGINNING and containing 2.5043 acres (109,087 square feet) of land, more or less.

CENTURY ENGINEERING, INC.

Dated this 13th day of October, 2021

*Michael A. Zumsteg*

Michael A. Zumsteg

Registered Professional Land Surveyor No. 5127

CEI JOB NO. 21089-00.00

(QW25) 21089D.T



ANN HARRIS BENNETT  
TAX ASSESSOR-COLLECTOR  
P.O. BOX 3547  
HOUSTON, TEXAS 77253-3547  
TEL: 713-274-8000



2021 Property Tax Statement  
Web Statement

Statement Date:	April 26, 2022
Account Number	035-286-000-2416

Additional city sales tax reduced your city ad valorem tax by: \$737.53



MARSHALL JACQUELYN D  
16007 STABLEPOINT LN  
CYPRESS TX 77429-3959

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	402,108	0.376930	\$1,515.67
Harris County Flood Control Dist	0	402,108	0.033490	\$134.67
Port of Houston Authority	0	402,108	0.008720	\$35.06
Harris County Hospital District	0	402,108	0.162210	\$652.26
Harris County Dept. of Education	0	402,108	0.004990	\$20.07
Lone Star College System	0	402,108	0.107800	\$433.47
City of Tomball	0	402,108	0.333339	\$1,340.38
Emergency Service Dist #8 (EMS)	0	402,108	0.094245	\$378.97

Property Description	
MEDICAL COMPLEX DR 77375	
TRS 163A 167A 171 & 171B (ABANDONED	
PT OF MICHEL RD) TOMBALL OUTLOTS	
6.1541 AC	

Appraised Values	
Land - Market Value	402,108
Impr - Market Value	0
Total Market Value	402,108
Less Capped Mkt Value	0
Appraised Value	402,108

Exemptions/Deferrals	

Page: 1 of 1

Total 2021 Taxes Due By January 31, 2022:	\$4,510.55
Payments Applied To 2021 Taxes	\$4,510.55
Total Current Taxes Due (Including Penalties)	\$0.00
Prior Year(s) Delinquent Taxes Due (If Any)	\$0.00
Total Amount Due For April 2022	\$0.00

Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2022	7%	\$0.00	\$0.00	\$0.00
By March 31, 2022	9%	\$0.00	\$0.00	\$0.00
By April 30, 2022	11%	\$0.00	\$0.00	\$0.00
By May 31, 2022	13%	\$0.00	\$0.00	\$0.00
By June 30, 2022	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2016 to 2021: Appraised Value 0%, Taxable Value 0%, Tax Rate -5%, Tax Bill -5%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.



PAYMENT COUPON

MARSHALL JACQUELYN D  
16007 STABLEPOINT LN  
CYPRESS TX 77429-3959

Make check payable to:

ANN HARRIS BENNETT  
TAX ASSESSOR-COLLECTOR  
P.O. BOX 4622  
HOUSTON, TEXAS 77210-4622

Account Number
035-286-000-2416
Amount Enclosed
\$ _____

Web Statement - Date Printed: 04-26-2022

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

03528600024167 2021 0000000000 0000000000 0000000000 0000000000

**TAX SERVICES**

PO Box 276  
Tomball, TX 77377-0276  
KRISTI WILLIAMS - TAX ASSESSOR-COLLECTOR  
PHONE: (281)357-3100

**2021+ Tax Statement**

Property Account Number:  
**0352860002416**

**Statement Date:** 04/26/2022  
**Owner:** MARSHALL JACQUELYN D  
**Mailing Address:** 16007 STABLEPOINT LN  
CYPRESS TX 77429-3959

**Property Location:** 0000000 MEDICAL COMPLEX DR  
**Acres:** 6.1541  
**Legal Description:** TRS 163A 167A 171 & 171B  
(ABANDONED PT OF MICHEL RD)  
TOMBALL OUTLOTS

**Exemptions:**

LAND VALUE	APPRAISED VALUE				
402,108	402,108				
Taxing Entities		Exemption Amount	Taxable Value	Tax Rate Per \$100	Base Tax
TOMBALL ISD		0	402,108	1.250000	0.00
<b>TOTAL BASE TAX</b>					<b>0.00</b>
<b>Total Amount Due</b>					<b>0.00</b>

↓ Detach ↓  
Return With Payment



Visit our website for online credit card or E-check payments.  
<https://tomballisd.propertytaxpayments.net/MyTaxSearch.aspx>  
Payment by phone is available at 1-877-690-3729  
Jurisdiction Code 6322

2021 +Tax Statement  
04/26/2022

Property Account Number  
0352860002416

**Total Amount Due \$0.00**



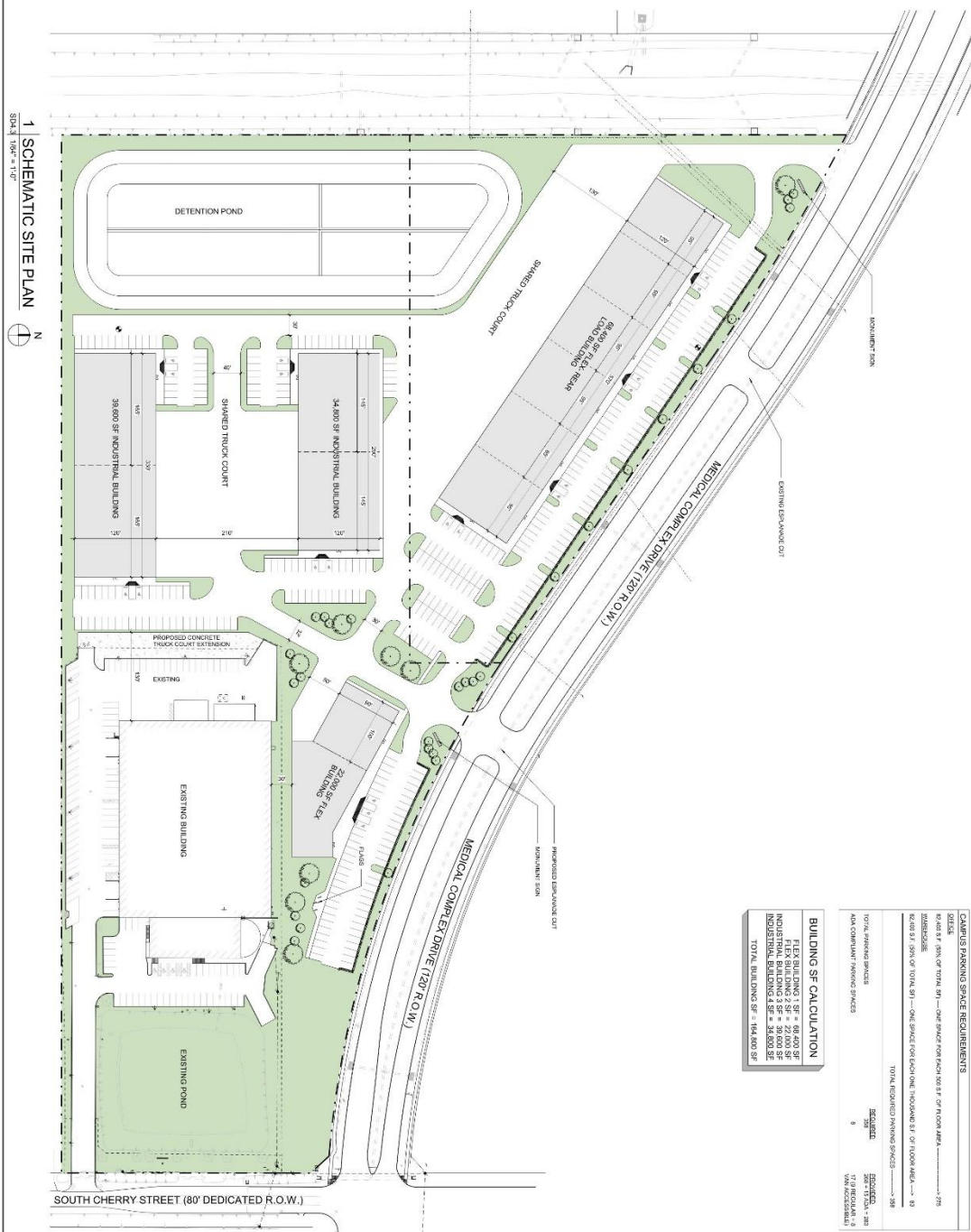
MARSHALL JACQUELYN D  
16007 STABLEPOINT LN  
CYPRESS TX 77429-3959

IF PAID IN	AMOUNT DUE
MAY	0.00
JUN	0.00
JUL	0.00
AUG	0.00
SEP	0.00

**Remit To:**  
Tomball ISD  
PO Box 276 -  
Tomball, TX 77377-0276

2021 00000063726 000000000000 000000000000 000000000000 000000000000 C 001





GARAGE PARKING SPACE REQUIREMENTS	
REMARKS	
1. PER 1.00 OF TOTAL SF — ONE SPACE FOR EACH ONE (1) OF 17,000 AREA	→ 175
2. PER 1.00 OF TOTAL SF — ONE SPACE FOR EACH ONE (1) OF 11,000 AREA	→ 83
TOTAL REQUIRED PARKING SPACES	→ 258
TOTAL PROVIDED SPACES	258
ADDITIONAL PROVIDED SPACES	0
TOTAL BUILDING SF	144,000 SF

ISSUE DATE	
PERMIT DATE	
CONSTRUCTION DATE	
REVISIONS	
<p>FOR REVIEW ONLY NOT FOR PERMITTING OR CONSTRUCTION</p>	
PROJECT NO.	21-286
DRAWING DATE:	5/11/2020
	2:27:00 PM
<p><b>SD4.3</b></p> <p>SCHEMATIC SITE PLAN</p>	

MEDICAL COMPLEX BUSINESS PARK  
TOMBALL, TEXAS



KIDW  
KIDWILLIAMS

The drawings and accompanying specifications are an integral part of the contract and shall remain the property of Kingham District Water. All design and information herein are for use on the specified project and shall not be used otherwise, either on other projects or otherwise without the written consent of Kingham District Water.

CLIENT LOGO HERE

1



Simon Powney - Architectural Illustrations  
Tel. 832 434 9878 BlackDogRenderings.com

Review Version

Medical Complex Business Park  
**W** WELCOME  
GROUP

2

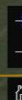


Simon Powney - Architectural Illustrations  
Tel. 832 434 9878 BlackDogRenderings.com

Review Version

Medical Complex Business Park  
**W** WELCOME  
GROUP





# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: July 18, 2022

#### Topic:

Award and authorize the City Manager to execute a Professional Services Contract with Public Management, Inc. for Grant Administration Services (RFP 2022-05) and a specific work authorization for grant administration services for American Rescue Plan Act funds in the amount \$95,000.00; and authorize the expenditure of funds from the American Rescue Plan Act funds.

#### Background:

A request for proposals (RFP) was issued in May 2022 seeking proposals for grant administration services from qualified firms. Through the RFP, the City sought firms that could assist with the administration of our American Rescue Plan Act (ARPA) funds, as well assist with identification, applications, preparations, and management of future grant opportunities and administration of grant funds if awarded.

Staff received five proposals which were scored by an internal panel. The top three scoring firms were invited to interviews. Following the interviews, the staff panel agreed that Public Management was able to offer the services required and had a vast knowledge of differing grant opportunities and funding agencies.

Under this contract Public Management will administer the City's ARPA funds for an amount totaling \$95,000. In addition, this agreement allows Public Management to provide general grant administration services to the City including application, submittal, administration and grant close out for all future grant opportunities; funding for these services will be in the Fiscal Year 2023 budget.

**Origination:** Project Management Office

#### Recommendation:

Staff recommends award and approval of the Professional Services Contract with Public Management for grant administration services for \$95,000.00.

**Party(ies) responsible for placing this item on agenda:** Meagan Mageo, Project Manager

#### FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: X No: \_\_\_\_\_ If yes, specify Account Number: #215-6304

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Meagan Mageo</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date





This contract ("Contract") is made and entered effective July 12 , 2022, by and between **PUBLIC MANAGEMENT, INC.**, a Texas corporation, of Houston, Harris County, Texas ("Consultant") and the **CITY OF TOMBALL**, ("Client") for the purpose of retaining Consultant to render **Professional Grant Administration Services, Planning & Mapping Services, Application Preparation, and Administration / Project Delivery Services** to the Client for American Rescue Plan – Coronavirus Local Fiscal Recovery Funding, as administered by the United States Treasury, Community Development Block Grant Funding, as administered by the Texas General Land Office and/or Harris County, Hazard Mitigation Grant Program, as administered by the Texas Division of Emergency Management.

Client and Consultant agree that Consultant will provide services to Client on the terms and conditions outlined in this Contract.

## I.

Consultant will provide Client with administrative services as follows:

### PROGRAM DESIGN / PRE-FUNDING SERVICES:

**Application Preparation:** The Team will prepare the application as directed by the Client to apply for available funding sources adherent to the state and federal agencies guidelines. The Team will coordinate all activities and other service providers with regard to the preparation of the application, including, but not limited to:

- Review of proposed project for program compliance and will work with Client staff to provide an overview;
- Advise on important deadlines and procedures;
- Schedule project meetings with client staff to evaluate proposed project and timeframes.
- Prepare project description in conjunction with staff and project engineer;
- Evaluate project objective and develop timelines/milestones;
- Prepare project maps in ArcGIS and PDF format;
- Prepare necessary preliminary Environmental Compliance documentation;
- Conduct public hearings (as applicable) for application submission and attend Client meeting to address application development;
- Package complete application with all pertinent supplemental documentation for client to review prior to submission;
- Identify and document beneficiaries;
- Advise client on funding availability, anticipated scoring, selection and award process.

**Application Preparation for Mitigation Projects (as applicable):** In addition to general application preparation services, the Team will provide grant application development services, to include Benefit Cost Analysis (BCA) completion, for applications associated to Hazard Mitigation Assistance Grant programs (including but not limited to Flood Mitigation Assistance (FMA), Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Program for mitigation activities). Preparation and submission of applications for grant funding in compliance with local, state and federal requirements.

- Review Notices of Intent;
- Develop and implement local criteria to prioritize applicants;
- Facilitate the collection homeowner information as needed to develop of grant application;
- Identify and evaluate candidate projects suitable for grant funding;

- Provide written overview of drainage project evaluations to include list of data needs
- Conduct water surface reduction analysis for potential drainage project areas;
- Provide written report summarizing results of water surface reduction analysis with estimated benefit calculations for each reduction scenario;
- Complete Benefit Cost Analysis for candidate drainage projects;
- Complete project scope of work, cost estimate, schedule and justifications and all other elements of grant application;
- Complete Benefit Cost Analysis calculations for properties to be included in grant application;
- Provide recommendation to Client of which properties or drainage projects to include in grant application based on HMA guidance and Benefit Cost Analysis calculations;
- Conduct review and analysis of data to validate property classification and cost estimates;
- Assist Client with execution of required certifications and other documents;
- Assist Client with the completion and submittal of grant applications;
- Respond to requests for information post-application submittal (RFIs).

**Flood Protection Planning (as applicable):** In addition to general application preparation services, the Team will support the Client in coordinating application development for the Texas Water Development Board Flood Protection Planning Program.

- Coordinate and prioritize flood protection planning, flood early warning systems, and flood response activities;
- Identify watershed for which flood protection will be addressed;
- Identify how the project will reduce the loss of life and property;
- Develop project schedule and budget;
- Provide TWDB with requested population and beneficiary documentation;
- Develop required Written Assurances.

#### POST FUNDING SERVICES

##### **GENERAL ADMINISTRATION SERVICES**

**Administrative Duties:** The Team will coordinate, as necessary, between Client and any other appropriate service providers (i.e. Engineer, Environmental, etc.), contractor, subcontract and/or administrative agency to effectuate the services requested.

- Oversee the project and achieve all of the project goals within the constraints given by the funding agency;
- Develop and implement project phases to plan, budget, oversee, and document all aspects of the specific project;
- Coordinate all activities related to the project's successful completion with all other professionals and organizations associated with this project.

**Recordkeeping:** The Team will assist the Client with maintaining all records generated by the program. This includes all records required by the funding agency and the Client (i.e. program management records).

- Complete filing system will be developed and maintained at Client's office;
- Both physical and electronic form of records will be developed and accessible;
- Records will be updated as necessary to ensure compliance with funding source and administrative agency;

- Records will be retained for the appropriate period of time as dictated by the funding agency, with electronic records available for perpetuity.

**Financial Management:** The Team will assist the Client in keeping the general journal, general ledger, cash receipts journal and all other necessary financial documents, as well as monitor the Client's financial system.

- Utilize and assist with the agency's system of record to complete milestones, submit documentation, reports, draws, change requests, etc.;
- Request fund expenditure in-line with project milestones;
- Develop a detailed Contract Ledger;
- Establish a filing system that accurately and completely reflects the financial expenditures of the program and project(s).
- Keep track of disbursement of funds and ensure that the vendors are paid within the required timeframe set out by the funding agency.

**Construction Management:** The Team will coordinate and supervise the project to ensure designated activities are realizing the intended outcomes as stated in contract documents. We will oversee specialized contractors and other personnel and allocate necessary resources.

- Assist the Client in submitting/setting up project applications in the Agency's system of record;
- Coordinate the development, completion, and execution of contract documents to ensure supporting documentation is in order;
- Conduct regular on-site visitations and assessments;
- Development and maintenance of construction management status log;
- Recommendation and development of scope realignments as prescribed by the project's complexities.

**Flood Protection Planning (as applicable):** In addition to general administrative services, the Team will work with the Client to provide support and the necessary administrative services to successfully implement and complete flood protection planning projects.

- Assist Client with establishing formal and direct contact with appropriate entities affected by the project and in coordinating with existing flood protection planning activities in the watershed;
- Develop detailed budgets for subcontracts;
- Schedule and assist facilitating at minimum three (3) required public meetings;
- Submit planning studies for review.

#### **CONTRACT ADMINISTRATION SERVICES**

**Administrative Duties:** The Team will work with the Client's staff to provide the necessary administrative and planning services to see the project to completion. The Team will meet with officials on a regular basis to review progress on the objectives of the project and then take actions to see that those objectives are met.

- Act as the Client's liaison to the funding agency in all matters concerning the project;
- Coordinate communication via email, conference call, facsimile, and direct meetings to ensure the project is on schedule and all parties are properly informed;



- Prepare and submit any necessary reports required by the funding agency during the course of the project (i.e. Monthly/Quarterly Progress Reports, Project Monitoring Reports, Project Completion Reports, etc.);
- Provide Client staff specific instructions on the necessary administrative procedures that will assure a successful project;
- Establish and maintain record keeping systems;
- Assist with resolving monitoring and audit findings.

**Real Property Acquisition (as applicable):** The Team will assist the Client in the preliminary acquisition assessment as well as the development and/or coordination of acquisition of real property (real property in the context of acquisition refers to permanent interest in real property as well as certain less-than-full-fee interests in real property).

- Adherence to the Uniform Act (URA) which guides the acquisition of real property that may be necessary to the needs of the project;
- ***If it is determined that property needs to be acquired, Public Management, Inc. will perform the following services according to the URA for an additional fee.***
- Development and maintenance of appropriate file materials to ensure compliance with federal, state, and program requirements;
- Administrative coordination of parcels, values, correspondence;
- Coordinate property appraisals and determine just compensation;
- Ensure easement/right of way boundaries are in line with proposed project and survey;
- Completion and/or file closure of acquired property.

**Environmental Services:** The Team will prepare all documents and correspondence for environmental review and clearance as well as maintain close coordination with local officials, project engineer and other members of the project team to assure appropriate level of environmental review is performed. This project element will abide by the National Environmental Policy Act (NEPA) or any other Federal, State or local regulation as applicable.

- Review each project description to ascertain and/or verify the level of environmental review required: Exempt, Categorical Exclusion not Subject to 58.5, Categorical Exclusion Subject to 58.5, Environmental Assessment, and Environmental Impact Statements;
- Prepare and maintain a written environmental review record;
- Consult and coordinate with oversight/regulatory agencies to facilitate environmental clearance;
- Conduct site-visits as necessary to ensure environmental compliance;
- Prepare all responses to comments received during comment phase of the environmental review, including State/Federal Agency requiring further studies and/or comments from public or private entities during public comment period;
- Provide documentation of clearance for Parties Known to be Interested as required by 24 CFR 58.43;
- Advise and complete environmental re-evaluations per 24 CFR 58.47 when evidence of further clearance or assessment is required;
- Assist in compliance with flood plain and wetlands management review guidelines;
- ***Not included in this service are archeological, engineering, or other special service costs mandated by environmental review record compliance agencies.***

**Civil Rights Requirements:** The Team will structure the program so that all procurement procedures, contracts, and policies will be in accordance with state and federal regulations associated thereto. Ensure that the contractors make affirmative efforts to employ Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises.

- Set up Civil Rights & Citizen Participation File;
- Designate a Civil Rights Officer (CRO);
- Adopt policies and grievance procedures regarding Citizen Participation;
- Adopt Policies and Pass Resolution/Proclamation/Ordinances regarding Civil Rights;
- Publish Citizen Participation and Civil Rights Notices;
- Place necessary documentation in Bid Packets for Contractors;
- Include required clauses in Construction Contracts between Grant Recipient and Contractor;
- Take action to Affirmatively Further Fair Housing;
- The Team will be diligent and consistent in implementing the project's civil rights responsibilities and will undertake further action and reporting requirements.

**Procurement/Bidding/Contracting:** Procurement is the process through which an entity obtains goods and services from vendors. The Team will assist the Client in following appropriate procurement procedures to obtain professional and construction services necessary to complete the project.

- Provide assistance to ensure compliance with Local Government Code Chapter 252 as applicable to goods and services;
- Provide assistance to ensure compliance with 2 CFR 200.320 (Methods of Procurement to be Followed).

**Labor Standards Monitoring:** The Team will ensure that all labor standards laws and regulations are observed during the course of the project. The Team will structure the program so that all procurement procedures and contracts will meet equal opportunity requirements. The Team will also ensure that the contractors make affirmative efforts to employ minority persons and minority subcontractors. Ensure compliance with laws regarding Labor Standards, which include:

- Davis-Bacon Act (40 USC Chapter 31, Subchapter IV);
- Contract Work Hours & Safety Standards Act (CWHSSA);
- Copeland (Anti-Kickback) Act (18 USC 874; 40 USC 3145);
- Fair Labor Standards Act.

**Force Account (as applicable):** The Team will assist the Client in preparing force account documentation for the project, if necessary, and will consolidate this information for suitable presentation to funding agency.

- Develop and maintain documentation of all associated costs;
- Using appropriate recordkeeping forms required by funding agency;
- Submit documentation upon completion of necessary milestones.

**Contract Close-out Assistance:** The Team will prepare any necessary reports required by the funding agency to close out the project. The Team will work with the Client in preparing the annual audits and necessary actions to ensure the project reaches the "Administratively Closed" status.

- Ensure projects outcomes are in line with contract documents and funding agency's goals and objectives;
- Ensure project beneficiaries are appropriately documented and reported;

- Develop, complete, and submit project completion report(s) and any other necessary administrative completion documents.

It is specifically agreed and understood that Consultant will not provide either personally or by contract any professional or technical services requiring a license by the State of Texas in any phase or aspect of the foregoing. Rather, Consultant will advise Client of the need of such services in furtherance of the planned objectives of Client's Program.

Client acknowledges that Consultant is providing Administrative Services only to Client and that Consultant is not responsible for any procurement activities for or on behalf of the Client. That is, Client, not Consultant, will advertise for and procure the services of any third party required to fulfill Program requirements. By way of example only, Client, not Consultant, must timely and properly post any advertisements necessary to fulfill Program requirements and Client, not Consultant, will enter into any required contracts with third parties necessary to fulfill Program requirements.

Client Initials \_\_\_\_\_

Consultant Initials  \_\_\_\_\_

**II.**

Consultant hereby agrees that in the implementation of this Contract, Consultant will comply with the terms and conditions of **Attachment III**, which document is attached hereto and incorporated herein for all purposes, as if set out herein verbatim.

**III.**

Client is awarding this contract in accordance with the State of Texas Government Code 2254, Professional and Consulting Services.

**IV.**

It is agreed by the parties hereto that Consultant will, in the discharge of services herein, be considered as an Independent Contractor as that term is used and understood under the laws of the State of Texas and further for the purposes of governing Consultant's fees under the Procurement Standards of Title 2 CFR Part 200.

**V.**

For work associated with Professional Administration / Grant Management Services, and in consideration of the foregoing, Client agrees to pay Consultant a fee not to exceed: The amount agreed to and executed by Work Authorization.

The fee will be based on the final project scope. Consultant reserves the right to renegotiate fees based on the additional guidance from the United States Treasury as well the unknown program design or unforeseen project complexities.

---

**VI.**

It is agreed that upon determination of total funding request amount Consultant and Client will execute the **Work Authorization (Attachment I)** that will detail final contract amount and cost for services. It is also agreed that payments to such Consultant shall be subject to adjustment where monitoring reviews or audits by the agency indicate that personal services were compensated at greater than reasonable rates.

Services that fall outside the regular scope and/or are not part of the proposed scope will be billed according to the hourly rate and fee schedule defined in **Corporate Hourly Rate and Fee Schedule (Attachment II)**. *Prior to Consultant performing any services which are not part of the proposed scope, Consultant shall submit to Client, per paragraph of this contract, a projected hourly schedule and projected total fee for approval.*

**VII.**

Payment of the fees associated with (“**Part V. and VI.**”) - Payment Schedule of this Agreement – shall be contingent upon funding award. In the event that grant funds are not awarded to the Client this agreement shall automatically terminated.

**VIII.**

For purposes of this Contract, the City Manager or authorized designee will serve as the Local Program Liaison and primary point of contact for Consultant. All required progress reports and communication regarding the project shall be directed to this liaison and other local personnel as appropriate.

**IX.**

This Contract shall extend and be in full force until the Program has been fully closed out by the agency. Notwithstanding the foregoing, this Contract may be terminated by Consultant, with or without cause, on forty-five (45) days’ written notice to Client.

**X.**

**Termination for Cause by Client:** If Consultant fails to fulfill in a timely and proper manner its obligations under this Contract, or if Consultant violates any of the covenants, conditions, contracts, or stipulations of this Contract, Client shall have the right to terminate this Contract by giving written notice to Consultant of such termination and specifying the effective date thereof, which shall be at least five (5) days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by Consultant pursuant to this Contract shall, at the option of Client, be turned over to Client and become the property of Client. In the event of termination for cause, Consultant shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.



Termination for Convenience by Client: Client may at any time and for any reason terminate Consultant's services and work at Client's convenience upon providing written notice to the Consultant specifying the extent of termination and the effective date. Upon receipt of such notice, Consultant shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement. Upon such termination, Consultant shall be entitled to payment only as follows: (1) the actual cost of the work completed in conformity with this Agreement; plus, (2) such other costs actually incurred by Consultant as are permitted by the prime contract and approved by Client; (3) plus ten percent (10%) of the cost of the work referred to in subparagraph above for overhead and profit. There shall be deducted from such sums as provided in this subparagraph the amount of any payments made to Consultant prior to the date of the termination of this Agreement. Consultant shall not be entitled to any claim or claim of lien against Client for any additional compensation or damages in the event of such termination and payment.

Resolution of Program Non-Compliance and Disallowed Costs: In the event of any dispute, claim, question, or disagreement arising from or relating to this Contract, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or Program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within thirty (30) days of receipt of a written notice of the dispute or invitation to negotiate, and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within thirty (30) days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Contract and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally. If the matter is not resolved through such mediation within sixty (60) days of the initiation of that procedure, either party may proceed to file suit.

## **XI.**

Client, the agency, the U.S. Department of Treasury, Inspectors General, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of Consultant which are directly pertinent to this Program, for the purpose of making audit, examination, excerpts, and transcriptions, and to close out the Client's contract. Consultant agrees hereby to maintain all records made in connection with the Program for a period of three (3) years after Client makes final payment and all other pending matters are closed. All subcontracts of Consultant shall contain a provision that Client, the agency, and the Texas State Auditor's Office, or any successor agency or representative, shall have access to all books, documents, papers and records relating to subcontractor's contract with Consultant for the administration, construction, engineering or implementation of the Program between the agency and Client.

## **XII.**

If, by reason of force majeure, either party hereto shall be rendered unable, wholly or in part, to carry out its obligations under this Contract, then if such party shall give notice and full particulars of such force majeure in writing to the other party within a reasonable time after the occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such force majeure,

shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure" as employed herein shall mean acts of God, acts of public enemy, orders of any governmental entity of the United States or of the State of Texas, or any civil or military authority, and any other cause not reasonably within the control of the party claiming such inability.

**XIII.**

This document embodies the entire Contract between Consultant and Client. Client may, from time to time, request changes in the services Consultant will perform under this Contract. Such changes, including any increase or decrease in the amount of Consultant's compensation, must be agreed to by all parties and finalized through a signed, written amendment to this Contract.

**XIV.**

If a portion of this Contract is illegal or is declared illegal, the validity of the remainder and balance of the Contract will not be affected thereby.

**XV.**

Any provision of this Contract which imposes upon Consultant or Client an obligation after termination or expiration of this Contract will survive termination or expiration of this Contract and be binding on Consultant or Client.

**XVI.**

No waiver of any provision of this Contract will be deemed, or will constitute, a waiver of any other provision, whether or not similar, nor will any waiver constitute a continuing waiver. No waiver will be binding unless executed in writing by the party making the waiver.

**XVII.**

This Contract will be governed by and construed in accordance with the laws of the State of Texas.

**XVIII.**

Any dispute between Consultant and Client related to this contract which is not resolved through informal discussion will be submitted to a mutually agreeable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

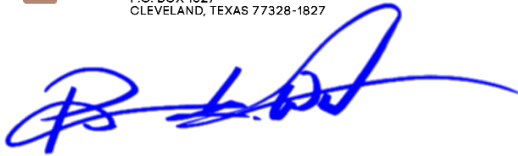
**XIX.**

The party who prevails in any legal proceeding related to this contract is entitled to recover reasonable attorney fees and all costs of such proceeding.

XX.

Consultant and Client acknowledge to each other that Consultant and Client are not in significantly disparate bargaining positions.

 **PUBLIC  
MANAGEMENT**  
P.O. BOX 1827  
CLEVELAND, TEXAS 77328-1827



PATRICK K. WILTSHIRE  
President

*Client*

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_

**Attachment I  
Work Authorization**

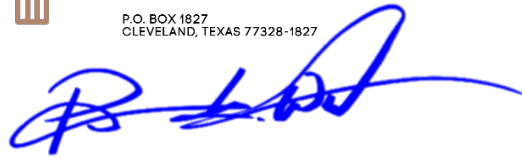
For work associated to City of Tomball ARPA-CLFRF Administration, and in consideration of the foregoing, Client agrees to pay Consultant a fee not to exceed:

**Ninety-Five Thousand Dollars and 0/100 (\$95,000.00)**

The fees are payable upon receipt of invoice from Consultant in accordance with the following schedule for Administrative Services.

<b><u>ADMINISTRATIVE SERVICES</u></b>		
<u>SERVICE</u>	<u>PERCENTAGE</u>	<u>TOTAL FEE</u>
Program Development & Administrative Start-up	7.5%	\$7,125.00
Needs Identification & Recovery Plan	7.5%	\$7,125.00
25% of allocated funds expended	20%	\$19,000.00
50% of allocated funds expended	20%	\$19,000.00
75% of allocated funds expended	20%	\$19,000.00
All allocated funds expended	20%	\$19,000.00
Contract Closeout	5%	\$4,750.00
<b>TOTAL FEE</b>	<b>100%</b>	<b>\$95,000.00</b>

It is also agreed that payments to such Consultant shall be subject to adjustment where monitoring reviews or audits by the client indicate that personal services were compensated at greater than reasonable rates.



PATRICK K. WILTSHIRE  
President

*Client*

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_



**Attachment II**  
**Corporate Hourly Rate & Fee Schedule**

PUBLIC MANAGEMENT, INC.  
2022 Hourly Rate

Principal Consultant	\$275.00/HR
Senior Consultant	\$250.00/HR
Senior Project Manager	\$225.00/HR
Environmental Specialist	\$200.00/HR
Project Manager	\$200.00/HR
Planner	\$200.00/HR
GIS Manager	\$200.00/HR
GIS Technician	\$185.00/HR
Assistant Project Manager/Planner	\$170.00/HR
Compliance Specialist	\$150.00/HR
Executive Assistant	\$125.00/HR

*Hourly rates for personnel not listed will be billed at direct payroll cost*

**REIMBURSABLE EXPENSES**

- Travel (vehicle miles traveled) at allowable IRS rate per mile, or at actual out-of-pocket cost.
- Actual cost of subsistence and lodging.
- Actual cost of long-distance telephone calls, expenses, charges, delivery charges, and postage.
- Actual invoiced cost of materials required for the job and used in drafting and allied activities, including printing and reproduction.

This rate schedule will be applicable through December 31, 2022. In January, 2023, if increases are necessary due to increases in wages or other salary related costs, the rates shown will be adjusted accordingly.

---

**ATTACHMENT III**  
**TERMS AND CONDITIONS****I.****Equal Employment Opportunity**

During the performance of this Contract, Consultant agrees as follows:

a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor; state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

c) The Contractor will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employees essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

d) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

e) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, "Equal Employment Opportunity" and of the rules, regulations, and relevant orders of the Secretary of Labor.

f) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for

purposes of investigation to ascertain compliance with such rules, regulations, and orders.

g) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

h) The Contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (h) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**II.****Civil Rights Act of 1964**

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**III.****Section 109 of the Housing and Community Development Act of 1974**

The Contractor shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

**IV.****Section 504 Rehabilitation Act of 1973, as Amended**

The Contractor agrees that no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be denied the benefits of, or be subjected to discrimination, including

discrimination in employment, under any program or activity receiving federal financial assistance.

V.

Age Discrimination Act of 1975

The Contractor shall comply with the Age Discrimination Act of 1975 which provides that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

VI.

"Section 3" Compliance in the Provision of Training, Employment and Business Opportunities (Limited to contracts greater than \$100,000)

a) The work to be performed under this contract is subject to the requirements of section 3 of the Federal Emergency Management Administration Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by FEMA assistance or FEMA-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of FEMA assistance for housing.

b) The parties to this contract agree to comply with FEMA's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

c) The Contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

d) The Contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an

e) applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The Contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

f) The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the Contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

g) Noncompliance with FEMA's regulations in 24 CFR part 135 may result in sanctions, termination of this Agreement for default, and debarment or suspension from future FEMA assisted contracts.

h) With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this Agreement. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this Agreement that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

VII.

Section 503 of the Rehabilitation Act (the "Act") - Handicapped Affirmative Action for Handicapped Workers

a) Consultant will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. Consultant agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising layoff or termination rates of pay or other forms of compensation, and selection for training, including apprenticeship.

b) Consultant agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

c) In the event of Consultant's non-compliance with requirements of this clause, actions for non-compliance may be taken in accordance with rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

d) Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

e) Consultant will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973 and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

f) Consultant will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary Issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor with respect to any subcontract or purchase order as the director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

#### VIII.

##### Interest of Members of Client

No member of the governing body of Client and no other officer, employee, or agent of Client who exercises any functions or responsibilities in connection with the planning and carrying out of the Program, shall have any personal financial interest, direct or indirect, in this Contract and Consultant shall take reasonably appropriate steps to assure compliance.

#### IX.

##### Interest of Other Local Public Officials

No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connections with the planning and carrying out of the Program, shall have any personal financial interest, direct or indirect, in this Contract; and Consultant shall take appropriate steps to assure compliance.

#### X.

##### Interest of Consultant and Employees

Consultant covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Contract, no person having any such interest shall be employed.

#### XI.

##### Debarment and Suspension (Executive Orders 12549 and 12689)

The Consultant certifies, by entering into this Agreement, that neither it nor its principals are presently debarred, suspended, or otherwise excluded from or ineligible for participation in federally-assisted programs under Executive Orders 12549 (1986) and 12689 (1989). The term "principal" for purposes of this Agreement is defined as an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control over the operations of the Consultant. The

Consultant understands that it must not make any award or permit any award (or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

#### XII.

##### Copyrights and Rights in Data

FEMA has no regulations pertaining to copyrights or rights in data as provided in 24 CFR 85.36. FEMA requirements, Article 45 of the General Conditions to the Contract for Construction (form FEMA-5370) requires that contractors pay all royalties and license fees. All drawings and specifications prepared by the Design Professional pursuant to this contract will identify any applicable patents to enable the general contractor to fulfill the requirements of the construction contract.

#### XIII.

##### Clean Air and Water.

(Applicable to contracts in excess of \$100,000)

Due to 24 CFR 85.36(i)(12) and federal law, the Design Professional shall comply with applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. § 1857h-4 transferred to 42 USC § 7607, section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15), on all contracts, subcontracts, and sub grants of amounts in excess of \$100,000.

#### XIV.

##### Energy Efficiency

Pursuant to Federal regulations (24 C.F.R 85.36(i)(13)) and Federal law, except when working on an Indian housing authority Project on an Indian reservation, the Design Professional shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163 codified at 42 U.S.C.A. § 6321 et. seq.).

#### XV.

##### Retention and Inspection of Records

Pursuant to 24 CFR 85.26(i)(10) and (11), access shall be given by the Design Professional to the Owner, FEMA, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the Design Professional which are directly pertinent to that specific Contract for the purpose of making an audit, examination, excerpts, and transcriptions. All required records shall be retained for three years after the Owner or Design Professional and other sub grantees make final payments and all other pending matters are closed.



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: July 18, 2022

#### Topic:

Resolution No. 2022-25, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on August 15, 2022, for the creation of Tomball Public Improvement District No. 14 (Seven Oaks) and being located within the City of Tomball.

#### Background:

Resolution No. 2022-25 pertains to Tomball Public Improvement District No. 14, also known as Seven Oaks, which encompasses approximately 19.34 acres located on the north side of Holderrieth Road, and 0.598 miles west of the Holderrieth Road and Hufsmith-Kohrville intersection. The resolution will accept the PID petition received from HMH Tomball Townhomes, LLC, and calls for a public hearing on August 15, 2022 to consider the creation of Tomball PID No. 14.

On March 21, 2022 City Council approved an amendment to the Administrative Policy for Public Improvement Districts (PIDs). The PID Policy specifies that the minimum requirement for a district to be eligible for a bond PID is 50-acres. Additionally, the development would need to provide a unique or special development that provides benefits to the Tomball community. These benefits could include, but are not limited to: parks, walking trails, sidewalks, specialty lighting, signage, etc. The development would also need to exceed development requirements which could include enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of the lots or building.

The developer is requesting creation of a bond (debt) PID. As submitted, the PID does not meet the 50-acre minimum for consideration of a bond PID under the City's adopted policy, however, the developer is requesting consideration based on the unique amenities that are being included in the development. Staff agrees that the developer has gone beyond the standard requirements to include trails, park space, and amenities that the City will require to be included as part of development should the Council agree to the PID. Additionally, the PID policy does maintain that Council has the flexibility to consider unique and desirable elements, and grants Council the final authority for PID creation if the proposed development does not meet all the minimum requirements of the PID policy. If approved, bonds would not be issued until fifty-percent of the homes are completed with Certificate of Occupancies issued.

**Origination:** HMH Tomball Townhomes, LLC and Project Management Office

#### Recommendation:

Staff recommends accepting the PID petition and calling the public hearing on August 15, 2022.

**Party(ies) responsible for placing this item on agenda:** Meagan Mageo, Project Manager

#### FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_  
If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed Meagan Mageo Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT  
WITHIN THE CITY OF TOMBALL, TEXAS**

**COMES NOW**, HMH Tomball Townhomes, LLC, a Texas limited liability company (“Petitioner”), the owner of a parcel or parcels of taxable real property, who hereby petition the City of Tomball, Texas (“City”), to conduct a hearing on this Petition, and to create a Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code, as amended, to be known as “Seven Oaks Public Improvement District” (the “District”). In support of the same, Owner would respectfully show the following:

**I.**

The boundaries of the proposed District are set forth in Exhibit “A” attached hereto and incorporated by reference herein. All of such land is located in the corporate limits of the City or its extraterritorial jurisdiction.

**II.**

The general nature of the proposed improvements (the “Improvements”) are: (i) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (ii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (iii) landscaping; (iv) the establishment or improvement of parks; (v) erection of fountains, distinctive lighting, and signs; (vi) projects similar to those listed in (i)-(v); (vii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (viii) special supplemental services for improvement and promotion of the District, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of expenses incurred in the establishment, administration, and operation of the District, including the costs of financing the public improvements listed above.

**III.**

The estimated total cost of the proposed Authorized Improvements together with bond issuance cost, eligible legal and financial fees, eligible credit enhancement costs and eligible cost incurred in the establishment, administration and operation of the District is \$9,000,000, plus the annual costs of supplemental services, if any. The City will pay no cost of the Authorized Improvements or supplemental services from funds other than assessments levied on property within the District.

**IV.**

The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. Each assessment may be paid in part or in full at any time (including interest), and certain assessments may be paid in annual installments (including interest). If the City allows an assessment to be paid in installments, then

the installments must be paid in amounts necessary to meet annual costs for those public Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness on those public Improvements (including interest).

V.

All of the cost of the proposed Improvements shall be apportioned to and paid by assessment of the property within the District. The City will pay none of the costs of the proposed Improvements. Any remaining costs of the proposed Improvements will be paid from sources other than assessment of the property within the District.

VI.

The management of the District will be by the City with the assistance of a third-party administrator hired by the City and paid as part of the annual administrative cost of the District.

VII.

The person or entity signing this Petition request the establishment of the District, is duly authorized, and has the corporate authority to execute and deliver the Petition.

VIII.

The Petitioner proposes that the District be established and managed without the creation of an advisory board.

IX.

Notwithstanding that the total acreage within the proposed District is less than fifty (50) acres, Petitioner is requesting that the City reimburse Petitioner for the cost of the Improvements.

X

The persons or entities (through authorized representatives) signing this Petition are also owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and the record owners of real property liable for assessment under the proposal who: (a) constitute more than fifty percent (50%) of all record owners of property that are liable for assessment under the proposal, and (b) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the proposal.

XI.

This Petition will be filed with the City Secretary, City of Tomball, Texas.



[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED, on this the 27th day of April, 2022.

**PETITIONER:**

HMH Tomball Townhomes, LLC, a Texas  
limited liability company

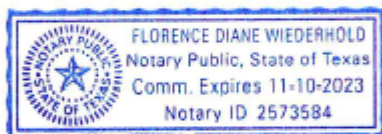
By: [Signature]

Name: Michael J. Pizzitelli, Jr.

Title: Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF Harris   §

This instrument was acknowledged before me on April 27th, 2022, by  
Michael J. Pizzitelli, Jr., Vice President of HMH Tomball Townhomes, LLC, a  
Texas limited liability company, on behalf of said company.



[Signature]  
Notary Public, State of Texas

## EXHIBIT "A"

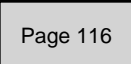
Being a 19.34 acre (842,341 square foot) tract of land situated in the C. Pilot survey, Abstract No. 632 City of Tomball of Harris County, Texas and being the remainder of a called 5.0000 acre tract of land as described in an instrument to Franklin L. Cox and wife Karen M. Cox recorded under Harris County Clerk's File Number (H.C.C.F. No.) N337110, all of a called 2.0000 acre tract of land as described in an instrument to Franklin L. Cox and wife Karen M. Cox recorded under H.C.C.F. No. N325685 and the remainder of a called 22.1454 acre tract as described in an instrument to Franklin L. Cox and wife Karen M. Cox recorded under H.C.C.F. No. M269425, said 19.34 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas coordinate system of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the north right-of-Way line of Holderrieth Road as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 5/8-Inch iron rod with cap stamped "GORRONDONA & ASSOC." found for the southwest corner of the herein described tract, lying on the north right-of-way line of Holderrieth Road (80 feet wide), said point being the northwest corner of a called 0.3104 acre tract (Parcel 23) as described in an instrument to Harris County recorded under H.C.C.F. No. RP-2021-276721 for the widening of said Holderrieth Road, same being the northeast corner of a called 0.2073 acre tract (Parcel 21B) as described in an instrument to Harris County recorded under H.C.C.F. No. RP-2021-358152, from which a 5/8-inch iron rod with cap stamped "EE COON" bears S 21°13' E, 20.75 feet, found for the southwest corner of said 22.1454 acre tract and the southeast corner of a called 21.361 acre tract as described in an instrument to Frank Leon Denina and wife Alma Ruth Denina recorded under H.C.C.F. No. E712621, Thence, N 21°13'03" W, along and with the common line of said 21.361 acre tract and said 22.1454 acre tract, at a distance of 1,216.08 feet passing a 2-Inch iron pipe found for the southwest corner of said 2.0000 acre tract and continuing for a total distance of 1,442.32 feet to a 1/2-Inch iron rod inside a 5-Inch metal pipe found for the northwest corner of the herein described tract and the southwest corner of a called 2.5 acre tract as described in an instrument to Gurprit Singh and Jaspreet Bains recorded under H.C.C.F. No. RP-2018-252717;

THENCE, N 69°48'38" E, along and with the southerly line of said 2.5 acre tract, a distance of 476.61 feet to a 1/2-Inch iron pipe with cap stamped "BGE INC" set for the northeast corner of the herein described tract and the southeast corner of said 2.5 acre tract, lying on the east line of said 22.1454 acre tract, same being the west line of a called 12.73942 acre tract as describe in an instrument to C & C Properties, Inc. recorded under H.C.C.F. No. L894620;

THENCE, S 28°04'44" E, along and with the common line of said 22.1454 acre tract and said 12.73942 acre tract, a distance of 1,547.71 feet to a 1/2-Inch iron pipe with cap stamped "BGE INC" set for the southeast corner of the herein described tract and the northeast corner of said 0.3104 acre tract (Parcel 23), lying on the north right-of-way line of said Holderrieth Road, from which a 5/8-Inch iron rod with cap stamped "EE COON" bears S 25°56' E, 20.9 feet, found for the common south corner of said 22.1454 acre tract and said 12.73942 acre tract;


THENCE, S 77°37'17" W, along and with the north right-of-way line of said Holderrieth Road, same being the north line of said 0.3104 acre tract (Parcel 23), a distance of 669.39 feet to the POINT OF BEGINNING and containing 19.34 acres (842,341 square feet) of land, more or less.



- i. A completed City of Tomball PID Application Form (Exhibit A);

**CITY OF TOMBALL  
PUBLIC IMPROVEMENT DISTRICT POLICY  
AS ADOPTED BY CITY COUNCIL ON MARCH 7, 2022**

I have read and understand this policy.

  
Signature

4/26/22  
Date

Michael J. Pizzitola, Sr.  
Printed Name

(Please sign and date this page and return to the Project Manager)



ii. Letter from developer requesting consideration of a PID and summary of the special benefits to be received by the development;

HistoryMaker Homes is requesting from the City of Tomball the creation of a Public Improvement District to assist in developer reimbursement of public infrastructure and public parks.

The Seven Oaks community will consist of 141 town homes which will come in packs of 3, 4, 5 & 6. These townhomes will be 1800 SF on average, and are anticipated to have an average sales price of \$310,000. Our target price point is catered to second generation Tomball residents who desire to stay close to the family and friends they grew up with. This community will be managed by a homeowner's association which will allow the Seven Oaks residents to live a life style which demands little in the way of property management and maintenance. The HOA will be responsible for the exterior upkeep of the buildings in the community, as well as the landscaping & amenities throughout the community.

HistoryMaker has had tremendous success in Houston, and other major US cities, in bringing their townhome product to market. Due to design efficiency, HistoryMaker is able to deliver to their customers a level of quality that is unmatched by competing products.

Since HistoryMaker Homes closed on the land on August 31<sup>st</sup> 2021; Seven Oaks inflationary pressures, driven by the pandemic, has added \$2,956,793 to the budget, or \$22,023 per Lot. It is HistoryMakers desire to deliver a product to its customers that does not cut back, in any way, on the quality of the Seven Oaks Community.

The additional funds the PID will generate will be used to construct a park, and embellish the community's amenity lake and other reserves with high quality features. These amenities include masonry walls, iron fencing to enhance views of the lake, decorative lighting features around the lake, aesthetic fountains, walking trails, entry monumentation, seating areas, and the planting of shade trees. Of the 19.34 acres in the Seven Oaks Community 3.03 acres, or 15.65% of all land, will be used for amenitization. This is a large percent of the Seven Oaks community, and exceeds the percent of amenitized land in comparable Tomball communities (comparison table below).

## **SEVEN OAKS ADDED AMENITY FEATURES**

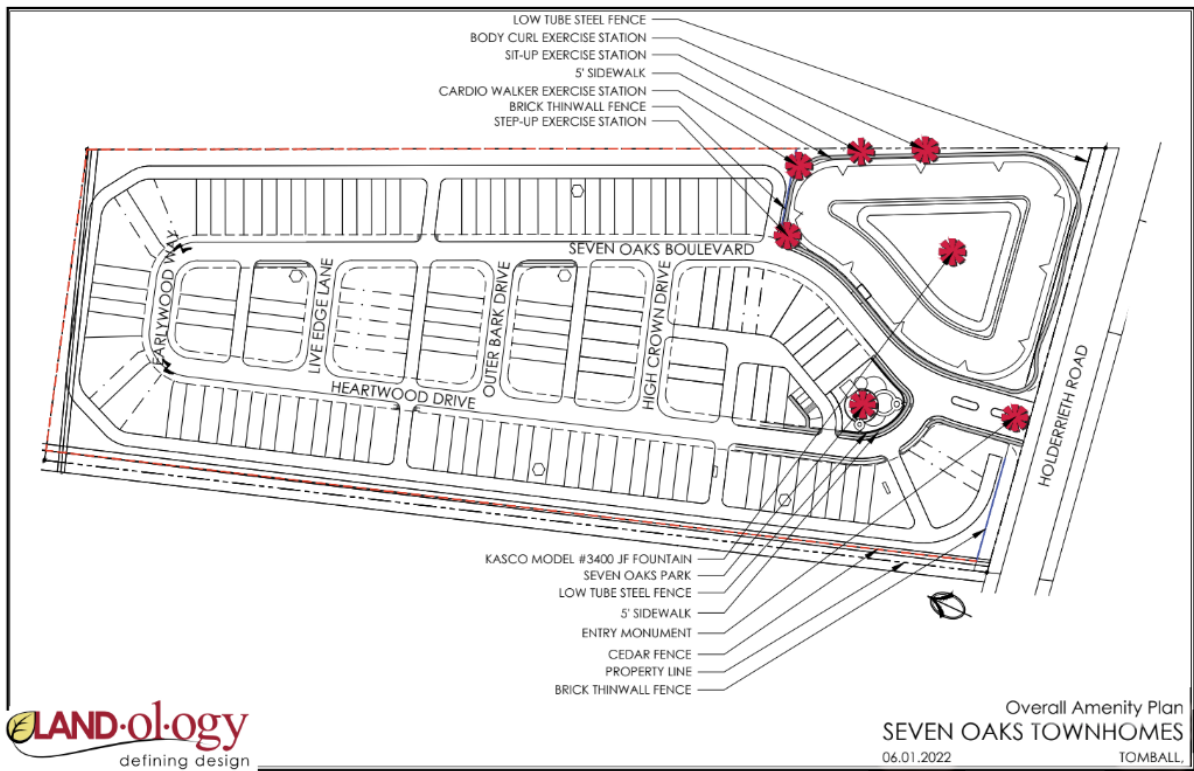
The creation of the PID for the Seven Oaks community will allow HistoryMaker to add various amenity features to the community that would otherwise not be able to be included in the project. These amenity features are listed below.

- Fenced park area
- Vehicle parking area for park
- Large children's play structure
- Park fencing for child safety
- Pavilion for shade and seating
- Grill
- Additional tree planting and landscaping
- Park benches
- 4 work out stations
- Lake Fountain
- Masonry Fencing
- Lake front iron fencing

### **SEVEN OAKS - COST OF ADDITIONAL AMENITY FEATURES**

<b>PARK ELECTRICAL</b>	
Electrical Meter Loop & Panel (Complete & In-Place)	\$ 6,500.00
Conduit and Wire	\$ 2,400.00
<b>PARK HARDSCAPE</b>	
Concrete Walks, 4 1/2" Thick	\$ 10,625.00
Beaverdam Play Structure - by GameTime	\$ 80,620.00
3.5' Tube Steel Fence	\$ 22,770.00
Benches	\$ 3,900.00
Kiddie Mulch - Mulch Fall Surfacing @ 12" Depth	\$ 6,000.00
Concrete Containment Curb	\$ 2,537.50
Carolina 20'x20' Pavilion by Poligon	\$ 58,053.00
Pilot Rock Charcoal Grill	\$ 496.00
Dumor 70-32TTX - Trash Receptacle	\$ 2,535.00
Dumor 298-60-2TX/S-2 - ADA Picnic Table	\$ 5,703.00
Dumor 298-60TX/S-2 Picnic Table	\$ 4,914.00
<b>PARK IRRIGATION</b>	
Irrigation Controller (Complete & In-Place)	\$ 8,000.00
Irrigation - Shrubs & Groundcover (Drip)	\$ 4,500.00
Irrigation -Turf (Spray)	\$ 1,072.00
Irrigation - Tree Bubblers (2 per Shade tree / 1 per Orn. Tree)	\$ 1,300.00
<b>PARK SOFTSCAPE</b>	
Shrubs & Groundcover: Bed Preparation	\$ 3,900.00
Shrubs & Groundcover: Hardwood Mulch	\$ 3,000.00
Pit Planting Bed Preparation	\$ 260.00
Shade Tree: 45 gal.	\$ 5,850.00
Shrubs & Groundcover: Plant Material	\$ 12,750.00
Common Bermuda, Sod (includes fine grading)	\$ 1,072.00
<b>FITNESS TRAIL @ POND</b>	
Bench(s)	\$ 5,850.00
Body Curl Station - GameTime GTFIT Exercise Station	\$ 3,568.00
Sit Up Station - GameTime GTFit Exercise Station	\$ 2,908.00
Cardio Walker - GameTime GTFit Exercise Station	\$ 9,306.00
Step-Up Station - GameTime GTFit Exercise Station	\$ 1,068.00
Kiddie Mulch - Mulch Fall Surfacing @ 12" Depth @ Exercise Stations	\$ 1,215.00
Concrete Containment Curb @ Exercise Stations	\$ 2,905.00
Pond Fountain - Kasco 3400JF Fountain - Nozzle T.B.D.	\$ 5,000.00
Electrical meter Loop & Panel (Complete & In-Place)	\$ 6,500.00
Conduit & Wire	\$ 2,400.00
5' W Concrete Walk, 4 1/2" Thick	\$ 58,735.00
Lake fountain	\$ 48,500.00
Masonry Fencing	\$ 41,160.00
Contingency / Anticipated Pricing pressure	\$ 43,787.25
<b>TOTAL</b>	<b>\$ 481,659.75</b>

**\*These improvements will cause HistoryMaker to forfeit 2 lots.**





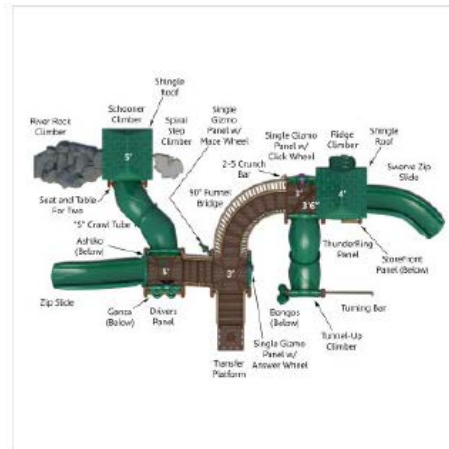
VAULT

## Beaverdam

Product Line: PrimeTime

Model # PT15388

PrimeTime is a perfect choice for schools, early learning centers, faith-based organizations and more. With a full range of climbers, slides, ladders and play activities, PrimeTime systems can be configured for any space and any budget, without compromising play or play value.



GameTime Play Structure - \$80,620 Installed Cost Estimate



Body Curl Station



Sit-Up Station





Cardio Walker



Step-Up Station



poligon



FRAME COLOR: SURREY BEIGE  
ROOF COLOR: EVERGREEN  
COLORS SHOWN ARE FOR REFERENCE ONLY.  
CONTACT BECKMAN@LAND-OLY.COM TO REQUEST ACTUAL COLOR SAMPLES.

CAR-20

CAROLINA 20'x20' PAVILION by POLIGON



70-32TTX  
TRASH RECEPTACLE  
by DUMOR QTY: 1

LAND-ology  
defining design

**Pilot Rock** Model ASW-20 & ASW-24  
Accessible Park Grill

**DESCRIPTION:**  
The ASW-20 & ASW-24 are charcoal grills designed for accessibility. They feature a large, flat cooking surface and a low profile. The ASW-20 is 20 inches high and the ASW-24 is 24 inches high. Both grills are made of heavy-duty steel and are powder-coated for durability. They are designed to be used by people with limited mobility and are compliant with ADA requirements.

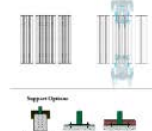
**FEATURES:**  
• Large, flat cooking surface  
• Low profile design  
• Heavy-duty steel construction  
• Powder-coated finish  
• Compliant with ADA requirements

**ASW-20 CHARCOAL GRILL by PILOT ROCK QTY: 1**

## TABLE 298



Number	Description	Weight
298-001	6' Long Plastic Table	180 lbs.
298-002	6' Long Plastic Table	180 lbs.
298-003	6' Long Plastic Table	180 lbs.
298-004	6' Long Plastic Table	180 lbs.
298-005	6' Long Plastic Table	180 lbs.
298-006	6' Long Plastic Table	180 lbs.
298-007	6' Long Plastic Table	180 lbs.
298-008	6' Long Plastic Table	180 lbs.
298-009	6' Long Plastic Table	180 lbs.
298-010	6' Long Plastic Table	180 lbs.



DuMor Inc.  
1800 Main St.  
DUMOR.COM

6' TABLE 298 by DUMOR QTY:2 (1 ADA ACCESSIBLE)  
6' BACKLESS BENCH by DUMOR QTY:2

Park Equipment

SEVEN OAKS TOWNHOMES

06.01.2022

TOMBALL,

THE DESIGN IS COPYRIGHT IN NAME AND SUBJECT TO CHANGE. THIS PLAN IS NOT FOR PERMANENT OR CONSTRUCTION AND SHALL NOT BE REPRODUCED WITHOUT THE PERMISSION OF LAND-OLY, LLC.

### How will future residents of Seven Oaks benefit from this PID creation.

- Our customers will pay **LESS money over time** due to a PID creation. The 30 year PID assessment payments will be lower than a mortgage that is \$38,500 higher.
- HMM will forfeit 2 lots in order to provide a higher level of *amenities that would otherwise not be part of the community*. These amenities include parks, an outdoor cooking facility, fitness equipment, & enhanced landscaping.

Accounts	7/1/22 Budget with NO PID	7/1/22 Budget with PID	Difference
Engineering Design	\$ 464,785	\$ 464,785	\$ -
Geotechnical Services	\$ 133,000	\$ 133,000	\$ -
Erosion Control	\$ 52,249	\$ 52,249	\$ -
Sanitary Sewer	\$ 3,163,563	\$ 3,163,563	\$ -
Paving	\$ 1,684,516	\$ 1,684,516	\$ -
Electric	\$ 162,513	\$ 162,513	\$ -
Misc. Cost	\$ 99,443	\$ 99,443	\$ -
10510-Unexpected Costs	\$ 417,900	\$ 417,900	\$ -
Land	\$ 1,674,239	\$ 1,674,239	\$ -
Closing Cost	\$ 50,000	\$ 50,000	\$ -
Interest Expense	\$ 348,649	\$ 348,649	\$ -
Legal - Development	\$ 35,000	\$ 35,000	\$ -
City Fees	\$ 2,500	\$ 2,500	\$ -
Excavation / Detention	\$ 511,858	\$ 511,858	\$ -
OS Paving	\$ 33,639	\$ 33,639	\$ -
Landscape	\$ 722,480	\$ 722,480	\$ -
HOA	\$ 50,400	\$ 50,400	\$ -
Taxes	\$ 330,797	\$ 330,797	\$ -
Development management	\$ 143,000	\$ 143,000	\$ -
PID Reimbursement	0	\$ (4,190,142)	\$ (4,190,142)
<b>TOTAL</b>	<b>\$ 10,080,531</b>	<b>\$ 5,890,389</b>	<b>\$ (4,190,142)</b>
# of Lots	\$ 141	\$ 141	\$ (3)
Cost of lot	\$ 71,493	\$ 41,776	\$ (29,717)
<b>Expected sales price of home</b>	<b>\$ 348,500.00</b>	<b>\$ 310,000</b>	<b>\$ (38,500)</b>

Cost Comparison - Assessment vs Decreased home cost	
Total per unit cost of 30 yr. PID assessment	\$ 66,750.00
Total 30 yr. Mortgage cost of \$38,500 @ 6%	\$ 83,097.70
<b>PID cost benefit per customer</b>	<b>\$ 16,347.70</b>

- iii. Evidence that the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing. The developer must provide the City with adequate evidence of its committed and anticipated sources of funding to fund the balance of the improvements in the District not eligible to be funded by District issued financing;

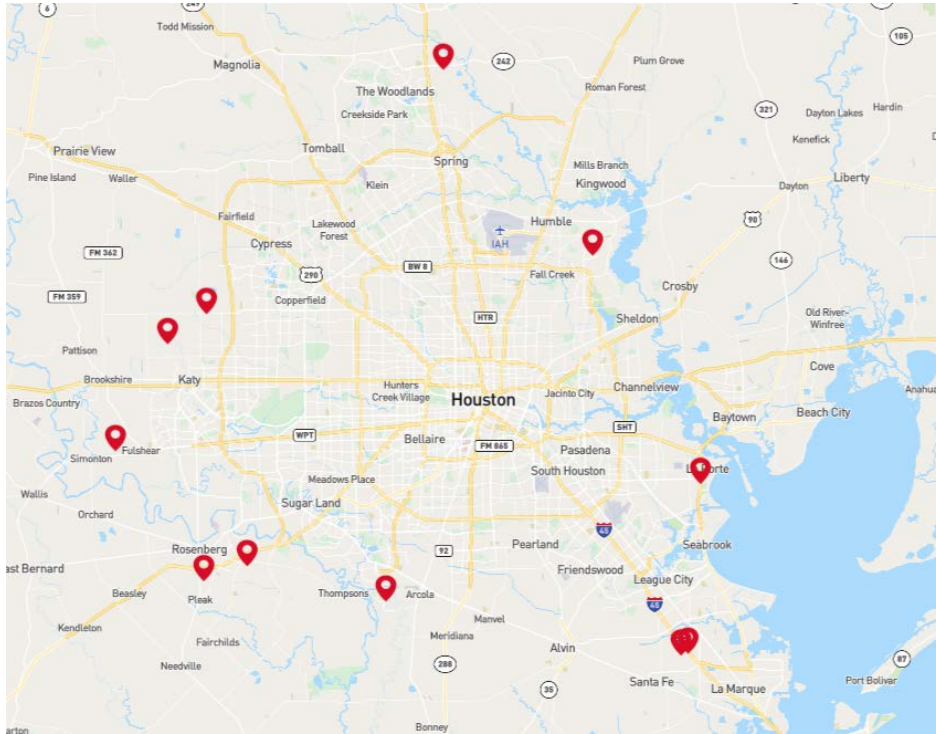
HistoryMaker Homes:

A brief history behind HistoryMaker Homes goes back to pre-World War II. The Mitchell family began building homes in the Fort Worth area in the late 1940's. From there on, the Mitchell family would establish HistoryMaker Homes and would then flourish into the prevalent home builder & developer they are today. After 60 years in the DFW market, History Maker would then open their Houston, TX hub in 2016. Since then, History Maker Homes has constructed quality homes in major master plan communities such as; Sunterra, Artesia Village, Katy Lakes, Summer Lakes, Seabourn Landing, Harpers Preserve, Sienna Townhomes at Parkway Place, & Balmoral. The success of History Maker Homes can be attributable to the company's vision, mission, and core values "To honor God, enrich the lives of stakeholders, and delight customers". History Maker Homes has made strides in the development and home building industry due to their adaptations in technology applications, intelligent construction methods, as well as energy efficiency.

In the past 12 months HistoryMaker has constructed approximately 290 homes in the Houston area, and approximately 846 homes in the Dallas / Fort Worth area. With an average home selling at \$332,700 that is \$378,000,000 in home sales over the past 12 months.

***(SEE MAPS ON NEXT PAGE)***

## HISTORYMAKER COMMUNITY LOCATION MAP (HOUSTON)



### Production Builder Ranking *Current Selections* *Sorted By Annual Closings*

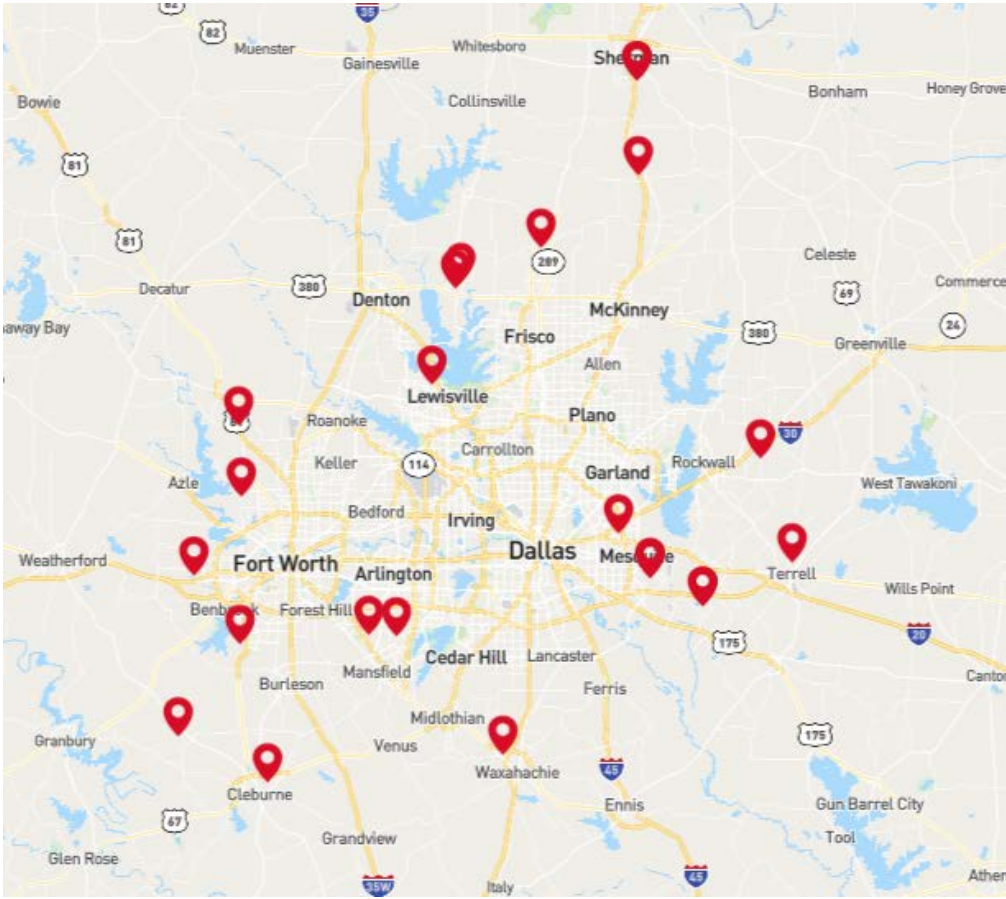
Rank	Builder Name (Production)	Single-Builder Section Closings					Shared Annual Closings	Total Annual Closings	Production Builder Share
		1Q21	2Q21	3Q21	4Q21	Annual			
22	Century Communities	132	228	122	136	618		618	1.69 %
23	Colina Homes	197	162	101	135	595		595	1.63 %
24	Anglia Homes	139	118	129	154	540		540	1.48 %
25	M/I Homes	124	160	130	109	523		523	1.43 %
26	Ashton Woods	99	187	126	95	507		507	1.39 %
27	First America Homes	113	131	131	89	464	2	466	1.28 %
28	Devon Street Homes	56	82	127	125	390		390	1.07 %
29	Pulte	112	103	55	87	357		357	0.98 %
30	Newmark Homes Houston	116	85	76	79	356		356	0.98 %
31	NuHome	81	113	74	80	348		348	0.95 %
32	Village	101	78	70	95	344		344	0.94 %
33	Princeton Classic Hom	73	80	80	80	313		313	0.86 %
34	History Maker Homes	54	77	80	79	290		290	0.79 %

**S** numbers in this column are based on shared (multiple-builder) sections; in these cases, the annual number is evenly distributed between builders in these sections

Houston Residential Survey (4Q21)  
Copyright Metrostudy  
Page 1 of 5

**metrostudy**  
Sales: 1-800-227-8839  
A hantleywood Company

## HISTORYMAKER COMMUNITY LOCATION MAP (DALLAS/FT. WORTH)



## Production Builder Ranking

### Current Selections

Sorted By Annual Closings

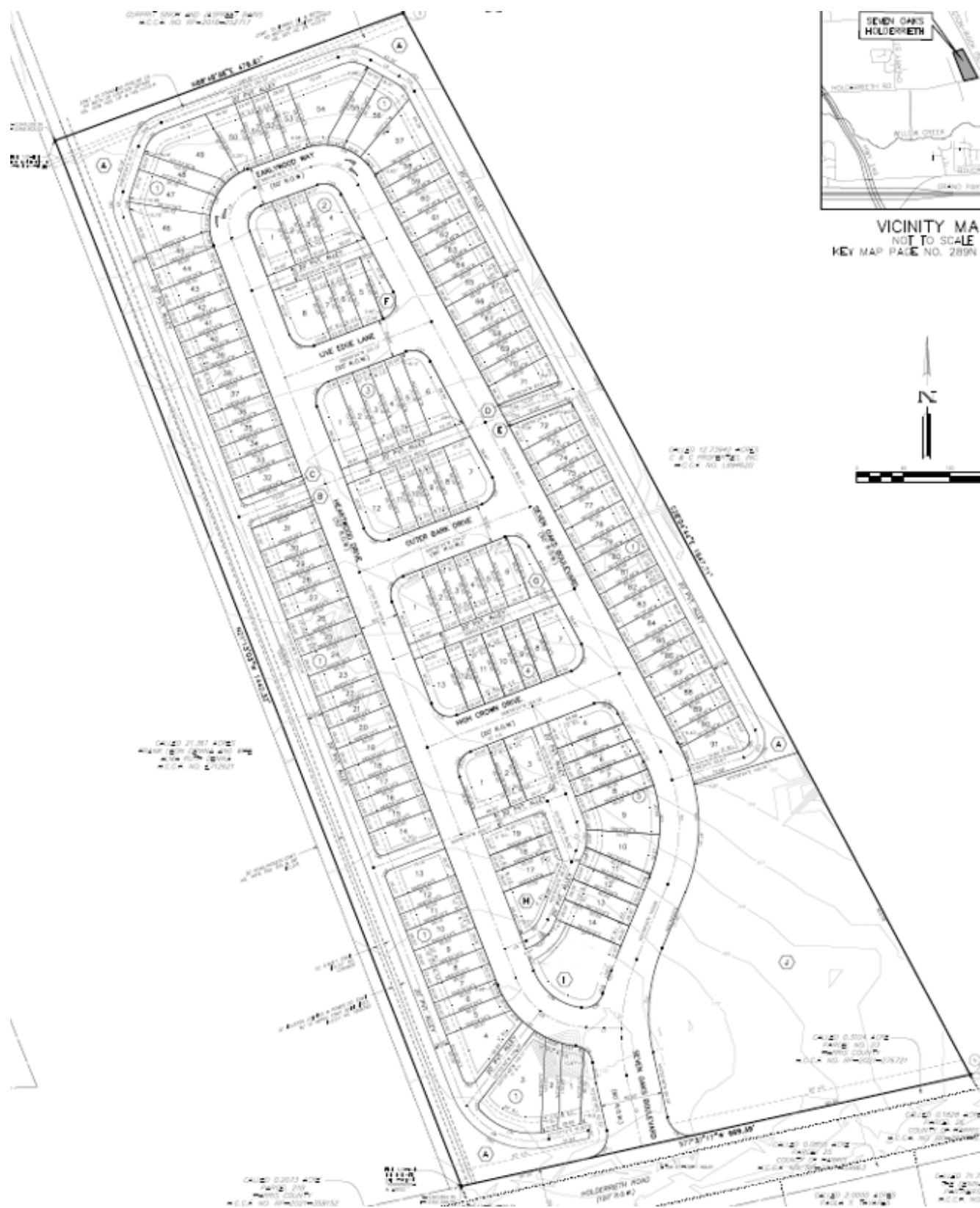
Rank	Builder Name (Production)	Single-Builder Section Closings					\$ Shared Annual Closings	Total Annual Closings	Production Builder Share
		1Q21	2Q21	3Q21	4Q21	Annual			
1	D.R. Horton Homes	937	1,210	968	1,320	4,435	1	4,436	10.80 %
2	Express Homes by DR H	606	795	858	832	3,091		3,091	7.52 %
3	Lennar Homes	580	697	674	677	2,628		2,628	6.40 %
4	Bloomfield Homes	363	572	596	509	2,040		2,040	4.97 %
5	Highland Homes	438	488	483	431	1,840	1	1,841	4.48 %
6	LGI Homes	446	645	362	333	1,786		1,786	4.35 %
7	Meritage Homes	250	333	327	291	1,201		1,201	2.92 %
8	First Texas Homes	269	356	265	186	1,076		1,076	2.62 %
9	Pulte	190	280	223	236	929		929	2.26 %
10	Trophy Signature Home	97	247	294	258	896		896	2.18 %
11	Impression Homes	209	239	150	276	874		874	2.13 %
12	History Maker Homes	190	254	187	215	846		846	2.06 %
13	Starlight Homes by As	87	254	220	259	820		820	2.00 %



- iv. A site plan or general plan of development that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, Strategic Plan, and all other City plans formally approved by City Council, as amended;

History Maker Homes will provide 141 luxury townhomes to the City of Tomball. These townhomes will consist of pristine landscaping at the front of each dwelling for a more inviting atmosphere for residents to walk through the entire community. The detention pond area will have a walkable trail to create a sense of place that coincides with the values and direction of the City of Tomball comprehensive plan. With driveways located in the rear of each unit the clutter of automobiles will be mitigated by the private alleyways. Please see the exhibits below for an understanding of the general plan and landscaping to be provided.





- v. Identification of how the project will contribute to funding the expansion of arterial and connector streets, major collector roadways or highways, and trunk line utility infrastructure, as applicable when necessary to address the projected demand for services and the impacts of the development;

HistoryMaker's Seven Oaks project will contribute to and enhance the public infrastructure of Tomball in several major ways. Harris County is undertaking a major project which will widen Holderrieth Road, and replace water, sewer, and drainage facilities within the Holderrieth ROW. The Seven Oaks project has caused Harris County to agree to deepen their proposed storm sewer in this area in order to better serve the 7 Oaks community and the land around this area. This action will allow nearby properties to drain to the Holderrieth storm sewer that would have otherwise not been able to. HistoryMaker has agreed to pay for the cost to lower this storm sewer line. HistoryMaker will also be providing a left-hand turn lane which will allow traffic flow to continue while passengers are entering the Seven Oaks community. The detention Pond of Seven Oaks will also enhance the flooding characteristics of the area by detaining storm water that previously sheet flowed off site. Seven Oaks will also sport an amenity pond with walking trails that will be open for public use.

- vi. Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost;

Accounts	7/1/22 Budget
Engineering Design	\$ 464,785
Geotechnical Services	\$ 133,000
Erosion Control	\$ 52,249
Sanitary Sewer	\$ 3,163,563
Paving	\$ 1,684,516
Electric	\$ 162,513
Misc. Cost	\$ 99,443
10510-Unexpected Costs	\$ 417,900
Land	\$ 1,674,239
Closing Cost	\$ 50,000
Interest Expense	\$ 348,649
Legal - Development	\$ 35,000
City Fees	\$ 2,500
Excavation / Detention	\$ 511,858
OS Paving	\$ 33,639
Landscape	\$ 722,480
HOA	\$ 50,400
Taxes	\$ 330,797
Development management	\$ 143,000
<b>TOTAL</b>	<b>\$ 10,080,531</b>
# of Lots	\$ 141
<b>Cost of lot</b>	<b>\$ 71,493</b>

- vii. Sources and uses budget and project pro forma detailing projected cash flows over the life of the proposed District including other public sources, private financing, and developer equity contribution to the project;

### PROJECT FUNDING DEBT & EQUITY

Accounts	7/1/22 Budget	Equity	Loan
Engineering Design	\$ 464,785	\$ 464,785	
Geotechnical Services	\$ 133,000	\$ 133,000	
Erosion Control	\$ 52,249	\$ 52,249	
Sanitary Sewer	\$ 3,163,563	\$ 3,163,563	
Paving	\$ 1,684,516	\$ 1,266,934	\$ 417,582
Electric	\$ 162,513		\$ 162,513
Misc. Cost	\$ 99,443		\$ 99,443
10510-Unexpected Costs	\$ 417,900		\$ 417,900
Land	\$ 1,674,239		\$ 1,674,239
Closing Cost	\$ 50,000		\$ 50,000
Interest Expense	\$ 348,649		\$ 348,649
Legal - Development	\$ 35,000		\$ 35,000
City Fees	\$ 2,500		\$ 2,500
Excavation / Detention	\$ 511,858		\$ 511,858
OS Paving	\$ 33,639		\$ 33,639
Landscape	\$ 722,480		\$ 722,480
HOA	\$ 50,400		\$ 50,400
Taxes	\$ 330,797		\$ 330,797
Development management	\$ 143,000		\$ 143,000
<b>TOTAL</b>	<b>\$ 10,080,531</b>	<b>\$ 5,080,531</b>	<b>\$ 5,000,000</b>

**PROJECTS ELEGIBLE FOR REIMBURSEMENT VIA PID FUNDS**

Accounts	7/1/22 Budget	Costs eligible for PID reimbursement
Engineering Design	\$ 464,785	\$ 428,599
Geotechnical Services	\$ 133,000	\$ 122,645
Erosion Control	\$ 52,249	\$ 52,249
Sanitary Sewer	\$ 3,163,563	\$ 2,917,263
Paving	\$ 1,684,516	\$ 1,102,345
Electric	\$ 162,513	
Misc. Cost	\$ 99,443	
10510-Unexpected Costs	\$ 417,900	
Land	\$ 1,674,239	
Closing Cost	\$ 50,000	
Interest Expense	\$ 348,649	
Legal - Development	\$ 35,000	
City Fees	\$ 2,500	
Excavation / Detention	\$ 511,858	
OS Paving	\$ 33,639	\$ 33,639
Landscape	\$ 722,480	\$ 722,480
HOA	\$ 50,400	
Taxes	\$ 330,797	
Development management	\$ 143,000	
<b>TOTAL</b>	<b>\$ 10,080,531</b>	<b>\$ 5,379,220</b>



## Page 133

TOTAL EXPENSES									
Accounts	Budget	04/2021	1/1/2022	2/1/2022	3/1/2022	4/1/2022	5/1/2022	6/1/2022	7/1/2022
A. Engineering Design	\$ 464,785.27	-	\$ 33,198.95	\$ 33,198.95	\$33,198.95	\$53,198.95	\$ 33,198.95	\$ 33,198.95	\$ 33,198.95
B. Geotechnical Services	\$ 183,928.36	-	-	-	-	\$ 22,991.04	\$ 22,991.04	\$ 22,991.04	\$ 22,991.04
C. Erosion Control	\$ 52,246.00	-	-	-	-	\$ 6,531.13	\$ 6,531.13	\$ 6,531.13	\$ 6,531.13
D. Sanitary Sewer	\$2,672,108.84	-	-	-	-	-	\$ 890,702.95	\$ 890,702.95	\$ 890,702.95
E. Paving	\$1,656,304.85	-	-	-	-	-	-	\$542,101.62	\$542,101.62
F. Electric	\$ 162,512.87	-	-	-	-	-	-	-	-
G. Misc. Cost	\$ 77,143.22	-	-	-	-	\$ 9,642.90	\$ 9,642.90	\$ 9,642.90	\$ 9,642.90
H. Contingency	\$ 346,937.37	-	-	-	-	\$ 34,697.24	\$ 34,697.24	\$ 34,697.24	\$ 34,697.24
I. Interest Expense	\$ 348,646.00	-	\$ 24,903.50	\$ 24,903.50	\$24,903.50	\$ 24,903.50	\$ 24,903.50	\$ 24,903.50	\$ 24,903.50
J. Legal - Development	\$ 10,000.00	-	\$ 10,000.00	-	-	-	-	-	-
K. Misc Application Fees/Permits	\$ 50,000.00	-	-	-	-	\$ 12,500.00	\$ 12,500.00	\$ 12,500.00	-
L. Environmental Report	\$ 20,000.00	-	\$ 20,000.00	-	-	-	-	-	-
M. Clearing and Demo	\$ 125,663.00	-	-	\$125,663.00	-	-	-	-	-
N. Excavation / Detention	\$ 329,795.30	-	-	-	-	\$109,931.77	\$109,931.77	-	-
O. Off Site Paving	\$ 107,236.35	-	-	-	-	-	\$ 53,618.18	\$ 53,618.18	-
P. Landscape	\$1,199,489.35	-	-	-	-	-	-	-	-
Q. HOA	\$ 50,400.00	-	-	-	-	-	-	-	-
Totals	\$7,827,237.79	-	\$ 20,000.00	\$ 68,102.45	\$183,765.45	\$58,102.45	\$254,396.52	\$254,396.52	\$1,198,717.65
TOTAL INCOME									
Accounts	Budget								
LOT SALE/TRANSFER TO MMH	\$7,827,237.79	-							





SEVEN OAKS EXPECTED SALES		
Date	Monthly	Cumulative
3/1/2023	6	6
4/1/2023	6	12
5/1/2023	6	18
7/1/2023	6	30
8/1/2023	6	36
9/1/2023	6	42
10/1/2023	6	48
11/1/2023	6	54
12/1/2023	6	60
1/1/2024	6	66
6/1/2024	6	96
7/1/2024	6	102
9/1/2024	6	114
11/1/2024	6	126
12/1/2024	6	132
1/1/2025	6	138
2/1/2025	3	141

- viii. Demonstration of financial capability, solvency, and generally the necessary capital to meet project costs through project completion;
- i. This could include, but is not limited to, at least three years of financial statements, complete sources and uses budget, and letters of credit or letters of support from bank or lending institutions.



April 26, 2022

Frost Bank  
640 Taylor Street,  
Fort Worth, TX 76102

Mr. Matt Wiggins  
CFO  
History Maker Homes  
1038 Texan Trail  
Grapevine, TX 76051

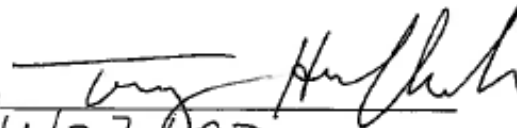
Project Name: Seven Oaks  
Description: 143 Townhomes Development

HMH Lifestyles, LP ("Borrower") has entered into a Loan Agreement ("Agreement") with Frost Bank ("Lender") for \$5,000,000 ("loan") covering the development and improvements of the Seven Oaks Development located in Tomball, Texas.

Lender has reviewed the Borrowers financial statements, and has determined Borrower to have the necessary financial capacity to successfully complete the development of the Seven Oaks community. Lender and Borrower have worked together on past residential projects, and feel confident in Borrowers development capabilities.

Tony Holzbach

Frost Bank

Signature   
Date 4/27/22



- ix. Demonstration of previous experience developing similar scale and types of projects;

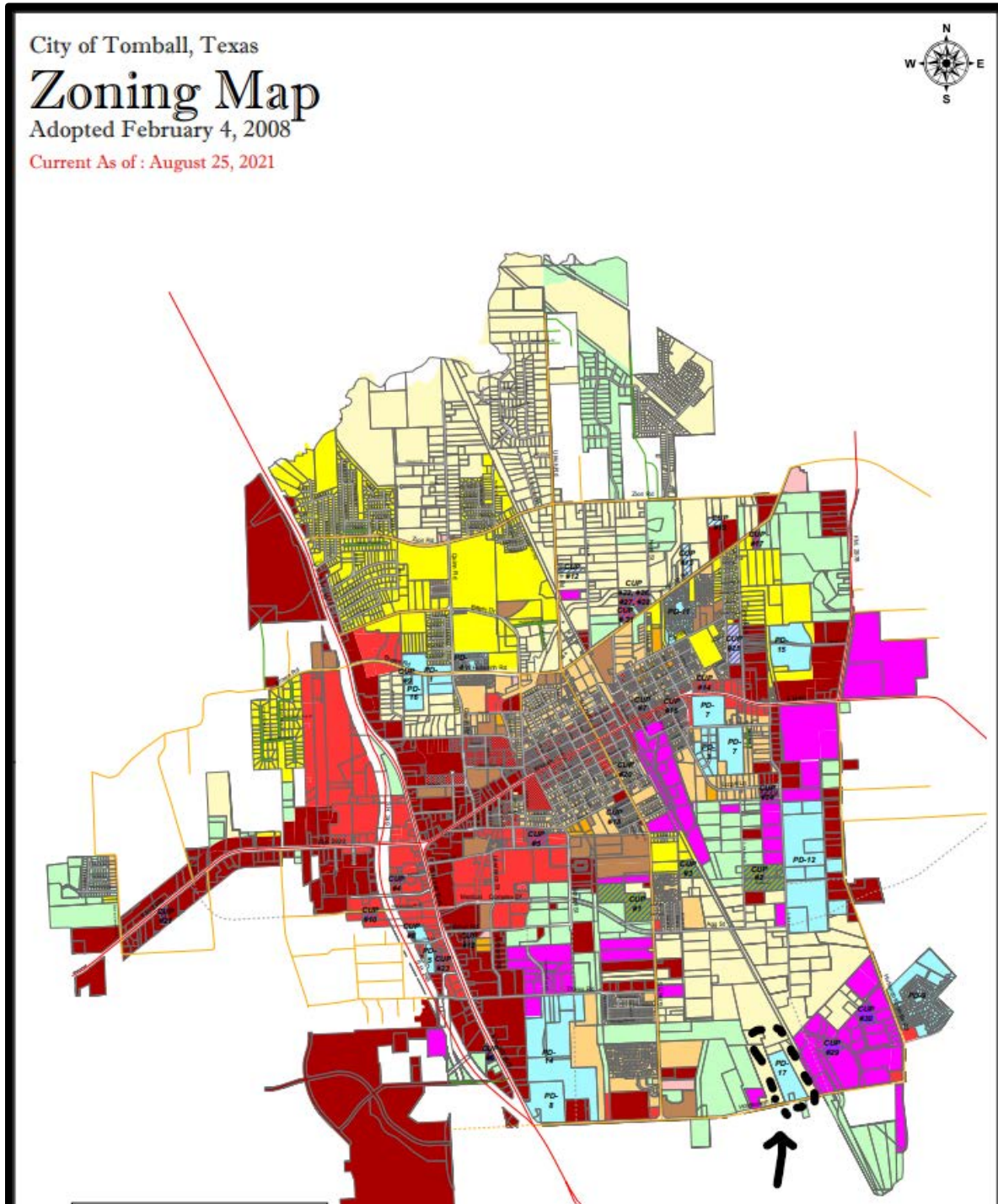
Please reference the HistoryMaker current project maps and city ranking by closings in section iii. HistoryMaker has developed and constructed homes in many communities in the Houston area as you can see in the following chart.

### Houston area projects

Map No	Subdivision Name
	Artesia Village
	Balmoral/
	Balmoral/Gated
	Balmoral/THs
	Country Lake Estates Village
	Fulshear Lakes
	Harper's Preserve/East Village
	Harper's Preserve/South Village
	Hidden Creek/Preserve
	Katy Lakes
	Klein Grove
	Lakes at Mason Park
	Legends Trace/Wrights Landing
	Seabourne Landing
	Seven Oaks Holderreith
	Sienna/Sawmill Lake/Parkway
	Sierra Vista/Gated
	Summer Lakes
	Sunterra/
	Sunterra/MP
	Vanbrooke

- x. Demonstration the proposed development is consistent with the zoning of the property;
  - i. Zoning for the proposed development must be in place prior to PID creation or concurrent with PID creation, at the discretion of the City; and

On May 19, 2021 the City of Tomball agreed to a Planned Development District which governs the land use of the 19.3375 acres which the Seven Oaks Community is located. Below is an image of the Tomball Zoning Map which shows the Seven Oaks Community as being located in PD-17.



- xi. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate (in dollars, \$).

**ESTIMATED COST OF PROPOSED IMPROVEMENTS, MAX. ASSESEMENT, MAX. TAX EQUIVELENT RATE  
IN DOLLARS**

Number of homes	141
AVG home price	\$ 310,000
Annual assesement per lot	\$ 2,225.00
Implied PID tax Rate (%)	0.718%

**LOWEST implied PID tax in Tomball**

Seven Oaks will have the lowest implied PID tax at the time of approval than any other community in Tomball (.72%). The Seven Oaks PID assessment will have a smaller financial burden on its residents than all 9 active or proposed PID's in the Tomball area.

	Project	Year Community built	Lots	Acerage	Assesment	HCAD avg. taxable value in the year after home construction	Implied PID tax at time of creation	Years (15-30)	Cash Flow or Bond Sale
1	<b>Seven Oaks</b>	<b>Under Development</b>	<b>141</b>	<b>19</b>	<b>\$ 2,225.00</b>	<b>\$ 310,000.00</b>	<b>0.72%</b>	<b>30</b>	<b>Bond Sale</b>
2	Raburn Reserve	Under Development	133	105	\$ 3,007.15	\$ 400,000.00	0.75%	30	Bond Sale
3	Yaupon Trails	2015	37	12	\$ 2,390.00	\$ 314,273.17	0.76%	15	Cash Flow
4	Copper Cove	2017	52	13.46	\$ 1,960.00	\$ 254,821.50	0.77%	15	Cash Flow
5	Grand Junction	2018	49	12.37	\$ 1,800.00	\$ 217,623.67	0.83%	15	Cash Flow
6	Raleigh Creek	2007	265	138	\$ 2,985.00	\$ 354,308.17	0.84%	15	Cash Flow
7	Timber Trails	2019	103	22.3	\$2,346.00	\$ 270,815.00	0.87%	15	Cash Flow
8	Wood Leaf Reserve	Under Development	299	90.54	\$ 2,819.67	\$ 315,000.00	0.90%	30	Bond Sale
9	Alexander Estates	2019	87	75.7	\$3,030.00	\$ 329,415.83	0.92%	15	Cash Flow

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: JULY 11, 2022

#### Topic:

Consideration to approve Zoning Case P22-205: Request by Michael Seitz for a Conditional Use Permit to allow an accessory residence within General Retail (GR) zoning. The property is legally described as approximately 0.78 acres, being a portion of the Jesse Pruitt Survey, Abstract Number 629. The property is located at 817 E. Main Street, within the City of Tomball, Harris County, Texas.

- a. Conduct Public Hearing on Zoning Case P22-205
- b. Adopt, on First Reading, Ordinance No. 2022-16, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Clinton Hankla to Operate an "Office Showroom / Warehouse" Facility at 343 East Hufsmith Road; Said Property being Approximately 3.78 Acres of Land Legally Described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the North Side of East Hufsmith Road, between Peach Street and Hospital Street, and is Zoned General Retail Use District; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability.

#### Background:

City Staff recommends approval. Planning & Zoning Commission recommends APPROVAL (2-1)

**Origination:** Michael Seitz

#### Recommendation:

Approval

**Party(ies) responsible for placing this item on agenda:** Jared Smith, City Planner

#### FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_

To account # \_\_\_\_\_

Signed Jared Smith

Approved by \_\_\_\_\_

---

Staff Member	Date
--------------	------

---

City Manager	Date
--------------	------



**ORDINANCE NO. 2022-16**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN “ACCESSORY RESIDENCE” WITHIN THE GENERAL RETAIL (GR) ZONING DISTRICT AT 817 EAST MAIN STREET; SAID PROPERTY BEING APPROXIMATELY 0.78 ACRES, BEING A PORTION OF THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629 (LEGALLY DESCRIBED IN EXHIBIT “A”). LOCATED WITHIN THE 700-800 BLOCKS OF EAST MAIN STREET (NORTH SIDE); CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**Whereas**, Michael Seitz requested a CUP to allow an “accessory residence” on approximately 0.78 acres of land legally described as being a portion of the Jesse Pruitt Survey, Abstract Number 629, generally located within the 700-800 blocks of East Main Street (north side), in the City of Tomball, Harris County, Texas, (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 and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested CUP; and

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

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

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

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

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

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

**Section 2.** A CUP to allow an “accessory residence” at the Property and subject to the terms and conditions set forth below is hereby granted to Michael Seitz.

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

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

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

**Section 6.** The CUP is subject to the following additional limitations, restrictions and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "B";
- 2) All outdoor storage of equipment and material must be screened from residential zoning districts and street right-of-ways by an opaque fence and/or wall with a minimum height of six feet. Said screening may be made of wood, metal, vegetation, or a combination thereof.
- 3) Accessory residence must remain subordinate to the principal land use and shall be no greater than 25% of the square footage for the existing principal building.
- 4) Accessory residence shall be limited to no more than one (1) story in height.

**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 19<sup>TH</sup> DAY OF JULY 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

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 2<sup>ND</sup> DAY OF AUGUST 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

## EXHIBIT "A"

### Legal Description

A tract or parcel of land containing 0.776 of an acre, more or less, located in the Jesse Pruitt Survey, Abstract Number 629, in HARRIS County, Texas, being out of and a portion of the T. L. Jones' 28.5038 acres of land, and being the same tract of land described by deed from Volney Hutchins to Thomas L. Jones, et ux., dated January 19, 1942, recorded in Volume 1233, Page 482 of the Deed Records of HARRIS County, Texas, the said 0.776 acre tract being more particularly described by metes and bounds as follows:

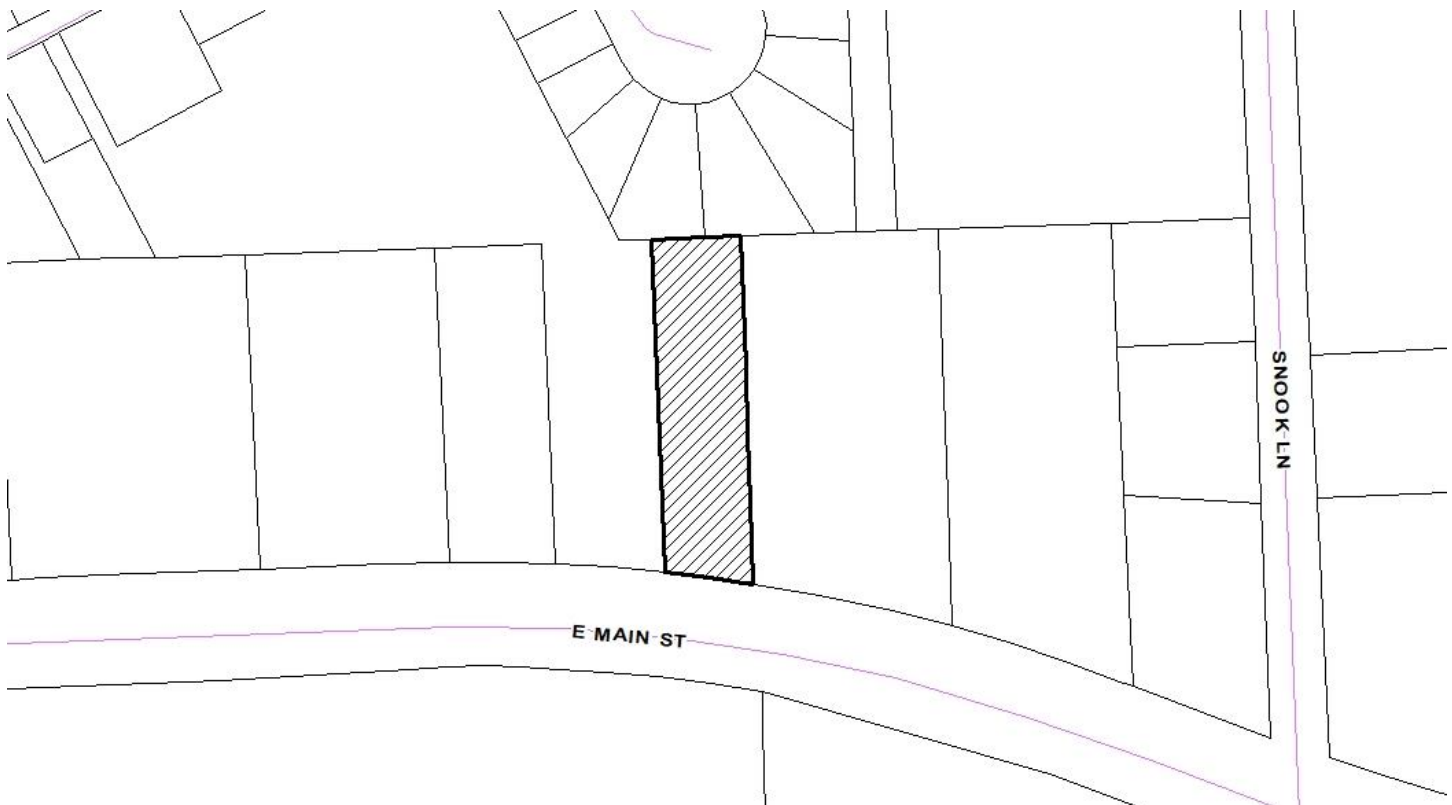
**BEGINNING** at a 5/8-inch iron rod marking the northeast corner of said 28.5038 acre tract, same being located 594.7 feet west of the southeast corner of the Ralph Hubbard Survey, and same being located in the most southerly north line of the Jesse Pruitt Survey;

**THENCE** South, a distance of 367.49 feet to a 5/8-inch iron rod located in the north right-of-way line of Waller-Tomball Road, and being the east line of this tract;

**THENCE** Westerly, a distance of 96.15 feet, along a curve in the said road, to a 5/8-inch iron rod, said curve having an angle of 22 degrees, a distance of 52 feet, a deflection of 3 degrees, and a radius of 1909.86 feet;

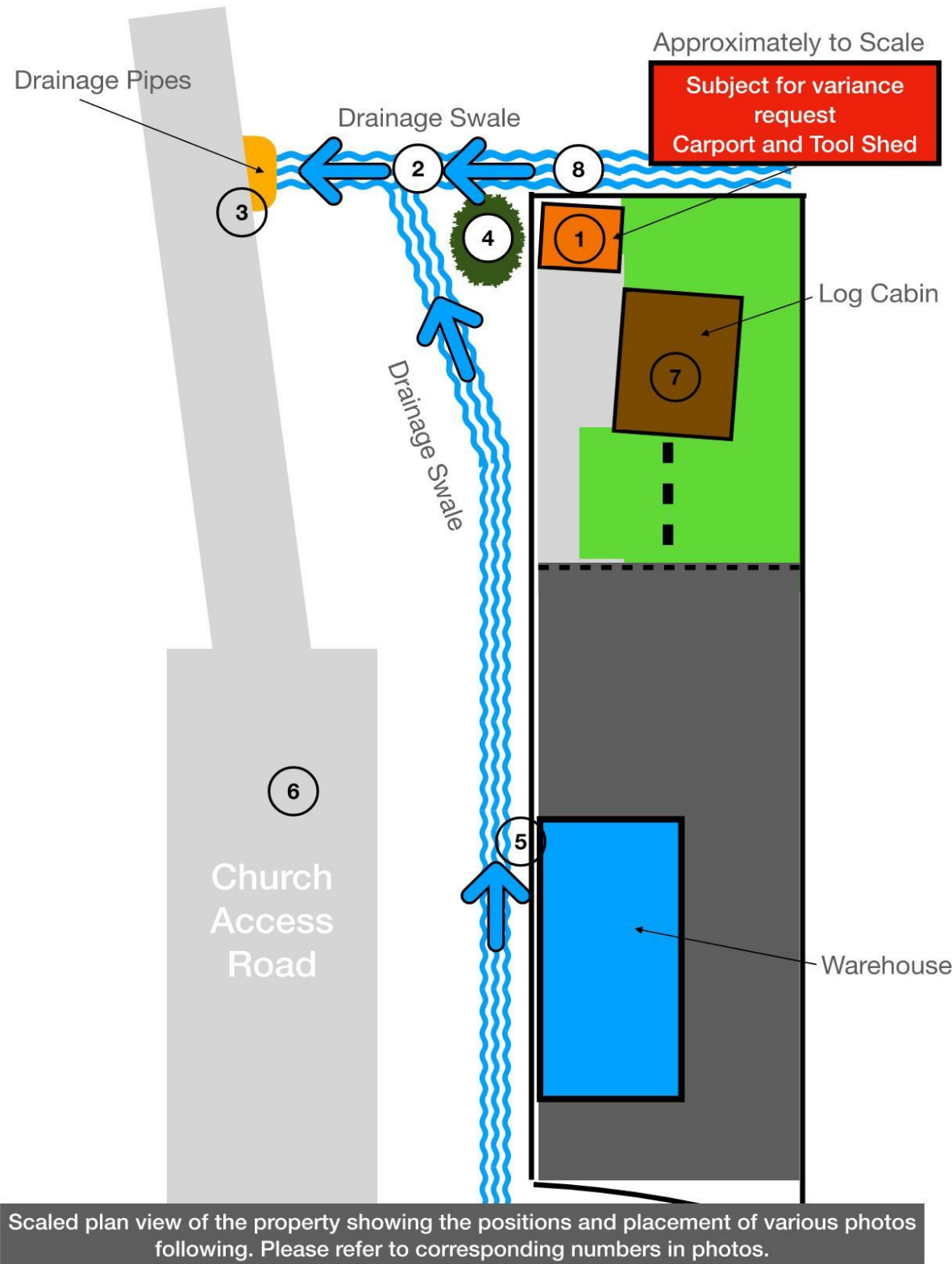
**THENCE** North, along a line parallel and 95.0 feet West of the east line of this tract, a distance of 351.15 feet to a 5/8-inch iron rod set in the north line of the said 28.0538 acre tract;

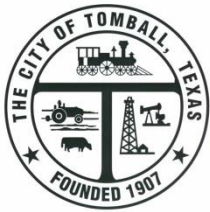
**THENCE** East, a distance of 95.00 feet to the PLACE OF BEGINNING and containing 0.776 of an acre of land, more or less.



**Location: 700-800 blocks of E Main Street (817 E. Main Street)**

Exhibit "B"  
Concept Plan





## Notice of Public Hearing

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

**CASE NUMBER:** P22-205

**APPLICANT/OWNER:** Michael Seitz

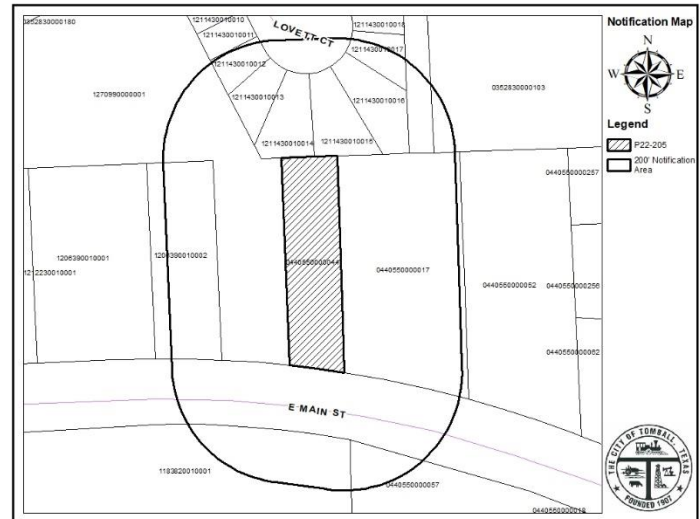
**LOCATION:** Located at 817 E. Main Street, within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A Conditional Use Permit to allow residential use within General Retail (GR) zoning. The property is legally described as approximately 0.78 acres, being a portion of the Jesse Pruitt Survey, Abstract Number 629.

**CONTACT:** Jared Smith, City Planner

**PHONE:** (281) 290-1491

**E-MAIL:** [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)



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

**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**

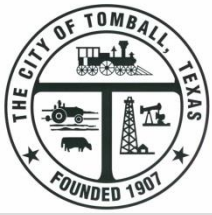
**Planning & Zoning Commission  
Public Hearing:  
Monday, July 11, 2022 6:00 PM**

**City Council Public Hearing:  
\*Monday, July 18, 2022 6:00 PM**

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

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





# Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball  
Attn: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

\_\_\_\_\_ I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P22-205. (Please state reasons below)**

\_\_\_\_\_ I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P22-205. (Please state reasons below)**

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

**Monday, July 11, 2022 @ 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, July 18, 2022 @ 6:00 PM**

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

**COMMENTS:**

---

---

---

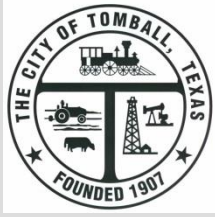
---

---

You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Jared Smith @ 281-290-1491.



## Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2022

City Council Public Hearing Date: July 18, 2022

**Rezoning Case:** P22-205

**Property Owner(s):** Michael Seitz

**Applicant(s):** Michael Seitz

**Legal Description:** 0.78 acres out of the Jesse Pruitt Survey, Abstract Number 629

**Location:** 817 E. Main Street (Exhibit "A")

**Area:** 0.78 acres

**Comp Plan Designation:** Neighborhood Commercial (Exhibit "B")

**Present Zoning and Use:** General Retail (GR) / legally nonconforming residence, and tool/machinery rental facility (Exhibit "D")

**Proposed Use(s):** *Single Family Residential* (Exhibit "D")

**Request:** Conditional Use Permit (CUP) to bring the existing residence into legal conformity.

**Adjacent Zoning & Land Uses:**

- North:** Single-Family 6 / Single-family residences
- South:** Planned Development (PD#7) / School
- West:** General Retail / Private Drive & Office
- East:** General Retail / Vacant Building

### **BACKGROUND**

The subject property has been located within the city limits since at least 1978. The existing warehouse that is located on the property appears in aerial imagery as early as 1978. Prior to the current occupant, this warehouse was most recently occupied by a manufacturing use (Strackbein Machine Company). Sometime between 1995 and 2006 a log cabin was placed in the rear of the subject property and occupied as a residence. These manufacturing and residential land uses became legally non-conforming when the City of Tomball adopted zoning in 2008. In 2021, the current owner purchased the property to operate a tool & machinery rental company with the intention of occupying the existing log cabin as a residence.

Per Section 50-31(a.2) in the City of Tomball's code of ordinance, "a nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive zoning classification, provided no structural alterations are made. In the event that a nonconforming use of a building is changed to a nonconforming use of a higher or more restrictive zoning

classification, it shall not later be reverted to use in the former or less restrictive zoning classification.” City staff believes that the changing of the existing warehouse building use from manufacturing to tool & machinery rental meets the intent and criteria of Section 50-31 by changing one legally nonconforming use to a nonconforming use of less intensity. However, the applicant is only seeking a Conditional Use Permit to bring the residential log cabin into legal conformity to lawfully allow additions/alterations to the existing cabin, as well as to be allowed the ability to construct residential accessory structure(s) (i.e. carport, storage building, and patio covers).

This year (2022) the owner of the property constructed a carport, patio cover, and placed a freight container as accessory structures to this residence without obtaining building permits. These new accessory structures do not meet the required building setback standards, and will ultimately require variance approvals by the Board of Adjustments in order to remain. The Board of Adjustments is not authorized to grant variances to expand legal non-conforming uses, and thus the applicant is seeking to obtain legally conforming status for the residence with the requested CUP in order to apply for variance approvals for these structures. The information pertaining to these variances is to provide background to the request and should not have any bearing on the requested CUP.

## **ANALYSIS**

According to Section 50-81 (f) of Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

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

The property is designated as Neighborhood Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. Appropriate land uses include “restaurants, retail, professional services, clinics, and offices” and compatible zoning districts include Office, General Retail, and Planned Developments. The request is to bring the legally nonconforming residential use into legal conformity, although this land use is not specifically defined in the intent of the Neighborhood Residential land use category it is an existing use that has occupied the property since the 1990s. Further, the city staff believes that allowing this use to lawfully occupy the site would not be detrimental to surrounding properties.

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

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

The property has been zoned General Retail, since the inception of zoning in 2008. Surrounding properties are zoned Single-Family 6 to the north, General Retail to the east and west, and Planned Development (PD#4) located on the south side of East Main Street. According to Section 50-76 (General Retail District), the “General Retail District is established to provide areas for local neighborhood shopping and service facilities”. This would suggest that such zoning districts should be located in close proximity to neighborhoods and residential land uses. Therefore, the allowance of accessory residential land use in this zoning classification would appear consistent with this intent.

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

No, because this cabin predates current zoning standards it does not appear to meet the minimum 60-foot rear building setback ordinarily applicable where General Retail backs up to residential zoning districts. Furthermore, as previously stated within the “Background” section of this report, new residential accessory structures have been erected on the site which do not meet the required building setback standards. These structures will ultimately require variance approvals by the Board of Adjustments in order to remain.

Should the CUP application be approved by City Council, and necessary variances granted by the Board of Adjustments the applicant will be required to submit site and building plan applications and supporting documents to the City of Tomball for review and approval illustrating any additions/alterations to the existing cabin and/or construction/placement of accessory structures.

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

The residential use of the existing log cabin on this subject site predates current zoning ordinances, and is a legally non-conforming use at this time. City staff believes that the continued use of this log cabin for residential purposes would not adversely impact the character and integrity of adjacent developments. The use of the northern portion of this site for residential purposes may serve as an effective transitional land use buffer between the commercial aspect of the property and the single family residential homes immediately north of the property.

**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.**

Staff does not anticipate any adverse effects on surrounding properties.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on June 29, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## **STAFF RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P22-205 with the following condition(s):

- All outdoor storage of equipment and material must be screened from residential zoning districts and street right-of-ways by an opaque fence and/or wall with a minimum height of six feet. Said screening may be made of wood, metal, vegetation, or a combination thereof.
- Accessory residence must remain subordinate to the principal land use and shall be no greater than 25% of the square footage for the existing principal building.
- Accessory residence shall be limited to no more than one (1) story in height.

## **P&Z RECOMMENDATION**

Approval (2 Vote Aye, 1 Vote Nay):

- Discussion items:
  - Does the approval of the CUP grant approval of the carport, storage container locations?
  - Will the applicant need to obtain building permits for the carport, and storage container?

## **EXHIBITS**

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



Exhibit "A"  
Aerial Map



# Exhibit "B" Zoning Map

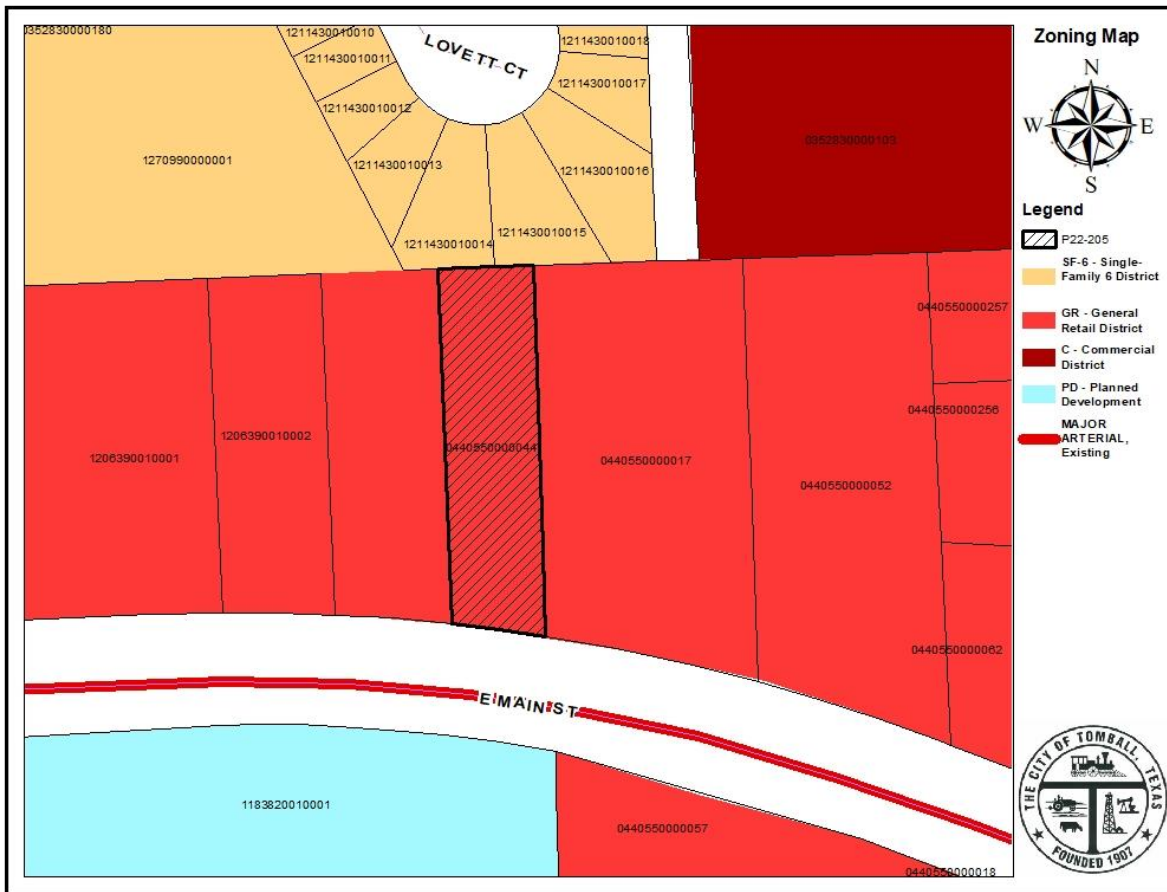
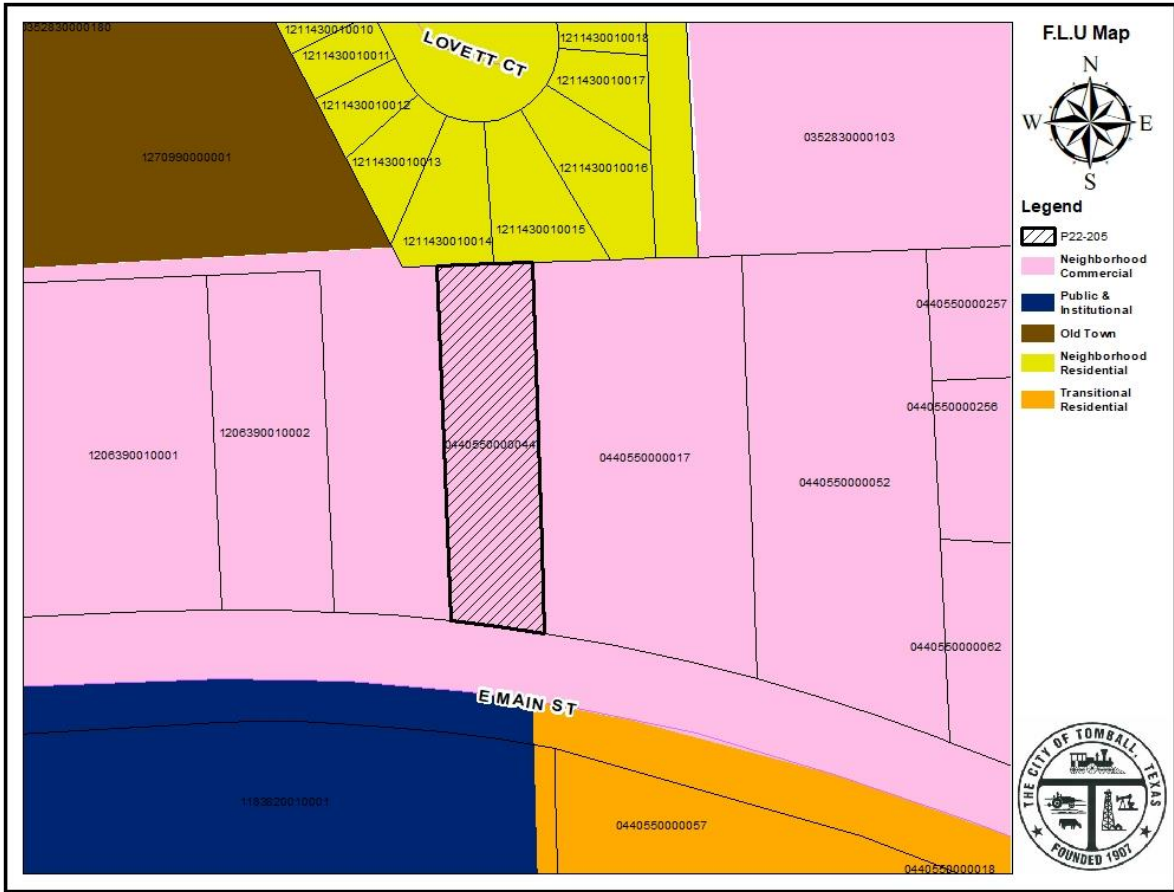


Exhibit "C"  
Future Land Use Map





**Exhibit “D”  
Site Photo**









## Exhibit "E"

### CUP Application



RECEIVED (KC)  
06/13/2022

Revised 5/19/15  
ZONING CASE P22-205  
\$600 PD

### APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department  
Planning Division

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.

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 Section 50-34 of the Code of Ordinances.

**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: Michael W. Seitz Title: \_\_\_\_\_  
Mailing Address: 817 E Main St City: Tomball State: TX  
Zip: 77375  
Phone: (832) 212 0963 Fax: (\_\_\_\_) \_\_\_\_\_ Email: Dr.michael.seitz@bluesky-global.com

#### Owner

Name: BlueSky Global LLC Title: \_\_\_\_\_  
Mailing Address: AS ABOVE City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: (\_\_\_\_) AS ABOVE Fax: (\_\_\_\_) \_\_\_\_\_ Email: AS ABOVE

#### Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Request for continued use a personal residence

Physical Location of Property: East Main St & Tom Keating Dr  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: J. Pruitt, A-629  
[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1118610000071 Acreage: 7,800SF

Current Use of Property: Residential

Proposed Use of Property: Residential

**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  May 27, 2022  
Signature of Applicant Date

X \_\_\_\_\_  
Signature of Owner Date

**From:** [noreply@tomballtx.gov](mailto:noreply@tomballtx.gov)  
**To:** [Kimberly Chandler](#)  
**Subject:** Receipt #R01319741  
**Date:** Monday, June 13, 2022 1:27:12 PM

---

401 Market Street  
401 Market Street  
Tomball, TX 77375  
(281) 351-5484

-----  
DATE : 6/8/2022 4:16 PM  
OPER : JC  
TKBY : Juanita Cherety  
TERM : 5  
REC# : R01319741  
130.0000 PLANNING AND ZONING  
MICHAEL ASITC-BLUE SKY GLOBAL 600.00

Paid By:MICHAEL ASITC-BLUE SKY GLOBAL  
2-CK 600.00 REF:W 100



City of Tomball  
510 James Street  
Tomball, TX  
77375  
281-290-1405

31 May, 2022

To whom it may concern,

Application for conditional use permit

I am writing with a request for a permit for the continued use of the rear half of the property, zoned for General Retail Use for residential purposes (Conditional Use Permit). This request is based on my current use of the existing property as my personal home. The log cabin, which was built in 1999, was initially determined habitable during an informal visit by a city official prior to my purchase of the property. Subsequent to the purchase, I remodeled the interior of the cabin, and repaired the leaking roof with a metal roof. The cabin is now my primary residence, with my operating company located in the street-front portion of the property.

I hereby request that the zoning be amended for Residential Conditional Use.

Sincerely yours,

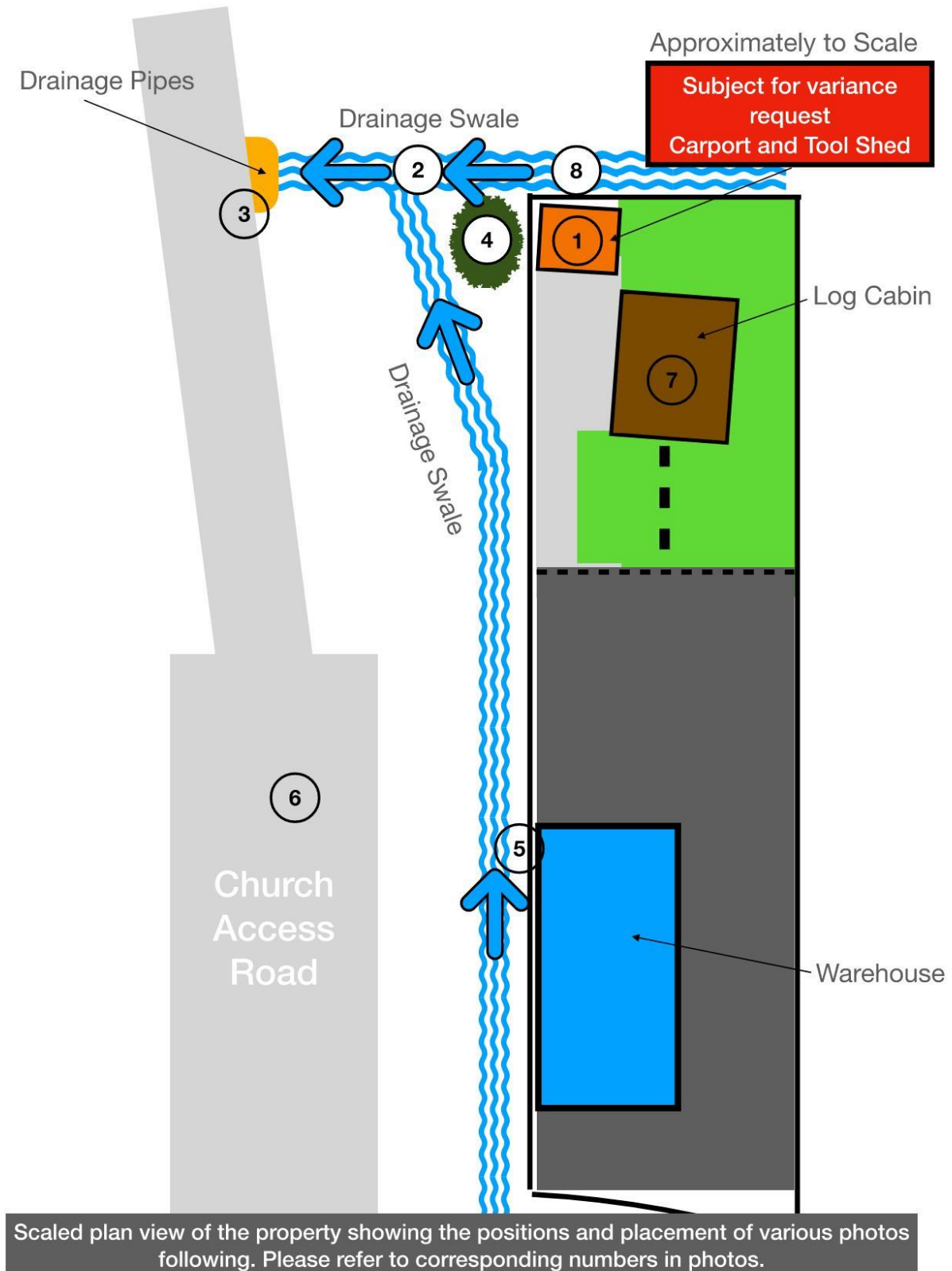
A handwritten signature in black ink, appearing to be "Michael Seitz". The signature is fluid and cursive, with the first letter "M" being large and prominent.

Michael Seitz  
Business owner  
BlueSky Global  
Dr.michael.seitz@bluesky-global.com  
832.212.0963





**Figure “F”  
Concept Plan**






# Good Shepherd

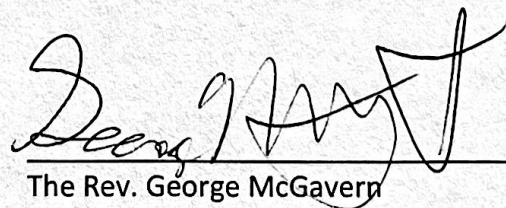
April 6, 2022

Hi Michael,

We wanted to write to express our appreciation for the improvements you have made to the property located adjacent to the entrance drive to our church. The Episcopal Church of the Good Shepherd supports the work you have done to the buildings and grounds. We believe that the property actually enhances the appearance of our driveway. The previous owners did not adequately maintain the building or the grounds which resulted in an eyesore at the entrance to the church. We are pleased to see it in the hands of someone who cares and is willing to make an investment in Tomball. We have no objections to any of the buildings or structures on the site. Thanks again for your hard work & creativity.

We would be remiss if we didn't invite you to attend one of our worship services. Services are held at 8 am and 10:30 pm every Sunday. This is a great church – very welcoming and spiritually nurturing. We would love to have you visit.

  
David Thompson  
Jr. Warden

  
The Rev. George McGavern  
Rector



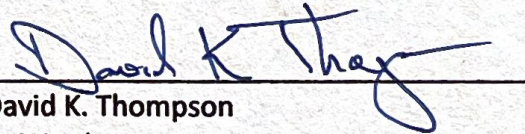


# Good Shepherd

April 7, 2022

Hello Michael,

The location of the carport, close to our property line, does not concern us presently, and we do not foresee any future impediment to us in the future.



David K. Thompson  
Jr. Warden



**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
JULY 11, 2022  
&  
CITY COUNCIL  
JULY 18, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2022 at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

**Zoning Case P22-205:** Request by Michael Seitz for a Conditional Use Permit to allow residential use within General Retail (GR) zoning. The property is legally described as approximately 0.78 acres, being a portion of the Jesse Pruitt Survey, Abstract Number 629. The property is located at 817 E. Main Street, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8<sup>th</sup>** day of **July 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Jared Smith*

\_\_\_\_\_  
Jared Smith  
City Planner

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

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: July 18, 2022

**Topic:**

Approve Resolution No. 2022-26, a Resolution by the City Council of the City of Tomball, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Office Statement; and Approving Other Matters Incidental Thereto [Notice of Intent to Issue Certificates of Obligation, Series 2022]

**Background:**

In the Proposed Fiscal Year 2022-2023 Budget, the need for bond funding was identified for infrastructure improvements. These improvements include water, sewer, streets, alleyways, and right-of-way acquisition. The bond issuance will provide \$20,000,000 in proceeds to use for project expenditures.

**Origination:** Finance

**Recommendation:**

Approve Resolution No. 2022-26 – Notice of Intent to Issue Certificates of Obligation, Series 2022

**Party(ies) responsible for placing this item on agenda:** Katherine Tapscott, Finance Director

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** Katherine Tapscott 07/13/2022 **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date



## RESOLUTION NO. 2022-26

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; APPROVING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS   §  
COUNTIES OF HARRIS AND MONTGOMERY                     §  
CITY OF TOMBALL   §

WHEREAS, the City Council of the City of Tomball, Texas (the “City”) deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth; and

WHEREAS, the City desires to approve the preparation of a preliminary official statement (the “Preliminary Official Statement”) in anticipation of its issuance of the Certificates; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City's intention to issue the Certificates (the "Notice").

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper that is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City's website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. For purposes of section 1.150-2(d) of the Treasury Regulations, this Notice serves as the City's official declaration of intent to reimburse itself from proceeds of the Certificates in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date of which the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

Section 6. The Mayor, the City Manager, the Finance Director, City Secretary and other appropriate officials of the City, the City's financial advisor, Hilltop Securities Inc., and bond counsel, Bracewell LLP, are authorized and directed to proceed with the preparation of the Preliminary Official Statement and to make other necessary arrangements for the sale of the Certificates at a future meeting of the City Council of the City.

Section 7. The City hereby authorizes the preparation and distribution of a Preliminary Official Statement relating to the Certificates and authorizes the City Manager or Finance Director to deem "final" such Preliminary Official Statement within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934.

Section 8. The Mayor, City Manager, Finance Director, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 9. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

Section 10. This resolution shall take effect immediately upon its passage by the City Council of the City.

*[Execution Page to Follow]*

PASSED AND APPROVED on this the 18<sup>th</sup> day of July, 2022.

---

City Secretary  
City of Tomball, Texas

---

Mayor  
City of Tomball, Texas

[SEAL]

## EXHIBIT A

### NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Tomball, Texas (the “City”), will meet at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. on the 3rd day of October, 2022, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s certificates of obligation (the “Certificates”), in the maximum aggregate principal amount not to exceed \$20,250,000 payable from ad valorem taxes and from a limited pledge of a subordinate lien on the net revenues of the City’s water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the Certificates, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with (i) the design, construction, and equipment of improvements to the City’s water and sewer system, including the acquisition of land in the general vicinity of (a) the existing Farm to Market 2920 Lift Station located at 15303 Farm to Market 2920 and (b) the area north of Holderrieth Road and West of Hufsmith-Kohrville Road; (ii) the design, construction and equipment of City streets, sidewalks and related infrastructure, including alleyway and rights-of-way improvements and the acquisition of rights-of-way in the general vicinity of Farm to Market 2920 from Business 249 to North Willow Street; and (iii) the cost of professional services incurred in connection therewith. The estimated combined principal and interest required to pay the Certificates on time and in full is \$29,213,250. Such estimate is provided for illustrative purposes only and is based on an assumed interest rate of 4.00%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount of outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated as self-supporting in Resolution No. 2022-26, dated July 18, 2022, which resolution is available from the City upon request) is \$22,985,000. Based on the City’s expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$28,359,495.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 18<sup>th</sup> day of July, 2022.

Doris Speer  
City Secretary  
City of Tomball, Texas

EXHIBIT B

SELF-SUPPORTING DEBT

<b>Principal Amount Designated as Self Supporting</b>	<b>Series Designation</b>
\$4,895,000	General Obligation Refunding Bonds, Series 2020
\$4,895,000	<b>Total Principal Amount Designated as Self-Supporting</b>





meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 18<sup>th</sup> day of July, 2022.

---

City Secretary  
City of Tomball, Texas

[SEAL]