

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



**Monday, December 19, 2022
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, December 19, 2022 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR DECEMBER 19, 2022, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. 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: 818 1738 3449, Passcode: 152378. 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 Kenny Rodgers, Anointed Faith Family Church
- 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. Presentations

1. Proclamation – December 19, 2022 is “***Salute to the Tomball Depot Museum Volunteers” Day***
2. Receive a presentation regarding the proposed design alternatives and feedback received for the FM 2920/Main Street reconstruction project.
3. Receive a presentation on the status of the Alley Reconstruction Project, and provide staff direction.
4. Receive a presentation regarding the City of Tomball website redesign project.

F. Reports and Announcements

1. Announcements

- I. December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed; garbage pickup will not be affected
- II. January 2, 2023 – **New Year’s Day Holiday** – City offices closed; garbage pickup will not be affected
- III. January 3, 2023 – **City Council Meeting** will be held on Tuesday, due to New Year’s Day Holiday

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

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1,2,3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

H. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

1. Approve the Minutes of the December 5, 2022 Regular Tomball City Council Meeting
2. Approve Request from Tomball HS Athletic Booster Club for City Support and In-Kind Services for the ***Tomball HS Athletic Booster Club Crawfish Boil*** in downtown Tomball, on Saturday, April 1, 2023
3. Approve Supplemental Number Two, amending the Professional Services Agreement with Gunda Corporation, LLC for Project Number 2017-10033, Alley Improvement Project, for the amount of \$57,320 (making the total not-to-exceed contract amount \$305,819); approve the expenditure of funds therefor; and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
4. Approve a Professional Services Agreement with Four and One, LLC, for Project Number 2023-10013, Parks, Recreation, and Trail System Master Plan for a not-to-exceed amount of \$149,600, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2022-2023 budget.
5. Approve the purchase of SmartGov Subscriptions (permitting software) from Brightly Solutions, Inc. for year one implementation and annual subscription in the amount of \$41,619.65 of the total contract amount of \$153,393.27, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchase is included in the FY 2022-2023 Budget.

I. New Business

1. Appoint Resident Position 2 Member to the Tourism Advisory Committee
2. Appoint Member to Vacant/Unexpired Alternate 4 Position of the Board of Adjustments, for Term expiring March 2, 2023
3. Consideration to approve **Zoning Case P22-350**: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to

a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Conduct Public Hearing on **Case P22-350**

Adopt, on First Reading, Ordinance No. 2022-41, 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 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within 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.

- 4.** **Consideration to approve Zoning Case P22-367:** Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Case P22-367**

Adopt, on First Reading, Ordinance No. 2022-42, 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 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas 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.

- 5.** **Consideration to approve Case P22-394:** Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

Conduct Public Hearing on **Case P22-394**

Adopt, on First Reading, Ordinance No. 2022-43, an Ordinance of the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”; 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. Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551.072 – Deliberation regarding Real Property
 - Sec. 551.076 – Deliberation regarding Security Devices

J. 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 15th day of December 2022 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, Assistant City Secretary, TRMC, CMC

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: December 19, 2022

Topic:

Proclamation – December 19, 2022 is *“Salute to the Tomball Depot Museum Volunteers” Day*

Background:

Origination:

Recommendation:

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

Chrislord Templonuevo, Marketing &
Communications Specialist

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 # _____

Office of the Mayor
Tomball, Texas



Proclamation



WHEREAS, the Tomball Depot Museum volunteers – *John and Cindy Lockwood, Valerie Hill, Richard Lumpkin, “Big Jim” Glenn, Chris Beetle, “Mr. Dave” George, and John Buckley* – are known for their contagious love of trains – because of this great love, they invest themselves in serving at the Tomball Depot Museum; and

WHEREAS, the Tomball Depot Museum volunteers are at the Depot every Saturday and Sunday and during special events, giving tours and providing tons of information regarding trains and the Depot; and

WHEREAS, the Tomball Depot Museum volunteers share their passion for everything “train” in the Tomball Depot, sharing the history of Tomball, formerly known as Peck, and Thomas Henry Ball, after whom Tomball was renamed; and

WHEREAS, the Tomball Depot Museum volunteers share the history of Tomball with hundreds of school children and tourists throughout the year, working quietly and tirelessly without desire for recognition, remuneration or personal gain, winning them the respect and affection of Tomball’s citizens;

NOW, THEREFORE, I, Lori Klein Quinn, by virtue of the authority vested in me as **Mayor of the City of Tomball,** on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim December 19, 2022, as:

“SALUTE TO THE TOMBALL DEPOT MUSEUM VOLUNTEERS” DAY

and invite our citizens to join us in honoring our Tomball Depot Museum Volunteers – *John and Cindy Lockwood, Valerie Hill, Richard Lumpkin, “Big Jim” Glenn, Chris Beetle, “Mr. Dave” George, and John Buckley* – for their wonderful service and dedication to the City of Tomball, Texas.

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



Mayor Lori Klein Quinn

Attest: 

Date: December 19, 2022

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

Receive a presentation regarding the proposed design alternatives and feedback received for the FM 2920/Main Street reconstruction project.

Background:

City staff and representatives from Gunda Corporation (Ardurra) will provide an overview of the information presented regarding potential design alternatives and feedback received for the FM 2920 project at the Dec. 6 open house and through an online survey.

Origination: City Manager's Office

Recommendation:

Party(ies) responsible for placing this item on agenda: Jessica Rogers, Asst. City Manager

FUNDING (IF APPLICABLE)

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

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

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

Signed Jessica Rogers Approved by _____
Staff Member Date City Manager Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Receive a presentation on the status of the Alley Reconstruction Project, and provide staff direction.

Background:

In 2008, the City Council adopted the FM 2920 Access Management Study and the Tomball Livable Centers Downtown Plan. Both plans recommended that the alleys in Old Town be reconstructed to accommodate the growing pedestrian activity in the area.

Over the past few years, the City and TEDC have worked together to draft a plan for funding and construction of the alley project. The City has focused on the infrastructure and civil work, while the TEDC has worked on the landscaping and aesthetic package.

The goal is the phase the project, starting with the 100 blocks, to lessen the impact of the project on businesses. In FY 2022-2023, the City plans to bid out the reconstruction plans for the 100 blocks of the alleys, both north and south of FM 2920, as well as the 200 block of the north side as a add alternate bid. At the request of City Council, staff have also added in the construction of public restrooms at the corner of Cherry and Commerce into the base bid.

The City intends to issue a c Request for Proposals for construction of the north and south 100 blocks, with an add alternate on the north 200 block, of the alleys in late December, with responses due late January 2023. With this timeline, staff anticipates the construction start date will be sometime in spring 2023. The estimated construction timeline for the section of the project is 8-12 months with an estimated construction budget of \$1.5M.

To date, the City has allocated about \$1.2 million to the project, with TEDC allocating an additional \$600,000 for the base construction portion. The following provides a breakdown of the project funding and estimated costs.

Alley Project Summary	
Project Funding Sources	
FY 2019 Capital Project Funding (General Fund)	\$356,500
FY 2020 Capital Project Funding (General Fund)	\$356,500
FY 2021 Capital Project Funding (General Fund)	\$200,000
FY 2022 Capital Project Funding (Enterprise Fund)	\$150,000
FY 2023 Capital Project Funding (General Fund)	\$200,000
FY 2023 TEDC Project Contribution	\$600,000
Total Current Funding	\$1,863,000
Projected Expenditures	
<i>Design/Engineering</i>	
Professional Services Agreement – Design of 100 Block (North and South)	\$111,394

Supplemental One – Addition of 200 Block North & Dumpster Enclosures	\$137,105
Supplemental Two – Public Restroom at Cherry Street Design	\$57,320
<i>Construction</i>	
100 Block (North and South) Construction	\$825,000
200 Block North Construction	\$250,000
Public Restroom at Cherry Street	\$100,000
Total Current Estimated Expenditures	\$1,480,819

Origination: Public Works Department

Recommendation:

N/A

Party(ies) responsible for placing this item on agenda: Drew Huffman, Public Works 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 Drew Huffman Approved by _____
 Staff Member _____ Date _____ City Manager _____ Date _____

City Council Meeting Agenda Item Data Sheet

Meeting Date: Dec. 19, 2022

Topic:

Receive a presentation regarding the City of Tomball website redesign project.

Background:

City staff will present a draft of the proposed website redesign.

Origination: City Manager's Office

Recommendation:

Party(ies) responsible for placing this item on agenda: Jessica Rogers, Asst. City Manager

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Jessica Rogers</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed; garbage pickup will not be affected

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 # _____

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

January 2, 2023 – **New Year’s Day Holiday** – City offices closed; garbage pickup will not be affected

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 # _____

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

January 3, 2023 – **City Council Meeting** will be held on Tuesday, due to New Year’s Day Holiday

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 # _____

City Council Meeting Agenda Item Data Sheet

Meeting Date: November 7, 2022

Topic:

Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1,2,3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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 DENIAL (2 Vote Aye, 2 Votes Nay)

Origination: Tomball Economic Development Corporation and Tortuga Operating Company

Recommendation:

Approval

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

FUNDING (IF APPLICABLE)

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

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

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

Signed _____
Staff Member Date

Approved by _____
City Manager Date

ORDINANCE NO. 2022-38

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 17.08 ACRES OF LAND LEGALLY DESCRIBED AS BEING LOTS 1, 2, 3, AND 4 OF TOMBALL BUSINESS & TECHNOLOGY PARK FROM THE SINGLE FAMILY RESIDENTIAL - 20 (SF-20) DISTRICT TO THE LIHT INDUSTRIAL (LI) DISTRICT, BEING LOCATED WITHIN THE 1900 BLOCK OF S. PERSIMMON STREET (EAST AND WEST SIDE), 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, Tomball Economic Development Corporation and Tortuga Operating Company has requested that approximately 17.08 acres of land legally described as being Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2, located in the 1900 block of S. Persimmon 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 Light Industrial 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 Residential - 20 District to the Light Industrial 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 Light Industrial 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 1ST DAY OF NOVEMBER 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSENT</u>
COUNCILMAN PARR	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19th DAY OF DECEMBER 2022.

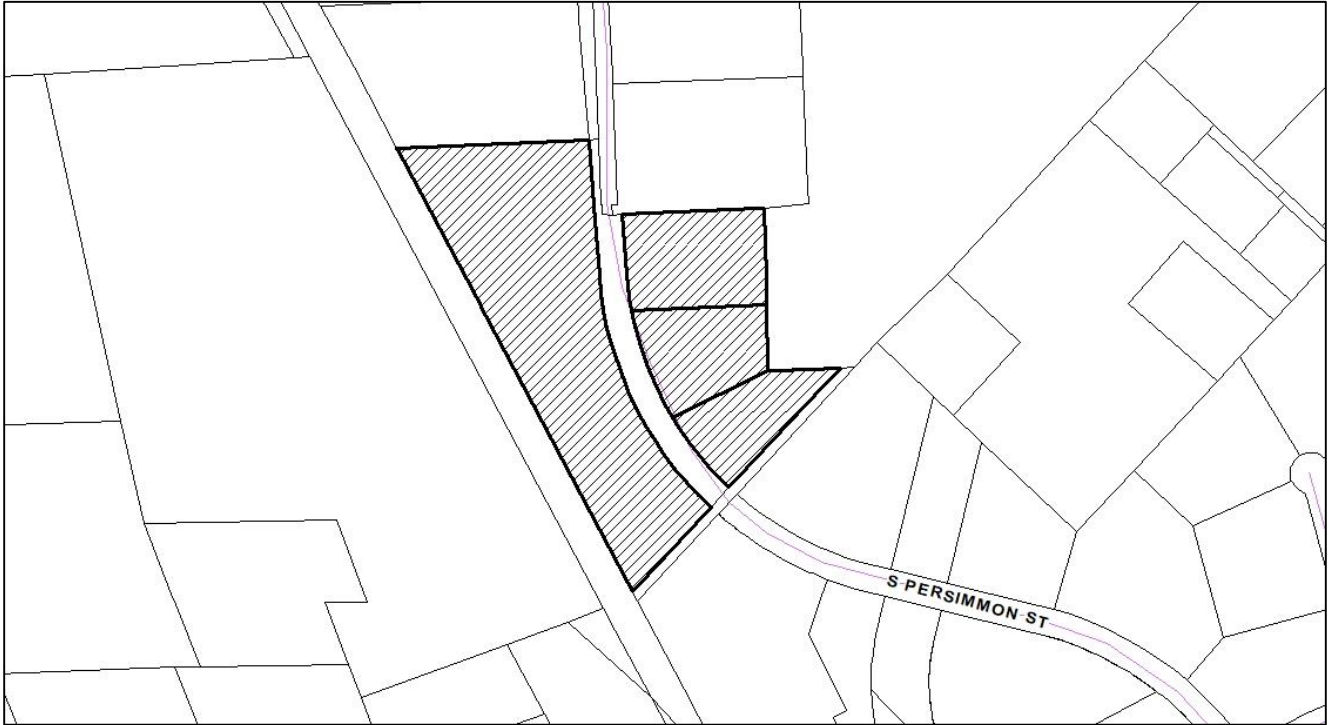
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

Lori Klein Quinn, Mayor

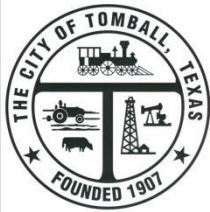
ATTEST:

Doris Speer, City Secretary

Exhibit "A"



Location: Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2



**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: October 10, 2022
City Council Public Hearing Date: October 17, 2022

Rezoning Case: P22-309
Property Owner(s): Tomball Economic Development Corporation & Tortuga Operating Company
Applicant(s): Tomball Economic Development Corporation
Legal Description: Lots 1, 2, 3, and 4 in Tomball Business & Technology Park, Sec. 2
Location: 1900 block of S. Persimmon St. (east & west side) (Exhibit “A”)
Area: 17.08 acres
Comp Plan Designation: Business Park and Industrial (Exhibit “B”)
Present Zoning and Use: Single Family Residential – 20 (SF-20) (Exhibit “C”) / Vacant (Exhibit “D”)
Request: Rezone to the Light Industrial (LI) District
Adjacent Zoning & Land Uses:
North: Single Family Residential - 20 / Vacant
South: Light Industrial / Warehousing
West: Single Family Residential - 20 / Vacant
East: Single Family Residential – 20 / Vacant

BACKGROUND

The subject properties have been within the city limits since 1909. The properties have remained vacant since that time. The properties has been located within the Single Family Residential – 20 zoning district since 2008 when the City of Tomball adopted zoning. According to information provided by the applicant, the zone change request is to allow for additional expansion of the Tomball Business & Technology Park immediately south of the subject properties.

ANALYSIS

The subject properties comprise approximately 17.08 acres, located along S. Persimmon Street midway between Medical Complex Drive and Holderrieth Road. Properties north, east, and west of the subject site are within Single Family Residential – 20 zoning districts and are presently vacant. The properties south of the subject properties are within Light Industrial zoning and are currently utilized warehousing/distribution purposes.

Comprehensive Plan Recommendation:

The Future Land Use Map within the Comprehensive Plan designates the subject property as “Business Park and Industrial.” According to the Comprehensive Plan, this Business Park and Industrial land use category is intended to create opportunities for employment, and should be located near or along adequate thoroughfares that provide convenient access for vehicular traffic including freight.

The Comprehensive Plan identifies office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses to be appropriate land uses within the Business Park and Industrial land use.

According to the Comprehensive Plan, Light Industrial, Commercial, Office, and Planned Developments are considered appropriate zoning districts within the Business Park and Industrial land use category.

In making decisions regarding the neighborhood commercial land use category the following items should be considered: “New development should include landscape buffers between any property that is zoned to a non-business park & industrial district. Outdoor storage should be designed in a manner that screens materials and equipment from public rights-of-way. New business park & industrial development should be designed in a manner which orients loading docks and bays away from the front property line or public rights-of-way.”

Staff Review Comments:

The request to rezone the subject property to Light Industrial is in accordance with the Business Park and Industrial land use identified on the Future Land Use Map. This zone change request will achieve the Comprehensive Plans goal of working with the Tomball Economic Development Corporation (TEDC) to support local businesses and increase employment opportunities. The Comprehensive Plan states that maintaining and encouraging the expansion of existing businesses is an essential component of economic development, and as such, should continue to be supported on an ongoing bases. The approval of this zone change request will promote the Comprehensive Plans goal of economic development, specifically by encouraging the continued growth of the Tomball Business and Technology Park. Lastly, according to the City of Tomball Code of Ordinance, Light Industrial zoning requires accessibility to major thoroughfares. The subject properties are located along a S. Persimmon Street (a minor arterial) with convenient access to two regionally serving major arterial streets (Medical Complex Drive and Holderrieth Road). Roadways such as these are designed to provide ample access to high volumes of traffic to include freight traffic.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on September 27, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Based on the findings outlined in the analysis section of this staff report, the City staff recommends approval of Zoning Case P22-309.

P&Z RECOMMENDATION:

Denial (2 Vote Aye, 2 Vote Nay)

- Discussion Items:
 - Concerns about residential land use north of the subject site(s) on the east side of S. Persimmon St.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo(s)
- E. Light Industrial Permitted Use Chart
- F. Rezoning Application

**Exhibit "A"
Aerial Map**

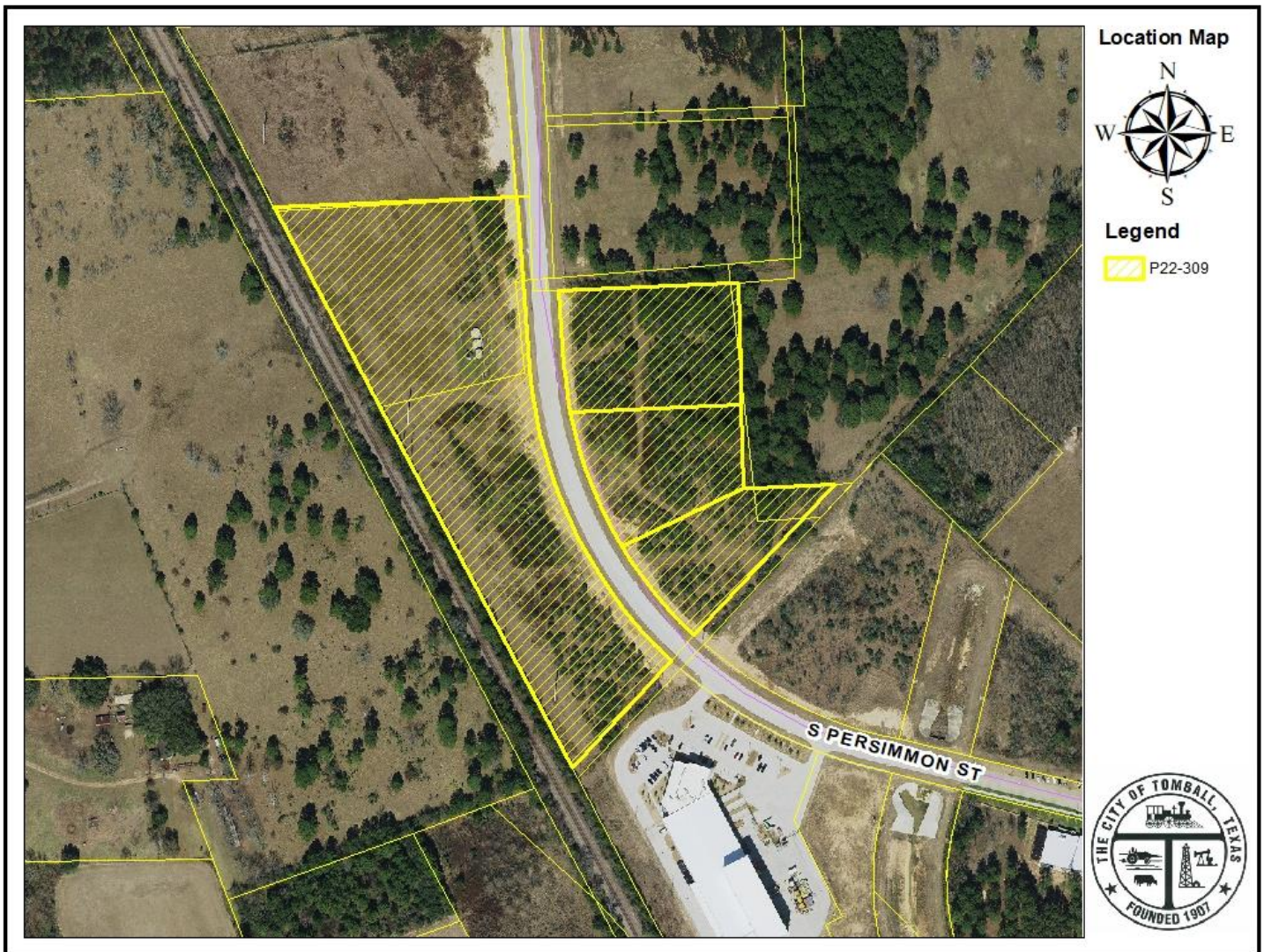


Exhibit "B"
Future Land Use Map

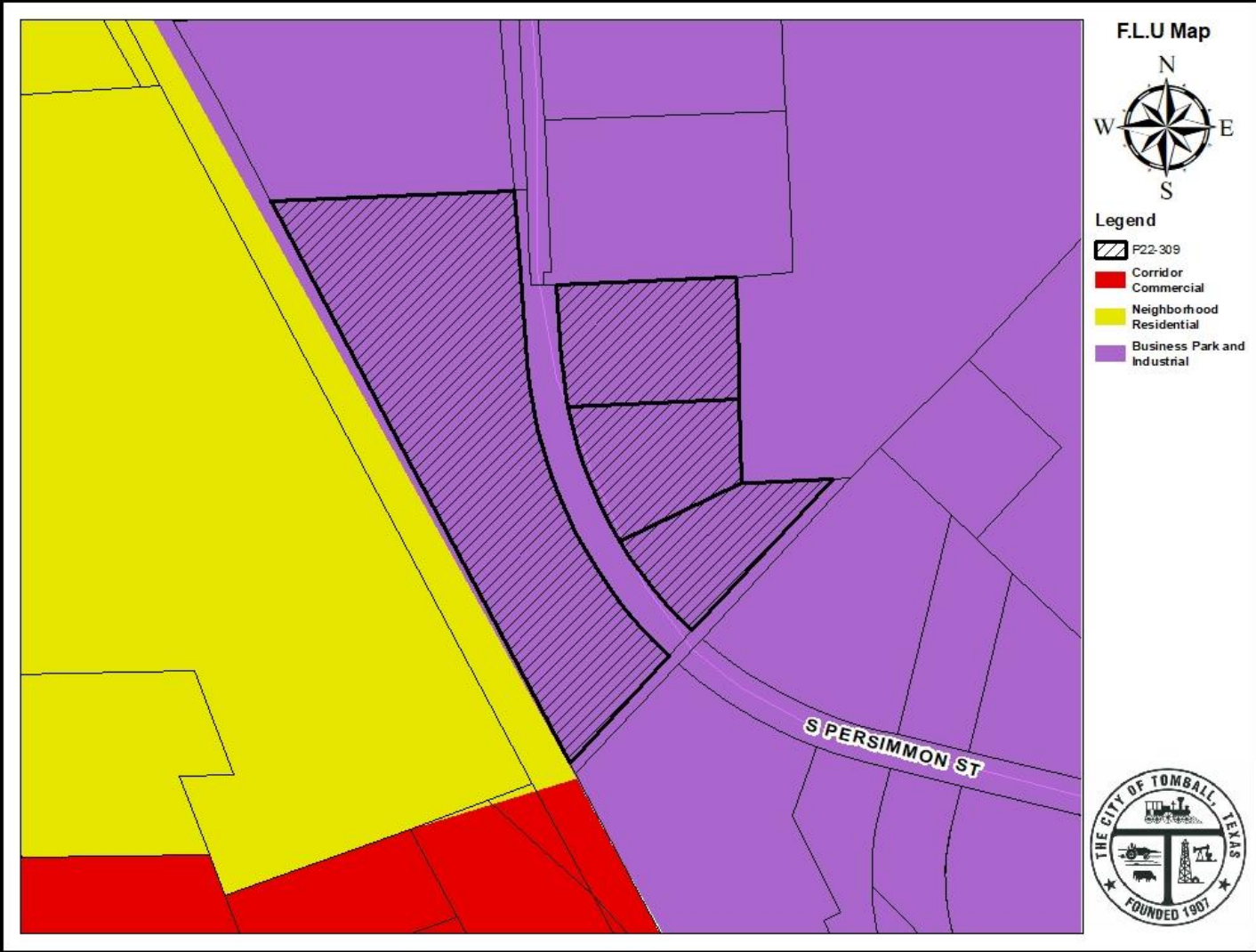
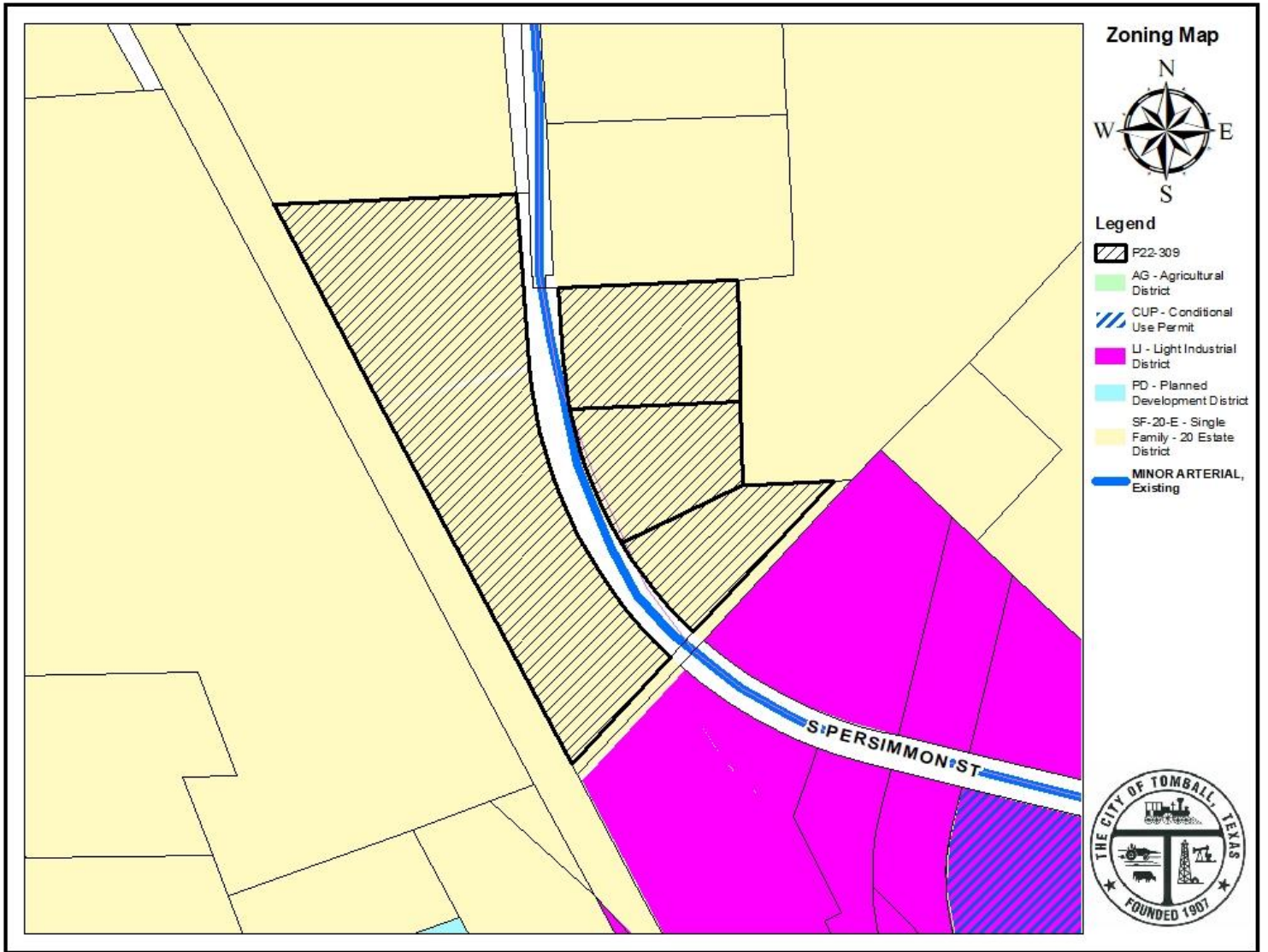


Exhibit "C" Zoning Map



**Exhibit “D”
Site Photo**





**Exhibit “E”
Light Industrial Permitted Use Chart**

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

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Telephone exchange/switching station ‡	Permitted	1 space per 500 square feet
Temporary real estate field office	Permitted	4 spaces
Model home (including sales office)	CUP Required (Learn More)	2 spaces per model
Personal and Business		
Ambulance service	Permitted	1 space per 500 square feet
Automobile driving school (including defensive driving)	Permitted	1 space per classroom seat
Barber/beauty shop (no related school/college)	Permitted	1 space per 200 square feet
Dance/drama/music schools (performing arts, martial arts)	Permitted	1 space per 100 square feet
Fortunetelling and similar activities ‡	CUP Required (Learn More)	1 space per 300 square feet
Funeral home ‡	Permitted	See Section 50-112
Health club (indoor)	Permitted	1 space per 300 square feet
Health club (outdoor)	Permitted	1 space per 300 square feet
Laundromat/washateria/self-service ‡	Permitted	1 space per 200 square feet
Laundry/dry cleaning (retail only, drop off/pick up) ‡	Permitted	1 space per 200 square feet
Mailing service (private)	Permitted	1 space per 200 square feet
Pharmacy (retail only)	Permitted	1 space per 200 square feet
Reception venue	Permitted	1 space: 4 seats
Rehabilitation care facility (halfway house) ‡	Permitted	Greater of 1 per three beds or 1.5 spaces per dwelling
Rehabilitation care institution (business) ‡	Permitted	Greater of 1 per three beds or 1.5 spaces per dwelling
Seamstress, dressmaker or tailor (retail only)	Permitted	1 space per 200 square feet
Sexually oriented business	CUP Required (Learn More)	

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Wedding chapel	Permitted	1 space per four seats
Retail		
Antique shop (no outside sales or storage) ‡	Permitted	1 space per 500 square feet
Antique shop (with outside storage)	Permitted	1 space per 500 square feet
Apparel shop	Permitted	1 space per 200 square feet
Art gallery/museum/dealer ‡	Permitted	1 space per 500 square feet
Artist or photography studio	Permitted	1 space per 500 square feet
Bakery, retail (eating establishment, no drive-through) ‡	Permitted	1 space per 200 square feet
Bakery, retail (with drive-through)	Permitted	1 space per 200 square feet
Bakery (wholesale) ‡	Permitted	1 space per 500 square feet
Bird and pet shops (retail only)	Permitted	1 space per 200 square feet
Book/stationery shop (retail only) ‡	Permitted	1 space per 200 square feet
Brewpub	Permitted	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments.
Building material sales/lumber yard ‡	Permitted	1 space per 1,000 square feet
Carpenter shop	Permitted	1 space per 500 square feet
Catering service	Permitted	1 space per 500 square feet
Consignment shop	Permitted	1 space per 300 square feet
Convenience store (with or without gasoline sales) ‡	Permitted	See Section 50-112
Copy shop ‡	Permitted	1 space per 200 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Drinking establishment	Permitted	
Drug store (retail only)	Permitted	1 space per 200 square feet
Eating establishment (with drive-in service) ‡	Permitted	Whichever is greater: 1 per 100 square feet; 1 per 3 seats based on max seating capacity or; 1 per 12 spaces
Eating establishment (with no drive-through service) ‡	Permitted	
Eating establishment (with drive-through service) ‡	Permitted	
Electronic goods (retail only)	Permitted	1 space per 200 square feet
Florist shop (retail only) ‡	Permitted	1 space per 200 square feet
Food or grocery store	Permitted	1 space per 500 square feet
Furniture and appliance store (retail only) ‡	Permitted	1 space per 500 square feet
Furniture store (new and used) ‡	Permitted	1 space per 200 square feet
General retail stores (no outside storage)	Permitted	1 space per 200 square feet
Gift or card shop (retail only)	Permitted	1 space per 200 square feet
Hardware store	Permitted	1 space per 400 square feet
Hobby and crafts store (retail only)	Permitted	1 space per 200 square feet
Home improvement center	Permitted	1 space per 400 square feet plus one per 1,000 square feet of warehouse area
Jewelry store	Permitted	1 space per 200 square feet
Market, open air, flea	Permitted	1 space per 200 square feet
Meat and fish market (retail only)	Permitted	1 space per 200 square feet
Mobile Food Court ‡	CUP Required (Learn More)	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Motion picture studios, commercial films	Permitted	1 space per 300 square feet
Motion picture theater (indoors)	Permitted	See Section 50-112
Nursery ‡	Permitted	1 space per 1,000 square feet of sales area
Garden shop ‡	Permitted	1 space per 200 square feet
Painting and refinishing shop	Permitted	1 space per 500 square feet
Piano and musical instruments (retail only)	Permitted	1 space per 200 square feet
Shoe repair shop (retail only)	Permitted	1 space per 200 square feet
Sign shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)	Permitted	1 space per 300 square feet
Stone monuments and gravestones, engraving and retail sales only	Permitted	1 space per 500 square feet
Upholstery shop (nonauto)	Permitted	1 space per 200 square feet
Used merchandise	Permitted	1 space per 200 square feet
Video rental/sales	Permitted	1 space per 200 square feet
Transportation and Auto Services		
Airport or landing field ‡	CUP Required (Learn More)	1 space per 500 square feet
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display)	Permitted	1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)	Permitted	1 space per 300 square feet
Auto accessories (retail sales only)	Permitted	1 space per 200 square feet
Auto body repair/painting	Permitted	1 space per 200 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡	Permitted	See Section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)	Permitted	See Section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡	Permitted	See Section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Auto glass repair/tinting	Permitted	1 space per 200 square feet
Auto interior shop/upholstery	Permitted	1 space per 200 square feet
Auto muffler shop	Permitted	1 space per 200 square feet
Auto paint shop	Permitted	1 space per 200 square feet
Auto parts sale (new or rebuilt; no outside storage, no outside display, no repair)	Permitted	1 space per 200 square feet
Auto parts sale (new or rebuilt; with outside storage or display)	Permitted	1 space per 200 square feet
Auto rental	Permitted	1 space per 200 square feet
Auto repair (major) ‡	Permitted	1 space per 200 square feet
Auto repair (minor) ‡	Permitted	1 space per 200 square feet
Auto storage or auto auction ‡	Permitted	1 space per 1,000 square feet
Auto tire sales (indoor)	Permitted	1 space per 200 square feet
Auto wrecker service	Permitted	1 space per 200 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Automobile assembly	Permitted	1 space per 1,000 square feet
Automobile parts manufacturing	Permitted	1 space per 1,000 square feet
Automobile wash (full service/detail shop) ‡	Permitted	3 spaces per washing capacity of module
Automobile wash (self-service) ‡	Permitted	3 spaces per washing capacity of module
Bike sales and/or repair	Permitted	1 space per 500 square feet
Bus or truck storage	Permitted	1 space per 1,000 square feet
Gasoline station	Permitted	See Section 50-112
Motor freight transportation, storage, and terminal	Permitted	See Section 50-112
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡	Permitted	See Section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Parking lot or garage for passenger cars and trucks of less than one-ton capacity ‡	Permitted	None
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display	Permitted	See Section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Railroad team tracks, unloading docks, and spurs	Permitted	None
Railroad yards, round house or shop	Permitted	1 space per 1,000 square feet
Taxi/limousine service	Permitted	1 space per 1.5 automobiles in service
Tire sales (indoors, no outside storage) ‡	Permitted	1 space per 1,000 square feet
Tire sales (outdoors, with outside storage) ‡	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Transfer station (refuse/pick-up) ‡	CUP Required (Learn More)	1 space per 500 square feet
Transit terminal ‡	Permitted	See Section 50-112
Truck and bus leasing ‡	Permitted	1 space per 1,000 square feet
Truck sales and services (heavy trucks) ‡	Permitted	1 space per 1,000 square feet
Truck stop ‡	Permitted	1 space per 1,000 square feet
Truck terminal ‡	Permitted	See Section 50-112
Amusement and Recreation		
Amusement, commercial (indoor) ‡	Permitted	1 space per 100 square feet
Amusement, commercial (outdoor) ‡	Permitted	10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area
Amusement, commercial, temporary, (e.g., carnival, haunted house). (Note: Allowed by building official for up to 10 days) ‡	Permitted	Determined by P & Z
Amusement devices/arcade (4 or more devices, indoors only) ‡	Permitted	1 space per game table plus one per amusement device
Billiard/pool Facility (4 or more tables)	Permitted	1 space per 200 square feet
Bingo facility	Permitted	1 space per 200 square feet
Bowling alley (air conditioned and soundproofed)	Permitted	4 spaces per lane
Dinner theatre	Permitted	1 space per three seats or bench seating space
Drive-in theater	CUP Required (Learn More)	1 space per speaker
Golf driving range	Permitted	See Section 50-112
Golf course (private) ‡	CUP Required (Learn More)	6 spaces per hole
Golf course (publicly owned) ‡	Permitted	6 spaces per hole
Playfield or stadium (private)	Permitted	1 space per three seats
Recreational vehicle park/campground ‡	Permitted	1.5 per RV pad

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Skating rink	Permitted	1 space per 200 square feet, plus 1 per 3 seats based on max capacity
Swimming pool, private (use by membership) ‡	Permitted	1 space for each 100 square feet of gross water surface and deck area
Swimming pool, commercial ‡	Permitted	1 space per 100 square feet of gross water surface and deck area
Tennis court (private/not lighted)	Permitted	2 spaces per court
Tennis court (private/lighted)	CUP Required (Learn More)	2 spaces per court
Institutional/Governmental		
Adult day care (business)	See Section 50-116	
Antenna (commercial)	See Section 50-116	
Antenna (noncommercial)	See Section 50-116	
Armed services recruiting center	Permitted	1 space per 300 square feet
Auction house	Permitted	1 space per 100 square feet
Broadcast station (with tower)	See Section 50-116	
Broadcast towers (commercial)	See Section 50-116	
Cellular communications tower/PCS	See Section 50-116	
Cemetery and/or mausoleum ‡	CUP Required (Learn More)	1 space per 5,000 square feet of land
Church/temple/place of worship ‡	Permitted	1 space per four seats in sanctuary
Civic center (municipal) ‡	Permitted	10 spaces plus 1 per 300 square feet above 2,000 square feet
Civic club	Permitted	See Section 50-112
Community center (public)	Permitted	See Section 50-112
Community or social buildings ‡	Permitted	1 space per 300 square feet
Country club (private) ‡	CUP Required (Learn More)	10 spaces plus 1 per 300 square feet above 2,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Earth satellite dish (private, less than 3 feet in diameter)	See Section 50-116	
Electric power plant	Permitted	1 space per 1,000 square feet
Electrical substation ‡	CUP Required (Learn More)	1 space per 1,000 square feet
Exhibition hall ‡	Permitted	1 space per 100 square feet
Fair ground or rodeo ‡	CUP Required (Learn More)	1 space per 1,000 square feet of land area
Fraternal organization ‡	Permitted	10 spaces plus 1 per 300 square feet above 2,000 square feet
Governmental building or use (county, state or federal) ‡	Permitted	1 space per 300 square feet
Heliport ‡	CUP Required (Learn More)	3 spaces
Helistop	CUP Required (Learn More)	3 spaces
Hospital ‡	Permitted	1 space per bed
Household care institution	Permitted	1 space per 6 clients
Institution for alcoholic, narcotic, or psychiatric patients ‡	Permitted	1 space per 200 square feet
Institution of religious, educational or philanthropic nature	Permitted	1 space per 200 square feet
Municipal facility or use ‡	Permitted	1 space per 300 square feet
Museum	Permitted	See Section 50-112
Park and/or playground (private) ‡	Permitted	
Park and/or playground (public, municipal) ‡	Permitted	
Penal or correctional institutions	Permitted	1 space per 500 square feet
Post office (governmental)	Permitted	10 plus 1 per 200 square feet
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)	Permitted	1 space per 4 seats
Radio, television and communications towers	See Section 50-116	

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Rectory/parsonage	Permitted	5 spaces, plus 1 per bedroom
Retirement housing for the elderly ‡	See assisted living facility	
Riding academy	Permitted	1 space per five stalls
Sanitary landfill (private)	CUP Required (Learn More)	1 space per ten acres
School, business (e.g., barber/beauty/cosmetology)	Permitted	1 space per three students, based on design
School, college or university	Permitted	10 per classroom plus 2 per office
School, commercial trade (vocational) ‡	Permitted	1 space per student
School, public or denominational ‡	Permitted	See Section 50-112
School, other than public or denominational ‡	Permitted	
Sheltered care facility ‡	CUP Required (Learn More)	1 space per three beds or 1.5 per dwelling
Sign, all types (defined within the referenced section) ‡	See Ch. 34 of this Code	
Studio for radio and/or television (no towers) ‡	Permitted	1 space per 200 square feet
Commercial and Wholesale Trade		
Animal kennel (outdoor pens)	Permitted	1 space per 500 square feet
Appliance repair	Permitted	1 space per 500 square feet
Book binding	Permitted	1 space per 500 square feet
Carpet and rug cleaning plant	Permitted	1 space per 1,000 square feet
Cattle, swine, or poultry feedlot (CAFO)	CUP Required (Learn More)	1 space per 5,000 square feet of land
Cleaning plant (commercial laundry) ‡	Permitted	1 space per 1,000 square feet
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Construction contractor with storage yard	Permitted	1 space per 1,000 square feet of land
Contractor's office/sales, no outside storage including vehicles	Permitted	1 space per 1,000 square feet of land
Contractor's temporary on-site construction office (only with permit from building official.)	Permitted	None
Distribution center ‡	Permitted	1 space per 1,000 square feet
Electric repair, (domestic equipment and autos)	Permitted	1 space per 1,000 square feet
Electronic assembly	Permitted	1 space per 1,000 square feet
Electro-plating/electro-typing	Permitted	1 space per 1,000 square feet
Exterminator service/company (no outdoor sales or storage)	Permitted	1 space per 300 square feet
Fix-it shops, small engine, saw filing, mower sharpening	Permitted	1 space per 500 square feet
Fur/hide tanning and finishing	CUP Required (Learn More)	1 space per 1,000 square feet
Heating and air conditioning sales/services	Permitted	1 space per 1,000 square feet
Iron works (ornamental)	Permitted	1 space per 1,000 square feet
Lawnmower repair and/or sales	Permitted	1 space per 500 square feet
Loading or storage tracks	Permitted	None
Locksmith	Permitted	1 space per 500 square feet
Machine shop	Permitted	1 space per 1,000 square feet
Maintenance and repair service for buildings/janitorial	Permitted	1 space per 500 square feet
Manufactured home display or sales (new or used) ‡	Permitted	1 space per 1,000 square feet
Mattress, making and renovating	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Milk depot, wholesale	Permitted	1 space per 1,000 square feet
Mini-warehouse/self storage ‡	Permitted	See Section 50-112
Mortuary	Permitted	See Section 50-112
Moving and storage company	Permitted	1 space per 1,000 square feet
News printing	Permitted	1 space per 1,000 square feet
Outdoor sales as a primary use ‡	Permitted	1 space per 5,000 square feet of land area
Pawn shop ‡	Permitted	1 space per 200 square feet
Pet and animal grooming shop (no outside kennels) ‡	Permitted	1 space per 200 square feet
Plumbing shop	Permitted	1 space per 200 square feet
Printing equipment, supplies and repairs	Permitted	1 space per 500 square feet
Propane sales filling (retail)	Permitted	1 space per 200 square feet
Publishing and printing company	Permitted	1 space per 500 square feet
Quick lube/oil change/minor inspection	Permitted	1 space per 200 square feet
Salvage storage yard ‡	CUP Required (Learn More)	5 per acre
Scientific and industrial research laboratories (hazardous) ‡	Permitted	1 space per 300 square feet
Scientific and industrial research laboratories (nonhazardous) ‡	Permitted	1 space per 300 square feet
Scrap metal storage yard	CUP Required (Learn More)	5 space per acre
Security systems installation company	Permitted	1 space per 300 square feet
Sheet metal shop	Permitted	1 space per 1,000 square feet
Storage of cement, sands and gravel	Permitted	1 space per 5,000 square feet of storage area
Storage of used lumber and building materials	Permitted	1 space per 5,000 square feet of storage area

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Taxicab storage and repair	Permitted	1 space per 500 square feet
Taxidermist	Permitted	1 space per 500 square feet
Tool and machinery rental (indoor storage only) ‡	Permitted	1 space per 200 square feet
Tool and machinery rental (with outdoor storage) ‡	Permitted	1 space per 200 square feet
Vacuum cleaner sales and repair ‡	Permitted	1 space per 200 square feet
Veterinarian clinic (indoor kennels) ‡	Permitted	1 space per 500 square feet
Veterinarian clinic (outdoor kennels or pens) ‡	Permitted	1 space per 500 square feet
Warehouse (defined under storage or wholesale warehouse) ‡	Permitted	1 space per 1,000 square feet
Welding shop	Permitted	1 space per 1,000 square feet
Wholesale trade, nondurable goods	Permitted	1 space per 1,000 square feet
Woodworking shops	Permitted	1 space per 1,000 square feet
Wrecking materials yard ‡	CUP Required (Learn More)	1 space per 1,000 square feet
Light and Heavy Manufacturing/Industrial		
Acid manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Adhesives and sealants manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Aircraft parts manufacture	Permitted	1 space per 1,000 square feet
Airplane repair and manufacturing	Permitted	1 space per 1,000 square feet
Animal processing and slaughter	CUP Required (Learn More)	1 space per 1,000 square feet
Any manufacture or industrial process not listed and not prohibited by law	CUP Required (Learn More)	1 space per 1,000 square feet
Artificial flower manufacture	Permitted	1 space per 1,000 square feet
Asphalt paving and roofing material manufacture	CUP Required (Learn More)	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Awning manufacture, cloth, metal and wood	Permitted	1 space per 1,000 square feet
Bag manufacturing	Permitted	1 space per 1,000 square feet
Battery manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Bleaching/chorine powder manufacture	CUP Required (Learn More)	2 spaces per 1,000 square feet
Boiler manufacture and repair	Permitted	1 space per 1,000 square feet
Bottling works	Permitted	1 space per 1,000 square feet
Broom manufacture	Permitted	1 space per 1,000 square feet
Candy and other confectionary products manufacture	Permitted	1 space per 1,000 square feet
Canning and preserving factory	Permitted	1 space per 1,000 square feet
Canvas and related products manufacture	Permitted	1 space per 1,000 square feet
Casein manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Celluloid and similar cellulose manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Cement manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Ceramic products manufacture	Permitted	1 space per 500 square feet
Chalk manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Chemicals (agricultural) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Chemicals (industrial) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Clothing manufacture	Permitted	1 space per 500 square feet
Coffee roasting	Permitted	
Coffin manufacture	Permitted	1 space per 1,000 square feet
Cold storage plants/locker	Permitted	1 space per 1,000 square feet
Concrete or asphalt mixing/batching plant (permanent) ‡	CUP Required (Learn More)	1 space per 5,000 square feet of land

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Concrete or asphalt mixing/batching plant (temporary) ‡	Permitted	1 space per 5,000 square feet of land
Crematory	CUP Required (Learn More)	1 space per 1,000 square feet
Culvert manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Cutlery, handtools and general hardware manufacture	Permitted	1 space per 1,000 square feet
Dairy products manufacture	Permitted	1 space per 1,000 square feet
Distillation of liquors, spirits, etc. (brewery)	CUP Required (Learn More)	1 space per 1,000 square feet
Dye manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Dyeing plant	Permitted	1 space per 1,000 square feet
Electric lamp manufacture	Permitted	1 space per 1,000 square feet
Elevator manufacture	Permitted	1 space per 1,000 square feet
Enameling and painting	Permitted	1 space per 1,000 square feet
Engraving plant	Permitted	1 space per 1,000 square feet
Envelope manufacture	Permitted	1 space per 1,000 square feet
Farm/garden machinery and equipment manufacture	Permitted	1 space per 1,000 square feet
Feed manufacture	CUP Required (Learn More)	1 space per 500 square feet
Felt manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Food processing ‡	Permitted	1 space per 1,000 square feet
Footwear manufacture	Permitted	1 space per 500 square feet
Furnace manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Fixtures manufacture	Permitted	1 space per 1,000 square feet
Furniture manufacture	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Gases (industrial) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Glucose manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Hair products factory (other than human)	CUP Required (Learn More)	1 space per 1,000 square feet
Heavy machinery sales and storage ‡	Permitted	1 space per 1,000 square feet
Ice cream/ice manufacture	Permitted	1 space per 1,000 square feet
Kerosene manufacture or storage	CUP Required (Learn More)	1 space per 1,000 square feet
Laboratory equipment manufacturing ‡	CUP Required (Learn More)	1 space per 1,000 square feet
Leather products manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Lumber mill/yard	CUP Required (Learn More)	1 space per 1,000 square feet
Machinery manufacture	Permitted	1 space per 1,000 square feet
Marble working and finishing	Permitted	1 space per 1,000 square feet
Meat packing plant	CUP Required (Learn More)	1 space per 1,000 square feet
Metal cans and shipping containers manufacture	Permitted	1 space per 1,000 square feet
Metal products, stamping and manufacture	Permitted	1 space per 1,000 square feet
Mirror resilvering	Permitted	1 space per 200 square feet
Office equipment manufacture	Permitted	1 space per 1,000 square feet
Oil compounding and barreling	CUP Required (Learn More)	1 space per 1,000 square feet
Oilcloth manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Orthopedic, prosthetic, surgical appliances and supplies manufacture	Permitted	1 space per 1,000 square feet
Paint manufacture and/or mixing	Permitted	1 space per 1,000 square feet
Paper and paper pulp manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Paper products and paper box manufacture	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Pecan processing	Permitted	1 space per 1,000 square feet
Petroleum distribution/storage ‡	Permitted	1 space per 1,000 square feet
Plastic products, molding, casting and shaping	Permitted	1 space per 1,000 square feet
Printing ink manufacture	Permitted	1 space per 1,000 square feet
Rock quarries, sand, gravel and earth excavations or extractions	CUP Required (Learn More)	1 space per acre
Rug and carpet manufacture	Permitted	1 space per 1,000 square feet
Sand, gravel, or stone storage (including sales) ‡	Permitted	1 space per 1.5 employees, plus five per acre
Shellac and varnish manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Sign manufacturing (no outside storage)	Permitted	1 space per 1,000 square feet
Sign manufacturing (with outside storage)	Permitted	1 space per 1,000 square feet
Snuff manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Soap, detergents, cleaning preparations manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Starch manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Steel works, blast furnaces and rolling mills	CUP Required (Learn More)	1 space per 1,000 square feet
Stone cutting or crushing	CUP Required (Learn More)	1 space per 5,000 square feet of land area
Stone, clay, glass and concrete Products (other than handicrafts) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Textile products manufacture	Permitted	1 space per 1,000 square feet
Tire retreading and recapping	Permitted	1 space per 1,000 square feet
Truck manufacture	Permitted	1 space per 1,000 square feet
Waste paper products manufacture	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Water distillation	Permitted	1 space per 1,000 square feet
White lead manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Wood container manufacture	Permitted	1 space per 1,000 square feet
Wood distillation (manufacture of tar, charcoal, turpentine and similar)	CUP Required (Learn More)	1 space per 1,000 square feet
Wood preserving manufacture and treatment	CUP Required (Learn More)	1 space per 1,000 square feet
Wood products manufacture	Permitted	1 space per 1,000 square feet

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

Exhibit "E"
Rezoning Application

RECEIVED (KC)
08/31/2022

Revised: 4/13/2020
P&Z #22-309



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: Tomball Economic Development Corporation Title: Owner
Mailing Address: 29201 Quinn Rd., Suite B City: Tomball State: TX
Zip: 77375 Contact: Kelly Violette, Executive Director
Phone: (281) 401-4086 Email: kviolette@tomballtxedc.org

Owner Tomball Economic Development Corporation - Same Info as Applicant
Name: & Tortuga Operating Company Title: Owner

Mailing Address: 7412 Shady Villa Lane City: Houston State: TX
Zip: 77055 Contact: Peter Turbett, President
Phone: (713) 401-4086 Email: tortugaturbett@comcast.net

Engineer/Surveyor (if applicable)

Name: Gunda Corporation (Ardurra) Title: North Branch Manager
Mailing Address: 32731 Egypt Lane, Suite 501 City: Magnolia State: TX
Zip: 77354 Contact: Kyle Bertrand
Phone: (281) 680-3600 Fax: () Email: KBertrand@ardurra.com

Description of Proposed Project: Tomball Business and Technology Park Sec. 2, Lots 1-4

Physical Location of Property: S. Persimmon Street, North of Spell Rd Intersection
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Business and Technology Park Sec. 2, Lots 1-4
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E, Single-Family 20 Estate District

Current Use of Property: Undeveloped and existing wells

Proposed Zoning District: LI - Light Industrial District

Proposed Use of Property: Proposed to be consistent with uses in Tomball Business and Technology Park Sec 1.

HCAD Identification Number:	<u>1452440010004</u>	Acres:	<u>10.4422 acres</u>
	<u>1452440010003</u>		<u>1.7911 acres</u>
City of Tomball, Texas	<u>501 James Street, Tomball, Texas 77375</u>	Phone:	<u>281-290-1405</u>
	<u>1452440010002</u>		<u>2.1790 acres</u>
	<u>1452440010001</u>		<u>2.6727 acres</u>

www.tomballtx.gov

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.

Kelly Violette Digitally signed by Kelly Violette
Date: 2022.08.30 12:41:03
-0500' August 29, 2022
Signature of Applicant Kelly Violette, Executive Director - TEDC Date

Kelly Violette Digitally signed by Kelly Violette
Date: 2022.08.30 12:41:12
-0500' August 29, 2022
Signature of Owner Kelly Violette, Executive Director - TEDC Date

Peter Turbett Digitally signed by Peter Turbett
Date: 2022.08.29 14:52:14
-0500' August 29, 2022
Signature of Owner Peter Turbett, President
Tortuga Operating Company Date



August 29, 2022

Mr. Nathan Dietrich
Community Development Director
City of Tomball - Community Development Department
501 James Street
Tomball, TX 77375

RE: Rezoning request for approximately 17.09 acres of land described as Lots 1-4 of the Tomball Business and Technology Park Section 2 Replat

Dear Mr. Dietrich,

For the second consecutive year, the Tomball Business & Technology Park was named a top industrial park in the United States by Business Facilities. The publication ranked the Tomball Business & Technology Park the 10th best industrial park in the country in its 18th Annual Rankings Report.

Operated by the Tomball Economic Development Corporation (TEDC), the 99.5-acre Tomball Business & Technology Park is lauded for its location, amenities, and infrastructure. The success of the Park is evidenced by the demand for business creation and relocation. As of August 2022, more than 551,701 square-feet has been constructed in the Park, generating over \$47 million in private capital investment and bringing over 575 jobs to Tomball.

In order to meet the demand, the TEDC works closely with its partners to manage infrastructure in and around the Park. The TEDC and the City of Tomball partnered together to extend South Persimmon Street from FM 2920 through the Park. Additionally, we partnered to extend Medical Complex Drive from South Persimmon to Hufsmith-Kohrville Road.

As part of the South Persimmon extension project the TEDC purchased 18.9 acres immediately north of the Tomball Business and Technology Park. We dedicated the right-of-way and easements necessary for the road to be constructed and coordinated the relocation of pipelines and easements with two pipeline companies. The resulting Replat created 4 Lots; two of which are currently owned by the TEDC (Lots 1 and 3) and two are owned by Tortuga Operating Company (Lots 2 and 4).

The requested rezoning is consistent with the Future Land Use Plan Map designation of Business Park and Industrial and will provide consistency with the remainder of the Business & Technology Park property.

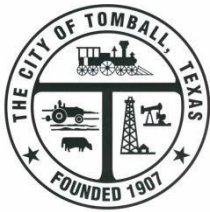
Please don't hesitate to contact me at (281) 401-4086 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelly Violette". The signature is fluid and cursive.

Kelly Violette
Executive Director

281.401.4086 ★ fax 281.351.7223 ★ PO Box 820 ★ Tomball, Texas 77377-0820 ★ www.TomballTXedc.org



Notice of Public Hearing

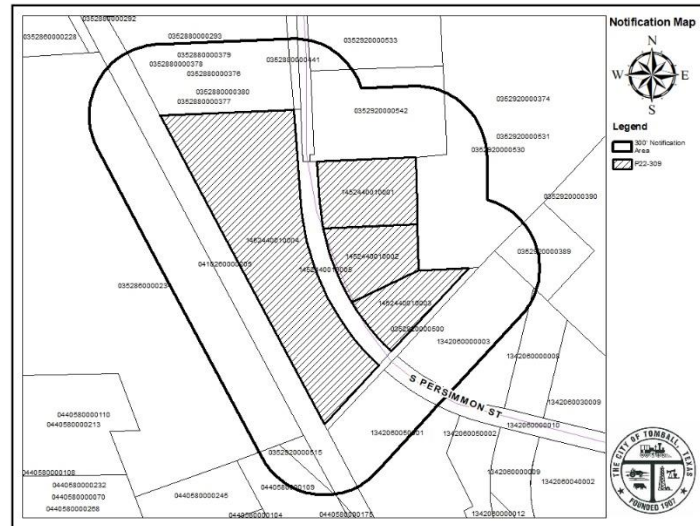
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P22-309

APPLICANT/OWNER: Tomball Economic Development Corporation & Tortuga Operating Company

LOCATION: The properties are located within the 1900 block of S. Persimmon Street (East and West side), within the City of Tomball, Harris County, Texas.

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 17.08 acres of land legally described as being all of Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2 from Single Family Residential – 20 (SF-20) to Light Industrial (LI).



CONTACT: Jared Smith, City Planner

PHONE: (281) 290-1491

E-MAIL: jasmith@tomballtx.gov

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

This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

**Planning & Zoning Commission
Public Hearing:
Monday, October 10, 2022 @ 6:00 PM**

**City Council Public Hearing:
*Monday, October 17, 2022 @ 6:00 PM**

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

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 10, 2022
&
CITY COUNCIL
OCTOBER 17, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 10, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 17, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-309: Request from Tomball Economic Development Corporation and Tortuga Operating Company to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 17.08 acres of land legally described as being all of Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2 from Single Family Residential – 20 (SF-20) to Light Industrial (LI). The properties are located within the 1900 block of S. Persimmon Street (East and West side), within the City of Tomball, Harris County, Texas.

Case P22-310: Request by 28121 Calvert, LLC, represented by Louis Smith to amend the City of Tomball’s Comprehensive Plan to update the Major Thoroughfare Plan Map. Removing the proposed east-west extension of Medical Complex Drive which is currently designated as a minor arterial from the Major Thoroughfare Plan Map. Specifically being the segment that is planned to extend approximately 1.05 miles from the western right-of-way boundary of Calvert Road to the southeastern right-of-way boundary of FM 2920 Road, within Harris County, Texas.

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

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 **7th** day of **October 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith
City Planner

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

Approve the Minutes of the December 5, 2022 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	<u>Doris Speer</u>	<u>12-6-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

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



**Monday, December 5, 2022
6:00 PM**

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

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:01 p.m.

PRESENT

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

ABSENT

Council 3 Dane Dunagin - Excused

OTHERS PRESENT

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Secretary – Tracylynn Garcia
Director of Community Development – Nathan Dietrich
Director of Public Works – Drew Huffman
Finance Director – Katherine Tapscott
Police Chief – Jeff Bert
Fire Chief – Joe Sykora
Project Manager - Meagan Mageo
Marketing & Communications Specialist – Chrislord Templonuevo
Community Center Manager – Rosalie Dillon

B. Invocation - Led by Chaplain Kelly Hall – The Renewal Center Fellowship

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora

D. No Public Comments were received.

E. Presentations

- * Bruce Hillegeist introduced the GTACC 2023 Miss Tomball, Annelise Garrison
- * Al Gerhardt, Tomball Lions Club presented a check for \$3,000.00 to the City, representing a \$1,500.00 donation each to Fire and Police Departments for annual Christmas Programs

F. Reports and Announcements

1. Announcements

- I. December 9 and 10, 2022 – Spring Creek County Historical Association’s *Annual Candlelight Tour* and *Holiday Open House* – 6:00 p.m.-9:00 p.m. at the Tomball Museum Center
- II. December 9-11, 2022 – **German Christmas Market** – Depot Plaza and Market Street
- III. December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed
- IV. January 2, 2023 – **New Year’s Day Holiday** – City offices closed

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

- I. Chrislord Templonuevo – Report on the success of the “Deck the Depot” event
- II. Jeff Bert/Joe Sykora – Report on the success of the “Holiday Heroes” event
- III. Katherine Tapscott – Quarterly Financial Update for Fiscal Year 2021-2022 Preliminary Year-End Financials

G. Old Business

- 1. No consideration was given to the Second Reading of Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1, 2, 3, and 4 of Tomball Business and Technology Park from Single Family Residential-20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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. Consideration will be given at the December 19, 2022 Council meeting.

No Action.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2022-40, an ordinance of the City of Tomball, Texas, amending Section(s) 50-116(j) (*Site Development Standards - Mobile Food Courts*) Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising the standards governing mobile food vendors located within mobile food courts, providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion carried unanimously.

H. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

1. Approve the Minutes of the November 21, 2022 Regular Tomball City Council Meeting
2. Approve Request from Tomball Little League Parade for City Support and In-Kind Services for the ***Little League's Annual Opening Day Parade*** in downtown Tomball, on Saturday, March 4, 2023
3. Approve a Memorandum of Understanding with iChoosr, LLC to participate in the Texas Power Switch Program, and authorize the City Manager to execute.
4. Approve a Memorandum of Understanding with iChoosr, LLC to participate in the Texas Solar Switch Program, and authorize the City Manager to execute.
5. Approve the rollover of outstanding Fiscal Year 2021-2022 purchase orders to Fiscal Year 2022-2023

Motion made by Council 5 Parr, Seconded by Council 2 Stoll, to approve Items 1-5, New Business Consent.

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

Motion carried unanimously.

I. New Business

1. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to declare Two (2) Tracts of Land, located at the Intersection of Medical Complex and Hufsmith-Kohrville (FM 2978), Consisting of 0.5211 Acres and 0.7040 Acres of Land, as Surplus Lots and Authorize City Staff to Proceed with Bidding the Tracts of Land for Sale.

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

Motion carried unanimously.

2. Executive Session: The City Council recessed at 6:30 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
 - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551.076 – Deliberation regarding Security Devices

Upon reconvening at 7:30 p.m., no action was taken.

- J. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adjourn.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of December 2022.

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 7, 2022

Topic:

Approve Request from Tomball HS Athletic Booster Club for City Support and In-Kind Services for the *Tomball HS Athletic Booster Club Crawfish Boil* in downtown Tomball, on Saturday, April 1, 2023

Background:

Tomball High School Athletic Booster Club is excited to announce the *Annual Tomball Athletic Booster Crawfish Boil* in Tomball benefiting Tomball High School Athletics Scholarship Fund endowing The Sammy E Lopez Memorial Scholarship will feature Silent and Live Auction, Crawfish / Beverages, Children Entertainment, and Live Music

Origination: Tomball HS Athletic Booster Club. Event starts at 4p and finishes at 9p. Setup at 12 and breakdown 9p. Estimated 500 people to be held at Juergens Park.

Recommendation:

To help with the efficiency of the event, we request the City of Tomball for the following in-kind services: Police, Fire, Public Works, and Coordination.

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

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Approve Supplemental Number Two, amending the Professional Services Agreement with Gunda Corporation, LLC for Project Number 2017-10033, Alley Improvement Project, for the amount of \$57,320 (making the total not-to-exceed contract amount \$305,819); approve the expenditure of funds therefor; and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.

Background:

In January 2019, the City entered into a professional services agreement with Gunda Corporation, LLC to complete the design and reconstruction of the Alley Improvement Project based on the recommendations in the FM 2920 Access Management Study and Tomball Livable Centers Downtown Plan.

The proposed supplemental is to update the project manual and specifications to include the proposed prefabricated public restroom at the Cherry Street pocket park, including structural engineered foundation design.

The contract supplemental increases the total contract amount by \$57,320, for a total not-to-exceed contract amount of \$305,819. This project was included in the FY 2022-2023 budget, and is an on-going capital improvement project.

The current project budget below identifies current funding sources and estimated expenditures for the planned improvements. Additional purchases may be brought forward in the future as this project continues.

Total Project Funding:	\$1,863,000
Total Engineering/Design Commitment: (including proposed Supplemental)	\$306,869
Funding Remaining:	\$1,556,131

Origination: Public Works Department

Recommendation:

Staff recommends approving the supplemental with Gunda Corporation, LLC. for an amount of \$57,320, with a total not-to-exceed contract amount of \$305,819.

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

FUNDING (IF APPLICABLE)

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

Yes: No:

If yes, specify Account Number: #400-154-6409

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

Signed Meagan Mageo
Staff Member Date

Approved by _____
City Manager Date

**SUPPLEMENTAL No. 2
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES RELATED TO
ENGINEERING & PLANNING PROJECT NO. 2017-10033
CITY OF TOMBALL
LIVABLE CENTER IMPLEMENTATION
ALLEY IMPROVEMENTS**

THIS IS A SUPPLEMENTAL AGREEMENT amending an AGREEMENT between the CITY OF TOMBALL and GUNDA CORPORATION, LLC executed the 15th day of January, 2019, relative to professional services for Tomball Engineering and Planning Project No. 2017-10033.

Upon execution of this Supplemental the scope and fee shall be amended as follows:

**SUPPLEMENTAL No. 2 SECTION I
SCOPE OF AGREEMENT**

The scope of services shall be amended to include supplemental professional engineering planning, design, and bidding phase services. Upon completion of a 95% plan submittal in December 2020, coordination meetings with the Tomball Economic Development Corporation (TEDC) and the City of Tomball (City) have been held for additional aesthetic and pedestrian enhancements via an amenity construction package. In conjunction with these coordination meetings, workshops have been held with private property owners to establish the ultimate waste solution for each alley block. Rescoping and drawing revision are necessary to implement these changes in the alley improvements construction package. Revisions to project deliverables are listed below:

1. Update project manual for revised bidding strategy from City standard (lowest bidding) to RFP process, including selection criteria and interviews
2. Structural engineering (H2B) for three (3) additional dumpster enclosure configurations adequate for refusal containers on casters
3. Revise plans for reinforced concrete (non-stamped) along alleys at approved enclosure locations determined by City and TEDC
4. Revise plans to eliminate improvements at Cherry Street Pocket park
5. Revise plans to include a new, prefabricated public restroom at Cherry Street Pocket Park. Revision includes utility connection and a structural engineered foundation design (H2B)
6. Include brick edging along all sidewalks proposed within project limits
7. Surveying services (Windrose) for additional proposed easements (up to 6 easements including abstracting fees)
8. Updated engineers' opinion of probable construction cost and project manual

Exclusions

1. Amenity Construction Package, including but not limited to Cherry Street Pocket Park and infrastructure improvements in private property
2. Public utility rehabilitation and/or replacement within project limits
3. Coordination with CenterPoint and private utility owners for relocation of aerial power/telecommunication lines
4. Cherry Street sidewalk extension at Market Street

**SUPPLEMENTAL No. 2 SECTION IV
TIME FOR PERFORMANCE**

The time for performance of the supplemental Scope of Work shall be extended through the construction duration with an estimated bid-ready package available for City review and approval in 4 weeks. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

**SUPPLEMENTAL No. 2 SECTION VII
ENGINEER’S COMPENSATION**

For and in consideration of the supplemental services rendered by Engineer pursuant to this Supplemental Agreement, the City shall pay Engineer on the basis set forth in Attachment “A” of the original agreement, plus a supplemental services fee of \$57,320.00 (Subconsultant cost + 10%) for a total amended contract amount not to exceed \$305,819.00, including reimbursable expenses.

Services to be Provided	Original Fee (Aug 2019)	Supp. 1 (Feb 2020)	Supp. 2 (Nov 2022)	Revised Total	
A & B – Eng. Basic Services	\$ 44,810.00	\$ 72,890.00	\$ 39,300.00	\$ 157,000.00	(Lump Sum)
C - Construction Phase Services	\$ 13,450.00	\$ 16,820.00	\$ 3,000.00	\$ 33,270.00	(Hourly)
D - Additional Services					
Bndy & Topo Survey (Windrose)					
North Alley	\$ 7,365.00	\$ 2,200.00	\$ -	\$ 9,565.00	(Lump Sum)
South Alley	\$ 7,365.00	\$ -	\$ -	\$ 7,365.00	(Lump Sum)
Parking	\$ 4,414.00	\$ -	\$ -	\$ 4,414.00	(Lump Sum)
Add't Survey if needed	\$ 3,300.00	\$ 3,300.00	\$ -	\$ 6,600.00	(Lump Sum)
Material Testing during Construction (TEG)	\$ 16,860.00	\$ 6,750.00	\$ 440.00	\$ 24,050.00	(T&M)
SWPPP	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00	(Lump Sum)
Traffic Control Plan	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00	(Lump Sum)
TDLR Coordination & Inspection	\$ 4,080.00		\$ -	\$ 4,080.00	(Lump Sum)
Workshop, Stakeholder Meeting & Rescoping	\$ -	\$ 24,200.00	\$ -	\$ 24,200.00	(Lump Sum)
Structural Engineering (H2B)	\$ -	\$ 8,250.00	\$ 5,995.00	\$ 14,245.00	(Lump Sum)
Legal Descriptions & Exhibits	\$ -	\$ 2,695.00	\$ 8,085.00	\$ 10,780.00	(Per Esmt)
Reimbursable Expenses	\$ 2,750.00	\$ -	\$ 500.00	\$ 3,250.00	(Cost Plus)
	<u>\$ 111,394.00</u>	<u>\$ 137,105.00</u>	<u>\$ 57,320.00</u>	<u>\$ 305,819.00</u>	

**SUPPLEMENTAL No. 2 SECTION IX
ADDRESSES, NOTICES AND COMMUNICATIONS**

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

City of Tomball
501 W. Market Street
Tomball, Texas 77375
Attn: Drew Huffman, Director of Public Works

**SUPPLEMENTAL No. 2 XVIII.
MISCELLANEOUS PROVISIONS**

In accordance with Chapter 2270, Texas Government Code, a government entity may not enter into a contract with a company for goods or services unless the Engineer covenants and agrees that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Furthermore, the Engineer is prohibited from engaging in business with Iran, Sudan or Foreign Terrorist Organizations.

In accordance with Chapter 2274 of the Texas Government Code, Engineer covenants that it: (1) does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association, and (2) will not discriminate during the term of this contract against a firearm entity or firearm trade associations.


In accordance with Chapter 2274 of the Texas Government Code, Engineer covenants that it: (1) does not have a practice, policy, guidance or directive that boycotts energy companies, and (2) will not boycott energy companies during the term of this contract.

All other terms and conditions contained in the original Agreement, not specifically amended herein, shall remain in full effect.

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

EXECUTED on this _____ day of _____, 2022.

ENGINEER:
Gunda Corporation, LLC

By: 
Name: Kyle A. Bertrand, PE
Title: Branch Manager

CITY OF TOMBALL, TEXAS

David Esquivel, City Manager

ATTEST:

Doris Speer, City Secretary



Civil and Structural Engineers

Texas Board of Professional Engineers Firm Registration Number 8856
1225 North Loop West, Suite 800 Houston, TX 77008 • www.h2bengineers.com • 713.864.2900

November 21, 2022

Patrick Rummel, P.E.
Gunda Corporation
11750 Katy Freeway, Suite 300
Houston, Texas 77079

Re: Additional Services Professional Structural Engineering Services Proposal for the
Alley & Sidewalk Improvements at
West Main Street
Tomball, Texas 77375
Proposal Number P-2020-06-0213

Dear Mr. Rummel,

H2B, Inc. (H2B) is pleased to submit this proposal to you for the Professional Structural Engineering Services required for the New Alley & Sidewalk Improvements at West Main Street in Tomball, Texas.

I. Project Understanding and Summary:

H2B understands that the revision to the project will consist of three (3) additional dumpster enclosure configurations and that the enclosure structures will be CMU walls on three sides. It is anticipated that the foundation will consist of a conventional slab-on-grade foundation with grade beams supporting the masonry walls. The revision will also include a 175 square foot, single story restroom building and the building structure will be prefabricated. It is anticipated that the foundation will consist of a conventional slab-on-grade foundation with grade beams supporting the building loads.

H2B understands that the improvements to the property will consist of the following:

1. Three (3) CMU dumpster enclosure configurations with gates.
2. 175 square foot restroom building foundation.

II. Project Scope of Services:

H2B will complete the following tasks:

1. Prepare structural design drawings for the project. As part of the structural design H2B anticipates completing the following drawings:
 - a. General Notes
 - b. Special Inspection Schedule
 - c. Standard Details
 - d. Foundation Plan
 - e. Typical Details

2. Submit structural drawings as PDF documents to the project Architect for their review and submittal to the permitting authority.
3. Provide construction phase services including responses to contractor requests for information (RFIs) and material submittals for structural engineering related tasks on an hourly basis for the rates described in Exhibit A. Site visits during construction are specifically excluded but may be completed in accordance with the Optional Supplemental Services below.

III. Assumptions and Exclusions:

H2B has made the following assumptions when preparing this proposal and specifically excludes the following. If necessary, H2B can provide a proposal for any of the services outlined below.

- H2B has assumed that the Architect will gather the drawings from all disciplines and submit to the authority having jurisdiction (AHJ) for the issuance of a building permit.
- H2B has excluded purchasing any required permits.
- H2B has assumed that the Architect will submit drawings to a Registered Accessibility Specialist as required for construction valued over \$50,000 to confirm compliance with the Texas Department of Licensing and Regulation for handicap accessibility.
- H2B has assumed that construction phase services will be completed by H2B in order to provide a required letter of compliance. No such letter can be provided if site observations were not completed during construction without potentially requiring destructive and/or non-destructive testing of the completed structure.
- H2B has specifically excluded special inspections.

IV. Summary of Fees:

A. Lump Sum Fee Breakdown for Scope of Services:

Task	Description	Fee
1-2	Structural Construction Documents	\$3,750.00
3	Construction Phase Services	\$1000.00
3	Construction Phase Reimbursables	\$100.00
	Total Proposed Fee:	\$4,850.00

B. Optional Supplemental Services:

Task	Description	Fee
3	Construction Phase Site Visits (if requested)	\$600.00

V. Required Information from Client:

In order to complete the design, H2B requires the following information:

- Executed copy of this agreement.
- Cut sheet for prefabricated restroom building.
- Civil progress drawings in PDF and AutoCAD format.

H2B is prepared to start work on this project immediately upon receiving an executed agreement and the above-mentioned project files. By signing below, you indicate your acceptance of this proposal and responsibility for payment. Progress invoices will be provided monthly. Third-party

Patrick Rummel, P.E.
Gunda Corporation
Page 3

reproductions and deliveries will be invoiced at cost plus 10% with mileage reimbursed at the current IRS rate plus 10%. The attached *H2B, Inc. Terms and Conditions* and this proposal constitute the full and complete Agreement.

H2B looks forward to working with you on this important project. Please feel free to call me if you have any questions.

Respectfully,



Tod J. Henning, P.E.
President

Patrick Rummel, P.E.
Gunda Corporation

EXHIBIT “A”
2021 STANDARD RATE SCHEDULE

PERSONNEL:

Personnel cost is reimbursed at the following all-inclusive hourly rates:

Principal	\$ 270.00
Senior Project Manager	\$ 220.00
Project Manager	\$ 170.00
Senior Structural Engineer.....	\$ 190.00
Structural Engineer II	\$ 125.00
Structural Engineer I.....	\$ 110.00
Senior Civil Engineer	\$ 150.00
Civil Engineer II.....	\$ 120.00
Civil Engineer I.....	\$ 105.00
Senior Designer.....	\$ 170.00
Designer II	\$ 115.00
Designer I.....	\$ 100.00
CADD Technician.....	\$ 85.00
Clerical.....	\$ 70.00

Note: Overtime for hourly employees in excess of 8 hours per day, Saturday, Sunday, or holidays at Client's request will be charged at 1.5 times.

TRAVEL AND SUBSISTENCE:

All travel and subsistence expenses are invoiced at actual cost plus 10%. Cost of mileage on private or company-owned vehicles is computed at the current IRS rate of \$0.56/mile (or updated current rate) plus 10%.

PURCHASED SERVICES, MATERIAL, AND EQUIPMENT:

All purchased project services, material, and equipment not itemized below are invoiced at actual cost, plus 10%. These include, but are not limited to, consultants, subcontract services, rented or leased equipment, project material and/or equipment, third-party reproduction, shipping, deliveries, photogrammetry, etc.

TERMS:

Invoices are submitted monthly for all services rendered during the previous month and are payable in full “Net 30 Days” from the date of the invoice. Late payments will incur a late charge of 1.5% (one and one-half percent) per month from the original invoice date.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Approve a Professional Services Agreement with Four and One, LLC, for Project Number 2023-10013, Parks, Recreation, and Trail System Master Plan for a not-to-exceed amount of \$149,600, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2022-2023 budget.

Background:

The proposed professional services agreement with Four and One, LLC includes a scope of work for creating a parks, recreation and trails system master plan for the City of Tomball. The scope will include site analysis, community engagement, and the creation of a master plan.

The completed master plan will include segments for implementation, development of internal policies to assist in future design and continued maintenance, policy development for on-going decision making and maintenance, identify short and long-term goals for potential park acquisition and development, recreation program needs, accessibility, and trail connectivity. Additionally, the plan will identify funding sources including potential new revenue streams, and provide a five-year action plan with a ten-year horizon plan to assist the City moving forward.

The final master plan will meet all requirements necessary for accreditation with the Commission for Accreditation of Park and Recreation Agencies, Texas Parks and Wildlife Department Master Plan objectives, and standards for future grant opportunities.

Four and One, LLC was selected through the Request for Qualifications process (RFQ 2023-01). Five firms submitted statements of qualifications, with Four and One, LLC being selected as the most highly qualified respondent. After such selection, staff engaged in discussions with the firm to determine fair and reasonable rates for the professional service. The selection and discussions were held in accordance with the City's adopted Procurement Policy and Manual and state procurement law.

Funds for completing the proposed project were allocated in the Fiscal Year 2022-2023 budget.

Origination: Project Management

Recommendation:

Staff recommends awarding a Professional Services Agreement to Four and One, LLC for the creation of a Parks, Recreation, and Trails System Master Plan for a total amount not to exceed \$149,600

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

FUNDING (IF APPLICABLE)

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

Yes: No:

If yes, specify Account Number: # 100-153-6302

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

Signed Meagan Mageo
Staff Member _____
Date _____

Approved by _____
City Manager _____
Date _____

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
ENGINEERING & PLANNING PROJECT NO. 2023-10013
CITY OF TOMBALL
PARKS, RECREATION, AND TRAILS SYSTEM MASTER PLAN**

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

THIS AGREEMENT is made, entered into, and executed by and between the CITY OF TOMBALL, TEXAS (the "City"), a municipal corporation of the State of Texas, and FOUR AND ONE, LLC. ("Consultant").

WITNESSETH:

WHEREAS, Consultant represents that it is capable of providing and qualified to provide professional services to the City and desires to perform the same;

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

**1.
SCOPE OF AGREEMENT**

Consultant agrees to perform certain professional services as outlined and defined in the Proposal attached hereto as Exhibit A, and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Consultant compensation as stated in the sections to follow.

**2.
CHARACTER AND EXTENT OF SERVICES**

Consultant shall do all things necessary to render the services and perform the Scope of Work in a manner consistent with the professional skill and care ordinarily provided by competent consultants practicing in the same or similar locality and under the same or similar circumstances and professional license. It is expressly understood and agreed that Consultant is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Consultant shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior approval of the City. The City shall be under no obligation to pay for services rendered not identified in Exhibit "A" without prior written authorization from the City.

3.
OWNERSHIP OF WORK PRODUCT

Consultant agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Consultant pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same. It is further understood and agreed that ownership and usage rights associated with the above referenced documents and analyses, hereinafter referred to as instruments, are contingent upon Consultant's completion of the services which will result in the production of such instruments and Consultant's receipt of payment, in full, for said services. Additionally, City understands and agrees that the rights described and provided hereunder shall not preclude or prevent Consultant from continuing to use those processes, analyses and data.

4.
TIME FOR PERFORMANCE

The time for performance is as estimated in Exhibit A attached hereto. Upon written request of Consultant, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Consultant has no control.

5.
COMPLIANCE AND STANDARDS

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

6.
INDEMNIFICATION

Consultant shall and does hereby agree to indemnify and hold harmless the City, its officers, agents, and employees from any and all damages, loss or liability of any kind whatsoever, by reason of death or injury to property or third persons to the extent caused by the negligent act or omission of Consultant and its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Agreement, and Consultant will reimburse the City's reasonable attorney's fees in proportion to the Consultant's liability. Such indemnity shall apply where the suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees arise in whole from the negligence of Consultant.

7.
COMPENSATION

For and in consideration of the services rendered by Consultant pursuant to this Agreement, the City shall pay Consultant only for the actual work performed under the Scope of Work, on the basis set forth in Exhibit "A," up to an amount not to exceed \$149,600, including reimbursable expenses.

8.
INSURANCE

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

9.
TERMINATION

The City may terminate this Agreement at any time by giving seven (7) days prior written notice to Consultant. Upon receipt of such notice, Consultant shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Consultant shall submit a statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Consultant that proportion of the prescribed charges which the services actually performed under this Agreement bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed maps, studies, reports, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

10.
ADDRESSES, NOTICES AND COMMUNICATIONS

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

Four and One, LLC
Attn: Tara Y. Klein
23544 Coons Road
Tomball, Texas 77375

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

City of Tomball
Attn: Project Manager
501 James Street
Tomball, Texas 77375

**11.
LIMIT OF APPROPRIATION**

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

**12.
SUCCESSORS AND ASSIGNS**

The City and Consultant bind themselves and their successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement. Neither the City nor Consultant shall assign, sublet, or transfer its interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto.

**13.
DISCLOSURE OF INFORMATION**

Consultant shall under no circumstances release any material or information developed in the performance of its services hereunder without the express written permission of the City.

**14.
MODIFICATIONS**

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

15.
ADDITIONAL SERVICES

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

16.
CONFLICTS OF INTEREST

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

17.
PAYMENT FOR SERVICES AND REIMBURSABLE EXPENSES

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

18.
MISCELLANEOUS PROVISIONS

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

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

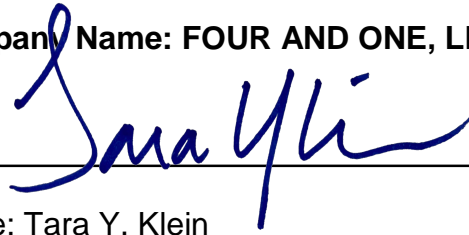
C. Consultant further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be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

D. In accordance with Chapter 2270, Texas Government Code, a government entity may not enter into a contract with a company for goods or services unless the Engineer covenants and agrees that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Furthermore, the Engineer is prohibited from engaging in business with Iran, Sudan or Foreign Terrorist Organizations.

IN WITNESS WHEREOF, the City of Tomball, Texas, has lawfully caused this Agreement to be executed by its Mayor; and Consultant, acting by its duly authorized officer/representative does now sign, execute and deliver this instrument.

EXECUTED on this ___ day of _____, 2022.

Company Name: FOUR AND ONE, LLC



Name: Tara Y. Klein

Title: President

CITY OF TOMBALL, TEXAS

David Esquivel, City Manager

ATTEST:

Doris Speer, City Secretary

EXHIBIT A



December 2, 2022

City of Tomball
Attn: Drew Huffman
501 James St.
Tomball, TX 77375

Re: MASTER PLAN FOR RECREATIONAL SPACES THROUGHOUT THE CITY OF TOMBALL

Dear Mr. Huffman,

Four and One, LLC (“4&1”) is pleased to submit this proposal for a Park System Master Plan report (the “Project”) to be used as a tool to direct the City for the next 10 years for the existing and potential recreational spaces throughout the City of Tomball (“Client”).

SITE ANALYSIS

During this scope 4&1 will review and inventory of the existing City parks, aquatic facilities, trails, athletic facilities, rental facilities, and open spaces throughout the Tomball city limits. This will include multiple site visits by the design team and potential discussion with maintenance personnel for understanding of park from the facilities and operations. 4&1 will collect aerial photographs, maps, and compile data as necessary to have a cohesive understanding of the city and their internal workings of parks, greenspace, and amenities within the city to be able to identify priorities and budgets for routine replacement, prioritize infrastructure, and capital improvement projects for these existing spaces. 4&1 will also research the surrounding area to determine if there are any opportunities nearby to tie into for recreation, for property acquisition, and to make sure the design is not duplicating amenities within proximity. This task will also include coordination with existing consultants to the city to compile their base map information and any existing survey as well for a cohesive base and programming elements for appropriate conceptual design within the overall master plan.

The maps and images produced and compiled in this scope will be used as exhibits for the community engagement meetings. Compiling and creating a digital survey to be used throughout the Community Engagement scope. This also includes inputting written surveys to digital feedback.

Lump Sum..... \$19,200.00

COMMUNITY ENGAGEMENT

4&1 combined with the communications team at Touchstone District Services (“TDS”) will conduct a needs assessment to gain city departments and citizen input through multiple meetings to the current uses of the park amenities and wants and demands for the future of the community’s public parks system and open spaces.

This will include “Focus Group Meetings” with a combination of different stakeholder groups (i.e. Chamber of Commerce, Rotary Club, EDC, Little League, Tomball ISD, etc.), the City’s various advisory boards including, but not limited to, the Capital Improvement Projects Advisory Committee, Planning and Zoning, and City Council. Stakeholders to give input will also include City staff to provide the element of a realistic plan that can be implemented within timelines and current and potential budgets.

Public Workshops will also be offered for the public to attend and share their opinions. These workshops will be an open house platform for a total of 3 hours with different stations for community members to move through with different opportunities to share and provide input. At these meetings there will be attendance by both 4&1 and TDS to help assist in gaining the most feedback as possible from the attendees.

Part of the scope of community engagement includes branding and advertising these meeting opportunities as well as offering an online portal to share as well. 4&1 with TDS will create a compilation of marketing collateral print materials to be used during data collection pop-ups which can be hosted by community members or by the TDS and 4&1 team. Along with the printed marketing collateral there will also be branded social media content to be used to seek engagement through the City's social media channels as well as a hosted website by TDS to provide information as it comes in to keep the public regularly informed of up-to-date information and seek stakeholder input. The team will provide two options for graphic design and branding to the Client for their final decision. TDS can also provide written articles that both advertise for the events being hosted to gain participation in the feedback process but also follow up articles that summarize the turnouts and highlight the success of meetings as they occur to gain traction and support.

4&1 along with TDS will conduct a needs assessment to include data collected from the stakeholders, City departments, and through citizen input in the planning process through the form of multiple media applications. This information will be collected at the meetings through verbal communication which will be documented through recordings and then transferred as necessary into statistical feedback. The team will also conduct public surveys through the web site, text messaging, and tablets to be used during the Public Workshops to help determine the vision and course for parks and recreation for the City of Tomball. Paper copies will also be available and then converted to digital for running statistical information. At the end of the community engagement scope all the content collected will be compiled into clear and concise records of what the research and engagement was done, and the outcomes of the community's opinions based upon actual feedback will be implemented into the Master Plan.

Hourly (Not to Exceed) \$20,000.00

MASTER PLANNING SERVICES

4&1 will prepare a master plan that will prioritize the focus on Tomball's historic downtown, festivals, parades, parks, trails, and growth of not only recreational activities but also celebrations. The final plan should include a visionary element that represent proposed improvements for the current parks, recreation amenity options, and trail assets coupled with expressions of enhancement. It should include opportunities for expansion and new development. Assets should be seen as usable by more than just one sector of the community. An example would be how a space could be used actively programed and/or passively, for families and individuals. The plan's format shall include understandable language, visual imagery, and encourage usage by a broad audience.

The plan should include segments of implementation, policies for ongoing decision-making as well as specific, achievable actions. It should be driven with short and long-term goals concerning park acquisition and development, recreation program needs, accessibility, and trail connectivity.

4&1, along with staff input will review existing funding sources, research any potential new revenue streams, and provide a 5-year action plan with a 10-year horizon plan to direct the City moving forward.

Conceptual design for improvements will be documented and improvements will be categorized in a five-year Capital Improvement Plan with recommendations and probable cost analysis for the plan.

The plan should utilize a combination of maps, illustrations, tables, and succinct writing to convey its message. Users should be able to determine what the objectives are, and the steps needed to reach the goals.

The master plan will also show the demand-based assessment compiled after all the Community Engagement which can identify what the community wants and what they are willing to support. This will include the in-depth research and engagement with community and various Boards and Commission that is statistically valid for the amenities presented in the Master Plan.

The Master Plan document will be in accordance with the Texas Department of Parks and Wildlife Local Grant Program guidelines to enable the Master Plan to be submitted and approved. In addition, there will be a Design Guideline and Standard Manual to blend with the Park, Recreation and Trails System Master Plan. The Master Plan will meet all requirements and structure necessary for future accreditation with the

Commission for Accreditation of Park and Recreation Agencies (CAPRA), Texas Parks Wildlife Department (TPWD) Master Plan objectives and meet TPWD standards for future Grant opportunities.

Other items that will be provided within the Master Plan are:

- Recommendations as to land acquisition, park and facility development, park improvements, recreational programming and health, trail connectivity, and policy recommendations.
- A citywide trails masterplan including integration of the public sidewalk system.
- Community scaled park survey plan developed park by park.
- Programming recommendations based on wants and feasibility.
- A detailed Parks and Recreation Master Plan document for the City of Tomball, with short, medium, and long-term goals.
- Financial data report and recommendations to support the implementation of the plan.
- A conclusive discussion document that explores the need and feasibility for a Sport Facility in the City of Tomball.
- A community profile and needs assessment. It should be standards-based with a complete accessibility analysis.
- +Creation of marketing materials to be used during future funding efforts. This will be based upon the graphic efforts only and any specialty media is listed below as alternate forms of communication.
- Evaluation and recommendations for new civic space and parkland requirements for new development, focused on policies for amount of land dedicated and park improvements provided by private development.
- Provide a comparative review of parkland dedication requirements in the area and proposed amount for dedication and park development fees.
- Park condition assessment of current spaces with recommendations for replacement, rehabilitation, and reconstruction.
- Design of a comprehensive City Park Style Guide focused on entryway and internal signage.

Once the Master Plan is completed 4&1 will provide an introduction and conclusion presentation to City Council.

<i>Lump Sum.....</i>	<i>\$95,600.00</i>
<i>+Compile a two-three minute video to advertise the Parks Master Plan</i>	
<i>Lump Sum.....</i>	<i>\$6,800.00</i>

COMPENSATION

4&1 will provide the above-described scope of services as needed and directed by the Client. Invoicing will be done monthly based upon the percentage of the scope items completed to date. Hourly items and reimbursements will be billed monthly with a brief description will be provided. Any additional services or renderings over the areas described can be added as additional services or to be done hourly with written approval. If the Client determines to go forward with a specific project in the master plan a new proposal will be prepared according to the new scope of work. The scope items above do not include architecture or engineering and if assessed as a needed component of the project then it can be added as an additional service or at an approved hourly rate. All meetings and meeting preparation will be billed on an hourly rate as described in 'Exhibit A' attached to this proposal unless otherwise noted.

Reimbursable expenses are additional and will be invoiced as described below.

REIMBURSEMENTS

The following costs shall be reimbursed at cost plus ten percent to compensate administrative time and are estimated at \$8000. Reimbursable expenses are not included in the fee for professional services.

- a. Cost of copies for drawings, specifications, reports, cost estimates, xerography and photographic reproduction of drawings and other documents furnished or prepared in connection with the work of this contract
- b. Travel associated with the project, including, but not limited to, mileage (current rate)
- c. Cost of postage and shipping expenses other than first class mail
- d. Cost of digital scanning
- e. Cost of printing for small and large format plots black and white as well as color plots
- f. Cost of models, special renderings, promotional photography, special process printing, special equipment, special printed reports or publications, maps and documents approved in advance by the Client
- g. Fees for additional consultants retained with the approval of the Client

We look forward to the opportunity on developing a master plan for the City of Tomball. Please do not hesitate to contact me if you have any questions or need any additional information.

Thank you,



Tara Y. Klein, RLA
Four and One, llc
23544 Coons Road
Tomball, TX 77375
281.217.1113p | tara@4and1design.com

APPROVED:

BY

DATE

EXHIBIT A: CONTRACT TERMS AND CONDITIONS

- A. Effective Date Payment
This Agreement shall become effective upon its execution by the Client. Work will commence when the Client provides written authorization to 4&1 to begin.
- B. Standard of Care
4&1 will perform its services in accordance with the standard of care expected of landscape architects doing projects of similar scope in the State of Texas. To the extent that 4&1 is relying upon documents supplied to it by the Client or the Client's consultants, it shall be entitled to rely upon the accuracy of those documents in preparing its drawings or opinions.
- C. Guarantee of Certifications
Unless specifically provided for elsewhere in this Agreement, 4&1 makes no warranties, representations or guarantees regarding the energy use or operating costs or expenses of any project. 4&1 makes no guarantees that any grant funding or outside funding will be obtained. Services related to LEED are not included within this proposal.
- D. Parties to this Agreement
This is a professional services agreement which 4&1 is entering into for the exclusive benefit of the Client. There are no intended third-party beneficiaries of the Agreement, and both 4&1 and the Client agree not to assign this Agreement or any causes of action which arise under it without the express written consent of the other party. The relationship of 4&1 to Client under this Agreement and otherwise shall be that of an independent contractor. 4&1 is not by the terms of this Agreement or otherwise an agent, employee, or representative of Client. It is further expressly agreed that neither 4&1 nor any of 4&1's officers or employees will perform services for Client by or through any other enterprise, including, without limitation, any other consultant of Client.
- E. Instruments of Service
The drawings, specifications, computer files, electronic media, field data, notes and other documents prepared or used by 4&1 for the Client (collectively, the "Documents") shall be the property of the Client. 4&1 agrees that it shall not reuse any portion of the Documents that is unique to the Client or the Client's projects for any other client, without the express written consent of the Client. 4&1 may retain a set of reproducible record copies of the Documents.
The drawings, specifications, computer files, electronic media, field data, notes and other documents prepared by 4&1 for this Project are Instruments of Service for use solely with respect to this Project. 4&1 shall be deemed the author or creator of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. All Instruments of Service produced by 4&1 shall be released to Client as Adobe PDF files, and not in the native format available through programs including, but not limited to, InDesign, AutoCad or other proprietary formats.
- F. Indemnification/Release of Drawings
In the event of termination of this Agreement, and 4&1's services are not continued through the completion of the Project for any reason, the Client shall be permitted to use the Instruments of Services prepared by 4&1 and provided to Client, under the following conditions:
1. With the release of 4&1's documents (including any electronic files), 4&1 and its consultants shall have no liability in connection with the drawings and specifications.
 2. The Client shall (and shall require any other design professionals engaged by 4&1 as a subconsultant to complete the improvements on the property to) release, indemnify, defend and hold harmless 4&1 from any and all losses, claims, expenses or liabilities arising from (i) the use of 4&1's Instruments of Service as may be used, revised and/or altered and (ii) the completion of the improvements on the property; and
 3. 4&1 and its subconsultants shall have been paid in full for services, materials and reimbursables provided through to the date of termination.
- G. Statements and Payment
An initial fifteen percent (15%) of the total lump sum contract will be billed upon commencement of the contract. Fees for professional services will be invoiced to the Client monthly based on percentages of the Project completed and any hourly services performed for the month. A task-by-task description of work performed, if billed hourly, will be submitted with each invoice. 4&1 reserves the right to suspend services if invoices exceeding a total amount of \$2,500 remain unpaid for more than sixty (60) days.
- H. Revised Project Budget
If the project budget defined by the scope of services is increased or decreased by more than ten percent (10%) after the design development phase of the work, the time and effort required to redesign the project within the new budget will be considered additional services to this agreement.
- I. Additional Services

Additional services are services that may be needed by the Client, but which are not included in the scope of services. Additional services will be provided only with prior approval of the Client, and include but are not limited to the following:

1. Preparation and presentation of graphic exhibits other than those described in the basic scope of services.
2. Revisions and changes in drawings, specifications or other documents previously given by the Client, or the preparation of alternates or deductive change orders requested by the Client.
3. Preparation of record drawings or of measured drawings of existing conditions.
4. Providing prolonged construction observation should the construction time be substantially extended through no fault of 4&1.

J. Termination
 This Agreement may be terminated by either party with or without cause upon thirty (30) days written notice. 4&1 shall be due payment for all services rendered prior to termination.

K. Risk Allocation
 4&1 will be responsible only for its own work and not for defects in the work designed by our sub consultants or built by the contractor.

L. Dispute Resolution
 As a condition precedent to either the Client or 4&1's filing of any claim in litigation, the Presidents of 4&1 and the Client shall meet within thirty (30) days of a request by either party to attempt to resolve the dispute. Venue for any unresolved dispute arising out of the services provided by 4&1 under this Agreement shall be in Harris County, Texas.

M. Additional Services
 Any additional services requested by the Client but not contemplated by this Agreement will be provided by 4&1 pursuant to a separate written agreement between the parties.

N. Insurance Requirements
 4&1 shall procure and maintain throughout the term of this Agreement, at its sole cost and expense, design professional liability coverage limits of \$1,000,000 per claim and \$2,000,000 aggregate. 4&1 shall furnish certificates of insurance to the Client evidencing compliance with the insurance requirements hereof. Certificates shall list 4&1, the name of the insurance company, the policy number, the term of coverage, and the limits of coverage. 4&1 shall cause its insurance companies to provide the Client with at least thirty (30) days prior written notice of any reduction in the limit of liability, cancellation, or non-renewal of the insurance coverage required under this Agreement. 4&1 shall obtain such insurance from such companies having a Best's rating of B+/VII or better, licensed or approved to transact business in the State of Texas.

O. Rate Schedule per hour

Licensed Landscape Architect (4&1)	\$ 160.00
Designer (4&1)	\$ 150.00
Strategic Consulting (TDS)	\$ 165.00
Content Production/Design/Sr. Developer (TDS)	\$ 150.00
Event Planning and Attendance (TDS)	\$ 135.00

P. Printing Schedule
 Any oversized prints will be sent out for printing and all receipts will be attached to invoices for reimbursement. All Letter and Ledger sized paper will be billed at the pricing below to cover the in-house expense of printing and will be billed to the client monthly with a description of print:

Black and White Letter (8.5"x11")	\$0.25
Color Letter Size (8.5"x11")	\$0.75
Black and White Ledger (11x17)	\$0.55
Color Ledger (11x17)	\$1.75

Q. Consultant, in conjunction with the execution of this contract and in accordance with Chapter 2270, Texas Government Code, effective September 1, 2017, does hereby agree, confirm, and verify that it does not Boycott Israel, as defined in Chapter 808 of Subtitle A, Title 8, Texas Government Code, and will not Boycott Israel during the term of the contract. Consultant hereby acknowledges and agrees that this verification is a material term of the contract and Owner is expressly relying on this verification in agreeing to enter into the contract with Consultant.

R. Chapter 2271 – Anti-Boycott of Israel Verification. By signing and entering into the Agreement, Engineer verifies, pursuant to Chapter 2271 of the Government Code, it is a Company that does not boycott Israel and will not boycott Israel during the term of this Agreement. "Boycott Israel" has the meaning assigned by Section 808.001, Government Code. For purposes of this paragraph, "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability

- company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.
- S. Chapter 2274 – Anti - Boycott of Energy Companies Verification. By signing and entering into the Agreement, Engineer verifies, pursuant Chapter 2274 (as added by Senate Bill 13, 87th Legislature Regular Session) of the Government Code, it is a Company that does not boycott energy companies and will not boycott energy companies during the term of this Agreement. “Boycott energy company” has the meaning assigned by Section 809.001, Government Code. For purposes of this paragraph, “Company” means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.
- T. Chapter 2274 – Anti - Discrimination of Firearm Entity or Firearm Trade Association Verification. By signing and entering into the Agreement, Engineer verifies, pursuant to Chapter 2274 (as added by Senate Bill 19, 87th Legislature Regular Session) of the Government Code that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this Agreement against a firearm entity or firearm trade association. “Discriminate against a firearm entity or firearm trade association” has the meaning assigned by Section 2274.001(3), Government Code. For purposes of this paragraph, “Company” means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit. The term does not include a sole proprietorship.
- U. Chapter 2274 - Lone Star Infrastructure Protection Act Verification. By signing and entering into the Agreement, Engineer verifies, pursuant to Chapter 2274 of the Government Code that (as added by Senate Bill 2116, 87th Legislature Regular Session): that a) neither Engineer, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Engineer, nor any of its sub-contractors (i) is owned or controlled by (a) individuals who are citizens of China, Iran, North Korea, Russia or any designated country; or (b) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, of any designated country; and (ii) is headquartered in China, Iran, North Korea, Russia or a designated country. The term “designated country” means a country designated by the Governor as a threat to critical infrastructure under Section 113.003 of the Texas Business & Commerce Code.
- V. Chapter 2252 Verification – Anti-Terrorism Verification. Engineer hereby represents and warrants that at the time of this Agreement neither Engineer, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Engineer: (i) engages in business with Iran, Sudan, or any foreign terrorist organization pursuant to Subchapter F of Chapter 2252 of the Texas Government Code; or (ii) is a company listed by the Texas Comptroller pursuant to Section 2252.153 of the Texas Government Code. The term “foreign terrorist organization” has the meaning assigned to such term pursuant to Section 2252.151 of the Texas Government Code. For purposes of this paragraph, “Company” means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or other entity or business association whose securities are publicly traded, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.
- W. ANTI-TERRORISM VERIFICATION.
Landscape Architect hereby represents and warrants that at the time of this Agreement neither Landscape Architect, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Landscape Architect: (i) engages in business with Iran, Sudan, or any foreign terrorist organization pursuant to Chapters 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code; or (ii) is a company listed by the Texas Comptroller pursuant to Sections 806.051, 807.051, or 2252.153 of the Texas Government Code. The term “foreign terrorist organization” has the meaning assigned to such term pursuant to Section 2252.151 of the Texas Government Code.
- X. WAIVER OF CHAPTER 2272 CLAIMS PROCEDURES. Owner and Landscape Architect mutually agree that Chapter 2272 of Subtitle F, Title 10, of the Government Code (“Chapter 2272”), shall not apply to the services provided by Landscape Architect under this Agreement. Owner and Landscape Architect waive the application of Chapter 2272, if any, to this Agreement.
- Y. FEMA/ NRCS CAP
If required to facilitate District’s reimbursement of monies from the Federal Emergency Management Agency, Natural Resources Conservation Services or other governmental entity, District and Landscape Architect will work in good faith to determine a reasonable cap of the Landscape Architect’s fees to meet such reimbursement requirements at the time the work is authorized.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
 CERTIFICATION OF FILING**

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Four and One, llc
 Tomball, TX United States

Certificate Number:
 2022-948642

Date Filed:
 10/25/2022

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Tomball

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

COT_Park MP_10-27-22
 Master Planning Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Klein, Tara	TOMBALL, TX United States	X	

5 Check only if there is NO Interested Party.

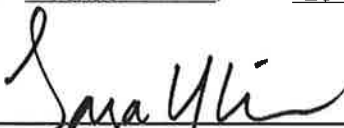
6 UNSWORN DECLARATION

My name is Tara Klein, and my date of birth is 08-26-1978.

My address is 23544 Coons Road, Tomball, TX, 77375, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas, on the 25 day of October, 20 22.
(month) (year)



 Signature of authorized agent of contracting business entity
 (Declarant)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Four and One, LLC

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

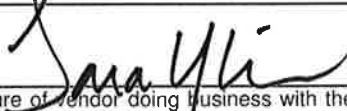
Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 

Signature of vendor doing business with the governmental entity

10/25/22

Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Approve the purchase of SmartGov Subscriptions (permitting software) from Brightly Solutions, Inc. for year one implementation and annual subscription in the amount of \$41,619.65 of the total contract amount of \$153,393.27, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchase is included in the FY 2022-2023 Budget.

Background:

Staff has evaluated community development software for the last 10 months in efforts to help with ways to automate and help manage our planning, permitting, code enforcement and inspections processes. Brightly Solutions, SmartGov software, will manage all essential processes tied to planning, development, permitting, licensing, inspections, and code enforcement in a single web-based system that is hosted in the Amazon Web Services (AWS) cloud.

SmartGov will improve the back-office efficiency while increasing citizen engagement by automating, tracking, and managing all processes and tasks in a unified, web-based and mobile-enabled application. It will dramatically reduce time, cost and errors associated with permit processing, code enforcement and recurring inspections.

This software will help to maximize engagement and citizen satisfaction with a web-based portal that promotes self-service and transparency. It will help to build a stronger connection and inspire confidence with citizens, and developers by meeting rising expectations from our community for modern, consistent, and optimized user experiences.

Development and implementation time will be approximately 6 to 7 months.

The 69 month contract term totals \$153,393.27 includes the implementation and annual subscription costs.

Year 1 – Implementation and annual subscription	\$41,619.65
Year 2 – Annual subscription, maintenance, and support	\$21,053.08
Year 3 – Annual subscription, maintenance, and support	\$21,684.69
Year 4 – Annual subscription, maintenance, and support	\$22,335.20
Year 5 – Annual subscription, maintenance, and support	\$23,005.28
Year 6 – Annual subscription, maintenance, and support	\$23,695.45
TOTAL	\$153,393.27

Origination: Community Development

Recommendation:

Staff recommends approving the purchase of SmartGov Subscriptions from Brightly Solutions, Inc. as appropriated in the Fiscal Year 2022-2023 Budget.

Party(ies) responsible for placing this item on agenda: Nathan Dietrich, Com. Dev. Director

FUNDING (IF APPLICABLE)

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

Yes: X No: If yes, specify Account Number: # 100-117-6320

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

Signed Nathan Dietrich 12.14.2022 Approved by
Staff Member Date City Manager Date



PREPARED FOR

City Of Tomball ("Subscriber")

Nathan Dietrich
Community Development Director
401 Market Street
Tomball, TX 77375

PREPARED BY

Brightly Software Inc ("Company")
11000 Regency Parkway, Suite 300
Cary, NC 27518

Dude Solutions is now Brightly. Same world-class software, new look and feel.

Meet Brightly at brightlysoftware.com

PUBLISHED ON

December 12, 2022



Q-321935

Pricing is based on unlimited users. Subscription ("Services") includes Public Portal, Parcel Connector, and GIS Connector. Enterprise includes all modules (Permits, Inspections, Plan Review, Code Enforcement, and Business Licensing)

• Proposal includes Sourcewell Purchasing Co-op discount (21% on Subscription; 5% on Services)

• Your Purchasing Info (Sourcewell discount): <https://www.sourcewell-mn.gov/node/399506>
(<https://www.sourcewell-mn.gov/node/399506>)

ID# 124317

• Our Purchasing Info: <https://www.sourcewell-mn.gov/cooperative-purchasing/090320-sdi>
(<https://www.sourcewell-mn.gov/cooperative-purchasing/090320-sdi>)

This SOW has been defined to leverage Brightly's experience, while optimizing the use of resources, thereby maximizing cost efficiencies on behalf of Client.

Based on our current understanding of the complexity and scope of this effort and the expected involvement of the Brightly team resources, the current estimated Fixed Price for this engagement is shown in the Investment table. This estimated cost breakdown is as follows:

Term: 69 months (01/01/2023 - 09/30/2028)

Services			
Item	Start Date	End Date	Investment
SmartGov - Enterprise	1/1/2023	9/30/2023	12,432.85 USD
SmartGov Connector Merchant	1/1/2023	9/30/2023	690.93 USD
SmartGov Connector Financial	1/1/2023	9/30/2023	690.93 USD
SmartGov Connector ECM-Laserfiche	1/1/2023	9/30/2023	690.93 USD
SmartGov Connector BlueBeam	1/1/2023	9/30/2023	690.93 USD
- SmartGov Permitting	1/1/2023	9/30/2023	Included



Services

Item	Start Date	End Date	Investment
- SmartGov Code Enforcement	1/1/2023	9/30/2023	Included
- SmartGov Business License	1/1/2023	9/30/2023	Included
4.0 Month(s) included at no additional cost on the first term 01/01/2023 - 04/30/2023			-6,679.81 USD
			Subtotal: 8,516.76 USD

Professional Services

Item	Investment
General Config	2,375.00 USD
Fees Configuration (Pages)	504.45 USD
Workflow template customization (package of 10)	9,975.00 USD
Existing Merchant Connector Configuration	1,425.00 USD
Map Connector Configuration	1,187.50 USD
Parcel Connector Configuration	2,968.75 USD
Portal Configuration	1,187.50 USD
Financial Export Connector Configuration	2,375.00 USD
Laserfische Connector Configuration	2,968.75 USD
Blue Beam Connector Configuration	1,425.00 USD
SmartGov Custom Implementation	0.00 USD
Project Management	3,958.79 USD
	Subtotal: 33,102.89 USD



Professional Services	
Item	Investment
SmartGov Training - Basic	2,752.15 USD
	Subtotal: 33,102.89 USD
Total Initial Investment	41,619.65 USD

*Includes 30 customized templates (3 packages of 10)

The above level of effort and associated pricing is based on the SMARTGOV package selected by City Of Tomball and is subject to change based on defined client requirements that may be discovered during project delivery. Any identified project scope or requirements changes will be addressed via the Company's Change Control Authorization ("CCA") process.

Subscription					
Item	Investment Year 2 Start Date: 10/01/ 2023	Investment Year 3 Start Date: 10/01/ 2024	Investment Year 4 Start Date: 10/01/ 2025	Investment Year 5 Start Date: 10/01/ 2026	Investment Year 6 Start Date: 10/01/ 2027
SmartGov - Enterprise	17,224.24 USD	17,740.97 USD	18,273.20 USD	18,821.40 USD	19,386.05 USD
SmartGov Connector Merchant	957.21 USD	985.93 USD	1,015.50 USD	1,045.97 USD	1,077.35 USD
SmartGov Connector Financial	957.21 USD	985.93 USD	1,015.50 USD	1,045.97 USD	1,077.35 USD
SmartGov Connector ECM- Laserfiche	957.21 USD	985.93 USD	1,015.50 USD	1,045.97 USD	1,077.35 USD
SmartGov Connector BlueBeam	957.21 USD	985.93 USD	1,015.50 USD	1,045.97 USD	1,077.35 USD
- SmartGov Permitting	Included	Included	Included	Included	Included



Subscription

Item	Investment Year 2 Start Date: 10/01/2023	Investment Year 3 Start Date: 10/01/2024	Investment Year 4 Start Date: 10/01/2025	Investment Year 5 Start Date: 10/01/2026	Investment Year 6 Start Date: 10/01/2027
- SmartGov Code Enforcement	Included	Included	Included	Included	Included
- SmartGov Business License	Included	Included	Included	Included	Included
Total:	21,053.08 USD	21,684.69 USD	22,335.20 USD	23,005.28 USD	23,695.45 USD



Introduction

Brightly Software, Inc. ("Company") is pleased to submit this Statement of Work ("SOW") to City Of Tomball for SmartGov Professional Services. SmartGov streamlines permitting, planning/zoning, Inspections, code enforcement, and business licensing, providing efficiency for your jurisdiction and enhanced customer service for your citizens. The package City Of Tomball has chosen for implementation of SmartGov will be implemented using proven processes and methodologies managed by an experienced project manager dedicated to delivering a successful project.

Company looks forward to the opportunity to deliver these services and the ever-lasting development of a strong business partnership.

Custom Implementation and Features

The Custom Implementation leverages best practices but includes wide flexibility in Company assisted customization. It is based on our pre-configured settings to streamline your setup but allows full access to modify your final configuration.

With Custom, you get access to the Full Software and your features include:

Feature	Custom
All Modules (Permitting, Licensing, Code Enforcement, Recurring Inspections)	Included
Public Portal	Included
Custom Fee Codes (across all modules)	Included
Custom Fields (across all modules)	Unlimited
Departments associated with Templates and Inspection Types (e.g., Building Safety and Construction, Planning and Zoning, etc.)	Unlimited
156 Standard Reports and Output Documents	Included
Custom Reports and Output Documents	Unlimited (Additional Fee Required)
Pre-configured Inspection Types (109 across all modules)	Included
Pre-configured Submittal Types (140 across all modules)	Included
Pre-configured Workflow Steps (152 across all modules)	Included
Additional Inspection Types	Unlimited (Additional Fee Required)



Feature	Custom
Additional Submittal Types	Unlimited (Additional Fee Required)
Additional Workflow Steps	Unlimited (Additional Fee Required)
Mobile App (Android and iOS)	Included
Pre-configured Templates and Workflow (77 templates across all modules)	Included
Additional Templates and Workflow	Unlimited Unlimited (Additional Fee Required)
Case number formatting	Customized
Users	Unlimited

With Custom you will get access to the following Services:

Service	Custom
Project Management	Per Agreement
Public Portal Configuration	Self-service or Per Agreement
Custom Code References	Included
Custom Condition Setup	Unlimited
Custom Field Configuration	Unlimited
Department Customization	Included
Fee/ Financial Setup	Per Agreement
Jurisdiction Specific Settings (Time zone, Holidays, etc.)	Included
Inspection Types Additions	Per Agreement
Template and Workflow Customization	Per Agreement
Template and Workflow Additions	Per Agreement
User Setup and Security	Included



Please talk with your account representative to determine timing for your Custom Implementation.

Planning, Initial Set Up & System Level Configuration

As part of the General Configuration Brightly will:

- Create your database with our defaults
- Load your users with Company standard permissions (provided in Company input sheet)
- Load your Code References/Violation types (provided in Company input sheet)
- Load up to 20 additional custom attributes/details (not associated with fees)
- Load your logo
- Provide access to 156 reports/output documents (see list)
- Provide ongoing access to our Virtual Classroom Training classes

Workflow Template Customization

CD-WT10 Company will add up to x10 custom process templates across all modules (Permits/Licensing/Code Enforcement/Recurring Inspections) until your product readiness date or 12 months after purchase whichever comes first.

Financial Setup and Fees Pages

Based on your fee schedule Company will:

- Setup your fee code calculations
- Load your FMS/GL Codes (provided in Company input sheet)
- Load your Valuation table (provided in Company input sheet or ICC table)
- Setup your fixture costs (if needed)
- Load your custom attributes / details as required for your fee calculations

Public Portal Configuration Setup

The Company will customize your Portal by:

- Linking your logo
- Exposing all permits/business licenses that you want your citizens to have access to
- Will advise on best practices and load your custom verbiage into the available fields
- Provide the access URL to add link to any needed jurisdiction web pages



Parcel Connector Setup

Company will configure EITHER a Delimited Parcel Job OR ARCGIS Parcel Job on behalf of the customer

- Delimited File – A delimited file may be uploaded to the job at runtime or may be made available to the job via FTP using anonymous access or a username and password. The delimited file option supports a single address for each individual parcel.
- Parcel Layer – A parcel layer must be accessible by URL through an ESRI REST service. A secondary address-only layer may also be provided for parcels that have more than one address. The layer(s) must be publicly accessible and may be secured with a username and password.

The configured parcel job will be available for the customer to run on-demand. If using the ARCGIS option or a delimited file that is accessible via FTP, the job may also be scheduled to run on a consistent basis (e.g., daily, weekly, monthly, etc.).

Map (GIS) Connector Setup

The Company will connect to your supported ESRI Map Service secured by a publicly trusted certificate issued by a Certificate Authority.

The clients Map Service must be publicly accessible and require no user authentication of any kind. The Map Service must include a parcel layer with a designated field having parcel numbers that exactly match those provided in the Parcel Connector source data (this layer may be the same as that provided for the Parcel Connector if no authentication is required for access). Support for Feature, Tiled, and Web Map Services is not included.

Custom base maps are not supported. Base maps from the ESRI base map library will be available for use.

Financial Connector Setup

The Company will customize the configuration of the export to match your financial system input needs. These customizations could include:

- Additional data fields
- Altered order of column information
- Alternate delimiter or fixed width formatting

Merchant Service Connector Setup

The Company will setup our connector to your merchant vendor (from our authorized list of vendors).



The client will need to provide the relevant linking information for the Company to complete the setup. These will often include connection URLs, Login IDs, and Transaction Keys.

The Company cannot get this information on the client's behalf due to security and privacy concerns.

Digital Markup Tool Setup

The Company will setup our connector to Bluebeam.

Company will provide training on how to check documents in and out but will not provide training on other Bluebeam software components.

This does NOT include a subscription to Bluebeam or training on how to use the Bluebeam software and this must be purchased separately from that vendor.

- ***Bluebeam Studio Prime is the only edition of Studio that is compatible with the SmartGov integration.***
- ***The SmartGov integration is compatible with all 3 Revu editions***

Laserfiche Setup

The Company will setup our connector to Laserfiche.

This connector allows file attachments in SmartGov to be stored within an Enterprise Content Management (ECM) system. The Laserfiche integration was built in compliance with Content Management Interoperability Services (CMIS) standards.

Customer must have the Laserfiche CMIS Gateway installed and configured for the desired repository and be able to provide a browser binding URL that SmartGov can reach from the cloud.

There are three Secured Functions that control access to the Laserfiche configuration options:

1. Admin.JurisdictionBlobProvider – Allow user to all Enterprise Content Management (ECM) settings and mappings
2. Admin.JurisdictionBlobProvider.ConfigureCMISConnection – Allow user to configure CMIS connection settings
3. Admin.JurisdictionBlobProvider.ConfigureECMTemplates – Allow user to configure metadata template mappings



SmartGov Training - Basic

The Company web-based training will train the client in a "train-the-trainer" format.

The training agenda will be agreed upon by the consultant and the client lead and is designed to provide the client team with an interactive experience in the software to facilitate an understanding of the utilized parts of the software.

This training can span a 2-week period, provided in 3.5 hour sessions to meet client needs but will not exceed eight sessions. Once the team has been trained on all utilized sections of the software the training is complete.

Change Control Authorization Process

Any changes to the defined scope will require a signed Change Order by the client. This Change Order will outline the additional work required and costs associated with the change. It will also include estimated changes to your launch schedule that must also be approved.



Appendix

Parcel Configuration Setup

Parcel source data (delimited file or parcel layer) must include the following fields, at a minimum:

- Parcel Number
- Primary Situs Address
- Primary Situs City
- Primary Situs State
- Primary Situs Zip Code
- Owner Name
- Owner Street Address
- Owner City populated for USA addresses only
- Owner State populated for USA addresses only
- Owner Zip Code populated for USA addresses only
- International Indicator with a value of "Y" for any owner address outside of the USA
- International line including the full regional equivalent of the city, state and zip code for any owner address outside of the USA

Inclusion of the following additional fields is recommended:

- Parcel center point latitude in decimal degrees
- Parcel center point longitude in decimal degrees

If using a secondary address layer with the ARCGIS Parcel job, the address layer must contain the following fields:

- Parcel Number
- Secondary Situs Address
- Secondary Situs City
- Secondary Situs Zip Code

Inclusion of the following additional fields is recommended for the secondary address layer:

- Address point latitude in decimal degrees
- Address point longitude in decimal degrees

Map (GIS) Connector Setup

The following base maps are currently included (subject to change):

- Imagery
- Imagery Hybrid
- Streets
- Topographic
- Navigation
- Streets (Night)
- Terrain with Labels
- Light Gray Canvas



- Dark Gray Canvas
- Oceans
- National Geographic Style Map
- Open Street Map
- Charted Territory Map
- Community Map
- Navigation (Dark Mode)
- Newspaper Map
- Human Geography Map
- Human Geography Dark Map
- Modern Antique Map
- Mid-Century Map
- Nova Map
- Colored Pencil Map
- Firefly Imagery Hybrid
- USA Topo Maps

Financial Connector Setup

By default, financial extract jobs are pre-configured and the included configuration of the Receipt Extract job will produce a comma-delimited file with the following data points:

- Receipt Number
- Receipt Date
- FMS/GL Code
- Fund
- GL Account
- Fee Amount Paid
- Fee Code Name
- Permit/License/Case Number
- Payer Name

The included configuration of the Receipt Extract – FMS/GL Summary job will produce a comma-delimited file with the following data points:

- FMS/GL Code
- Fund
- GL Account
- Fee Amount Paid

The file output of the financial extract may be written to the customer's FTP site, if desired, to facilitate automated external processing of the file. The customer may request the use of an alternate delimiter if a comma is not acceptable.

The financial extract job may be run on demand or scheduled to run on a consistent basis (e.g., daily, weekly, monthly, etc.). Companion reports designed for reconciliation and extract verification are also available.



Blue Beam Connector Configuration

Bluebeam Software is comprised of a document management component, known as Studio, and a client-side application, Revu. Each component has three (3) editions with various features.

Bluebeam Studio is the repository for Bluebeam Projects and Sessions. Only one license/subscription is required for each jurisdiction. It is available in the following editions:

- Bluebeam Studio Prime (**Compatible with SmartGov**) – Cloud-based (allows third party integrations with the Bluebeam Studio API), additional Bluebeam cost
- Bluebeam Studio (**Not Compatible with SmartGov**) – Cloud-based, included with the Bluebeam Revu user license at no additional Bluebeam cost
- Bluebeam Studio Enterprise (**Not Compatible with SmartGov**) – On-Premises

Bluebeam Revu is the client-side software that provides the tools necessary to review and mark up documents. This software must be installed on each client computer that will be used to perform review and mark up tasks. Revu is available in the following editions:

- Revu Standard (**Compatible with SmartGov**) – Standard tool set
- Revu CAD (**Compatible with SmartGov**) – Includes all of the standard tools, along with plugins for 2D and 3D PDF creation
- Revu eXtreme (**Compatible with SmartGov**) – Includes all of the standard tools and CAD plugins, with additional features like Optical Character Recognition (OCR) and batch processes.

The Revu user license includes access to Bluebeam Studio, but Bluebeam Studio is not sufficient for integration with SmartGov. Each SmartGov user that will be checking projects in and out of Bluebeam or performing review and mark up tasks must also be a member of the Bluebeam Studio Prime account.



Order Form terms

- By accepting this Order Form, and notwithstanding anything to the contrary in any other purchasing agreement, Subscriber agrees to pay all relevant Fees for the full Services Term defined above.
- The "Effective Date" of the Agreement between Subscriber and Company is the date Subscriber accepts this Order Form.
- This Order Form and its Services are governed by the terms of the Brightly Software, Inc. Master Subscription Agreement found at <http://brightlysoftware.com/terms> (<http://brightlysoftware.com/terms>) ("Terms"), unless Subscriber has a separate written agreement executed by Brightly Software, Inc. ("Company") for the Services, in which case the separate written agreement will govern. Acceptance is expressly limited to these Terms. Any additional or different terms proposed by Subscriber (including, without limitation, any terms contained in any Subscriber purchase order) are objected to and rejected and will be deemed a material alteration hereof.
- To the extent professional services are included in the Professional Services section of this Order Form, the Professional Services Addendum found at <http://brightlysoftware.com/terms> (<http://brightlysoftware.com/terms>) is expressly incorporated into the Terms by reference.
- During the Term, Company shall, as part of Subscriber's Subscription Fees, provide telephone and email support ("Support Services") during the hours of 8:00 AM and 6:00 PM EST, (8:00 am – 8:00 pm EST for Community Development Services) Monday through Friday ("Business Hours"), excluding Company Holidays.
- Company maintains the right to increase Subscription Fees within the Services Term by an amount not to exceed the greater of prices shown in the investment table or the applicable CPI and other applicable fees and charges every 12 months. Any additional or renewal Service Terms will be charged at the then-current rate.
- Acceptance of this Order Form on behalf of a company or legal entity represents that you have authority to bind such entity and its affiliates to the order, terms and conditions herein. If you do not have such authority, or you do not agree with the Terms set forth herein, you must not accept this Order Form and may not use the Service.
- Proposal expires in sixty (60) days.
- Subscriber shall use reasonable efforts to obtain appropriation in the full amount required under this Order Form annually. If the Subscriber fails to appropriate funds sufficient to maintain the Service(s) described in this Order Form, then the Subscriber may terminate the Service(s) at no additional cost or penalty by giving prior written notice documenting such non-appropriation. Subscriber shall use reasonable efforts to provide at least thirty (30) days prior written notice of non-appropriation. Subscriber agrees non-appropriation is not a substitute for termination for convenience, and further agrees Service(s) terminated for non-appropriation may not be replaced with functionally similar products or services prior to the expiration of the Services Term set forth in this Order Form. Subscriber will not be entitled to a refund or offset of previously paid, but unused Fees.



Additional information

- Prices shown above do not include any taxes that may apply. Any such taxes are the responsibility of Subscriber. This is not an invoice. For customers based in the United States, any applicable taxes will be determined based on the laws and regulations of the taxing authority(ies) governing the "Ship To" location provided by Subscriber. Tax exemption certifications can be sent to [accountsreceivable@brightlysoftware.com \(mailto:accountsreceivable@brightlysoftware.com\)](mailto:accountsreceivable@brightlysoftware.com).
- Billing frequency other than annual is subject to additional processing fees.
- Please reference Q-321935 on any applicable purchase order and email to [accountsreceivable@brightlysoftware.com \(mailto:accountsreceivable@brightlysoftware.com\)](mailto:accountsreceivable@brightlysoftware.com)
- Brightly Software, Inc. maintains the necessary insurance coverage for its products and professional services, including but not limited to liability and errors & omissions coverage. Proof of insurance can be provided upon request.



Illuminate: Bringing the best Ideas to Light

Bringing Assets Into Focus

Brightly's Illuminate conference is a place for operations and asset management leaders to gather and share our collective wisdom, spotlighting the best new ideas and learning from one another to realize a brighter future. Take stock of where you've been and plan for where you're going while connecting with industry peers and experts as passionate to help their organizations thrive as you are.

Brightly's Illuminate conference is a gathering of the brightest minds in operations and asset management, where you can connect with leaders in their field, exchange expertise, and uncover new opportunities to realize a brighter future

Illuminate is March 12th-15th, 2023. Attendees are in for the best in-person conference yet, with more knowledge, training, and technology than ever before.

Enlighten Share your expertise and level up your knowledge with hands-on education and training you can bring back to your team.

Envision

Explore the brightest ideas and smartest solutions to elevate the work your organization is doing and realize your vision for the future.

Engage



Broaden your professional network by sharing wisdom with fellow operations and asset management leaders.

Admission for Illuminate is \$895 for tuition only and \$1795 for the "Brightly Bundle". The Brightly Bundle includes meals, a 4-night hotel stay and tuition. Registration is open beginning September 1st through March 10th, 2023.



Signature

Presented to:

Q-321935

December 12, 2022, 2:16:25 PM

Accepted by:

Printed Name

Signed Name

Title

Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

Appoint Resident Position 2 Member to the Tourism Advisory Committee

Background:

The Tourism Advisory Committee Resident Position 2, expiring December 5, 2024, was vacated due to the resignation of appointee, Becky Loving.

We have received an application for a Resident position, from Angie Johnson, who has expressed an interest in serving on the TAC as a resident member.

Appointment is requested for unexpired term remaining for Resident Position 2.

Origination: Mayor Klein Quinn

Recommendation:

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

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>12/5/2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be public information. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire on December 31, 2024.

Please Type or Print Clearly: Date: 12/2/22
Name: Angie Johnson Phone: _____
Address: _____ Phone: 281-517-1271 (Home)
(Work)
Email _____

I have lived in Tomball 30 years. I am am not a U.S. Citizen

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

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

Occupation: Contract Specialist

Professional and/or Community Activities: _____
Volunteer ESL teacher – 2 years at Harris County library at Lone Star, currently tutoring English for citizenship oral testing
Create solicitations for state agency contracts and participate in bid evaluations and scoring instruments
Tomball High School band booster volunteer – support students and parents at games and competitions and volunteer at concession stands

Additional Pertinent Information/References: _____
Certified Texas Contract Developer and Certified Texas Contract Manager
Create solicitations for state agency contracts and participate in bid evaluations and scoring instruments t
interest to the City of Tomball. I believe I can use my professional background to participate in in city processes that will continue to shape growth and quality of life in my community.

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

I'm interested in volunteering my time because I'd like to be more civically engaged and contribute to decision making that will be in the best interest to the City of Tomball. I believe I can use my professional background to participate in in city processes that will continue to shape growth and quality of life in my community.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant
(Must be signed/signature typed in)

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cs@ci.tomball.tx.us
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
 This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
 By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
 A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 Name of vendor who has a business relationship with local governmental entity.
Angie Johnson

Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.
City of Tomball
 Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?
 Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?
 Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7
Angie Johnson 12/2/22
 Signature of vendor doing business with the governmental entity Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

**LOCAL GOVERNMENT OFFICER CONFLICTS
DISCLOSURE STATEMENT**

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 **Name of Local Government Officer**
Angie Johnson

2 **Office Held**
Tourism Advisory Committee Member

3 **Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code**
n/a

4 **Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.**
n/a

5 **List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).**

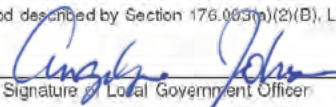
Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 **SIGNATURE** I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.


Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____
20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

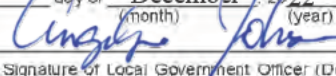
OR

(2) Unsworn Declaration

My name is Angie Johnson and my date of birth is _____

My address is _____ Tomball _____ Texas _____ 77375 _____ United States
(street) (city) (state) (zip code) (country)

Executed in Harris County County, State of Texas, on the 2nd day of December, 2022
(month) (year)


Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

An elected/appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return to the City Secretary's Office within fourteen days of receipt.

I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.


Board Member's Signature

12/2/2022
Date

Angie Johnson
Board Member's Printed Name

Appendix D

Acknowledgment of Receipt and Understanding

I acknowledge that I have received a copy of the City of Tomball Boards, Commissions and Committees Handbook on 12/5/22 (date).

I understand the eligibility requirements, policies, and procedures set forth in this Handbook.

I have read and understood the contents of this handbook and will act in accordance with these eligibility requirements, policies and procedures as a condition of my appointment to a board, commission, or committee.

I have read and understood the Standards of Conduct expected by the City of Tomball and I agree to act in accord with the Standards of Conduct as a condition of my appointment by the City of Tomball.

Finally, I understand that the contents of this Handbook are policies and guidelines established by the City Council of the City of Tomball and that the City Council may amend the Handbook at its discretion.

Please read this Handbook carefully to understand these conditions of appointment before you sign this document.



Signature of Applicant for Appointment

Angie Johnson

Printed Name of Applicant

12/5/2022

Date:

TOMBALL TOURISM ADVISORY COMMITTEE – 3-Year Terms

Resident Positions

Matthew Harris – Position 1

term expires: 12-5-2023

Vacant – Position 2

term expires: 12-5-2024

Jeffie Cappadonna – Position 3
(Apptd. 2010/13/16/19/22)

term expires: 12-5-2025

Business Positions

(Chair) Holly Cook – Position 4
(Apptd. 2010/11/14/17/20)

term expires: 12-5-2023

Kailey Moore – Position 5
(Apptd. 2021)

term expires: 12-05-2024

Ted Mielke – Position 6
(Apptd. 2022)

term expires: 12-5-2025

Hotel Positions

Melanie Sutton – Position 7
(Apptd. 2018/20)

term expires: 12-5-2023

(Vice Chair) Raymond Francois – Position 8
(Apptd. 201/21)

term expires: 12-5-2024

Paige Cassel – Position 9
(Apptd. 2015/16/19/22)

term expires: 12-5-2025

COUNCIL LIAISON

Mayor Klein Quinn
Alternate: Councilman Ford

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Appoint Member to Vacant/Unexpired Alternate 4 Position of the Board of Adjustments, for Term expiring March 2, 2023

Background:

The Board of Adjustments consists of five regular members and four alternate members with staggered two-year terms.

Regular Board Members:

- Jarmon Wolfe (Position 1)
- Christine Roquemore (Position 2)
- Billy Hemby (Position 3)
- April Gray (Position 4)
- Cindy Phillips (Position 5)

Alternate Board Members:

- Colleen Pye (Alternate 1)
- Rocky Pilgrim (Alternate 2)
- Ellen Warren (Alternate 3)
- Vacant (Alternate 4).

We have received an application from Matt Williams, expressing his interest in the Board of Adjustments.

Staff presents Mr. Williams' application for Council consideration for appointment to the vacant Alternate 4 position; this term will expire March 2, 2023.

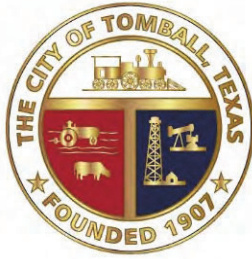
Origination: Community Development Department

Recommendation:

N/A

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

Nathan Dietrich, Community
Development Director



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be public information. You will be contacted before any appointments are considered to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire in 2024.

Please Type or Print Clearly:

Date: 12/6/22

Name: Matt Williams

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 3 years.

I am am not ___ a U.S. Citizen

Occupation: Business Development-Oil & Gas

Professional and/or Community Activities: AADE (Oil & Gas), Tomball Bible Church attendee (pending membership)

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

Become actively involved in the community through non-political means. I make every effort to spend dollars locally and want to ensure that everything possible is being done to promote and enhance the local community, both residents and businesses. Additionally, I feel a need to serve my local community in a civic capacity and ensure that steps are being taken to continually improve Tomball, its residents, businesses, and visitors.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

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

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

Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

- (3) Tomball Economic Development Corporation
- () Tomball Regional Health Foundation

Meeting Information

Six (6) regular scheduled meetings, usually on the second Tuesday of the Month, 5:30 p.m.; the annual meeting is in May (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

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

Meeting Information

As called

Non-profit Corporation Boards

- () Tomball Legacy Fund, Inc.
Position 7, Tomball Legacy Fund, does not require Tomball residency

Meeting Information

As called

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

Signature of Applicant

(Must be signed/signature typed in)

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
csso@tomballtx.gov
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
 This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
 By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
 A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY	
Date Received	

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

 Signature of vendor doing business with the governmental entity

 Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

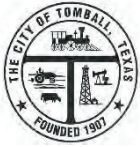
Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Board Member's Signature

12/6/2022

Date

Matthew D Williams

Board Member's Printed Name

Appendix D

Acknowledgment of Receipt and Understanding

I acknowledge that I have received a copy of the City of Tomball Boards, Commissions and Committees Handbook on 12/7/2022 (date).

I understand the eligibility requirements, policies, and procedures set forth in this Handbook.

I have read and understood the contents of this handbook and will act in accordance with these eligibility requirements, policies and procedures as a condition of my appointment to a board, commission, or committee.

I have read and understood the Standards of Conduct expected by the City of Tomball and I agree to act in accord with the Standards of Conduct as a condition of my appointment by the City of Tomball.

Finally, I understand that the contents of this Handbook are policies and guidelines established by the City Council of the City of Tomball and that the City Council may amend the Handbook at its discretion.

Please read this Handbook carefully to understand these conditions of appointment before you sign this document.



Signature of Applicant for Appointment

MATHEW D. WILLIAMS

Printed Name of Applicant

12/7/2022

Date:

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Consideration to approve **Zoning Case P22-350:** Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Conduct Public Hearing on **Case P22-350**

Adopt, on First Reading, Ordinance No. 2022-41, 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 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within 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 Denial (2 Votes Aye, 2 Votes Nay).

Origination: Zion Woods LLC, represented by Blue Kite Building Group

Recommendation:

Approval

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

FUNDING (IF APPLICABLE)

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

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

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

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

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2022
&
CITY COUNCIL
DECEMBER 19, 2022



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 19, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-350: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Zoning Case P22-367: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **December 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
Jared Smith
City Planner

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

ORDINANCE NO. 2022-41

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 22.84 ACRES OF LAND OUT OF THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50 (DESCRIBED IN “EXHIBIT A”, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS FROM AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT #18 (PDD #18), BEING LOCATED WITHIN THE 12700 BLOCK (NORTH SIDE) OF ZION 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, Zion Woods LLC, represented by Blue Kite Building Group has requested that approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, located within the 12700 block (north side) of Zion 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 three 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 the Planned Development 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 Planned Development District (PDD-18) 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 a Planned Development District (PDD-18), 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 District (PDD-18) as described above.

Section 5. The Planned Development (PD-18) 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-18) District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the Planned Development Regulations and concept plan(s) (Exhibit “B”) 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 19th DAY OF DECEMBER 2022.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JANUARY 2023.

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

Lori Klein Quinn, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"

All that certain tract or parcel containing 22.8305 acres of land situated in the Joseph Miller League, A-50 in Harris County, Texas, said 22.8305 acre tract being that same tract described as 22.8140 acres of land in a deed filed for record under Harris County Clerk's File No. 20060033498 and being more particularly described by metes and bounds as follows:

COMMENCING at a 1-1/4" iron pipe (found) in the North right-of-way line of Zion Road, (60.00 feet in width), marking the Southeast corner of that certain call 1.2902 acre, (40.00 foot access easement), tract of land as described in a deed filed for record under Harris County Clerk's File No. Y-635667 and the Southwest corner of that certain call 68.1723 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20090285835;

THENCE N 89°31'28" E, a distance of 351.43 feet, (call N 89°29'18" E, 351.35 feet), along the North right-of-way line of said Zion Road and the South line of said 68.1723 acre tract of land to a 1/2" iron rod (found) marking the Southerly-Southeast corner of said 68.1723 acre tract of land and the Southwest corner and POINT OF BEGINNING of the herein described 22.8305 acre tract of land;

THENCE N 00°38'14" W, a distance of 2,775.27 feet, (call N 02°24'34" W, 2,775.55 feet), along the common line of said 68.1723 acre and said 22.8305 acre tracts of land to a 60d nail in tree root (set) marking an interior corner of said 68.1723 acre tract of land and the Northwest corner of the herein described 22.8305 acre tract of land, from this point a 3/8" iron rod (found bent) bears S 86°57'12" E, 1.43 feet;

THENCE S 85°41'36" E, a distance of 363.82 feet, (call S 87°28'13" E, 362.40 feet), along the common line of said 68.1723 acre and said 22.8305 acre tracts of land to a 1/2" iron rod with cap (found) stamped "RPLS 3971" in the West line of that certain call 155.696 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. P-916725 marking the Easterly-Southeast corner of said 68.1723 acre tract of land and the Northeast corner of the herein described 22.8305 acre tract of land;

THENCE S 00°47'54" E, a distance of 960.17 feet, (call S 02°37'04" E, 960.27 feet), along the common line of said 155.696 acre and said 22.8305 acre tracts of land to a 5/8" iron rod (found) for angle point;

THENCE S 02°00'27" W, a distance of 12.80 feet, (call S 00°08'54" E, 12.81 feet), along the common line of said 155.696 acre and said 22.8305 acre tracts of land to a 3/4" iron pipe (found) for angle point marking the Southwest corner of said 155.696 acre tract of land and the Northwest corner of that certain call 0.7898 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. S-398301;

THENCE S 00°17'31" E, (call S 02°03'15" E), along the common line of said 0.7898 acre and said 22.8305 acre tracts of land, passing at 8.85 feet a 5/8" iron rod which bears N 89°42'29" E, 0.13 feet, a total distance of 310.64 feet, (call 310.97 feet), to a 1/2" iron rod (found) for angle point marking the Southwest corner of said 0.7898 acre tract of land and the Northwest corner of that certain call 2.1976 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. N-839362;

THENCE S 00°14'22" E, a distance of 322.34 feet, (call S 00°38'41" E, 322.40 feet), along the common line of said 2.1976 acre and said 22.8305 acre tracts of to a 1-1/2" iron pipe (found) for angle point marking the Southwest corner of said 2.1976 acre tract of land and the Northwest corner of that certain call 4.5639 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. Z-417605;

THENCE S 00°12'35" E, a distance of 573.54 feet, (call S 00°20'00" E, 573.21 feet), along the common line of said 4.5639 acre and said 22.8305 acre tracts of to an axle (found) for angle point marking the Southwest corner of said 4.5639 acre tract of land and the Northwest corner of that certain call 4.8784 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. R-861792, from this point a ½" iron rod (found) bears N 16°56'49" W, 0.06 feet;

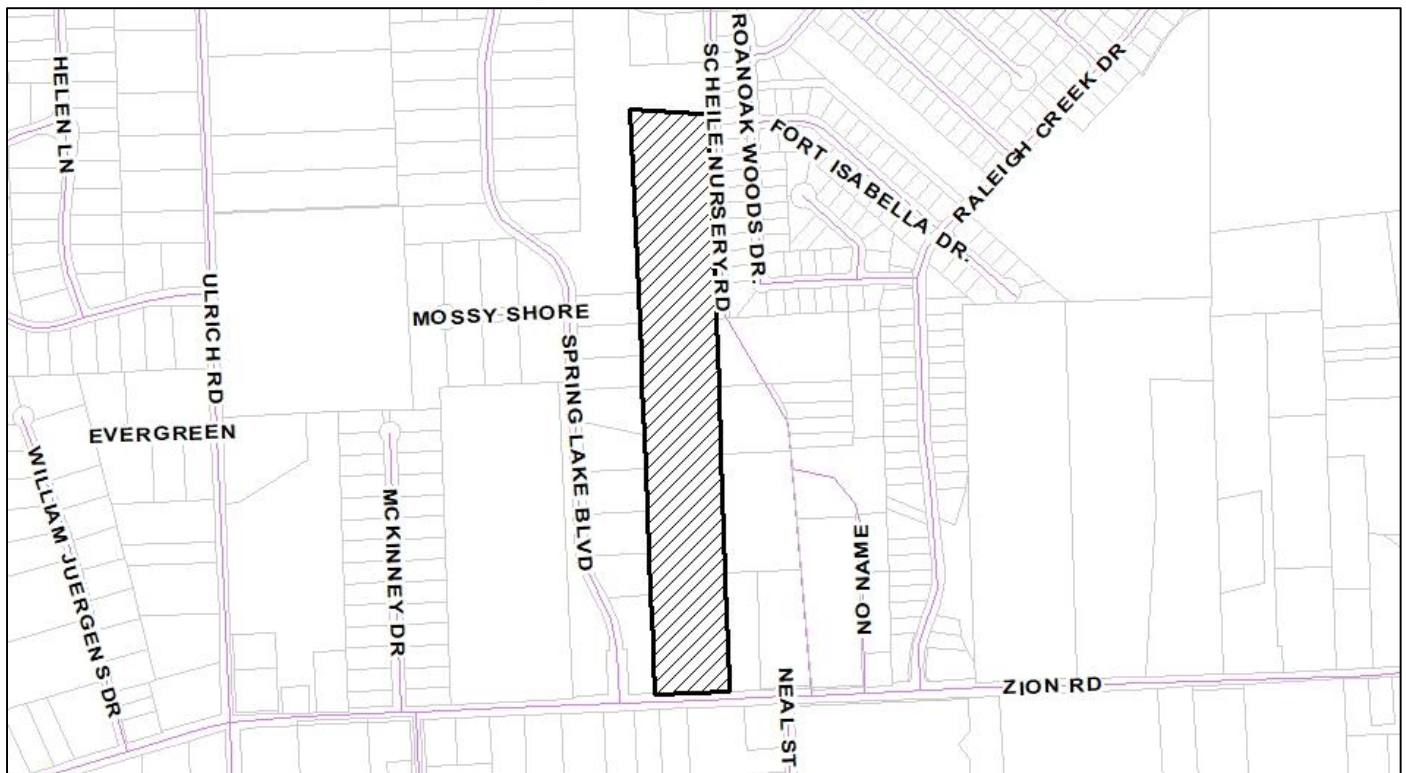
THENCE S 00°08'25" E, a distance of 565.23 feet, (call S 00°24'48" W, 562.27 feet), along the common line of said 4.8784 acre and said 22.8305 acre tracts of to a ½" iron rod (found bent) in the North right-of-way line of said Zion Road marking the Southwest corner of said 4.8784 acre tract of land and the Southeast corner of that the herein described 22.8305 acre tract of land;

THENCE S 89°28'53" W, a distance of 351.29 feet, (call S 87°44'54" W, 351.50 feet), along the North right-of-way line of said Zion Road and the South line of said 22.8305 acre tract of land to the POINT OF BEGINNING and containing 22.8305 acres of land.

Surveyed on the ground June 21, 2011.

Job No. 11-314-06. (See corresponding plat)

The basis of bearing is N 00°38'14" W along the West line of subject tract per deed to 68.1723 acre tract of land.



Location: 12700 block (north side) of Zion Road, within City of Tomball, Harris County, Texas.

Exhibit “B”

Exhibit B

Planned Development

22.8 Acres Tomball (Zion Road Tract)

- A. Contents. This final development plan includes the following sections:
 - a. General Provisions
 - b. Land Uses
 - c. Development Regulations for Single-Family Lots
 - d. Amenities and Landscape regulations
 - e. Open Space and Trails
 - f. Building Regulations

- B. General Provisions
 - a. The Planned Development, PD, approved herein, must be constructed, developed, and maintained in compliance with the 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 a SF-6 (Standard Single-Family Residential) 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 when the city regulation or provision conflicts with a provision in this ordinance.
 - b. Except as otherwise provided herein, the words used in this planned development have the meaning established by the Development Code.
 - c. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this final development plan:
 - i. Exhibit C – Concept Plan
 - ii. Exhibit C1 – Landscape, amenities, and Open Space Plan
 - iii. Exhibit C2 – Tree Preservation Plan
 - d. As shown on Exhibit C, the PD encompasses 22.8 acres, located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.

- C. Land Uses
 - a. SFR: Permitted land uses are listed below.

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

- D. **Development Regulations for Single Family Lots** — Maximum 99 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:

- a. The minimum lot width shall be 50 feet wide.
 - b. Lots shown on Exhibit C
 - i. Minimum lot area: 50ft wide lots shall have a minimum area of 5,250 square feet.
 - ii. Minimum lot width: 50 feet. Lot width shall be measured at the building line.
 - iii. Minimum lot depth: 105 feet
 - iv. Maximum lot coverage: 40% (lot acreage shall include building footprint only)
 - c. Minimum building setbacks:
 - i. Front yard: 20 feet; (measured from front building line)
 - ii. Rear yard: 15 feet
 - iii. Side yard: 5 feet, 10 feet on street side of a corner lot.
- E. **Amenities and Landscape Regulations**— As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
- a. Recreation site and amenities:
 - i. A minimum 1-acre recreational reserve, centrally located within the development, may include a pool, playground, and picnic facilities, etc.
 - ii. A minimum 24, off-street head-in parking spaces shall be provided. 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.
 - iii. Amenities must include (but are not limited to) Three of the following:
 - 1. Recreation center/Clubhouse
 - 2. Playground
 - 3. Picnic Facilities
 - 4. Pavilions
 - 5. Swimming Pool/ Splash pads
 - 6. Dog Park
 - 7. Active Recreation Facilities (Basketball, Tennis, Soccer, Baseball. Etc.)
 - 8. Walking, Biking, Hiking Trails
 - b. Landscape buffers:
 - i. 20-foot minimum buffer yard shall be provided along all street-side property boundaries for residential lots and along Zion Road. Lots/Reserves designated for recreation and amenity areas shall be exempt from this requirement.

- ii. 20-foot minimum undisturbed vegetative buffer reserve, contiguous to lot lines, shall be provided along the rear of all lots adjacent to neighboring properties. As shown on Exhibit C1
- iii. Street trees must be provided along all street-side property boundaries at a rate of 1 tree for every 40 linear feet of frontage. Street trees must be provided within the landscape open space median illustrated in concept plans. All street trees must be a minimum 4-inch caliper and 7 feet in height at the time of planting.
- iv. All landscaping/trees must be installed/protected in accordance with the approved landscape/preservation plan (as prescribed in subsection H of this ordinance). Preservation efforts must be maintained throughout all phases of construction.
- v. Required Buffers shall include trails as illustrated in provided concept Plan(s).
- vi. Tree(s) planned to be preserved that are removed/killed during or after construction must be replaced in accordance with the following table:

Diameter of Tree Removed/Killed (Inches)	Number of Trees that must be planted
4-9	Two Trees
9-15	Three Trees
Over 15	Six Trees

- c. Open Space:
 - i. Minimum 20% space, to be distributed as shown on Exhibit C1
 - ii. Open space shall include all landscape buffers, landscape reserves, open space, reserves, parks, pool areas, and recreation facilities.
 - iii. At a minimum 5 acres shall be provided as parks and recreation facilities
 - iv. All required open space shall be maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
 - v. Landscaped open space reserve shall be provided within median identified on Exhibit C1

F. Sidewalks & Trails -As shown on Exhibit C1, the PD shall be developed in accordance with the following:

- a. Sidewalks:
 - i. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
 - ii. All sidewalks shall be paved with concrete.

- b. Trails:
 - i. Trail network within median must be a minimum of 8-feet in width.
 - ii. All other trails must be a minimum of 5-feet in width.
 - iii. All trails must be paved with asphalt or concrete.

- G. Minor Modifications --The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance with the applicable Tomball Codes and this Ordinance and approved by the Planning Director.
 - a. Modifications to internal street patterns are allowed
 - b. 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.
 - c. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - d. 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.

- H. ADD: Subdivision Plat Procedure – Platting of the subject property shall be in accordance with all standards and procedures ordinarily applicable within the City of Tomball as prescribed in Chapter 40 of the Tomball Code of Ordinance and shall include the following modifications:
 - a. Prior to the approval of a preliminary plat for the subject property an official tree survey must be conducted by a licensed arborist and submitted to the City of Tomball in conjunction with a landscape/tree preservation plan. Said preservation plan must be consistent with the planned preservation areas identified in the provided concept plan (Exhibit C2). Said landscape and tree preservation plan(s) must be approved by the City of Tomball prior to the start of construction.

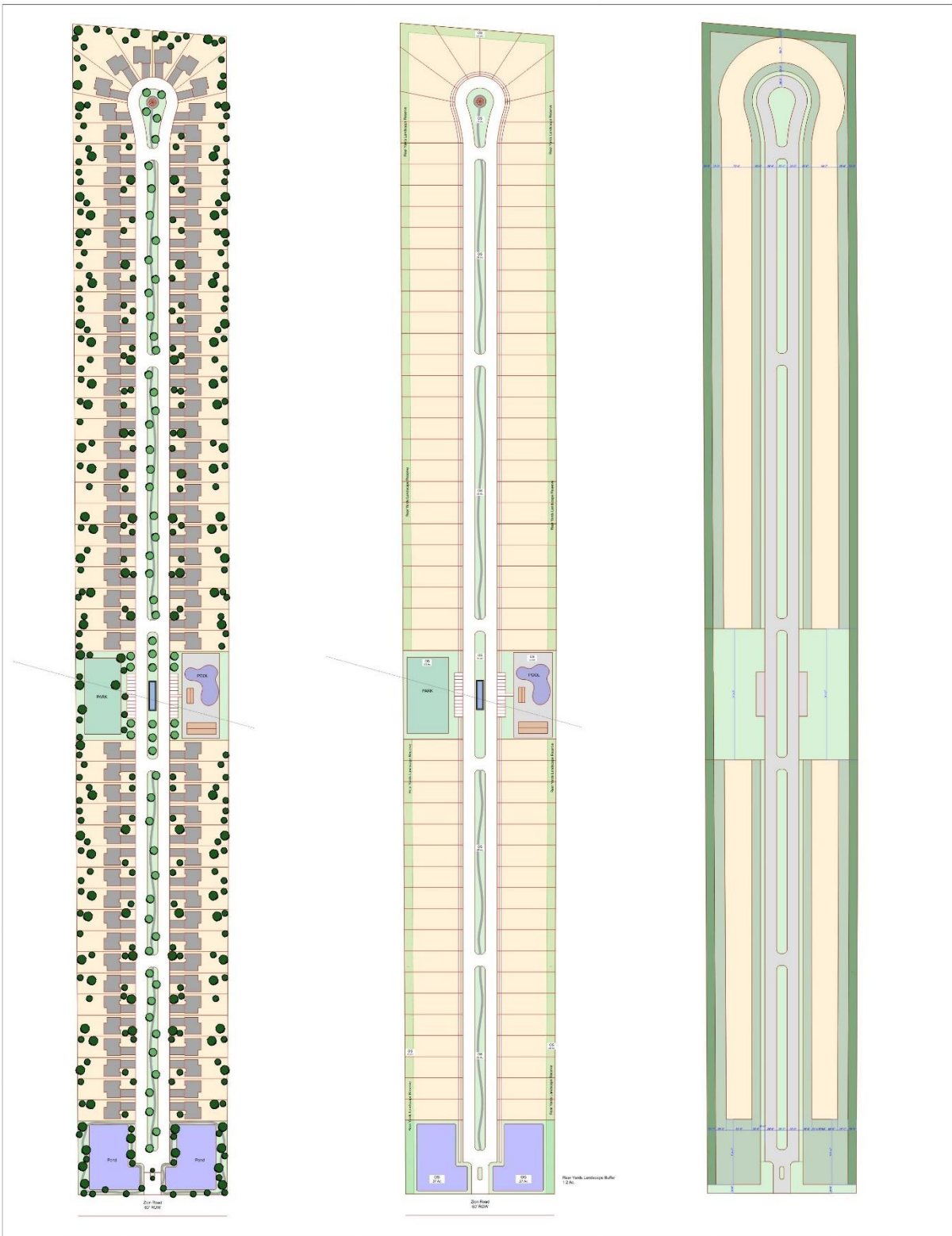


Exhibit C
Concept Plan

Exhibit C1
Open Space Exhibit

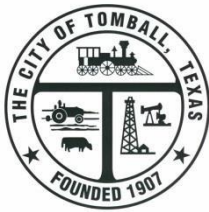
Exhibit C2
Tree Preservation Exhibit

<p>Streets and Parking All existing trees and vegetation removed 155,285 SF</p> <p>Building Area All existing trees and vegetation removed only when interfering with building footprint 200,167 SF</p> <p>Retention Area All existing trees and vegetation removed. New Trees, At-Risk, and Landscaping added. 140,681 SF</p>	<p>Yard Area All existing trees and vegetation to remain. New Trees, shrubs, and landscaping to be added. 273,900 SF</p> <p>Buffer Area All existing trees and vegetation to remain. New Trees to be added as needed to buffer property 115,781 SF</p>
---	--



Blue Kite Building Group
2138D Welch St. Houston TX 77019
281-785-5486

Zion Rd. Trac
Planned Developme
22.8 A



Notice of Public Hearing

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

CASE NUMBER: P22-350

APPLICANT/OWNER: Zion Woods LLC, represented by Blue Kite Building Group

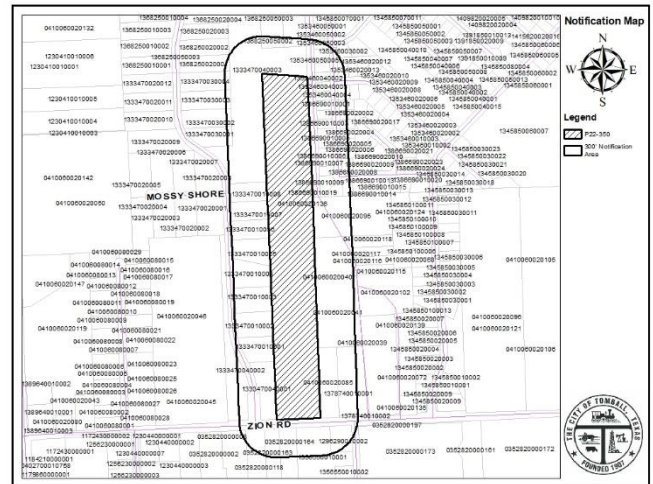
LOCATION: The property is located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development.

CONTACT: Jared Smith, City Planner
PHONE: (281) 290-1491
E-MAIL: jasmith@tomballtx.gov

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

This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**Planning & Zoning Commission
Public Hearing:
Monday, December 12, 2022 @ 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2022 @ 6:00 PM**

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

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

Request to Speak before Tomball City Council

Each member of the public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, either at the beginning of the meeting, or during the meeting when the agenda item is being considered by Council. Anyone wishing to speak on an item not on the agenda may do so at the beginning of the meeting (Govt Code, 551.007).

Name Amy Hinkle Phone 785-640-2866 Date 12-12-22
Home Address 12514 Beddington Ct City Tomball Zip 77375

Email address: thehinklehut@gmail.com

I DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # 222-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.
Topic of Discussion:

Comments will be limited to 3 minutes.

(Please see instructions on the back of the form.)

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Name Norma Ramos Phone 832-286-3139 Date 12/12/22
Home Address 12515 Beddington City Tomball Zip 77375

Email address: _____

I ___ DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my ___ SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.

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Name Jennifer Ramo Phone 2816104593 Date 12/21/2022
Home Address 12515 Beddington Ct City Tomball Zip TX 77375

Email address: JennL31@yahoo.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

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Name EDWARD A. PUERTA Phone: 832 287271 Date 12/1/2022
Home Address 12519 FORT ISABELLA DR. City TOMBALL Zip 77375-1096

Email address: _____

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P-22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

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Name Daphne Nicole Puerta Phone 281-620-6781 Date 12-12-22
Home Address 12519 Fort Jacobell Dr. City Tomball Zip 77375

Email address: Nicolepuerta@yahoo.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

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Name Pam Christian Phone 281-745-0131 Date 12/12/22
Home Address 12522 Montclair Landing City Tomball Zip 77375
Co +

Email address: Pam.Christian13@yahoo.com
I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

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Name Emily Johnson Phone ⁸³²⁻628-2400 Date 12-12-22
Home Address 12523 Sherborne Castle Ct. City Tomball Zip 77375

Email address: emlafemme@gmail.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.
 I wish to speak IN OPPOSITION to this item.
 I do not wish to speak; however, please record my SUPPORT OPPOSITION

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Name Diane Hamilton Phone _____ Date 12-11-22
Home Address 12623 Fort Isabella Dr. City Tomball Zip 77375

Email address: _____

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

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Name Rick Hamilton Phone 248 892 0706 Date 12-11-23
Home Address 12623 Fort Isabella Dr City Tomball Zip 77375

Email address: rickedi1960@gmail.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # _____ Other Agenda Item # _____

_____ I wish to speak IN FAVOR of this item.

_____ I wish to speak IN OPPOSITION to this item.

_____ I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.
Topic of Discussion:

Comments will be limited to 3 minutes.

(Please see instructions on the back of the form.)



Public Comment Form

(Please type or use black ink)

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

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

Name: MARIO & JENNA JUAREZ
(please print)
Address: 12626 FORT ISABELLA DR
TOMBALL, TX 77375
Signature: [Handwritten Signature]
Date: 12/10/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

Not to speak

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.

Jared Smith

From: Gus Jacob <gjacob61@hotmail.com>
Sent: Wednesday, December 7, 2022 11:19 AM
To: Jared Smith
Subject: Fw: P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am **AGAINST** the Rezoning on the public case for the zoning case **P22-350**

-

REASON: I have not as yet seen a workable storm drainage plan for the proposed site

sig: Gus H. Jacob
Dec. 7, 2022

Gus H. Jacob
12704 Zion Rd
Tomball, Tx 77375



Public Comment Form

(Please type or use black ink)

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

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

Name: Josefine Scherrman
(please print)
Address: 12701 Sperborne Castle Ct.
Tomball, TX 77375

Signature: J. Scherrman
Date: 12.12.2022

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

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

Monday, December 12, 2022 @ 6:00 PM

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

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

Monday, December 19, 2022 @ 6:00 PM

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

COMMENTS:

The building of this neighborhood would negatively impact our area in several ways. The congestion on Zion rd would only get worse. Adding 94 families to this area would also cause the enrollment in our zoned schools to go up. Building this neighborhood would require

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

Please reference the case number in the subject line.

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

a large amount of trees to be cut down, which will inevitably cause issues with flooding.

Jared Smith

From: Lorraine Talbott <lori.talbott@gmail.com>
Sent: Saturday, December 10, 2022 1:52 PM
To: Jared Smith
Subject: Case Number: P22-350
Attachments: Zion Woods Hearing Letter (1).pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

NAME:

Bobby and Lorraine Talbott
12710 Zion Road
Tomball, TX 77375

DATE:

12/10/2022

We are **FOR** the requested REZONING as explained on the attached public notice for **Zoning** Case P22-350. Reasons stated below.

COMMENTS:

We appreciate the developer/architectural vision for the land use of this 22 acre tract as both profitable for development yet considerate of the rural/woody feel to the Zion Road greater neighborhood. The retaining of a 20ft untouched green buffer area is particularly favorable to us as potential future neighbors. Nevertheless, as residents of the Tomball ETJ for over 22 years, we are no strangers to development and the literal and figurative downstream ramifications and consequences both unintended and unanticipated.

As property owners at 12710 Zion Road since 2000, we were caught in a crossfire of poor and incomplete development planning of the Raleigh Creek Subdivision, combined with thoughtless decision making on the part of former and candidly, not very bright, City of Tomball Director of Community Development/City Engineer, Craig Meyers. As a result of decisions that were made by other people over which we had no control, we were forced 1) to spend appx \$8000, countless hours, and a year elapsed time platting our land and 2) to surrender property to the county without compensation during the platting process --- aptly referred to as "taking". Those decisions were in direct conflict with the City of Tomball Community Development Vision Statement (see below taken directly from the City of Tomball website).

Our Vision Statement

The Community Development Department serves to protect public health, safety and welfare and ensures that growth is performed in a responsible manner to preserve the integrity of the City while fostering an environment of collaboration with the development community."

We support community growth and development but only if it is done correctly. When done incorrectly, people get hurt, and that is our primary concern with Zoning for a new Planned Development (PD) district to promote single family residential development. From our past experiences with the PD districts for Raleigh Creek and Reserve at Spring Lake, the watershed and

drainage was poorly planned and executed and once in place, we as land owners were left to the mercy of the developers of both subdivisions to resolve and provide remedy. The City of Tomball and Harris County Flood Control maintained a ‘not our responsibility’ position.

Currently, a portion of the 22 acre tract at 12718 Zion Rd contains a swale that was the Reserve at Spring Lake developer’s remedy for *post-development* flooding/watershed issues and getting water into Boggs gully while bypassing the **already strained** Zion Road county ditch system. **The fact that most watershed from this property moves West to East and into Boggs Gully via a Zion Woods swale and Raleigh Creek underground watercourse needs to be considered in light of the very early-stage conceptualization to carry all watershed from proposed new PD district North to South into 2 ponds at front of subdivision which would overflow into the Zion Road county ditch.**

We have many friends in Tomball and we make an effort to get to know our neighbors, our city officials and our first responders. We are good neighbors and all that we ask is that this time, those involved (City, County, and Developers) make every effort to do the same for the neighbors both upstream and downstream from the (PD) Planned Development district.

Respectfully submitted,

Bobby and Lori Talbott

281-221-7592

281-785-0903



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: Sarah Stotts
(please print)
Address: 12711 Zion Rd
Tomball, TX 77375
Signature: [Handwritten Signature]
Date: 11/22/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

We do not need another neighborhood that will end up run down w/ trash and extra traffic!

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: Jeffie Cappadonna
(please print)
Address: 12727 Zion Rd
Tomball, TX 77375
Signature: [Handwritten Signature]
Date: 11/20/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Absolutely NO! We do not
need the extra traffic. Nor do
we need another neighborhood that will
turn run down trash and decrease the
value of
our homes!

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

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

Name: GERALD BRITNER & Tamah Spinrad
(please print)
Address: 12907 Zion Road
Tomball, TX 77375
Signature: ~~Gerald Britner~~ & Tamah Spinrad
Date: 12-12-2022

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Marker Street, Tomball, Texas

COMMENTS:

Tomball already has too much traffic
Especially, on Zion. Since the 2 subdivisions
were built in that area.
Too much wildlife habitat has been
destroyed in our area. And, in all of Texas.

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.

Jared Smith

From: Zimmerman, Paul <pzimmerman@hitt-gc.com>
Sent: Monday, December 12, 2022 8:14 AM
To: Jared Smith
Cc: Paul & Liz
Subject: Case Number P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Smith,

Our names are Paul and Elizabeth Zimmerman and we live at 12910 Mossy Shore, Tomball, TX 77375. I am writing you this email related to Case Number P22-350 to voice our opposition to the rezoning of this land.

I am concerned that the land around Tomball is quickly being transformed, permanently changing the qualities and attributes that make Tomball a great place to live, raise family, and provide opportunity for its citizens. The following are specific areas of concern:

1. Removal / Destruction of natural green space / native woods and drainage
2. Removal of places for native wildlife to live and thrive
3. Storm water management is already strained on Zion road
4. Traffic on Zion road is already greater than what seems appropriate for sizing
5. Introducing more homes / people into flood zone
6. Increased strain on utilities and services from the city in our area
7. Impact to surrounding neighborhoods

There are plenty of other parcels of land that are zoned appropriately to accommodate the requests of this developer and others. This request to rezone is far too broad and should not be changed to simply accommodate this developer or landowner, my understanding is the land transaction has not even occurred, so there is no guarantee that this proposed development would even be the final product.

I am most concerned that this would be considered simply to expand our tax base. Our community will only be strained more through the development of this land and I am not convinced that the increased tax revenue from development would be sufficient to supplement the items noted above.

Thank you,

Paul

The logo for HITT, consisting of the letters 'HITT' in a bold, blue, serif font.

Paul Zimmerman, LEED AP BD+C
VICE PRESIDENT, OPERATIONS
O: 713.482.2124 | C: 703.928.2539
9300 Bamboo Road, Houston, Texas 77041

→ Find out how we're building trust through exceptional experiences.

2

Request to Speak before Tomball Planning & Zoning Commission

Name William E. Sumner III Phone 281 415 3053 Date _____

Home Address 30618 Spring Lake Blvd City Tomball Zip 77375

Email address: wsunmer@houstontopolis.com

I DO DO NOT want to be added to the City of Tomball email list.

- Public Hearing Agenda Item # E. 1
- Other Agenda Item # _____

- I wish to speak IN FAVOR of this item.
- I wish to speak IN OPPOSITION to this item.
- I do not wish to speak; however, please record my
 SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

Topic of Discussion:

**Comments during Citizens' Comments will be limited to 3 minutes.
(Please see instructions on the back of the form.)**

Jared Smith

From: Allison Lobue <allisonlobue@hotmail.com>
Sent: Tuesday, November 29, 2022 1:15 PM
To: Jared Smith
Subject: Case number: P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Name: David and Allison Lobue
Address: 30702 Spring Lake Blvd
Tomball, TX 77375

To whom it may concern, we vote AGAINST the requested rezoning as explained on the public notice for ZONING CASE P22-350.

We feel that allowing a residential development to be put in will negatively affect the aesthetic of our neighborhood. Many neighbors, as well as ourselves, bought homes and land here under the belief that the land in question was zoned for AG and want it to stay that way. We like having a wooded area behind us and no back neighbors. We are concerned about privacy. Lastly, we feel a development might negatively affect our home and property value.

Thank you,
Allison and David Lobue

Sent from my T-Mobile 5G Device

Jared Smith

From: Luke and Jill McCarley <mccarldl@yahoo.com>
Sent: Friday, December 9, 2022 2:57 PM
To: Jared Smith
Subject: Re: Case #P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jared,

Thank you for the detailed response. That makes sense. I would still like to be listed as opposed due to the high concentration of homes in such a small but nicely wooded area. I'm not sure how they will have room left for any significant presence of trees.

Thanks again for a very helpful response.

Luke

On Friday, December 9, 2022 at 02:37:54 PM CST, Jared Smith <jasmith@tomballtx.gov> wrote:

Luke,

Thank you for the email. I will include your response in our materials provided to the commission and city council. Although, I'm uncertain as to whether to document your response as in favor or opposed. To provide some clarification on drainage/detention. The plan for this development is to provide onsite drainage/detention for the development. They will utilize underground detention that once it reaches a certain capacity will overflow into two planned retention/detention ponds located at the front of the property. Once these planned retention/detention ponds reach a certain capacity they will outfall toward the existing drainage ditches along Zion Road.

Ultimately, the request that is being considered by the Planning & Zoning Commission and City Council at this time is land use. Once land use is approved, it is up to the developer to have a licensed professional engineer design the drainage/detention of the site. The plans for detention/drainage will need to be submitted to both the City of Tomball City Engineer as well as the Harris County Engineer for review. These engineers will ensure that the plans submitted provide adequate drainage/detention so as to not adversely affect neighboring properties.

Would you like to specify whether or not you are in favor or opposed?

Thank you,

From: Luke and Jill McCarley <mccarldl@yahoo.com>
Sent: Friday, December 9, 2022 2:11 PM
To: Jared Smith <jasmith@tomballtx.gov>
Subject: Case #P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Smith,

My name is Luke McCarley and I live at 30710 Spring Lake Blvd. (HCAD #1333470010003). We bought our home in July from Karen Duhon.

I am writing to express my concern regarding the development of the 22+ acres by applicant Zion Woods LLC. I am not opposed to a development, and I realize that both sides of this land are already developed, but the proposal for 90+ houses in such a small area is concerning. I am also concerned that the details of this development plan seem very preliminary and I would like to know that it is being properly reviewed before it is approved. From what I have been told, the developer of the Reserve at Spring Lake made concessions to the owner of the Zion Woods when he was developing our neighborhood (for proper drainage, etc.) and I think that the same consideration is due to us from the developer of his acreage. The construction of 90+ homes without any pond retention for flooding, etc. seems risky. Hopefully this will not fall on the Reserve at Spring Lake to protect both areas from flooding during heavy rains.

Thank you for your diligence in reviewing my concerns about this proposal.

Sincerely,

Luke McCarley

3

Request to Speak before Tomball City Council

Each member of the public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, either at the beginning of the meeting, or during the meeting when the agenda item is being considered by Council. Anyone wishing to speak on an item not on the agenda may do so at the beginning of the meeting (Govt Code, 551.007).

Name Sandy Moss Phone ⁸³² 761-1777 Date 12/12/22
Home Address 30718 Spring Lake Blvd City Tomball Zip 77375

Email address: sandersmass@att.net

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # A22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.
 I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.

Topic of Discussion:
Drainage, Loss of trees, housing density, 94 houses on small lots, increased traffic on 710n, only 1 egress for proposed development, loss of habitat for wildlife, additional load
Comments will be limited to 3 minutes. on Tomball ISD, keep green space, not

(Please see instructions on the back of the form.) hardscape

Keep Tomball Green

Jared,

We've already had a HOA meeting about the rezoning proposal and it was unanimously agreed to instigate a petition of opposition with my wife and I being in charge of it. A petition was drawn up after the meeting and circulated among all the property owners on your mailout list. The overall response has been tremendous with the vast majority of property owners signing the petition. In fact, I propose that I hand it over to you at, say, 3 pm this afternoon. To make things easier for you, I'll email your Excel file back to you and indicate the property owners who have signed the petition by yellow highlight of the line items. Even though each signature block on the petition includes a space for the relevant HCAD account number, the yellow highlighting should generally be helpful to you.

As per the blurb on the bottom of the Public Comment Form, I want to take this opportunity to make a few personal comments to you about P22-350.

Firstly, I want to voice my opposition to the proposed rezoning – no surprise to you there I guess! I just don't buy into the idea that it has to be 90+ houses for the Blue Kite development to be economically viable. The development which will be proposed at tonight's Planning & Zoning Commission Public Hearing meeting seems contradictory to the recent views expressed by certain City politicians. Certainly there is popular belief among many residents that Tomball is growing far too fast and with little regard to the environment. Trees are being chopped down left, right, & center and residential & commercial developments are going ahead next to roads that are inadequate. The City is rapidly losing its character – sprucing up Old Town Tomball doesn't compensate for the destruction of large wooded areas. Take a look along Brown Road including the intersection with the Tomball Tollway feeder, who wants, who needs another retail strip center?

During the petition signature gathering, numerous folks expressed strong feelings as to why they oppose P22-350 - too many houses, drainage/flooding concerns, Zion Road issues, etc. etc. Many voiced concern about the loss of trees with the result that the wildlife will be decimated. I think the City government needs to take the emotions of people very seriously. One common theme which was mentioned by many was the distrust & cynicism they have for local government & developers – I think you probably know what I mean, so I won't expand.

That's it!

Thanks & regards,

John

John Moss
jmoss32@att.net
Cell: 713-805-8846



Public Comment Form

(Please type or use black ink)

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

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

Name: Mustafa Milce Khaled + Panyelle Khaled
(please print)
Address: 30810 Spring Lake Blvd.
Tomball, TX 77375
Signature: [Signature]
Date: 12-7-22

I am FOR the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am AGAINST the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

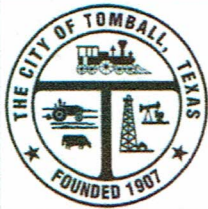
Date, Location & Time of Planning & Zoning Commission meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I do not want Zion Woods LLC
to develop 12700 Zion Road to single
family homes. This would not be a proper use
of this 22 acres of land. Too many homes for
22 Acres. This would destroy our community. I am
against this development.

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: George P Daily
(please print)
Address: 30818 Spring Lake Blvd
Tomball TX 77375
Signature: Amy P Way
Date: 12/9/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350**. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

please see attached comments

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.

Zoning Case Number: P22-350

Name: George P. and Patricia S. Daily

Address: 30818 Spring Lake Blvd Tomball TX 77375

HCAD: 1333470010007

Date: 12/9/2022

We are AGAINST the requested rezoning.

Please see comments below. These comments are based on sketches of the proposed development provided to us by Jared Smith on December 8, 2022. The complete ordinance was not available at the time as Jared said it was still in draft.

Our concerns regarding the proposed rezoning are as follows:

Overcrowding:

The proposal has 94 two-story home sites within a narrow 22-acre parcel. The proposed lot sizes are approx. 6,750 square feet. While this is just above the City of Tomball minimum, this is much smaller than the adjacent Raleigh Creek Neighborhood, which has average lot sizes of over 9000 sq ft and nearly 300 single family home sites already. We believe adding that many new lots into such a small area goes against the City of Tomball's desire to prevent overcrowding that may hinder city services of infrastructure and public safety. We are against rezoning to Planned Development of lots less than 20,000 square feet for this 22-acre parcel.

Drainage:

Since moving to Tomball in 2015 and experiencing the heavy rainfalls between then and now, we can attest to the drainage issues. We know from firsthand knowledge, as well as information from our neighbors on either side of the 22-acre parcel, the 22-acre parcel is subject to standing water and poor drainage during and after heavy rains. The concern would be if the drainage is not properly addressed in this challenging narrow parcel of land with so many new homes, it could impact new homeowners as well as adjacent property owners like us.

Wildlife Management:

Our understanding is the current 22-acre parcel of land has a Harris County Wildlife Management designation for tax purposes, which is understandable given the amount of deer, birds and other wildlife that can be seen on the property. It would be a shame to destroy this greenspace that has sheltered local wildlife over the years.

Trees:

The proposal indicates that a 20-foot buffer of trees will be maintained between the exterior property line and a new fence to surround the new development. However, from our vantage point, almost all of the western edge of the 22-acre parcel where the utility easement is located today has very little foliage in that 20-foot area. Without a bigger buffer area, more trees will be taken out than left behind. And given the small lot sizes, most of the lot will be there to accommodate the house and not trees and foliage.

Kinder Morgan Natural Gas Pipeline.

The Kinder Morgan Natural Gas Pipeline transects the proposed development. It appears that there will be a park, swimming pool and clubhouse on the pipeline easement. Our concern is the heavy construction equipment used in the initial construction phases and the risk of possible damage to the pipeline when the equipment constantly crosses over the easement.

4

Request to Speak before Tomball City Council

Each member of the public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, either at the beginning of the meeting, or during the meeting when the agenda item is being considered by Council. Anyone wishing to speak on an item not on the agenda may do so at the beginning of the meeting (Govt Code, 551.007).

Name Patricia Daily Phone 713-407-4734 Date 12-12-22
Home Address 30818 Spring Lake Blvd. City Tomball Zip 77375

Email address: pdpdtx52@gmail.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.
Topic of Discussion:

Comments will be limited to 3 minutes.

(Please see instructions on the back of the form.)

5

Request to Speak before Tomball Planning & Zoning Commission

Name SAM JUMPER Phone 832 627 3516 Date 12/12/2022

Home Address 30831 RALEIGH CREEK DK City TOMBALL Zip 77375

Email address: SAM.JUMPER@GMAIL.COM

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350

Other Agenda Item # _____

_____ I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

_____ I do not wish to speak; however, please record my
_____ SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

Topic of Discussion:

DRAINAGE ZION TRAFFIC, LOSS OF FOREST/MATURE TREES,
PRIVACY FOR ONE STORY HOMES IN RALEIGH CREEK

**Comments during Citizens' Comments will be limited to 3 minutes.
(Please see instructions on the back of the form.)**

Request to Speak before Tomball City Council

Each member of the public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, either at the beginning of the meeting, or during the meeting when the agenda item is being considered by Council. Anyone wishing to speak on an item not on the agenda may do so at the beginning of the meeting (Govt Code, 551.007).

Name SAM JUMPER Phone 8326273516 Date 12/11/2022
Home Address 30831 RALIEGH CREEK DR City TOMBALL Zip 77375

Email address: SAM.JUMPER@GMAIL.COM

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.
 I wish to speak IN OPPOSITION to this item.
 I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.

Topic of Discussion:
OPPOSED TO SMALL BOTSIZIE 2.5 STORY OVERLOOKING 1-STORY HOMES.
ADDITIONAL TRAFFIC ON ZION. LOSS OF MATURE FOREST. DRAINAGE,
LACK OF RETENTION POND.

Comments will be limited to 3 minutes.

(Please see instructions on the back of the form.)

Request to Speak before Tomball City Council

Each member of the public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, either at the beginning of the meeting, or during the meeting when the agenda item is being considered by Council. Anyone wishing to speak on an item not on the agenda may do so at the beginning of the meeting (Govt Code, 551.007).

Name Joanne Jumper Phone 832-627-3517 Date 12/12/22
Home Address 30831 Raleigh Creek Dr City Tomball Zip 77375

Email address: babyduck1953@yahoo.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.
Topic of Discussion:

Comments will be limited to 3 minutes.

(Please see instructions on the back of the form.)



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: CODY & CHANDLER YEREX
(please print)
Address: 30907 ROANOAK WOODS DR.
TOMBALL, TX 77375
Signature: Chandler Yerex
Date: 12/10/2022

- I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**
- I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

AGAINST
- HIGH DENSITY HOMES - MORE CROWDING
- DRAINAGE ISSUES
- ZION CROWDED
- PROTECT THE GREENSPACE & WILDLIFE

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.

Jared Smith

From: Lauren Tadlock <lrtadlock@gmail.com>
Sent: Monday, December 12, 2022 10:54 AM
To: Jared Smith
Subject: Re: Case P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Sir.

My name and address areas follows:

Lauren Tadlock
30911 Roanoak Woods Drive
Tomball, TX 77375

On Mon, Dec 12, 2022, 10:48 AM Jared Smith <jasmith@tomballtx.gov> wrote:

Good morning,

Thank you for your response. It will be documented and shared with the Planning Commission and City Council.

Could you please provide your address for the record?

Thank you,

From: Lauren Tadlock <lrtadlock@gmail.com>
Sent: Monday, December 12, 2022 10:34 AM
To: Jared Smith <jasmith@tomballtx.gov>
Subject: Case P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regarding Case P22-350

Hello Mr. Smith,

I am AGAINST the Rezoning proposed in case P22-350.

Please include my comments below in the public comments regarding case P22-350:

- The proposal is not a proper use of the green space at this location.
- I bought with the understanding this space would remain green space. It would be deceitful for the city to allow development on land that was zoned to stay green. This space should remain agricultural. It should not be re-zoned.
- High density in this area is a bad idea.
 - The roads specifically (Zion & E Huffsmith) are already too busy virtually impassable multiple times per day. Our roads and traffic conditions cannot handle more.
 - Our schools are overcrowded now. There are not enough spaces to put lockers for all the kids. They are damaging their growing bodies hauling their locker contents with them to and from every single class. There is not room for them all to eat lunch. They have to cycle through eating in the classroom, because there is not enough room in the cafeteria. The hallways are impassible with children literally getting injured trying to get to and from class.
 - The increased burden to police and public services is also not appropriate.
 - High density in residential areas like our also brings down property values.
- Tomball has already had an issue with transient population. We do not need more developments with small lots which become rental homes. These types of developments where a developer tries to slot in as many lots as possible is not a good fit for Tomball. Future developments should be large lot developments and in spaces not zoned as agricultural.

In summary, VOTE NO on Case P22-350. The Planning and Zoning Commission must make an unfavorable recommendation to council regarding this proposal.

Sincerely,

Lauren Tadlock, Homeowner in Raleigh Creek



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: LeighAnn Summer Taylor
(please print)
Address: 30926 Spring Lake Blvd
Tomball, TX 77375
Signature: LeighAnn S. Taylor
Date: 11/28/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

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

Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Tomball - Hometown with a heart; vote with your heart.
Zion Rd can't handle anymore traffic or flooding issues.
Please drive down Zion Rd at 7AM on a weekday to see
how bad the traffic is. This property is zoned agricultural
NOT Planned development. We don't need to develop every piece
of land within the city limits. I'm against this request!

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

Please reference the case number in the subject line.

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

1

Request to Speak before Tomball Planning & Zoning Commission

Name Joel Ocasio Phone (346) 717-8002 Date 12/13/2022

Home Address 31007 Roanoke Woods Dr. City Tomball Zip 77375

Email address: joelocasio8@gmail.com

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350

Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my
___ SUPPORT ___ OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

Topic of Discussion:

**Comments during Citizens' Comments will be limited to 3 minutes.
(Please see instructions on the back of the form.)**



Public Comment Form

(Please type or use black ink)

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

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

Name: Lindsay Dickinson
(please print)
Address: 31035 Roanoke Woods
Tomball, TX 77375
Signature: [Handwritten Signature]
Date: 12/11/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Crowding on Zion, property values, losing
the woods, Fire hazard due to lack of
entrances. Market has severely slowed down
for unsold homes. Increased flooding concerns

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1455.



Public Comment Form

(Please type or use black ink)

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

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

Name: Kevin Plisco
(please print)
Address: 31035 Roansak Woods Drive
Tomball TX 77375
Signature: *Kevin Plisco*
Date: 12/11/2022

I am FOR the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am AGAINST the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

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

Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
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Date, Location & Time of City Council meeting:

Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

There will be crowding fire hazard -> current subdivision Raleigh only has 1 entrance/exit which is against code. There will be MUD/PTD issues. Loss of prev planned green space will result in decrease in property values. Current market for new construction is lowering, will result in surplus of unsold houses. Refer to Twelve Oaks subdivision. Addit. flooding concerns.

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: JOHN CREWS
(please print)
Address: 31110 SPRING LAKE BLVD
TOMBALL, TX 77375
Signature: *John Crews*
Date: 12-12-22

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

Not Speaking
Date, Location & Time of Planning & Zoning Commission meeting:

Monday, December 12, 2022 @ 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, December 19, 2022 @ 6:00 PM

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

COMMENTS:

I AM AGAINST THE REZONING FOR 90+ HOMES
DUE TO THE INCREASED TRAFFIC ON ZION, THE STRAIN ON
TOMBALL'S INFRASTRUCTURE AND UTILITIES, AND INCREASED
DRAINAGE ISSUES.

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

Please reference the case number in the subject line.

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

Request to Speak before Tomball City Council

Each member of the public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, either at the beginning of the meeting, or during the meeting when the agenda item is being considered by Council. Anyone wishing to speak on an item not on the agenda may do so at the beginning of the meeting (Govt Code, 551.007).

Name Chris Townsend Phone 281 8141037 Date 12-11-22
Home Address 3111 Woodfield Ct City Tomball Zip 77375

Email address: ctownsend@kerrcon

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # _____ Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.

Topic of Discussion:

Comments will be limited to 3 minutes.

(Please see instructions on the back of the form.)

Request to Speak before Tomball City Council

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Name JACQUELINE MOORE Phone 832-741-0154 Date 12/11/2022
Home Address 31314 RALEIGH CREEK DR City TOMBALL Zip 77375

Email address: _____

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # _____ Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

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Name Wasey Yates Phone ⁸³² 297-1472 Date 12/11/22
Home Address 31410 Raleigh Creek Dr City Tomball Zip 77375

Email address: _____

I DO DO NOT want to be added to the City of Tomball email list.

Public Hearing Agenda Item # P22-350 Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my SUPPORT OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject at the beginning of the meeting; however, no action, by law, may be taken on the topic. Council may not deliberate on any item that is not on the agenda.
Topic of Discussion:

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Public Comment Form

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Please return to:

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

Name: Shawn Leimann

(please print)
Address: PO Box 1567

Tomball TX 77377

Signature: [Handwritten Signature]

Date: 12/7/22

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

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

Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I Am happy they ARE
saving Tree's

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

Please reference the case number in the subject line.

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

1814

**PETITION IN OPPOSITION TO REZONING
CITY OF TOMBALL CASE # P22-350**

Re: Case # P22-350 Requested Rezoning of approx. 22.84 acres of land owned by Zion Woods LLC, 12718 Zion Road, Tomball, TX from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. This plot fronts Zion Road and is situated on the north side of Zion Road between the two subdivisions of The Reserve at Spring Lake and Raleigh Creek.

We, the undersigned residents, all being recipients of the recent City of Tomball (Community Development Department) "Notice of Public Hearing" notification do hereby protest the rezoning of the described property, to wit:

We, the local area residents will face consequences of improper zoning if this AG rezoning is approved. **We are against any rezoning to PD of less than SF-20-E (lots not less than 20,000 square feet).** We request the land be used for low density, single family detached residential use should this rezoning change. We encourage down-zoning instead of high-density up-zoning and seek potential development in line with the Future Land Use map. A concept plan shows 94 two-story houses, a pool & clubhouse along a single central street with only a single egress.

We object to improper zoning which will prove detrimental to our environment, schools, public safety, home values, and the quality of life of the existing residents. We are especially concerned about increased drainage issues affecting the adjoining properties, increased traffic on Zion Road and the destruction of greenspace sheltering local wildlife. We seek to preserve the Single Family Detached suburban character of our area. We aim to keep the area majority residentially zoned.

We seek to maintain our community as an inviting, family friendly area where greenspace outweighs hardscapes & buildings. **Keep Tomball Green.**

If you believe this rezoning would be detrimental to you and/or those around you, and you would like to have it denied, PLEASE SIGN THIS PETITION!

There will be public hearings on Monday, December 12 at 6:00PM in the City Council Chambers, City Hall, 401 Market St., Tomball AND Monday December 19, same time & location. Please provide your name, address, an email address & a phone number for updates, we will fill in your HCAD #. **THANK YOU.**

J.E. Moss
NAME: JOHN & SANDY MOSS ADDRESS: 30718 SPRING LAKE DRIVE, TOMBALL, TX 77375
EMAIL: j.moss32@att.net PHONE: 832-761-1777
HCAD_NUM: 1333470010004

2/8/14

**PETITION IN OPPOSITION TO REZONING
CITY OF TOMBALL CASE # P22-350**

Re: Case # P22-350 Requested Rezoning of approx. 22.84 acres of land owned by Zion Woods LLC, 12718 Zion Road, Tomball, TX from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. This plot fronts Zion Road and is situated on the north side of Zion Road between the two subdivisions of The Reserve at Spring Lake and Raleigh Creek.

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NAME: Luke McCarley ADDRESS: 30710 Spring Lake Blvd
EMAIL: mccarld1@yahoo.com PHONE: 405-715-1870
HCAD_NUM: 1333470010003

DOU SUISHENG M

NAME: 5 ~~Susheng Dou~~ ADDRESS: 30934 Spring Lake Blvd
EMAIL: mikedou@icloud.com PHONE: 713-389-0959
HCAD_NUM: ~~1333470030003~~ 1333470030003

Gordon Taylor

NAME: Gordon Taylor ADDRESS: 30926 Spring Lake Blvd
EMAIL: gordo-us@hotmail.com PHONE: 713-540-2894
HCAD_NUM: 1333470030002

NAME: JAMES E SCHLEBACH ADDRESS: 31111 Rounoke Woods Dr
EMAIL: jimschlebach@sbcglobal.net PHONE: 281-352-2708
HCAD_NUM: 1368250050001

Mary C Matthews

NAME: Mary C. Matthews ADDRESS: 12642 ZION RD TOMBALL
EMAIL: Cathy@Ronnie211Cathy.com PHONE: 713-598-4544
HCAD_NUM: 0410060020041 101 Saddlebrook Ln.
Tomball, TX. 77375

Rena Ortiz

NAME: Rena Ortiz ADDRESS: 12640 Zion Rd. Tomball TX, 77375
EMAIL: ortiz88@yahoo.com PHONE: 281-777-5127
HCAD_NUM: 0410060020040 ortiz 88 - r@yahoo.com

Teresa Hudson

NAME: Danny Hudson ADDRESS: 12777 Zion Rd
EMAIL: danny.hudson@allegiancebank.com PHONE: 932 693 3878
HCAD_NUM: 0352820000163

Travis Stotts

NAME: Sarah Stotts ADDRESS: 12711 Zion Rd
EMAIL: stottesarah@yahoo.com PHONE: 713-679-8115
HCAD_NUM: 1296290010002

NAME: Jeffie Cappadonna ADDRESS: 12727 Zon Rd
EMAIL: jkappadonna@aatt.net PHONE: 713-906-7335
HCAD_NUM: 1356550010001

NAME: William E. Sumner III ADDRESS: 30618 Spring Lake Blvd.
EMAIL: wsumner@houston-poly.edu PHONE: 281 415 3053
HCAD_NUM: 1333470010001

NAME: KATHIE DAVIS ADDRESS: 30942 Spring Lake Blvd
EMAIL: Kathie.txlegally@gmail.com PHONE: 713-230-6640
HCAD_NUM: 1333470030004

NAME: ALEJANDRO (ALEX) CHARA ADDRESS: 30918 SPRING LAKE BLVD.
EMAIL: ACHARA3@ICLOUD.COM PHONE: 832-309-6626
HCAD_NUM: 1333470030001

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: George P Daily ~~George P Daily~~ ADDRESS: 30818 Spring Lake Blvd
 EMAIL: pdpdtx52@gmail.com PHONE: 7034074734
 HCAD_NUM: 1333470010007

NAME: Danyelle Khaled
Mustafa Mike Khaled ADDRESS: 30810 Spring Lake Blvd
 EMAIL: micelkhaled13@yahoo.com PHONE: 713-594-4436
 HCAD_NUM: 1333470010006

NAME: Steven Smith ADDRESS: 30826 Spring Lake Blvd.
Tomball TX 77375
 EMAIL: Capital PR @alt.net PHONE: 281 686-9748
 HCAD_NUM: 1333470010008

NAME: David Lobue
Allison Lobue ADDRESS: 20702 Spring Lake Blvd
Tomball, TX 77375
 EMAIL: allisonlobue@hotmail.com PHONE: 281-615-6110
 HCAD_NUM: 1333470010002

NAME: Tegwyn Perkins
TEGWYN PERKINS ADDRESS: 12911 ZION RD, TOMBALL 77375
 EMAIL: Tegwyn@mac.com PHONE: 713-670-4976
 HCAD_NUM: 0352320000003

NAME: DAVID ASTMORE ADDRESS: 30926 ROWAN R TRLY
 EMAIL: DAVASHMORE@WESTFIELD PHONE: 281 222 1371
DENTAL.COM
 HCAD_NUM: 138669002.0003

NAME: ANNETTE MONKS
SCOTT NUCKELROY ADDRESS: 30802 SPRING LAKE BLVD
 EMAIL: amonks@carltonstaffing.com PHONE: 713.206.1187
 HCAD_NUM: 1333470010005

**PETITION IN OPPOSITION TO REZONING
CITY OF TOMBALL CASE # P22-350**

Re: Case # P22-350 Requested Rezoning of approx. 22.84 acres of land owned by Zion Woods LLC, 12718 Zion Road, Tomball, TX from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. This plot fronts Zion Road and is situated on the north side of Zion Road between the two subdivisions of The Reserve at Spring Lake and Raleigh Creek.

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We object to improper zoning which will prove detrimental to our environment, schools, public safety, home values, and the quality of life of the existing residents. We are especially concerned about increased drainage issues affecting the adjoining properties, increased traffic on Zion Road and the destruction of greenspace sheltering local wildlife. We seek to preserve the Single Family Detached suburban character of our area. We aim to keep the area majority residentially zoned.

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If you believe this rezoning would be detrimental to you and/or those around you, and you would like to have it denied, PLEASE SIGN THIS PETITION!

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NAME: Linda Avelin ADDRESS: 30934 ROANOAK WOODS
EMAIL: LINDAAVENUE@YAHOO.COM PHONE: 832-926-3093
HCAD_NUM: 138669002001

7814

**PETITION IN OPPOSITION TO REZONING
CITY OF TOMBALL CASE # P22-350**

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NAME: Steve Christian ADDRESS: 31023 Roanoke Woods Dr
EMAIL: scubapirate13@gmail PHONE: 713-702-6151
HCAD_NUM: 1353460650004

8/14

**PETITION IN OPPOSITION TO REZONING
CITY OF TOMBALL CASE # P22-350**

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NAME: Salvador Sandoval ADDRESS: 30931 Roanock Woods Dr.
EMAIL: salvador_117@hotmail.com PHONE: 915-490-8675
HCAD_NUM: 138-669-001-0002

9/8/14

**PETITION IN OPPOSITION TO REZONING
CITY OF TOMBALL CASE # P22-350**

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NAME: John A. Cross ADDRESS: 30831 BERKSHIRE DOWNS DE
EMAIL: cross.alex@outlook.com PHONE: 682-225-4535
HCAD_NUM: 1386690010010 

10 of 14

NAME: Nicole Christian ADDRESS: 31023 Roanoak Woods Dr.
EMAIL: nc4242@yahoo.com PHONE: 713-702-1866
HCAD_NUM: 1353460050004

NAME: JEFF WHITE ADDRESS: 31015 Roanoak Woods Dr
EMAIL: JEFFREYKWHITE455@gmail.com PHONE: 817-201-0821
HCAD_NUM: 1353460040001

NAME: Danica Ocasio ADDRESS: 31007 Roanoak Woods Dr.
EMAIL: ocasiordanica@gmail.com PHONE: 281-719-8511
HCAD_NUM: 1353460040003

NAME: Joel Ocasio ADDRESS: 31007 Roanoak Woods Dr.
EMAIL: joelocasio8@gmail.com PHONE: (346)717-8002
HCAD_NUM: 1353460040003

NAME: James Johnson ADDRESS: 12627 Ft Isabella Dr
EMAIL: Jam.0516@gmail PHONE: 832-302-3811
HCAD_NUM: 1353460010012

NAME: ERIC DIXON ADDRESS: 31003 Roanoak Woods Dr
EMAIL: ERICDANIELDIXON@yahoo.com PHONE: 513 593 2512
HCAD_NUM: 1353460040004

NAME: Breanne Dixon ADDRESS: 31003 Roanoak Woods Dr.
EMAIL: bluna73@gmail.com PHONE: 979-219-2855
HCAD_NUM: 1353460040004

11/7/14

NAME: ERAINA LOTHINGER ADDRESS: 30935 ROANOAK DR. Woods
EMAIL: ERAINALOTHINGER@gmail.com PHONE: 281-731-3369
HCAD_NUM: 1386690010001

NAME: ROBIN M CLYDE ADDRESS: 30930 ROANOAK Woods Dr.
EMAIL: rme54cprodigy.net PHONE: 281-830-2631
HCAD_NUM: 1386690020002

NAME: Whitney Lawson ADDRESS: 30903 Roanok Woods Dr.
EMAIL: MISSLWhitneywhite@yahoo.com PHONE: 281-730-2631
HCAD_NUM: 1386690010009

NAME: Michael Mann ADDRESS: 30927 Roanok Woods
EMAIL: mmann@kdwtd.com PHONE: 281-788-3965
HCAD_NUM: 1386690010003

NAME: Robert Kohanski ADDRESS: 30915 Roanok Woods Dr
EMAIL: RKohanskiJr@Siemens-Energy.com PHONE: 713-962-3680
HCAD_NUM: 1386690010006

NAME: MAXINE KOHANSKI ADDRESS: 30914 Roanok Woods
EMAIL: MkohanskiJr@Siemens-Energy.com PHONE: 713-962-3680
HCAD_NUM: 1386690020006

NAME: Kimberly R. Knox ADDRESS: 31011 Roanok Woods Dr.
EMAIL: kim.knox111@gmail.com PHONE: 713-775-9167
HCAD_NUM: 1353460040002

12/7/14

NAME: Laura Avila ADDRESS: 30922 Roanok Woods Dr
EMAIL: LauraAvila911@hotmail.com PHONE: 832.715.3427
HCAD_NUM: 1386690020004

NAME: Matthew Jay ADDRESS: 30826 Berkshire Downs Dr
EMAIL: Pilot.Matthew.Jay@hush.com PHONE: 281-761-5446
HCAD_NUM: 1386690020007

NAME: DAVID ASHMORE ADDRESS: 30926 Roanok Woods Dr
EMAIL: matth@ashmorepools.com PHONE: (281)222-1361
HCAD_NUM: 1386690020007

NAME: J. TODD Henry ADDRESS: 30827 Berkshire Downs Dr
EMAIL: Jhen333@hotmail.com PHONE: 713 992-7107
HCAD_NUM: 1386690010011

NAME: Emily Jay ADDRESS: 30826 Berkshire Downs Dr.
EMAIL: emdreess0407@gmail.com PHONE: 713.447.1054
HCAD_NUM: 1386690020007

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: CODY & CHANDLER YEREX ADDRESS: 30907 ROANOAK WOODS DR.
EMAIL: CHANDLERYEREX@GMAIL.COM PHONE: 7134789835
HCAD_NUM: 1386690010008

NAME: Mary Ann Gust ADDRESS: 30923 Roanok Woods Dr
EMAIL: geemary@mail.yahoo.com PHONE: 832-480-4772
HCAD_NUM: 1386690010004

NAME: Bannon Matis ADDRESS: 30923 Roanok wood Drive
EMAIL: Bannon.matis@gmail.com PHONE: 254-8048835
HCAD_NUM: 1386690010004

NAME: Lauren Tadlock ADDRESS: 30911 Roanok Woods Drive
EMAIL: LRtadlock@gmail.com PHONE: 281-748-3909
HCAD_NUM: 1386690010007

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____
HCAD_NUM: _____

NAME: John D. Knox ADDRESS: 31011 Roanoke Woods Dr
EMAIL: jknox1407@gmail.com PHONE: 832-642-0419
HCAD_NUM: 1353460040002

NAME: Myria L. Lopez ADDRESS: 31027 Roanoke Woods St
EMAIL: myria@lopez.com PHONE: 832.493.1166
HCAD_NUM: 1353460050003

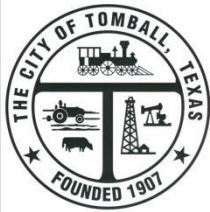
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**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

Rezoning Case: P22-350
Property Owner(s): Zion Woods LLC
Applicant(s): Blue Kite Building Group
Legal Description: 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50.
Location: 12700 block (north side) of Zion Road, within Harris County, Texas.
Area: 22.84 acres
Comp Plan Designation: Ranch Rural & Estate (Exhibit “B”)
Present Zoning and Use: N/A (Exhibit “C”) Vacant (Exhibit “D”)
Request: Rezone from Agricultural (AG) to Planned Development (PD #18) District

Adjacent Zoning & Land Uses:

North: Agricultural (AG) / Single Family Residential Residences
South: Single Family Residential – 20 (SF-20)/ Single Family Residences
West: Agricultural (AG) / Single Family Residential Residences
East: Not Applicable & Single Family Residential - 20 / Single Family Residences

BACKGROUND

Over the past several months’ city staff has held multiple pre-development meetings with the applicants to discuss the potential development of the subject property into a residential subdivision. The subject site presently falls entirely outside the city limits of Tomball. The applicants are currently under a pending contract for the purchase of the subject site contingent on the rezoning of the property. The applicants intend to close on the property and submit a request for annexation into the City of Tomball if they receive favorable votes during the initial public hearings on the rezoning request. The applicants are seeking a Planned Development (PD) zoning district to develop a gated subdivision of custom homes and include a range of community amenities. Furthermore, capitalizing on the mature growth and heavily wooded nature of the site the applicants are seeking to utilize the PD ordinance to require the preservation of mature growth as well as mature vegetative buffering along the periphery of the subdivision.

ANALYSIS

Description: The subject property is approximately 22.84 acres and is located on the north side of Zion Road. The site is approximately 350 feet wide by 2,750 feet in depth. The long and narrow dimensions of the subject property present significant development challenges that have likely led to the property remaining undeveloped. Immediately west and north of the subject property is a single-family residential subdivision within Agricultural (AG) zoning, this subdivision is comprised of lots with a minimum size of 1 acre. East of the subject property are tracts of land outside the city limits of Tomball and hence not within a zoning designation but utilized for residential purposes. Also east of the subject site is a subdivision located within the city limits of Tomball within Single Family Residential – 20 (SF-20) zoning, this subdivision is comprised of lots with a minimum size of 9,000 square feet, the preliminary plat reviewed for this subdivision occurred prior to the adoption of zoning in 2008. South of the subject property are single-family residential homes located within Single Family Residential – 20 (SF-20) zoning.

According to Section 50-80 in the City of Tomball Code of Ordinance; Planned Developments Districts may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts, 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, viewscapes, 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 promote a private single-family residential community with convenient access to recreation facilities including but not to be limited to open spaces, pool, clubhouse, playground, picnic facilities, and walking/hiking trails.

All residential lots will have a minimum area of 5,250 square, a minimum lot width of 50’, and a minimum lot depth of 105’. During initial conversations with city staff regarding lot sizes the applicant planned to provide lots that would be a minimum of 50’x125’ with a minimum area of 6,250 square feet; this is slightly larger than the 6,000 square foot lot size ordinarily applicable in the Single Family – 6 Residential zoning district. Following conversations with city staff regarding the enforceability of maintaining the planned 20-foot-wide undisturbed vegetative buffer along the rear property boundaries of each individual lot, staff encouraged the applicants to create a 20-foot-wide reserve along the rear of all lots in the subdivision. By creating a single reserve the undisturbed vegetative buffer yard will remain owned by the HOA and thus be much easier to ensure that it remained undisturbed indefinitely. Subsequently, in providing this reserve the lots effectively lost 20-feet of depth and thereby became the proposed dimension of 50’x105’ with minimum areas of 5,250 square feet. Although the lots became smaller with the reserve, overall the density of lots/homes within the subdivision remains the same. Within the subdivision, there shall be a minimum 1-acre park and recreational reserve centrally located within the development,

which may include a clubhouse, pool, playground, and picnic facilities providing convenient access throughout the community by sidewalk and walking/hiking trails. Within the required recreational reserve(s), a minimum of three (3) community-serving amenities must be provided as specified in the PD ordinance. Moreover, no less than 20% of the overall development shall be dedicated as open space.

Regarding the preservation of environmental assets, this Planned Development ordinance and associated concept plans identify buffer areas within which all vegetation is to remain undisturbed during/after construction. This undisturbed vegetation will serve as an effective transitional land use buffer between the subject property and larger lot residential developments located on the east, west, and north sides of the property. Furthermore, as identified in the concept plan within the PD ordinance there are identified “Yard Areas”, within these designated yard areas all existing trees are to remain in accordance with the standards outlined in the PD ordinance. Which states that all trees greater than 4 inches in caliper within the required yard areas must be preserved during and after construction in accordance with the standards outlined in Section 50-113 (h)(*Tree Preservation*). Any tree greater than 4 inches in caliper removed during or after construction must be replaced in accordance with the table provided within the PD ordinance.

Comprehensive Plan Recommendations: The property is designated as “Ranch Rural & Estate” by the Comprehensive Plans Future Land Use Map. This Ranch Rural Estate land use category is intended for “areas that represent bucolic character”, the land use is defined by an abundance of a natural landscape.

According to the Comprehensive Plan, land uses include large lot residential, conservation subdivisions, and agricultural enterprises. The built environment should be complimented by large amounts of green space such as mature woodlands.

The Comprehensive Plan recommends zoning districts of Agricultural (AG), SF-20-E (Single-Family Estate Residential-20), and PD (Planned Development).

Additionally, the Comprehensive Plan states – The following considerations should be used as guidance for regulatory modifications or as part of decision making: New nonresidential development is appropriate where it is designed to reflect the rural character. Also, consideration should be given to using aggregate measures for housing density to allow for the clustering of housing and the preservation of open space.

Staff Review Comments:

The Comprehensive Plan identifies the need for new residential developments to provide linkages to parks and trails. Having these features provided in subdivisions has been shown to improve the quality of life of residents and positively impact property values. The city should encourage new development to provide connection and/or integration of these amenities into their overall design. Further, the Comprehensive Plan identifies the desire for the City of Tomball to protect the rural character and lifestyle of the community. According to the Comprehensive Plan, this can be achieved in smaller lot subdivisions when larger amounts of open space are provided and the conservation of natural features is prioritized. City staff believes that although the subdivision will be comprised of smaller lots, the rural intent of the Ranch Rural & Estate land use category is being met with the intensive preservation measures being implemented by the PD ordinance.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 18, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P22-350.

P&Z RECOMMENDATION

Denial (2 Vote Aye, 2 Vote Nay)

- Discussion Items:
 - Zion Road Improvements
 - Drainage
 - Buffering/Removal of Trees/Green Space
 - Impact on Wildlife
 - Lot size
 - Impact on neighboring property privacy
 - Schools becoming overcrowded
 - Price Point
 - Effect on Air Quality

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application
- F. Planned Development Ordinance

Exhibit "A" Aerial Photo



Exhibit "B" Comprehensive Plan



Exhibit "C" Zoning Map

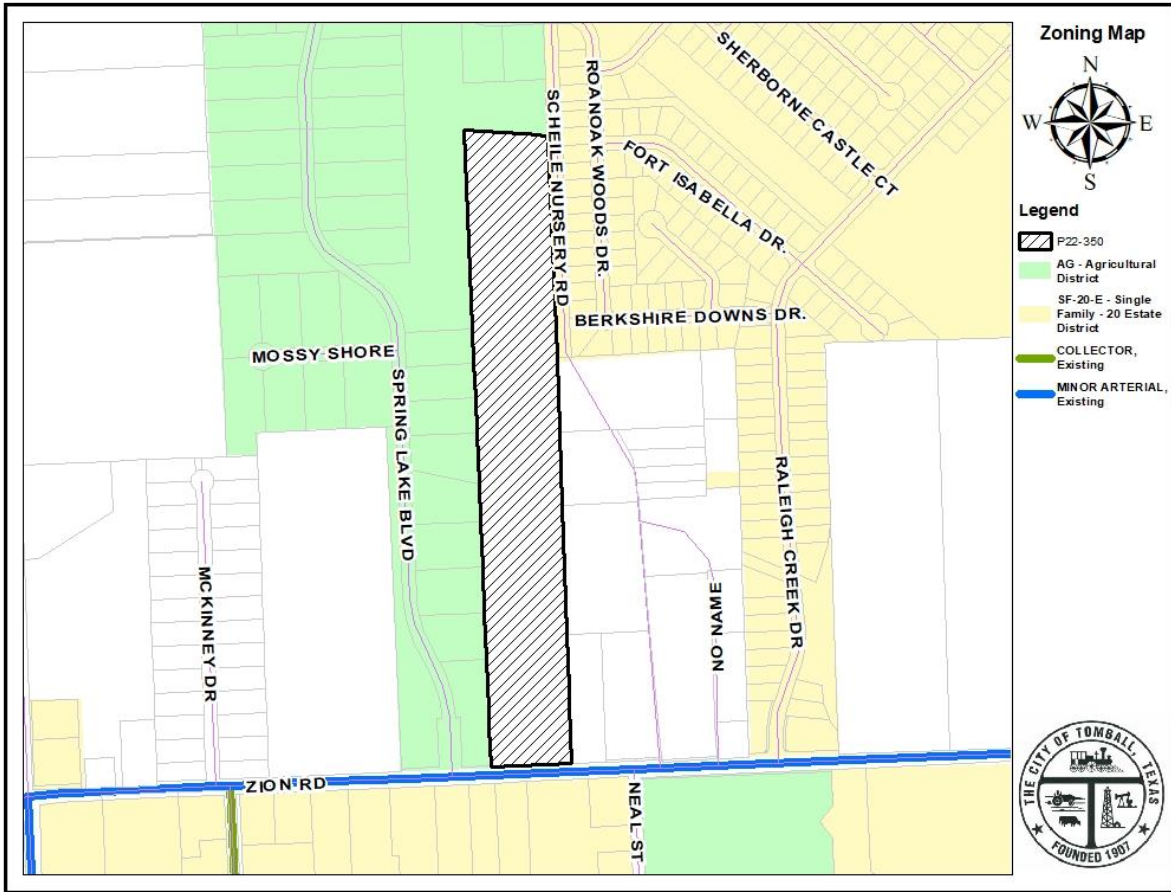


Exhibit "D"
Site Photo(s)



Neighboring Property (East)



Neighboring Property (West)



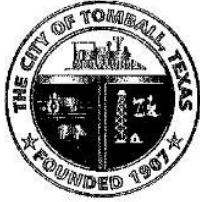
Neighboring Property (South)



Exhibit "E"
Rezoning Application

DocuSign Envelope ID: 70A38368-61F1-46A4-8C51-7C3D6733D4D7

Revised: 4/13/2020



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: Blue kite building Group Title: _____
Mailing Address: 2138D Welch St. City: Houston State: TX
Zip: 77019 Contact: Matt Kimich
Phone: (281) 785-5486 Email: matt@bluekitebuilding.com

Owner

Name: zion woods llc Title: Llc
Mailing Address: P.O. Box 1567 City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (713) 709860 Email: SDL899@mac.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Gated single family residential development

Physical Location of Property: 12718 ZION RD.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 20060033498
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG

Current Use of Property: none

Proposed Zoning District: PD - SF9

Proposed Use of Property: residential development

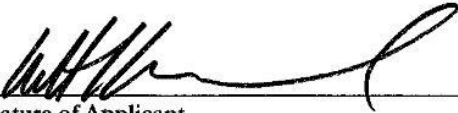
HCAD Identification Number: 0410060020136 Acreage: 22.814

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  8-22-22
Signature of Applicant Date

X  8/22/22
Signature of Owner Date



October 3rd, 2022

Mayor and City Council
City of Tomball
401 Market Street
Tomball, TX 77375

RE: ZION RD. PLANNED DEVELOPMENT

Blue Kite Building Group is submitting the application for the Zion Rd. Planned Development.

We intend to develop the 22.8 acre tract as described under C.F. NO. 20060033498 into a gated single-family residential community. The tract is located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.

The following is a list of items included with this submittal:

- 1) Completed Application
- 2) Survey of the Tract
- 3) Planned Development Text
- 4) Concept Plan
- 5) Open Space
- 6) Renderings

Please contact Matt Kimich at Blue Kite Building Group with any questions or if further information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Kimich", with a long, sweeping flourish extending to the right.

Matt Kimich
Blue Kite Building Group
CEO

Exhibit “F”

Exhibit B

Planned Development

22.8 Acres Tomball (Zion Road Tract)

- A. Contents. This final development plan includes the following sections:
- a. General Provisions
 - b. Land Uses
 - c. Development Regulations for Single-Family Lots
 - d. Amenities and Landscape regulations
 - e. Open Space and Trails
 - f. Building Regulations
- B. General Provisions
- a. The Planned Development, PD, approved herein, must be constructed, developed, and maintained in compliance with the 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 a SF-6 (Standard Single-Family Residential) 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 when the city regulation or provision conflicts with a provision in this ordinance.
 - b. Except as otherwise provided herein, the words used in this planned development have the meaning established by the Development Code.
 - c. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this final development plan:
 - i. Exhibit C – Concept Plan
 - ii. Exhibit C1 – Landscape, amenities, and Open Space Plan
 - iii. Exhibit C2 – Tree Preservation Plan
 - d. As shown on Exhibit C, the PD encompasses 22.8 acres, located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.
- C. Land Uses
- a. SFR: Permitted land uses are listed below.
- | Use | SIC Code |
|--|----------|
| Private Household Services | 8811 |
| Dwellings – Single Family | 99 |
| Parks and Recreational Facilities, Public or Private | 99 |
| Residential Sales Office (Temporary) | |

- D. **Development Regulations for Single Family Lots** — Maximum 99 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:

- a. The minimum lot width shall be 50 feet wide.
 - b. Lots shown on Exhibit C
 - i. Minimum lot area: 50ft wide lots shall have a minimum area of 5,250 square feet.
 - ii. Minimum lot width: 50 feet. Lot width shall be measured at the building line.
 - iii. Minimum lot depth: 105 feet
 - iv. Maximum lot coverage: 40% (lot acreage shall include building footprint only)
 - c. Minimum building setbacks:
 - i. Front yard: 20 feet; (measured from front building line)
 - ii. Rear yard: 15 feet
 - iii. Side yard: 5 feet, 10 feet on street side of a corner lot.
- E. **Amenities and Landscape Regulations**— As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
- a. Recreation site and amenities:
 - i. A minimum 1-acre recreational reserve, centrally located within the development, may include a pool, playground, and picnic facilities, etc.
 - ii. A minimum 24, off-street head-in parking spaces shall be provided. 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.
 - iii. Amenities must include (but are not limited to) Three of the following:
 - 1. Recreation center/Clubhouse
 - 2. Playground
 - 3. Picnic Facilities
 - 4. Pavilions
 - 5. Swimming Pool/ Splash pads
 - 6. Dog Park
 - 7. Active Recreation Facilities (Basketball, Tennis, Soccer, Baseball. Etc.)
 - 8. Walking, Biking, Hiking Trails
 - b. Landscape buffers:
 - i. 20-foot minimum buffer yard shall be provided along all street-side property boundaries for residential lots and along Zion Road. Lots/Reserves designated for recreation and amenity areas shall be exempt from this requirement.

- ii. 20-foot minimum undisturbed vegetative buffer reserve, contiguous to lot lines, shall be provided along the rear of all lots adjacent to neighboring properties. As shown on Exhibit C1
- iii. Street trees must be provided along all street-side property boundaries at a rate of 1 tree for every 40 linear feet of frontage. Street trees must be provided within the landscape open space median illustrated in concept plans. All street trees must be a minimum 4-inch caliper and 7 feet in height at the time of planting.
- iv. All landscaping/trees must be installed/protected in accordance with the approved landscape/preservation plan (as prescribed in subsection H of this ordinance). Preservation efforts must be maintained throughout all phases of construction.
- v. Required Buffers shall include trails as illustrated in provided concept Plan(s).
- vi. Tree(s) planned to be preserved that are removed/killed during or after construction must be replaced in accordance with the following table:

Diameter of Tree Removed/Killed (Inches)	Number of Trees that must be planted
4-9	Two Trees
9-15	Three Trees
Over 15	Six Trees

c. Open Space:

- i. Minimum 20% space, to be distributed as shown on Exhibit C1
- ii. Open space shall include all landscape buffers, landscape reserves, open space, reserves, parks, pool areas, and recreation facilities.
- iii. At a minimum 5 acres shall be provided as parks and recreation facilities
- iv. All required open space shall be maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- v. Landscaped open space reserve shall be provided within median identified on Exhibit C1

F. Sidewalks & Trails -As shown on Exhibit C1, the PD shall be developed in accordance with the following:

a. Sidewalks:

- i. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- ii. All sidewalks shall be paved with concrete.

- b. Trails:
 - i. Trail network within median must be a minimum of 8-feet in width.
 - ii. All other trails must be a minimum of 5-feet in width.
 - iii. All trails must be paved with asphalt or concrete.

- G. Minor Modifications --The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance with the applicable Tomball Codes and this Ordinance and approved by the Planning Director.
 - a. Modifications to internal street patterns are allowed
 - b. 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.
 - c. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - d. 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.

- H. ADD: Subdivision Plat Procedure – Platting of the subject property shall be in accordance with all standards and procedures ordinarily applicable within the City of Tomball as prescribed in Chapter 40 of the Tomball Code of Ordinance and shall include the following modifications:
 - a. Prior to the approval of a preliminary plat for the subject property an official tree survey must be conducted by a licensed arborist and submitted to the City of Tomball in conjunction with a landscape/tree preservation plan. Said preservation plan must be consistent with the planned preservation areas identified in the provided concept plan (Exhibit C2). Said landscape and tree preservation plan(s) must be approved by the City of Tomball prior to the start of construction.

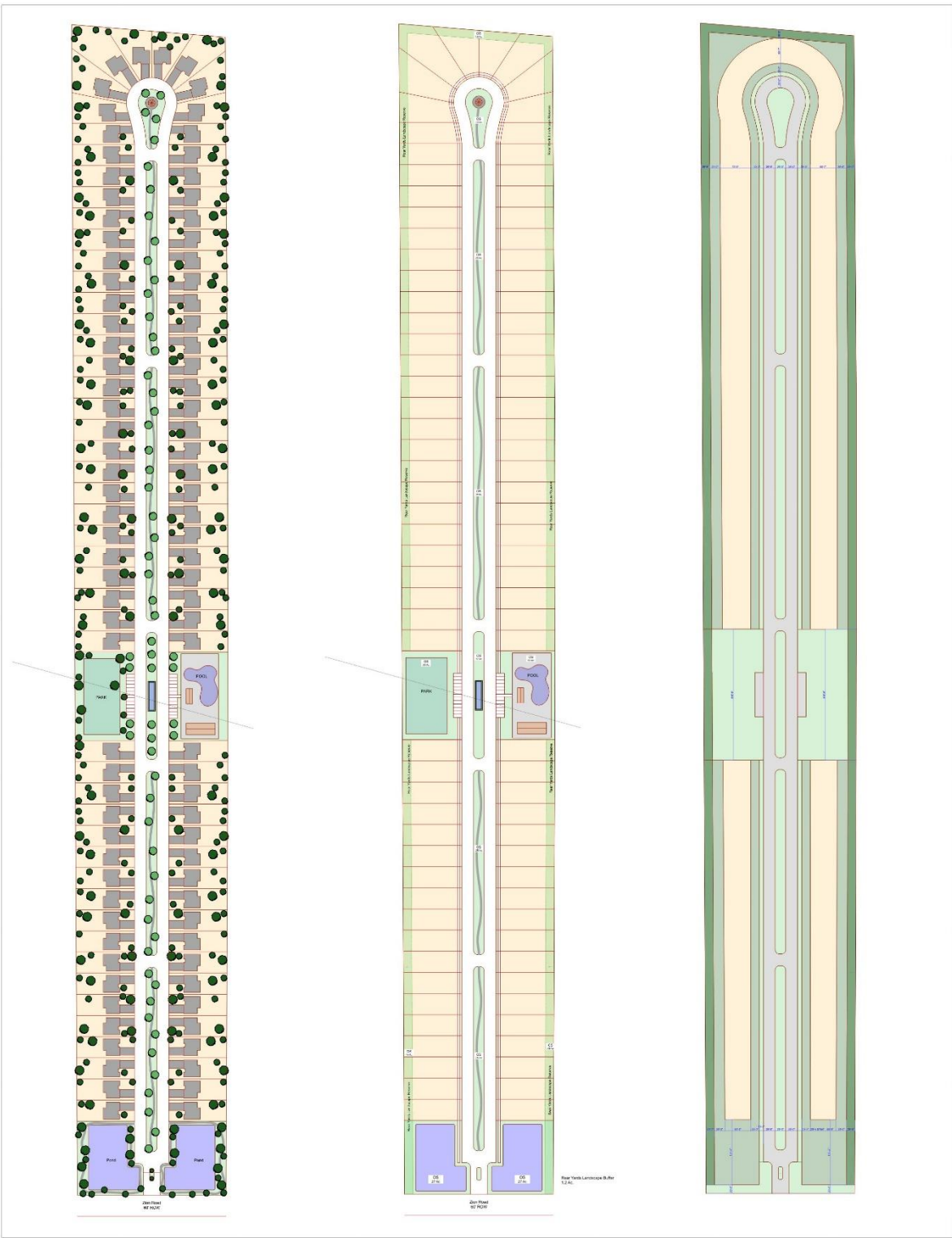


Exhibit C
Concept Plan

Exhibit C1
Open Space Exhibit

Exhibit C2
Tree Preservation Exhibit

- Streets and Parking
All existing trees and vegetation removed
150,285 SF
- Building Area
All existing trees and vegetation removed only after interfering with building footprint
306,197 SF
- Mowed Area
All existing trees and vegetation removed. New Trees, shrubs, and landscaping added.
150,891 SF
- Open Space
All existing trees and vegetation to remain. New Trees, shrubs, and landscaping to be added.
275,903 SF
- Buffer Area
All existing trees and vegetation to remain. New Trees to be added as needed to buffer property.
115,781 SF

 **Blue Kite Building Group**
2138D Welch St. Houston TX 77019
281-785-5486

Zion Rd. Trac
Planned Development
22.8 A

Renderings



Renderings



City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 19, 2022

Topic:

Consideration to approve **Zoning Case P22-367**: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Case P22-367**

Adopt, on First Reading, Ordinance No. 2022-42, 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 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas 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:

City Staff recommends approval. Planning & Zoning Commission recommends Denial (1 Vote Aye, 3 Votes Nay)

Origination: Colleen Pye

Recommendation:

Approval

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

FUNDING (IF APPLICABLE)

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

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

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

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2022
&
CITY COUNCIL
DECEMBER 19, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 19, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-350: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Zoning Case P22-367: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **December 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
Jared Smith
City Planner

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

ORDINANCE NO. 2022-42

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 0.32 ACRES OF LAND LEGALLY DESCRIBED AS BEING LOTS 41, 42, 43, AND 44 IN BLOCK 72 OF THE REVISED MAP OF TOMBALL FROM THE SINGLE FAMILY RESIDENTIAL -6 (SF-6) ZONING DISTRICT TO OLD TOWN & MIXED USE (OT & MU), BEING LOCATED AT 329 TEXAS STREET, 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, Colleen Pye has requested that approximately 0.32 acres of land legally described as being Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball, located at 329 Texas 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 deny the requested rezoning of the Old Town & Mixed Use; 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 Residential - 6 District to the Old Town & Mixed Use 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, 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 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 19th DAY OF DECEMBER 2022.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2nd DAY OF JANUARY 2023.

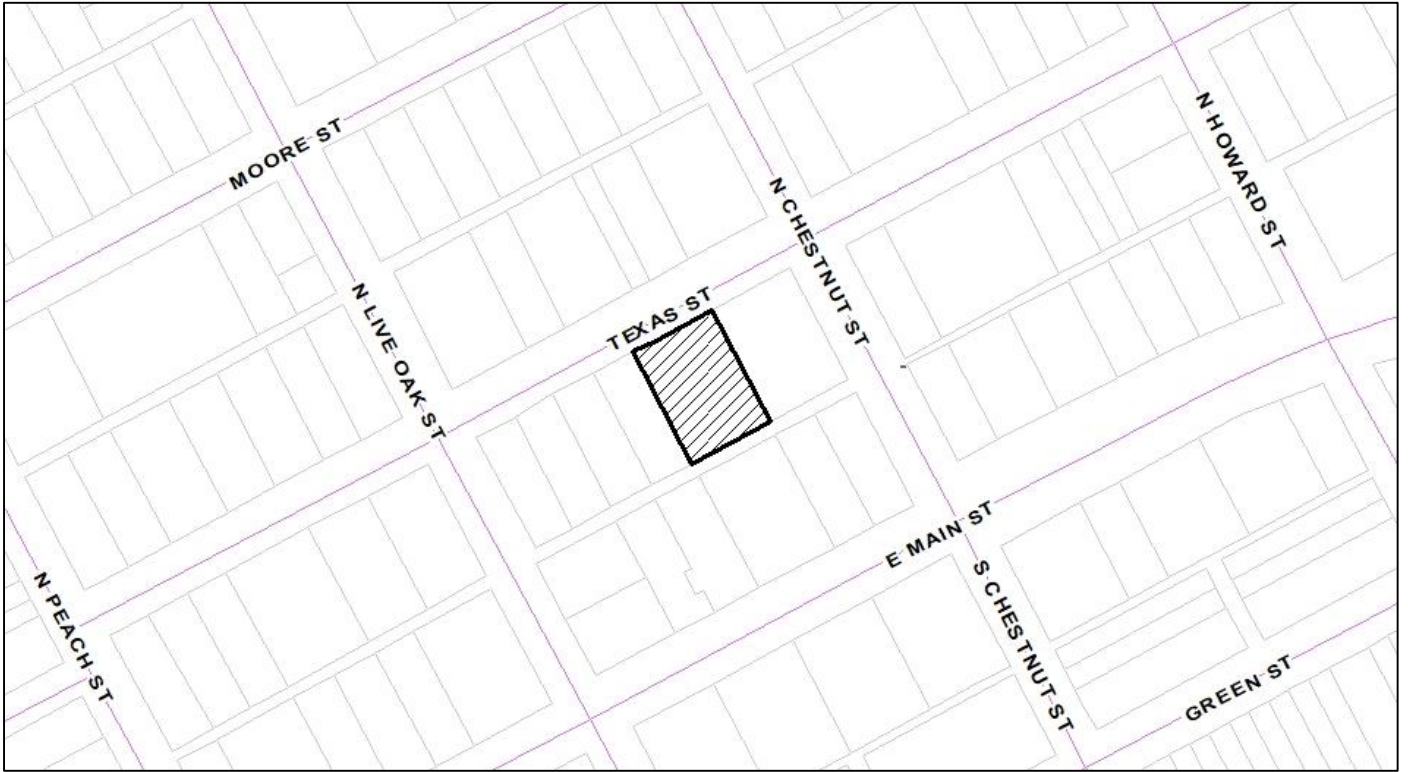
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

Lori Klein Quinn, Mayor

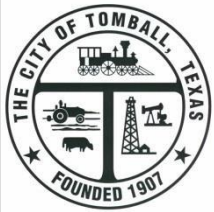
ATTEST:

Doris Speer, City Secretary

Exhibit "A"



Location: Lots 41, 42, 43, and 44 in Block 72 of Revised Map of Tomball



Notice of Public Hearing

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

CASE NUMBER: P22-367

APPLICANT/OWNER: Colleen Pye

LOCATION: The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU).

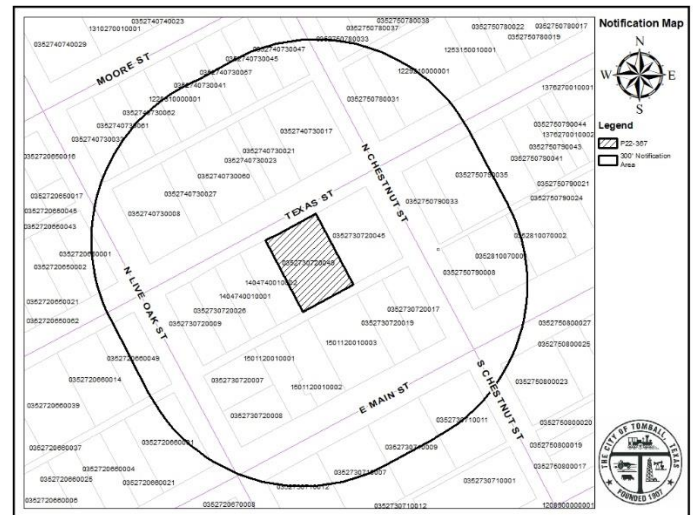
CONTACT: Jared Smith, City Planner

PHONE: (281) 290-1491

E-MAIL: jasmith@tomballtx.gov

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

This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



Planning & Zoning Commission

Public Hearing:

Monday, December 12, 2022 @ 6:00 PM

City Council Public Hearing:

***Monday, December 19, 2022 @ 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: BETTY A. PALMER
 (please print)
 Address: 112 N. CHESTNUT ST.
TOMBALL, TX. 77375
 Signature: Betty A. Palmer
 Date: 11/28/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367**. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS:

There is already an airbnd across the street from me & now this one is right next to my property owned by the same person.
Afraid my taxes may go up and a little worried about all the different sets of people going in & out. Also a noise factor.

You may also comment via email to jasmith@tomballtx.gov.
 Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: ELIZABETH A. GILDERSON
(please print)
Address: 310 TEXAS ST.
TOMBALL TEXAS 77375
Signature: Elizabeth A. Gilderson
Date: December 5, 2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I do not consider Texas St. a part of Old Town Tomball. We could get MU development which would not blend in with our current neighborhood. Our street is extremely narrow and would not accommodate more traffic.

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

Please reference the case number in the subject line.

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

Request to Speak before Tomball Planning & Zoning Commission

Name George Kelley Phone 832-878-7580 Date 12/4/22

Home Address 319 Texas st. City Tomball Zip 77375

Email address: Georgekelley281@gmail.com

I DO DO NOT want to be added to the City of Tomball email list.

- Public Hearing Agenda Item # E.2 PRR-367
- Other Agenda Item # _____

I wish to speak IN FAVOR of this item.

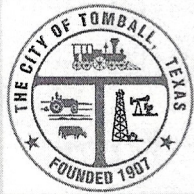
I wish to speak IN OPPOSITION to this item.

I do not wish to speak; however, please record my
_____ SUPPORT _____ OPPOSITION

- General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

Topic of Discussion:

**Comments during Citizens' Comments will be limited to 3 minutes.
(Please see instructions on the back of the form.)**



Public Comment Form

(Please type or use black ink)

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


Please return to:

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

Name: Michael & Gretchen Fagan

(please print) Address: 403 E Main

Tomball, TX 77375

Signature: 

Date: 11/28/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367**. (Please state reasons below)

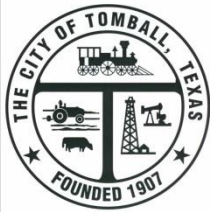
I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.



**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

Rezoning Case: P22-367
Property Owner(s): Colleen Pye
Applicant(s): Colleen Pye
Legal Description: Lots 41, 42, 43, and 44, Block 72 in Revised Map of Tomball
Location: 300 block (south side) of Texas Street between at 329 Texas St. (Exhibit “A”)
Area: 0.32 acres
Comp Plan Designation: Old Town (Exhibit “B”)
Present Zoning: Single-Family 6 District (Exhibit “C”)
Request: Rezone from the Single-Family 6 District to the Old Town & Mixed-Use District

Adjacent Zoning & Land Uses:

North: Single-Family Residential -6 (SF-6)/ Single-family residence(s)
South: Old Town & Mixed Use (OT & MU) / Office & Retail Uses
West: Single-Family 6 District / Single-family residence
East: Single-Family Residential – 6 (SF-6)/ Single-family residence

BACKGROUND

The subject property has been located within the City Limits of Tomball since the City’s establishment in 1907. There is presently a single-family residence located on the subject property. According to Harris County Appraisal District records the existing home was built in 1995. In October of this year, it was brought to city staff’s attention that a parking area was created in the rear of the subject property to facilitate spillover parking for the existing office and retail establishment immediately south of the subject site. According to Section 50-82 (Use Regulations Chart) parking lots for passenger cars and trucks of less than one-ton capacity are not permitted by right in Single Family Residential – 6 zoning. Subsequently, city staff sent a notice of violation to the owner of the property informing them that the use of the site for commercial parking is not permitted by right in the current zoning designation. The owner of the property wishes to rezone the site to Old Town & Mixed Use to allow the continued use of the property for commercial parking purposes. Additionally, according to information provided by the applicant, the rezoning to Old Town & Mixed Use will allow the owner to achieve their future plans of operating an office at this location.

ANALYSIS

Description: The subject property is comprised of approximately 0.32 acres, located in the 300 block on the south side of Texas Street. Immediately north, east, and west of the subject properties are existing single-family residences located within Single Family Residential zoning. South of the subject property is an existing Remax real estate office and book retailer within Old Town & Mixed Use zoning. The Single Family Residential – 6 zoning that the subject site falls within has been in existence since the City of Tomball adopted zoning in 2008.

Comprehensive Plan Recommendation: The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

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 non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. 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”.

Staff Review Comments:

The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject property as being within the “Old Town” land use category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. Particularly in regards to growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. This zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually-beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the City grows. Given the proximity to Main Street and other existing commercial businesses currently located within Old Town & Mixed Use zoning; this requested zone change will further encourage the mixture of land uses within the immediate area and will not be contrary to the Comprehensive Plan or the Future Land Use Plan. Furthermore, the character of development encouraged by Old Town & Mixed Use zoning are intended to be compatible with nearby single-family residential land uses.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 18, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P22-367.

P&Z RECOMMENDATION

Denial (1 Vote Aye, 3 Vote Nay)

- Discussion Items:
 - Potential of creating a through alley
 - Whether or not parking will be brought up to city standard

EXHIBITS

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

Exhibit "A"
Aerial Photo

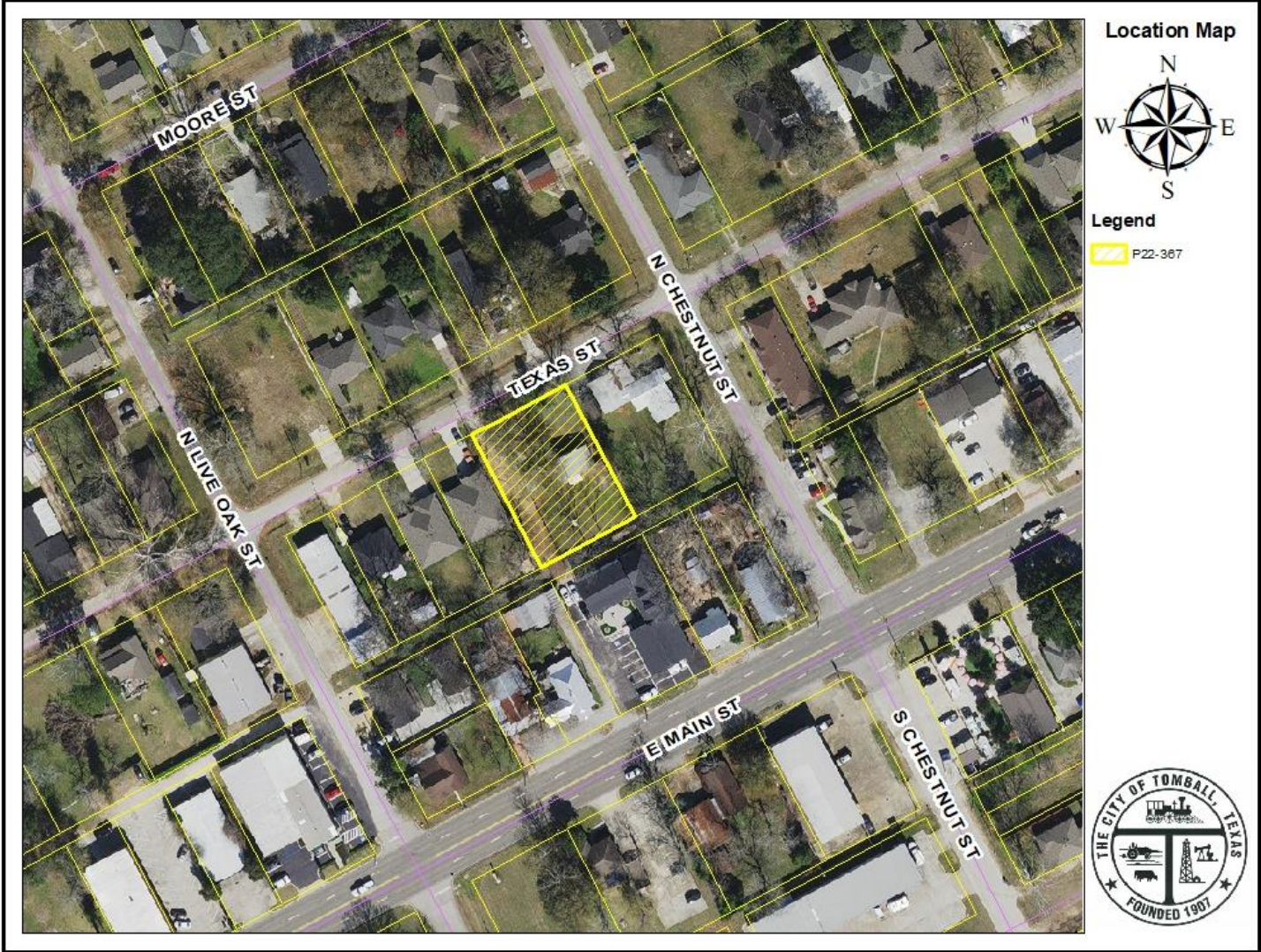


Exhibit "B"
Future Land Use Plan



Exhibit "C" Zoning Map

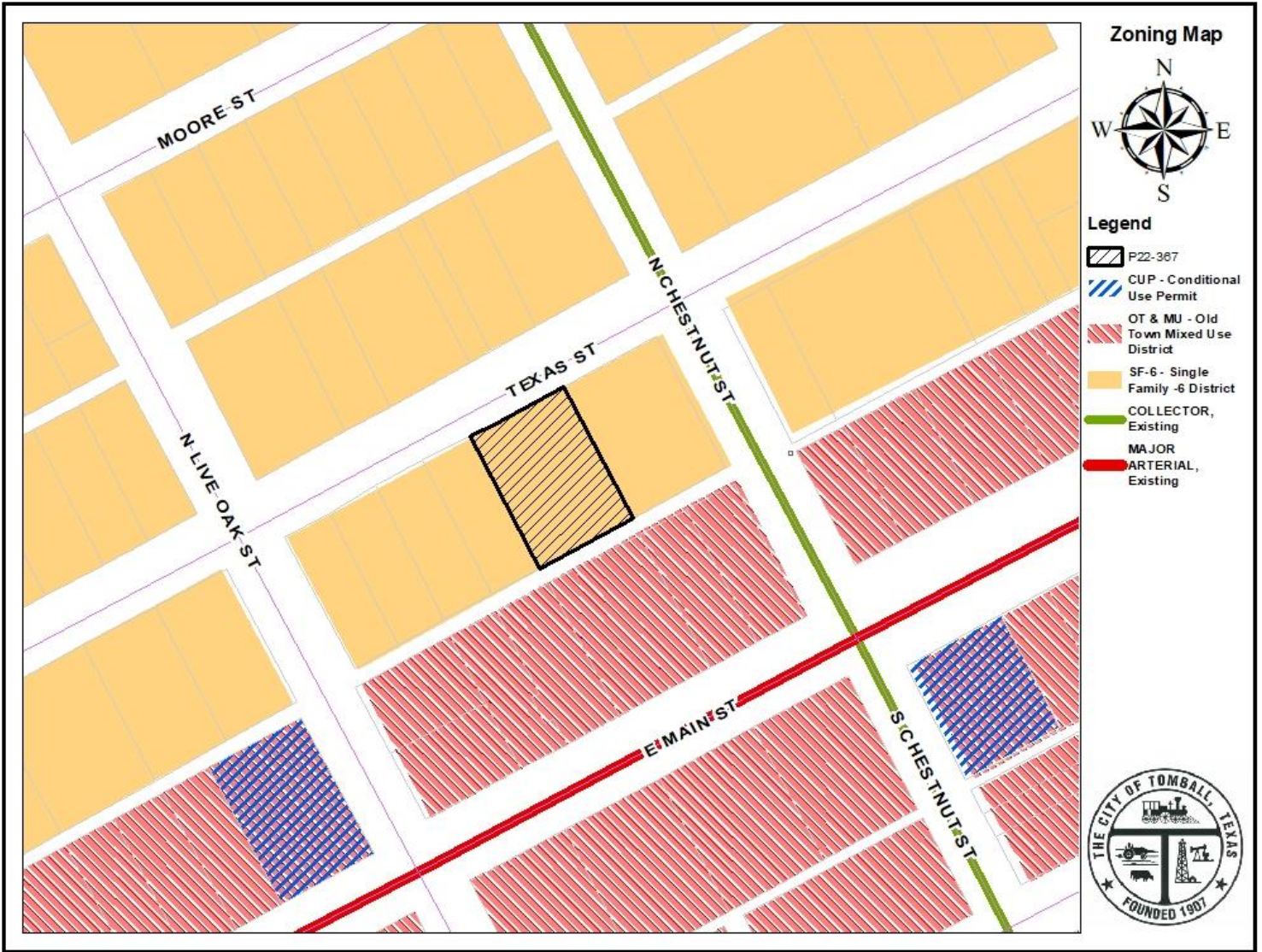


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E"
Rezoning Application



RECEIVED (KC)
10/18/2022

Revised 5/19/15
P&Z #22-367

APPLICATION FOR REZONING
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: Colleen Pye Title: Owner
Mailing Address: 207 Florence St City: Tomball State: TX
Zip: 77375
Phone: (281) 932-2784 Fax: () Email: info@colleenpye.com

Owner

Name: Colleen Pye Title: Owner
Mailing Address: 207 Florence City: Tomball State: TX
Zip: 77375
Phone: (281) 932-2784 Fax: () Email:

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: 329 Texas Tomball, TX 77375

Physical Location of Property: 329 Texas Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 41-44 Block 72
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Single Family 6

Current Use of Property: Single Family 6

Proposed Zoning District: Old Town Mixed Use

Proposed Use of Property: Currently a rental, with oversized yard. Will eventually put a effecincy suite

HCAD Identification Number: 0352730720049 Acreage: 35

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

From: noreply@tomballtx.gov
To: [Kimberly Chandler](#)
Subject: Receipt #R01337900
Date: Wednesday, October 26, 2022 9:02:57 AM

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

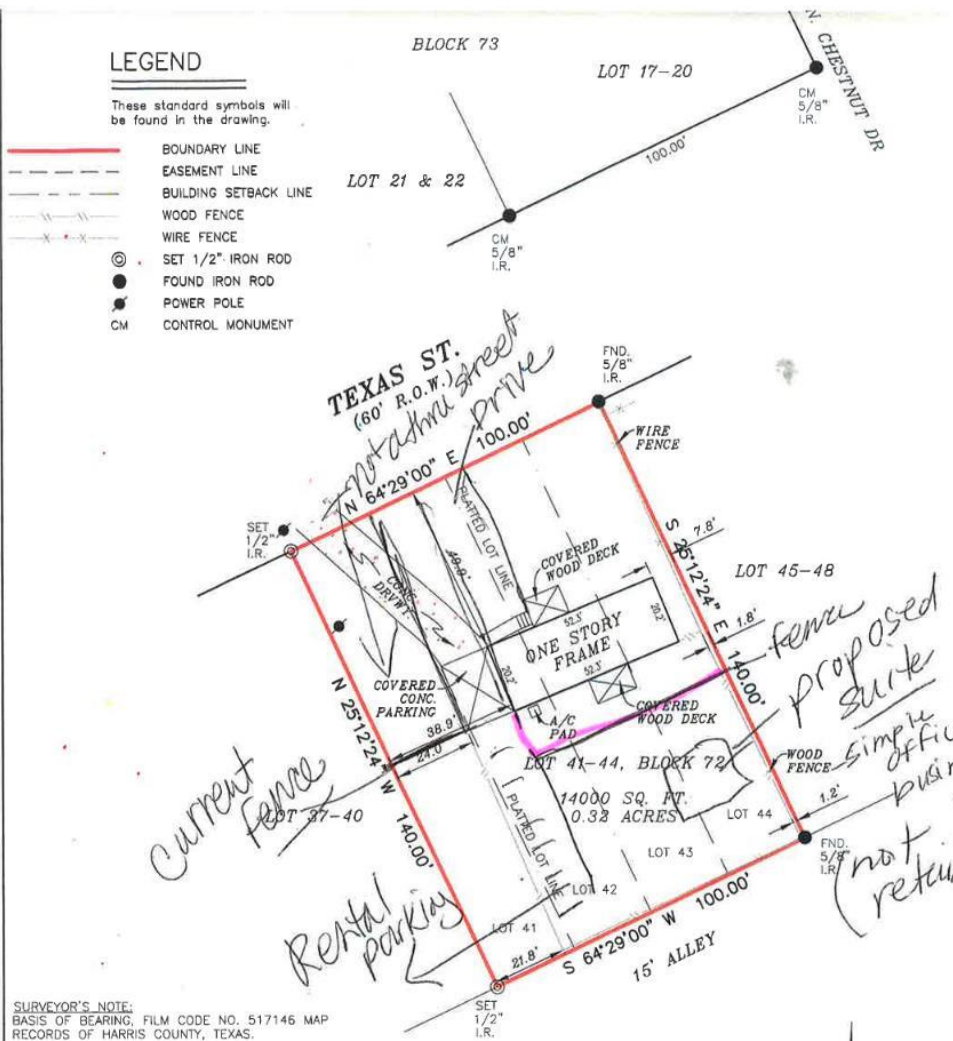
DATE : 10/18/2022 8:59 AM
OPER : RP
TKBY : rp
TERM : 2
REC# : R01337900
130.0000 PLANNING AND ZONING
329 texas rezoning pye 400.00

Paid By:329 texas rezoning pye
2-CK 400.00 REF:w 1089

LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- WOOD FENCE
- WIRE FENCE
- SET 1/2" IRON ROD
- FOUND IRON ROD
- POWER POLE
- CM CONTROL MONUMENT



SURVEYOR'S NOTE:
BASIS OF BEARING, FILM CODE NO. 517146 MAP RECORDS OF HARRIS COUNTY, TEXAS.

THIS SURVEY IS BASED ON A TITLE COMMITMENT REPORT ISSUED BY STEWART TITLE GUARANTY COMPANY GF NO. 17201051962 ISSUED ON 07/31/2017.

FLOOD INFORMATION
FIRM: 48201C PANEL: 0230 L
REV. DATE: 06/18/2007
ZONE: "X"

FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS, THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY.

GRAPHIC SCALE



I, **DONALD MATT COOKSTON**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **STEWART TITLE COMPANY** and that the above map is true and correct according to an actual field survey, made by me or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no apparent visible encroachments, no apparent visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, as of the date of the field survey. Lot(s) **41-44**, Block **72**, **REVISED MAP OF TOMBALL** recorded in Volume **4**, Page(s) **25**, of the Map/Deed and Plat Records of **HARRIS** County, Texas, located in the **WILLIAM HURD SURVEY, A-371**

LAND TITLE SURVEY

JOB NO.:	1708008258	NO.	REVISION
DATE:	09/04/17		
DRAWN BY:	AV		
APPROVED BY:	DMC		





City of Tomball

Lori Klein Quinn
Mayor

David Esquivel
City Manager

October 14, 2022

PYE COLLEEN
207 Florence St.,
Tomball, TX 77375-6635

First Notice of Violation (Zoning)
RE: 329 Texas Street (HCAD ID: 0352730720049)


Current property owner,

It has come to our attention that the property located at 329 Texas Street (HCAD ID: 0352730720049) is in violation of the City of Tomball Use Regulations Chart (Section 50-82). Specifically, the use of the property as a "Parking lot or garage for passenger cars and trucks of less than one-ton capacity" is not permitted by right within the Single Family Residential - 6 (SF-6) zoning district that the property falls within.

The city is hereby giving you ten (10) days from the receipt of this letter to remove parking lot features and cease the use of this property for commercial parking lot purposes. Following these allotted ten days, a second inspection will be conducted of the site. If this violation is not corrected additional action may be taken by the City as prescribed within Section 1-14. This may include fines up to \$2,000 for each day that the violation persists.

According to the records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive the notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. The notice must be delivered in person or by certified mail, return receipt requested.

Thank you,


Jared Smith
City Planner

*conditional purchase
zoning - old town mixed u*

Enclosed: Pictures; Non-Ownership Affidavit

Certified # 7020 0090 0000 9726 1069

401 MARKET STREET • TOMBALL, TEXAS 77375-4645 • 281-351-5484

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2022
&
CITY COUNCIL
DECEMBER 19, 2022



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 19, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-350: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Zoning Case P22-367: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **December 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
Jared Smith
City Planner

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

ORDINANCE NO. 2022-43

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 50-2 (DEFINITIONS), AND 50-82 (USE REGULATIONS CHART), 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 to add a definition of Open Air Markets to the code of ordinance and revise the use regulations chart to modify where/when open-air markets will be permitted 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 I, General and Article III, District Regulations, of Chapter 50, Zoning of the Code of Ordinances of the City of Tomball, Texas is hereby amended, as set out in Exhibit A, attached hereto and made a part of this Ordinance for all purposes.

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 19th DAY OF DECEMBER, 2022.

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

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 2ND DAY OF JANUARY, 2023.

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

Lori Klein Quinn, Mayor

ATTEST:

DORIS SPEER, City Secretary

Exhibit "A"

AMEND: Section 50-2 (*Definitions*)

REVISE: Delete and Add the following entries

ADD:

Market, Open Air – A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.

AMEND: Section 50-82 (*Use Regulations (charts)*)

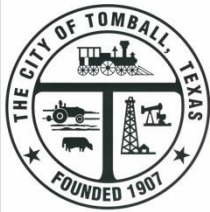
DELETE:

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts							OT&MU	Parking ratio (Also see section 50-112)	
	AG	SF-20-E	SF-9	SF-6		D		MF		MHP	O		GR			C	LI			
Retail																				
Market, open air, flea																C	P		P	1 space per 200 square feet

ADD:

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts							OT&MU	Parking ratio (Also see section 50-112)	
	AG	SF-20-E	SF-9	SF-6		D		MF		MHP	O		GR			C	LI			
Retail																				
Market, open air																C	<u>C</u>		<u>C</u>	1 space per 200 square feet

-END-



Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

Case: P22-394

Section(s): Chapter 50, Article I (50-2 *Definitions*), and Chapter 50, Article III (50-82 *Use regulations (charts)*)

Subject: Add definition for “Market, Open Air” and revise Section 50-82 (*Use regulations (charts)*) by revising where/when open-air markets will be permitted.

BACKGROUND

The current land use regulation chart in the City of Tomball Code of Ordinance contains a “Market, open air, flea” land use that is undefined. To clarify this land use category staff is adding a definition that clearly defines what an open-air market is. Additionally, the current code of ordinance allows open-air markets by right within the Old Town & Mixed Use (OT&MU) and Light Industrial (LI) zoning districts, as well as within the Commercial (C) district with the approval of a Conditional Use Permit (CUP). In an effort to guide the development of these open-air markets city staff is proposing that a CUP be required in all three zoning districts. Conditional Use Permits provide an additional opportunity to govern where open-air markets are to be located as well as when they may operate. Additionally, conditional use permits provide opportunities to draft limitations governing a variety of factors including but not to be limited to hours of operations, total vendors allowed, and site lighting.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourri on November 30, 2022.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-2 Definitions

ADD:

Market, Open Air – A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.

50-82 Use Regulations (charts)

DELETE:

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts						OT&MU	Parking ratio (Also see section 50-112)		
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C			LI	
Retail																					
Market, open air, flea																	C	P		P	1 space per 200 square feet

ADD:

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts						OT&MU	Parking ratio (Also see section 50-112)		
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C			LI	
Retail																					
Market, open air																	C	C		C	1 space per 200 square feet

STAFF RECOMMENDATION

City staff recommends approval of Case P22-394.

P&Z RECOMMENDATION:

Approval (4 Vote Aye, 0 Vote Nay)

- Discussion Items:
 - None

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 19, 2022

Topic:

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

- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
- Sec. 551.072 – Deliberation regarding Real Property
- Sec. 551.076 – Deliberation regarding Security Devices

Background:

Origination: David Esquivel, City Manager

Recommendation:

Party(ies) responsible for placing this item on agenda: David Esquivel, City Manager