

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



**Monday, March 15, 2021
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, March 15, 2021 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.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR MARCH 15, 2021, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. 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: 852 7724 5213, Passcode: 079544. 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 Pastor Greg Jenkins - Tomball Assembly of God
- 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. April 19-24, 2021 – **Tomball Annual Spring Clean-Up and Chipping Week**
 - II. April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
 - III. April 24, 2021 – **Tomball Rotary “Drive thru Fish Fry”** at Juergens Park
 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- F. Approval of Minutes
1. Approve the Minutes of the March 1, 2021 Regular Tomball City Council Meeting
- G. Old Business
1. Approve, on Second Reading, Resolution No. 2021-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and The Hutson Group to make direct incentives to, or expenditures for, the construction of capital improvements, including pedestrian and parking improvements, along Houston Street and North Elm Street in Old Town Tomball. The estimated amount of expenditures for such Project is \$48,800.00.
- H. New Business
1. Consideration to approve Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16)

District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-011
- Adopt, on First Reading, Ordinance No. 2021-07, 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 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

2. Conduct Public Hearing for the Purpose of Considering the Following Annexation: (Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of that Certain Called 40.1148 Acre Tract of Land Situated in the John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd, HCAD 04304100000055))
3. Adopt, on First Reading, Ordinance No. 2021-03, An Ordinance Of The City Of Tomball, Texas, Extending The City Limits Of Said City To Include All Of The Territory Within Certain Limits And Boundaries And Annexing To The City Of Tomball All Of The Territory Within Such Limits And Boundaries; Approving A Service Plan For All Of The Area Within Such Limits And Boundaries; Containing Other Provisions Relating To The Subject; And Providing A Savings And Severability Clause (Being A Tract Or Parcel Containing 6.5681 Acres Of Land Known As Tracts 1 & 2 Out Of That Certain Call 40.1148 Acre Tract Of Land Situated In The John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract Being That Same Tract Of Land As Described In A Deed Filed For Record Under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd Hcad 04304100000055))]
4. Consideration to approve Zoning Case P20-436: Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12

Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P20-436
- Adopt, on First Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249 and Alice Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

5. Consideration to approve Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-010
- Adopt, on First Reading, Ordinance No. 2021-08, 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 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

6. Consideration to approve Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P20-442
- Adopt, on First Reading, Ordinance No. 2021-09, 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 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

7. Consideration to approve Zoning Case P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P20-420
- Adopt, on First Reading, Ordinance No. 2021-10, 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 2.844 acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville road, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

8. Consideration to approve Zoning Case P21-055: Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-055
- Adopt, on First Reading, Ordinance No. 2021-13, 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 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 district to the Old Town & Mixed Use District, said property being generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

9. Consideration to approve Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (Off-street parking and loading requirements) of the Tomball Code of Ordinances.

- Conduct Public Hearing on Zoning Case P21-056
- Adopt, on First Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; 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.

10. Approve Request from Tomball Rotary for In-Kind Services and Permission to Sell Alcohol at the 2021 Drive thru Fish Fry, to be held on April 24, 2021

11. Approve Request from Texas Deuce Days for In-Kind Services to host their opening day meet and greet at the Depot on May 6, 2021 from 3-8 p.m.

12. Approve Request by the Tomball High School Athletic Booster Club (THSABC) for In-Kind Services to host their Crawfish Boil to raise money for scholarships at the Depot on April 17, 2021

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 11th day of March 2021 by 5:00 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.

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

Topic:

April 19-24, 2021 – Tomball Annual Spring Clean-Up and Chipping Week

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	3-8-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

Topic:

April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.

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>3-8-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

Topic:

April 24, 2021 – Tomball Rotary “*Drive thru Fish Fry*” at Juergens Park

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	3-8-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

Topic:

Approve the Minutes of the March 1, 2021 Regular Tomball City Council Meeting

Background:

Origination: City Secretary

Recommendation:

Approve

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

FUNDING (IF APPLICABLE)

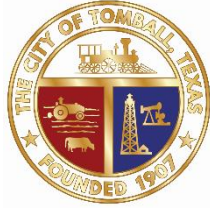
Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	Doris Speer	3-8-2021	Approved by		
	Staff Member	Date		City Manager	Date

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, March 1, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 1, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order

PRESENT

Mayor Gretchen Fagan
Council 1 John Ford
Council 3 Chad Degges
Council 4 Derek Townsend, Sr.
Council 5 Lori Klein Quinn

ABSENT

Council 2 Mark Stoll - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Secretary – Tracylynn Garcia
Police Chief – Jeff Bert
Fire Chief – Randy Parr (via video)
Fire Marshal – Joe Sykora (via video)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Finance Accountant - Luisa Taylor
Director of Public Works – Beth Jones (via video)
Director of Community Development – Craig Meyers
Director of TEDC – Kelly Violette
CSO Administrative Assistant – Sasha Luna
CSO Administrative Assistant- Johnita Robinson
TEDC Administrative Assistant – Tori Gleason
TPD Captain R. Doerre
Police Officer Foote

B. Invocation - Led by Pastor Courtnay White – Fountain of Love Church of God in Christ

C. Pledges to U.S. and Texas Flags – Led by David Esquivel

D. No public comments were received.

E. Reports and Announcements

1. Announcements

I. TFD Chief R. Parr announced his retirement.

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

I. Luisa Taylor – Quarterly Investment Report for Period Ending December 31, 2020. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On December 31, 2020, the City had total cash and cash equivalents in the amount of \$57,727,800.

F. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn to approve the Minutes of February 1, 2021 Regular Tomball City Council Meeting.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously.

G. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges to Adopt on Second Reading, Ordinance No. 2021-11, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Seven and Eight Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn
Absent: Council 2 Mark Stoll

Motion carried unanimously.

H. New Business

1. Motion made by Council 5 Klein Quinn, Seconded by Council 4 Townsend, Sr., to Approve Resolution No. 2021-10, a Resolution of the City Council of the City of Tomball, Texas supporting the proposed Tomball Senior Village Housing Community; approving an application for federal housing tax credits to finance such project; providing an in-kind contribution for such project and providing an effective date

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.
Voting Nay: Council 5 Klein Quinn
Absent: Council 2 Mark Stoll

Motion carried 3 votes Yea, 1 vote Nay.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to Accept Donation of a Grant from the Tomball Health Foundation in the Amount of \$490,000 for the Proposed Improvements to Jerry Matheson Park.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn
Absent: Council 2 Mark Stoll

Motion carried unanimously.

3. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Kinsley Armelle to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters to be located at 21255 Spell Circle, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$45,000.00.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to approve, as a Project of the Tomball Economic Development Corporation an agreement with Kinsley Armelle.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously.

4. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to Approve, on First Reading, Resolution No. 2021-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and The Hutson Group to make direct incentives to, or expenditures for, the construction of capital improvements, including pedestrian and parking improvements, along Houston Street and North Elm Street in Old Town Tomball. The estimated amount of expenditures for such Project is \$48,800.00.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously.

5. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn to reappoint current members to their respective Regular and Alternate Position Vacancies on the Board of Adjustments (BOA), for Terms Expiring March 2, 2023

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously.

Regular Board Member Jarmon Wolfe (Position 1), Regular Board Member Billy Hemby (Position 3), Regular Board Member Susan Harris (Position 5) and Alternate Board Member Rocky Pilgrim (Alternate 1) reappointed.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to Approve Resolution No. 2021-09, a Resolution of the City Council of the City of Tomball, Texas approving a Reimbursement Agreement relating to the Wood Leaf Reserve Public Improvement District.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn to Authorize City Manager to execute a Professional Services Agreement with Freese & Nichols for the development of the Risk and Resilience Assessment and Emergency Response Plan required by the American Water Infrastructure Act of 2018

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn
Absent: Council 2 Mark Stoll

Motion carried unanimously.

8. Motion was made by Council 1 Ford, Seconded by Council 3 Degges, to approve Resolution No. 2021-11, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 1st Day of May, 2021, in Accordance with Section 2.053(A) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Fue presentada una moción por el Concejal 1 Ford, secundada por el Concejal 3 Degges, para aprobar la Resolución Nro. 2021-11 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 1 de mayo de 2021 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Ford, tán thành bởi Ủy Viên Hội Đồng Degges, để chấp thuận Nghị Quyết số 2021-11, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 1 tháng Năm, 2021, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

提案是由市議員Ford，第二由市議員Degges，批准決議案編號2021-11，取消一般市府官員應於2021年5月1日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情。

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn
Absent: Council 2 Mark Stoll

Motion carried unanimously.

La moción fue aprobada por unanimidad.
Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

10. Consideration and Possible Action regarding a Consent to the Transfer of Certain Portions of the Assessments Pursuant to the Development Agreement dated March 16, 2015 between the City of Tomball, Texas and Yaupon Trails LTD, LLC

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to approve the Transfer of Certain Portions of the Assessments Pursuant to the Development Agreement.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges to Approve Resolution No. 2021-12, a Resolution of the City Council of the City of Tomball Approving the 2020-2021 Annual Updates to the Service and Assessment Plans for the City of Tomball Public Improvement District Nos. 5, 6, 7, and 8 in Accordance with Chapter 372, Texas Local Government Code, as Amended

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,
Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously.

9. Executive Session: The City Council recessed at 6:56 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 that the Attorney’s Duty Requires to be Discussed in Closed Session.
- * Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee

Upon reconvening into regular session at 7:25 p.m., no action was taken.

- I. Motion made by Council 3 Degges, Seconded by Council 5 Klein Quinn to adjourn.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Absent: Council 2 Mark Stoll

Motion carried unanimously

PASSED AND APPROVED this the 15th day of March 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

Topic:

Approve, on Second Reading, Resolution No. 2021-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and The Hutson Group to make direct incentives to, or expenditures for, the construction of capital improvements, including pedestrian and parking improvements, along Houston Street and North Elm Street in Old Town Tomball. The estimated amount of expenditures for such Project is \$48,800.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project". At its meeting on January 12, 2021, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with The Huston Group, for the construction of capital improvements, including pedestrian and parking improvements, along Houston Street and North Elm Street in Old Town Tomball, as authorized in the Texas Economic Development Legislation. Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination: Teresa Latsis, The Hutson Group

Recommendation:

Approval of the proposed Economic Development Agreement with the The Hutson Group

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

FUNDING (IF APPLICABLE)

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

Yes: Yes No: If yes, specify Account Number: # Project Grants

If no, funds will be transferred from account # _____ To account # _____

Signed	Doris Speer	2-5-2021	Approved by		
	Executive Director-TEDC	Date		City Manager	Date

RESOLUTION NO. 2021-07-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND THE HUTSON GROUP TO MAKE DIRECT INCENTIVES TO, OR EXPENDITURES FOR, PEDESTRIAN AND PARKING IMPROVEMENTS ALONG HOUSTON STREET AND NORTH ELM STREET IN OLD TOWN TOMBALL; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SERVABILITY.

* * * * *

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

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Forty-Eight Thousand Eight Hundred Dollars (\$48,800.00) found by the Board to be required or suitable to construct pedestrian and parking improvements along Houston Street and North Elm Street in Old Town Tomball; and

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

WHEREAS, City Council finds and determines that such project is authorized by Section 505.152 and 505.154 of the Act; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Forty-Eight Thousand Eight Hundred Dollars (\$48,800.00) to The Hutson Group, in accordance with an economic development agreement by and between the TEDC and The Hutson Group, to make direct incentives to, or expenditures for, pedestrian and parking improvements along Houston Street and North Elm Street in Old Town Tomball.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2021.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2021.

GRETCHEN FAGAN, President

ATTEST:

DORIS SPEER, City Secretary



108 S Pine
Tomball, Texas 77381

713.678.0152
hutsongroup.com

January 4, 2021

Kelly Violette
Executive Director
Tomball Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, Texas 77375

RE: Grant Request Letter, Houston Street project

Dear Ms Violette,

The Hutson Group is submitting this request to the Tomball Economic Development Corporation (TEDC) for grant funding assistance to support real estate redevelopment efforts on Houston Street in Old Town Tomball.

The Hutson Group is a small, family-owned real estate development business focused on commercial properties in Old Town Tomball. We acquire, develop, and manage our own properties in an intentional and meaningful manner to support Old Town and the greater Tomball area. Our family established roots in Tomball in the early 1970's and has developed a deeper commitment to the city over the last 50 years.

Project Impact on the City of Tomball

Prior to 2014, Houston Street consisted of residential houses that were primarily rental properties declining in nature and form. Since that time, our family has acquired all properties on both the north and south sides of Houston Street. There are currently seven different commercial properties that we converted from the original residential houses. Two of these properties support food service businesses while the remaining five are retail. Each of these businesses is unique to the Tomball area and employ local residents. With the proposed development per this grant, we expect to draw favorable attention to Houston Street in support of these businesses and Old Town Tomball.

Project Scope

Our project is focused on the 100 block of Houston Street and will be completed in three phases. For purposes of this request, we seek grant funding assistance for sidewalk, parking and street improvements.

Phase One: 208 North Elm Street - Sidewalk, Parking and Street Improvements

This phase has been approved by the City of Tomball (COT). Improvements will impact 150 feet along the south side of Houston Street and 100 feet on the 200 block of North Elm Street. COT approved site plans are provided for your reference. No sidewalk, parking or street improvement construction has been initiated to date. Timing of this work is expected in 2021 Q1 pending approval from TEDC.

Phase Two: South side of Houston Street - Sidewalk, Parking and Street Improvements

This phase is currently in planning and has not been submitted to the COT. Improvements will impact the remaining 150 feet along the south side of Houston Street. Proposed site plans are in draft form and

provided for your reference. Timing of this project is expected to be in 2021 and will be influenced by TEDC grant support.

Phase Three: *North side of Houston Street - Sidewalk, Parking and Street Improvements*

This phase is in early design and has not been submitted to the COT. Improvements will impact 300 feet along the north side of Houston Street and 100 feet on the 300 block of North Elm Street. No site plans are available at this time. Timing of this project is expected to be in 2021.

Estimated Cost

The total cost for purposes of this grant funding request is estimated at \$97,600. This estimate is based on recent bids for Phase One and prior material invoices for similar Old Town Tomball projects completed in the last five years.

Phase One:	\$31,250
Phase Two:	\$18,750
<u>Phase Three:</u>	<u>\$47,600</u>
Total Cost:	\$97,600

We appreciate your consideration for grants or other incentives you may have available to help absorb costs associated with these sidewalk, parking, and street improvements on Houston Street in Old Town Tomball.

As always, if you have any questions or comments, please feel free to contact me directly.
Thanks so much,

Teresa Latsis
The Hutson Group
503.348.0718 (m)
t.latsis@hutsongroup.com



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: February 15, 2021

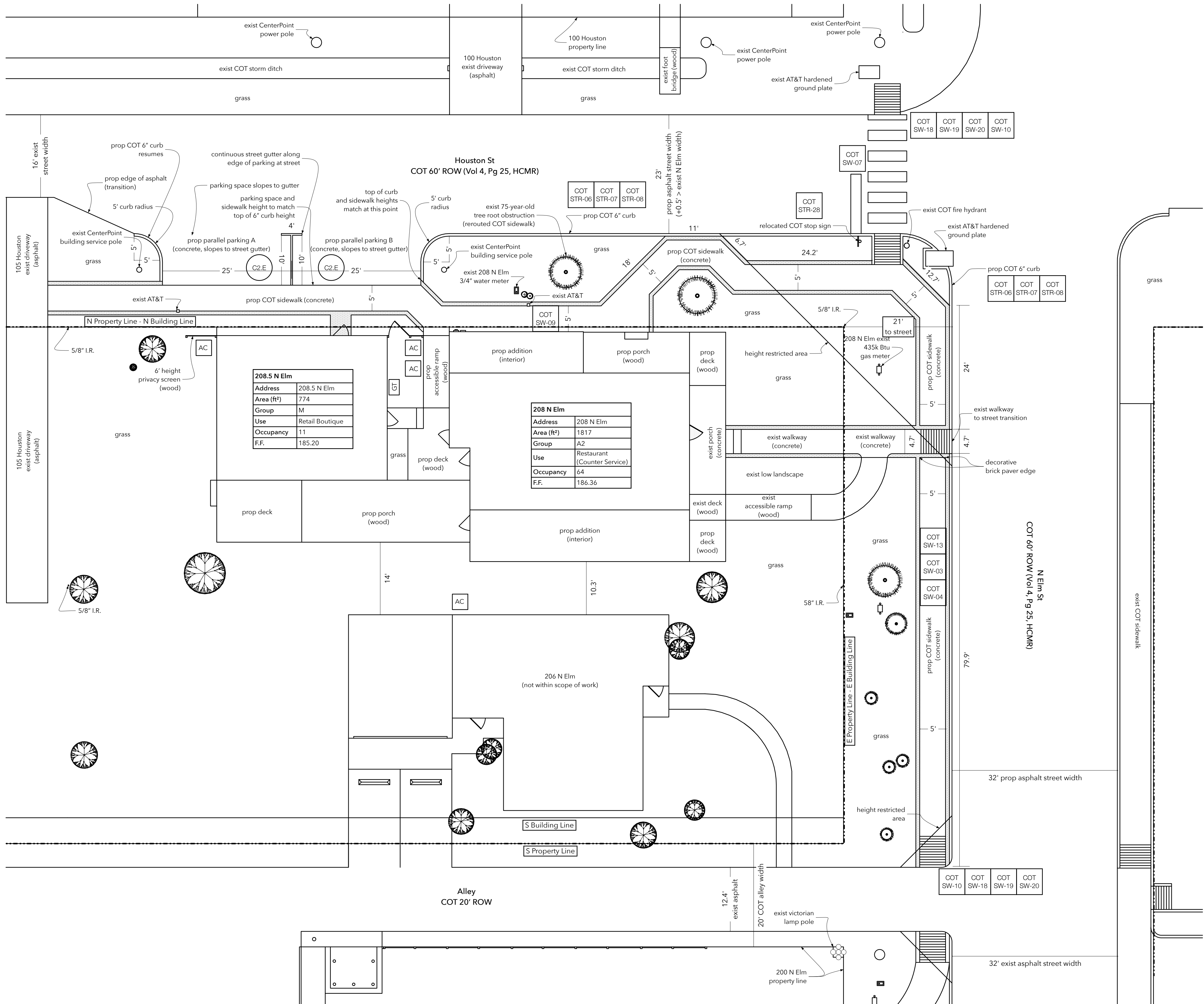
SUBJECT: The Hutson Group

The Hutson Group is a family-owned commercial property development and management firm. Since the 1970's, the Hutson family has acquired, developed, and managed properties within the Old Town Tomball area. The Hutson Group has been instrumental in the growth and redevelopment of Tomball's Old Town, while preserving its history and character.

As per the attached request letter, The Hutson Group is requesting funding assistance from the TEDC to assist with sidewalk, parking and street improvements along Houston and North Elm Streets. The project will be constructed in three phases and the anticipated cost for all phases is \$97,600.00. These improvements will provide pedestrian connectivity, increase parking, and improve access to adjacent businesses.

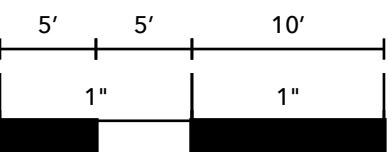
Targeted infrastructure and related improvements that will promote the development and expansion of business enterprises is a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

The proposed incentive is based on 50% of the project costs, not to exceed \$48,800.00.



North

Plan Scale



1" = 10' (1:120)

Legend

- 185.11 exist elevation
- 185.00' prop elevation
- A 3'-0" 6'-8" door width/height
- 1 public customer parking
- 1 private tenant parking
- COT SW-01 City of Tomball construction standard reference
- 5-light Victorian lamp (8' height)
- proposed live oak tree (4" caliper, 7' height)
- existing COT ROW tree
- A1A site plan page/detail
- existing site tree
- A 2'-0" 5'-0" window width/height

Owner

Rodney Hutson
9431 Rosie Ln
Magnolia, Texas 77354
(281) 356-4305
rkhutson@sbcglobal.net

Project Controllers

Bryan Hutson
(713) 304-0595
teresa.latsis@hutsongroup.com
t.latsis@hutsongroup.com

Location

Hutson Block 1 North
Tomball, Texas

Updated

February 20, 2020

HUTSON
Tomball, Texas

Zone

Old Town / Mixed Use

Project Number

20190123

Plan Scale

1" = 10'

Preliminary

Permit

Construction

80%

90%

100%

Title

C2 - Proposed Site

Page

C2

CITY OF TOMBALL
Engineering
APPROVED
With Conditions/Corrections as Noted
Date: 02/21/2020
Signature: *[Signature]*
This approval shall expire two years from the date stamped

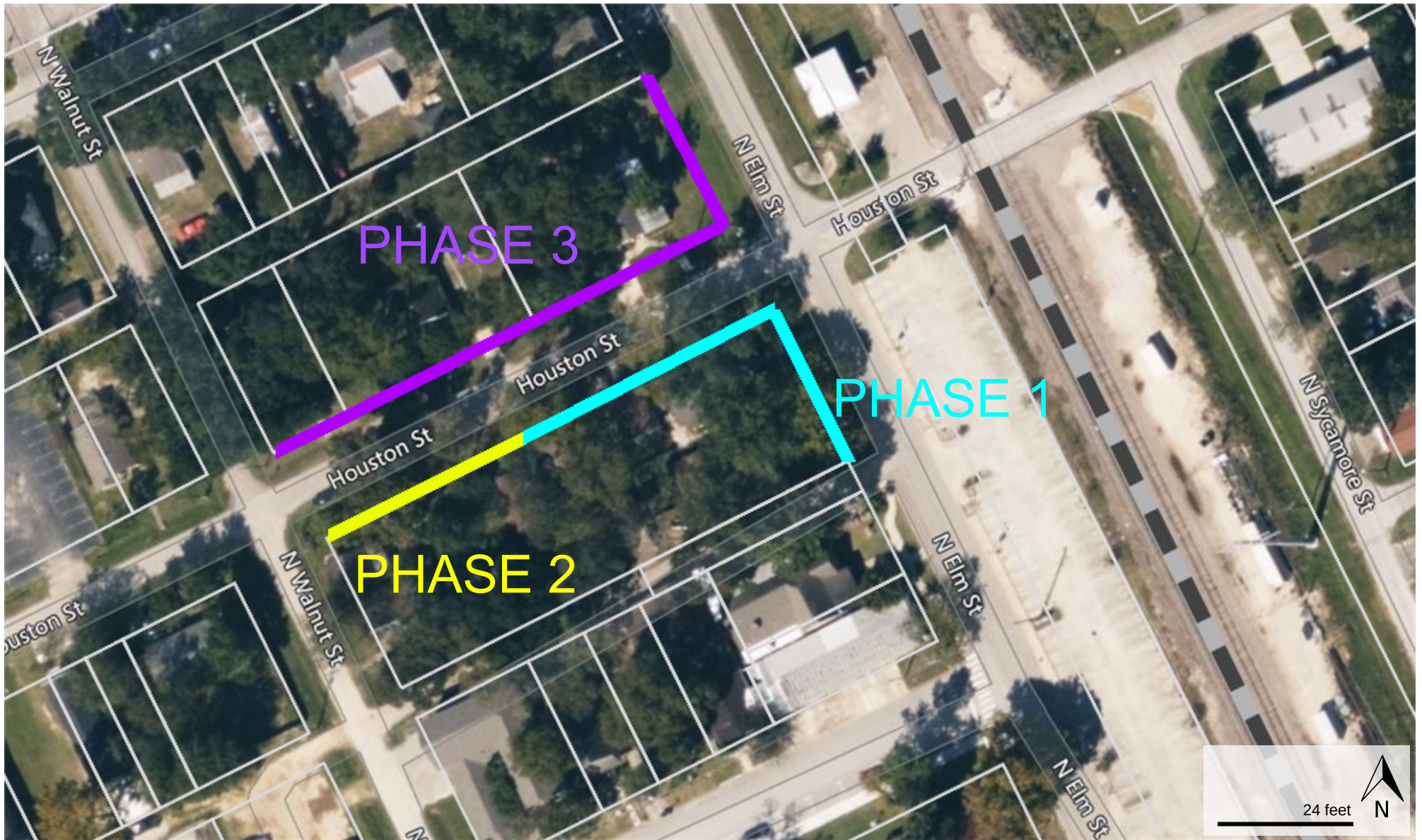
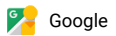




Image capture: Dec 2018 © 2021 Google

Tomball, Texas



Street View

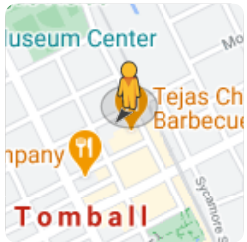
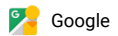




Image capture: Dec 2018 © 2021 Google

Tomball, Texas



Street View

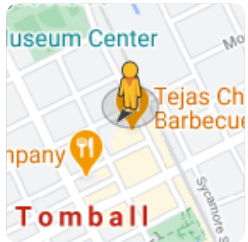
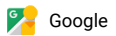


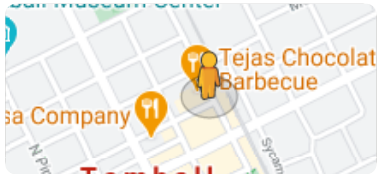


Image capture: Jun 2018 © 2021 Google

Tomball, Texas



Street View



PERFORMANCE GRANT AGREEMENT

This Performance Grant Agreement (the “Agreement”) is made and entered into by and between the Tomball Economic Development Corporation, a State of Texas Type B Economic Development Corporation (the “TEDC”), and The Hutson Group (the “Company”) (with each being a “Party”, and together the “Parties”), is entered into by the Parties’ authorized representatives, and is effective as of the date of execution by the Parties (the “Effective Date”).

RECITALS

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

WHEREAS, the Company proposes to construct pedestrian and parking improvements along Houston Street and North Elm Street in Old Town Tomball (the “Project”), with a description of the Project being attached to this Agreement as “Exhibit A”; and

WHEREAS, the Board of Directors of the TEDC (the “Board”) has determined that the improvements provided by the Company through the Project will enhance the use of Old Town Tomball, and as a Project of the TEDC, the Board wishes to reimburse the Company for a portion of the cost of the Project according to Texas Local Government Code 505.152; and,

WHEREAS, according to the terms and requirements provided herein, the Board desires to provide to the Company the sum of up to Forty-Eight Thousand Eight Hundred Dollars (\$48,800.00) (the “Performance Grant”) if the Company satisfies this Agreement herein, with the amount of the Performance Grant being described in the attached “Exhibit B”; and,

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

AGREEMENT

SECTION 1. TERM.

This Agreement shall become enforceable upon the Effective Date and shall remain in effect for a term of at least five (5) years, unless terminated or cancelled earlier according to the provisions of this Agreement (the “Term”). The Term may be extended through a written amendment to this Agreement executed by the Parties.

SECTION 2. COMPANY OBLIGATIONS.

- (a) Continued Operation.** The Company hereby covenants and agrees that it will continue to operate and maintain its business throughout the Term.
- (b) Reporting.** Throughout the Term, the Company will provide updates to the TEDC showing that it is in compliance with this Agreement and will provide progress reports on the status of the Project (the “Report”). Upon the written request of the TEDC or the City, the Company will promptly provide any additional information related to this Agreement.

SECTION 3. CAPITAL IMPROVEMENTS.

- (a)** The Company hereby covenants and agrees that as a part of the Project, it will construct the following Capital Improvements: Phase 1: Sidewalk, Parking and Street Improvements along 150

feet of the south side of Houston Street and 100 feet of the west side of North Elm Street (200 Block); Phase 2: Sidewalk, Parking and Street Improvements along 150 feet of the south side of Houston Street; and Phase 3: Sidewalk, Parking and Street Improvements along 300 feet of the north side of Houston Street and 100 feet of the west side of North Elm Street (300 Block) (the “Capital Improvements”).

- (b) The Company agrees that it will construct the Capital Improvements in accordance with all the requirements of the Code of Ordinances of the City and the plans and specifications of the Capital Improvements as approved by the City and the TEDC.
- (c) The Company agrees that it will certify the costs of the Capital Improvements, and all related infrastructure costs, to the TEDC prior to the initiation of the construction of the Capital Improvements.
- (d) The construction of the Capital Improvements, including the construction of all infrastructure and the obtaining of all necessary permits from the City, shall be completed within twenty-four (24) months of the Effective Date of this Agreement (the “Completion Date”). The Board or the City Council of the City (the “Council”) may adjust the Completion Date at its sole discretion.

SECTION 4. PERFORMANCE GRANT.

- (a) In consideration of the Company’s construction of the Capital Improvements according to this Agreement, the TEDC agrees to provide a Performance Grant to the Company for a portion of the actual costs of the Capital Improvements, including the costs of land acquisition, construction, and infrastructure, in an amount not to exceed Forty-Eight Thousand Eight Hundred Dollars (\$48,800.00) with such Performance Grant being distributed according to the schedule included in the attached “Exhibit B”.
- (b) The TEDC’s distribution of the Performance Grant payment to the Company shall be conditioned upon the Company’s providing the TEDC with: (i) certification of the total costs of construction of the Capital Improvements; (ii) a copy of any and all permits required by the City for the Capital Improvements; (iii) certification that the Capital Improvements have been constructed in accordance with the approved plans and specifications and with the City’s Code of Ordinances; (iv) an affidavit stating that all vendors, contractors, and subcontractors providing work or materials in the construction of the Capital Improvements have been paid and any and all liens and claims regarding such work have been released; and, (v) proof of payment to all vendors, contractors, and subcontractors providing work or materials in the construction of the Capital Improvements, including copies of canceled checks or credit card receipts and copies of paid invoices from all vendors, contractors, and subcontractors.
- (c) To the extent allowed by law, the Board may amend this Agreement to allow for an additional provision of land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements to the Company that would promote new or expanded business development.
- (d) The Parties understand and acknowledge that the funding of this Agreement is contained in the TEDC’s annual budget and is subject to the approval of the Board in each fiscal year. The Parties further agree that should the Board fail to approve a budget which includes sufficient funds for the continuance of this Agreement, or should the Board fail to certify funds for any reason, then and upon the occurrence of such event, this Agreement shall terminate as to the TEDC and the TEDC shall then have no further obligation to the other Party. When the funds budgeted or certified during any fiscal year by the TEDC to discharge its obligations under this Agreement are expended, the Company’s sole and exclusive remedy shall be to terminate this Agreement.

SECTION 5. TERMINATION.

- (a) This Agreement shall terminate upon the expiration of the Term, unless terminated earlier as the result

of a default by the Company under one of the following provisions:

- (1) *General Default.* Either Party may terminate this Agreement during the Term as provided in this paragraph if the other Party is in default by failing to comply with the obligations of this Agreement. The Party alleging the default will give the other Party notice of the default in writing. If the Party in default fails to cure the default within sixty (60) days of the date of the notice, then the Party giving the notice may terminate this Agreement by written notice to the other Party, specifying the date of termination. However, neither Party may be deemed to be in default of this Agreement if performance of this Agreement is delayed, disrupted, or becomes impossible because of any act of God, war, earthquake, fire, strike, accident, civil commotion, epidemic, act of government, its agencies or offices, or any other cause beyond the control of the Parties (the “force majeure”) during the Term, but only for so long as the event of force majeure reasonable prevents performance.
 - (2) *Undocumented Worker Employment Default.* According to Chapter 2264 of the Texas Government Code (the “Code”), the Company will not knowingly employ an individual who, at the time of employment: (i) is an undocumented workers as that term is defined in the Code; and, (ii) is not lawfully admitted for permanent residence to the United States or, is not authorized under the law to be employed in that manner in the United States. Additionally, if the Company is convicted of a violation under 8 U.S.C. Section 1324a (f), then the conviction is a breach of this Agreement and the TEDC will send the Company written notice that the Company has violated this paragraph and that the Agreement terminates thirty (30) days from the date of the notice.
- (b) It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company’s sole and exclusive remedy shall be limited to either the termination of this Agreement, or a suit for specific performance.

SECTION 6. REIMBURSEMENT OF PERFORMANCE GRANT.

- (a) It is understood and agreed by the Parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the ninety (90) day Treasury Bill plus one-half percent ($\frac{1}{2}$ %) per annum, within one hundred twenty (120) days after the TEDC notifies the Company of the default.
- (b) It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the ninety (90) day Treasury Bill plus one-half percent ($\frac{1}{2}$ %) per annum, within one hundred twenty (120) days after the TEDC notifies the Company of the violation.
- (c) The Company shall also reimburse the TEDC for any and all reasonable attorney’s fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of the funds contemplated in this Section. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default.
- (d) If the Company breaches this Agreement, then the Company’s obligation to reimburse the Performance Grant, or any other expenditure of the TEDC related to the Project, survives termination of this Agreement.

SECTION 7. MISCELLANEOUS PROVISIONS.

- (a) This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors, assigns, lessees, affiliates, and subsidiaries, and shall remain in force whether the Company sells, leases, assigns, or in any other manner disposes of, either voluntarily or by

operation of law, all or any part of the Capital Improvements, and this Agreement shall be held to be a covenant running with the Property throughout the Term.

- (b) This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- (c) The failure of either Party to insist in any one or more instances on the performance of any of the terms, covenants, or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, condition, or right with respect to further performance. However, the TEDC hereby reserves and retains any and all governmental immunities that it might now have or be granted in the future.
- (d) Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment, or modification only in writing, and by the signatures and mutual consent of the Parties.
- (e) In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity, or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.
- (f) Any notice provided or permitted to be given under this Agreement must be in writing and may be served by: (i) depositing the same in the United States mail, addressed to the Party to be notified, postage prepaid, registered, or certified mail, return receipt requested; (ii) delivering the same in person to such Party; (iii) overnight or messenger delivery service that retains regular records of delivery and receipt; or, (iv) facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the Parties for the purpose of notice under this Agreement shall be as follows:

If to the TEDC:

**Tomball Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, Texas 77375
Attn: President, Board of Directors**

If to the Company:

**The Hutson Group
9431 Rosie Lane
Magnolia, TX 77354
Attn: Teresa Latsis**

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

SIGNATURES

THIS AGREEMENT IS HEREBY ENTERED INTO BY THE PARTIES ON _____ 2021.

FOR THE TEDC:

FOR THE COMPANY:

GRETCHEN FAGAN, PRESIDENT

Name [Signature]

Date

Name [Printed]

Title/Position

Date

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on _____, 2021, by
 _____, _____, of _____ for and on behalf of
 said company.

(SEAL)

Notary Public in and for the State of Texas

My Commission Expires: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This instrument was acknowledged before me on _____, 2021, by
 _____, _____, of _____ for and on behalf of
 said company.

(SEAL)

Notary Public in and for the State of Texas

My Commission Expires: _____

Exhibit A: Description of the Project

- Phase 1:** Sidewalk, Parking and Street Improvements along 150 feet of the south side of Houston Street and 100 feet of the west side of North Elm Street (200 Block).
Estimated Cost: \$31,250
- Phase 2:** Sidewalk, Parking and Street Improvements along 150 feet of the south side of Houston Street. **Estimated Cost: \$18,750**
- Phase 3:** Sidewalk, Parking and Street Improvements along 300 feet of the north side of Houston Street and 100 feet of the west side of North Elm Street (300 Block).
Estimated Cost: \$47,600

Exhibit B: Performance Grant Description and Payment Schedule

TEDC agrees to reimburse the Company 50% of the cost of the Capital Improvements up to a total amount of \$48,800.00. Upon completion of each Phase of the Project, the Company may request funding in accordance with Section 4 of this Agreement.

The Payment Schedule shall be set as follows:

- Phase 1:** **Estimated Cost: \$31,250**
 TEDC Reimbursement: Up to \$15,625
- Phase 2:** **Estimated Cost: \$18,750**
 TEDC Reimbursement: Up to \$9,375
- Phase 3:** **Estimated Cost: \$47,600**
 TEDC Reimbursement: Up to \$23,800

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-011
- Adopt, on First Reading, Ordinance No. 2021-07, 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 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: David Weekley Homes

Recommendation:

City Staff recommends approval. Planning & Zoning Commission recommends denial (4-1)

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-07

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 13.4 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 17H, 17J, 17H-1, 17H-2, 17J-1 ABSTRACT 34 J HOUSE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT (PD-1) AND SINGLE-FAMILY 20 ESTATE DISTRICTS TO THE PLANNED DEVELOPMENT (PD-16) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF BROWN ROAD BETWEEN SH 249 AND QUINN ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, David Weekley Homes, has requested that approximately 13.4 acres of land, legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, generally located on the south side of Brown Road between SH 249 and Quinn Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family residential subdivision; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to and made part of this ordinance; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Planned Development (PD-16) 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 Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District, subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-16) 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 Planned Development (PD-16) District as described above.

Section 5. The Planned Development (PD-16) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-16) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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 15TH DAY OF MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



RECEIVED (KC)
01/06/2021 4:09:18 PM
**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

P&Z #P21-011
\$1,000 PD

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

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

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

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

Applicant
Name: David Weekley Homes Title: Development Manager
Mailing Address: 1111 N Post Oak City: Houston State: TX
Zip: 77055
Phone: (713) 545-9798 Fax: () Email: DMorgan@dwhomes.com

Owner
Name: Ellen Hohl Stults - Executor of Carolyn Hohl Estate Title: Executor
Mailing Address: 46 Stephen Hohl 13601 Lost Creek City: Tomball State: TX
Zip: 77375
Phone: (832) 369-3835 Fax: () Email: Stephen.Hohl@gmail.com

Engineer/Surveyor (if applicable)
Name: Crestline Engineering - Mark D Shaffer PE Title: Principal
Mailing Address: 2000 S Dairy Ashford Ste 200 City: Houston State: TX
Zip: 77077
Phone: (713) 314-7029 Fax: () Email: mark@crestlineeng.com

Description of Proposed Project: Single Family Residential Development

Physical Location of Property: South of Brown Road Approx 2000' east 249
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 5 House Survey Abstract 34 Tracts 17H, 17H-1, 17H-2, 17H-3, 17H-4, 17H-5, 17H-6, 17H-7, 17H-8, 17H-9, 17H-10, 17H-11, 17H-12, 17H-13, 17H-14, 17H-15, 17H-16, 17H-17, 17H-18, 17H-19, 17H-20, 17H-21, 17H-22, 17H-23, 17H-24, 17H-25, 17H-26, 17H-27, 17H-28, 17H-29, 17H-30, 17H-31, 17H-32, 17H-33, 17H-34, 17H-35, 17H-36, 17H-37, 17H-38, 17H-39, 17H-40, 17H-41, 17H-42, 17H-43, 17H-44, 17H-45, 17H-46, 17H-47, 17H-48, 17H-49, 17H-50, 17H-51, 17H-52, 17H-53, 17H-54, 17H-55, 17H-56, 17H-57, 17H-58, 17H-59, 17H-60, 17H-61, 17H-62, 17H-63, 17H-64, 17H-65, 17H-66, 17H-67, 17H-68, 17H-69, 17H-70, 17H-71, 17H-72, 17H-73, 17H-74, 17H-75, 17H-76, 17H-77, 17H-78, 17H-79, 17H-80, 17H-81, 17H-82, 17H-83, 17H-84, 17H-85, 17H-86, 17H-87, 17H-88, 17H-89, 17H-90, 17H-91, 17H-92, 17H-93, 17H-94, 17H-95, 17H-96, 17H-97, 17H-98, 17H-99, 17H-100

HCAD Identification Number: 0402700010145
0402700010146
0402700010147 Acreage: 13.378

Current Use of Property: PD-1 + SF-20-E

Proposed Use of Property: Planned Development

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 Todd May Date 1-5-2021
Signature of Applicant

X Ellen M. Clutts Date 1-5-2021
Signature of Owner

January 6th 2021

Building Dreams, Enhancing Lives.
David Weekley Homes

City of Tomball
Planning & Zoning Commission
401 Market Street
Tomball, TX 77375

Dear City of Tomball Planning & Zoning Commission,

This letter is meant to serve as supplemental documentation to accompany the request of the Estate of Carolyn K Hohl and David Weekley Homes for the creation of a Planned Development on the referenced property near Brown Road and Quinn Road in Tomball, TX. Attached along with this letter is the Planned Development Application, Planned Development Regulations as well as Proposed Site Plan for the project.

David Weekley Homes, through its development company, CND Development, desires to develop an upscale community of 50 homes on this 13.378 acre property. The current zoned status of the property is a mix of Planned Development (PD-1 – Office w/Residential Look) as well as Single-Family Estate (SF-20-E).

The creation of this Planned Development will allow David Weekley Homes to develop the property into single family homes in line with the City of Tomball's Future Land Use Plan which is Neighborhood Residential. Our desire is to create a community with the aesthetic appeal and quality of one of our previous communities near the reference property, Yaupon Trails. After discussing with City Council at our last rezoning request, we have designed this Planned Development with Yaupon Trails in mind.

Planned Development Districts may be used to permit new or innovative concepts in land utilization and ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. We believe this Planned Development will do that by providing the following:

- To provide superior design on lots
 - This will allow for a typical lot size (6,500 SF Minimum) that falls between SF-6 and SF-9.
- To provide open space opportunities for public use and enjoyment
 - There is a park at the south side of the project near the detention area that will be publicly available.
- To provide an appropriate balance between the intensity of development
 - This PD will have the same minimum lot size as Yaupon Trails on the North side of Brown Road, be greater than the lots in Sydney's Park at Brown and Quinn and ease the transition from the SF-20-E lots to the West in Liberty Springs.
- Exceed the standards of the City of Tomball
 - Homes within the PD will adhere to minimum building regulations and required landscaping on each lot. One example being the Minimum Floor Area per Dwelling Unit being 1,600 SF, which is the same as SF-20-E.

January 6th 2021

We believe that this development will allow David Weekley Homes to deliver an upscale new home community that will not only benefit those residents that purchase homes in the community, but contribute to the City of Tomball's continued success.

Thank you so much for your time and consideration of Planned Development request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Black', with a stylized flourish at the end.

Scott Black
David Weekley Homes

" EXHIBIT A "

FIELD NOTES OF A TRACT OF LAND CONTAINING 13.378 ACRES SITUATED IN THE JOSEPH HOUSE LEAGUE, ABSTRACT 34, HARRIS COUNTY, TEXAS AND BEING THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 1 AND THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 2 CONVEYED TO ROY C. HOHL RECORDED BY DEED IN HARRIS COUNTY CLERK'S FILE NO.(S) B 899708 AND C 922066 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. SAID 13.378 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLAIN COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

BEGINNING at a 5/8" capped iron rod, found, being an exterior corner in the west line of a 6.292 acre tract of land conveyed to City of Tomball recorded by deed in Harris County Clerk's File No.(s) Y 538668 of the Real Property Records of said county and for the **southwest corner** of the herein described tract (X=3032877.6167, Y=13962802.4460), from which a 5/8" iron rod, found, being the southwest corner of said 6.292 acres bears S 02°08'27" E, a distance of 159.93 feet;

THENCE, N 02°08'27" W, along the west line of said Tract 1 and 2, a distance of 1035.76 feet to a 1/2" capped iron rod, set, being the southwest corner of Lot 2, Block 2, Brown-Hufsmith Commercial, a subdivision in said county according to the map or plat thereof recorded in Film Code #622259 of the Map Records of said county, the northwest corner of said Tract 2 and for the **northwest corner** of the herein described tract;

THENCE, N 87°12'47" E, along the south line of said Lot 2 and the north line of said Tract 2, a distance of 401.98 feet to a 1/2" capped iron rod, set, in the south right-of-way line of Brown-Hufsmith Road (100 foot right-of-way), the east corner of said Lot 2 and for the **"Point of Curve"** in the north line of the herein described tract;

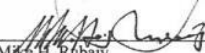
THENCE, along a curve to the left with the south right-of-way line of said Brown-Hufsmith Road having a radius of 1690.42 feet and an arc length of 167.06 feet with a chord bearing of S 79°54'49" E, a distance of 166.99 feet to a 5/8" capped iron rod, set, being the northwest corner of said 6.292 acres and for the **northeast corner** and **"Point of Tangent"** of the herein described tract;

THENCE, S 02°11'50" E, along the west line of said 6.292 acres, a distance of 999.00 feet to a 5/8" capped iron rod, set, being an interior corner in the west line of said 6.292 acres and for the **southeast corner** of the herein described tract;

THENCE, S 87°15'33" W, along an exterior line of said 6.292 acres, a distance of 566.17 feet to the **"Point of Beginning"** and containing 13.378 acres of land, more or less.

Surveyed: May 06, 2020

I, Mike H. Rubaiy, Registered Professional Land Surveyor No. 2907, do hereby certify that the foregoing field notes were prepared from a survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.


Mike H. Rubaiy
R.P.L.S. No. 2907

Job No. 220107
Date: 06-17-2020
hh



Exhibit “B”
Planned Development Regulations

Planned Development Regulations

Pine Trails

Contents

- A. General Provisions
- B. Land Uses
- C. Development Regulations for Single Family Lots
- D. Landscape Regulations
- E. Building Regulations

A. General Provisions

The Planned Development (PD) approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 zoning district is not contained in this ordinance, all of the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance shall apply to this PD.

Except as otherwise provided herein, the words used in this Planned Development shall have the same meaning established by the Development Code.

B. Land Uses

Permitted Land Uses are listed below. All others are prohibited.

- Private Household Services – SIC Code 8811
- Dwellings – Single Family – SIC Code 99 (Non-Classifiable)
- Parks and Recreational Facilities, Public or Private – SIC Code 99 (Non-Classifiable)
- Residential Sales Office (Temporary)
- Drill Site

C. Development Regulations for Single Family Lots

- Maximum 50 lots permitted
- Minimum Lot Size - 6,500 Square Feet
- Minimum Lot Width - 55'

- Minimum Lot Depth - 110'
- Minimum Front Setback – 20'
- Minimum Side Setback – 5'
- Minimum Rear Setback – 10'
- Minimum Dwelling Unit Size – 1,600 Square Feet
- Maximum Height – 2 stories not to exceed 36' for the main building/house.
- Maximum Lot Coverage – 60% including main buildings and accessory buildings

D. Landscape Regulations

Park and Recreation Facilities

- A landscaped and open space park reserve shall be provided within the neighborhood.

Single Family Lot Requirements

- Each lot shall be fully landscaped with either trees, plants or otherwise covered with Bermuda Grass.
- Each lot shall have at least one existing mature tree or one 3.5" caliper shade tree shall be planted in the front yard setback.
- See attached Approved Plant List (Exhibit A) for approved plants and trees for the Planned Development

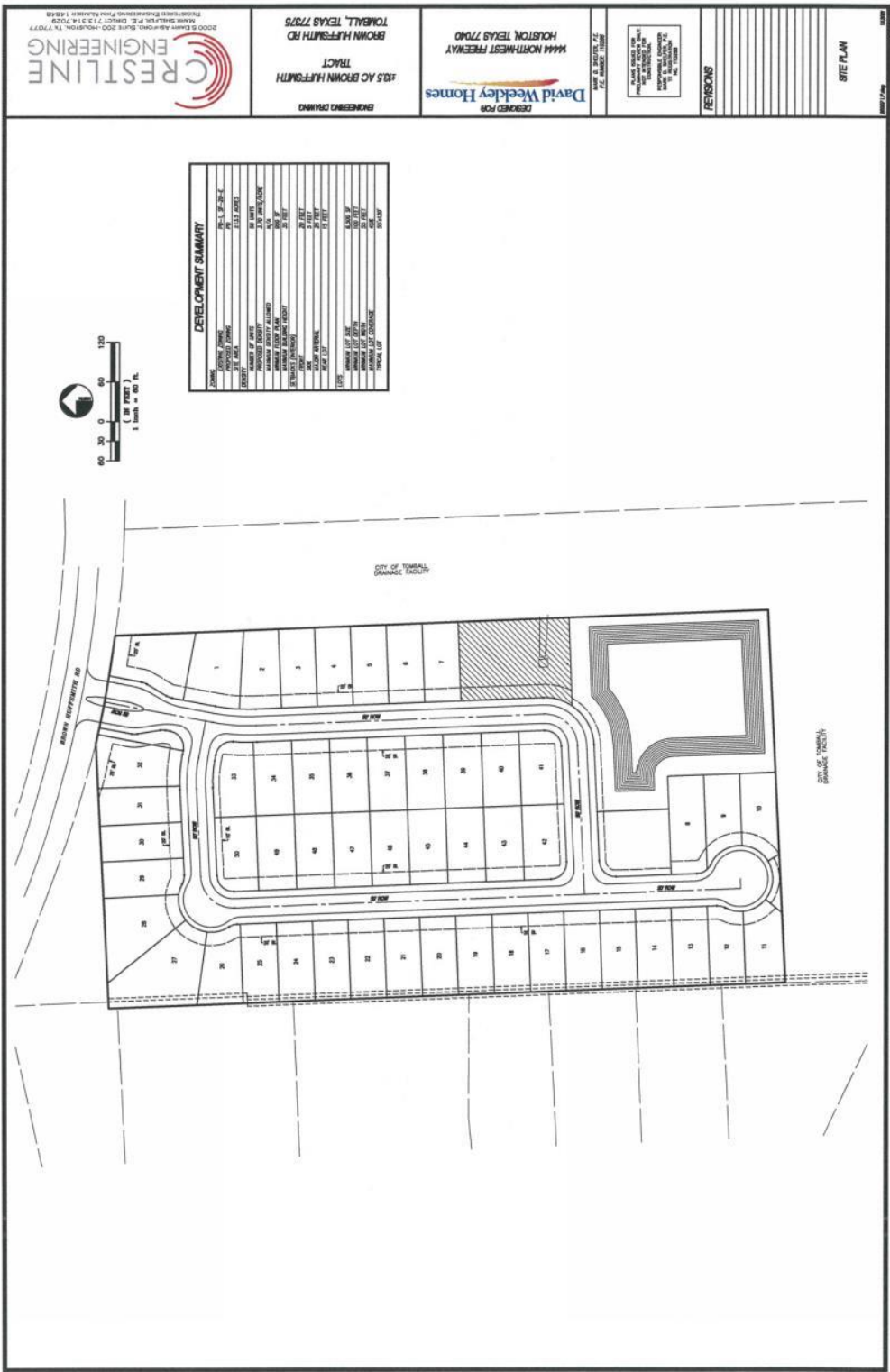
Exhibit A

Approved Plant List

<i>Botanical Name</i>	<i>Common Name</i>	<i>Botanical Name</i>	<i>Common Name</i>
SHADE TREES		SHRUBS	
<i>Carya illinoensis</i>	Pecan	<i>Aspidistra eliator</i>	Aspidistra
<i>Liquidambar styraciflua</i>	Sweet Gum	<i>Aucuba japonica</i>	Japanese Aucuba
<i>Magnolia grandiflora</i>	Southern Magnolia	<i>Azalea</i> species	Azalea
<i>Pistache chinensis</i>	Chinese Pistache	<i>Buddleia davidii</i>	Butterfly Bush
<i>Platanus mexicana</i>	Mexican Plane Tree	<i>Buxus</i> species	Boxwood
<i>Quercus macrocarpa</i>	Burr Oak	<i>Callistemon citrinus</i>	Dwarf Bottlebrush
<i>Quercus nigra</i>	Water Oak	'Austraflora', 'Firebrand',	
<i>Quercus polymorpha</i>	Mexican Oak	'Little John', and 'Splendens	
<i>Quercus shumardii</i>	Shumard Oak	<i>Camellia sasanqua</i>	Camellia
<i>Quercus virginiana</i>	Live Oak	<i>Chanomelis speciosa</i>	Flowering Quince
<i>Ulmus parvifolia</i> 'Drake'	Drake Elm	<i>Cleyera japonica</i>	Japanese Cleyera
EVERGREEN TREES		<i>Elaeagnus macrophylla</i>	Elaeagnus Ebbeningei
<i>Ilex opaca</i>	American Holly	<i>Eriobotrya japonica</i>	Coppertone Loquat
<i>Ilex opaca Savannah</i>	Savannah Holly	<i>Fatsia japonica</i>	Aralia
<i>Cupressus sempervirens</i>	Italian Cypress	<i>Fiegoa sellowiana</i>	Pineapple Guava
<i>Pinus thunbergi</i>	Japanese Black Pine	<i>Gardenia jasminoides</i>	Gardenia
<i>Pinus taeda</i>	Loblolly Pine	<i>Ilex cornuta</i> 'Burfordii'	Dwarf Burford Holly
ORNAMENTAL TREES		<i>compacta</i>	
<i>Betula nigra</i>	River Birch	<i>Ilex vomitoria</i> 'Nana'	Dwarf Yaupon
<i>Cercis canadensis</i> 'Oklahoma'	Redbud	<i>Juniperus</i>	Juniper species
<i>Chamcerops humilis</i>	Mediterranean Palm	<i>Leucophyllum frutescens</i>	Texas Sage
<i>Chionanthus virginica</i>	Chinese Fringe Tree	<i>Ligustrum japonicum</i>	Wax Leaf Ligustrum
<i>Crateagus marshalli</i>	Parsley Hawthorn	<i>Mahonia aquifolium</i>	Oregon Grape
<i>Cycas revoluta</i>	Sago Palm	<i>Mahonia bealei</i>	Leatherleaf
<i>Lagerstroemia indica</i>	Crepe Myrtle	<i>Myrica cerifera</i>	Southern Wax Myrtle
<i>Magnolia liliiflora</i>	Lily Magnolia	<i>Myrica pusilla</i>	Dwarf Wax Myrtle
<i>Magnolia soulangeana</i>	Saucer magnolia	<i>Nandina domestica</i>	Dwarf Nandina varieties
<i>Magnolia stellata</i>	Star Magnolia	<i>Nerium oleander</i>	Oleander
<i>Prunus mexicana</i>	Mexican Plum	<i>Pittosporum tobira</i>	Variegated Pittosporum
<i>Pyrus calleryana</i>	Flowering Pears	'Variegata'	
'Aristocrat' or 'Capitol'		<i>Pittosporum tobira</i>	Dwarf Pittosporum
		'Wheeler'	
		<i>Raphiolepis indica</i>	Indian Hawthorn
		<i>Rhododendron indicum</i>	Formosa Azalea
		'Formosa'	
		<i>Spirea bumalda</i> or similar	Spirea
		dwarf varieties	

<i>Botanical Name</i>	<i>Common Name</i>
Ajuga reptans	Ajuga
Ardisa Crenulata	Ardisa
Asparagus sprengeri	Sprengeri Fern
Carex morrowii	Japanese Sedge
Cuphea hyssopifolia	Mexican Heather
Cyrtomium falcatum	Holly Fern
Dryopteris normalis	Wood Fern
Festuca ovina	Fescue
Festuca cinerea	Fescue
Ficus pumila	Climbing Fig
Gelsimium sempervirens	Carolina Jasmine
Hemerocallis species	Daylily
Hedera helix	English Ivy
Juniperus horizontalis, conferta, and procumbens 'Nana'	Low growing junipers species
Lantana camara 'Radiation'	Lantana
Liriope muscari	Liriope
Millettia reticulata	Evergreen Wisteria
Ophiopogon jaburan	Giant Liriope
Ophiopogon japonicum	Monkey Grass
Rosa banksiae	Lady Bank's Rose
Santolina incana	Lavender
Trachelosperum asiaticum	Asian Jasmine
Trachelosperum jasminoides	Confederate Jasmine
Veronica latifolia, scro- phulariaceae and spicata	Veronica
Wisteria chinensis, floribunda, megasperma, sinensis	Wisteria

Exhibit "C"
Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

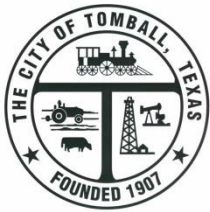
C E R T I F I C A T I O N

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 **4th** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P21-011

APPLICANT/OWNER: David Weekley Homes

LOCATION: Generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District.

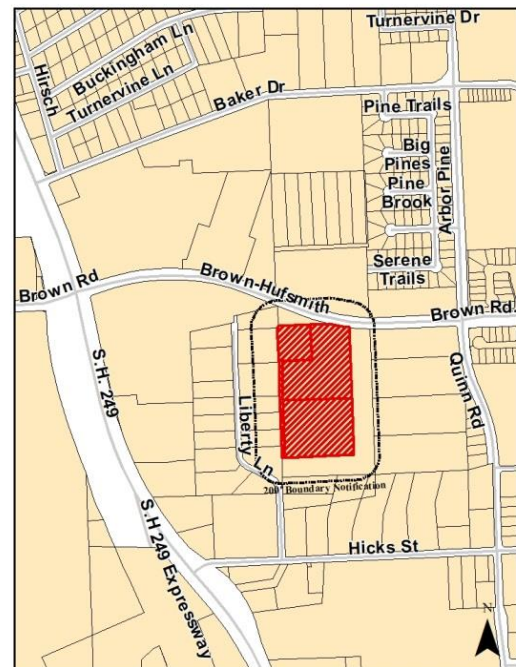
CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@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.



**City Council Public Hearing:
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.

Amelia Lindley

From: Bonnie Frey <bjfrey4@gmail.com>
Sent: Tuesday, February 9, 2021 7:49 PM
To: Amelia Lindley
Subject: David Weekley Homes Zoning P21-011

Dear Amelia,

Thank you in advance for your time in reading this letter! I am writing in favor and support of the zoning change for case P21-011. We attend Bayou City Fellowship here in Tomball, and we think it would be a wonderful new neighborhood addition here in Tomball as we outreach and pray to reach communities in Tomball. We have loved our ten years living in Tomball, as newlyweds and now as parents to a two year old daughter, and a son on the way. We are certain that a new David Weekly Home addition would provide that same opportunity for other families growing in Tomball! Thank you again for your consideration!

Warm Regards,
Bonnie Frey
21809 E Yaupon Circle Tomball, TX 77377

February 4, 2021

City of Tomball
Attn: Amelia Lindley, City Planner

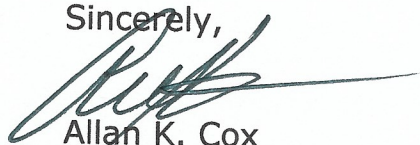
RE: Case Number P21-011 – Proposal Rezoning 13.4 acres from
Planned Development (PD-1) to Planned Development (PD-16)

I have lived and worked in Tomball all my 72 years of life, except for the 4 years I attended college. Tomball is a great city: it has the best of both worlds, a small town feel with the perks of a big city. My grandfather, Allan H. Keefer, the first mayor of Tomball, told me that progress is good, just be sure we all have a hand in what gets done. I saw the town move from horses hitched at wooden rails at the downtown stores to the massive toll way running through town allowing us to easily connect to other neighboring areas.

Good residential development is good for all of us; it brings taxpayers and consumers to town, provides fees and taxes for the City to help accomplish their goals and demonstrates positive growth. David Weekley Homes is a quality developer; they do it the right way. Weekley provides quality living for the owners and adds value to the neighborhood. It is human nature to desire to be left alone in your neighborhood, however, blocking good development is not logical or doing what is best for the community.

I am **FOR** the requested Rezoning to amend Chapter 50 of the Code to change the 13.4 acre tract from Planned Development (PD-1) and Single-Family 20 Estates to the Planned Development (PD-16) District. Thank you for the opportunity to express my view FOR this project and zoning change.

Sincerely,



Allan K. Cox
P. O. Box 1546
Tomball, Texas

Amelia Lindley

From: Amber Michelle Webb <amichelle.webb@gmail.com>
Sent: Sunday, February 7, 2021 12:45 PM
To: Amelia Lindley
Subject: David Weekley

Hello,

It has been brought to our attention by concerned neighbors that David Weekley once again is trying to petition the city to build homes on 6000 sf lots. I am asking Tomball Planning & Zoning Commission to not allow this heinous rezoning. Please think about drainage, traffic and the effect it will have on the trees and the wildlife that call this part of Tomball home. We are not anti-development by any means. If homes are to be built on this land, it should be for large, wooded lots that the land is originally zoned for. Let's keep the charm and beauty of Tomball intact to attract small businesses and homeowners who, like my husband and I, take pride in our community and continue to work to bring value to our home and neighborhood.

Thank you,
Amber Michelle Webb
Spring Pines Estates

Amelia Lindley

From: Art Cole <abcole5555@yahoo.com>
Sent: Monday, February 8, 2021 11:55 AM
To: Amelia Lindley
Subject: P21-011

I am submitting my objection to the proposed rezoning of the 13.4 acres behind Liberty Lane from Single Family 20 to PD-16. This will have a negative effect not only on our home, but on all the homes in the Liberty Springs neighborhood. The zoning needs to stay SF-20 and we would appreciate you voting to keep it SF-20.

Thank you
Art Cole
29506 Liberty Lane

Amelia Lindley

From: Bekah Harrisberger <bekah.hohl@gmail.com>
Sent: Thursday, February 4, 2021 6:29 PM
To: Amelia Lindley
Subject: David Weekley Homes Zoning P21-011

Dear Amelia,

I hope this finds you well. I'm sure you are getting flooded with letters about this zoning case, and I'm thankful you are taking the time to read each and every letter being sent your way! **I am writing to stand in support of this zoning change for case number P21-011**, and I hope you will share some of my thoughts with the Planning/Zoning Commission and City Council.

I'm the youngest daughter of Stephen Hohl, one of the 4 Hohl siblings that is selling our Nana's property on Brown Road. I grew up in Tomball, along with nearly my entire family - aunts, uncles, cousins, and my Nana, Carolyn Hohl. The Hohl Family has been a part of Tomball since 1920, and I am so proud of that and all that they have done for Tomball! After graduating from Tomball High School in 2011, I moved to Austin to attend college. I ended up living in Austin for 7 years, and I always claimed to never be that girl who moved back to her hometown... but I just couldn't stay away. After getting married in 2018, I found myself back in Tomball for my husband's job. We lived in a tiny apartment for 2 years while we saved up for our first home. In early 2020 we signed a contract to build our first home with David Weekley Homes in the Grove Landing neighborhood off of Bogs Rd/2978 in Tomball. Throughout the entire process, we were blown away by the care and detail they put into every step. They were a wonderful company to work with and we highly recommend them to anyone who asks. I can hardly put into words how special it was to not only *buy* a house in my hometown of Tomball, but to *build* and design a beautiful home with such a reputable builder. We moved into our new home this summer, and the quality of the workmanship has exceeded our expectations. It's been so fun settling in and meeting new neighbors who are young couples like us, young families, and even retirees who are downsizing. I can't help but think that the proposed Pine Trails neighborhood could also have this wonderful sense of community and pride like our neighborhood does. Allowing the rezoning of the land and allowing David Weekley Homes to buy the property to develop Pine Trails would be a huge win for the city of Tomball and it's growth.

Tomball is growing, and for good reason. People are finding out how wonderful a city it really is. The schools are excellent, the charm is unbeatable, the churches are thriving - and so much more. Many of our closest friends attend the Tomball campus of Bayou City Fellowship and I think it would be a huge perk for their church growth if a brand new neighborhood was built just minutes from them. What a wonderful way to welcome new families to Tomball by inviting them into a loving, Christ-centered community 2 minutes down the road.

My family has put so much thought and care into the decisions regarding this land. We will have Tomball's best interests in mind in how we sell this property. We love these 13.4 acres so much, but we know that the time has come for more families to love this land and create their own memories right in the heart of Tomball.

Best,
Bekah Harrisberger
25306 Pirates One Drive
Tomball, TX 77375

Amelia Lindley

From: Belinda <bshaw0857@aol.com>
Sent: Thursday, February 4, 2021 1:12 PM
To: Amelia Lindley
Subject: Case #P21-011

Have just heard about David Weekley's attempt to rezone a nearby area to our residence on Epps, for another Home on Top of Home development! We are opposed to the approval of this rezoning and or any further development of this type in Tomball Proper! Let's attempt to keep some semblance of Small Town, PLEASE!!

Would love it if our city government focus was on developing a plan to improve the current CURB APPEAL of businesses/homes/properties in Tomball Proper (especially Main Street), instead of relying on the intrusion of big business to improve city revenue. Such a missed opportunity! This little city is stuck and could be a much more attractive place to live as well as an ideal destination...if only the powers that be would do what is necessary to move in that direction. We have lived here for 20 years, praying that someone in city government would realize the potential and make the necessary changes! So far, not much if anything has changed!!!!

Please advise if you need something formal to record our NO vote to this rezoning request. Thank you for your time!

*Yours in God's gracious care,
Belinda Abbott-Shaw
Home Stylist
~GraceReclaimed.blogspot.com~*

Amelia Lindley

From: Bridget Cole <bc29506@sbcglobal.net>
Sent: Sunday, February 7, 2021 3:36 PM
To: Amelia Lindley
Subject: Case Number P21-011

From: Bridget Cole
29506 Liberty Lane
Tomball, TX 77375

I'm so disappointed that we are having to address this issue again. David Weekley is now trying to rezone as a PD-16.

The case is really quite simple. The existing lots are SF-20 and they were zoned as such to protect our property values on Liberty Lane. Nothing has changed, we still need our property value protected, so this re-zoning should not occur.

Replacing the scenic, tree-lined views that all of Liberty Lane enjoys, with roofline after roofline is definitely NOT protecting our property values. If changing the lot size to these incredibly small lots happens, this company would be clearing all the trees out without any regard for the beauty of the land in order to cram houses as close together as possible.

I was on one of the Zoom meetings with David Weekley's representatives, and the one thing I kept hearing from them was, the concessions that couldn't be made because it was not economically feasible for them. What about what is economically feasible for us?

I don't know what David Weekley's net worth is, but I know three things:

1. David Weekley's net worth far exceeds our net worth.
2. David Weekley is not a resident of Tomball, he is not our neighbor.
3. David Weekley's bottom line will not be adversely affected if this property is not re-zoned, but ALL of our properties will be adversely affected.

I am requesting the City of Tomball not re-zone this area in order to preserve all of our existing property values and the beauty of our city.

Amelia Lindley

From: Brooke Gordon <brookemarie83_3@hotmail.com>
Sent: Friday, February 5, 2021 7:54 AM
To: Amelia Lindley
Subject: David Weekly

Hello,

Please support Tomball residents, there has been enough new developments and homes built. This causes, flooding, too much traffic, and Tomball to lose its charm. As a home owner, I hope you will support the residents of this area and not big business. Help keep our community quaint.

Thank you,

Brooke Gordon

Sent from my iPhone

Amelia Lindley

From: Carl Hohl <carl.hohl@gmail.com>
Sent: Thursday, February 4, 2021 2:39 PM
To: Amelia Lindley
Cc: Roy Hohl; Ellen H. Stutts; ice Joe Stutts; Stephen Hohl
Subject: Weekley Homes Case P21-011

Dear Amelia:

The purpose of my note is to express my support for David Weekley's efforts to rezone the subject property to Planned Development.

This rezoning and revised development plan is at the recommendation of the City Council. The revision recommended is similar to nearby Weekley development called Yaupon Trails down Brown Road a short distance from this property. It will also allow larger houses and lots estimated to be priced in the low \$300's. City staff recommends approval. This property is "neighborhood residential" in the Future Land Use plan. Everything stated above is flying in formation with Tomball City Council's recommendations.

A David Weekley Homes neighborhood has been and will be an attractive addition to Tomball's residential choices. Roughly 50 new residents will move into Pine Trails and call Tomball home. They'll come for many of the same reasons that current Tomball citizens have. The shopping, medical facilities, schools (public and private) transportation infrastructure (tollways and roads) for example easy access to SH249, Beltway 8 and 99. They will be attracted 'like a moth to a flame' to the hometown feel that many say other suburban areas lack. Conservative estimates predict the tax valuations before and after development will grow from the current \$1,000,000 to roughly \$15,000,000

--

Carl Hohl
(713) 705-8090



Texas Realtor
IABS

eXp Realty
Fastest Growing Brokerage In the USA
Email: Carl.Hohl@exprealty.com
Website: <https://www.carlhohl.exprealty.com>
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Tomball, Texas
77375

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Amelia Lindley

From: Cheryl Longa <wethree2000@att.net>
Sent: Friday, February 5, 2021 6:12 PM
To: Amelia Lindley
Subject: P21-011

I am saddened to hear that yet again, there is a pending case P21-011 proposed by David Weekly Homes, or it's subsidiary.

As lifetime residents of Tomball (53 years), and my parents who are still living and have lived in Tomball 82 and 78 years, we are all against this proposal. I live in Springwood Subdivision which is right across from where this proposed subdivision would be. The homes being crammed into such small lot spaces is rampant in Tomball, we do not need another one.

There is a "boutique rental" neighborhood across from us as well on tiny lots where they are throwing up several houses a day. The quality of our neighborhoods and Tomball in general are in jeopardy with these small cookie cutter subdivisions.

I would ask that the mayor and board sincerely decline this case and that the current zoning for larger lots not be changed.

Respectfully yours,
Cheryl Longa
[1323 Serene Trail](#)
[Tomball TX 77375](#)

Sent from my iPhone

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

February 7, 2021

REF: **Case Number: P21-011**

City of Tomball:

I am **AGAIN** writing to express my **strong opposition** to **CASE NUMBER: P21-011**, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Cheyenne Guin
Liberty Springs Estate
29503 Liberty Lane
Tomball, TX 77375

Amelia Lindley

From: David McWhorter <davmcw@me.com>
Sent: Monday, February 1, 2021 9:25 PM
To: Amelia Lindley
Cc: matthew@bizfloor.biz
Subject: Case Number P21-011

Ms. Lindley,

I oppose the proposed rezoning described in the subject case. As a resident of the adjacent neighborhood I support the Planning & Zoning committee's previous denial of the change and, having just attended a Zoom meeting hosted by David Weekly, I see only modest and insignificant changes in their planned re-application. The proposed neighborhood is incongruous with adjacent properties and is a radical departure from the current zoning classification.

That city staff has actually recommended this zoning change is something I'm having a hard time understanding. Why? Is the goal to jam as many people possible into every square inch of Tomball...even for areas long zoned for 1/2 acre lots? The Planning and Zoning committee had it right the first time. Reject this proposal and require the current properties owners, or any new owners, to develop their property in way that is consistent with the current zoning classification. The residents on Liberty Lane are not against progress or the right of property owners to develop and profit from their property so long as that development is compliant with the current zoning requirements. The zoning requirements were in place when we all purchased our homes in this area and to so radically alter them in favor of a such a congested plan would be unfair, unwelcomed and unwarranted.

Sincerely,

David McWhorter
29607 Liberty Lane
Tomball, TX 77375

Amelia Lindley

From: Dena Chambers <Dena@breauxmachine.com>
Sent: Thursday, February 4, 2021 3:33 PM
To: Amelia Lindley
Subject: Oppose David Weekly Homes Case #P21-011 near Liberty Lane

Amelia,

I am strongly opposed to yet another Apartment, Starter home Neighborhood or "Boutique" Rental Community in this area of Tomball. I have no problem with progress and understand we must continue to grow, but let's give some consideration to the existing residents. It is not about quantity, it is about quality. Tomball City Council Members seem to have forgotten why Tomball citizens chose this town in the first place. Years ago Tomball was known for its Pine Trees..... You can see what the developers destroy

*Thank You,
Dena Chambers
1314 Big Pines
Tomball Tx
713-201-9796*

Amelia Lindley

From: Ron Haffner <ron@tomballcpas.com>
Sent: Wednesday, February 3, 2021 1:40 PM
To: Amelia Lindley
Cc: stephen.hohl@edwardjones.com
Subject: RE: Zoning Case Number: P20-338

Amelia:

I just wanted to follow up with you and let you and City Council know that my wife and I attended the Zoom meeting hosted by David Weekley to discuss the changes made to their application to the city for zoning change approval. The employees of David Weekley answered all the questions presented to them by those attending the meeting and provided drawings and diagrams to walk us through the proposed project.

As the owner of property that literally touches the property line of this project and would be one of the most impacted, I remain in favor of the rezoning request.

It would be nice if the 5 city councilmen and woman would acknowledge you and your staff's competence and due diligence in vetting this project and accept your recommendation to approve this zoning change.

Respectfully submitted

Ron & Amy Haffner
13827 Brown Rd
Tomball, TX 77375

Sent from [Mail](#) for Windows 10

From: [Amelia Lindley](#)
Sent: Friday, December 11, 2020 1:14 PM
To: [Ron Haffner](#)
Cc: stephen.hohl@edwardjones.com
Subject: RE: Zoning Case Number: P20-338

Mr. Haffner,

Thank you for your email. We will make sure the Planning & Zoning Commission and City Council receive your comments.

Amelia Lindley
City Planner
(281) 290-1410
Tomballtx.gov/cd

Amelia Lindley

From: Hannah Hohl <hannahjhohl@gmail.com>
Sent: Wednesday, February 3, 2021 10:53 PM
To: Amelia Lindley
Subject: Approval of Case PS21-011

Amelia Lindley
February 3, 2021
City Planner, City of Tomball
RE: Zoning Case PS21-011

Dear Amelia,

I am writing to you in support of the proposed rezoning of the David Weekley Homes development off of Brown Road.

Though I have many reasons, I will share with you the two most important ones.

1) David Weekley Homes is a wonderful developer with a great track record. They have been extremely forthcoming with their plans for development so there will be no surprises with them. This, however, would not be the case with other prospective buyers. David Weekley Homes has also been extremely flexible and accommodating when they were asked to come back with an amended plan. This 13.4 acres of land would go to great use for many new families.

2) I am the granddaughter of the late Carolyn Hohl who was the original property owner of this land. This property has been in my family since 1964 and to be honest, we have made many meaningful memories there making the selling of this property personally difficult. On one hand, I can empathize with the Liberty Lane homeowners who are undoubtedly feeling this resistance to change. However, on the other hand, I am able to recognize the necessity of selling this property and want it to be developed well. This decision should not be made to appease anyone's personal preferences. It should be made for the good of our city. The selling of my Nana's property is inevitable and it is my hope that it would fall into the hands of a trusted developer such as David Weekley Homes.

Thank you so much for your time and consideration.

Hannah Hohl
707 Clarence St
Tomball, TX 77375

Amelia Lindley

From: Jean Solomon <jsolomon607@gmail.com>
Sent: Wednesday, February 3, 2021 9:12 PM
To: Amelia Lindley
Subject: P21-011

I respectfully request the proposed rezoning/neighborhood expansion be denied. We already have a "boutique rental" neighborhood across from this proposed development. This rapid expansion of our once small town will ruin the close-knit community we once enjoyed. We do not want it--we want our trees and wildlife. Longtime residents are moving out, and those moving in do not appreciate the quality of life we want to continue. Just say NO to this rampant destruction of our town.

Respectfully

Jean Solomon

Tomball resident for 44 years

February 4, 2021

Amelia Lindley
City Planner
City of Tomball

Re: Zoning Case P21-011

Dear Ms. Lindley,

Thank you for receiving my letter and for all the hard work and patience both you and the city staff continue to give. I would like to start by telling you that I am very upset over a statement that was posted on the social media app "NextDoor App" in reference to the SELLER of the 13.4 acres called Pine Trails. And I quote

"We must all be present to present our opposition or we will be crushed by two parties that have Zero interest in our community. On one side the Seller could care less about what he is leaving behind."

That Seller is the Estate of Roy & Carolyn Hohl. I am Joe Stutts and I am married to Ellen Hohl – daughter of Roy and Carolyn Hohl and let me assure you that the above statement is anything but true. Obviously that person does not know the Hohl Family and all that they have done for Tomball - which made me think. I realized that most of the folks serving now and giving of their time unselfishly to the City may not be aware of community leaders from the "Old Days".

So let me tell you about this Godly man who loved and served the City of Tomball for many years. Roy Hohl was a Naval Officer who served in WWII and was the skipper of LCT 809 (Landing Craft Tank). He and his crew participated in the Normandy Invasion in the early hours of the Invasion. After the War he returned home to Tomball and went to work with his father at the Hohl Motor Company on Main Street in Tomball. That Ford Dealership eventually through the years became Tomball Ford.

Roy Hohl was a founding member of the Tomball Rotary Club. He was also a founding member and director of the Cypress Creek YMCA and past President of the Tomball Chamber of Commerce. He served on the Board of Trustees of the North Harris County College and was instrumental in obtaining land for the Tomball Campus. Roy Hohl also served as President of Houston North Association. He played a vital role in acquiring right-of-way for the widening of Highway 149 (249 today) and naming it Tomball Parkway. He was a Commissioner of the Waco Methodist Home, Founding

member and officer of Houston Touchdown Club. He was instrumental in starting the original Tomball Hospital. He was named Tomball Citizen of the Year in 1984.

His son Stephen Hohl served as President of the Tomball Chamber of Commerce, President of the Tomball Rotary Club and numerous other Boards and Committees in Tomball. Stephen was also named Citizen of the Year.

Roy's daughter Ellen served on the Tomball Regional Hospital Board, Tomball College Planning Board as well as the Tomball School District Board of Education. She also served as Treasurer of the Tomball Museum.

And as a side note, Roy's father, Roy Hohl Sr., purchased the first football uniforms for Tomball High School.

So please do not tell me that this family, the sellers, does not care about Tomball!

The twenty acres in question for re-zoning was purchased by Roy & Carolyn Hohl in 1964. The only access to their property was a winding dirt oil field road off of Hicks Street. They eventually built a home on two acres on the far northwest portion of the land to be as isolated from traffic noise as possible.

Well now – Wouldn't you know - Four years later in 1978 Liberty Springs was developed and houses were built behind their secluded home.

In 2005 the City of Tomball came to Carolyn and informed her that she must sell 6.29 acres of her property to the City for retention ponds. She had no choice in the matter as the City could take legal action to acquire the property. The City then clear-cut all this property and dug a large drainage ditch and detention pond. This was to aid the City if there was flooding in the future and at the time to eliminate flooding at the intersection of Hicks Street and Liberty Lane.

The retention ponds cannot be utilized for any additional development on Carolyn's property. additional detention on her property must be created when the property is developed further – which is now.

We are left with 13+ acres. We have turned down more profitable contracts for sale due to zoning issues. If we could turn back time and build just like Liberty Springs is now – with open ditches, asphalt roads, no curbs and gutters and no detention – no internal drainage , no sewer lines as well as engineering, then development costs would come down substantially. We could produce larger lots with more trees. Unfortunately that is not possible due to Harris County flood control guidelines and City requirements which drive up the total cost of development.

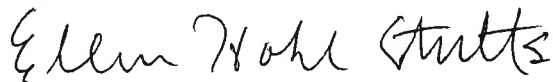
We are writing to ask that the Council allow our pending property sale to go through as Planned Development. As you know we have contracted with Weekley Homes. They have been working diligently with help from the City to make this project work for all parties. We believe that Weekley Homes is highly respected in the area and will develop and build a neighborhood that we can all be proud of.

There will be a lovely new addition to our city with the completion of Pine Trails. The entrance will be on the North Side of the property at Brown Road. There will be no entrance from Hicks Street and no interference coming and going with the Liberty Springs neighbors.

We will see an economic benefit to the City of Tomball from increased property tax and local sales tax due to this addition. We believe that due to the increased sales value of the new homes older area homes will also rise in value.

Thank you again for all your work and for the time you devote to the City of Tomball.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Joe Hohl', written over a light blue horizontal line.A handwritten signature in dark ink, appearing to be 'Ellen Hohl Stutts', written in a cursive style.

Joe & Ellen Hohl Stutts

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

February 7, 2021

REF: **Case Number: P21-011**

City of Tomball:

I am **AGAIN** writing to express my **strong opposition** to **CASE NUMBER: P21-011**, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Jonna Guin
Liberty Springs Estate
29503 Liberty Lane
Tomball, TX 77375

Amelia Lindley

From: Justin Blan <agentjsb@gmail.com>
Sent: Monday, February 8, 2021 3:37 PM
To: Amelia Lindley
Subject: Case #: P21-011

Good Afternoon,

I am writing to express my opposition to the re-zoning application. Please keep larger lots in Tomball for residential development.

Thanks

Justin Blan

Amelia Lindley

From: Kathey Wright <txnbobkat@aol.com>
Sent: Saturday, February 6, 2021 3:27 PM
To: Amelia Lindley
Subject: P21-011

Ms. Lindley,

I am a resident of the City of Tomball for the last 26 years, and I'm devastated at the over build within the City of Tomball, especially due to the flooding that we've experienced in the past. I've recently seen deer and other animals wandering down the streets because of all the clear cutting done by developers, and I've experienced flooding due to paving over acreage that used to soak up water. I was appalled when they put so many homes in Sydneys Place and spaced them almost touching each other, but now I hear that David Weekley wants to build directly across the street. What on earth is happening to our once beautiful, peaceful, wonderful city! I ask that you please don't approve David Weekleys request to build more tract homes at the corner of Brown and Quinn. We must control this out of control building and preserve what little green space that we have left. I can't even imagine what all these houses will do to the traffic and flooding in this area.

Thank You,

Kathey Wright
1418 Spring Forest Way
Tomball, TX 77375

Amelia Lindley

From: Larry M Hugonin <lhugonin@pdq.net>
Sent: Monday, February 8, 2021 6:49 PM
To: Amelia Lindley
Subject: Zoning Case P21-011 A/K/A Hohl Property Sale to Weekley Homes

We are writing in **support** of David Weekley Homes' Rezoning request to Planned Development. We recommend **approval** of the rezoning request.

We believe that these homes will be an asset to our community. Our home is in the Country Meadows subdivision, not too far away.

The Hohl family has been a part of Tomball for about 100 years. They have been leaders during this time. We trust their decision is another one that will benefit Tomball.

Thank you,

Peggy & Larry Hugonin

30507 Country Meadows Drive

Tomball, TX 77375

281-255-4954



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Amelia Lindley

February 1, 2021

City Planner, City of Tomball

Re: Zoning Case P21-011

Dear Amelia,

Thank you for your work in considering the rezoning of this case. We appreciate your time and patience in this matter very much and are hoping for a positive outcome in the city meetings over the next two weeks.

We are thankful for the service of our city's planning commissioners, the mayor, and of the council members. It is a huge sacrifice and commitment to serve in this capacity. Over 30 years ago, I worked for a City of Tomball Councilman, Lonnie Pace, and I personally witnessed the hours he spent on city business and conversations with citizens that took time away from his own surveying business. We greatly appreciate the thought and discernment our present city representatives are using to sift through this contentious rezoning case.

I'm married to Stephen Hohl, the youngest of the Hohl siblings who are selling the property, and I have a couple of points I'd like to bring before you that can be passed along to the Planning/Zoning Commission and also to City Council.

The acreage was purchased by Roy & Carolyn Hohl in 1964, and has remained virtually untouched since they built their home on it in 1974. They did not complain and protest when Liberty Springs was developed all along the west boundary of their property. They knew that Tomball was a good community and that people were smart to want to live here! She did not complain or protest (Roy was gone by that time) when Springwood was developed across the street, knowing that she was living in a desirable town, and that more people wanted to live here! She did not complain and protest when Brown Rd. was extended, bringing a lot more traffic by her driveway because she knew that more people had moved to the area and roads were needed to transport these new residents. In 2005 the City of Tomball came to Carolyn Hohl with the need of flood detention in the area and asked if she would sell them the land needed for the detention. She was not in love with the idea of large flood ditches, but agreed to sell her land *for the greater good of the area*. The flood control ditches directly benefit the residents of Liberty Lane and all along Hicks Street, just south of her property line.

The 6.29 acres used to construct the huge flood ditches was clear cut – every single tree taken down. We don't remember any complaints from neighboring property owners when the trees came down to build the flood ditches that would ultimately benefit them. However, there is a great deal of complaining and protesting from them now about future tree removal on the property that David Weekley wants to purchase and develop.

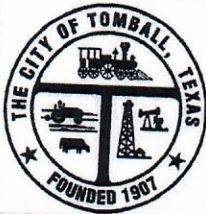
50 years is a long time for 13.4 acres to remain untouched in the city limits of Tomball. Liberty Springs was developed around 1980, and their residents have enjoyed 40 years of our raw land adjacent to their neighborhood. I don't think it is reasonable for the neighboring owners to expect it to stay the same OR for it to strictly adhere to their idea of how it should be developed.

Carolyn Hohl's property will be sold. The estate must be settled. We feel confident that David Weekley will build a high-quality residential neighborhood that will be an asset to the Tomball community. Tomball is a wonderful city to live in, as it has been for the Hohl family for nearly 100 years. We are happy to think that Carolyn's property could be used for 50 more families to call Tomball their home!

Thank you so much for weighing the input on both sides of this rezoning issue. I trust that you will use your discernment to make the best decision for the future of Tomball.

Yours very truly,

Lorel Hohl



Public Comment Form

(Please type or use black ink)

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

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

Name:

(please print)

Address:

Signature:

Date:

MATTHEW MARTINEZ

29514 LIBERTY LANE

TOMBALL, TX 77375

[Signature]

2/5/21

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P21-011. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P21-011. (Please state reasons below)

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

Monday, February 8, 2021 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, February 15, 2021 6:00 PM

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

COMMENTS:

I oppose the rezoning of the area behind my house, this will lead to lower property values, loss of privacy, potential flooding, noise pollution, + loss of our small town feel. Please encourage the city to keep the 20E zoning in place. - Beautiful 1/2 acre estate homes will add value to the city not diminish it.

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

Please reference the case number in the subject line.

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

Amelia Lindley

From: Melissa Larsen <salemlarsen@gmail.com>
Sent: Friday, February 5, 2021 11:52 AM
To: Amelia Lindley
Cc: Melissa Larsen
Subject: P21-011 - Opposed Zoning change

Ms. Lindley,

In regards to case P21-011, I would ask that the city of Tomball, specifically the City Planner and the Planning and Zoning Commission, deny the current plan of David Weekly Homes to put 50 homes into the 13.4 acre plot of land.

As a 12-year resident who lives very close to that plot of land, I already see drainage and flooding issues along parts of Brown Road and Quinn Road. I can not imagine that removing the tree canopy and ground cover, and coating it with cubic yards of nonporous concrete will improve the situation. The current infrastructure can hardly keep up with the current water runoff, leading to ponding and flooding on the streets.

The wildlife habitat will continue to diminish, the noise pollution will increase, the traffic will surge, and the litter problem will continue to mount. There have been recent zoning changes to allow residential development very near Abstract 34 J House tracts 17H, 17J, 17H-1, 17H-2, 17J-1, the most recent bringing a boutique rental community of 40 homes at Brown and Quinn Roads. How many people can we pack in to a small space?

I believe allowing the current proposed development of 50 more homes will move Tomball away from being a Hometown With a Heart, and closer to being just another generic suburb, a bedroom community for Houston.

The Hohl family wants to sell the property. David Weekly Homes wishes to purchase and develop it. They appear to have high quality product. I don't oppose David Weekly Homes as the builder, but I disagree with the approval of the current proposed zoning change. Please reconsider the change, by keeping the Single-Family 20 Estate Districts zoning. It will help prevent Tomball from becoming another commonplace community on the outskirts of a sprawling metropolis.

Thank you for your consideration in this matter.

Melissa Larsen

1120 Inwood St
Tomball, TX 77375

Amelia Lindley

From: Pam Hanks <pjhanks_@hotmail.com>
Sent: Thursday, February 4, 2021 7:32 AM
To: Amelia Lindley
Cc: Matthew Martinez
Subject: Fight David Weekly Rezoning

Amelia, I sent you an email regarding this subject before Christmas. I have been a long time resident of Tomball and live near this property. I beg Tomball officials to please reject their request. To cram so many houses on such small amount of property is saying Tomball wants to be like Houston.

The uniqueness of Tomball that has always been "Tomball, a small town with a big heart" will become just another fallen community to big city thinking.

I know you all are thinking more revenue, but what will that cost City of Tomball otherwise? What about increased wear on our roads, more police, maintenance of utilities, etc. What about the leasing of homes near our elementary school? They are crammed in a small area. I know this will cause problems for us down the road.

Please be wise in this situation. Don't turn your backs on the citizens of Tomball. David Weekly should build his homes with the current zoning and "Be A Good Neighbor!"

Sincerely, Pamela Hanks
Sent from my iPad

Amelia Lindley

From: Phil Sandoz <phil.sandoz@gmail.com>
Sent: Thursday, February 4, 2021 1:25 PM
To: Amelia Lindley
Subject: Rezoning consideration - David Weekly

Ms. Amelia Lindsey

February 4, 2021

I am following with great interest, the proposal by David Weekly to rezone approximately 13.4 acres of land North of Brown Road extension.

I have lived in the Tomball area for the past 20+ years and enjoy the peace and quiet of the area. Adding more homes as per the David Weekly proposal will create traffic congestion near the existing schools in the area and make Tomball a step closer to Houston in the look and feel.

I ask that you support a vote to table the recommendation on this case submitted by David Weekly and ask that more time be allowed for public input. Unfortunately, I cannot be at the Public Hearing meeting planned for Monday, February 15, 2021 as we have plans to be out of town.

I appeal to you to slow this effort down and offer more time for the citizens of Tomball to express their opinions.

Thanks you for your consideration in this matter. I await your response.

Phil Sandoz

philsandoz@gmail.com

281.384.6046

30630 William Juergens Dr.

Tomball, TX 77375

Amelia Lindley

From: Rhondee Damon <rhondeedamon@gmail.com>
Sent: Thursday, February 4, 2021 2:22 PM
To: Amelia Lindley
Subject: David Weekly

Dear Ms. Lindley - as a homeowner on Hospital Street and as an advocate for more green space and less construction. I would like to **voice my objection** and opinion on the new construction David Weekly is proposing to be built along Brown-Hufsmith.

Enough is enough. Tomball has so much more to offer than more houses ... besides the fact that the construction of more homes would increase traffic congestion, more children will be added to school rolls with those schools close to or already at capacity. Next thing you know they will want to build another gas station, a strip mall, and restaurants. Not to mention the fact that we would need to increase police, fire and ambulance personnel.

Let David Weekly build somewhere else than "in town" -- have them move farther North or South.

As an aside, has anyone ever considered the impact this has on the wildlife in this area? Where are those misplaced deer, birds, and other animals supposed to live?

Thank you -

Rhondee Damon,

Amelia Lindley

From: Roy Hohl <6rthohl5@att.net>
Sent: Monday, February 1, 2021 10:51 AM
To: Amelia Lindley
Subject: Zoning Case P21-011, Proposed Pine Trails

Hello Ms. Lindley, hope all is well,

I support the proposed rezoning, Case no. P21-011, the David Weekley Homes Development to be called Pine Trails, rezoned to PD-1.

It's my understanding the City of Tomball staff approves this project. The Weekley development is consistent with the Future Land Use Plan as Neighborhood Residential. Weekley Homes has a good track record with the City of Tomball. Weekley representatives are already working with the City to resolve flooding concerns, green space requirements, and the effect on wildlife. Further, the company is also offering three separate Zoom dates to Liberty Lane residents to address their questions.

The only entrance to the proposed Pine Trails will be from the north (Brown Road). Only entrance to Liberty Lane is from the south (off Hicks Street). Since Pine Trails residents could not enter from Hicks, it seems to me most of the increased traffic on Hicks Street would come from the Commercial and SF-20 zoning along Hicks between 249 and Quinn Road. Highway 249 is zoned Commercial on the east side between Hicks Street and Brown Road. The northward extension of 249 will increase traffic on the highway between Hicks Street and Brown Road. By 2023 the highway should be extended to Navasota. This extension will add more traffic to the Hicks St.-Brown Rd. area.

My wife Trudy and I live in Dallas, but I grew up in Tomball, graduated from Tomball High. We will consider moving back to Tomball in the future....and we would definitely look at Pine Trails as a place to live.

Finally, if P21-011 doesn't pass, this issue will not be dropped and the For Sale sign will still stand. My family needs to sell the property, If the Weekley plan is not approved, there is no telling who will buy the land or for what purpose.

I appreciate very much your time and consideration.

Roy C. Hohl III

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

February 7, 2021

REF: **Case Number: P21-011**

City of Tomball:

I am **AGAIN** writing to express my **strong opposition** to **CASE NUMBER: P21-011**, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Scott Guin
Liberty Springs Estate
29503 Liberty Lane
Tomball, TX 77375

Amelia Lindley

From: sherylbmartinez@yahoo.com
Sent: Monday, February 8, 2021 4:12 PM
To: Amelia Lindley
Subject: Planning & Zoning Proposal case P21-011

Dear Ms Lindley,

I am writing to express my disapproval of the re-Zoning request referenced above.

I am a resident of Liberty Lane and am opposed to the request to re-zone the raw land behind us to SF6, SF9 or PD16.

Rezoning to PD16 gives way too much leeway to the developer to decide what size lots and houses he (they) want to build with no input from the community.

I do not support crowding the land behind us with 2500sf homes on 6,000sf lots or any similar scenario. Loss of trees, vegetation & wildlife and increases in population density are not what we moved our family to Tomball to experience.

Furthermore I do not support any change from the current SF20E that was in place when we purchased our home.

I would hope that the Planning and Zoning Committee will once again listen to the citizens of Tomball as to what we want and do not want in our community.

Sincerely,

Sheryl Martinez
29514 Liberty Lane
Tomball, TX 77375

[Sent from Yahoo Mail for iPhone](#)

Amelia Lindley

From: Stephen Hohl <stephen.hohl@gmail.com>
Sent: Wednesday, February 3, 2021 10:10 PM
To: Amelia Lindley
Subject: David Weekley Homes Case P21-011

Dear Amelia,

I am writing in **support** of David Weekley Homes' Rezoning request to Planned Development.

David Weekley Homes has revised their original development plan and zoning request at the recommendation of the City Council. This revised plan is similar to the Yaupon Trails neighborhood east of the subject property on Brown Road with larger lots than SF-6 and larger houses estimated to be priced beginning in the low 300s. City Staff recommends approval. This property is designated to be neighborhood residential in the Future Land Use plan. All of these factors are in alignment with the City Council's recommendations.

A David Weekley Homes neighborhood will be an attractive addition to the City. Some 50 new residents in Pine Trails will call Tomball home. They will come here for many of the same reasons that current citizens have. They will shop here, dine out here, pay property taxes, go to doctors and have access to HCA Tomball Hospital; they will attend Lone Star College, send their school aged children to Tomball ISD, Concordia Lutheran or Rosehill Christian School. They will have access to excellent roads in and near the City with easy access to SH249, 99 and Beltway 8. They will be attracted to the hometown feel that Tomball has that some other nearby suburban areas do not. Conservatively, the appraised tax valuation will be approximately \$15,000,000 as opposed the current \$1,000,000 appraised valuation.

This property has been in the Hohl family since the mid 1960s. My parents, Roy and Carolyn Hohl, built their home in 1975. My father passed away in 1985 and my mother lived there until her death in 2017. The property has not been changed significantly by the Hohls since the home was built. The City of Tomball, however, has impacted the area in several ways: Brown Road extension to accommodate more east/west traffic flow, over 6 acres of drainage basin and channel on the east and south side of the Hohl property to provide better drainage, in particular to alleviate drainage problems that existed at the Liberty Lane/Hicks Street intersection. The Hohls did not object or try to stop the City's efforts because they realized these were improvements for the betterment of Tomball even if they may not have been the best scenario for the Hohl property.

I believe the City Council and the Planning and Zoning Commission are responsible to the entire city and its citizens, not only a few loud voices in opposition. I recommend **approval** of this rezoning request.

Thank you for your consideration.

Stephen Hohl
13607 Lost Creek Road
Tomball, Texas 77375
832 368-3835 cell

Sent from [Mail](#) for Windows 10

Amelia Lindley

From: Suzanne Smith Reynolds <suzanne.s.reynolds@gmail.com>
Sent: Monday, February 8, 2021 7:36 AM
To: Amelia Lindley
Subject: Zoning Case P-21-011

To the attention of City of Planning and Zoning Commission and Tomball City Council:

I am FOR the requested Rezoning on the above referenced Z inning Case for the following reasons:

It is my understanding that David Weekly proposes to develop this property in a similar way to Yaupon Trails. I have several friends whom reside In YT. YT answered the needs of empty nesters; widows/widowers... people who would like a good sized home without a big lot / yard to maintain. A home where they can live the second half of their lives. The demand for this type of home is evidenced by the fact that the homes sold quickly, and from what I can see, there has been very little turnover in that neighborhood.

David Weekly has been building homes in the Houston area for decades. Only quality Developers/Builders can be successful over the long haul. My understanding is they have worked hard to answer the concerns of privacy for the neighbors who will be adjacent to this development.

Thank you for your consideration in this matter

Respectfully submitted

Suzanne Reynolds
201 Tyler St
Tomball, TX. 77375

Sent from my iPhone

TO : Amelia Lindley

February 4, 2021

City Planner Tomball, Texas

FROM : Thomas Porter

29507 Liberty Lane Tomball, Texas 77375

SUBJECT : AGAINST Zoning Change for David Weekly Homes, Pine Trails Zoning Case P21-011

I have been a Tomball resident for 25 years and selected Tomball with my family to avoid high density housing in other areas of Harris County. I greatly continue to enjoy living in Tomball, even though the commute distance was longer than other alternatives.

I oppose David Weekly Homes proposal to change the zoning from its current SF-20 for the following reasons :

1. Population density has repeatedly been shown to be a most significant indicator of urban problems. The proposed density with lots sizes between 6050 square feet and 6500 square feet could potentially bring with it urban problems.
2. David Weekly Homes compares their Pine Trails development to Yaupon Trails, but the proposed homes in Pine Trails will likely sell for much less than their claim of \$ 300,000 to \$ 350,000 , because these homes will be smaller. The Yaupon trails website indicates an asking price of \$369,000 for a 2601 square foot home, which calculates \$ 141.87/sqft. David Weekly Homes proposes to build houses nearly half the size of the houses in Yaupon Trails, actually 65% of their size. David Weekly Homes proposes building 1600 square foot homes in Pine Trails compared to an average size of 2400 square feet reported for Yaupon Trails. Note $141.87 \text{ \$/sqft} \times 1600 \text{ sqft} = \$ 227,000$.
3. The David Weekly Homes plans to block the electrical easement adjacent to Liberty Lane with roughly 22 privacy fences, 6 to 7 foot tall, in the easement. Their proposal for Utility access to poles, lines, transformers, etc. would only be by entering from Liberty Lane yards, however their electrical design has not been finalized and will not be available until work from the power company is completed. The distance between Pine Trails houses is not anticipated to allow truck entry to the utility easment.
4. With the David Weekly Homes selection of 55 foot lot width, one of the residents of Liberty Lane will have 5 new neighbors along their back yard, in addition to their existing neighbors on each side, which sounds unreasonable. Other Liberty Lane residents would pick up 3 proposed additional new neighbors, which is also undesirable.

I am against zoning case P21-011 for its negative short term and potential long term impacts. Their proposal to cram roughly 6 homes onto one acre is not consistent with the current zoning plan or the spirit of living in Tomball. Please reject the requested zoning change. SF-20, i.e. 20,000 square foot lots, should be retained.

Thomas Porter

Amelia Lindley

From: Todd Carlile <toddcarlile@gmail.com>
Sent: Monday, February 8, 2021 4:11 PM
To: Amelia Lindley
Cc: stephen.hohl@gmail.com
Subject: Zoning Case P21-011 Request by David Weekley Homes

Ms. Lindley,

I have lived and worked in Tomball for 26 years. In that time I have seen substantial development in and around this city. I have been pleased with how our city leaders have been able to manage the growth in our area and still maintain that small town feel. The many positive attributes of this city are why so many families have decided to make this their home. They will continue to come!

Real estate/land ultimately gravitates to it's highest and best use. I cannot think of a better use of this 13.4 acres than a quality residential development such as the kind that David Weekley Homes consistently produces. I urge our city leaders to APPROVE zoning case P21-011 to amend Chapter 50 of the Tomball Code of Ordinances by rezoning this property to the Planned Development (PD-16) District. Thank you for your consideration.

Sincerely,

Todd Carlile
15402 Coral Canyon
Tomball, TX. 77377

C. Travis Hohl
2112 Independence Drive
Austin, Texas 78745

February 8, 2021

City of Tomball
Attn: Amelia Lindley, City Planner
Via email: alindley@tomballtx.gov

RE: City of Tomball Zoning Proposal No. P21-011

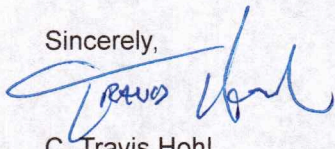
Dear Ms. Lindley,

I am writing in order to join Tomball's city staff, Weekley Homes, neighbors of the 13.4 acre parcel, and the many residents of Tomball — including my father, Carl Hohl — who have already expressed their support for this zoning proposal.

The proposal would allow Weekley Homes to create a small neighborhood within walking distance of Tomball Elementary — an ideal location for families with young children, it would increase property tax and local sales tax revenue for the City of Tomball, and it would allow the community to make more efficient use of this land.

I appreciate your time and attention to this matter, and I hope you will continue to support the modest growth of this treasured town by approving the proposed zoning change.

Sincerely,



C. Travis Hohl

Amelia Lindley

From: Trudy Hohl <t.hohl@icloud.com>
Sent: Monday, February 1, 2021 4:03 PM
To: Amelia Lindley
Subject: Weekley Homes Zoning Case

Dear Ms. Lindley,

I am writing to support the 13.4 Acre David Weekley Homes project Pine Trails, zoning case number P21-011.

My husband Roy and I live in Dallas, but Roy grew up in Tomball and graduated from Tomball High School. I grew up in Dallas, but I see advantages in moving to a smaller town: less crime and less social unrest. I don't think it's a stretch to say there are Houston retirees who think like me and have their eyes on Tomball.

In the future Roy and I will strongly consider moving back to Tomball — count us as two people who would definitely look at Pine Trails as a place to live.

I understand that the City of Tomball staff approves the Weekley project and is already working with Weekley to resolve traffic issues, flooding concerns, and any effect on wildlife.

In addition Weekley representatives are offering three separate Zoom dates to answer residents' questions.

David Weekley Homes has a good track record with the City of Tomball and puts out a good product.

I agree with the City staff...David Weekley Homes gets my stamp of approval, and I am in favor of the zoning change , case number P21-011.

Trudy Hinckley Hohl
Sent from my iPhone

Amelia Lindley

From: w <wkd91651@aol.com>
Sent: Thursday, February 4, 2021 3:05 PM
To: Amelia Lindley
Subject: Petition to halt David Weekly

Ms Lindley,

I am writing to ask that David Weekley's PD-16 rezoning request be denied. One thing we do not need is another close built homes in this area. We already have the new rental homes being built by the elementary school just down the street from this area.

Regards,

William Keith Dawson

Amelia Lindley
February 4, 2021

City Planner, City of Tomball

Re: Zoning Case P21-011

Dear Amelia,

My name is Zach Harrisberger, and I grew up in Austin, TX. I married Bekah Hohl, who is the daughter of Stephen Hohl (who is trying to sell this property). Bekah and I met in Austin but moved out to Tomball in August of 2018 for my work. At first, we lived in an apartment but knew we wanted to buy a house eventually. We had heard wonderful things about David Weekley and saw that a new development was in the works called Grove Landing off of Bogs Rd and 2978 in Tomball. We went over there at the beginning of 2020 to check it out and fell in love with the houses that Weekley was building, and we were also shocked that they fell into our price range because they were so nice! All that to say, we closed on our first home in July of 2020, here in Tomball, and are so thankful it is a David Weekley home. They were such a delight to work with - we have so much respect for Mr. Weekley and his company!

We have been saddened to hear of the opposition to Zoning Case P21-011, because we love Tomball and we love David Weekley and were able to purchase our first home here because of him! Tomball has been described as a small town with a big heart, and we couldn't be more excited at the possibility of more families or young couples like ourselves moving into town, buying a Weekley home, and enjoying this small town and big heart that we love. It is an amazing place to live and we want to see it thrive! We want families started, friendships made, and communities built here. We feel like Tomball is on the verge of blowing up, hearing of new things opening all the time, and we want people here to be a part of that!

My position on this may not carry much weight. I don't know all the logistics that have to go into these decisions and I am thankful that there are people like yourself who do an incredible job thinking through all of that! Because of you, our city is so much better, and so I thank you! But my opinion for this matter is this: **if there is a way to keep good relations with David Weekley, while offering more beautiful, affordable homes to families, couples, or even singles, and ultimately bringing growth to Tomball, I see that as a great win for our town and I stand in favor!**

Again, thank you to you and everyone involved in these decisions. We appreciate your leadership in our city and trust you will make the decision that is best for Tomball!

Blessings,

Zach Harrisberger

Amelia Lindley

From: Elizabeth Peltier <elizabethpeltier13@yahoo.com>
Sent: Tuesday, February 9, 2021 8:53 PM
To: Amelia Lindley
Subject: Zoning Case Number P21-001

Dear Amelia,

I'm sure you've been flooded with letters and emails pertaining to the zoning case of P21-011, and I am very passionate about the rezoning of the property. In my opinion, our community would do nothing but benefit from rezoning this property to accommodate a new small town neighborhood. I want to express to the planning and zoning commission some of my opinions pertaining to the rezoning of this land.

My husband and I have both resided in the Tomball area (both moving to Tomball in the late 90s and then residing here until marriage in 2014) for nearly 24 years and just like our parents, we chose to return to this area in 2018 to raise our family in a diverse and thriving community. Without rezoning land in our city, there is no potential for expansion and growth. We love seeing this town expand and thrive, while maintaining it's small town identity.

We have two children, one of which will attend Tomball Elementary, just as I did, in the fall of 2022. When we think of Tomball Elementary and our children attending, we are excited about the possibility of a well planned and developed neighborhood in that zoned area to add to the demographic mix of the school. My husband and I are in our 30s, and have a decent amount of friends who are established in their jobs and families, but looking to relocate towards our area to plant their roots. This means that the building of a DW home development could help facilitate their moves.

We live in a small town that thrives on small businesses and festivals that attract people of all ages, but especially younger couples with children. Rezoning this property to accommodate a new DW development would be a great move economically for our small businesses and events.

Additionally the halting to rezone that area is highly unrealistic, and for anyone to assume that a town remains as is and stops growth and development while being a suburb to the Houston metroplex is absurd. Families are looking to live in a town that provides the small town feel, top rated schools, and an eclectic small business community, and without the growth of neighborhoods like the one DW plans to establish that is not possible.

We've experienced a painful year of constant change, which has left many of us, including myself, fearful of change and even growth. Wanting life to resume back to "how things were" is something that I often feel, but when we step outside of this "fearful of change" mentality and look at the positive side of change, and of this DW development bringing economic growth to our town, socioeconomic growth in our schools, and a general turn of a younger population looking to plant themselves in a small town, we're able to see the bigger picture: that our town simply needs to expand and grow.

I want to thank you and others for taking the time to consider my position on the zoning case of P21-011, and note again that I am a current resident of Tomball, a resident located less than 3 miles from this location, and am FOR the rezoning of this area.

Thanks so much,
Elizabeth Peltier

Amelia Lindley

From: Sarah's Gmail <ssweatherford@gmail.com>
Sent: Tuesday, February 9, 2021 10:35 PM
To: Amelia Lindley
Cc: Joe Stutts; Stephen Hohl; Lorel Hohl; Roy Hohl III; Carl Hohl
Subject: Support for Rezoning, Case P21-011

Dear Ms. Lindley,

I am writing to you in **support** of the proposed rezoning of the David Weekley Home development of 13.4 acres of land south of Brown Road and west of Tomball Elementary School. I am Sarah Stutts Weatherford, granddaughter of the late Mr. and Mrs. Roy C Hohl, Jr. and daughter of Ellen and Joe Stutts. I currently reside in Dallas, Texas, but I am the oldest of eight grandchildren who were raised in Tomball. As my siblings and cousins begin to start families of their own, it is a joy to see the fifth generation of our family grow up surrounded by the smell of pine trees and sounds of trains moving through town. You see, as much as Tomball has grown and changed over recent decades, there are many qualities that will always remain.

I like to brag to friends about the benefits of being from a small town. Each of my first through fourth grade teachers attended my church, Tomball United Methodist. I valued their educational and spiritual leadership. I know sweet friends of my grandmother prayed over my cousins and myself like they had prayed for my mother and her brothers throughout childhood. Isn't that the sense of close-knit community that we desire our residents to have so that families can thrive?

From railroad stop to "Oiltown U.S.A.," leaders of Tomball have made our town a busy and desirable place to live and raise a family for decades. Living within the city limits provides entertainment venues like Main Street Crossing, a bustling shopping district in Old Town Tomball, and the charming Tomball Farmers' Market. So much city planning and development has been done since I graduated from high school, and I love hearing about new parks, small businesses and highway extensions that connect people to work, urban culture and surrounding towns. I have taught elementary and middle school for fourteen years and if our family moved home to Tomball, I would be eager to teach in TISD and raise our children attending the same schools that my family has attended since the 1950s.

Promoting positive growth has always been a priority of the Hohl family. We believe in supporting our churches, schools, and community through our prayers, presence, gifts and service. Tomball has evolved with the explosion of growth north of Houston and simultaneously maintained our small town atmosphere. I care deeply for the land that has belonged to our family for nearly sixty years in the town that has been home to both sides of my family for generations! It is heart-warming to consider the potential joy this special property could bring to many other families through the development of Pine Trails.

I sincerely thank all who are involved for your time and consideration in this case. As other members of my family have stated, the property will be sold. I feel confident the sale of our property to David Weekley Homes will be an asset to the City of Tomball.

With great hope,
Sarah Stutts Weatherford

Amelia Lindley

From: Elizabeth Peltier <elizabethpeltier13@yahoo.com>
Sent: Friday, February 12, 2021 12:29 PM
To: Amelia Lindley
Subject: Rezoning of P21-011

Good afternoon Amelia,

I reached out to you earlier this week with some thoughts from myself pertaining the zoning case of P21-011. I wanted to share with you a bit of further information as to why some residents like myself in this area are FOR the rezoning of this land to allow David Weekly to develop.

Further looking into this area, specifically the stretch of Liberty Ln that is near this land, I have noticed the drastic devaluation of the homes on Liberty Ln within the last several years, prior to this zoning issue. Again, like mentioned before, I am a long time resident of Tomball and it's general area (specifically having parents whom live less than 5 miles from Brown Rd) for 24 years. I have seen this very street turn over, with residents moving in and out. My family has known residents that have lived down this road, which have since moved out, and I will say that the current upkeep of this stretch of road does not reflect what it previously was. Homes, valued at or around the \$500's have since drastically dropped to the mid \$300's, one even dropping into a foreclosure state within the last year, due to the simple lack of upkeep. These homes back up to land, which is not directly affiliated with the residents who have purchased the land/homes on this street, and because of this, they have not had to genuinely keep up and maintain their land unlike the large majority of us that live in neighborhoods with HOAs in this area. While the lack of an HOA can be a good thing to some, it is clear that the lack of one in this stretch of town has lead to lack of upkeep of homes and property value, which is essentially a major eyesore to the selling value of our area and homes like mine.

You may ask why I bring this up and the reason is: the development of David Weekly homes, those of which that will be built and sold at the mid \$300's and up, in a neighborhood that will essentially house an HOA, could likely encourage the residents of the street, Liberty Lane, to develop an "HOA" upkeep mentality and encourage them to possibly develop some sort of guidelines for their own homes that could boost the future sales of homes, and those around them, on that street from the current \$300's average back to the original price point.

I bring this up because I am simply a home owner of this area exited about the growth of her community and it's many sub-areas. The price value of this town is not pinned down to any certain price point. We have smaller historic homes in the heart of our town, and others surrounding it in neighborhoods like Tomball Terrace that sell anywhere from the high \$100 to high \$200 thousands. On the major road I live off of alone, you start with an older area in the high \$100 thousands and further down reach a neighborhood that has several million dollar homes. There is no exact "value" of our town, because it is simply a priceless community. I also couldn't help but notice that several of the residents down Liberty purchased their homes within the last 2-3 years. That being said, I myself purchased my home within this same time span of 3 years, but with the mentality of moving back to my Tomball roots to enjoy my ever growing community. To enjoy Fridays spent at the football field and Saturday's spent at the little league park. Weekends spent with my children running around local parks and pressing their noses up against the train museum windows. Week nights taking a quick 3 minute drive to enjoy dinner with family. We moved back here so that our children could be apart of a top rated growing school district. I share with you all of these things because again, we moved here with the expectation that our town would grow and continue to expand so that it can house families and generations like mine to come. Families and generations that would enjoy growing in a neighborhood like one that David Weekly hopes to develop.

Thank you again for taking the time and consideration to read my thoughts and views on this subject and again note that I am FOR the rezoning of P21-001.

Amelia Lindley

From: Gail Curtis <gail@kleinfh.com>
Sent: Friday, February 12, 2021 2:11 PM
To: Amelia Lindley
Subject: Support for Rezoning, Case P21-011

February 12, 2021

Re: P21-011

Dear Ms. Lindley,

I am Mark Klein, an ordained gospel minister and the owner and president of the Klein Funeral Homes and Memorial Parks. I am respectfully writing in favor of case P21-011 allowing the Hohl property to be developed by David Weekley Homes. Our family has been in the Northwest Harris County area since the late 1840's and have always sought to promote the welfare of the community through church, business and civic involvement. My grandfather was the founding president of the Tomball Hospital Association and founded our funeral home firm 99 years ago.

My family have been good friends of the Hohl family for 4 generations and they too have always wanted to promote the community's welfare. I was privileged to actually grow up across the street from the Hohl family and have been good friends all my life with their entire family.

David Weekley Homes has a fine reputation in Tomball and their development would be a real asset for the community. With the continued growth of the area their development would only enhance our great hometown. Thank you for considering my recommendation.

Sincerely,
Mark Klein

Amelia Lindley

From: Katherine Kinard <katherine.s.kinard@gmail.com>
Sent: Wednesday, February 10, 2021 3:30 PM
To: Amelia Lindley
Subject: Approval of Case P21-011

Dear Ms. Lindley,

Thank you for your care and consideration in receiving this letter and sharing with the City Council. I am writing in **support** of the proposed rezoning of the David Weekley Home development of 13.4 acres of land south of Brown Road, case number P21-011.

I grew up in Tomball and graduated from Tomball High School. While I was in college, Tomball experienced a growth spurt and many businesses came into town. It made me excited to come home during the summers and explore the new areas of my hometown. Upon college graduation, I moved to Dallas and worked in Banking and Mortgage for 7 years. I re-met and married a guy from my hometown and we moved to Houston to work with no plans to move to Tomball. We actually decided to marry in our hometown of Tomball! During our frequent family visits, we fell in love with the different places popping up and the sweet community, charm and the feel of family. There are many suburbs of Houston we considered but we decided to make Tomball our home and begin to raise our family. We purchased our first home in Tomball in 2016 right before our first daughter was born.

We live in the city limits close to the high school and love it. We have made lifelong friendships in our neighborhood. We value this town and the relationships we've built here. We love the parks, activities and city-planned events. We've successfully recruited friends to move to Tomball and make it their home.

We participate in a multi-generation bible study through our church. All members live in Tomball or have moved here in the last few years. Friends are so excited about being here and experiencing our growth, our schools, our churches, our restaurants and city activities throughout the year.

The 13.4 acres in question are a part of the land that my grandmother and grandfather, the late Mr. and Mrs. Roy C Hohl, Jr, purchased in 1964. Their family chose Tomball as their home after WWII to join Roy's father at Hohl Motor Company, raise their family and make an impact in the community. I am the daughter of Joe and Ellen Hohl Stutts, lifelong residents of Tomball. I was alive only one year before my grandfather passed away but my Nana resided there alone until her death in 2017. We had the privilege of enjoying her home and property for many years. I am so proud to be Carolyn's granddaughter – she was almost an angel here on earth. She loved the Lord, she loved all people, she loved her family and

she loved Tomball. The eventual sale of this property is bittersweet but I understand it is time. It thrills me to think that families would get the opportunity to plant their foundations on what I consider to be holy ground.

David Weekley and Team have a great reputation and build wonderful communities. They are a company to be trusted and work well with city governments. The revised proposal presentation of the Pine Trails subdivision at the zoning meeting on February 8th addressed the concerns and suggestions while including upgrades in multiple areas. The development will be attractive. I will appreciate the look and cohesiveness of a neighborhood in the heart of Tomball.

As a mom with little ones, ages 3 years and 5 months, I value convenience. I know young families are looking for great areas near the Tomball schools. When I drive Quinn Road around the time Tomball Elementary is dismissing, it is special to see parents and kids using the trails to walk or ride bikes to and from school. Having a neighborhood in this spot, within walking distance to schools, will be inviting and bring many families to our town.

My husband and I are members of Bayou City Fellowship Church – the Tomball location which is around the corner and walking distance from the property. The church is thriving and it would be wonderful for new families to be greeted by a loving neighbor and Christ-centered church.

We appreciate all of your time and efforts regarding our request for approval of the rezoning. Thank you very much for the opportunity as we trust the Council will make the best decision for the future of Tomball.

Most sincerely,

Katherine Stutts Kinard & K. Michael Kinard

31431 Capella Circle, Tomball



Sun 2/28/2021 8:27 PM

Susan Bryant <subryant@sbcglobal.net>

Case P21-011

To: Amelia Lindley

 If there are problems with how this message is displayed, click here to view it in a web browser.

Hello Amelia,

I have attended almost every meeting on this case but have not emailed my thoughts and want to make sure my position is clear.

I oppose the zoning change that David Weekley is requesting. I feel like since this property is adjacent to mine it will bring the value of my home down and really change the character of the neighborhood.

For years we have been a hidden gem and we really feel like this property needs to remain PD-1 and Single-Family 20 Estate Districts. We really are not opposed to having neighbors but my home will have 3 homes behind it instead of the 1 or 1-1/2 that was expected if DW is successful.

I ask that the City Council to listen to it's home owners, as you have done in the past, and not the large homebuilder that is only interested in the financial benefits of cramming as many homes as possible into this space.

Thank you for hearing our tiny neighborhood and considering our voices on this matter.

Susan Bryant
29502 Liberty Ln
Tomball, TX 77375
713-828-9731

Amelia Lindley

From: Tristyn Short <short.tristyn@gmail.com>
Sent: Thursday, February 11, 2021 9:31 PM
To: Amelia Lindley
Subject: Support for Zoning Change: Case Number P21-011

Good Evening,

I am writing in support of the zoning change for case number P21-011 for the David Weekley Development on Brown Rd.

My husband and I are new to the town of Tomball, TX. We have been in Texas for about 2 years and have just recently bought a David Weekley home in Grove Landing. We fell in love with Tomball immediately driving through the town. There is so much character and beauty to each part of Tomball that we have seen! It's exciting to think of more people discovering this amazing place and making a home for themselves here in Tomball. With that said, we are in full support of David Weekley developing on this piece of land. David Weekley was a great builder for us personally and we know they build thriving communities, which would be beneficial to the growing city of Tomball.

We have friends and family in this community of Tomball who would like to see their city grow with more great people. It would be the best decision for this land to be sold and used to build homes where families can create memories.

Thank you for your time!

Tristyn Descisciolo



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

Rezoning Case: P21-011
Property Owner(s): Roy C & Carolyn Hohl
Applicant(s): David Weekley Homes
Legal Description: Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House
Location: South side of Brown Road between SH 249 and Quinn Road (Exhibit "A")
Area: 13.4 acres
Comp Plan Designation: Neighborhood Residential (Exhibit "B")
Present Zoning and Use: Planned Development (PD-1) and Single-Family 20 Estate District (Exhibit "C") / Mostly undeveloped, single-family residence (Exhibit "D")
Proposed Use(s): Single-family residential development (Exhibit "E")
Request: Rezone from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District

Adjacent Zoning & Land Uses:

North: Office and Planned Development (PD-1) Districts / Office and undeveloped property

South: Single-Family 20 Estate District / Drainage channel

West: Single-Family 20 Estate District / Single-family residences

East: Planned Development (PD-1) and Single-Family 20 Estate Districts / Drainage channel

BACKGROUND

In June 2020, City staff met with the applicant to discuss the development of a single-family residential community. In December 2020, the applicant requested a rezoning to the Single-Family 6 District. The Planning & Zoning Commission recommended denial of the request and City Council took no action on the request. The applicant submitted a Planned Development District Application.

ANALYSIS

The subject site is comprised of three properties totaling approximately 13.4 acres of land. The applicant, David Weekley Homes, plans to develop a single-family residential subdivision with a maximum of 50 residential homes. The subject site is zoned Planned Development (PD-1) District on the northern portion and Single-Family 20 Estate District on the southern portion. Surrounding properties are zoned Office and Planned Development (PD-1) Districts to the north, Single-Family 20 Estate and Planned Development (PD-1) to the east, and Single-Family 20 Estate District to the south and west.

Surrounding properties in the area include single-family residences on Liberty Lane, a drainage channel to the south and east and an office to the north. There are two new single-family residential subdivisions on Brown Road in the area: Yaupon Trails (completed) and Sydney's Park (under construction). The proposed development appears to be appropriate for the area.

Section 50-80(a)(1) of the Tomball Code of Ordinances outlines the general purpose and description of the Planned Development District:

“The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a. To provide for a superior design on lots or buildings;
- b. To provide for increased recreation and open space opportunities for public use and enjoyment;
- c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, views, or wildlife habitats;
- e. To protect or preserve existing historical buildings, structures, features or places;
- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the standards of this chapter.”

According to the Planned Development Application (Exhibit “E”) and the development regulations, the proposed Planned Development will be a single-family residential community, and will include amenities such as an open space park reserve. The lots will have a minimum area of 6,500 square feet, a minimum lot width of 55’ and a minimum lot depth of 110’. The residences in this PD will have a minimum floor area per dwelling unit of 1,600 square feet. The PD also includes landscaping requirements for the park and recreation facilities and the single-family lots.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached housing. The proposed Planned Development meets the intent of the Future Land Use category.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-011.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application, Regulations & Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

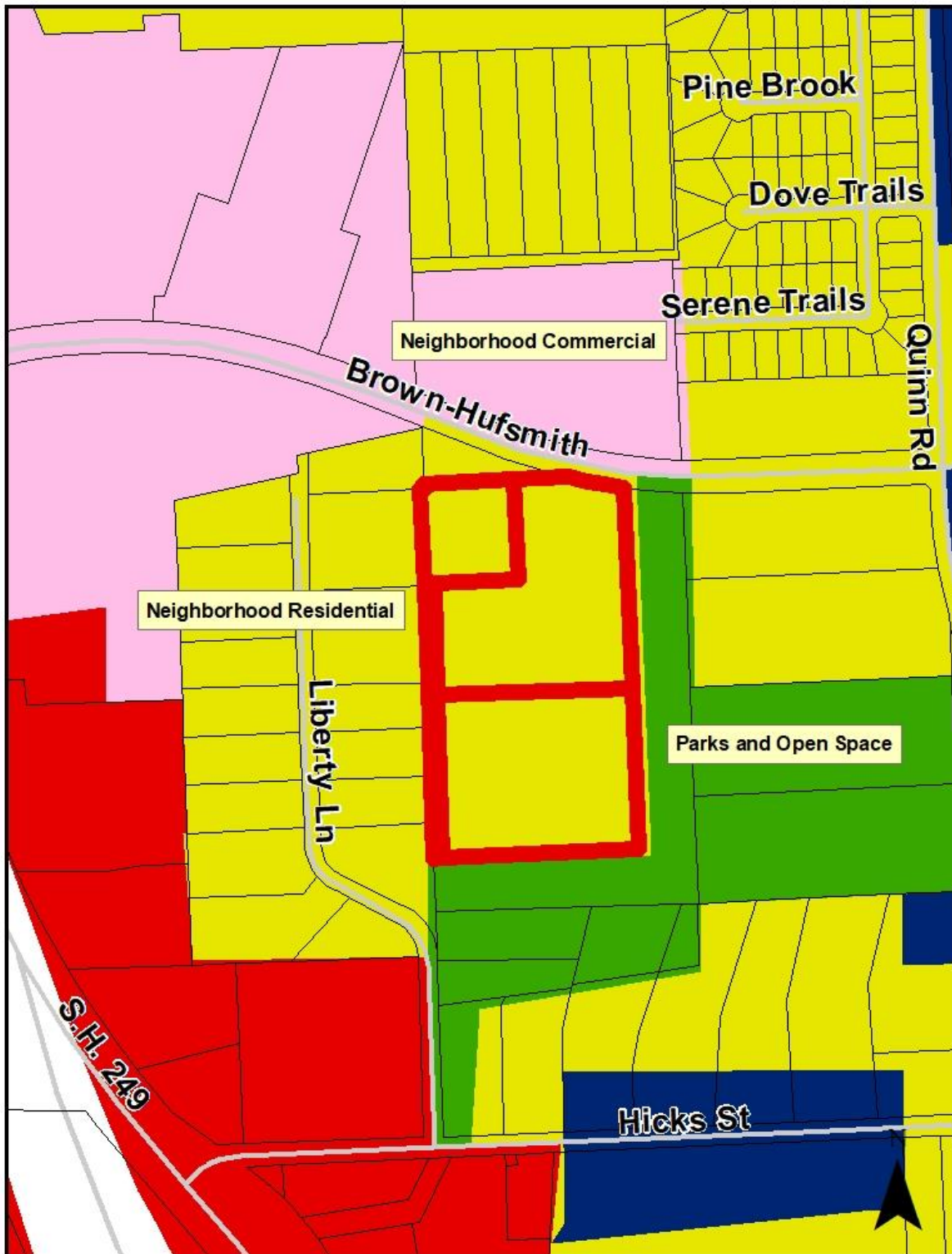
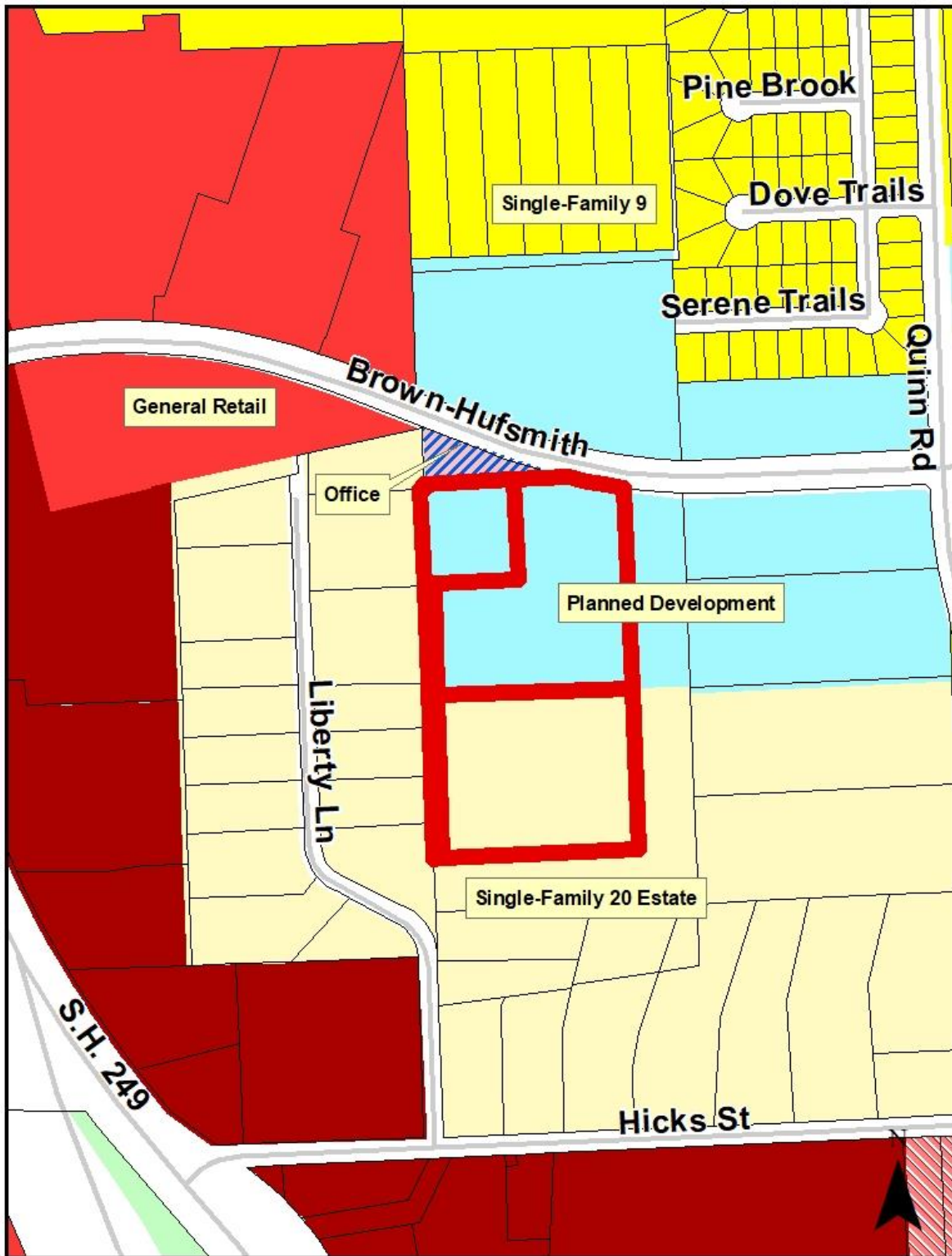


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Planned Development Application, Regulations & Concept Plan



RECEIVED (KC)
01/06/2021 4:09:18 PM
APPLICATION FOR
PLANNED DEVELOPMENT
Community Development Department
Planning Division

P&Z #P21-011
\$1,000 PD

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

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

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

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

Applicant
Name: David Weekley Hones Title: Development Manager
Mailing Address: 1111 N Post Oak City: Houston State: TX
Zip: 77055
Phone: (713) 545-9798 Fax: () Email: DMorgan@dwhones.com

Owner
Name: Ellen Hohl Struts - Executor of Carolyn Hohl Estate Title: Executor
Mailing Address: 46 Stephen Hohl 13607 Lost Creek City: Tomball State: TX
Zip: 77375
Phone: (832) 369-3835 Fax: () Email: Stephen.Hohl@gmail.com

Engineer/Surveyor (if applicable)
Name: Crestline Engineering - Mark D Shaffer PE Title: Principal
Mailing Address: 2000 S Dairy Ashford Ste 200 City: Houston State: TX
Zip: 77077
Phone: (713) 314-7029 Fax: () Email: mark.Dcrestlineeng.com

Description of Proposed Project: Single Family Residential Development

Physical Location of Property: South of Brown Road Approx 2000' east 249
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 5 House Survey Abstract 34 Tracts 17H, 17H-1, 17H-2, 17S, 17S
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0402700010145
0402700010146
0402700010147 Acreage: 13.378

Current Use of Property: PD-1 + SF-20-F

Proposed Use of Property: Planned Development

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 Todd May 1-5-2021
Signature of Applicant Date

X Ellen M. Cutts 1-5-2021
Signature of Owner Date

January 6th 2021

Building Dreams, Enhancing Lives.
David Weekley Homes

City of Tomball
Planning & Zoning Commission
401 Market Street
Tomball, TX 77375

Dear City of Tomball Planning & Zoning Commission,

This letter is meant to serve as supplemental documentation to accompany the request of the Estate of Carolyn K Hohl and David Weekley Homes for the creation of a Planned Development on the referenced property near Brown Road and Quinn Road in Tomball, TX. Attached along with this letter is the Planned Development Application, Planned Development Regulations as well as Proposed Site Plan for the project.

David Weekley Homes, through its development company, CND Development, desires to develop an upscale community of 50 homes on this 13.378 acre property. The current zoned status of the property is a mix of Planned Development (PD-1 – Office w/Residential Look) as well as Single-Family Estate (SF-20-E).

The creation of this Planned Development will allow David Weekley Homes to develop the property into single family homes in line with the City of Tomball's Future Land Use Plan which is Neighborhood Residential. Our desire is to create a community with the aesthetic appeal and quality of one of our previous communities near the reference property, Yaupon Trails. After discussing with City Council at our last rezoning request, we have designed this Planned Development with Yaupon Trails in mind.

Planned Development Districts may be used to permit new or innovative concepts in land utilization and ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. We believe this Planned Development will do that by providing the following:

- To provide superior design on lots
 - This will allow for a typical lot size (6,500 SF Minimum) that falls between SF-6 and SF-9.
- To provide open space opportunities for public use and enjoyment
 - There is a park at the south side of the project near the detention area that will be publicly available.
- To provide an appropriate balance between the intensity of development
 - This PD will have the same minimum lot size as Yaupon Trails on the North side of Brown Road, be greater than the lots in Sydney's Park at Brown and Quinn and ease the transition from the SF-20-E lots to the West in Liberty Springs.
- Exceed the standards of the City of Tomball
 - Homes within the PD will adhere to minimum building regulations and required landscaping on each lot. One example being the Minimum Floor Area per Dwelling Unit being 1,600 SF, which is the same as SF-20-E.

January 6th 2021

We believe that this development will allow David Weekley Homes to deliver an upscale new home community that will not only benefit those residents that purchase homes in the community, but contribute to the City of Tomball's continued success.

Thank you so much for your time and consideration of Planned Development request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Black', with a stylized flourish at the end.

Scott Black
David Weekley Homes

Planned Development Regulations

Pine Trails

Contents

- A. General Provisions
- B. Land Uses
- C. Development Regulations for Single Family Lots
- D. Landscape Regulations
- E. Building Regulations

A. General Provisions

The Planned Development (PD) approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 zoning district is not contained in this ordinance, all of the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance shall apply to this PD.

Except as otherwise provided herein, the words used in this Planned Development shall have the same meaning established by the Development Code.

B. Land Uses

Permitted Land Uses are listed below. All others are prohibited.

- Private Household Services – SIC Code 8811
- Dwellings – Single Family – SIC Code 99 (Non-Classifiable)
- Parks and Recreational Facilities, Public or Private – SIC Code 99 (Non-Classifiable)
- Residential Sales Office (Temporary)
- Drill Site

C. Development Regulations for Single Family Lots

- Maximum 50 lots permitted
- Minimum Lot Size - 6,500 Square Feet
- Minimum Lot Width - 55'

- Minimum Lot Depth - 110'
- Minimum Front Setback – 20'
- Minimum Side Setback – 5'
- Minimum Rear Setback – 10'
- Minimum Dwelling Unit Size – 1,600 Square Feet
- Maximum Height – 2 stories not to exceed 36' for the main building/house.
- Maximum Lot Coverage – 60% including main buildings and accessory buildings

D. Landscape Regulations

Park and Recreation Facilities

- A landscaped and open space park reserve shall be provided within the neighborhood.

Single Family Lot Requirements

- Each lot shall be fully landscaped with either trees, plants or otherwise covered with Bermuda Grass.
- Each lot shall have at least one existing mature tree or one 3.5" caliper shade tree shall be planted in the front yard setback.
- See attached Approved Plant List (Exhibit A) for approved plants and trees for the Planned Development

Exhibit A

Approved Plant List

<i>Botanical Name</i>	<i>Common Name</i>	<i>Botanical Name</i>	<i>Common Name</i>
SHADE TREES		SHRUBS	
<i>Carya illinoensis</i>	Pecan	<i>Aspidistra eliator</i>	Aspidistra
<i>Liquidambar styraciflua</i>	Sweet Gum	<i>Aucuba japonica</i>	Japanese Aucuba
<i>Magnolia grandiflora</i>	Southern Magnolia	<i>Azalea</i> species	Azalea
<i>Pistache chinensis</i>	Chinese Pistache	<i>Buddleia davidii</i>	Butterfly Bush
<i>Platanus mexicana</i>	Mexican Plane Tree	<i>Buxus</i> species	Boxwood
<i>Quercus macrocarpa</i>	Burr Oak	<i>Callistemon citrinus</i>	Dwarf Bottlebrush
<i>Quercus nigra</i>	Water Oak	'Austraflora', 'Firebrand', 'Little John', and 'Splendens'	
<i>Quercus polymorpha</i>	Mexican Oak	<i>Camellia sasanqua</i>	Camellia
<i>Quercus shumardii</i>	Shumard Oak	<i>Chanomelis speciosa</i>	Flowering Quince
<i>Quercus virginiana</i>	Live Oak	<i>Cleyera japonica</i>	Japanese Cleyera
<i>Ulmus parvifolia</i> 'Drake'	Drake Elm	<i>Elaeagnus macrophylla</i>	Elaeagnus Ebbeningei
EVERGREEN TREES		<i>Eriobotrya japonica</i>	Coppertone Loquat
<i>Ilex opaca</i>	American Holly	<i>Fatsia japonica</i>	Aralia
<i>Ilex opaca</i> Savannah	Savannah Holly	<i>Fiegoa sellowiana</i>	Pineapple Guava
<i>Cupressus sempervirens</i>	Italian Cypress	<i>Gardenia jasminoides</i>	Gardenia
<i>Pinus thunbergi</i>	Japanese Black Pine	<i>Ilex cornuta</i> 'Burfordii'	Dwarf Burford Holly
<i>Pinus taeda</i>	Loblolly Pine	compacta	
ORNAMENTAL TREES		<i>Ilex vomitoria</i> 'Nana'	Dwarf Yaupon
<i>Betula nigra</i>	River Birch	<i>Juniperus</i>	Juniper species
<i>Cercis canadensis</i> 'Oklahoma'	Redbud	<i>Leucophyllum frutescens</i>	Texas Sage
<i>Chamcerops humilis</i>	Mediterranean Palm	<i>Ligustrum japonicum</i>	Wax Leaf Ligustrum
<i>Chionanthus virginica</i>	Chinese Fringe Tree	<i>Mahonia aquifolium</i>	Oregon Grape
<i>Crateagus marshalli</i>	Parsley Hawthorn	<i>Mahonia bealei</i>	Leatherleaf
<i>Cycas revoluta</i>	Sago Palm	<i>Myrica cerifera</i>	Southern Wax Myrtle
<i>Lagerstroemia indica</i>	Crepe Myrtle	<i>Myrica pusilla</i>	Dwarf Wax Myrtle
<i>Magnolia liliiflora</i>	Lily Magnolia	<i>Nandina domestica</i>	Dwarf Nandina varieties
<i>Magnolia soulangeana</i>	Saucer magnolia	<i>Nerium oleander</i>	Oleander
<i>Magnolia stellata</i>	Star Magnolia	<i>Pittosporum tobira</i>	Variegated Pittosporum
<i>Prunus mexicana</i>	Mexican Plum	'Variegata'	
<i>Pyrus calleryana</i>	Flowering Pears	<i>Pittosporum tobira</i>	Dwarf Pittosporum
'Aristocrat' or 'Capitol'		'Wheeler'	
		<i>Raphiolepis indica</i>	Indian Hawthorn
		<i>Rhododendron indicum</i>	Formosa Azalea
		'Formosa'	
		<i>Spirea bumalda</i> or similar dwarf varieties	Spirea

<i>Botanical Name</i>	<i>Common Name</i>
Ajuga reptans	Ajuga
Ardisa Crenulata	Ardisa
Asparagus sprengeri	Sprengeri Fern
Carex morrowii	Japanese Sedge
Cuphea hyssopifolia	Mexican Heather
Cyrtomium falcatum	Holly Fern
Dryopteris normalis	Wood Fern
Festuca ovina	Fescue
Festuca cinerea	Fescue
Ficus pumila	Climbing Fig
Gelsimium sempervirens	Carolina Jasmine
Hemerocallis species	Daylily
Hedera helix	English Ivy
Juniperus horizontalis, conferta, and procumbens 'Nana'	Low growing junipers species
Lantana camara 'Radiation'	Lantana
Liriope muscari	Liriope
Millettia reticulata	Evergreen Wisteria
Ophiopogon jaburan	Giant Liriope
Ophiopogon japonicum	Monkey Grass
Rosa banksiae	Lady Bank's Rose
Santolina incana	Lavender
Trachelosperum asiaticum	Asian Jasmine
Trachelosperum jasminoides	Confederate Jasmine
Veronica latifolia, scro- phulariaceae and spicata	Veronica
Wisteria chinensis, floribunda, megasperma, sinensis	Wisteria

" EXHIBIT A "

FIELD NOTES OF A TRACT OF LAND CONTAINING 13.378 ACRES SITUATED IN THE JOSEPH HOUSE LEAGUE, ABSTRACT 34, HARRIS COUNTY, TEXAS AND BEING THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 1 AND THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 2 CONVEYED TO ROY C. HOHL RECORDED BY DEED IN HARRIS COUNTY CLERK'S FILE NO.(S) B 899708 AND C 922066 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. SAID 13.378 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLAIN COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

BEGINNING at a 5/8" capped iron rod, found, being an exterior corner in the west line of a 6.292 acre tract of land conveyed to City of Tomball recorded by deed in Harris County Clerk's File No.(s) Y 538668 of the Real Property Records of said county and for the **southwest corner** of the herein described tract (X=3032877.6167, Y=13962802.4460), from which a 5/8" iron rod, found, being the southwest corner of said 6.292 acres bears S 02°08'27" E, a distance of 159.93 feet;

THENCE, N 02°08'27" W, along the west line of said Tract 1 and 2, a distance of 1035.76 feet to a 1/2" capped iron rod, set, being the southwest corner of Lot 2, Block 2, Brown-Hufsmith Commercial, a subdivision in said county according to the map or plat thereof recorded in Film Code #622259 of the Map Records of said county, the northwest corner of said Tract 2 and for the **northwest corner** of the herein described tract;

THENCE, N 87°12'47" E, along the south line of said Lot 2 and the north line of said Tract 2, a distance of 401.98 feet to a 1/2" capped iron rod, set, in the south right-of-way line of Brown-Hufsmith Road (100 foot right-of-way), the east corner of said Lot 2 and for the **"Point of Curve"** in the north line of the herein described tract;

THENCE, along a curve to the left with the south right-of-way line of said Brown-Hufsmith Road having a radius of 1690.42 feet and an arc length of 167.06 feet with a chord bearing of S 79°54'49" E, a distance of 166.99 feet to a 5/8" capped iron rod, set, being the northwest corner of said 6.292 acres and for the **northeast corner** and **"Point of Tangent"** of the herein described tract;

THENCE, S 02°11'50" E, along the west line of said 6.292 acres, a distance of 999.00 feet to a 5/8" capped iron rod, set, being an interior corner in the west line of said 6.292 acres and for the **southeast corner** of the herein described tract;

THENCE, S 87°15'33" W, along an exterior line of said 6.292 acres, a distance of 566.17 feet to the **"Point of Beginning"** and containing 13.378 acres of land, more or less.

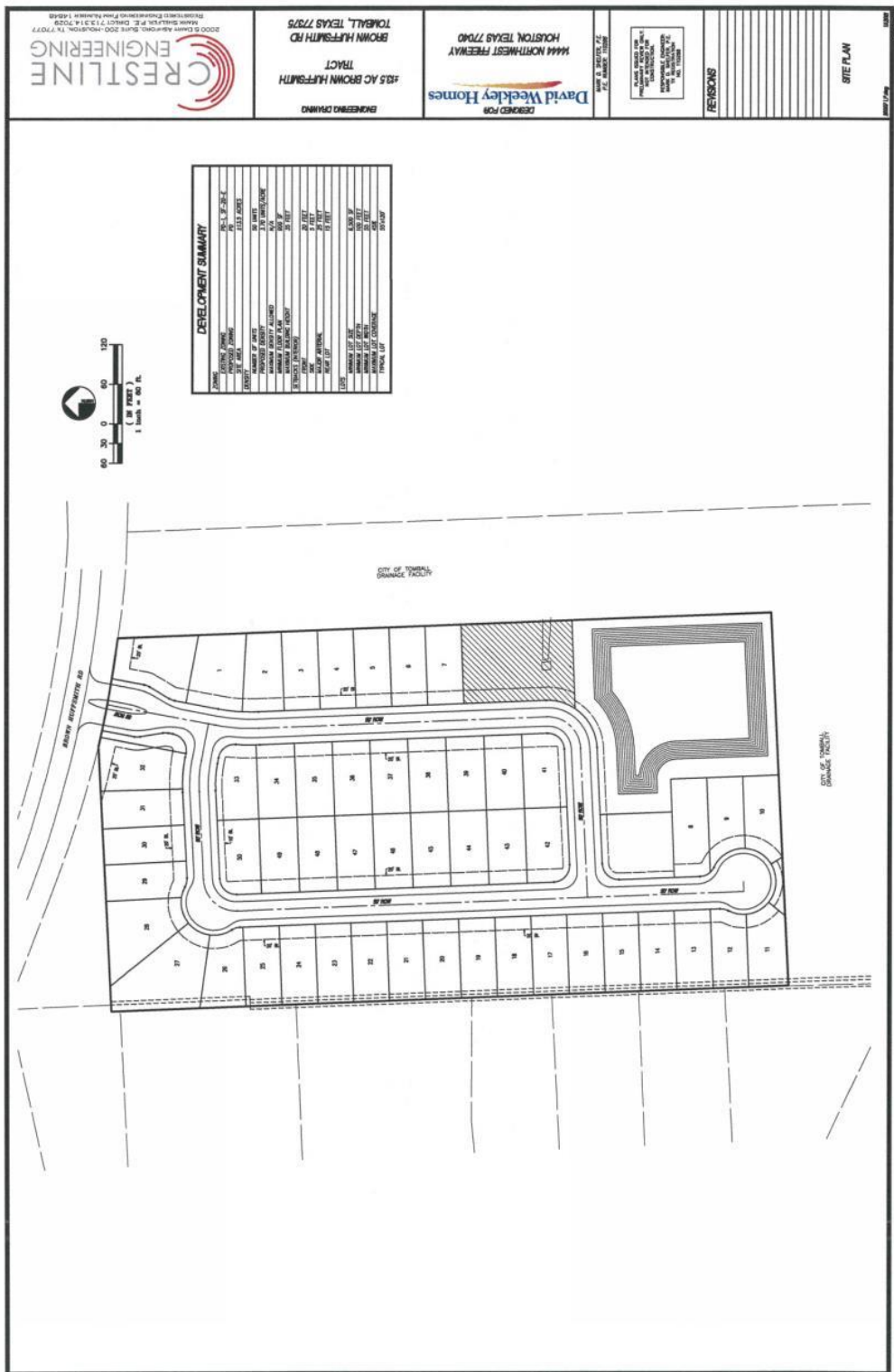
Surveyed: May 06, 2020

I, Mike H. Rubaiy, Registered Professional Land Surveyor No. 2907, do hereby certify that the foregoing field notes were prepared from a survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.


Mike H. Rubaiy
R.P.L.S. No. 2907

Job No. 220107
Date: 06-17-2020
hh





City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Conduct Public Hearing for the Purpose of Considering the Following Annexation: (Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of that Certain Called 40.1148 Acre Tract of Land Situated in the John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd, HCAD 04304100000055)

Background:

Following the passage of HB 347, Chapter 43, Subchapter C-3, of the Local Government Code now requires a single public hearing to annex an area if petitioned by the landowner. The first reading of the ordinance to annex the area may immediately follow the public hearing.

Council originally set the public hearing for February 15, 2021; due to the cancellation of that Council meeting, notice was re-published and the public hearing was scheduled for March 15.

Written notice was provided to the area school districts and public entities, as required and proper publication was made in the official newspaper and the City's website.

The first reading of the Ordinance will follow the public hearing; the second reading of the ordinance will be presented to Council at the regular Council meeting on April 5, 2021.

Origination: Paul Hicks

Recommendation:

Conduct Public Hearing

Party(ies) responsible for placing this item on agenda: Tracylynn Garcia, Asst 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>Tracylynn Garcia</u>	<u>02/01/2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**



**MONDAY, MARCH 15, 2021
6:00 P.M.**

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday, **MARCH 15, 2021** at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Annexation:

METES AND BOUNDS DESCRIPTION

6.5681 ACRES OF LAND KNOWN AS TRACTS 1 AND 2 OUT OF THAT CERTAIN CALLED 40.1148 ACRE TRACT OF LAND SITUATED IN THE JOHN M. HOOPER SURVEY, A-375, HARRIS COUNTY, TEXAS, HCAD 04304100000055 13810 WINDY MEADOW RD.

All that certain tract or parcel containing 6.4955 acres of land known as Tract 1 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 1 being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400 and the Northerly-Northwest corner and POINT OF BEGINNING of the herein described Tract 1;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608, same point marking an interior corner of the herein described Tract 1;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described Tract 1;

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly-Northeast corner of the herein described Tract 1;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 5/8" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Easterly-Northeast corner of the herein described Tract 1;

THENCE S 26°14'09" E, a distance of 559.61 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking an interior corner of the herein described Tract 1;

THENCE S 02°19'40" E, a distance of 200.05 feet along the West right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) marking an point where said Sarah Road turns Westerly, same point marking the Southeast corner of the herein described Tract 1;

THENCE S 87°40'19" W, a distance of 456.12 feet along the North right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) in the East line of Tract L, a call 15,045 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244 marking the Southerly-Southwest corner of the herein described Tract 1;

THENCE N 02°19'41" W, a distance of 110.00 feet along the East line of said Tract L to appoint for corner under a debris pile marking the Northeast corner of said Tract 1 and an interior corner of the herein described Tract 1;

THENCE S 87°40'19" W, along the North line of said Tract L, passing at 88.50 feet the Northwest corner of said Tract L and the Northeast corner of Tract M, a call 15,000 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No.

20060199244, a total distance of 177.68 feet to a p.k. nail in asphalt (set) in the centerline of the East end of Windy Meadow Road, (60.00 feet in width), same point marking the Northeast corner of Tract 14 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190138, the Southeast corner of Tract 15 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. K156930 and the Westerly-Southwest corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 15, passing at 30.00 feet the North right-of-way line of said Windy meadow Road, a total distance of 170.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northeast corner of said Tract 15, the Southeast corner of Tract 38 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. R323731, the Southwest corner of Tract 39 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190136 and the Westerly-Northwest corner of the herein described Tract 1;

THENCE N 89°11'40" E, a distance of 150.00 feet along the South line of said Tract 39 to a 5/8" iron rod (found) for angle point marking the Southeast corner of said Tract 39 and an interior corner of the herein described Tract 1;

THENCE N 29°15'53" E, a distance of 131.33 feet along the Easterly line of said Tract 39 to a *W*" iron rod (found) for angle point marking an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 39, passing at 45.02 feet a *W*" iron rod(found) marking the Northeast corner of said Tract 39 and the Southeast comer of Tract 40 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066, a total distance of 110.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southwest corner of that certain call 0.0941 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-518294 and on interior comer of the herein described Tract 1;

THENCE N 87°37'30" E, a distance of 80.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southeast comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 70.00 feet to a 5/8" iron rod with EIC cap (set) marking the Easterly-Northeast comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 35.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northeast comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 40.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northwest comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 02°57'38" E, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the interior comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 5.00 feet to a 5/8" iron rod with EIC cap (set) in the East line of Tract 41 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066 marking the Westerly-Northwest corner of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 41, passing at 92.52 feet the Northeast comer of said Tract 41 and the Southeast comer of said Tract 42, from this point a 1" iron pipe (found) bears N 68°39'16" E, 0.51 feet, also from this point a 5/8" iron rod(found) bears N 61°13'42" E, 0.21 feet, a total distance of 200.00 feet to the POINT OF BEGINNING and containing 6.4955 acres of land.

All that certain tract or parcel containing 0.0726 acres of land known as Tract 2 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 2 being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast comer of Tract 42 in Alice Acres, (unrecorded}, as described in a deed filed for record under Harris County Clerk's File No. N225400;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod(found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width}, as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set);

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back comer in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back comer to a *W*" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 26°14'09" E, along the Southwest right-of-way line of said State Highway 249 Southbound Feeder, passing at 559.61 feet a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. 1492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder, a total distance of 707.66 feet to a 5/8" iron rod with EIC cap (set) marking the intersection of the East right-of-way line of Sarah Road with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly comer and POINT OF BEGINNING of the herein described Tract 2;

THENCE continuing S 26°14'09" E, a distance of 111.40 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with Weisser Surveying cap (found) marking the Northerly comer of that certain call 0.0066 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20150332006 and the Easterly-Southeast comer of the herein described Tract 2;

THENCE S 30°43'05" W, a distance of 27.27 feet along the Westerly line of said 0.0066 acre tract of land to a 5/8" iron rod with Harris County cap (found) in the South line of said 40.1148 acre tract of land, the South line of said John M. Hooper Survey, the North line of the Chauncey Goodrich Survey, A-305 in said Harris County, Texas, the North line of Unrestricted Reserve "A" in Block I of Willow Creek Campus, Section 1 a subdivision in said Harris County, Tex. as according to the map or plat thereof filed for record under Film Code No. 686614 of the Harris County Map Records and the North line of North Humble Lake Road, (60.00 feet in width), marking the Southwest comer of said 0.0066 acre tract of land and the Southerly-Southeast comer of the herein described Tract 2;

THENCE S 87°40'19" W, a distance of 30.28 feet along the South line of said John M. Hooper Survey, the South line of said 40.1148 acre tract of land, the North line of said Chauncey Goodrich Survey, the North line of said Unrestricted Reserve "A and the North line of North Humble Lake Road to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said Sarah Road and the Southwest corner of the herein described Tract 2;

THENCE N 02°19'40" W, a distance of 124.70 feet along the East right-of-way line of said Sarah Road to the POINT OF BEGINNING and containing 0.0726 acre of land.

Persons interested in the above-proposed Annexation will be given an opportunity to be heard. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

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 19th day of February 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC, 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**



**MONDAY, FEBRUARY 15, 2021
6:00 P.M.**

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday, February 15, 2021 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Annexation:

METES AND BOUNDS DESCRIPTION

6.5681 ACRES OF LAND KNOWN AS TRACTS 1 AND 2 OUT OF THAT CERTAIN CALLED 40.1148 ACRE TRACT OF LAND SITUATED IN THE JOHN M. HOOPER SURVEY, A-375, HARRIS COUNTY, TEXAS, HCAD 04304100000055 13810 WINDY MEADOW RD.

All that certain tract or parcel containing 6.4955 acres of land known as Tract 1 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 1 being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400 and the Northerly-Northwest corner and POINT OF BEGINNING of the herein described Tract 1;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608, same point marking an interior corner of the herein described Tract 1;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described Tract 1;

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly-Northeast corner of the herein described Tract 1;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 5/8" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Easterly-Northeast corner of the herein described Tract 1;

THENCE S 26°14'09" E, a distance of 553.61 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking an interior corner of the herein described Tract 1;

THENCE S 02°19'40" E, a distance of 200.05 feet along the West right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of said Sarah Road turns Westerly, same point marking the Southeast corner of the herein described Tract 1;

THENCE S 87°40'19" W, a distance of 456.12 feet along the North right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) in the East line of Tract L, a call 15,045 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244 marking the Southerly-Southwest corner of the herein described Tract 1;

THENCE N 02°19'41" W, a distance of 110.00 feet along the East line of said Tract L to appoint for corner under a debris pile marking the Northeast corner of said Tract 1 and an interior corner of the herein described Tract 1;

THENCE S 87°40'19" W, along the North line of said Tract L, passing at 88.50 feet the Northwest corner of said Tract L and the Northeast corner of Tract M, a call 15,000 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No.

20060199244, a total distance of 177.68 feet to a p.k. nail in asphalt (set) in the centerline of the East end of Windy Meadow Road, (60.00 feet in width), same point marking the Northeast corner of Tract 14 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190138, the Southeast corner of Tract 15 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. K156930 and the Westerly-Southwest corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 15, passing at 30.00 feet the North right-of-way line of said Windy meadow Road, a total distance of 170.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northeast corner of said Tract 15, the Southeast corner of Tract 38 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. R323731, the Southwest corner of Tract 39 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190136 and the Westerly-Northwest corner of the herein described Tract 1;

THENCE N 89°11'40" E, a distance of 150.00 feet along the South line of said Tract 39 to a 5/8" iron rod (found) for angle point marking the Southeast corner of said Tract 39 and an interior corner of the herein described Tract 1;

THENCE N 29°15'53" E, a distance of 131.33 feet along the Easterly line of said Tract 39 to a *W*" iron rod (found) for angle point marking an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 39, passing at 45.02 feet a *W*" iron rod(found) marking the Northeast corner of said Tract 39 and the Southeast comer of Tract 40 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066, a total distance of 110.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southwest corner of that certain call 0.0941 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-518294 and on interior comer of the herein described Tract 1;

THENCE N 87°37'30" E, a distance of 80.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southeast comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 70.00 feet to a 5/8" iron rod with EIC cap (set) marking the Easterly-Northeast comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 35.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northeast comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 40.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northwest comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 02°57'38" E, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the interior comer of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 5.00 feet to a 5/8" iron rod with EIC cap (set) in the East line of Tract 41 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066 marking the Westerly-Northwest corner of said 0.0941 acre tract of land and an interior comer of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 41, passing at 92.52 feet to the Northeast comer of said Tract 41 and the Southeast comer of said Tract 42, from this point a 1" iron pipe (found) bears N 68°39'16" E, 0.51 feet, also from this point a 5/8" iron rod(found) bears N 61°13'42" E, 0.21 feet, a total distance of 200.00 feet to the POINT OF BEGINNING and containing 6.4955 acres of land.

All that certain tract or parcel containing 0.0726 acres of land known as Tract 2 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 2 being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast comer of Tract 42 in Alice Acres, (unrecorded}, as described in a deed filed for record under Harris County Clerk's File No. N225400;

THENCE N 87°38'44" E, a distance of 37.95 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod(found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of- way line of State Highway 249 Southbound Feeder, (variable width}, as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set);

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back comer in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back comer to a *W*" iron rod(found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 26°14'09" E, along the Southwest right-of-way line of said State Highway 249 Southbound Feeder, passing at 559.61 feet a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. 1492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder, a total distance of 707.66 feet to a 5/8" iron rod with ETC cap (set) marking the intersection of the East right- of-way line of Sarah Road with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly comer and POINT OF BEGINNING of the herein described Tract 2;

THENCE continuing S 26°14'09" E, a distance of 111.40 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with Weisser Surveying cap (found) marking the Northerly comer of that certain call 0.0066 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20150332006 and the Easterly-Southeast comer of the herein described Tract 2;

THENCE S 30°43'05" W, a distance of 27.27 feet along the Westerly line of said 0.0066 acre tract of land to a 5/8" iron rod with Harris County cap (found) in the South line of said 40.1148 acre tract of land, the South line of said John M. Hooper Survey, the North line of the Chauncey Goodrich Survey, A-305 in said Harris County, Texas, the North line of Unrestricted Reserve "A" in Block I of Willow Creek Campus, Section 1 a subdivision in said Harris County, Tex. as according to the map or plat thereof filed for record under Film Code No. 686614 of the Harris County Map Records and the North line of North Humble Lake Road, (60.00 feet in width), marking the Southwest comer of said 0.0066 acre tract of land and the Southerly-Southeast comer of the herein described Tract 2;

TIIBNCE S 87°40'19" W, a distance of 30.28 feet along the South line of said John M. Hooper Survey, the South line of said 40.1148 acre tract of land, the North line of said Chauncey Goodrich Survey, the North line of said Unrestricted Reserve "A and the North line of North Humble Lake Road to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said Sarah Road and the Southwest corner of the herein described Tract 2;

THENCE N 02°19'40" W, a distance of 124.70 feet along the East right-of-way line of said Sarah Road to the POINT OF BEGINNING and containing 0.0726 acre of land.

Persons interested in the above-proposed Annexation will be given an opportunity to be heard. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

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 19th day of January 19, 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia
Tracylynn Garcia
Assistant City Secretary, TRMC, OMC, CPM

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.

CANCELED - Moved to 2/15/2021

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Adopt, on First Reading, Ordinance No. 2021-03, An Ordinance Of The City Of Tomball, Texas, Extending The City Limits Of Said City To Include All Of The Territory Within Certain Limits And Boundaries And Annexing To The City Of Tomball All Of The Territory Within Such Limits And Boundaries; Approving A Service Plan For All Of The Area Within Such Limits And Boundaries; Containing Other Provisions Relating To The Subject; And Providing A Savings And Severability Clause (Being A Tract Or Parcel Containing 6.5681 Acres Of Land Known As Tracts 1 & 2 Out Of That Certain Call 40.1148 Acre Tract Of Land Situated In The John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract Being That Same Tract Of Land As Described In A Deed Filed For Record Under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd Hcad 04304100000055)]

Background:

The required public hearing for this voluntary annexation, petitioned by the landowner, has been held and the required notices and publications have been completed.

The second reading of the ordinance will be presented to Council at the regular Council meeting on April 5, 2021.

Origination: Paul Hicks, ABH Enterprises

Recommendation:

Adopt Ordinance No. 2021-03 on First Reading

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

Tracylynn Garcia, Asst. 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 Tracylynn Garcia 02/15/2020
Staff Member Date

Approved by _____
City Manager Date

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (BEING A TRACT OR PARCEL CONTAINING 6.5681 ACRES OF LAND KNOWN AS TRACTs 1 & 2 OUT OF THAT CERTAIN CALL 40.1148 ACRE TRACT OF LAND SITUATED IN THE JOHN M. HOOPER SURVEY, A-375 IN HARRIS COUNTY, TEXAS, SAID 40.1148 ACRE TRACT BEING THAT SAME TRACT OF LAND AS DESCRIBED IN A DEED FILED FOR RECORD UNDER HARRIS COUNTY CLERK'S FILE NO. F41707.2 (13810 WINDY MEADOW RD HCAD 04304100000055))

* * * * *

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

Section 1. The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should

this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

Section 4. Severability. 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 of 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, or 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 15TH DAY OF
MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL
2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

Exhibit “A” – Page 1

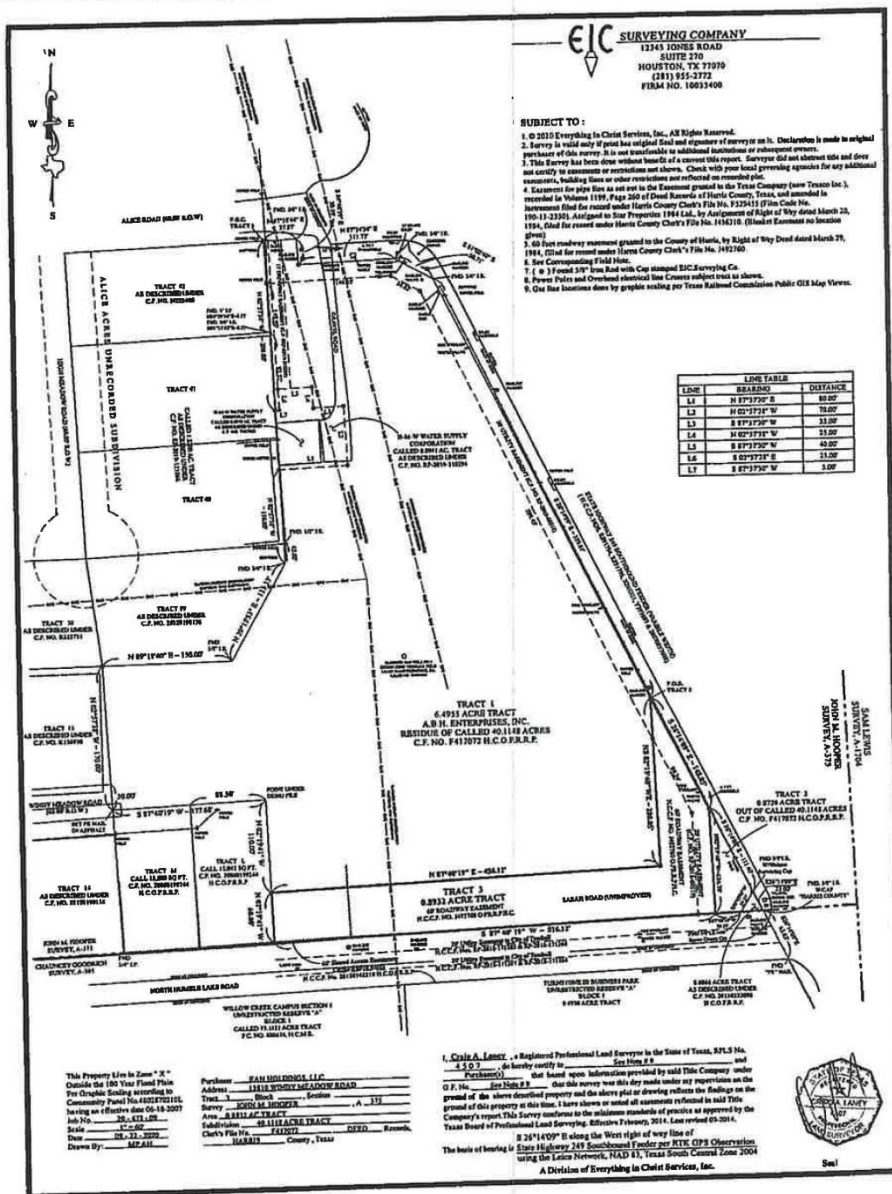


Exhibit "A" – Page 2

EIC SURVEYING COMPANY

12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com
Firm No. 100334-00

Tract 1

All that certain tract or parcel containing 6.4955 acres of land known as Tract 1 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 1 being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400 and the Northerly-Northwest corner and POINT OF BEGINNING of the herein described Tract 1;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608, same point marking an interior corner of the herein described Tract 1;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described Tract 1;

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly-Northeast corner of the herein described Tract 1;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Easterly-Northeast corner of the herein described Tract 1;

THENCE S 26°14'09" E, a distance of 559.61 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking an interior corner of the herein described Tract 1;

THENCE S 02°19'40" E, a distance of 200.05 feet along the West right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) marking an point where said Sarah Road turns Westerly, same point marking the Southeast corner of the herein described Tract 1;

THENCE S 87°40'19" W, a distance of 456.12 feet along the North right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) in the East line of Tract L, a call 15,045 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244 marking the Southerly-Southwest corner of the herein described Tract 1;

THENCE N 02°19'41" W, a distance of 110.00 feet along the East line of said Tract L to a point for corner under a debris pile marking the Northeast corner of said Tract 1 and an interior corner of the herein described Tract 1;

THENCE S 87°40'19" W, along the North line of said Tract L, passing at 88.50 feet the Northwest corner of said Tract L and the Northeast corner of Tract M, a call 15,000 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244, a total distance of 177.68 feet to a p.k. nail in asphalt (set) in the centerline of the East end of Windy Meadow Road, (60.00 feet in width), same point marking the Northeast corner of Tract 14 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190138, the Southeast corner of Tract 15 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. K156930 and the Westerly-Southwest corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 15, passing at 30.00 feet the North right-of-way line of said Windy meadow Road, a total distance of 170.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northeast corner of said Tract 15, the Southeast corner of Tract 38 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. R323731, the Southwest corner of Tract 39 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190136 and the Westerly-Northwest corner of the herein described Tract 1;

THENCE N 89°11'40" E, a distance of 150.00 feet along the South line of said Tract 39 to a 5/8" iron rod (found) for angle point marking the Southeast corner of said Tract 39 and an interior corner of the herein described Tract 1;

Page 1 of 2

Land Boundary / Topographic Surveying
A Division of Everything in Christ Services, Inc.

Exhibit "A" – Page 3

EIC SURVEYING COMPANY
12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com
Firm No. 100334-00

THENCE N 29°15'53" E, a distance of 131.33 feet along the Easterly line of said Tract 39 to a ¾" iron rod (found) for angle point marking an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 39, passing at 45.02 feet a ½" iron rod (found) marking the Northeast corner of said Tract 39 and the Southeast corner of Tract 40 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066, a total distance of 110.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southwest corner of that certain call 0.0941 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-518294 and an interior corner of the herein described Tract 1;

THENCE N 87°37'30" E, a distance of 80.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 70.00 feet to a 5/8" iron rod with EIC cap (set) marking the Easterly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 35.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 40.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 02°57'38" E, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 5.00 feet to a 5/8" iron rod with EIC cap (set) in the East line of Tract 41 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066 marking the Westerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 41, passing at 92.52 feet the Northeast corner of said Tract 41 and the Southeast corner of said Tract 42, from this point a 1" iron pipe (found) bears N 68°39'16" E, 0.51 feet, also from this point a 5/8" iron rod (found) bears N 61°13'42" E, 0.21 feet, a total distance of 200.00 feet to the POINT OF BEGINNING and containing 6.4955 acres of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004



Page 2 of 2

Land Boundary / Topographic Surveying
A Division of Everything in Christ Services, Inc.

Exhibit "A" – Page 4



12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com

Firm No. 100334-00

Tract 2

All that certain tract or parcel containing 0.0726 acres of land known as Tract 2 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 2 being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set);

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 26°14'09" E, along the Southwest right-of-way line of said State Highway 249 Southbound Feeder, passing at 559.61 feet a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder, a total distance of 707.66 feet to a 5/8" iron rod with EIC cap (set) marking the intersection of the East right-of-way line of Sarah Road with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly corner and POINT OF BEGINNING of the herein described Tract 2;

THENCE continuing S 26°14'09" E, a distance of 111.40 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with Weisser Surveying cap (found) marking the Northerly corner of that certain call 0.0066 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20150332006 and the Easterly-Southeast corner of the herein described Tract 2;

THENCE S 30°43'05" W, a distance of 27.27 feet along the Westerly line of said 0.0066 acre tract of land to a 5/8" iron rod with Harris County cap (found) in the South line of said 40.1148 acre tract of land, the South line of said John M. Hooper Survey, the North line of the Chauncey Goodrich Survey, A-305 in said Harris County, Texas, the North line of Unrestricted Reserve "A" in Block 1 of Willow Creek Campus, Section 1 a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 686614 of the Harris County Map Records and the North line of North Humble Lake Road, (60.00 feet in width), marking the Southwest corner of said 0.0066 acre tract of land and the Southerly-Southeast corner of the herein described Tract 2;

THENCE S 87°40'19" W, a distance of 30.28 feet along the South line of said John M. Hooper Survey, the South line of said 40.1148 acre tract of land, the North line of said Chauncey Goodrich Survey, the North line of said Unrestricted Reserve "A" and the North line of North Humble Lake Road to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said Sarah Road and the Southwest corner of the herein described Tract 2;

THENCE N 02°19'40" W, a distance of 124.70 feet along the East right-of-way line of said Sarah Road to the POINT OF BEGINNING and containing 0.0726 acre of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004

Land Boundary / Topographic Surveying
A Division of Everything in Christ Services, Inc.



EXHIBIT "B"

CITY OF TOMBALL, TEXAS

MUNICIPAL SERVICE PLAN

I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.

2. As used in this Plan, “providing services” shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

- B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.
2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.
3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.
4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City’s Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

- C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be

included with other City territory in connection with planning for new, revised, or expanded police facilities.

2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.
4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.
5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.
6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the

Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

V. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.

SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE

The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P20-436: Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P20-436
- Adopt, on First Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249 and Alice Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: Paul Hicks

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY ESTABLISHING THE ZONING DISTRICT OF APPROXIMATELY 6.5681 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 12 ABSTRACT 375 J M HOOPER, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, AS COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SH 249 AND ALICE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Paul Hicks has requested that approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, generally located at the southwest corner of SH 249 and Alice Road, in the City of Tomball, Harris County, Texas, (the "Property"), be zoned; 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 City Council held a public hearing on the requested zoning; and

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

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 established as the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as 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 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 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 15TH DAY OF MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, March 15, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, City Council will consider the following:

Zoning Case P20-436: Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, 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, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

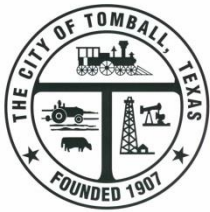
C E R T I F I C A T I O N

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 **11th** day of **March 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-436

APPLICANT/OWNER: Paul Hicks

LOCATION: Generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District.

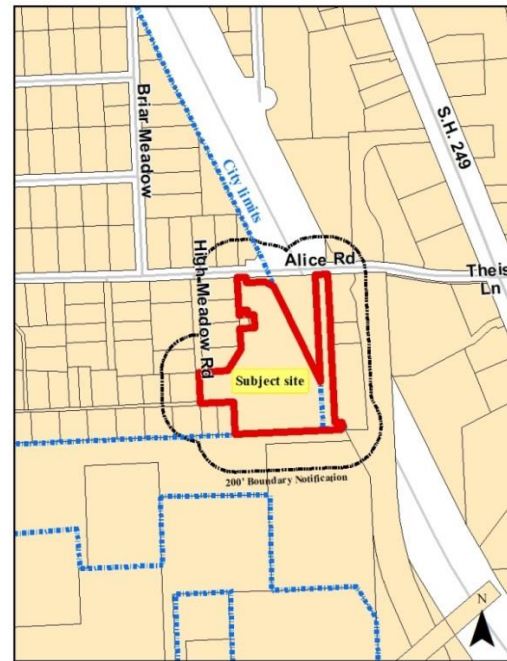
CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@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.



**City Council Public Hearing:
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.



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: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

PAUL HICKS

(please print)

Address:

18711 Oxenbergh Manor Lane
Tomball Tx 77377

Signature:

[Handwritten Signature]

Date:

Feb. 4. 2021

X

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P20-436. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P20-436. (Please state reasons below)**

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

Monday, February 15, 2021 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 ALindley@tomballtx.gov.

Please reference the case number in the subject line.

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



Zoning Staff Report

City Council Public Hearing Date: February 15, 2021

Zoning Case: P20-436
Property Owner(s): ABH Enterprises Inc.
Applicant(s): Paul Hicks
Legal Description: Tract 12 Abstract 375 J M Hooper
Location: Southwest corner of SH 249 and Alice Road (Exhibit “A”)
Area: 6.5681 acres
Comp Plan Designation: Corridor Commercial (Exhibit “B”)
Present Use: Undeveloped (Exhibit “D”)
Request: Establish the Zoning District as Commercial upon annexation

Adjacent Zoning & Land Uses:

North: Outside City limits / Single-family residence
South: Commercial and Light Industrial Districts / Harris County facility and office/warehouse development
West: Outside City limits / single-family residences, metal shop
East: SH 249 / SH 249

BACKGROUND

The subject site is currently being annexed into the City limits and therefore requires the establishment of a Zoning District classification.

ANALYSIS

The applicant is requesting the property be zoned Commercial District upon annexation. Properties to the north and west are outside the City limits. Properties to the south are zoned Commercial and Light Industrial District. The Harris County facility entrance is directly to the south of the site and a new office/warehouse development is also to the south.

According to Section 50-77 of the Tomball Code of Ordinances, the Commercial Zoning District “is intended to provide a location for commercial and service-related establishments”. Additionally, “convenient access to thoroughfares and collector streets is also a primary consideration”. Based on the location of the site, the Commercial District appears to be appropriate.

The property is designated as Corridor Commercial by the Future Land Use Map. This category is “is intended for predominantly nonresidential uses along high-traffic, regionally serving thoroughfares. The Commercial Zoning District is a compatible zoning district for the Corridor Commercial category. Properties in the area along SH 249 are also designated Corridor Commercial, Public and Institutional (for the Harris County facility), and Business Park and Industrial.

PUBLIC COMMENT

Property owners inside the City limits and within 200 feet of the project site were mailed notification of this proposal and the Notice of Public Hearing was published in the paper on January 27, 2021. Any public comment forms will be provided in the City Council packets or during the public hearing.

RECOMMENDATION

City staff recommends approval of Zoning Case P20-436.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

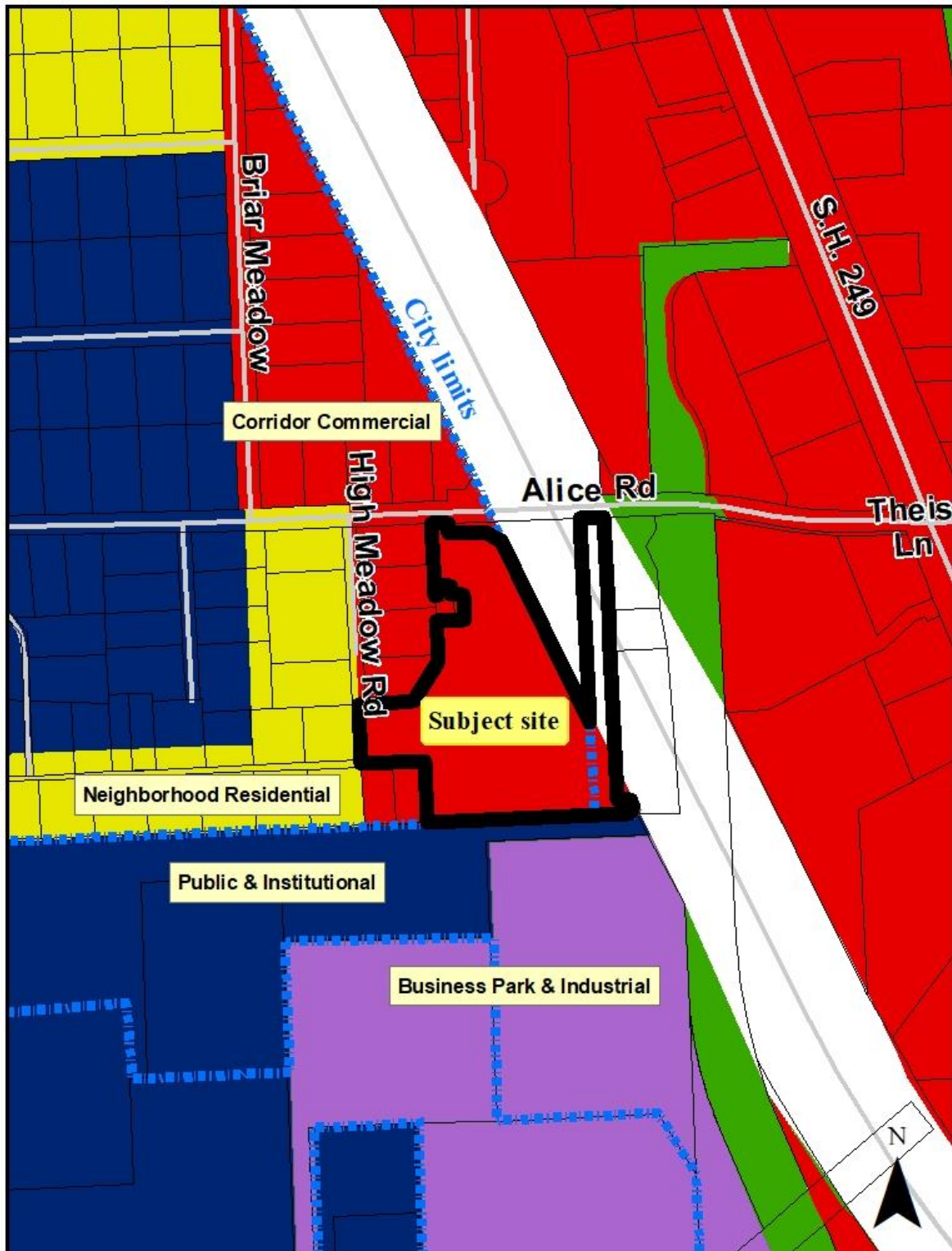
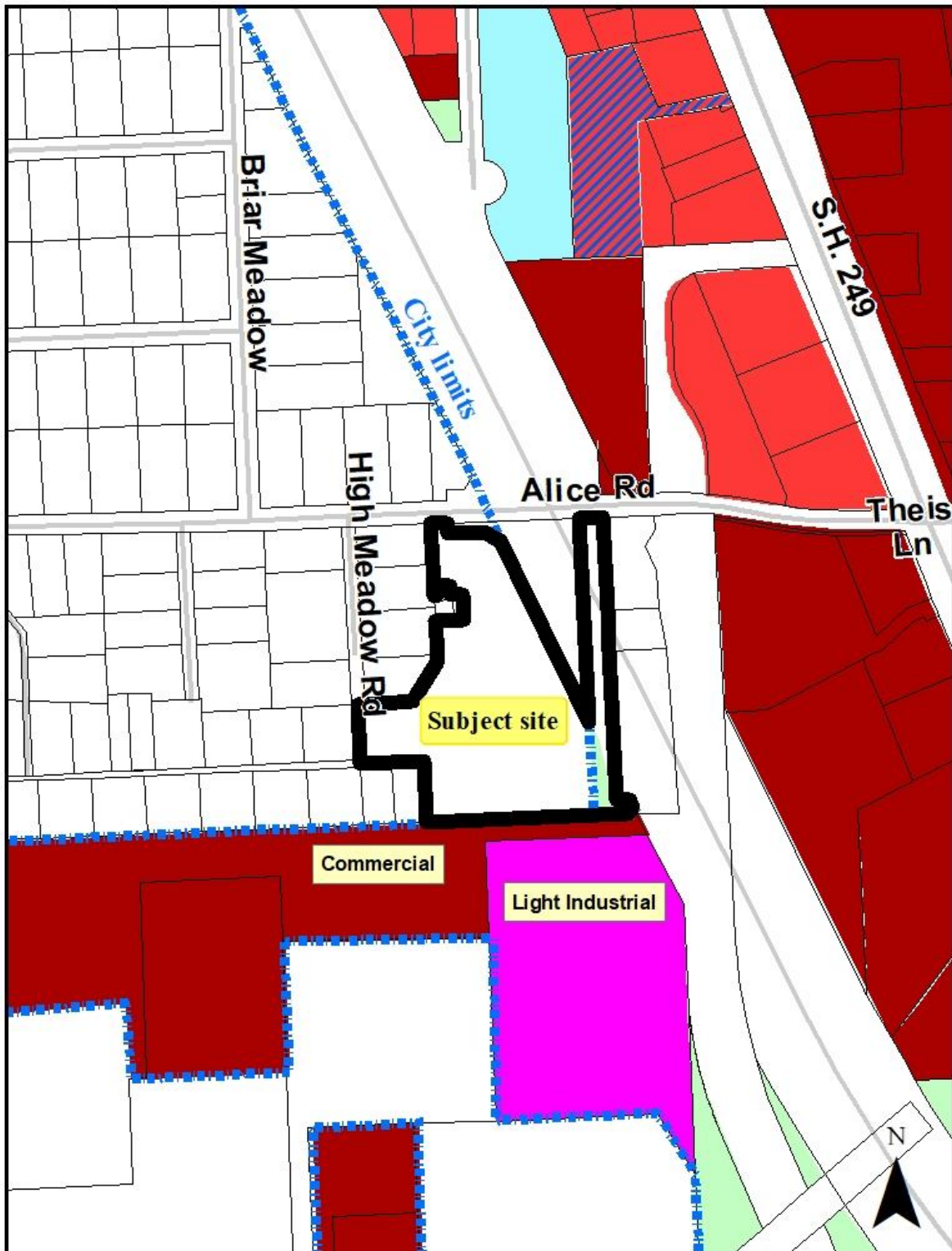


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Application



RECEIVED (KC)
12/17/2020 2:59:06 PM

APPLICATION FOR RE-ZONING
Community Development Department
Planning Division

Revised: 4/13/2020
P&Z 20-436
\$490.00 PD

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: PAUL Hicks Title: Broker / Owner
Mailing Address: 18711 oxenberg Manor City: Emball State: TX
Zip: 77377 Contact: 713-805-3665 Paul Hicks
Phone: (713) 805-3665 Email: paul@hickspropertiesonline.com

Owner

Name: ABH Enterprises Inc. Title: _____
Mailing Address: 27003 St Highway 55 City: Uvalde State: TX
Zip: 78801 Contact: Paul Hicks
Phone: (713) 805-3665 Email: paul@hickspropertiesonline.com

Engineer/Surveyor (if applicable)

Name: EIC Surveying Co. Title: _____
Mailing Address: 12345 Jones Rd. City: Houston State: TX
Zip: 77070 Contact: Emil Haddad
Phone: (281) 955-2772 Fax: () Email: emil@eic-surveying.com

Description of Proposed Project: Commercial / Retail

Physical Location of Property: S.W. Corner of 249 & Alice Rd.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 12 Abst 375 J M Hooper
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: _____

Current Use of Property: Vacant

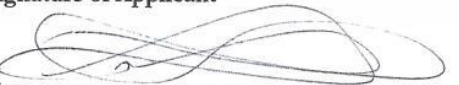
Proposed Zoning District: Commercial / Industrial

Proposed Use of Property: Commercial Retail

HCAD Identification Number: 4369100000 55 **Acreage:** 8.31

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>12/17/2020</u>
	Signature of Applicant	Date
<u>X</u>		<u>12/17/2020</u>
	Signature of Owner	Date

CERTIFICATE OF CORPORATE RESOLUTIONS

STATE OF TEXAS

COUNTY OF REAL

I, Barbara Hicks, Secretary of A.B.H. Enterprises, Inc., a Texas Corporation, **DO HEREBY CERTIFY** that I am the keeper of the records of the minutes of the proceedings of the Board of Directors of said corporation, and that the following is a true and correct copy of a resolution of the Board of Directors of said corporation duly adopted by a unanimous vote at a meeting of said Board of Directors on the 31 day of January at 10:00 o'clock am duly and legally held at by phone County, Texas at which meeting all of the Directors were present and voting:

"BE IT RESOLVED: Paul Hicks will be authorized to sign earnest money contract or any other legal documents on Harris County property with permission of officers of the corporation. Upon sale, Nueces Canyon Real Estate will be paid six (6%) commission to be split with other brokers as is necessary.

"BE IT FURTHER RESOLVED:

"BE IT FURTHER RESOLVED: that Barbara Hicks, attorney-in-fact-on behalf of the Corporation, be, and she is hereby authorized and empowered to

execute such other and further instruments, documents and other writings required to consummate the above transaction; and

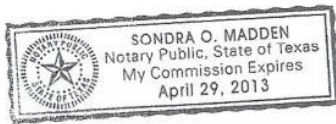
"BE IT FURTHER RESOLVED: that all of the acts above authorized which have been performed by Barbara Hicks, attorney-in-fact-on behalf of the Corporation are hereby in all respects ratified, confirmed and approved as the acts of this Corporation.

I DO FURTHER CERTIFY: that the foregoing resolution have not been altered, amended, revoked or rescinded, and now remain in full force and effect, and **DO FURTHER CERTIFY** that Barbara Hicks is the duly elected Secretary of said corporation.



Secretary

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Barbara Hicks, on this 31 day of January, 2012.







HICKS & ASSOCIATES
PROPERTIES, PLLC

Date: December 17, 2020

Re: 13810 Windy Meadow Road

To whom it may concern. Enclosed is a request to rezone the aforementioned property to commercial/industrial. A B H Enterprises and John and Barbara Hicks, owners, are in the process of marketing this property for sale. A portion of the property (2 acres on the southeast corner) is under contract to be sold to Enterprise Rent-a-car. We hope to sell the remainder to a retail or hotel buyer in the next 18 months. As a result we'd like to rezone the property in conjunction with our application to annex same into the City of Tomball.

Your kind consideration in this matter is greatly appreciated.

Best regards,

Paul Hicks

Hicks and Associates Properties, PLLC

EIC SURVEYING COMPANY

12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com

Firm No. 100334-00

Tract 2

All that certain tract or parcel containing 0.0726 acres of land known as Tract 2 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 2 being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set);

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 26°14'09" E, along the Southwest right-of-way line of said State Highway 249 Southbound Feeder, passing at 559.61 feet a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder, a total distance of 707.66 feet to a 5/8" iron rod with EIC cap (set) marking the intersection of the East right-of-way line of Sarah Road with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly corner and POINT OF BEGINNING of the herein described Tract 2;

THENCE continuing S 26°14'09" E, a distance of 111.40 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with Weisser Surveying cap (found) marking the Northerly corner of that certain call 0.0066 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20150332006 and the Easterly-Southeast corner of the herein described Tract 2;

THENCE S 30°43'05" W, a distance of 27.27 feet along the Westerly line of said 0.0066 acre tract of land to a 5/8" iron rod with Harris County cap (found) in the South line of said 40.1148 acre tract of land, the South line of said John M. Hooper Survey, the North line of the Chauncey Goodrich Survey, A-305 in said Harris County, Texas, the North line of Unrestricted Reserve "A" in Block 1 of Willow Creek Campus, Section 1 a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 686614 of the Harris County Map Records and the North line of North Humble Lake Road, (60.00 feet in width), marking the Southwest corner of said 0.0066 acre tract of land and the Southerly-Southeast corner of the herein described Tract 2;

THENCE S 87°40'19" W, a distance of 30.28 feet along the South line of said John M. Hooper Survey, the South line of said 40.1148 acre tract of land, the North line of said Chauncey Goodrich Survey, the North line of said Unrestricted Reserve "A" and the North line of North Humble Lake Road to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said Sarah Road and the Southwest corner of the herein described Tract 2;

THENCE N 02°19'40" W, a distance of 124.70 feet along the East right-of-way line of said Sarah Road to the POINT OF BEGINNING and containing 0.0726 acre of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004

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Tract 1

All that certain tract or parcel containing 6.4955 acres of land known as Tract 1 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 1 being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400 and the Northerly-Northwest corner and POINT OF BEGINNING of the herein described Tract 1;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608, same point marking an interior corner of the herein described Tract 1;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described Tract 1;

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly-Northeast corner of the herein described Tract 1;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Easterly-Northeast corner of the herein described Tract 1;

THENCE S 26°14'09" E, a distance of 559.61 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking an interior corner of the herein described Tract 1;

THENCE S 02°19'40" E, a distance of 200.05 feet along the West right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) marking an point where said Sarah Road turns Westerly, same point marking the Southeast corner of the herein described Tract 1;

THENCE S 87°40'19" W, a distance of 456.12 feet along the North right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) in the East line of Tract L, a call 15,045 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244 marking the Southerly-Southwest corner of the herein described Tract 1;

THENCE N 02°19'41" W, a distance of 110.00 feet along the East line of said Tract L to a point for corner under a debris pile marking the Northeast corner of said Tract 1 and an interior corner of the herein described Tract 1;

THENCE S 87°40'19" W, along the North line of said Tract L, passing at 88.50 feet the Northwest corner of said Tract L and the Northeast corner of Tract M, a call 15,000 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244, a total distance of 177.68 feet to a p.k. nail in asphalt (set) in the centerline of the East end of Windy Meadow Road, (60.00 feet in width), same point marking the Northeast corner of Tract 14 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190138, the Southeast corner of Tract 15 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. K156930 and the Westerly-Southwest corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 15, passing at 30.00 feet the North right-of-way line of said Windy meadow Road, a total distance of 170.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northeast corner of said Tract 15, the Southeast corner of Tract 38 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. R323731, the Southwest corner of Tract 39 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190136 and the Westerly-Northwest corner of the herein described Tract 1;

THENCE N 89°11'40" E, a distance of 150.00 feet along the South line of said Tract 39 to a 5/8" iron rod (found) for angle point marking the Southeast corner of said Tract 39 and an interior corner of the herein described Tract 1;

Page 1 of 2

Land Boundary / Topographic Surveying
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THENCE N 29°15'53" E, a distance of 131.33 feet along the Easterly line of said Tract 39 to a ¾" iron rod (found) for angle point marking an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 39, passing at 45.02 feet a ½" iron rod (found) marking the Northeast corner of said Tract 39 and the Southeast corner of Tract 40 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066, a total distance of 110.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southwest corner of that certain call 0.0941 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-518294 and an interior corner of the herein described Tract 1;

THENCE N 87°37'30" E, a distance of 80.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 70.00 feet to a 5/8" iron rod with EIC cap (set) marking the Easterly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 35.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 40.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 02°57'38" E, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 5.00 feet to a 5/8" iron rod with EIC cap (set) in the East line of Tract 41 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066 marking the Westerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 41, passing at 92.52 feet the Northeast corner of said Tract 41 and the Southeast corner of said Tract 42, from this point a 1" iron pipe (found) bears N 68°39'16" E, 0.51 feet, also from this point a 5/8" iron rod (found) bears N 61°13'42" E, 0.21 feet, a total distance of 200.00 feet to the POINT OF BEGINNING and containing 6.4955 acres of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004



Page 2 of 2

Land Boundary / Topographic Surveying
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City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-010
- Adopt, on First Reading, Ordinance No. 2021-08, 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 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: Daniel Valdez with META Planning + Design LLC

Recommendation:

City Staff recommends approval. Planning & Zoning Commission recommends approval (5-0)

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-08

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 31.7 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A & B BLOCK 1 PECK STATION, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT (PD-6) DISTRICT TO THE PLANNED DEVELOPMENT (PD-15) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF FM 2978 AT WINFREY LANE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Daniel Valdez with META Planning + Design LLC, has requested that approximately 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, generally located on the west side of FM 2978 at Winfrey Lane, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of an age-restricted single-family residential subdivision; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to and made part of this ordinance; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-15) 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 Planned Development (PD-6) District to the Planned Development (PD-15) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-15) 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 Planned Development (PD-15) District as described above.

Section 5. The Planned Development (PD-15) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-15) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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 15TH DAY OF MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Revised 5/19/15
P&Z #P21-010
\$1,000

Reserves A & B, Blocks 1 & 2, Peck Station

Legal Description of Property: _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 135-663-001-0001, 135-663-001-0002 Acreage: 34.4945

Current Use of Property: Vacant

Proposed Use of Property: Single-family residential (age-restricted)

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  12/21/2020
Signature of Applicant Date

X  04Jan 2021
Signature of Owner Date



January 6, 2021

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: WINFREY TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, ROC Homes/EPOC Communities, we are submitting the application for the creation of the Winfrey Tract Planned Development.

The developer intends to develop the 31-acre tract into an age-restricted single-family residential community. The tract is located west of Huffsmith-Kohrville Road (FM 2978), east of Snook Lane, north of East Main Street.

Below is a list of the items that are included with this submittal:

- 1) Completed application form
- 2) Copy of Recorded Peck Station Plat
- 3) Metes & Bounds descriptions that comprise the tract
- 4) Planned Development Text
- 5) Detailed Concept Plan
- 6) Open Space Plan
- 7) Tax statements showing all taxes paid (Harris County and Tomball ISD)

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Valdez".

Dan Valdez
Enclosure

Exhibit “B” Planned Development Regulations

Exhibit B

Planned Development

31 Acre Winfrey Tract

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots and Reserves
- Amenities and Landscape Regulations
- Open Space and Trails

B. General Provisions

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in the SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extent the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by Section 50-2 (Definitions).
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C – Concept Plan

Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 31.7 acres, located west of FM 2978, east of Snook Lane, north of East Main Street.

C. Land Uses.

1. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	
Drill Site	
Well Site	
Wetlands	

- D. **Development Regulations for Single Family Lots and Reserves** – Maximum 130 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide at building line.
2. Lots shown on Exhibit C
 - a. Minimum lots area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - b. Minimum lot width: 45 feet.
 - c. Minimum lot depth: 100 feet
 - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
3. Minimum building setbacks:
 - a. Front yard: 20 feet; (measured along front building line)
 - b. Rear yard: 14 feet;
 - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

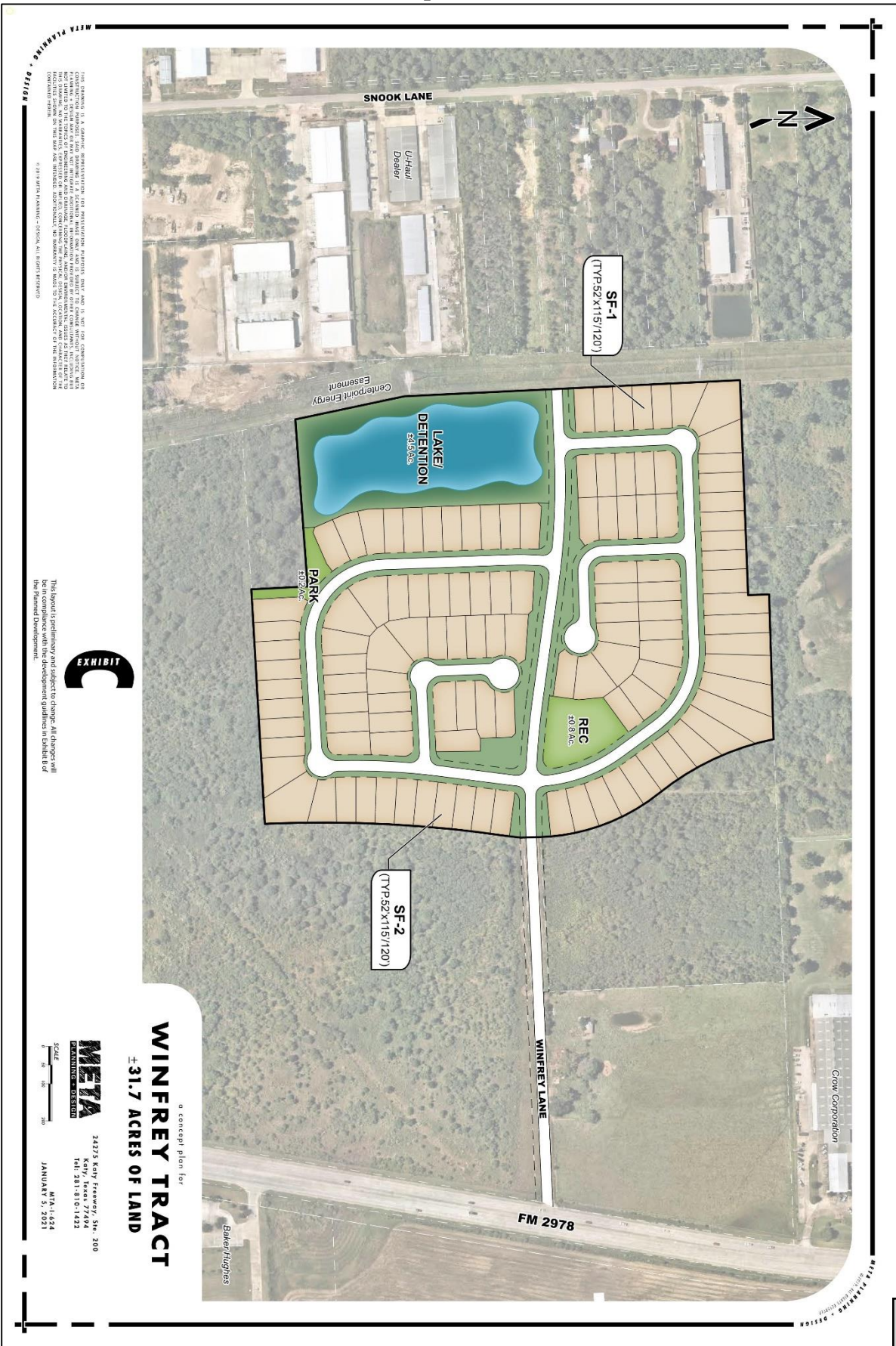
Reserves within the PD shall be developed with the following regulations:

1. Minimum building setbacks
 - a. 10 feet; (measured along any adjoining right-of-way)
- E. **Amenities and Landscape Regulations** – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
1. Recreation site and amenities:
 - a. A minimum one-half (0.5) acre recreational reserve, located within the development, may include benches and trails, etc.
 - b. A minimum of 5, off-street parking spaces shall be provided at the recreation center. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - c. Amenities may include (but are not limited to):
 - Clubhouse
 - Swimming Pool
 - Pickleball

2. Landscape buffers:

- a. 10' foot minimum buffer shall be provided along all major and minor arterials contiguous to lot lines. As shown on Exhibit C1
 - b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1
 - c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
 - d. Required buffers may include trails.
3. Open Space:
- a. Minimum 15% space, to be distributed as shown on Exhibit C1
 - b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
 - c. At a minimum 1 acre shall be provided as parks (total park acreage may be divided among multiple sites within the PD)
 - d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- F. Minor Modifications** –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Community Development Director.
- 1. Modifications to internal street patterns are allowed.
 - 2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
 - 3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - 4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

Exhibit "C"
Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

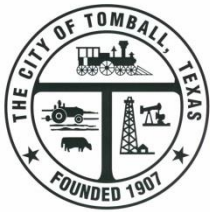
C E R T I F I C A T I O N

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 **4th** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P21-010

APPLICANT/OWNER: Daniel Valdez with META Planning + Design

LOCATION: Generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@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.



**City Council Public Hearing:
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.

Amelia Lindley

From: Damon P. Palermo <dpalermo@palermocrea.com>
Sent: Thursday, February 4, 2021 12:37 PM
To: Amelia Lindley
Cc: Jerry Hayley; Ronnie Dark
Subject: Re: Planning & Zoning Commission Public Hearing, Case #P21-010

Amelia - good afternoon. Can you accept this email as ownership's support of the proposed zoning change to PD-15 contingent upon the sale of the property? Or should I mail in the notice response?

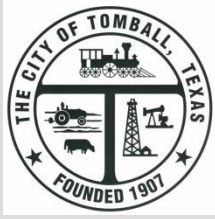
Thank you,

Damon Palermo
2978 Panormus, LP

From: Damon P. Palermo
Sent: Tuesday, February 2, 2021 2:24 PM
To: Jerry Hayley <jahayley64@gmail.com>
Subject: Planning & Zoning Commission Public Hearing
When: Monday, February 8, 2021 6:00 PM-7:30 PM.
Where: 401 Market Street, Tomball, TX

Case number P21-010

Applicant: Daniel Valdez with META planning
Proposal: Rezoning to amend Chapter 50 (zoning) of the Tomball Code of Ordinances from Planned Development (PD-6) District to the Planned Development (PD-15) District.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

Rezoning Case:	P21-010
Property Owner(s):	2978 Panormus, LP – Damon Palermo
Applicant(s):	Daniel Valdez – META Planning + Design LLC
Legal Description:	Reserve A & B Block 1 Peck Station
Location:	West side of FM 2978 at Winfrey Lane (Exhibit “A”)
Area:	31.7 acres
Comp Plan Designation:	Corridor Commercial (Exhibit “B”)
Present Zoning and Use:	Planned Development (PD-6) District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Proposed Use(s):	Single-family residential subdivision (age-restricted) (Exhibit “E”)
Request:	Rezone from the Planned Development (PD-6) District to the Planned Development (PD-15) District
Adjacent Zoning & Land Uses:	
North:	Single-Family 9 District / Undeveloped
South:	Single-Family 9 District / Undeveloped
West:	Single-Family 9 and Commercial Districts / Center Point highline, undeveloped property, office/warehouse facility
East:	Single-Family 9 and Commercial Districts / Undeveloped

ANALYSIS

The property is zoned Planned Development (PD-6) District. Surrounding properties are zoned, Commercial, and Single-Family 9 District. Surrounding land uses include mostly undeveloped property, a Center Point highline, a metal fabricator facility and an office/warehouse facility on Snook Lane.

Section 50-80(a)(1) of the Tomball Code of Ordinances outlines the general purpose and description of the Planned Development District:

“The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g.,

Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a. To provide for a superior design on lots or buildings;
- b. To provide for increased recreation and open space opportunities for public use and enjoyment;
- c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, views, or wildlife habitats;
- e. To protect or preserve existing historical buildings, structures, features or places;
- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the standards of this chapter.”

According to the Planned Development Application (Exhibit “E”) and the development regulations, the proposed Planned Development will be an age-restricted single-family residential community with a maximum number of 130 lots, and will include amenities such as a recreational reserve with benches and trails. Other potential amenities may include a clubhouse, swimming pool and/or pickle ball court.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This “category is intended for predominantly nonresidential uses along high-traffic, regionally-serving thoroughfares”. While Planned Development Districts are appropriate in this category, the proposed single-family residential development does not meet the intent of the Corridor Commercial designation. However, this site does not have direct access to FM 2978, but rather has access from a collector street, Winfrey Lane. Additionally, there is mostly undeveloped property surrounding the site and it is believed these properties will be developed as retail/commercial, which will allow for an opportunity for pedestrian accommodations for the residents.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-010.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application, Regulations and Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

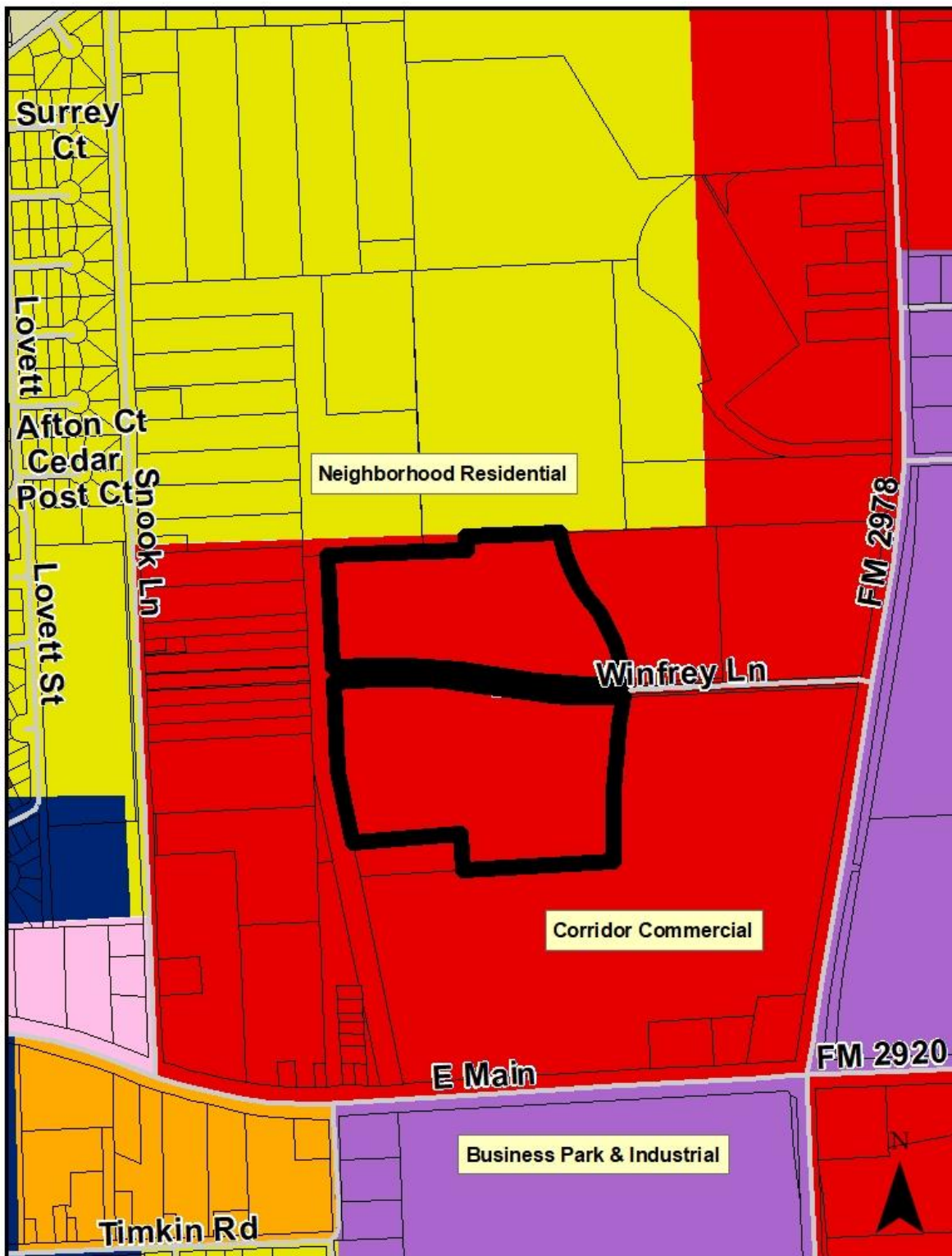
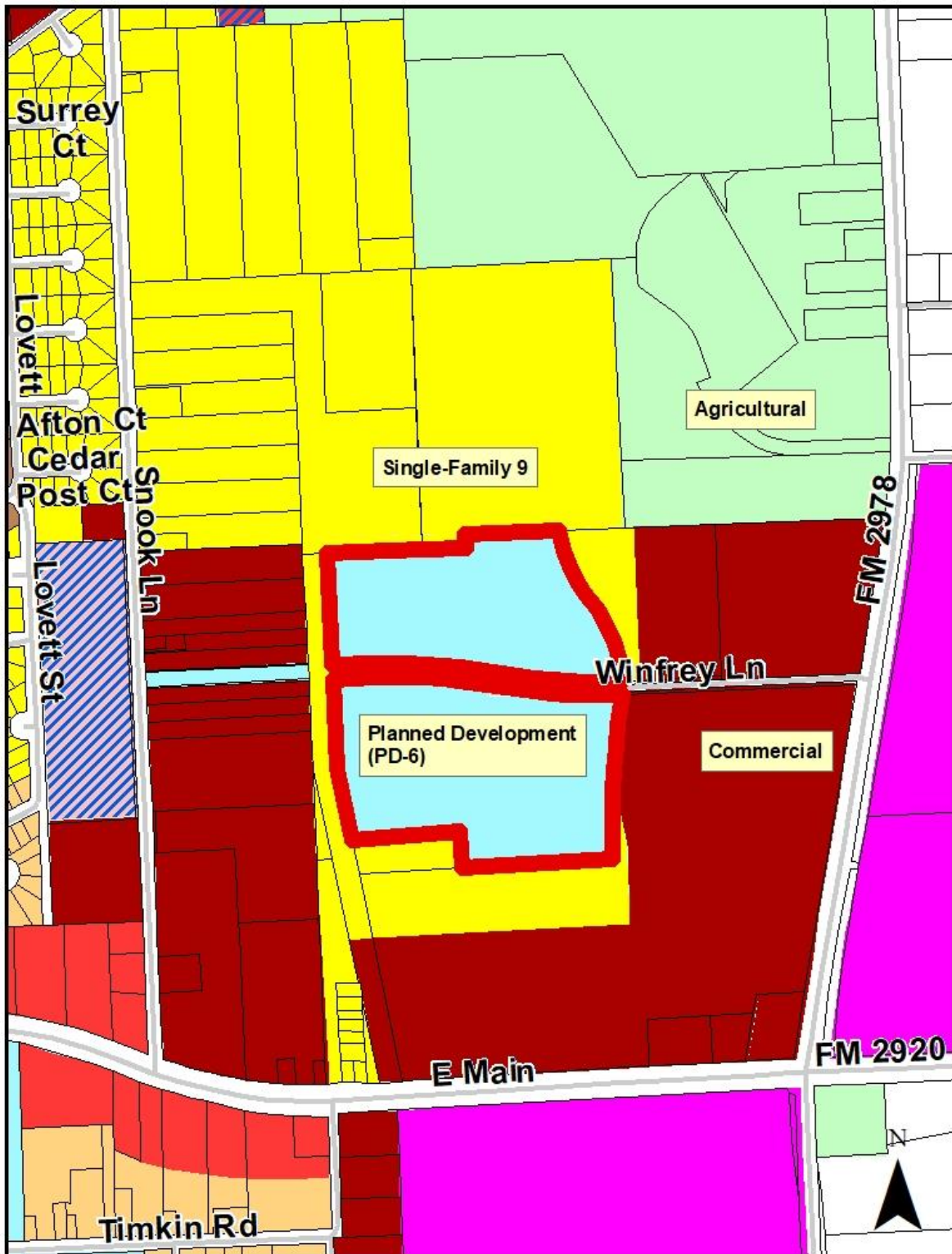


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



APPLICATION FOR
PLANNED DEVELOPMENT
Community Development Department
Planning Division

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

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

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

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

Applicant

Name: Dan Valdez - META Planning + Design LLC Title: Senior Planner
Mailing Address: 24275 Katy Freeway, Suite 200 City: Katy State: Texas
Zip: 77494
Phone: (281) 810-1422 Fax: () Email: dvaldez@metaplanningdesign.com

Owner

Name: 2978Panormus, LP -DamonPalermo Title: _____
Mailing Address: 10200GrogansMill Rd Ste 550 City: Spring State: TX
Zip: 77380
Phone: (713) 816-0001 Fax: () _____ Email: dpalermo@palermocrea.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: ±34.4945 Acre Single-family residential community

Physical Location of Property: West of Huffsmith-Kohrville Road (FM 2978), East of Snook Lane, North of E Main Street
 [General Location – approximate distance to nearest existing street corner]

Reserves A & B, Blocks 1 & 2, Peck Station

Legal Description of Property: _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 135-663-001-0001, 135-663-001-0002 Acreage: 34.4945

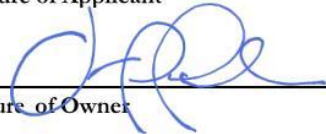
Current Use of Property: Vacant

Proposed Use of Property: Single-family residential (age-restricted)

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  12/21/2020
Signature of Applicant Date

X  04Jan 2021
Signature of Owner Date



January 6, 2021

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: WINFREY TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, ROC Homes/EPOC Communities, we are submitting the application for the creation of the Winfrey Tract Planned Development.

The developer intends to develop the 31-acre tract into an age-restricted single-family residential community. The tract is located west of Huffsmith-Kohrville Road (FM 2978), east of Snook Lane, north of East Main Street.

Below is a list of the items that are included with this submittal:

- 1) Completed application form
- 2) Copy of Recorded Peck Station Plat
- 3) Metes & Bounds descriptions that comprise the tract
- 4) Planned Development Text
- 5) Detailed Concept Plan
- 6) Open Space Plan
- 7) Tax statements showing all taxes paid (Harris County and Tomball ISD)

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Valdez", is written over a light blue horizontal line.

Dan Valdez
Enclosure

24275 Katy Freeway, Suite 200 | Katy, Texas 77494 | 281-810-1422

**STATE OF TEXAS
COUNTY OF HARRIS
RESERVE "A"**

A 18.2541 ACRE TRACT OF LAND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, AND BEING ALL OF RESERVE "A" OF PECK STATION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 666109 OF THE HARRIS COUNTY MAP RECORDS, SAID 18.2541 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod found in the South limit of Winfrey Lane (based on a 60 foot wide public right-of-way) for the Northeast corner of said Reserve "A" and the herein described tract of land;

THENCE along the East limit of said Reserve "A", in a Southerly direction along a curve to the right having a Radius of 539.35 feet, an Arc Length of 33.14 feet and a Chord which bears South 06°38'20" West, a distance of 33.13 feet to a 5/8 inch iron rod with cap found for the point of tangency of a curve to the left;

THENCE continuing along the East limit of said Reserve "A", in a Southerly direction along a curve to the left having a Radius of 3,434.21 feet, an Arc Length of 654.38 feet and a Chord which bears South 02°56'25" West, a distance of 653.39 feet to a 5/8 inch iron rod with cap found for the Southeast corner of said Reserve "A" and the herein described tract of land;

THENCE South 86°41'11" West, along the South line of said Reserve "A", a distance of 630.10 feet to a 3/8 inch iron rod found for the Southern most Southwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 02°59'18" West, along the Southern most West line of said Reserve "A", a distance of 151.24 feet to a 3/8 inch iron rod found for an interior corner of said Reserve "A" and the herein described tract of land;

THENCE South 86°25'47" West, along the Northern most South line of said Reserve "A", a distance of 449.12 feet to a 5/8 inch iron rod found for the Western most Southwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 11°37'05" West, along the West line of said Reserve "A", a distance of 299.27 feet to a 5/8 inch iron rod found for an angle point in the West line of said Reserve "A" and the herein described tract of land;

THENCE North 02°22'42" West, continuing along the West line of said Reserve "A", a distance of 374.67 feet to a point located in the said South limit of Winfrey Lane, said point being the Northwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 87°36'50" East, along the South limit of Winfrey Lane, a distance of 173.23 feet to the point of tangency of a curve to the right;

THENCE continuing along the South limit of Winfrey Lane, in an Easterly direction along a curve to the right having a Radius of 1,970.00 feet, an Arc Length of 350.16 feet and a Chord which bears South 87°17'38" East, a distance of 349.70 feet to the point of tangency;

THENCE South 82°12'07" East, continuing along the South limit of Winfrey Lane, a distance of 313.95 feet to the point of tangency of a curve to the left;

THENCE continuing along the South limit of Winfrey Lane, in an Easterly direction along a curve to the left having a Radius of 2,030.00 feet, an Arc Length of 363.80 feet and a Chord which bears South 87°20'09" East, a distance of 363.31 feet to the point of tangency;

THENCE North 87°31'48" East, continuing along the South limit of Winfrey Lane, a distance of 1.99 feet to the **POINT OF BEGINNING** of the herein described tract and containing within these calls 18.2541 Acres, or 795,147 Square Feet of land.


PAUL A. COYNE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6374
 **TETRA**
SURVEYS & APPRAISALS
5304 ASHBROOK DR.
HOUSTON, TEXAS 77081
(P) 713-462-6100 (F) 713-432-1003
E-MAIL: SURVEY@TSATX.COM
www.TSATX.com
Texas Board Of Professional Land Surveying
Registration/License No. 10127500



**STATE OF TEXAS
COUNTY OF HARRIS
RESERVE "B"**

A 13.4708 ACRE TRACT OF LAND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, AND BEING ALL OF RESERVE "B" OF PECK STATION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 666109 OF THE HARRIS COUNTY MAP RECORDS, SAID 13.4708 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod found in the North limit of Winfrey Lane (based on a 60 foot wide public right-of-way) for the Southeast corner of said Reserve "B" and the herein described tract of land;

THENCE South 87°31'48" West, along the North limit of Winfrey Lane, a distance of 6.35 feet to the point of tangency of a curve to the right;

THENCE continuing along the North limit of said Winfrey Lane, in a Westerly direction along a curve to the right having a Radius of 1,970.00 feet, an Arc Length of 352.57 feet and a Chord which bears North 87°20'09" West, a distance of 352.57 feet to the point of tangency;

THENCE North 82°12'07" West, continuing along the North limit of said Winfrey Lane, a distance of 313.95 feet to the point of tangency of a curve to the left;

THENCE continuing along the North limit of said Winfrey Lane, in a Westerly direction along a curve to the left having a Radius of 2,030.00 feet, an Arc Length of 360.83 feet and a Chord which bears North 87°17'38" West, a distance of 360.35 feet to the point of tangency;

THENCE South 87°36'50" West, continuing along the North limit of said Winfrey Lane, a distance of 173.22 feet to a point located in the North limit of said Winfrey Lane, said point being the Southwest corner of said Reserve "B" and the herein described tract of land;

THENCE North 02°22'42" West, along the West line of said Reserve "B", a distance of 466.58 feet to a 5/8 inch iron rod with cap found for the Western most Northwest corner of said Reserve "B" and the herein described tract of land;

THENCE North 87°32'29" East, along the Southern most North line of said Reserve "B", a distance of 577.04 feet to a Bolt found for an interior corner of said Reserve "B" and the herein described tract of land;

THENCE North 02°09'44" West, along the Northern Most West line of said Reserve "B", a distance of 56.44 feet to a 3/8 inch iron rod found for the Northern most Northwest corner of said Reserve "B" and the herein described tract of land;

THENCE North 88°14'01" East, along the North line of said Reserve "B", a distance of 388.64 feet to a 5/8 inch iron rod with cap found for the Northeast corner of said Reserve "B" and the herein described tract of land;

THENCE along the East line of said Reserve "B", in a Southerly direction along a curve to the left having a Radius of 720.64 feet, an Arc Length of 341.22 feet and a Chord which bears South 24°53'42" East, a distance of 338.04 feet to a 5/8 inch iron rod with cap found for the point of tangency with a curve to the right;

THENCE continuing along the East line of said Reserve "B", in an Southerly direction along a curve to the right having a Radius of 539.35 feet, an Arc Length of 347.78 feet and a Chord which bears South 19°59'15" East, a distance of 341.78 feet to the **POINT OF BEGINNING** of the herein described tract and containing within these calls 13.4708 Acres, or 586,789 Square Feet of land.


PAUL A. COYNE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6374

TETRA
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Exhibit B

Planned Development

31 Acre Winfrey Tract

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots and Reserves
- Amenities and Landscape Regulations
- Open Space and Trails

B. General Provisions

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in the SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extent the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by Section 50-2 (Definitions).
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C – Concept Plan

Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 31.7 acres, located west of FM 2978, east of Snook Lane, north of East Main Street.

C. Land Uses.

1. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	
Drill Site	
Well Site	
Wetlands	

- D. **Development Regulations for Single Family Lots and Reserves** – Maximum 130 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide at building line.
2. Lots shown on Exhibit C
 - a. Minimum lots area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - b. Minimum lot width: 45 feet.
 - c. Minimum lot depth: 100 feet
 - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
3. Minimum building setbacks:
 - a. Front yard: 20 feet; (measured along front building line)
 - b. Rear yard: 14 feet;
 - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

Reserves within the PD shall be developed with the following regulations:

1. Minimum building setbacks
 - a. 10 feet; (measured along any adjoining right-of-way)
- E. **Amenities and Landscape Regulations** – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
1. Recreation site and amenities:
 - a. A minimum one-half (0.5) acre recreational reserve, located within the development, may include benches and trails, etc.
 - b. A minimum of 5, off-street parking spaces shall be provided at the recreation center. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - c. Amenities may include (but are not limited to):
 - Clubhouse
 - Swimming Pool
 - Pickleball

2. Landscape buffers:

- a. 10' foot minimum buffer shall be provided along all major and minor arterials contiguous to lot lines. As shown on Exhibit C1
 - b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1
 - c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
 - d. Required buffers may include trails.
3. Open Space:
- a. Minimum 15% space, to be distributed as shown on Exhibit C1
 - b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
 - c. At a minimum 1 acre shall be provided as parks (total park acreage may be divided among multiple sites within the PD)
 - d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- F. Minor Modifications** –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Community Development Director.
- 1. Modifications to internal street patterns are allowed.
 - 2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
 - 3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - 4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.



City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P20-442
- Adopt, on First Reading, Ordinance No. 2021-09, 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 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

City Staff recommends approval. Planning & Zoning Commission recommends approval (5-0)

Origination: Joshua Buzzell

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-09

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 5 ACRES OF LAND LEGALLY DESCRIBED LOT 280 TOMBALL OUTLOTS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE COMMERCIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF PITCHFORD ROAD AT 1333 PITCHFORD ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Joshua Buzzell has requested that approximately 5 acres of land legally described as Lot 280 Tomball Outlots, generally located on the east side of Pitchford Road at 1333 Pitchford Road, 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 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 Single-Family 20

Estate District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as 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 15TH DAY OF MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

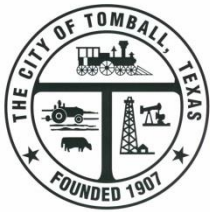
C E R T I F I C A T I O N

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 **4th** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-442

APPLICANT/OWNER: Joshua Buzzell

LOCATION: Generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@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.

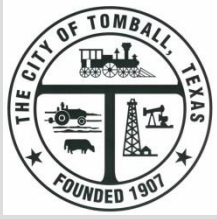
This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

Rezoning Case: P20-442

Property Owner(s): Joshua Buzzell / Edwin Escobar / Regal Pools

Applicant(s): Joshua Buzzell

Legal Description: Lot 280 Tomball Outlots

Location: East side of Pitchford Road at 1333 Pitchford Road (Exhibit “A”)

Area: 5 acres

Comp Plan Designation: Business Park and Industrial (Exhibit “B”)

Present Zoning and Use: Single-Family 20 Estate District (Exhibit “C”) / Undeveloped (Exhibit “D”)

Proposed Use(s): Office/warehouse (Exhibit “E”)

Request: Rezone from the Single-Family 20 Estate Districts to the Commercial District

Adjacent Zoning & Land Uses:

North: Manufactured Home Park District / Manufactured Home Park (Sutton Place Park)

South: Single-Family 20 Estate District / Single-family residence

West: Single-Family 20 Estate District / Single-family residence

East: Single-Family 20 Estate District / Undeveloped

BACKGROUND

In January 2021, City staff met with the applicant to discuss the development of an office/warehouse on the subject site.

ANALYSIS

The subject site is approximately 5 acres of land. The applicant, Joshua Buzzell, on behalf of Regal Pools, plans to develop an office and storage facility. The subject site is zoned Single-Family 20 Estate District and currently has a metal building on it, but is mostly undeveloped. Surrounding properties are zoned Manufactured Home Park to the north, Single-Family 20 Estate to the south, east and west. Surrounding properties in the area include a few single-family residences and Sutton Place Park, a manufactured home park.

The Commercial Zoning District is “intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses”. The proposed use appears to meet the goals of the Commercial District general purpose.

The property is designated as Business Park and Industrial by the City’s Comprehensive Plan Future Land Use Map. This category is intended for “office, warehousing, light manufacturing (with indoor operations), brewers/distilleries, equipment sales, contractor services, and corporate campuses”. The Commercial District is compatible in this Future Land Use category.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-442.

EXHIBITS

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

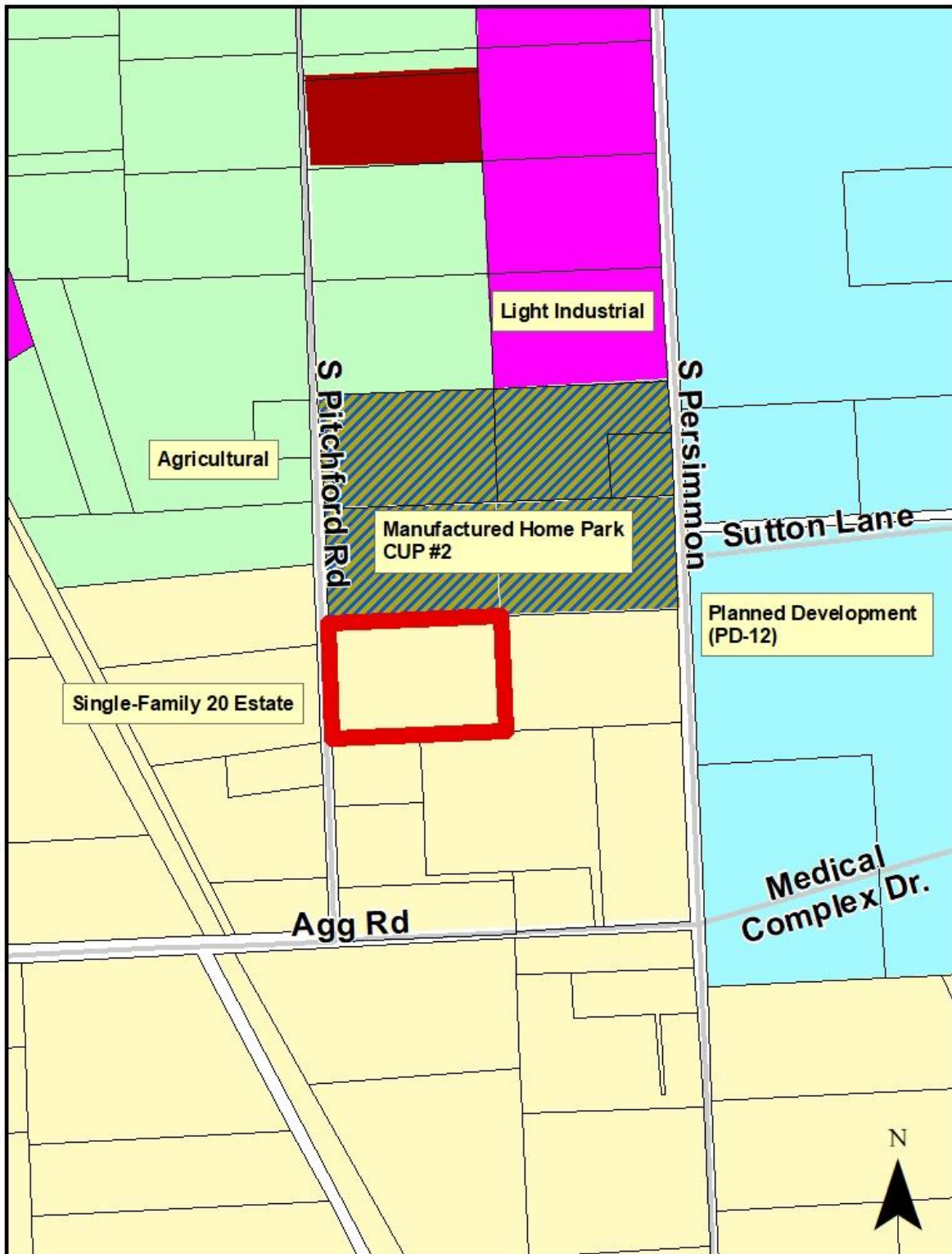
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map

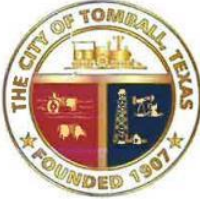


**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application

RECEIVED (KC)
01/04/2021 8:59:33 AM



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

Revised: 4/13/2020
P&Z Case #P20-442
\$450.00 PD

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: Joshua Buzzell Title: OWNER
Mailing Address: 9930 Boudreaux Rd City: Tomball State: TX
Zip: 77375 Contact: Josh Buzzell
Phone: (713) 344-5344 Email: Joshua C Regal Pool Design. Com

Owner

Name: Joshua Buzzell / EDWIN ESCOBAR / Regal Pools Title: _____
Mailing Address: 9930 Boudreaux Rd City: Tomball State: TX
Zip: 77375 Contact: Josh Buzzell
Phone: () Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Small office Building For Pool Company

Physical Location of Property: 1333 Pitchford Rd. Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LT 280 Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Residential

Current Use of Property: N/A

Proposed Zoning District: Commercial

Proposed Use of Property: To Build out Small office + Storage for Pool Company

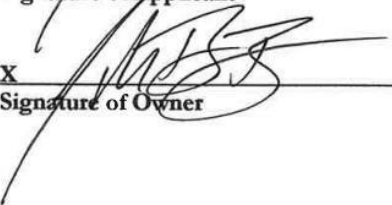
HCAD Identification Number: 0352880000410 **Acreage:** 5.0017 Acres

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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  12/28/20
Signature of Applicant Date

X  12/28/20
Signature of Owner Date

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

DATE : 12/30/2020 12:44 PM
OPER : DR
TKBY : dr
TERM : 6
REC# : R01247416

130.0000 PLANNING AND ZONING 450.00
1333 pitchford rd rezoning app regal poo

Paid By:1333 pitchford rd rezoning app r
2-CK 450.00 REF:w3712

APPLIED	450.00
TENDERED	450.00
CHANGE	0.00



9930 Boudreaux Rd. Tomball, TX 77375
P: 281-251-0044
F: 832-953-2902
info@regalpooldesign.com

12-28-20

To whom it may concern,

The reason for the requests to re-zone this property into a commercial zone is due to the fact our growing company needs more storage space to operate. We currently have our headquarters at 9930 Boudreaux Rd. Tomball, TX 77375. We have our sales / design / build division from that office. This property at 1333 Pitchford Rd. Tomball 77375 would be used for our service / cleaning department. Traffic would be minimal, and we plan to keep a lot of the forestation on the outer edges of property for screening / security. Our infrastructure will be at a minimum.

God Bless,



Creative Designs.

Passionate People.

Quality Life.



JOSHUA BUZZELL, SWD, IWI

☎ 713.344.5344

✉ joshua@regalpooldesign.com

🌐 www.regalpooldesign.com



Notes:

1. Basis of bearings: Recorded Deed.
2. Property subject to a 30 foot pipeline easement granted to Exxon Corporation said 30 foot pipeline easement being centered on the pipeline shown. Deed of record not found.
3. Residual of Outlot 283 is subject to a 30 foot wide pipeline easement granted to Exxon Corporation as described in deed recorded in CF No. F-92224, R.P.R.H.C.T.

This property lies within ZONE 'X' as SCALED from FEMA Map Panel Number 4820C0230-L dated June 18, 2007.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.

---X---X--- WIRE FENCE

PITCHFORD ROAD
30' R.O.W.



Being a 5.002 acre tract of land, situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and being the same land called 5.0017 acres, described in deed recorded in Clerk's File Number 2006-0074369 of the Real Property Records of Harris County, Texas, and being known as Outlot 280 of the CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas; said 5.002 acres being more particularly described by metes and bounds attached.

Date: July 18, 2008	CF No. 86124595
Job No. 08-0272	Scale: 1" = 120'
Address: 1333 Pitchford Road	Drawn By: JCM
City, State: Tomball, Texas	Zip: 77355
Rev: 0	

C & C Surveying, Inc.
7424 P.M. 1488, Suite A, Magnolia, Texas 77354
Office: 281-259-4377 Metro: 281-356-5172
Fax: 281-356-1935



Certified To: Stewart Title Company
Client: Roddy J. Svedin & Kimberley L. Svetlik

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SURVEY CONFORMS TO THE TERMS, SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY III, CONDITION III SURVEY, AND THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN.

Steven L. Crews
Steven L. Crews RPLS # 4141

C & C Surveying, Inc.

7424 F.M. 1488, Suite A
Magnolia, Texas 77354

Office: 281-259-4377 Metro: 281-356-5172 Metro Fax: 281-356-1935

Metes and Bounds

5.002 Acres

Jesse Pruitt Survey, A-629

Harris County, Texas

Being a 5.002 acre tract of land situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and being the same land called 5.0017 acres described in deed recorded in Clerk's File Number 2006-0074369 of the Real Property Records of Harris County, Texas, and also being known as Outlot 280 of the CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas; said 5.002 acres being more particularly described as follows with all bearings based on the recorded deed;

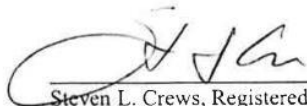
BEGINNING at a 1/2 inch iron rod, found for the Southwest corner of the herein described tract, common with the Northwest corner of Outlot 283 of said subdivision, same being in the East right-of-way line of Pitchford Road, 30 feet wide, and proceeding:

THENCE N 00°13'27" E, a distance of 377.60 feet, along the West line of the herein described tract, common with the East right-of-way line of Pitchford Road, to a point for the Northwest corner of the herein described tract, common with the Southwest corner of a called Two Five-Acre Tracts described in deed recorded in Clerk's File Number R-793887 of said Real Property Records, and from which a 5/8 iron rod, found for reference, bears S 75°19'35" W, 2.52 feet;

THENCE S 89°51'00" E, a distance of 577.00 feet, along the North line of the herein described tract, common with the South line of the Two Five-Acre Tracts, to a point for the Northeast corner of the herein described tract, common with the Northwest corner of a called 5.006 acre tract described in deed recorded in Clerk's File Number 2007-0120431 of said Real Property Records, and from which a 1/2 inch iron rod, found for reference, bears S 71°05'04" W, 1.12 feet;

THENCE S 00°13'27" W, a distance of 377.60 feet, along the East line of the herein described tract, common with the West line of the 5.006 acre tract, to a 1/2 inch iron rod, found for the Southeast corner of the herein described tract, common with the Southwest corner of the 5.006 acre tract, same being in the North line of a called 6.21 acre tract described in deed recorded in Clerk's File Number 2007-0391350 of said Real Property Records;

THENCE N 89°51'00" W (Deed Error - N 89°51'10" W), a distance of 577.00 feet, along the South line of the herein described tract, common with the North line of the 6.21 acre tract and the North line of Outlot 283, back to the **POINT OF BEGINNING** and containing 5.002 acres of land as computed based on the survey and plat prepared by C & C Surveying, Inc., dated July 3, 2008.



Steven L. Crews, Registered Professional Land Surveyor, Number 4141
08-0272
06/03/08



HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0352880000410

Tax Year: 2020

 **Print**

Owner and Property Information								
Owner Name & Mailing Address: SVETLIK RUDY J & KIMBERLEY L 11918 WESTLOCK DR TOMBALL TX 77377-7950				Legal Description: LT 280 TOMBALL OUTLOTS Property Address: 1333 PITCHFORD RD TOMBALL TX 77375				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map ^{1/2}
A1 -- Real, Residential, Auxiliary Buildings	2001 -- Residential Improved	217,800 SF	0 SF	2581.06	26001	400 -- ISD 26 - Tomball ISD	4871C	289J

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2020	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2019 Rate	2020 Rate
None	026	TOMBALL ISD		Certified: 08/21/2020	1.290000	1.290000
	040	HARRIS COUNTY		Certified: 08/21/2020	0.407130	0.391160
	041	HARRIS CO FLOOD CNTRL		Certified: 08/21/2020	0.027920	0.031420
	042	PORT OF HOUSTON AUTHY		Certified: 08/21/2020	0.010740	0.009910
	043	HARRIS CO HOSP DIST		Certified: 08/21/2020	0.165910	0.166710
	044	HARRIS CO EDUC DEPT		Certified: 08/21/2020	0.005000	0.004993
	045	LONE STAR COLLEGE SYS		Certified: 08/21/2020	0.107800	0.107800
	083	CITY OF TOMBALL		Certified: 08/21/2020	0.341455	0.337862
	679	HC EMERG SERV DIST 8		Certified: 08/21/2020	0.096700	0.097000
Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at HCAD's information center at 13013 NW Freeway.						

Valuations

Value as of January 1, 2019			Value as of January 1, 2020		
	Market	Appraised		Market	Appraised
Land	272,250		Land	272,250	
Improvement	15,260		Improvement	12,614	
Total	287,510	287,510	Total	284,864	284,864

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	2001 -- Res Improved Override	AC0	AC	5.0000	1.00	1.00	1.00	--	1.00	54,450.00	54,450.00	272,250.00

Building

Vacant (No Building Data)

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	Bank Barn	Poor	Poor	2,400.00	1999
2	4 Side closed Metal Pole Barn	Poor	Poor	800.00	2000

From: dustinvacek@yahoo.com
Subject: **1333 Pitchford Rd Pipeline**
Date: **Dec 15, 2020 at 10:23:51 AM**
To: **Joshua Buzzell** joshua@regalpooldesign.com

Hi Josh,

According to the Texas Railroad Commission website, there is no pipeline on the property. Just the gas well that's set to be plugged and abandoned.



Regards,

[Texas Real Estate Commission Consumer Protection Notice](#)
[Texas Real Estate Commission Information About Brokerage Services](#)



Dustin Vacek
RE/MAX Opportunities
DIRECT [\(281\) 610-8653](tel:2816108653)
Phone: (979) 793-5454
Fax: (979) 793-5465
Email: dustin.vacek@remax.net

A. Settlement Statement

U.S. Department of Housing
and Urban Development

OMB No. 2502-0265

B. Type of Loan			
1. ☐ FHA	2. ☐ FinRA	3. ☐ Conv Unins	6. File Number
4. ☐ VA	5. ☐ Conv Ins	6. ☐ Seller Finance	022016396
7. ☒ Cash Sale		7. Loan Number	8. Mortgage Ins Case Number

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower	E. Name & Address of Seller	F. Name & Address of Lender
N02 Property Development, LLC, a Texas limited liability company 9930 Broadway Road Tomball, TX 77375	Rudy J. Svetlik and Kimberley L. Svetlik 11918 Westlock Dr Tomball, TX 77377	

G. Property Location	H. Settlement Agent Name	I. Settlement Date
Tomball Outlets, Out lot 280, Harris County, Texas 1333 Pitchford Rd Tomball, TX 77375	Select Title, LLC 4400 Post Oak Parkway, Suite 2535 Houston, TX 77027 Tax ID: 27-1363400 Underwritten By: First National Title Insurance Company Place of Settlement Select Title, LLC 1117 FM 359, Suite 110 Richmond, TX 77466	12/30/2020 Fund: 12/30/2020

J. Summary of Borrower's Transaction	K. Summary of Seller's Transaction
100. Gross Amount Due from Borrower	400. Gross Amount Due to Seller
101. Contract Sales Price	401. Contract Sales Price
102. Personal Property	402. Personal Property
103. Settlement Charges to borrower	403.
104.	404.
105.	405.
Adjustments for items paid by seller in advance	Adjustments for items paid by seller in advance
106. City property taxes	406. City property taxes
107. County property taxes 12/31/20 thru 12/31/20	407. County property taxes 12/31/20 thru 12/31/20
108. Assessment Taxes	408. Assessment Taxes
109. School property taxes	409. School property taxes
110. MUD taxes	410. MUD taxes
111. Other taxes	411. Other taxes
112.	412.
113.	413.
114.	414.
115.	415.
116.	416.
120. Gross Amount Due From Borrower	420. Gross Amount Due to Seller
200. Amounts Paid By Or in Behalf Of Borrower	500. Reductions in Amount Due to Seller
201. Deposit or earnest money	501. Excess Deposit
202. Principal amount of new loan(s)	502. Settlement Charges to Seller (line 1400)
203. Existing loan(s) taken subject to	503. Existing Loan(s) Taken Subject to
204. Loan Amount 2nd Lien	504. Payoff of first mortgage loan to
205.	505. Payoff of second mortgage loan to
206.	506.
207.	507.
208.	508.
209.	509.
Adjustments for items unpaid by seller	Adjustments for items unpaid by seller
210. City property taxes	510. City property taxes
211. County property taxes	511. County property taxes
212. Assessment Taxes	512. Assessment Taxes
213. School property taxes	513. School property taxes
214. MUD taxes	514. MUD taxes
215. Other taxes	515. Other taxes
216.	516.
217.	517.
218.	518.
219.	519.
220. Total Paid By/For Borrower	520. Total Reduction Amount Due Seller
300. Cash At Settlement From/To Borrower	600. Cash At Settlement To/From Seller
301. Gross Amount due from borrower (line 120)	601. Gross Amount due to seller (line 420)
302. Less amounts paid by/for borrower (line 220)	602. Less reductions in amt. due seller (line 520)
303. Cash From Borrower	603. Cash To Seller

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper. The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information requested does not lend itself to confidentiality.

Previous Editions are Obsolete

Page 1

form HUD-1 (3/86)
Handbook 4305.2

L. Settlement Charges				Paid From	Paid From
700. Total Sales/Broker's Commission based on price	\$305,000.00	@5 % = \$15,250.00		Borrower's Funds at Settlement	Seller's Funds at Settlement
Division of Commission (line 700) as follows:					
701. \$12,200.00	to Re/Max Opportunities				
702. \$3,050.00	to RE/MAX Opportunities				
703. Commission Paid at Settlement				\$0.00	\$15,250.00
704. The following parties, persons, firms or	to				
705. corporations have received a portion of	to				
706. the real estate commission shown above:	to				
707. Dustin Vacek; Peyton Dale	to				
800. Items Payable in Connection with Loan					
801. Loan Origination Fee %	to				
802. Loan Discount %	to				
803. Appraisal Fee	to				
804. Credit Report	to				
805. Lender's Inspection Fee	to				
806. Mortgage Insurance Application	to				
807. Assumption Fee	to				
900. Items Required by Lender To Be Paid in Advance					
901. Interest from 12/30/2020 to 1/1/2021 @ 50/day					
902. Mortgage Insurance Premium for months	to				
903. Hazard Insurance Premium for years	to				
1000. Reserves Deposited With Lender					
1001. Hazard insurance	months @	per month			
1002. Mortgage insurance	months @	per month			
1003. City property taxes	months @	per month			
1004. County property taxes	months @	\$578.48 per month			
1005. Assessment Taxes	months @	per month			
1006. School property taxes	months @	per month			
1007. MUD taxes	months @	per month			
1008. Other taxes	months @	per month			
1011. Aggregate Adjustment					
1100. Title Charges					
1101. Settlement or closing fee	to Select Title, LLC				
1102. Abstract or title search	to Select Title, LLC				
1103. Title examination	to Select Title, LLC				
1104. Title insurance binder	to Select Title, LLC				
1105. Document preparation - Deed	to The Elder Law Firm				\$150.00
1106. Notary fees	to				
1107. Attorney's fees	to				
(includes above items numbers:)					
1108. Title insurance	to Select Title, LLC				\$1,912.00
(includes above items numbers:)					
1109. Lender's coverage	\$0.00/\$0.00				
1110. Owner's coverage	\$305,000.00/\$2,198.80				
1111.	to				
1112. State of Texas Policy Guaranty Fee.	to Texas Title Insurance Guaranty Association				\$2.00
1113. Escrow/Closing Fee	to Select Title, LLC			\$450.00	\$450.00
1114. Tax Certificate Fee	to TITLE TAX LLC				\$79.50
1115. Document/Delivery Fee	to Select Title, LLC			\$25.00	\$45.00
1116. Survey Amendment (OTP only)	to Select Title, LLC			\$286.86	
1200. Government Recording and Transfer Charges					
1201. Recording Fees	Deed \$26.00 ; Mortgage ; Rel to Select Title, LLC			\$26.00	
1202. City/county tax/stamps	Deed ; Mortgage to				
1203. State tax/stamps	Deed ; Mortgage to				
1204. Tax certificates	to National TaxNet				
1205. Courier/Messenger Fee	to Select Title, LLC				
1206. Additional Recording Fees	to Select Title, LLC				
1207. Additional Recording Fees	to Select Title, LLC				
1208. e-Recording Fee	to Select Title, LLC			\$4.00	
1300. Additional Settlement Charges					
1301. Property Tax Due Suit#2019-86010	to Harris County - Mike Sullivan				\$4,755.52
1302. Property Tax Due Suit#2019-86010	to Tomball ISD Tax Office				\$17,483.43
1303. Tax Suit Fees Suit#2019-86010	to Harris County District Clerk				\$81.00
1304. Tax Suit Fees Suit#2019-86010	to Harris County District Clerk				\$81.00
1305. Title Abstract Fees Suit#2019-86010	to Marilyn Burgess, Harris County District Clerk				\$271.32
1306. Tax Suit Fees Suit#001779759	to Harris County District Clerk				\$2.00
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)				\$791.80	\$40,562.87

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1, 2 and 3 of this HUD-1 Settlement Statement.

L949711

GAS LEASE

134-61-1878

THE STATE OF TEXAS §
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS: THAT

THIS AGREEMENT, made as of 7:00 A.M., on the 2ND day of OCTOBER, A.D. 1988, between Exxon Corporation, hereinafter called "Lessor," and Star Properties 1984 Ltd., hereinafter called "Lessee,"

WITNESSETH:

13
14
1. Lessor, in consideration of Ten Dollars (\$10.00) and other valuable considerations, in hand paid, of the royalties herein provided, and of the agreements of Lessee herein contained, hereby grants, leases and lets exclusively unto Lessee for the purpose of investigating, exploring, prospecting, drilling and mining for and producing gas only, laying pipe lines, building tanks, power stations, telephone lines and other structures thereon to produce, save, take care of, treat, transport, store and own said products, the following described lands situated in Harris County, to-wit:

See Exhibits A and B attached hereto and incorporated herein by reference.

2. It is understood and agreed that this lease affects only gas and the rights thereto produced from a gas well located upon the above described land, as the terms "gas", "gas rights" and "gas well" are defined in paragraph 5 of the Joint Operating Contract attached hereto and, as so defined, the said terms "gas", "gas rights" and "gas well" are referred to herein.

2(a). Subject to the other provisions herein contained, this lease shall be for a term of one (1) year from this date (called "primary term") and so long thereafter as gas is produced from said land or drilling or reworking operations are prosecuted as is hereinafter provided.

3. The royalties to be paid to Lessor by Lessee, which royalties shall be free of cost or expense of production, are: On gas produced from said land and sold or used off the premises or in the manufacture of gasoline or other product therefrom, the market value at the well of one-eighth (1/8) of the gas so sold or used, provided that on gas sold at the wells the royalty shall be one-eighth (1/8) of the amount realized from such sale. Lessee shall have free use of gas and water from said land for all operations hereunder,

Title Data, Inc. NR TDI41125 HA L949711.001

134-61-1879

and the royalty on gas shall be computed after deducting any so used. Lessor agrees with Lessee that if Lessor's interest in the gas and gas rights under the above described land be less than the whole thereof, then the royalties specified to be paid by Lessee hereunder shall be reduced to one-eighth (1/8) of the fractional interest in said gas and gas rights in and under said land which is actually owned by Lessor. The royalties provided for herein are inclusive of all royalties, if any, accruing to others under the terms of conveyances by, through or under which Lessor claims title to the land or gas covered hereby.

4. If at the expiration of the primary term gas is not being produced from the land covered hereby, but Lessee is then engaged in drilling or reworking operations on some part of the land hereunder, this lease shall not terminate if Lessee does not allow more than sixty (60) days to elapse between the abandonment of one well and the commencement of drilling or reworking operations on another until production is obtained. After the discovery of gas in paying quantities on the land, all of Lessee's rights shall remain in effect as long as gas is produced therefrom; and if the production of gas in paying quantities should cease from any cause, this lease shall not terminate if Lessee, until production is again procured, does not allow more than sixty (60) days to elapse between the cessation of production and the commencement of additional drilling or reworking operations in a bona fide effort to again obtain production, and successive attempts may be made so long as not more than sixty (60) days are allowed to elapse between the completion or abandonment of one well and the commencement of operations on another until production in paying quantities is again obtained.

5. In the event a well or wells producing gas in paying quantities should be brought in on adjacent land and within 330 feet of and draining the leased premises, Lessee agrees to drill such offset well or wells as a reasonably prudent operator would drill under the same or similar circumstances. Lessee may at any time execute and deliver to Lessor or place of record a release or releases covering any portion or portions of the above described premises and thereby surrender this lease as to such portion or portions and be relieved of all obligations as to the acreage surrendered.

6. Lessee shall have the right at any time during or after the expiration of this lease to remove all property and fixtures placed by Lessee on said land, including the right to draw and remove all casing. When required by Lessor, Lessee will bury all pipe lines below ordinary plow depth, and no well shall be drilled within two hundred (200) feet of any residence or barn now on said land without Lessor's consent.

Title Data, Inc. NR TDI41125 HA L949711.002

134-61-1884

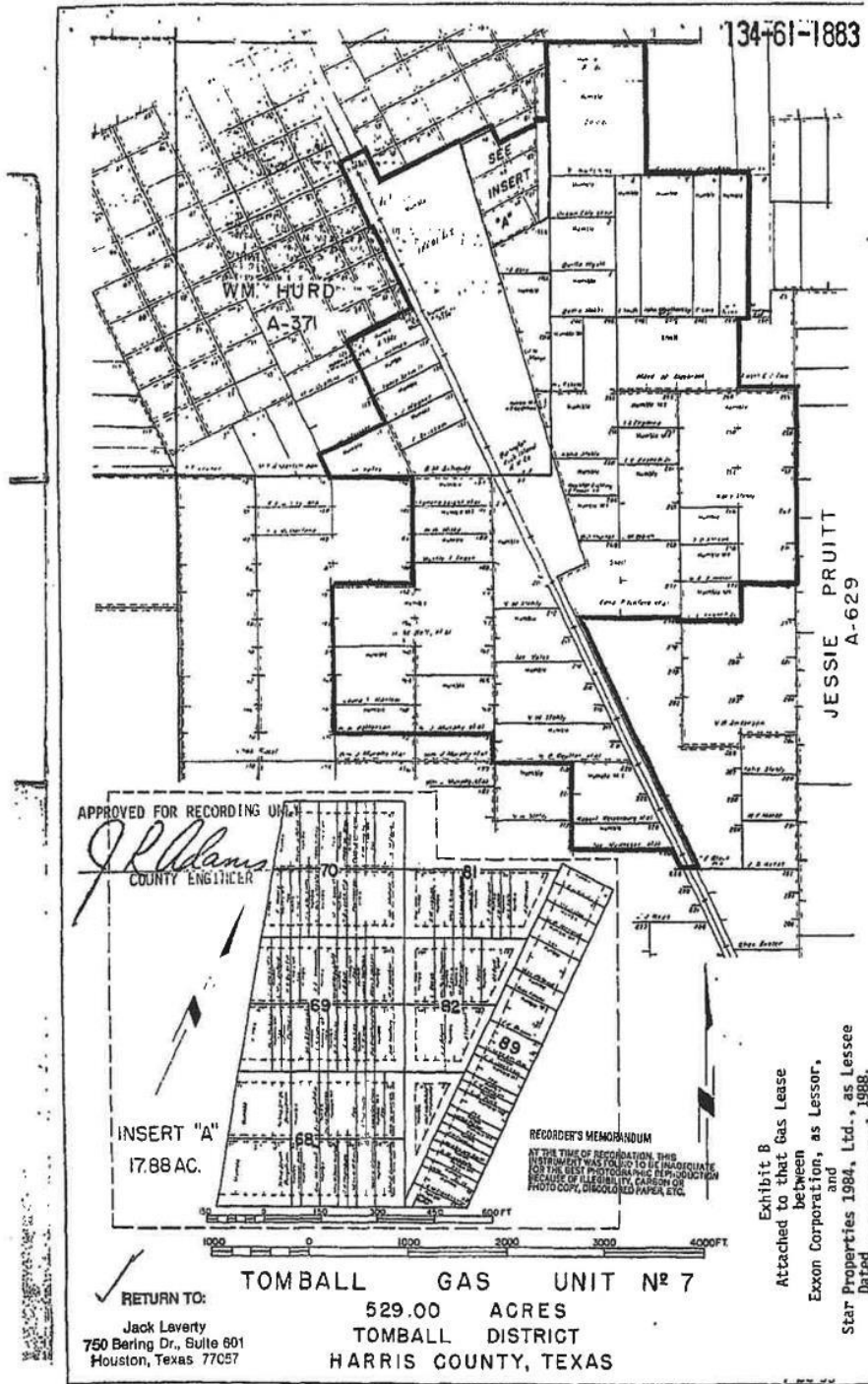
ANY INSTRUMENT WHICH REQUESTS THE SALE, RENEWAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was filed in the number
sequence on the date and at the time stamped below by me and was
only recorded in the official Public Records of Real Property of Harris
County, Texas on

NOV 3 0 1988



P. J. Williams
COUNTY CLERK
HARRIS COUNTY, TEXAS

Title Data, Inc. NR TDI41125 HA L949711.007



Title Data, Inc. NR TDI41125 HA L949711.006

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW,
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the
date and at the time stamped hereon by me; and was duly RECORDED, in the
Official Public Records of Real Property of Harris County, Texas on

SEP 26 2006



Christy L. Hoffman

COUNTY CLERK
HARRIS COUNTY, TEXAS

Title Data, Inc. NR TDI41125 HA 20060074369.004

134-61-1880

7. The breach by Lessee of any obligation arising hereunder shall not work a forfeiture or termination of this lease not cause a termination or reversion of the estate created hereby nor be grounds for cancellation hereof in whole or in part. In the event Lessor considers that operations are not at any time being conducted in compliance with this lease, Lessor shall notify Lessee in writing of the facts relied upon as constituting a breach hereof and Lessee, if in default, shall have sixty (60) days after receipt of such notice in which to commence the compliance with the obligations imposed by virtue of this instrument. After the discovery of gas in paying quantities on said premises, Lessee shall reasonably develop the acreage retained hereunder.

8. Should Lessee be prevented from complying with any expressed or implied covenant of this lease, from conducting drilling or reworking operations thereon or from producing gas therefrom by reason of scarcity of or inability to obtain or to use equipment or material, or by operation of force majeure, any Federal or State law or any order, rule or regulation of governmental authority, then while so prevented, Lessee's obligation to comply with such covenant shall be suspended, and Lessee shall not be liable in damages for failure to comply therewith; and this lease shall be extended while and so long as Lessee is prevented by any such cause from conducting drilling or reworking operations on or from producing gas from the leased premises; and the time while Lessee is so prevented shall not be counted against Lessee, anything in this lease to the contrary notwithstanding.

9. No assignment by Lessee of any rights accruing to him under the terms hereof shall be binding upon Lessor unless Lessor shall evidence its consent thereto in writing.

10. The provisions hereof shall extend to and be binding upon the successors and assigns of the parties hereto.

11. This lease is executed without warranty, either expressed or implied, and is so accepted by Lessee.

IN EVIDENCE WHEREOF, this instrument is executed in duplicate originals on the date first above written.

EXXON CORPORATION

Michael J. Robinson
LESSOR Michael J. Robinson

STAR PROPERTIES 1984 LTD.

John E. Hine
LESSEE John E. Hine - General Partner

Form Approved

By John E. Hine

134-61-1881

THE STATE OF TEXAS
COUNTY OF HARRIS

Before, me, the undersigned authority, on this day personally appeared MICHAEL J. ROBINSON, known to me to be the person whose name is subscribed to the foregoing instrument, as Agent and Attorney-in-Fact of Exxon Corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Exxon Corporation.

Given under my hand and seal of office this the 2ND day of OCTOBER, A.D., 1988.



STEPHEN T. MAUER
Notary Public, State of Texas
My Commission Expires 10/5/88

Stephen T. Mauer
Notary Public in and for
the State of Texas
My Commission Expires 10/5/88

THE STATE OF TEXAS
COUNTY OF HARRIS

Before, me, the undersigned authority, on this day personally appeared John E. Hine, known to me to be the person whose name is subscribed to the foregoing instrument, as General Partner of Star Properties 1984 Ltd. and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Star Properties 1984 Ltd.

Given under my hand and seal of office this the 11 day of November, A.D., 1988.



JOHN LAVERTY
Notary Public, State of Texas
My Commission Expires Dec. 30, 1989

John Lavery
Notary Public in and for
the State of Texas
My Commission Expires 12-30-89

Title Data, Inc. NR TDI41125 HA L949711.004

134-61-1882

EXHIBIT A

EXXON MIN PER LSE NO	GRANTOR	GRANTEE	DATE	VOL.	PAGE
39805	B.S. BRITTON & R. RIESENBERG	HUMBLE OIL & REF. CO.	06/02/33	927	398
40106	GRACE E. ZIMMER	HUMBLE OIL & REF. CO.	06/14/33	928	255
40126	LAURA S. & ROY L. HARLOW	HUMBLE OIL & REF. CO.	06/16/33	923	485
40237	C.C. FRENCH, JR	HUMBLE OIL & REF. CO.	06/25/33	926	383
40488	H.B. GOLDTHWAITE	HUMBLE OIL & REF. CO.	07/24/33	931	354
40540	T.A. FRYMIRE	HUMBLE OIL & REF. CO.	07/18/33	926	609
41426	LINDBARGER BROS. REALTY CO.	HUMBLE OIL & REF. CO.	07/26/33	932	268
41610	C.C. FRENCH, JR.	HUMBLE OIL & REF. CO.	11/01/33	233	458
43686	HARRY W. MCCORMICK	HUMBLE OIL & REF. CO.	04/30/34	959	13
44204	W.D. THORNAL, ET UX	HUMBLE OIL & REF. CO.	03/28/34	950	564
45326	C.W. GREGSON, ET UX	HUMBLE OIL & REF. CO.	09/02/33	221	894
48989	L.T. NORVELL, ET UX	HUMBLE OIL & REF. CO.	02/04/38	977	151
50904	W.L. PICKENS ET UX	HUMBLE OIL & REF. CO.	05/24/39	987	100
50905	W.L.W. TROTTER	HUMBLE OIL & REF. CO.	05/31/35	982	602
61416	W.W. WILEY	HUMBLE OIL & REF. CO.	12/06/37		

FILED

Nov 30 9 23 AM '08

Clara R. Anderson
COUNTY CLERK
HARRIS COUNTY, TEXAS

Title Data, Inc. NR TDI41125 HA L949711.005

S099288

DEED WITHOUT WARRANTY

509-67-2637

Effective Time: June 1, 1996 09/03/96 300069773 8099288 \$25.00

Grantor (including address): Exxon Corporation
P. O. Box 2305
Houston, Texas 77252-2305

Grantee (including address): Merit Energy Corporation
P. O. Box 351
Midland, Texas 79702

Consideration: Ten Dollars and other good and valuable consideration

Property: The surface fee described on Exhibit A attached

Reservations From and Exceptions to Conveyance:

1. This conveyance is subject to all matters of record in Harris County, Texas, enforceable against the Property at the Effective Time.
2. Ad valorem taxes assessed against the Property assigned in this Assignment for the year 1996 are apportioned between Grantor and Grantee as of the Effective Time.
3. Grantee acknowledges that the Property has been used for exploration, development, and production of oil and gas and that there may be petroleum, produced water, wastes, or other materials located on or under the Property. The Property may contain asbestos, hazardous substances, or naturally occurring radioactive material ("NORM"). NORM may affix or attach itself to the inside of wells, materials, and equipment as scale, or in other forms; the wells, materials, and equipment located on the Property may contain NORM and other wastes or hazardous substances; and NORM-containing material and other wastes or hazardous substances may have been buried, come in contact with the soil, or otherwise been disposed of on the Property. Special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the Interests and Property.

Grantee will store, handle, transport, and dispose of or discharge all material, substances, and wastes from the Property (including produced water, drilling fluids, NORM, and other wastes), whether present before or after the Effective Time, in accordance with applicable local, state, and federal laws and regulations. Grantee will keep records of the types, amounts, and location of materials, substances, and wastes that are stored, transported, handled, discharged, released, or disposed of onsite and offsite. When any lease terminates, an interest in which has been assigned under this Deed Without Warranty, Grantee will take additional testing, assessment, closure, reporting, and remedial action with respect to the Property as is necessary to satisfy all local, state, and federal requirements directed in effect at that time and necessary to restore the Property.

4. Grantee recognizes, and will perform properly and in accordance with applicable law, all obligations to abandon, restore, and remediate the Property, whether arising before or after the Effective Time, including obligations to:

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-1-

After recording, return to:
Conan, Blalock, Tighe & Dawson
Att: Bill Howard
P.O. Box 2776
Midland, Texas 79702-2776

Title Data, Inc. NR TDI41125 HA S099288.001

509-87-2638

- (a) plug, abandon, and reabandon (if necessary) each well located on the Property (abandoned and unabandoned), as required under applicable law;
 - (b) remove all equipment and facilities, including flowlines and pipelines;
 - (c) close all pits; and
 - (d) restore the surface and subsurface associated with the Property, as appropriate and in accordance with all requirements under law, including the rules, regulations, and requirements of all governmental authorities with jurisdiction, and in accordance with all obligations, express or implied, applicable to the Property.
5. The terms Claim or Claims mean, collectively, claims, demands, causes of action, and lawsuits asserted or filed by any person, including an artificial or natural person, a local, state, or federal governmental entity; a person holding rights under any instrument applicable to the Property; an Associated Party of Grantor or Grantee; or a third party. The term Liability or Liabilities means, collectively, all damages (including consequential and punitive damages), including those for personal injury, death, or damage to personal or real Property (both surface and subsurface) and costs for remediation, restoration, or clean up of contamination, whether the injury, death, or damage occurred or occurs on or off the Property by migration, disposal, or otherwise, losses, fines, penalties, expenses, costs to remove or modify facilities on or under the Property, plugging liabilities for all wells, attorneys' fees, court and other legal costs incurred in defending any Claim, liens, and judgments, whether these damages and other costs are known or unknown, foreseeable or unforeseeable at the Effective Time. The term Associated Parties means successors, assigns, directors, officers, employees, agents, contractors, and affiliates.

Grantee releases and discharges Grantor and its Associated Parties from each and every Claim and Liability relating to the Property, or this transaction, regardless of when or how the Claim or Liability arose or arises or whether the Claim or Liability was foreseeable or unforeseeable. *Grantee's release of Grantor and its Associated Parties Includes Claims and Liabilities resulting in any way from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.* There are no exceptions to Grantee's release of Grantor and its Associated Parties, and this release is binding on Grantee and its successors and assigns.

Grantee covenants not to sue Grantor or its Associated Parties with regard to any Claim or Liability relating to the Property, or this transaction, regardless of when or how the Claim or Liability arose or arises or whether the Claim or Liability was foreseeable or unforeseeable. *Grantee's covenant not to sue Grantor or its Associated Parties Includes Claims and Liabilities resulting in any way from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.* There are no exceptions to Grantee's covenant not to sue Grantor or its Associated Parties and this covenant is binding on Grantee and its successors and assigns.

Grantee will indemnify, defend, and hold Grantor and its Associated Parties harmless from all Claims and Liabilities arising at any time, whether before or after the Effective Time, whether foreseeable or unforeseeable, made by any person and arising out of or resulting from:

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-2-

Title Data, Inc. NR TDI41125 HA S099288.002

509-87-2639

- (a) the ownership of the Property by Grantor, or acts or omissions by Grantor or its Associated Parties in connection with the Property or under this Deed Without Warranty, *in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole;*
- (b) the ownership of the Property by Grantee, or the acts or omissions of Grantee or its Associated Parties in connection with the Property or under this Deed Without Warranty, *in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole;* or
- (c) the acts or omissions of third parties relating to the Property, *in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.*

Grantee's duty to indemnify, defend, and hold Grantor and its Associated Parties harmless includes Claims and Liabilities arising in any manner from the physical or environmental condition of the Property, including Claims and Liabilities under applicable laws and regulations now enacted or that may be enacted in the future, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time.

- 6. Pipelines, fixtures, equipment, and interests in land owned by third parties, including Grantor's affiliates are excluded.
- 7. Computer equipment (including Rosemont transmitters), telecommunications equipment, vehicles (except for the four trucks conveyed separately), boats, tools, pulling machines, warehouse stock, and other equipment and material temporarily located on the lands associated with the Property, including the Microwave Tower and equipment as referenced in the two Assignments from Exxon Pipeline Company to Exxon Corporation, recorded in Film Code 178-98-2551 and 178-98-2555 of the Harris County Real Property Records are excluded.
- 8. Grantor's Interest in a gas processing plant not listed on Exhibit A is excluded.
- 9. Grantor's Interest in personal property, fixtures, equipment, pipelines, facilities and buildings located on the land associated with the Property, but either currently in use in connection with the ownership or operation of other property not included in the Property or excluded on Exhibit A are excluded.
- 10. Grantor's claims, rights, and causes of action of any kind concerning the Property against royalty owners, overriding-royalty owners, working-interest owners, gas purchasers, gas transporters, and other third parties that accrued before the Effective Time, whether discovered before or after the Effective Time are excluded.
- 11. If originals or final copies of the Documents have been provided to Grantee, Grantor may have access to them at reasonable times and upon reasonable notice during regular business hours for as long as any Interest is in effect after the Effective Time (or for twenty-one years in the case of a mineral fee or other non-leasehold interest or a longer period if required by law or governmental regulation). Grantor may, during this period and at its expense, make copies of the Documents

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-3-

Title Data, Inc. NR TDI41125 HA S099288.003

509-67-2640

pursuant to a reasonable request. Without limiting the generality of the two preceding sentences, for a period as long as any Interest is in effect after the Effective Time (or for twenty-one years in the case of a mineral fee or other non-leasehold interest or for a longer period if required by law or governmental regulation), Grantee may not destroy or give up possession of any original or final copy of the Documents without first offering Grantor the opportunity, at Grantor's expense, to obtain the original, the final copy, or another copy. After this period expires, Grantee must offer to deliver the Documents (or copies) to Grantor, at Grantor's expense, before giving up possession or destroying them.

12. To the extent that Grantor has reserved or continues to own an interest (including rights to obtain data from the Interests as described on Exhibit A, overriding-royalty interests, mineral-fee or leasehold interests, deep rights, or facilities, equipment, or pipelines) after the Effective Time for which Grantor requires access across the land associated with the Property in order to exercise its rights, Grantor reserves concurrent interests in all applicable easements, rights-of-way, contracts, and other rights relating to the reserved interests and necessary as reasonably required for exploring, drilling, producing, storing, or marketing oil, gas, and other hydrocarbons from the respective zones or interests of the parties, including rights to lay pipelines, water lines, and power lines; dig pits; erect structures; and perform any other act reasonably necessary to Grantor's interests.

Grantor, for the consideration and subject to the Reservations From and Exceptions to Conveyance, conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee and Grantee's heirs, successors and assigns, forever, without express or implied warranty. All warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

When the context requires, singular nouns and pronouns include the plural.

The provisions of this Deed Without Warranty are severable. If a court of competent jurisdiction finds any part of this Deed Without Warranty to be void, invalid, or otherwise unenforceable (except for the release, waiver, defense, and indemnity provisions), this holding will not affect other portions that can be given effect without the invalid or void portion.

All covenants and agreements in this Deed Without Warranty bind and inure to the benefit of the heirs, successors, and assigns of Grantor and Grantee; are covenants running with the land; and are effective as stated, whether or not the covenants and agreements are memorialized in assignments and other conveyances executed and delivered by the parties and their respective heirs, successors, and assigns from time to time.

Recitation or reference to any agreement or other instrument in this Deed Without Warranty, including its exhibits, does not operate to ratify, confirm, revise, or reinstate the agreement or instrument if it has lapsed or expired.

This Deed Without Warranty and its performance will be construed in accordance with, and governed by, the internal laws of the State of Texas, without regard to the choice of law rules of any jurisdiction, including Texas.

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Title Data, Inc. NR TDI41125 HA S099288.004

509-87-2641

The word includes and its syntactical variants mean "includes, but not limited to" and its corresponding syntactical variants. The rule of ejusdem generis may not be invoked to restrict or limit the scope of the general term or phrase followed or preceded by an enumeration of particular examples.

All exhibits referenced in and attached to this Deed Without Warranty are incorporated into it.

This instrument may be executed in counterparts, all of which together will be considered one instrument.

This instrument is executed by the parties contemporaneously with the Assignment and Bill of Sale with an Effective Time of 7 a.m. on June 1, 1996 between Grantor and Grantee wherein Grantor assigned certain mineral properties to Grantee and these two instruments are to be construed together as one transaction.

Executed on the dates indicated below, but effective at the Effective Time.

MERIT ENERGY CORPORATION

By: Joe C. Ballard
Name: Joe C. Ballard
Title: President
Date: 8/30/96

EXXON CORPORATION

By: J.R. Kahn, Jr.
Name: J. R. Kahn, Jr.
Title: Agent and Attorney-in-Fact
Date: 8/29/96

Attest:
Jim S. Lufp
Tim B. Corp. Secretary

PLCjrm/nded_vsr 08/27/96

Title Data, Inc. NR TDI41125 HA 8099288.005

509-87-2642

STATE OF TEXAS §
COUNTY OF HARRIS §

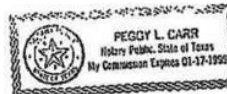
This instrument was acknowledged before me on August 29, 1996 by J. R. Kahn, Jr., Agent and Attorney in Fact for Exxon Corporation, a New Jersey corporation, on behalf of said corporation.

Peggy L Carr
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 30, 1996 by Joec. Bullard President of MERIT ENERGY CORPORATION, a Colorado corporation, on behalf of said corporation.

Peggy L Carr
Notary Public, State of Texas



FLOJvmt/tdend_year 08/27/96

Title Data, Inc. NR TDI41125 HA S099288.006

EXHIBIT A
TOMBALL FIELD
HARRIS COUNTY, TEXAS

509-87-2643

Exxon Fee File No.	Grantor	Date	Recording Vol./Page(s)
327343 Description	Sam Lewis, et al Sam Lewis Survey, A-1704	06-28-33	934 / 027
39944 Description	R. B. Wherry E. Smith Survey, A-70 (East of Hufsmith-Kohrville Road) EXXON RESERVES AND RETAINS UNTO ITSELF THE ACREAGE WEST OF THE TAKING LINE OF HUFSMITH-KOHRVILLE ROAD, FOR ILLUSTRATIVE PURPOSES SHOWN ON EXHIBIT B, BEING CALLED 7.44 ACRES.	05-28-33	923 / 327
40093 Description	H. A. Briggs, et ux Outlots 384,385,386,387	05-29-33	923 / 335
40237 Description	C. A. French, Jr. Outlet 280 only EXXON RESERVES AND RETAINS UNTO ITSELF OUTLOT 273.	06-23-33	928 / 353
40252 Description	T. A. Frymire Outlet 48 and Outlet 57 only. EXXON RESERVES AND RETAINS UNTO ITSELF OUTLOT 329.	06-09-33	932 / 072
40459 Description	H. B. Goldthwaite W. Hurd Survey, A-371	07-24-33	931 / 354
41003 Description	J. T. McMahan J. M. Hooper Survey, A-375	07-05-33	932 / 100
41010 Description	Emil Doege L. H. Marshburn part of Exxon Fee File no. 41012 referenced below	05-01-41 10-30-33	1223 / 415 936 / 694
41011 Description	Roy L. Reese C. Goodrich Survey, A-311	10-04-33	928 / 478
41012 Description	J. H. Dunn C. Goodrich Survey, A-311	10-04-33	929 / 478
41501 Description	B. S. Britton J. Pruitt Survey A-829	10-26-33	939 / 360
42702 Description	Sadie B. Davis, Trustee, et al Part of Outlots 306,307,308	10-29-81	168 / 85 / 2285
44204 Description	W. D. Thormal, et ux Outlet 284	05-25-34	950 / 564

PLCjvm/Tomball.doc 08/27/96

Page 1 of 2

Title Data, Inc. NR TDI41125 HA S099268.007

EXHIBIT A
TOMBALL FIELD
HARRIS COUNTY, TEXAS

509-87-2644

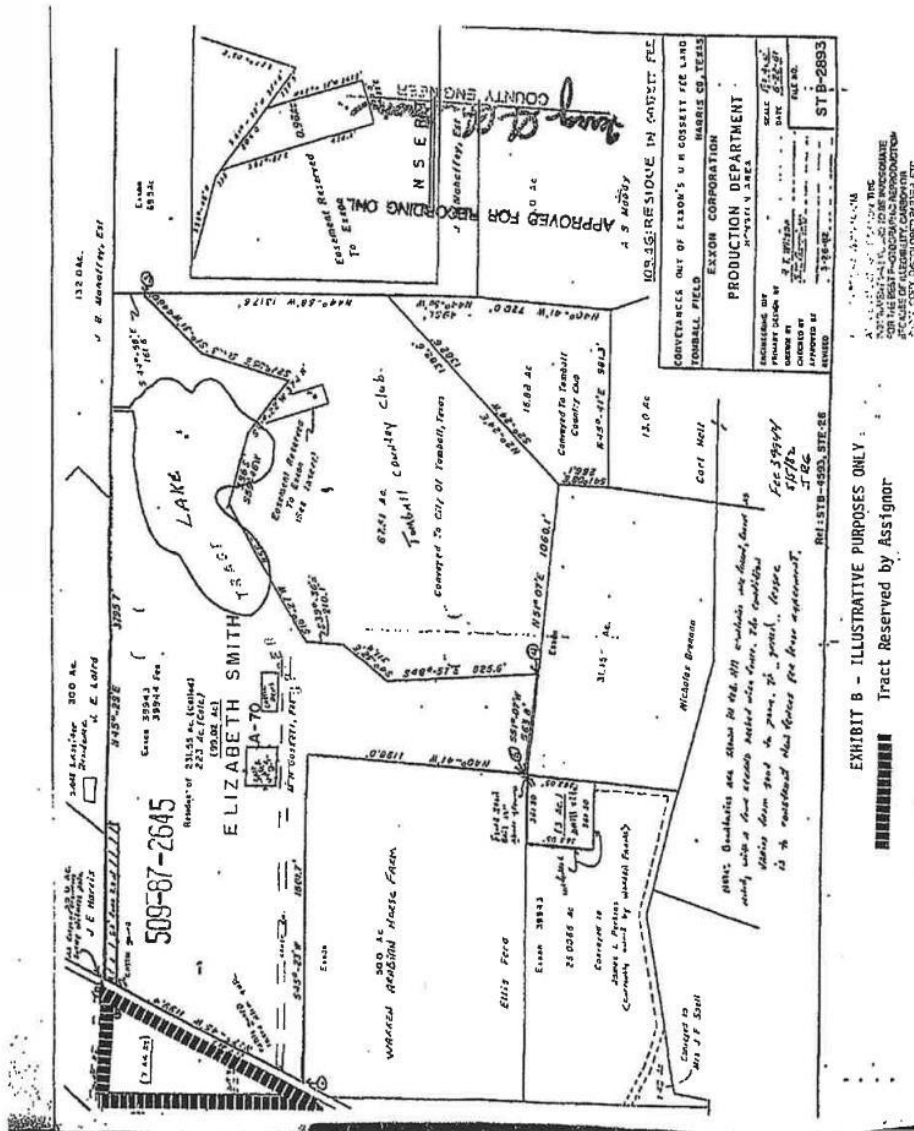
Exxon Fee File No.	Grantor	Date	Recording Vol./Page(s)
50904 Description	W. L. Pickens Outlot 244	05-24-36	887 / 100
55782 Description	Keystone Oil Company Lots 1 and 2, Block 43, Townsite	07-01-38	1028 / 189
59205 Description	Sam Lewis, et al Sam Lewis Survey, A-1704	03-29-37	1047 / 821
60388 Description	Sam Lewis, et al Sam Lewis Survey, A-1704	08-22-37	1070 / 156
66280 Description	Keystone Oil Company 10 Lots in Block 3, Linebarger Bros. Oil Tract	01-27-38	1080 / 337
68480 Description	W. B. Scherer, et ux C. Goodrich Survey, A-311	11-17-39	1148 / 375
77405 Description	Jacob Thels, et al C. Goodrich Survey, A-311	04-30-41	1223 / 413
40277 Description	Dr. John D. Reid, et al C. Goodrich Survey, A-305	06-14-33	932 / 098

All recording references are to the Contract Records, Deed Records, or Official Public Records of Harris County, Texas.

PLC\jw\Tomball\doc 082696

Page 1 of 2

Title Data, Inc. NR TDI41125 HA S099288.008



Title Data, Inc. NR TD141125 HA S099286.009

509-67-2646

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56 SEP -3 PM 4:22
CLERK
HARRIS COUNTY TEXAS

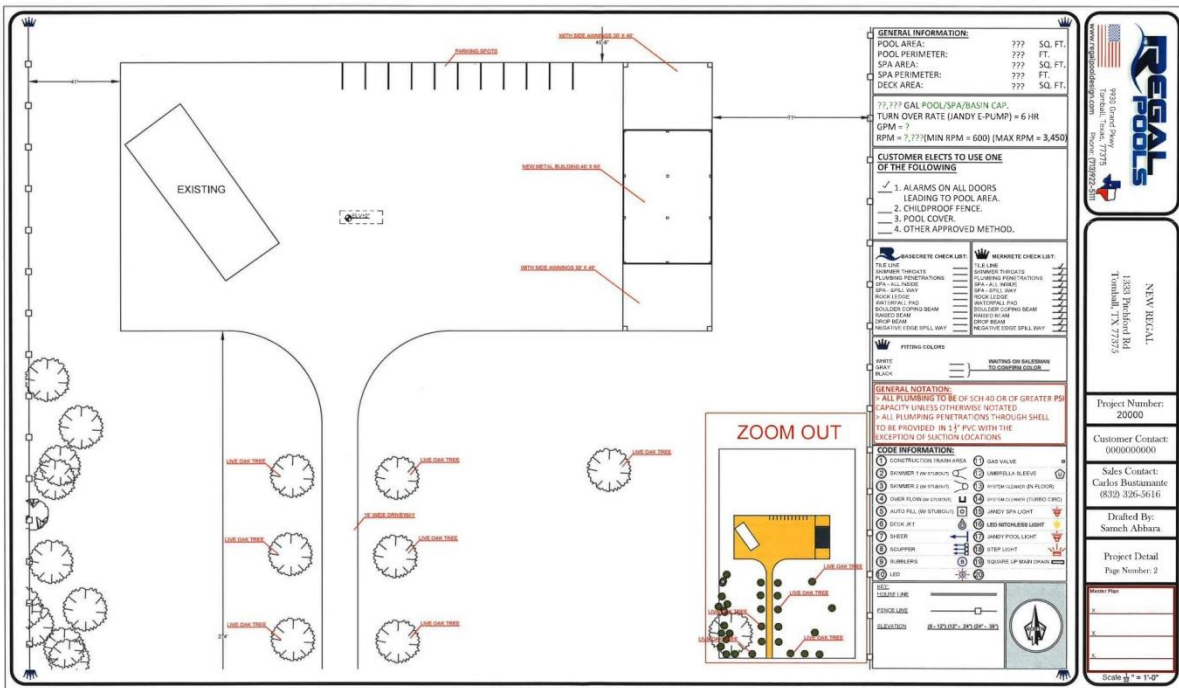
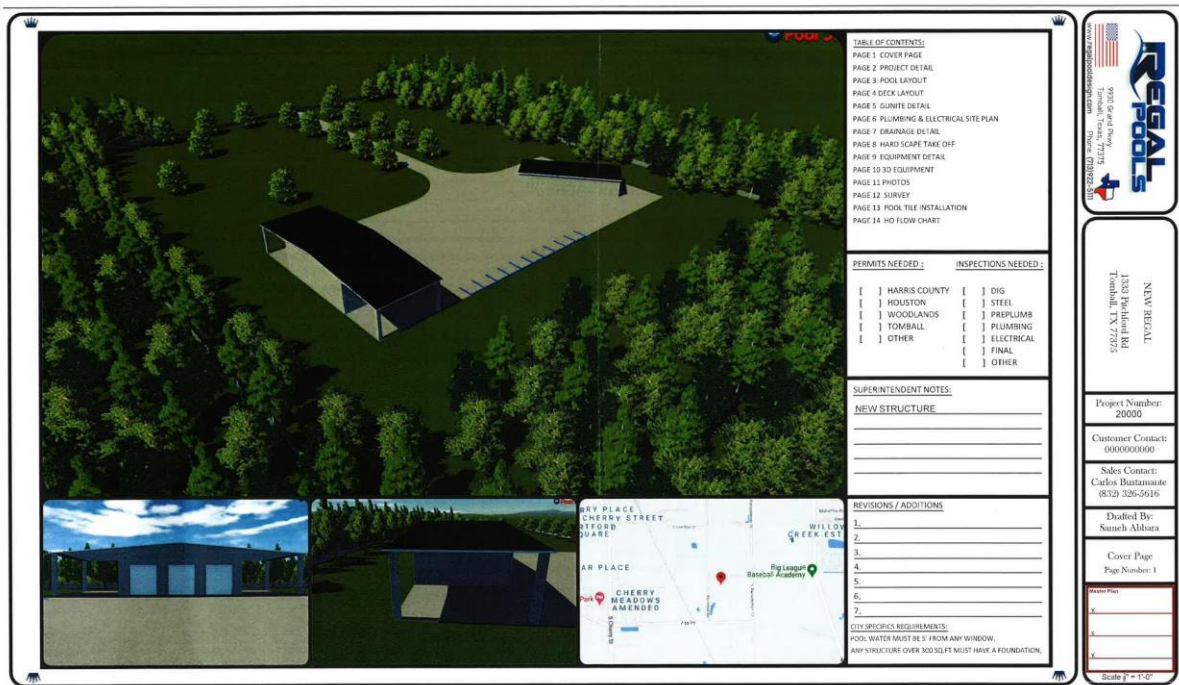
ALL PROCEEDINGS HEREIN WHICH RELATE TO THE SALE, PURCH, OR USE OF THE DESCRIBED REAL
PROPERTY (NAME OF COLOR OR USE IN REGISTRATION AND JURISDICTION UNDER FEDERAL LAW
THE STATE OF TEXAS)
COUNTY OF HARRIS
I hereby certify that this instrument was filed in File Number
SOURCE on the date and at the time shown herein by me, and was
RECORDED, is the ORIGIN Public Record of Real Property of
Harris County, Texas on

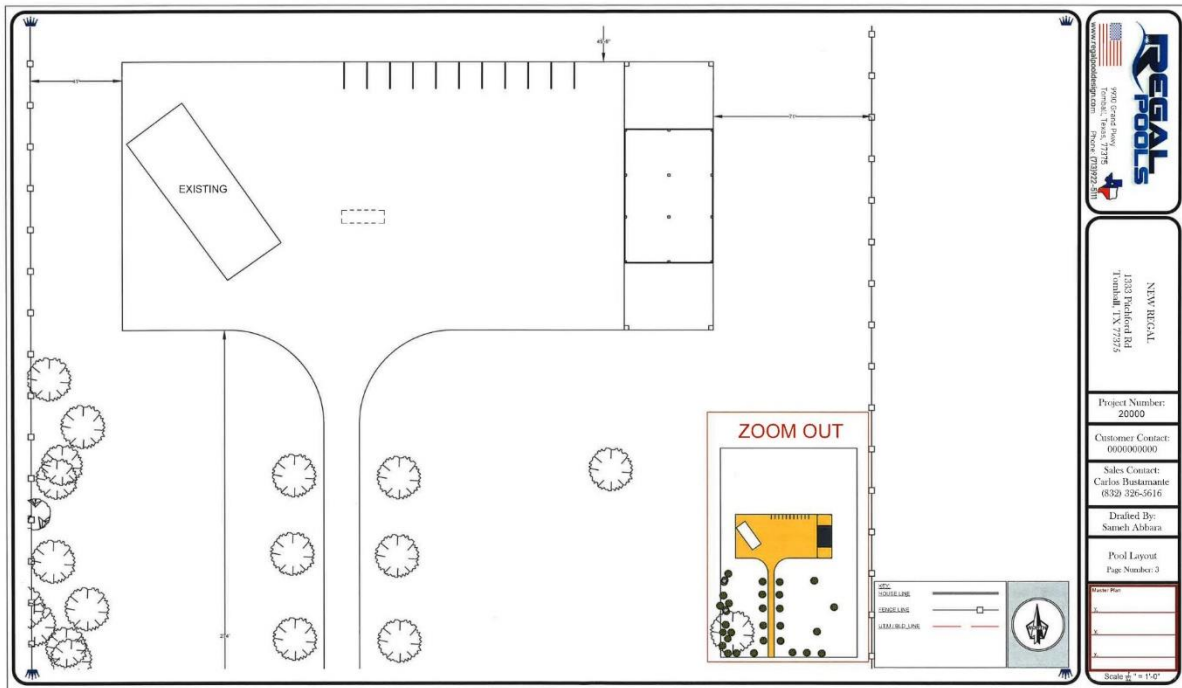
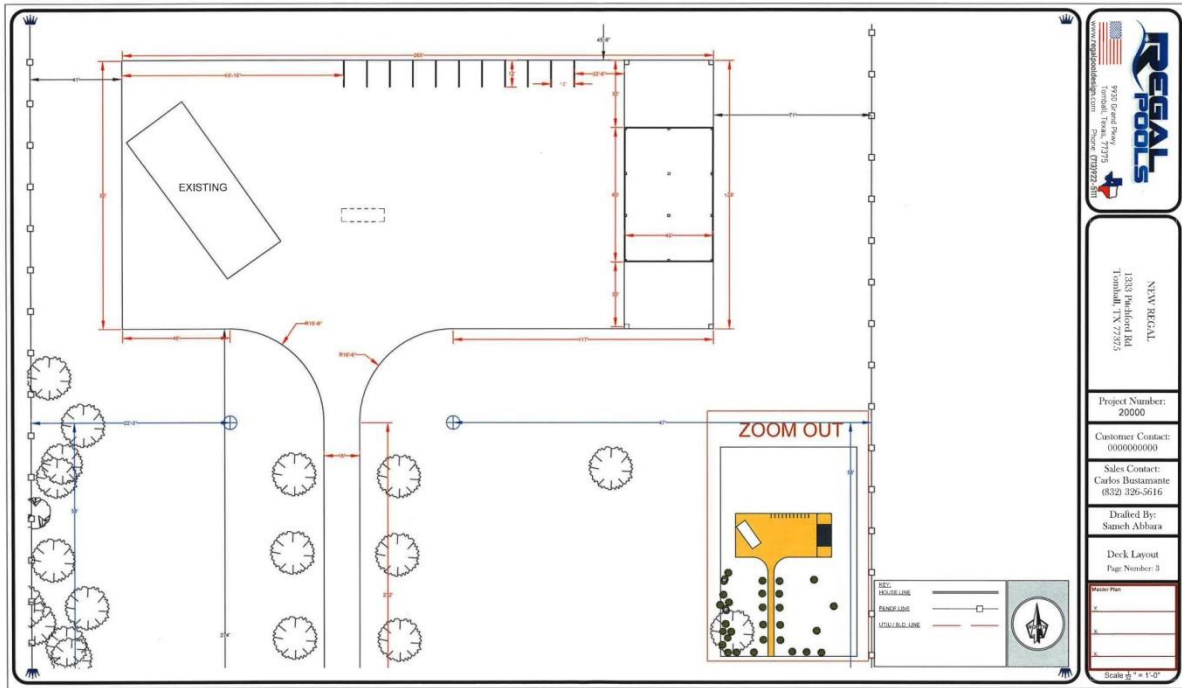
SEP 3 1996

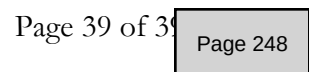


Benjamin L. Fisher
COUNTY CLERK
HARRIS COUNTY TEXAS

Title Data, Inc. NR TDI41125 HA S099288.010







City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P20-420
- Adopt, on First Reading, Ordinance No. 2021-10, 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 2.844 acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville road, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: Sam Dawoudi

Recommendation:

City Staff recommends approval. Planning & Zoning Commission recommends approval (5-0)

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-10

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 2.844 ACRES OF LAND LEGALLY DESCRIBED TRACTS 467A, 467B & 468A TOMBALL OUTLOTS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE ROAD AT 22828 HUFSMITH-KOHRVILLE ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Sam Dawoudi has requested that approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, 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 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 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as 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 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 15TH DAY OF MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____

COUNCILMAN TOWNSEND
COUNCILMAN KLEIN QUINN

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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 P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

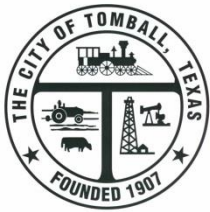
C E R T I F I C A T I O N

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 **4th** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-420

APPLICANT/OWNER: Sam Dawoudi

LOCATION: Generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@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.

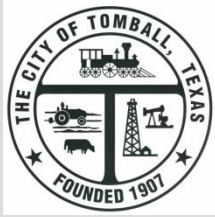
This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

Rezoning Case: P20-420

Property Owner(s): Rickey Mattern

Applicant(s): Sam Dawoudi

Legal Description: Tracts 467A, 467B & 468A Tomball Outlots

Location: East side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road (Exhibit "A")

Area: 2.844 acres

Comp Plan Designation: Corridor Commercial (Exhibit "B")

Present Zoning and Use: Agricultural District (Exhibit "C") / Single-family residence (Exhibit "D")

Proposed Use(s): Commercial office/warehouse and retail buildings (Exhibit "E")

Request: Rezone from the Agricultural District to the Commercial District

Adjacent Zoning & Land Uses:

- North:** Outside City limits / Undeveloped property
- South:** Outside City limits / Detention pond
- West:** Agricultural District / Single-family residence and warehouse
- East:** Outside City limits / Drainage channel

BACKGROUND

The property was annexed into the City limits in 2018 and designated as Agricultural District.

ANALYSIS

The subject site is approximately 2.8 acres located on the east side of Hufsmith-Kohrville Road. Most surrounding properties are outside the City limits. Properties to the north and east are owned by Klein ISD and are currently undeveloped. Property to the south is utilized as a detention pond for Harris County. The property to the west, across Hufsmith-Kohrville Road, is developed as a single-family residence and a warehouse.

According to Section 50-77 (*Commercial District*), the intent of the Commercial District is to "provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar

commercial uses”. Additionally, uses envisioned for this district “will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses” and “convenient access to thoroughfares and collector streets is also a primary consideration”. Based on the location of the site, along Hufsmith-Kohrville Road, which is a major arterial, the size of the site and the proposed uses on the site, the Commercial District is appropriate.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “predominantly nonresidential uses along high-traffic, regionally-serving thoroughfares”. The Commercial District is a compatible zoning district in this category. The proposed rezoning meets the intent of the Future Land Use category.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within the city limits and within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-420.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

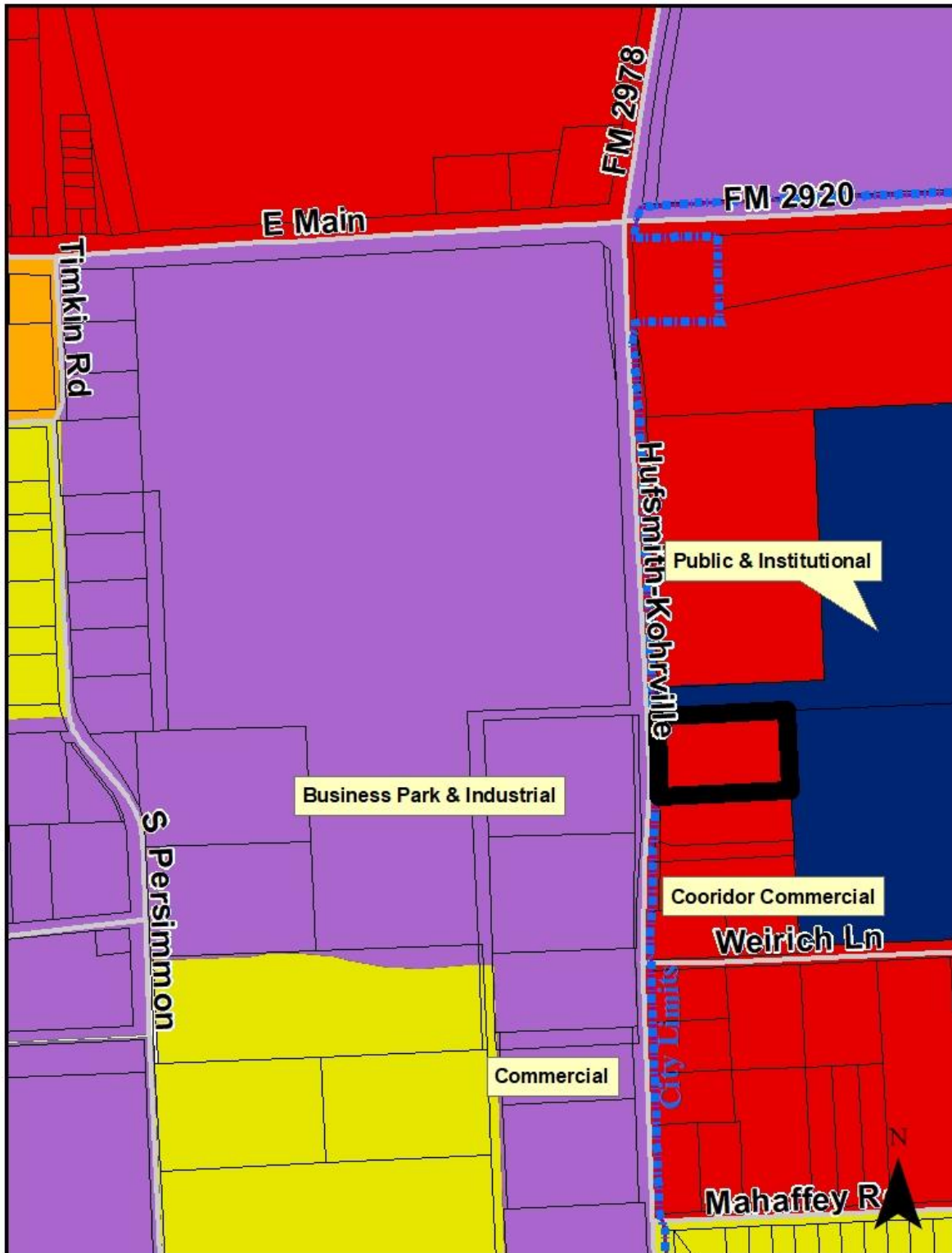
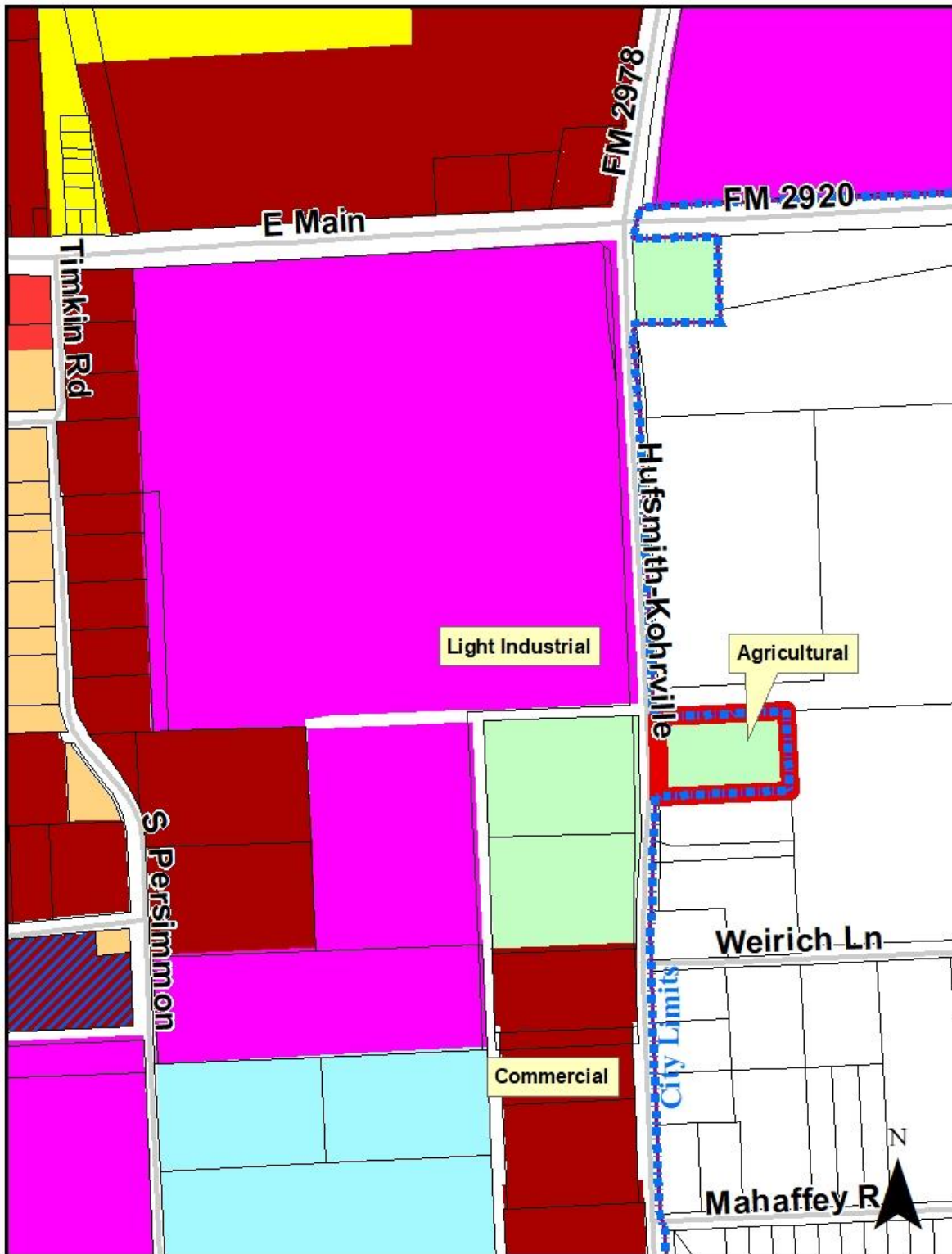


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application



RECEIVED (KC)
12/09/2020 8:16:41 AM

Revised: 4/13/2020

P&Z -20-420

\$420.00 PD

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: SAM DAWOUDI Title: Engineer
Mailing Address: 8846 CRAZY HORSE TR. City: HOUSTON State: TX.
Zip: 77064 Contact: SAM DAWOUDI
Phone: (281) 235-2811 Email: SAM@CSDENGROUP.COM

Owner

Name: RICKEY MATTERN Title: OWNER
Mailing Address: 15805 TAHDE DR. City: Jersey Village State: TX.
Zip: 77040 Contact: RICKEY MATTERN
Phone: (713) 937-7139 Email: manicuredlandscapes@aol.com

Engineer/Surveyor (if applicable)

Name: SAM DAWOUDI Title: PRINCIPAL
Mailing Address: 8846 CRAZY HORSE TR. City: HOUSTON State: TX.
Zip: 77064 Contact: SAM DAWOUDI
Phone: (281) 235-2811 Fax: () Email: sam@CSDENGROUP.COM

Description of Proposed Project: commercial office/warehouse & Retail Bldgs.

Physical Location of Property: 22828 HUFSMITH-KOHRVILLE RD. Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 2.844 TRACT IN THE JESSE PRUITT SURVEY ABSTRACT NO. 629
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: TR5467A, 467B & 468A
Residential

Current Use of Property: Residential

Proposed Zoning District: Commercial District

Proposed Use of Property: Commercial

HCAD Identification Number: 0352960000467 Acreage: 2.844

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

www.tomballtx.gov

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.

☒ Paul Sawouli
Signature of Applicant

12/8/20
Date

☒ [Signature]
Signature of Owner

2-8-20
Date

**BUILDING PERMIT (DEMOLITION) APPLICATION**

CITY OF TOMBALL
501 James Street
Tomball, Texas 77375
(281)290-1402 (281) 351-4735 Fax
www.ci.tomball.tx.us

Date: 12/08/2020

Permit Number: _____
 (Assigned by Permit Office)

Physical Address of Project: 22828 Hufsmith-Kohrville Road Tomball, Texas 77375

Owner's Name: Rickey Mattern E-Mail: manicuredlandscapes@aol.com Phone: 713-937-7139
 Tenant's Name: _____ E-Mail: _____ Phone: _____
 Engineer: Sam Dawoudi, PE E-Mail: sam@csdengroup.com Phone: 281-235-2811
 Architect: _____ E-Mail: _____ Phone: _____
 Contractor: Manicured Landscapes E-Mail: manicuredlandscapes@aol.com Phone: 713-937-7139
 Address: 15808 Tahoe Dr City: Jersey Village State: Texas Zip: 77040
 Contractor Contact: Rickey Mattern E-Mail: manicuredlandscapes@aol.com

☐ COMMERCIAL
☒ RESIDENTIAL

☐ PLUMBING
☒ ELECTRICAL
☐ MECHANICAL

☐ OTHER

DESCRIBE WORK BEING DONE Demolish existing Oone story brick House with Barn and Shed

PLEASE NOTE:

- ** Construction debris will not be collected with the regular trash service.
- ** All dumpsters, including roll-offs must be ordered directly from WCA @281-368-8397 or cshouston@wcamerica.com.
- ** Contractor must provide Liability Insurance with a minimum of \$500,000 of combined single limit coverage Equal to or Greater than the contract amount, whichever is greater. The City of Tomball must be listed as the "Certificate Holder" on the policy.
- ** Property Owner or Authorized Agent must sign the Demolition Application form.

Demolition Permit Fee

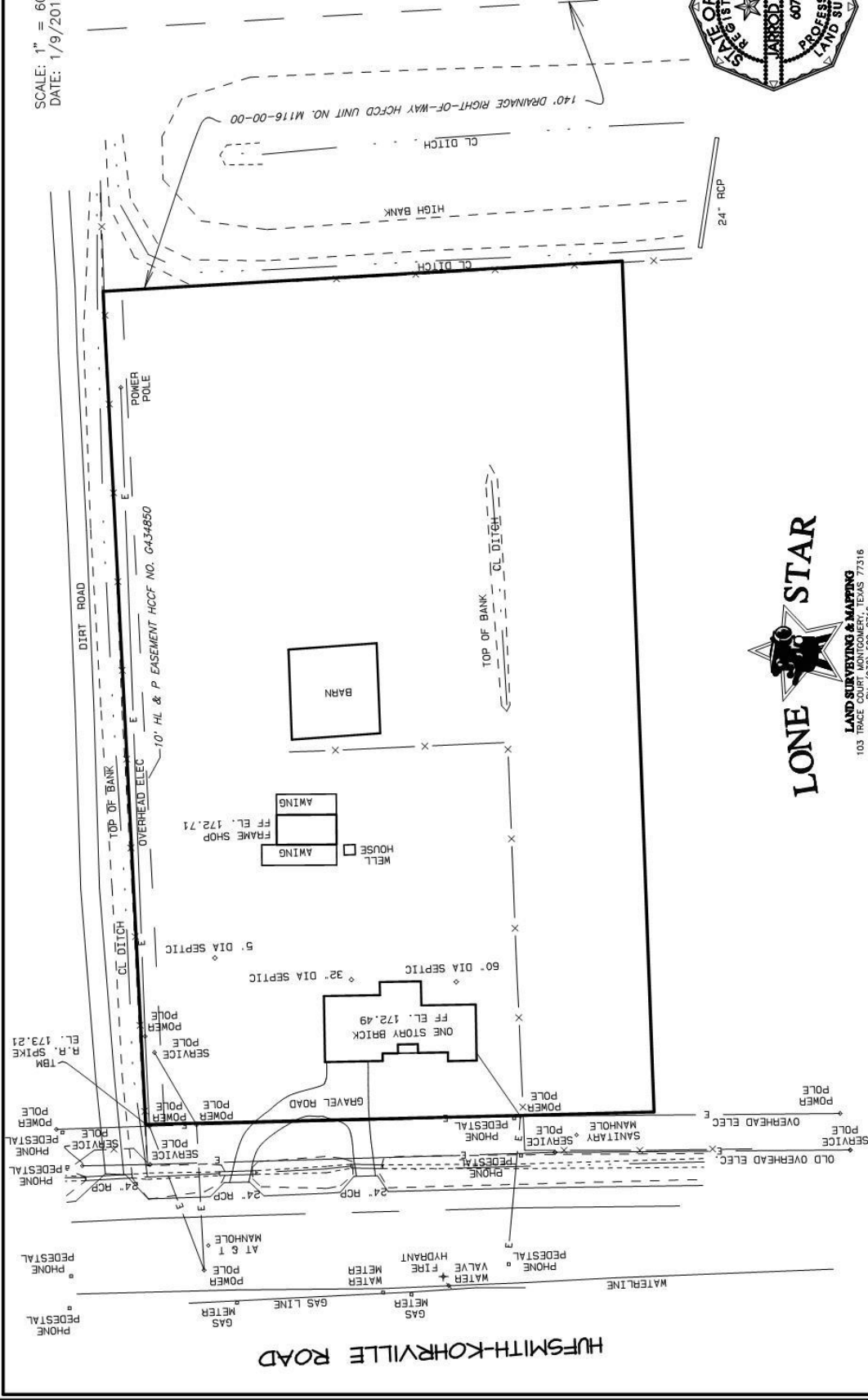
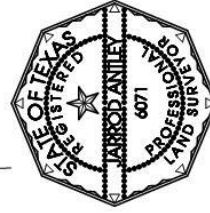
0 - 100,000 Cu. Ft.	\$60.00
100,000 Cu. Ft. and over	
\$.50/1,000 Cu. Ft.	
Total Permit Fee	\$60.00

I hereby certify that I have read and examined this application and know the same to be true and correct.

Applicant / Contractor (print) SAM DAWOUDI / Engineer Date: 12/8/20
 Applicant / Contractor (signature) Sam Dawoudi Date: 12/8/20
 Building Official (signature) _____ Date: _____

City of Tomball, 501 James Street, Tomball, Texas 77375 Phone: 281-290-1402 www.tomballtx.gov

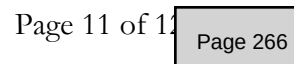
SCALE: 1" = 60'
DATE: 1/9/2018



LONE STAR
LAND SURVEYING & MAPPING

103 TRACE COURT, MONTGOMERY, TEXAS 77316
PH: (936) 522-8716

C:\data\JOBS JARROD\TOPO 2.8 AC HUFFSMITH-KOHRVILLE RD TOMBALL.dwg Jan 9, 2018 10:44:42AM



CSD Engineering Group
Consulting Engineers
Firm Registration No.: F-10500

December 08, 2020

City of Tomball
Community Development Department
Planning Division
501 James Street
Tomball, Texas 77375

Ref.: Re-Zoning Request for property located at:
22828 Hufsmith-Kohrville Road Tomball, Texas 77375.

I, Sam Dawoudi, PE the Engineer of Record for Rickey Mattern, the Owner of the property located at 22828 Hufsmith-Kohrville Road in Tomball Texas.
This property is zoned as Residential - Single Family and we are requesting to Re-Zone this property to Commercial.
I am attaching the Application for Re-Zoning and the Proposed Site Plan for your review and Consideration.



Sam Dawoudi, PE

CSD Engineering Group
8846 Crazy Horse Trail
Houston, Texas 77064
Telephone 281-235-2811
Email: sam@csdengroup.com

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P21-055: Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-055
- Adopt, on First Reading, Ordinance No. 2021-13, 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 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 district to the Old Town & Mixed Use District, said property being generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: Baker Drive Ventures Series LLC

Recommendation:

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

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-13

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 0.3 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1 & 2 BLOCK 2 MAIN STREET - TOMBALL, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE OLD TOWN & MIXED USE DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ARNOLD STREET AND VERNON STREET AT 200 VERNON STREET, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Baker Drive Ventures Series LLC has requested that approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, 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 Old Town & Mixed Use 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 Single-Family 6 District to the Old Town & Mixed Use District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

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

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

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 15TH DAY OF MARCH 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

COUNCILMAN FORD	_____
-----------------	-------

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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 P21-055: Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances.

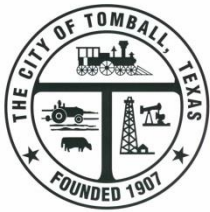
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@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 **4th** day of **March 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
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.



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: P21-055

APPLICANT/OWNER: Baker Drive Ventures Series LLC

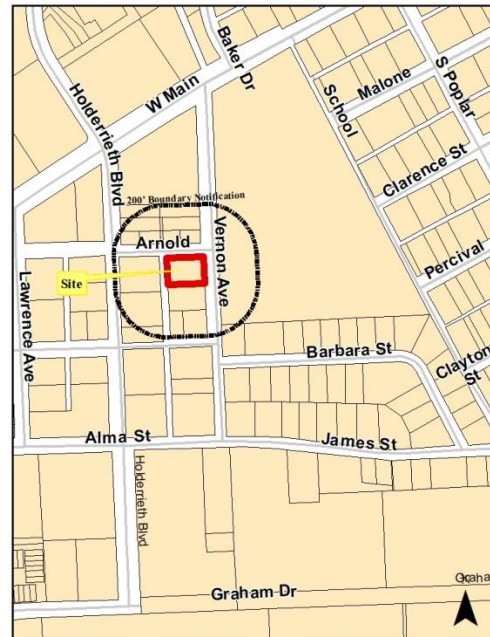
LOCATION: Generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, March 8, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, March 15, 2021 6:00 PM**

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

Interested parties may contact the City 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.

*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: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

FRED AND EARLENE SCHMIDT

(please print)

Address:

728 BARBARA ST

Tomball TX 77375

Signature:

Earlene Schmidt

Date:

March 5, 2021

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P21-055. (Please state reasons below)

☒

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P21-055. (Please state reasons below)

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

Monday, March 8, 2021 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, March 15, 2021, 6:00 PM

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

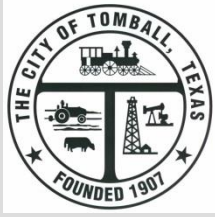
COMMENTS:

I AM NOT IN FAVOR OF SEEING ANY OF THE RESIDENTIAL PROPERTY ON VERNON TO BE CHANGED INTO COMMERCIAL BECAUSE IT TAKES AWAY A FEELING OF COMMUNITY, AS I HAVE KNOWN IT. I HAVE LIVED HERE SINCE 1957 AND DO NOT WANT TO BE SURROUNDED BY COMMERCIAL PROPERTY.

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

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 8, 2021

City Council Public Hearing Date: March 15, 2021

Rezoning Case: P21-055

Property Owner(s): Baker Drive Ventures Series LLC

Applicant(s): Baker Drive Ventures Series LLC

Legal Description: Lot 1 & 2 Block 2 Main Street - Tomball

Location: Southwest corner of Arnold Street and Vernon Street at 200 Vernon Street (Exhibit "A")

Area: 0.3 acres

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

Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Previous single-family residence (Exhibit "D")

Request: Rezone from the Single-Family 6 District to the Old Town & Mixed Use District

Adjacent Zoning & Land Uses:

- North:** Single-Family 6 District / Single-family residence
- South:** Single-Family 6 District / Single-family residence
- West:** Single-Family 6 District / Single-family residence
- East:** Old Town & Mixed Use / Tomball Intermediate School

BACKGROUND

In December 2020, the existing single-family residence on the site was destroyed by a fire. Shortly after, the property owner submitted a rezoning application.

ANALYSIS

The subject site is approximately 0.3 acres, or 14,000 square feet, located at 200 Vernon Avenue. Most surrounding properties are single-family residences, however, the Tomball Intermediate School campus is located on the east side of Vernon Ave., directly across the street from the subject site. There is also an auto repair shop and a CVS further north on Vernon Avenue.

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed Use District "is a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multiple-family uses. Additionally, this area "is intended to provide a

zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”. With a school, single-family residences and a few nonresidential uses in the area, it appears the Old Town & Mixed Use District is an appropriate zoning district for this area. Chapter 50 (Zoning) outlines regulations for nonresidential uses adjacent to single-family residences to ensure the integrity of the single-family residences are upheld. These regulations include increased building setbacks, screening requirements and landscape buffers.

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”. The Old Town & Mixed Use District is intended to provide an area where nonresidential uses and residential uses are compatible with each other.

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 February 24, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-055.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

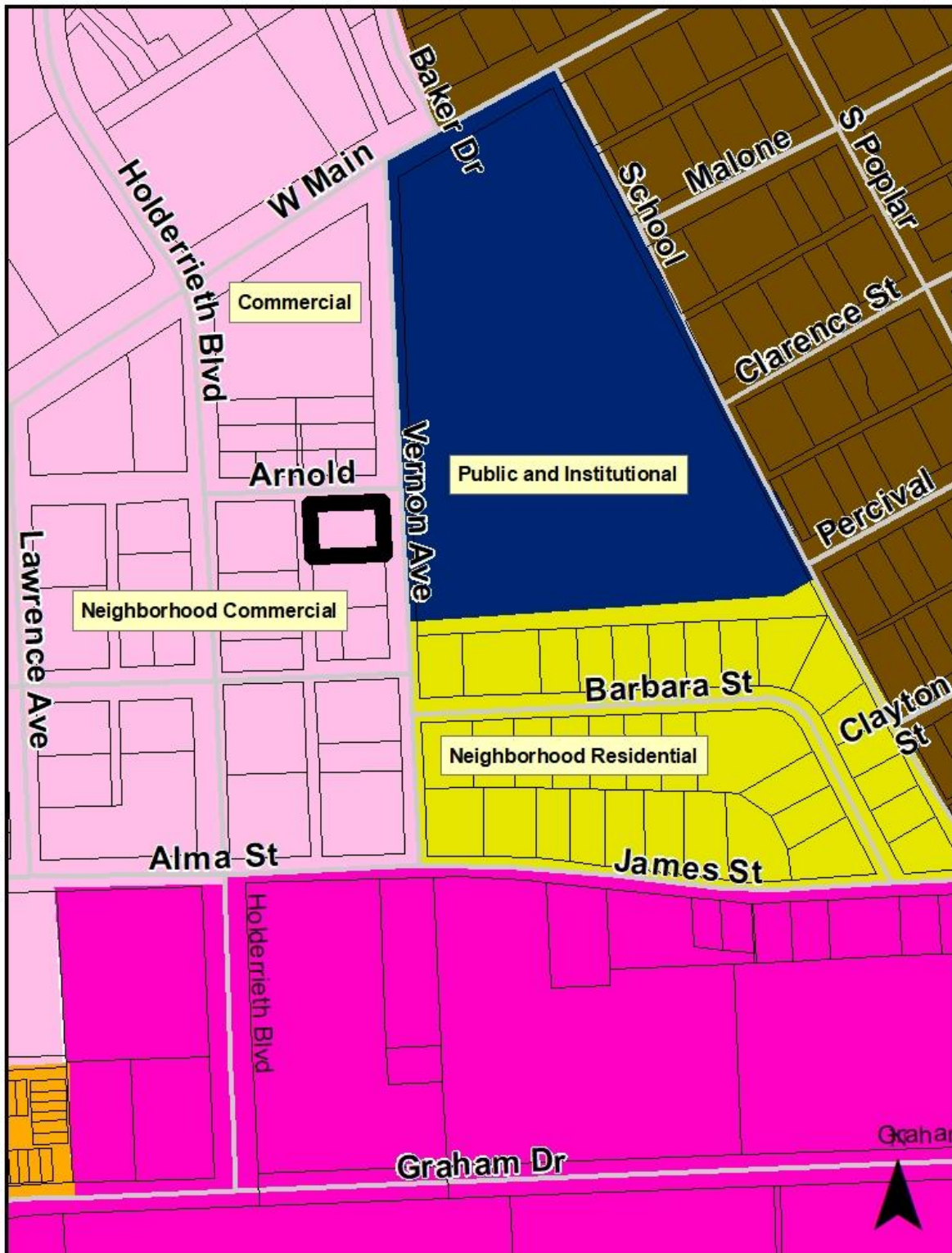
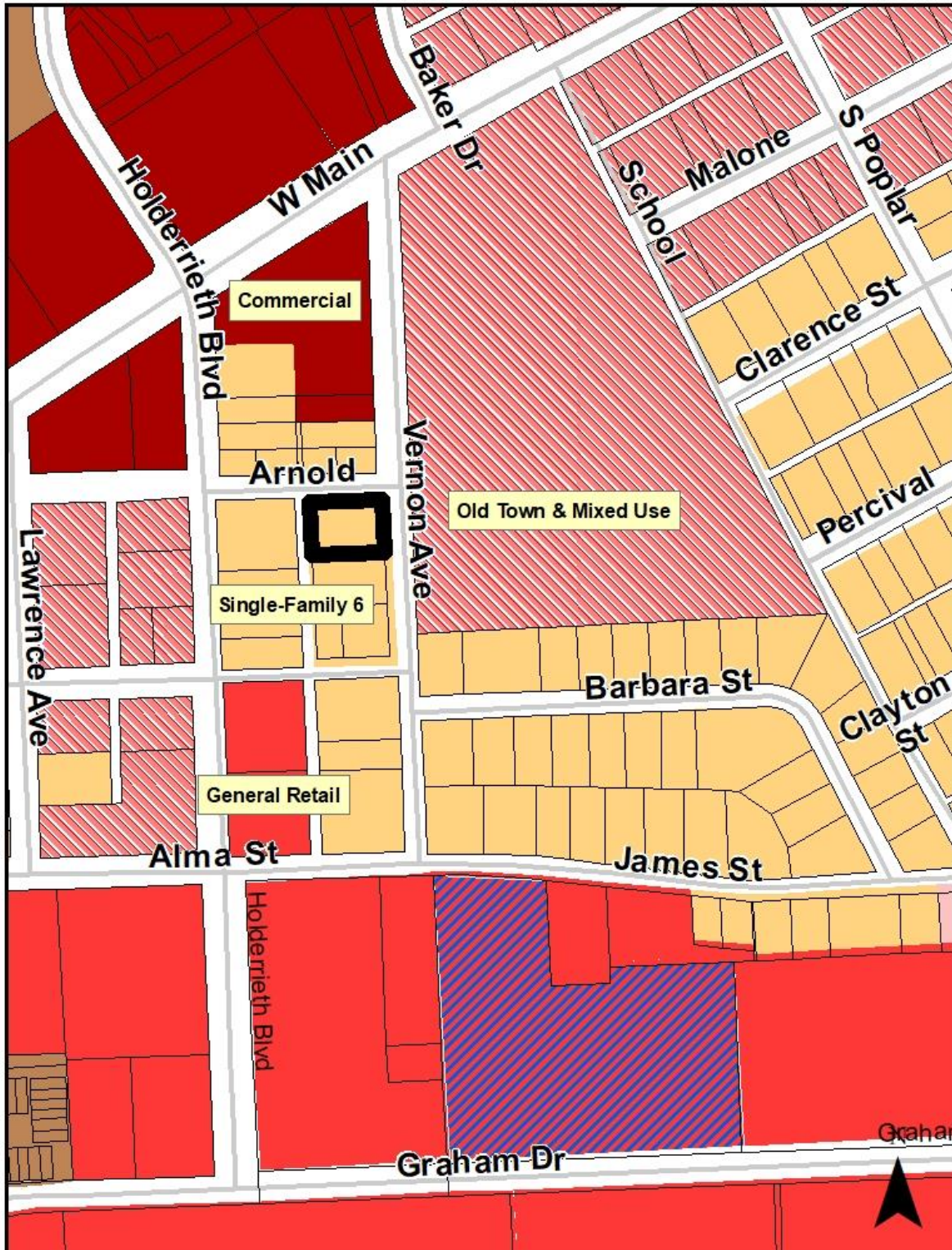


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application



RECEIVED (KC)
01/26/2021 8:16:42 AM

Revised: 4/13/2020

P&Z #20-055

\$400.00 PD

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: Baker Devco, Ventures Title: OWNER
Mailing Address: 801 Baker City: Tomball State: TX
Zip: 77315 Contact: Ray Gann
Phone: 281-653-3971 Email: rgann@baker.com

Owner
Name: SAME AS ABOVE Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)
Name: MERIDIAN Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: 708-08-1927, 660-8118460
Phone: (713) 722-7541 Fax: (713) 722-7643 Email: _____

Description of Proposed Project: LOT (2)

Physical Location of Property: 200 SOUTH VERNON 77315
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LOT 1 & 2, BLOCK 2, MAIN STREET
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: RESIDENTIAL

Current Use of Property: RESIDENTIAL

Proposed Zoning District: MEDICAL RESIDENT

Proposed Use of Property: MIXED USE

HCAD Identification Number: 06709900 20001 **Acreage:** 0.26

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

www.tomballtx.gov

1/22/21

RE: 200 South Vernon 77375

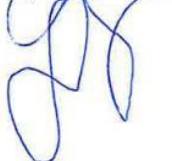
Attn: Mr. Craig Meyers

Dear Mr. Meyers,

Thank you for your assistance in my zoning change application process. I am submitting the application on the basis that now is a good time for both the City, and myself to propose this change to provide a clear path for future successful growth. In so much as the future zoning classification proposal is that this property be designated as Neighborhood Commercial, it will serve the City well to change the classification at this time to Mixed Use.

Please let me know if any further information is required for the application process.

Sincerely,



Roy Goin

1

FND 3/4" IP FND 2" IP

ARNOLD STREET
(60' R.O.W.)

LOT 12

SET 1/2" IR
W/ CAP

ALLEY

N00°56'00"W 100.00'

50.00'

50.00'

FNC CORNER BEARS
N89°05'04"E 0.55'

LOT 1

LOT 2

LOT 3

EAST 140.00'

S. VERNON ST
(PLATTED AS VERNON AVE.)
(60' R.O.W.)

S00°56'00"E 100.00'

WEST 140.00'

2

FND 3/4" IP

6.1'

2.4'

24.0'

24.3'

2.0'

8.2'

20.3'

8.2'

2.0'

24.3'

2.0'

24.0'

2.4'

FND 3/4" IP

0.8'

5.4'

1.1'

9.0'

NOTES:

- SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS LISTED IN ITEM No. 1, SCHEDULE "B" OF TITLE COMMITMENT ISSUED BY **STEWART TITLE COMPANY** UNDER GF No. 08118460.
- SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY, ABSTRACTING BY TITLE COMPANY ONLY, THERE MAY BE ADDITIONAL EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.
- SUBJECT TO AN UNLOCATED PIPELINE EASEMENT PER VOL. 957, PG. 209, H.C.D.R.

- IF CONSTRUCTION UPON OR A DIVISION OF SUBJECT TRACT IS PROPOSED AND IF TRACT LIES IN THE CITY OF HOUSTON OR ITS EXTRATERRITORIAL JURISDICTION, PLATTING AND OTHER REQUIREMENTS MAY APPLY PER CITY OF HOUSTON ORDINANCES.

- ALL BEARINGS SHOWN ARE BASED ON THE RECORDED PLAT.

SCALE: 1" = 30'

SUBJECT PROPERTY IS NOT LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA. LOCATED IN ZONE "X", AS PER MAP 48201C0230L, DATED: 6-18-07.
THIS INFORMATION IS BASED ON GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

LOT 1 & 2		SUBDIVISION MAIN STREET ADDITION
BLOCK 2	SECTION -	RECORDATION VOL. 15, PG. 43, H.C.M.R.
COUNTY HARRIS	STATE TEXAS	I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 6th DAY OF MAY, 2008.
LENDER Co. -		
TITLE Co. STEWART TITLE COMPANY		
PURCHASER OLETA GOIN LIVING TRUST		
ADDRESS 200 S. VERNON STREET TOMBALL, TEXAS		

MERIDIAN
SURVEYING & MAPPING

1080 W. SAM HOUSTON PKWY. N., STE. 113
HOUSTON, TEXAS 77043

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TEL (713) 722-7541 FAX (713) 722-7613

JOB No.	08-19277
G.F. No.	08118460
FIELD WORK	05-06-08 GH
DRAFTED BY	05-07-08 WJ
CHECKED BY	05-07-08 LL
KEY MAP	288L
REVISION	-

R433278

112-0005 (C-217)—RELEASE—Mortgage or Deed of Trust

504-12-3063

06/12/95 00380272 R433278 \$ 11.00

THE STATE OF TEXAS,
COUNTY OF HARRIS

WHEREAS, on the 19th day of June A. D. 19 57
N. A. Winn and wife, Alice Winn, of the
County of Harris, State of Texas, did execute, acknowledge and deliver
to S. W. Oberg, Trustee, of the
County of Harris, State of Texas a certain Deed of Trust
on the following described real estate, situated, lying and being in the County of Harris
in said State of Texas, to-wit: Lots 1 and 2, Block 2, Main Street Addition, Vernon Street,
Tomball, Texas. Q

The land is fully described in deed dated 3/15/52 from Raymond McPhail et ux to
Wm. Holderrieth et ux recorded in Volume 2440, Page 543, of deed records of said
County, to which reference is hereby made for all purposes;

FILED FOR RECORD
8:00 AM

JUN 12 1995

Beverly B. Ferguson
County Clerk, Harris County, Texas

to secure the prompt payment of one certain promissory note executed
by the said N. A. Winn and wife, Alice Winn, and payable to the
order of Humble Oil & Refining Company as follows:
Four Thousand Ninety-Seven and 73/100 (\$4,097.73) Dollars and payable in monthly
installments of Forty and no/100 (\$40.00) Dollars

bearing interest from June 19, 1957 at the rate of four (4%) percent per annum

AND WHEREAS, Said note with accrued interest thereon, has been fully paid
to Humble Oil & Refining Company

the legal and equitable holder and owner of such note.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT, Humble Oil & Refining
Company, a Delaware corporation, in consideration of the premises and the full and final payment of
said note, together with all accrued interest thereon, the receipt and sufficiency of which are hereby
acknowledged and confessed, does hereby release unto N. A. Winn and wife, *2.0*
Alice Winn, their heirs and
assigns, the above described Lien and does hereby agree and declare that all indebtedness secured thereby
has been fully paid and satisfied.

EXECUTED this 8 day of February A. D., ~~1956~~ 1968.

HUMBLE OIL & REFINING COMPANY

Form Approved
By *MAO*

By *J. S. Butler Jr.*
AGENT AND ATTORNEY IN FACT

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Consideration to approve Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (Off-street parking and loading requirements) of the Tomball Code of Ordinances.

- Conduct Public Hearing on Zoning Case P21-056
- Adopt, on First Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; 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:

Origination: City Council

Recommendation:

City Staff recommends approval. Planning & Zoning Commission recommends approval (3-0)

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., 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: # _____

Signed: _____ Approved by: _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 50-112, OFF-STREET PARKING AND LOADING REQUIREMENTS, OF ARTICLE IV, DEVELOPMENT STANDARDS, OF CHAPTER 50, ZONING; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Staff presented the proposed text amendment regarding residential off-street parking to the Planning and Zoning Commission; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the Planning and Zoning Commission held a public hearing regarding the proposed text amendment; and

WHEREAS, the Planning and Zoning Commission recommended in its final report that the City Council approve the requested text amendment; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the City Council held a public hearing on the proposed text amendment; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens to approve the text amendment as contained in this ordinance; now, therefore,

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

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

Section 2. Article IV, Development Standards, of Chapter 50, Zoning of the Code of Ordinances of the City of Tomball, Texas is hereby amended, by adding the language underscored below:

Section 50-112. – Off-street parking and loading requirements.

.....

“(b) *Residential districts; off-street parking provisions.*

- (1) Parking regulations for the AG, SF-20-E, SF-9, SF-6, and D Districts and for Planned Developments for zero lot line, patio home, townhome and single-family attached dwelling units. For every single-family dwelling unit, a minimum of two off-street parking spaces shall be provided on the same lot as the main structure. For duplexes, two off-street parking spaces for each dwelling unit shall be required. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. Off-street parking spaces shall be directly adjacent to a dwelling or garage. If off-street parking spaces are aligned linearly, they shall be directly adjacent to one another. For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with Table 50-112-1; provided, however, two spaces shall be not less than 12 feet by 40 feet if aligned linearly. All required driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement. All additional parking in a required yard must also be of the same material as the abutting street or concrete cement.”

.....

Section 3. 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 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$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 15TH DAY OF MARCH, 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5TH DAY OF APRIL, 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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 P21-055: Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances.

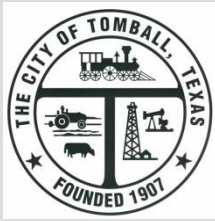
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@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 **4th** day of **March 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 8, 2021

City Council Public Hearing Date: March 15, 2021

Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances.

PROPOSED AMENDMENT

Section 50-112 (*Off-street parking and loading requirements*)

Residential districts; off-street parking provisions.

Parking regulations for the AG, SF-20-E, SF-9, SF-6, and D Districts and for Planned Developments for zero lot line, patio home, townhome and single-family attached dwelling units. For every single-family dwelling unit, a minimum of two off-street parking spaces shall be provided on the same lot as the main structure. For duplexes, two off-street parking spaces for each dwelling unit shall be required. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. **Off-street parking spaces shall be directly adjacent to a dwelling or garage. If off-street parking spaces are aligned linearly, they shall be directly adjacent to one another.** For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with Table 50-112-1; provided, however, two spaces shall be not less than 12 feet by 40 feet if aligned linearly. All required driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement. All additional parking in a required yard must also be of the same material as the abutting street or concrete cement.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on February 24, 2021. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

Topic:

Approve Request from Tomball Rotary for In-Kind Services and Permission to Sell Alcohol at the 2021 Drive thru Fish Fry, to be held on April 24, 2021

Background:

Origination:

Recommendation:

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

Denise Fiore, Community Events
Coordinator

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>Denise Fiore</u>	<u>3-8-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



SPECIAL EVENT APPLICATION

CITY OF TOMBALL, TEXAS | 401 Market Street | Tomball, Texas 77375 | 281-351-5484

An application to stage an event within the City of Tomball shall be filed with the Community Events Coordinator at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council.

Date: 2/12/2021 Is this event Co-City sponsored? Yes ☐ No ☒

Request for permission to use a public venue for the following type of event (please check one):

Festival ☐ Community Event ☐ Arts & Crafts Event ☐ Music Event ☐ Other (specify) ☐

1. Event title: Tomball Rotary Fish Fry
2. Sponsoring entity: Tomball Rotary Club
3. Is this organization based in Tomball: Yes ☒ No ☐
4. Is this organization *non-profit* ☒ or *for-profit* ☐ *Attach 501 (c) (3) tax exemption if applicable
5. Contact: Russel Blue/Caley Baillio Phone: 281/755-9978 or 832-205-0207
6. Contact address: PO Box 594 Tomball Tx 77377
7. Contact email: rblue@irbadvisorgroup.com or caley@sftomball.com
8. Event date: 4/24/2021
9. Event times: Start 4pm Finish 8pm Set-up 7am Breakdown 10pm
10. Is this event for charity? Yes ☒ No ☐
11. If yes, what charity? Tomball Rotary Club Tax ID 27-4719115
12. If yes, what percentage of net proceeds will be donated to the charity?
13. On-site contact: Russel Blue/Caley Baillio Mobile Phone: 281/755-9978 or 832-205-0207
14. Estimated number of attendees: 1000
15. Detailed site map in attached: Yes ☒ No ☐
16. Is this event open to the public: Yes ☒ No ☐
17. Admission fee: \$ Free ☐
18. Time at which event staff will begin to arrive: 7am
19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.
Initial JRB
20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.
Initial JRB
21. Name of insurance carrier: Lexington Ins Co
22. Organization has secured date with the Public Works Dept. and has paid deposit. NO

Signature: [Signature]

FOR OFFICIAL USE - Fee required: Yes ☐ No ☐ Amount Due: \$

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Approve Request from Texas Deuce Days for In-Kind Services to host their opening day meet and greet at the Depot on May 6, 2021 from 3-8 p.m.

Background:

Origination:

Recommendation:

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

Denise Fiore, Community Events
Coordinator

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>Denise Fiore</u>	<u>3-8-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 15, 2021

Topic:

Approve Request by the Tomball High School Athletic Booster Club (THSABC) for In-Kind Services to host their Crawfish Boil to raise money for scholarships at the Depot on April 17, 2021

Background:

Origination:

Recommendation:

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

Denise Fiore, Community Events
Coordinator

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>Denise Fiore</u>	<u>3-8-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



SPECIAL EVENT APPLICATION

CITY OF TOMBALL, TEXAS | 401 Market Street | Tomball, Texas 77375 | 281-351-5484

An application to stage an event within the City of Tomball shall be filed with the Community Events Coordinator at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council.

Date: 4/17/21

Is this event Co-City sponsored? Yes X No ____

Request for permission to use a public venue for the following type of event (please check one):

Festival ____ Community Event x Arts & Crafts Event ____ Music Event ____ Other (specify) ____

1. Event title: THSABC Annual Scholarship Crawfish Boil
2. Sponsoring entity: Tomball HS Athletic Booster Club
3. Is this organization based in Tomball: Yes X No ____
4. Is this organization *non-profit* Y or *for-profit* ____ *Attach 501 (c) (3) tax exemption if applicable
5. Contact: Carl Monrad Phone: 713-301-2528
6. Contact address: 25319 Waterstone Estates Cir E Tomball TX 77375
7. Contact email: Carl.monrad@gmail.com
8. Event date: 4-17-21
9. Event times: Start ____4pm__ Finish ____8pm__ Set-up 9am Breakdown ____9pm
10. Is this event for charity? Yes X No
11. If yes, what charity? THSABC Scholarship Fund Tax ID 91-0437538
12. If yes, what percentage of net proceeds will be donated to the charity? ____100__
13. On-site contact: Carl Monrad, Chuck Hansen Mobile Phone: 713 3012528, 7134497537
14. Estimated number of attendees: 400
15. Detailed site map in attached: Yes X No ____
16. Is this event open to the public: Yes X No ____
17. Admission fee: \$ 10 unless crawfish price goes up Free ____
18. Time at which event staff will begin to arrive: 4pm
19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.
Initial cm
20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.
Initial cm
21. Name of insurance carrier: ____State Farm____
22. Organization has secured date with the Public Works Dept. and has paid deposit. _____

Signature: _____

FOR OFFICIAL USE - Fee required: Yes ____ No ____

Amount Due: \$ _____



Tomball High School Athletic Booster Club Crawfish Boil Scholarship Benefit

Time Date 4/17/21 4-8pm

- Promotion : THS websites , Banner, Impact, Potpourri
- Presell ticket sales : \$10 (tent) Website and student sales
- Walkup ticket sales \$ 12
- Meal to go option AND online access to both silent and live auction if in person event not allowed
- Masks will be required unless eating or drinking / attendees will be asked to bring own 10x10 tent and spread out in grass area

- Sponsor levels 3500/2000/1000/500
- Crawfish Catering :GoCrawdaddy.com
- Kids/Alternate meal : Grab-n-Go Tacos , Chicken Express
- Wine and Beer : Cisco's Catering or Main St
- Music : The Slags / Livestream via Facebook live provided by THS audio- visual department
- Silent Auction 4-8pm :\$25-\$500 items – 40-50 items
- Live Auction 7pm : \$500 on up – 15-20 items
- Tents and tables : provided by ServePro / Tomball Rental



Tomball High School Athletic Booster Club is a proud member of the Chamber of Commerce