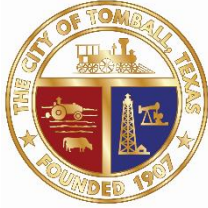


**NOTICE OF REGULAR CITY COUNCIL
CITY OF TOMBALL, TEXAS**



**Monday, November 02, 2020
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, November 02, 2020 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR NOVEMBER 2, 2020, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT: [HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 669 900 9128 US (San Jose); or +1 253 215 8782 US (Tacoma) - Meeting ID: 881 2661 5559. 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 Alex Jones – Real Life Ministries
- C. Pledges to U.S. and Texas Flags - Led by Scout Troop 469

- 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.]*
- G. Reports and Announcements
1. Announcements
 - I. November 7, 2020 – “Depot Day” – 10:00 a.m.-5:00 p.m., a National Model Railroad Month Celebration at the Depot – Tomball – a Virtual Event
 - II. November 20, 2020 – Christmas Tree Lighting at the Depot – 7:00 p.m. – a Virtual Event
 - III. November 26-27, 2020 – Thanksgiving Holiday – City offices closed
 - IV. December 24-25, 2020 – Christmas Holidays – City offices closed
 - V. January 1, 2021 – 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:
- H. Approval of Minutes
1. Approve the Minutes of the October 19, 2020 Regular Tomball City Council Meeting
- J. Old Business
1. Adopt, on Second Reading, Ordinance No. 2020-29, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Lot 347 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Planned Development (PD-12) District; said property being generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg 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.

L. New Business

1. Approve Resolution 2020-41, a Resolution of the City Council of the City of Tomball, Texas, calling for a Public Hearing on the addition of land to the Raburn Reserve Public Improvement District located within the City of Tomball
2. Adopt on First Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; 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
3. Approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021
4. Discussion regarding parking regulations for single-family residential homes.
5. Discussion regarding a Cooperative Project with HCA-Tomball to Install a Statue Honoring Dr. Norman E. Graham

M. 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 29th day of October 2020 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, Asst. City Secretary, TRMC, CMC, CPM

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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: 11/02/2020

Topic:

Approve the Minutes of the October 19, 2020 Regular Tomball City Council Meeting

Background:

Origination: City Staff

Recommendation:

Approve Minutes

Party(ies) responsible for placing this item on agenda: Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

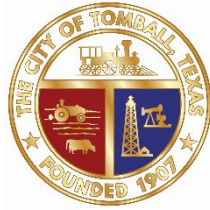
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	<u>Tracylynn Garcia</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

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



**Monday, October 19, 2020
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for October 19, 2020, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order 6:04 pm.

PRESENT

Mayor Gretchen Fagan

Council 1 John Ford

Council 2 Mark Stoll

Council 3 Chad Degges

Council 4 Derek Townsend – late arrival

Council 5 Lori Klein Quinn

OTHERS PRESENT

City Manager – Robert Hauck

Assistant City Manager – David Esquivel

City Secretary – Doris Speer

Assistant City Secretary – Tracylynn Garcia

City Attorney – Loren Smith

Police Chief – Jeff Bert

Fire Chief – Randy Parr

Assistant Fire Chief - Taner Drake

Fire Marshall – Joe Sykora

Marketing Director – Mike Baxter (via video)

Finance Director – Glenn Windsor

Director of Public Works – Beth Jones

Director of Community Development – Craig Meyers

Police Lieutenant - Brandon Pantin

Police Detective – Cleo Thomas

Administrative Assistant - Johnita Robinson

Administrative Assistant - Sasha Luna

B. Invocation - Led by Pastor Ed Matthews – Newness of Life Church

C. Pledges to U.S. and Texas Flags - Led by Scout Pack 469

D. The following public comments were received:

Pat Bailey (via email) - Requested that her email be read into the record. Expressed her appreciation for assistance after hours with a gas leak at her residence by Public Works and the Fire Department.

E. Reports and Announcements

1. Announcements

I. November 7, 2020 – “**Depot Day**” – 10:00 a.m.-5:00 p.m., a **National Model Railroad Month Celebration at the Depot – Tomball – a *Virtual Event***

II. November 20, 2020 – **Christmas Tree Lighting at the Depot** – 7:00 p.m. – a ***Virtual Event***

III. November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed

IV. December 24-25, 2020 – **Christmas Holidays** – 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. Rob Hauck presented a report to Council about Intern, Desiree Adair and the work she has been working with Tomball’s Police Department.

F. Approval of Minutes

Motion to approve made by Council 2 Stoll, Seconded by Council 5 Klein Quinn to approve the Minutes of the October 5, 2020 Regular Tomball City Council Meeting

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn to Approve the Minutes of the October 5, 2020 Regular Tomball City Council Meeting
Absent: Council 4 Townsend

Motion carried unanimously.

G. Old Business

1. Adopt on Second Reading, Ordinance No. 2020-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1,

Definitions, and Section 34-7, Miscellaneous Sign Provisions, of Article I, In General, of Chapter 34, Signs, to Delete the Definition of Old Town Area and to Amend Regulations Regarding Sign Colors; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

Motion made by Council 1 Ford, Seconded by Council 2 Stoll to adopt Ordinance No. 2020-31 on Second Reading.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 5 Klein Quinn

Voting Nay: Council 2 Stoll.

Absent: Council 4 Townsend

Motion carried 3 votes aye, 1 vote nay.

H. New Business

1. Approve Resolution No. 2020-37, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2021 General Assembly

Motion made by Council 5 Klein Quinn, Seconded by Council 1 Ford to approve Resolution No. 2020-37, designating Councilman Townsend as the City's representative and Councilman Stoll as the City's Alternate Representative to the H-GAC 2021 General Assembly.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend

Motion carried unanimously.

2. Consideration to approve **Zoning Case P20-238**: Request by Brian Stidham - HT Raburn Reserve Development LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District. The property is generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.
Conduct Public Hearing on **Zoning Case P20-238**

Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball regarding the **Zoning Case P20-238**: Request by Brian Stidham - HT Raburn Reserve Development LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described

as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District. The property is generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas at 6:17 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:17 pm.

Adopt, on First Reading, Ordinance No. 2020-29, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Lot 347 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Planned Development (PD-12) District; said property being generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg 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.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford to read Ordinance No. 2020-29 by Caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend

Motion carried unanimously.

PRESENT

Mayor Gretchen Fagan

Council 1 John Ford

Council 2 Mark Stoll

Council 3 Chad Degges

Council 4 Derek Townsend, Sr

Council 5 Lori Klein Quinn

Motion to adopt Ordinance No. 2020-29 on First Reading made by Council 2 Stoll, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.

Voting Nay: Council 5 Klein Quinn

Motion carried 4 votes aye, 1 vote nay.

3. Approve Purchase of one (1) Chevrolet Colorado Crew (2x4), one (1) Chevrolet Silverado 2500 Crew, two (2) Chevrolet Malibu's, and three (3) Police Interceptors through the State Buyboard Cooperative Purchasing Contract, in the amount of \$308,450.00

Motion to approve purchase made by Council 2 Stoll, Seconded by Council 1 Ford.

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

Motion carried unanimously.

4. Approve the Engagement Letter with Weaver & Tidwell, L.L.P. for the Independent Audit of the City's Financial Statements and the Preparation of the CAFR As of September 30, 2020.

Motion to approve Engagement Letter made by Council 5 Klein Quinn, Seconded by Council 3 Degges.

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

Motion carried unanimously.

I. Adjournment

Motion to approve made by Council 2 Stoll, Seconded by Council 5 Klein Quinn.

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

Motion carried unanimously.

PASSED AND APPROVED this the 2nd day of November 2020.

Tracylynn Garcia
Assistant City Secretary, TRMC, CMC,
CPM

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: October 19, 2020

Topic:

Adopt, on Second Reading, Ordinance No. 2020-29, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Lot 347 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Planned Development (PD-12) District; said property being generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday, October 12, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended approval with a 4-0 vote.

Origination: Brian Stidham, HT Raburn Reserve Development LP

Recommendation:

Adopt Ordinance No. 2020-29 on First Reading

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, Director of Community Development

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>Craig T. Meyers</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5 ACRES OF LAND LEGALLY DESCRIBED AS LOT 347 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON STREET, BETWEEN HUFSMITH-KOHRVILLE ROAD AND SOUTH PERSIMMON STREET AND BETWEEN LIZZIE LANE AND AGG 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, Brian Stidham – HT Raburn Reserve Development LP, has requested that approximately 5 acres of land legally described as Lot 347 Tomball Outlots, generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the addition to the construction of a single-family master planned development, with some commercial use; and

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

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) 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 (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) 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-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF OCTOBER 2020.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF NOVEMBER 2020.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



RECEIVED (KC)
08/20/2020 12:29:04 PM

Revised 5/19/15

P&Z #20-238
\$1,000.00 PD.

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

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

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

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

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

Applicant

Name: Brian Stidham - HT Raburn Reserve Development LP Title: Director
Mailing Address: 609 Main Street Suite 2400 City: Houston State: Tx
Zip: 77002
Phone: (281) 743-9637 Fax: () Email: brian.stidham@hines.com

Owner

Name: Michael A Ott Title:
Mailing Address: 16840 Krug Rd City: Tomball State: Tx
Zip: 77377
Phone: (713) 299-1554 Fax: () Email: Mike@MikeOtt.com

Engineer/Surveyor (if applicable)

Name: Chris Browne - EHRA Title:
Mailing Address: 1001 Meadowglenn Ln City: Houston State: TX
Zip: 77042
Phone: (713) 337-7447 Fax: () Email: cbrowne@ehrainc.com

Description of Proposed Project: Single Family - PD -12 Zoning

Physical Location of Property: Hufsmith Kohrville Rd and Willow Creek Estates Ln (Closest Intersection)
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lt 347 Tomball Outlot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352920000347 Acreage: 5

Current Use of Property: AG - Unimproved

Proposed Use of Property: PD -12 - Single Family Residential

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

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

X Brian Stidham 8/19/20
Signature of Applicant Date

X MAOTT 8-10-20
Signature of Owner Date

Hines

August 20, 2020

Mr. Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James Street
Tomball, TX 77375

Re: Request for Rezoning

Dear Mr. Meyers:

This letter serves as a formal rezoning request. The property in question is undeveloped but is currently zoned Agriculture District (AG) within the corporate limits of Tomball. We are requesting the property be rezoned to Planned Development (PD). More specifically we are requesting that this 5-acre tract be added to the boundary of the previously approved PD-12 which is immediately adjacent to the North, South, and West of this site.

The property is located west of Hufsmith Kohrville Road close to the intersection of Hufsmith Kohrville and Willow Creek Estates Ln and consists of 5 acres.

PD-12 created by ordinance 2019-13 allows for 400 single family lots. We are not requesting any change to PD-12 other than the addition of the 5-acre tract within its boundaries.

Access to the site will be from internal residential streets that connect to the rest of the Raburn Reserve residential development.

Attached to this request for reference is a copy of a survey of the 5-acre tract, a conceptual site plan, and a copy of ordinance 2019-13 that details the zoning requirements we would like this tract changed to.

Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully rezoning the referenced property.

Sincerely,

Brian Stidham

Brian P. Stidham
Director

609 Main Street, Suite 2400
Houston, Texas 77002
P 713.237.5665
F 713.237.5657

BURKIN SURVEYING COMPANY
1431 GRAHAM DRIVE - SUITE 201
TOMBALL, TEXAS 77375
(713) 351-7153

NOTE: REFERENCE BEARING SOUTH 89°51'00" EAST ALONG
SOUTH LINE OF 30.00 FOOT WIDE PUBLIC ROAD.
NORTH LINE OF OUTLOT 357 WAS DERIVED FROM CAL-
CULATION DERIVED FROM RECORDED PLAT.

OUTLOT 343

OUTLOT 344

1/2" R Set

S 09°42'00"E 505.03'

1/2" R Set

PLAT OF PROPERTY

PREPARED FOR
A. B. KLEIN TRUST

PLAT SHOWING SURVEY OF TOMBALL OUTLOT 347 IN THE JESSE
FRUIT SURVEY, ABSTRACT 629, HARRIS COUNTY, TEXAS, AS
PER MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75,
MAP RECORDS, HARRIS COUNTY, TEXAS.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY
OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBER
480100005 H; MAP REVISED: SEPTEMBER 30, 1992, SHOWS
THIS TRACT TO BE IN ZONE "X" AREAS DETERMINED TO BE
OUTSIDE THE 500 YEAR FLOOD PLAIN.

OUTLOT 347
507.67 ACRES

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES
WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS
STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION
II SURVEY.

ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1679

DATED: AUGUST 14, 1996

NOTE: SURVEY DONE WITHOUT BENEFIT OF A TITLE REPORT.

KOHRLVILLE - HUFFSMITH RD

OUTLOT 354
30' PUBLIC ROAD
1/2" R End (H&L.O.)
S 09°51'00"E 474.09'

N 09°42'00"W 582.24'

OUTLOT 350

1/2" R Set

1/2" R Set

1/2" R Set

1/2" R Set

1/2" R Set

Exhibit “B”
Planned Development Regulations

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 103.7 ACRES OF LAND LEGALLY DESCRIBED AS LOTS 338, 339, 341 THROUGH 344, 346, 349, 350, 352 THROUGH 356, 358, 359, 361 THROUGH 365 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL, SINGLE-FAMILY 20 ESTATE AND COMMERCIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON ROAD FROM LIZZIE LANE TO AGG 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, Stan Winter, with Jones | Carter, has requested that approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family master planned development, with some commercial use; and

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

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) 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, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) 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-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JUNE 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>ABSENT</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 1ST DAY OF JULY 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



Revised 5/19/15

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

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

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

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

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

Applicant: JONES I CARTER
Name: STAN WINTER, AICP Title: VCE PRESIDENT
Mailing Address: 1575 SANDVST ROAD City: HOUSTON State: TX
Zip: 77380
Phone: (281) 363 9039 Fax: () Email: SWINTER@JONES CARTER.COM

Owner: HINES ACQUISITIONS LLC
Name: BRIAN STIDHAM Title: DIRECTOR
Mailing Address: 609 MAIN STREET City: HOUSTON State: TX
Zip: 5.2400
Phone: (13) 237 5747 Fax: (13) 237 5657 Email: BRIAN.STIDHAM@HINES.COM

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: _____

Physical Location of Property: _____
[General Location - approximate distance to nearest existing street corner]

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

www.tomballtx.gov

Legal Description of Property: TRACTS 1; 39.49 AC, TRACT 2; 4.953; TRACT 3; 4.1376 AC
AND TRACT 4; 55.126 ACRES [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lot/Block]
TOMBALL, TX. OUT OF THE LESSE FARMER SURVEY, A. 629
HCAD Identification Number: 0352900000338, Acreage: 103.7 AC.
0352900000382, 0352900000360, 0352920000358, 0352920000343, 0352920000353,
0352920000364, 0352920000355, 0352920000326
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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 STWA 5-1-19
Signature of Applicant Date

X RS 5-1-19
Signature of Owner Date

Legal Description of Property: TRACTS 1: 39.49 AC, TRACT 2: 4.953; TRACT 3: 4.376
AND TRACT 4: 58.1246 ACRES [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
TOMBALL, TX. QV. OF THE JESSE PRUITT SURVEY, A. 624
HCAD Identification Number: 035290000338, Acreage: 103.7 AC.
035290000382, 035290000366, 035292000358, 035292000343, 035292000353
Current Use of Property: VACANT
035292000364, 035292000525, 035292000526

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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 STUA 5-1-19
Signature of Applicant Date

X Tawn Rahm Scale 5/26/2019
DocuSigned by: 10000158-1C34E7
Signature of Owner Date

Exhibit “B”
Planned Development Regulations

EXHIBIT B
Planned Development
Raburn Reserve

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lcts
- Development Regulations for non-residential uses.
- Amenities and Landscape Regulations
- Sidewalks and Trails
- Building Regulations

B. General Provisions.

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1a:	<i>Location Map</i>
Exhibit B-1b:	<i>Jurisdiction Map</i>
Exhibit B-2:	<i>Site Plan</i>
Exhibit B-3:	<i>Landscape, Open Space & Amenities Plan</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5:	<i>Local Residential Street – Cross Section</i>
Exhibit B-6:	<i>Entry Street – Cross Section</i>
4. As shown on Exhibit B-1a, *Location Map*, the PD encompasses 103.7 acres, located west of Huffsmith Kohrville Road, east of S. Persimmon Street and primarily north of future Medical Complex Drive.

C. Land Uses.

1. Commercial: Permitted land uses for the Commercial tract on Exhibit B-2, *Site Plan* shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.
2. Flex: Permitted land uses for the tracts identified as “Flex” on Exhibit B-2, *Site Plan* shall be either of those uses permitted in SFR listed below or with General Retail District, GR of the Zoning Ordinance.

3. SFR: Permitted land uses are listed below.

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

- D. Development Regulations for Single Family Lots** – Maximum 400 lots permitted, total lot count, generally in a configuration and location as shown on [Exhibit B-2, Site Plan](#), single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide. Except: the maximum number of lots 45 feet wide shall not exceed, 200 lots - 50 percent of the total maximum number of lots.
2. Lots shown on [Exhibit B-2, Site Plan](#)
 - (a) Minimum lot area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
 - (b) Minimum lot width: 45 feet
 - (c) Minimum lot depth 115 feet
 - (d) Maximum lot coverage: 60%
3. Minimum building setbacks:
 - (a) Front yard: 20 feet;
 - (b) Rear yard: 15 feet;
 - (c) Side yard: 5 feet, 15 feet on street side of a corner lot.

- E. Development Regulations for non-residential uses.** – All provisions and regulation regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

- F. Amenities and Landscape Regulations** – As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following landscape regulations:

1. Recreation sites and amenities:
 - (a) A minimum 1.5 acres recreational reserve, centrally located within the development shall be located near the main project entry, shall include a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A minimum 6, off-street parking spaces shall be provided. And at a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - (c) Amenities shall include:
 - A swimming pool.
 - Restroom facilities rooms and shade structure
 - Playground
 - Picnic facilities.
2. Landscape buffers:
 - (a) 15-foot minimum buffer shall be provided along all major thoroughfares and adjacent the boulevard entry streets. As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)
 - (b) 10-foot minimum buffer, contiguous to lot line, shall be provided along non-boulevard entry street(s). As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)

- (c) Required buffers along major thoroughfares and boulevard entry streets shall include one shade tree for each 30 feet of street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need not be placed evenly.
- (d) Required buffers may include trails.

3. Open Space:

- (a) Minimum 5% open space, to be distributed as shown on [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).
- (b) All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's homeowner's association. [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).

4. Shade trees:

- (a) A minimum of one tree shall be placed within the front yard setback on each residential lot. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#)
- (b) In addition, one tree shall be provided within 15 feet of a street-side lot line per 50 feet of lot frontage on the side street, or portion thereof. Required trees shall be placed within the side yard setback. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#)
- (c) Within street medians trees shall be provided at one tree per 30 linear feet of median or portion thereof.
- (d) Shade trees shall have a minimum 2-inch caliper and minimum 6-foot height as measured at ground level when planted.

5. Plant species used to satisfy the requirements of the PD are listed on [Exhibit B-4, Plant List](#).

G. Sidewalks and Trails: As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following:

1. Sidewalks & trails:

- (a) Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- (b) All sidewalks shall be paved with concrete.

H. Building Regulations – Single family homes within the PD shall be developed in accordance with the following building regulations:

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - a. Single Story and first floor of a two (plus) story house – Front and side elevations shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Rear elevations may be primary or secondary finishes.
 - b. Upper Story of a two (plus) story house – Front elevation shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Side and Rear elevations may be comprised of primary and secondary finishes.
2. Secondary exterior finishes shall include wood, ceramic tiles, and fiber cement siding such as or similar to Hardie Board or Hardie Plank, and engineered wood siding such as or similar to LP Smartside.
3. Use of architectural metals is limited to canopies, roof systems, and miscellaneous trim work and such use shall meet the durability standards of the development code.
4. The Director may approve alternative Primary or Secondary exterior finishes not specified herein if the Director determines that the alternative finish is respective of the architectural elements of the existing historical industrial buildings, substantially equal to or better than a specified Primary or Secondary exterior finish in quality, durability, and appearance, and the use thereof will not violate any provision of this Final Development Plan.
5. The following building materials shall not be used on the exterior finish:
 - (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (b) Smooth or untextured concrete surfaces.
 - (c) Exterior Insulated Finish Systems (E.I.F.S.)

Exhibit B-4
Plant List for Raburn Reserve

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata</i> 'Nellie R. Stevens'
Savannah Holly	<i>Ilex attenuata</i> 'Savannah'
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Montrey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia</i> 'Bosque' or 'Drake'

Small & Ornamental Trees:

Texas Redbud	<i>Cercis canadensis</i> 'var. <i>texensis</i> '
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokeshrub	<i>Cotinus obovatus</i>
Foster Holly	<i>Ilex x attenuata</i> 'Fosterii'
Possunhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica</i> 'Basham's Pink', 'Natchez', 'Muskogee'
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifera</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windrill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia	<i>Abelia x grandiflora</i> 'Prostrata', 'Sherwoodi', Edward Goucher'
Dwarf Bottlebrush	<i>Callistemon citrinus</i> 'Austroflora', 'Firebrand', 'Little John', and 'Splendens'
Japanese Cleome	<i>Ternstroemia gymnanthera</i>
Sago Palm	<i>Cycas revoluta</i>
Umbrella Plant	<i>Cyperus alternifolius</i>
African/Butterfly Iris	<i>Diets iridioides</i> , <i>Diets bicolor</i>
Elaeagnus Ebbingei	<i>Elaeagnus macrophylla</i>
Silverberry	<i>Elaeagnus frutilandi</i>
Pineapple Guava	<i>Feijoa selowiana</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Barbados Cherry	<i>Malpighia Glabra</i>
Fatsia	<i>Fatsia japonica</i>
Dwarf Burford Holly	<i>Ilex cornuta</i> 'Burfordii Nana'
Chinese Holly	<i>Ilex cornuta</i> 'Rotunda'
Dwarf Yaupon	<i>Ilex vomitoria</i> 'Nana'
Louisiana Iris	<i>Iris louisiana</i>
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i> 'Nana'
Ligustrum	<i>Ligustrum japonicum</i>
Waxleaf Glossy Privet	<i>Ligustrum lucidum</i>
Fringe Flower	<i>Loropetalum chinense</i>
Maiden Grass	<i>Miscanthus sinensis</i> var.
Dwarf Wax Myrtle	<i>Myrica pauciflora</i>
Nandina	<i>Nandina domestica</i>
Purple Fountain Grass	<i>Pennisetum setaceum</i>
Indian Hawthorn	<i>Raphiolepis indica</i> 'Clara'
Shrub Rose	<i>Rosa</i> spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Society Garlic	<i>Tulbaghia violacea</i>
Sweet Viburnum	<i>Viburnum</i> spp.
Bridal Wreath Spirea	<i>Spirea prunifolia</i>
Oleander	<i>Nerium oleander</i>
Dwarf Oleander	<i>Nerium oleander</i> 'Petite Pink', 'Little Red'
Plumbago	<i>Plumbago auriculata</i>
Dwarf Pomegranate	<i>Punica granatum</i> 'Nana'
Kumquat	<i>Fortunella</i> spp.
Muhly Grass	<i>Meuhlenbergia lindheimeri</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis</i> 'Morning Light'

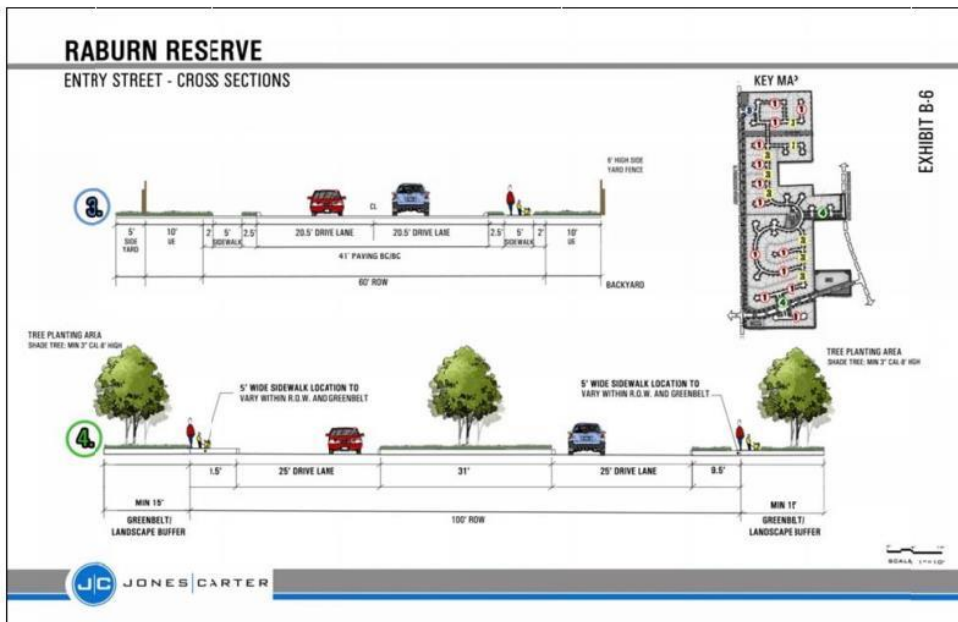
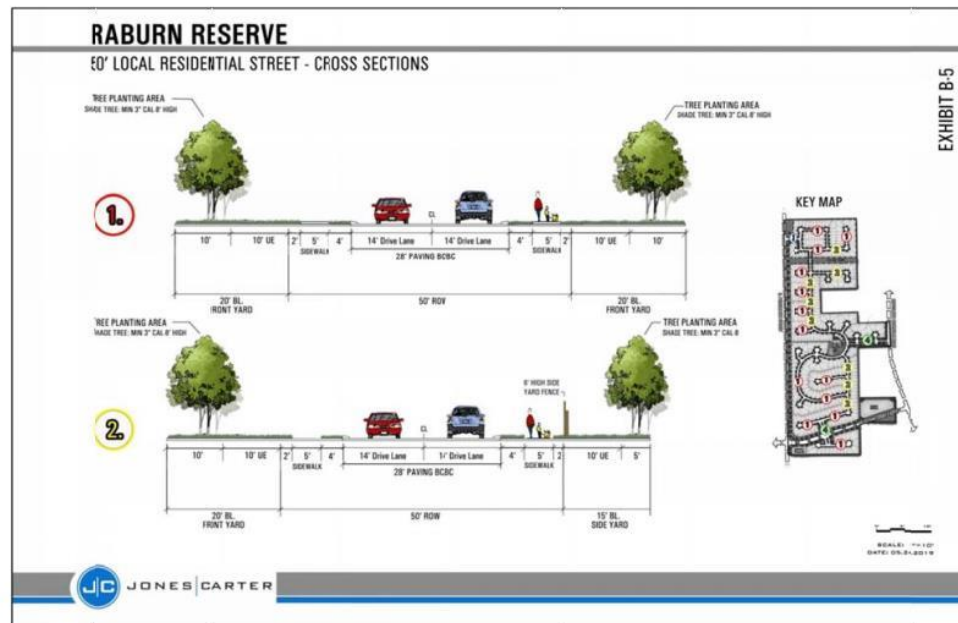


Exhibit "C"
Concept Plan



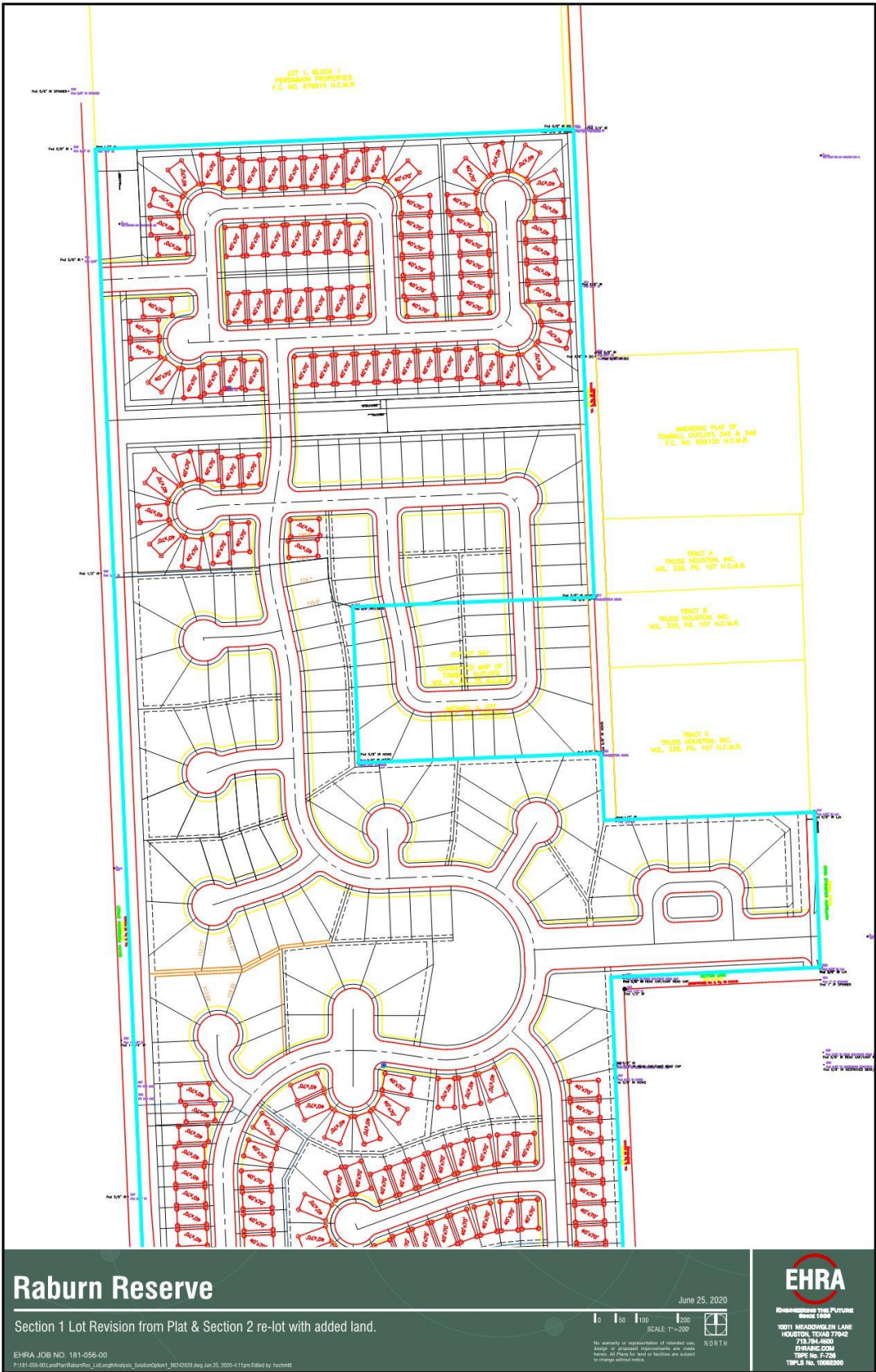
RABURN RESERVE

by

Hines



Exhibit "C"
Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 12, 2020
&
CITY COUNCIL
OCTOBER 19, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 12, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 19, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-238: Request by Brian Stidham - HT Raburn Reserve Development LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District. The property is generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-254: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7.6937 acres of land legally described as a portion of 15.237 acres of Parts of Tracts 6A, 12A, 18A, 24A, 30A & 36A (AG-USE) Tomball Outlots, from the Commercial District to the Duplex District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

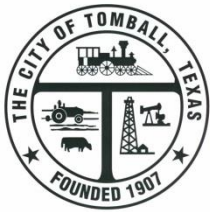
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **October 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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



Notice of Public Hearing

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

CASE NUMBER: P20-238

APPLICANT/OWNER: Brian Stidham - HT Raburn Reserve Development LP.

LOCATION: Generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District.



CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

**Planning & Zoning Commission
Public Hearing:
Monday, October 12, 2020 6:00 PM**

**City Council Public Hearing:
*Monday, October 19, 2020 6:00 PM**

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

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

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

Brent Jones

(please print)

Address:

22355 H. Smith Kohrville

Tomball Tx 77375

Signature:

Brent Jones

Date:

9-29-2020

☒

I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

☐

I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

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

Monday, October 12, 2020 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, October 19, 6:00 PM

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

COMMENTS:

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

Michael A Ott

(please print)

Address:

16840 Krug Rd

Tomball 77377

Signature:

MIAOTT

Date:

9-28-20

X

I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

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

Monday, October 12, 2020 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, October 19, 6:00 PM

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

COMMENTS:

I am for re-zoning for two reasons

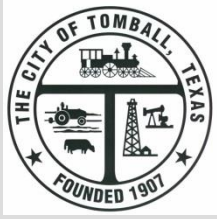
1- I am the owner of the 5 acres and in the process of selling it to the Hines Corp

2. I love the growth our city is experiencing

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

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 12, 2020

City Council Public Hearing Date: October 19, 2020

Rezoning Case: P20-238

Property Owner(s): Michael Ott

Applicant(s): Brian Stidham – HT Raburn Reserve Development LP

Legal Description: Lot 347 Tomball Outlots

Location: East side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road (Exhibit “A”)

Area: 5 acres

Comp Plan Designation: Neighborhood Residential (Exhibit “B”)

Present Zoning and Use: Agricultural District (Exhibit “C”) / Undeveloped (Exhibit “D”)

Proposed Use(s): Addition to Planned Development District (PD-12), a single-family residential subdivision (Exhibit “E”)

Request: Rezone from the Agricultural District to the Planned Development (PD-12) District

Adjacent Zoning & Land Uses:

North: Planned Development District (PD-12) / Under construction-Raburn Reserve

South: Planned Development District (PD-12) / Under construction-Raburn Reserve

West: Planned Development District (PD-12) / Under construction-Raburn Reserve

East: Commercial District / Under construction-Raburn Reserve

BACKGROUND

In July 2019, City Council voted to approve a Planned Development District (PD-12) for the development of a 103.7-acre single-family residential subdivision. The applicant has since acquired an additional 5-acre tract to be added to the boundary of the master planned development.

ANALYSIS

The property is zoned Agricultural District. Surrounding properties are zoned Planned Development (PD-12) and Commercial District. Most surrounding property is under construction with plans to be developed as the Raburn Reserve subdivision. There are two commercial

establishments to the east of the subject site, along Hufsmith Kohrville Road. The site currently does not have access to a developed public right-of-way.

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

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

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

According to the Planned Development Application (Exhibit “E”), the development regulations for the previously approved PD-12 District will remain the same with the exception of the additional 5 acre tract.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This “category is intended for areas predominantly comprised of single-family detached housing”. Appropriate land uses in this category include “safe and desirable neighborhoods, with single-family detached residential being the primary use”. The proposed Planned Development meets the intent of the Future Land Use Designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 25, 2020. A Notice of Public Hearing was published in the paper on September 30, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-238.

EXHIBITS

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

Exhibit "A"
Aerial Photo

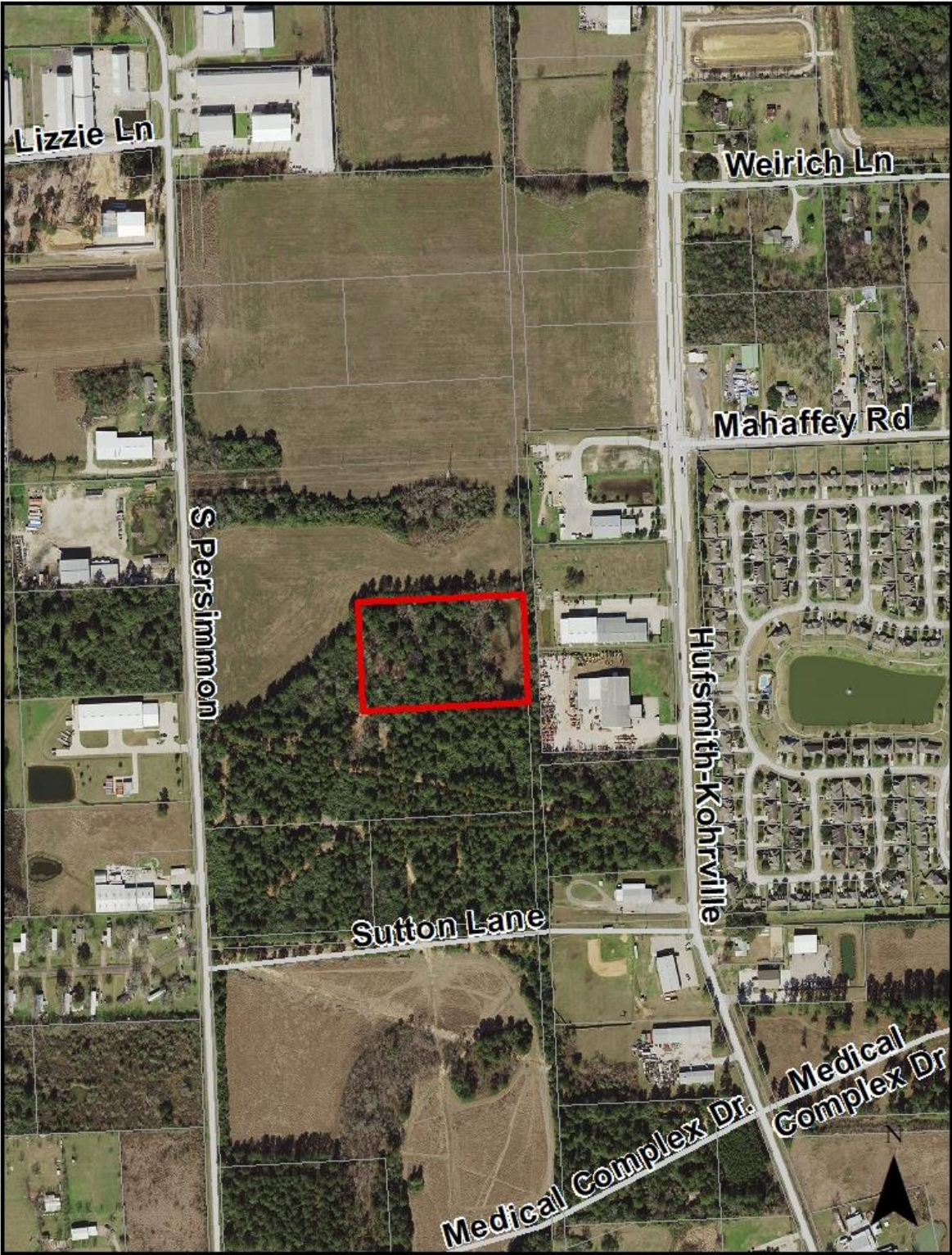


Exhibit "B"
Comprehensive Plan

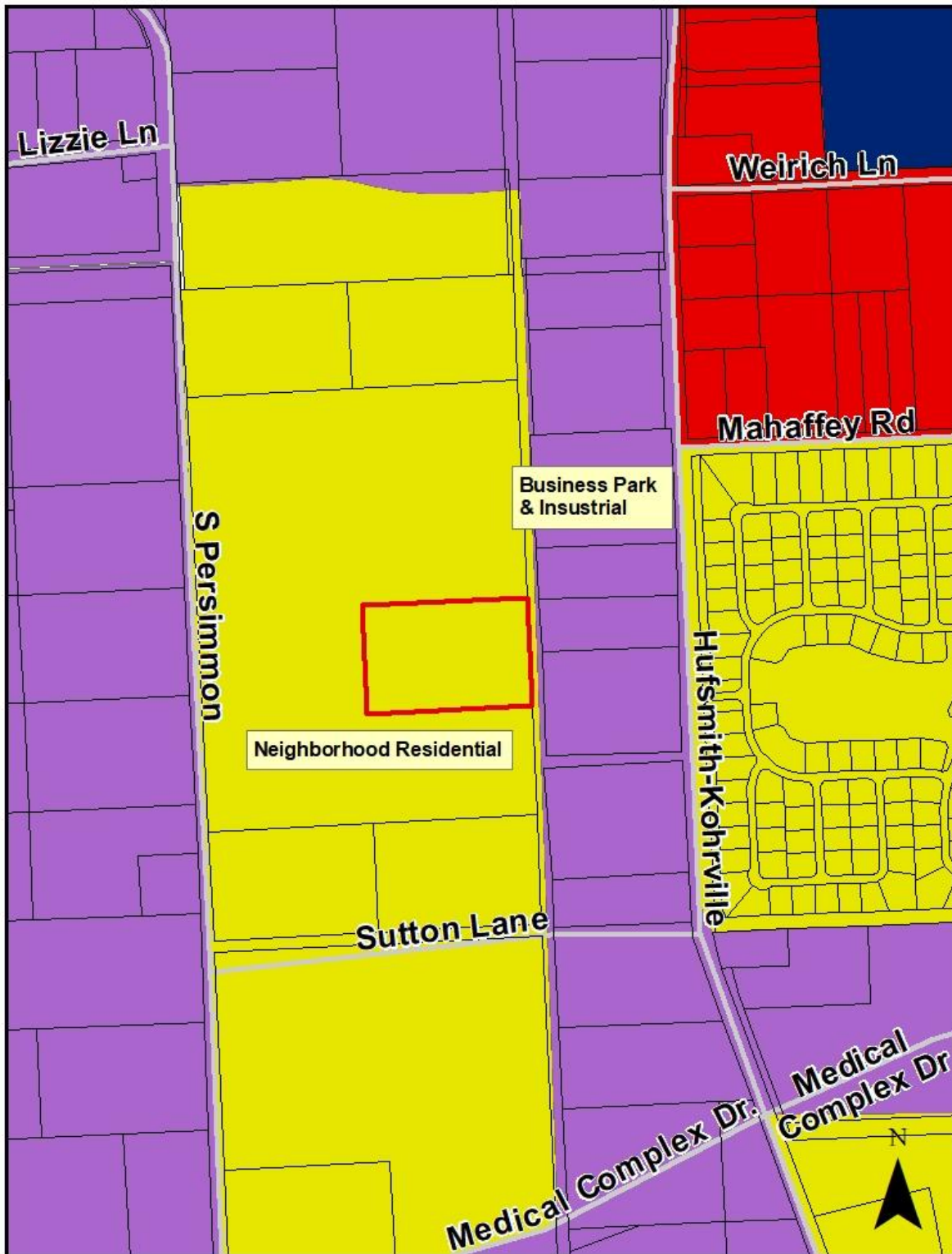
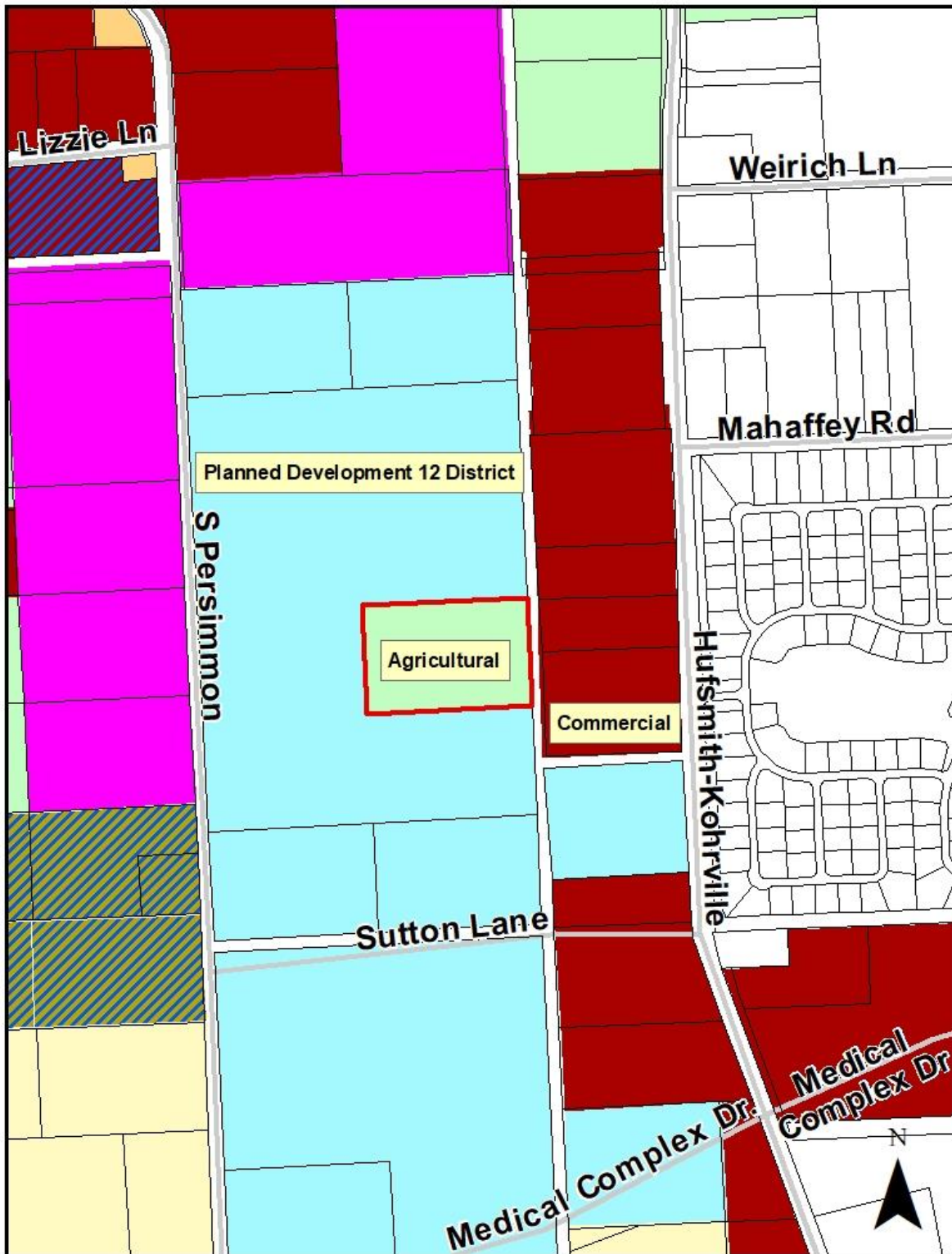


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Aerial image; unable to get to site due to lack of improved right-of-way

Exhibit "E"
Planned Development Application



RECEIVED (KC)
08/20/2020 12:29:04 PM

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

Revised 5/19/15

P&Z #20-238
\$1,000.00 PD.

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

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

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

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

Applicant

Name: Brian Stidham - HT Raburn Reserve Development LP Title: Director
Mailing Address: 609 Main Street Suite 2400 City: Houston State: Tx
Zip: 77002
Phone: (281) 743-9637 Fax: () Email: brian.stidham@hines.com

Owner

Name: Michael A Ott Title:
Mailing Address: 16840 Krug Rd City: Tomball State: Tx
Zip: 77377
Phone: (713) 299-1554 Fax: () Email: mike@mikeott.com

Engineer/Surveyor (if applicable)

Name: Chris Browne - EHRA Title:
Mailing Address: 1001 Meadowglenn Ln City: Houston State: TX
Zip: 77042
Phone: (713) 337-7447 Fax: () Email: cbrowne@ehrainc.com

Description of Proposed Project: Single Family - PD -12 Zoning

Physical Location of Property: Hufsmith Kohrville Rd and Willow Creek Estates Ln (Closest Intersection)
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lt 347 Tomball Outlot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352920000347 Acreage: 5

Current Use of Property: AG - Unimproved

Proposed Use of Property: PD -12 - Single Family Residential

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

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

X Brian Stidham 8/19/20
Signature of Applicant Date

X MAOTT 8-10-20
Signature of Owner Date

Hines

August 20, 2020

Mr. Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James Street
Tomball, TX 77375

Re: Request for Rezoning

Dear Mr. Meyers:

This letter serves as a formal rezoning request. The property in question is undeveloped but is currently zoned Agriculture District (AG) within the corporate limits of Tomball. We are requesting the property be rezoned to Planned Development (PD). More specifically we are requesting that this 5-acre tract be added to the boundary of the previously approved PD-12 which is immediately adjacent to the North, South, and West of this site.

The property is located west of Hufsmith Kohrville Road close to the intersection of Hufsmith Kohrville and Willow Creek Estates Ln and consists of 5 acres.

PD-12 created by ordinance 2019-13 allows for 400 single family lots. We are not requesting any change to PD-12 other than the addition of the 5-acre tract within its boundaries.

Access to the site will be from internal residential streets that connect to the rest of the Raburn Reserve residential development.

Attached to this request for reference is a copy of a survey of the 5-acre tract, a conceptual site plan, and a copy of ordinance 2019-13 that details the zoning requirements we would like this tract changed to.

Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully rezoning the referenced property.

Sincerely,

Brian Stidham

Brian P. Stidham
Director

609 Main Street, Suite 2400
Houston, Texas 77002
P 713.237.5665
F 713.237.5657

BURKLIN SURVEYING COMPANY
1431 GRAHAM DRIVE - SUITE 201
TOMBALL, TEXAS 77375
(713) 351-7153

NOTE: REFERENCE BEARING SOUTH 89°51'00" EAST ALONG
SOUTH LINE OF 30.00 FOOT WIDE PUBLIC ROAD,
NORTH LINE OF OUTLOT 357, WAS HELD FROM CAL-
CULATION DERIVED FROM RECORDED PLAT.

OUTLOT 343

OUTLOT 344

1/4" I.R. Set

S 89°45'00"E. 505.03'

1/4" I.R. Set

PLAT OF PROPERTY

PREPARED FOR
A. B. KLEIN TRUST

PLAT SHOWING SURVEY OF TOMBALL OUTLOT 347 IN THE JESSE
FRUIT SURVEY, ABSTRACT 629, HARRIS COUNTY, TEXAS, AS
PER MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75,
MAP RECORDS, HARRIS COUNTY, TEXAS.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY
OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBER
48201C0045 H; MAP REVISED, SEPTEMBER 30, 1992, SHOWS
THIS TRACT TO BE IN ZONE "A" AREAS DETERMINED TO BE
OUTSIDE THE 500 YEAR FLOOD PLAIN.

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES
WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS
STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION
II SURVEY.

ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1679

DATED: AUGUST 14, 1996

NOTE: SURVEY DONE WITHOUT BENEFIT OF A TITLE REPORT.



KOHNVILLE - HUFFSMITH RD

OUTLOT 354

30' PUBLIC ROAD

1/4" I.R. Find (Held)

S 89°51'00"E. 474.09'

30' PUBLIC ROAD UNIMPROVED

S 00°02'32"W. 377.60'

OUTLOT 347
50767 ACRES

OUTLOT 346

N 00°13'18"E. 377.60'

N 89°42'00"W. 386.24'

OUTLOT 350

OUTLOT 349

1/4" I.R. Set

Find C.W.R.
Set By Eason

"A"

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 103.7 ACRES OF LAND LEGALLY DESCRIBED AS LOTS 338, 339, 341 THROUGH 344, 346, 349, 350, 352 THROUGH 356, 358, 359, 361 THROUGH 365 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL, SINGLE-FAMILY 20 ESTATE AND COMMERCIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON ROAD FROM LIZZIE LANE TO AGG 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, Stan Winter, with Jones | Carter, has requested that approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family master planned development, with some commercial use; and

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

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) 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, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) 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-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JUNE 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>ABSENT</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 1ST DAY OF JULY 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



Revised 5/19/15

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

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

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

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

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

Applicant: JONES I CARTER
Name: STAN WINTER, AICP Title: VCE PRESIDENT
Mailing Address: 1575 SANDVIST ROAD City: HOUSTON State: TX
Zip: 77380
Phone: (281) 363 9039 Fax: () Email: SWINTER@JONESCARTER.COM

Owner: HINES ACQUISITIONS LLC
Name: BRIAN STIDHAM Title: DIRECTOR
Mailing Address: 609 MAIN STREET City: HOUSTON State: TX
Zip: 5.2400
Phone: (13) 237 5747 Fax: (13) 237 5657 Email: BRIAN.STIDHAM@HINES.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: _____

Physical Location of Property: _____

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

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

www.tomballtx.gov

Legal Description of Property: TRACTS 1, 39.49 AC, TRACT 2, 4.953; TRACT 3, 4.176 AC
AND TRACT 4, 55.126 ACRES Survey/Abstract No. and Tracts; or platted Subdivision Name with Lot/Block
TOMBALL, TX. OF THE LESSE FARMER SURVEY, A. 629
HCAD Identification Number: 035290000 0338, Acreage: 103.7 AC.
035290000 0382, 035290000 0360, 035292000 0358, 035292000 0343, 035292000 0353
035292000 0364, 035292000 0355, 035292000 0526
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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 STWA 5-1-19
Signature of Applicant Date

X BS 5-1-19
Signature of Owner Date

Legal Description of Property: TRACTS 1: 39.49 AC, TRACT 2: 4.953; TRACT 3: 4.376
AND TRACT 4: 55.1246 ACRES [Survey/Abstract No. and Tracts or platted Subdivision Name with Lots/Block]
TOMBALL, TX. OUT OF THE JESSE PRUITT SURVEY, A. 629
HCAD Identification Number: 03529 0000 0338, Acreage: 103.7 AC.
03529 0000 0382, 03529 0000 0360, 03529 0000 0358, 03529 0000 0343, 03529 0000 0353
03529 0000 0364, 03529 0000 0325, 03529 0000 0526
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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 STA 5-1-19
Signature of Applicant Date

X Tawn Rahurn Seal 5/26/2019
Signature of Owner Date

Exhibit “B”
Planned Development Regulations

EXHIBIT B
Planned Development
Raburn Reserve

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots
- Development Regulations for non-residential uses.
- Amenities and Landscape Regulations
- Sidewalks and Trails
- Building Regulations

B. General Provisions.

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

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

3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1a:	<i>Location Map</i>
Exhibit B-1b:	<i>Jurisdiction Map</i>
Exhibit B-2:	<i>Site Plan</i>
Exhibit B-3:	<i>Landscape, Open Space & Amenities Plan</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5:	<i>Local Residential Street – Cross Section</i>
Exhibit B-6:	<i>Entry Street – Cross Section</i>

4. As shown on Exhibit B-1a, *Location Map*, the PD encompasses 103.7 acres, located west of Huffsmith Kohrville Road, east of S. Persimmon Street and primarily north of future Medical Complex Drive.

C. Land Uses.

1. Commercial: Permitted land uses for the Commercial tract on Exhibit B-2, *Site Plan* shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.
2. Flex: Permitted land uses for the tracts identified as “Flex” on Exhibit B-2, *Site Plan* shall be either of those uses permitted in SFR listed below or with General Retail District, GR of the Zoning Ordinance.

3. SFR: Permitted land uses are listed below.

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

- D. Development Regulations for Single Family Lots** – Maximum 400 lots permitted, total lot count, generally in a configuration and location as shown on [Exhibit B-2, Site Plan](#), single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide. Except: the maximum number of lots 45 feet wide shall not exceed, 200 lots - 50 percent of the total maximum number of lots.
2. Lots shown on [Exhibit B-2, Site Plan](#)
 - (a) Minimum lot area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
 - (b) Minimum lot width: 45 feet
 - (c) Minimum lot depth 115 feet
 - (d) Maximum lot coverage: 60%
3. Minimum building setbacks:
 - (a) Front yard: 20 feet;
 - (b) Rear yard: 15 feet;
 - (c) Side yard: 5 feet, 15 feet on street side of a corner lot.

- E. Development Regulations for non-residential uses.** –. All provisions and regulation regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

- F. Amenities and Landscape Regulations** – As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following landscape regulations:

1. Recreation sites and amenities:
 - (a) A minimum 1.5 acres recreational reserve, centrally located within the development shall be located near the main project entry, shall include a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A minimum 6, off-street parking spaces shall be provided. And at a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - (c) Amenities shall include:
 - A swimming pool.
 - Restroom facilities rooms and shade structure
 - Playground
 - Picnic facilities.
2. Landscape buffers:
 - (a) 15-foot minimum buffer shall be provided along all major thoroughfares and adjacent the boulevard entry streets. As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)
 - (b) 10-foot minimum buffer, contiguous to lot lines, shall be provided along non-boulevard entry street(s). As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)

- (c) Required buffers along major thoroughfares and boulevard entry streets shall include one shade tree for each 30 feet of street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need not be placed evenly.
- (d) Required buffers may include trails.

3. Open Space:

- (a) Minimum 5% open space, to be distributed as shown on [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).
- (b) All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's homeowner's association. [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).

4. Shade trees:

- (a) A minimum of one tree shall be placed within the front yard setback on each residential lot. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#).
- (b) In addition, one tree shall be provided within 15 feet of a street-side lot line per 50 feet of lot frontage on the side street, or portion thereof. Required trees shall be placed within the side yard setback. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#).
- (c) Within street medians trees shall be provided at one tree per 30 linear feet of median or portion thereof.
- (d) Shade trees shall have a minimum 2-inch caliper and minimum 6-foot height as measured at ground level when planted.

5. Plant species used to satisfy the requirements of the PD are listed on [Exhibit B-4, Plant List](#).

G. Sidewalks and Trails: As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following:

1. Sidewalks & trails:

- (a) Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- (b) All sidewalks shall be paved with concrete.

H. Building Regulations – Single family homes within the PD shall be developed in accordance with the following building regulations:

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - a. Single Story and first floor of a two (plus) story house – Front and side elevations shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Rear elevations may be primary or secondary finishes.
 - b. Upper Story of a two (plus) story house – Front elevation shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Side and Rear elevations may be comprised of primary and secondary finishes.
2. Secondary exterior finishes shall include wood, ceramic tiles, and fiber cement siding such as or similar to Hardie Board or Hardie Plank, and engineered wood siding such as or similar to LP Smartside.
3. Use of architectural metals is limited to canopies, roof systems, and miscellaneous trim work and such use shall meet the durability standards of the development code.
4. The Director may approve alternative Primary or Secondary exterior finishes not specified herein if the Director determines that the alternative finish is respective of the architectural elements of the existing historical industrial buildings, substantially equal to or better than a specified Primary or Secondary exterior finish in quality, durability, and appearance, and the use thereof will not violate any provision of this Final Development Plan.
5. The following building materials shall not be used on the exterior finish:
 - (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (b) Smooth or untextured concrete surfaces.
 - (c) Exterior Insulated Finish Systems (E.I.F.S.)

Exhibit B-4 Plant List for Raburn Reserve

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata 'Nellie R. Stevens'</i>
Savannah Holly	<i>Ilex attenuata 'Savannah'</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Montrey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia 'Bosque' or 'Drake'</i>

Small & Ornamental Trees:

Texas Redbud	<i>Cercis canadensis 'var. texensis'</i>
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokebush	<i>Cotinus obovatus</i>
Foster Holly	<i>Ilex x attenuata 'Fosterii'</i>
Possunhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica 'Basham's Pink', 'Natchez', 'Muskogee'</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifera</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia
Dwarf Bottlebrush

Japanese Cleyera
Sago Palm
Umbrella Plant
African/Butterfly Iris
Elaeagnus Ebbingei
Silverberry
Pineapple Guava
Red Yucca
Barbados Cherry
Fatsia
Dwarf Burford Holly
Chinese Holly
Dwarf Yaupon
Louisiana Iris
Dwarf Crape Myrtle
Ligustrum
Waxleaf Glossy Privet
Fringe Flower
Maiden Grass
Dwarf Wax Myrtle
Nandina
Purple Fountain Grass
Indian Hawthorn
Shrub Rose
Society Garlic
Sweet Viburnum
Bridal Wreath Spirea
Oleander
Dwarf Oleander
Plumbago
Dwarf Pomegranate
Kumquat
Muhly Grass
Dwarf Maiden Grass

Abelia x grandiflora 'Prostrata', 'Sherwoodi', Edward Goucher'
Callistemon citrinus 'Austroflora', 'Firebrand', 'Little John',
and 'Splendens'
Ternstroemia gymnathera
Cycas revoluta
Cyperus alternifolius
Dietes iridioides, *Dietes bicolor*
Elaeagnus macrophylla
Elaeagnus frilandii
Feijoa selowiana
Hesperaloe parviflora
Malpighia Glabra
Fatsia japonica
Ilex cornuta 'Burfordii Nana'
Ilex cornuta 'Rotunda'
Ilex vomitoria 'Nana'
Iris louisiana
Lagerstroemia indica 'Nana'
Ligustrum japonicum
Ligustrum lucidum
Loropetalum chinense
Miscanthus sinensis var.
Myrica pensilla
Nandina domestica
Pennisetum setaceum
Raphiolepis indica 'Clara'
Rosa spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Tulbaghia violacea
Viburnum spp.
Spirea prunifolia
Nerium oleander
Nerium oleander 'Petite Pink', 'Little Red'
Plumbago auriculata
Punica granatum 'Nana'
Fortunella spp.
Meuhlenbergia lindheimeri
Miscanthus sinensis 'Morning Light'

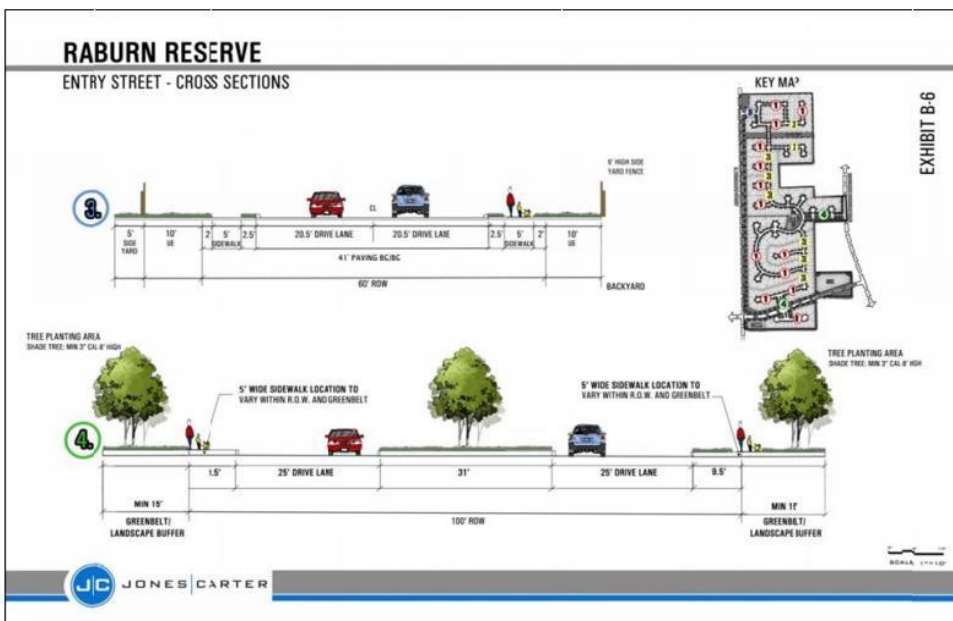
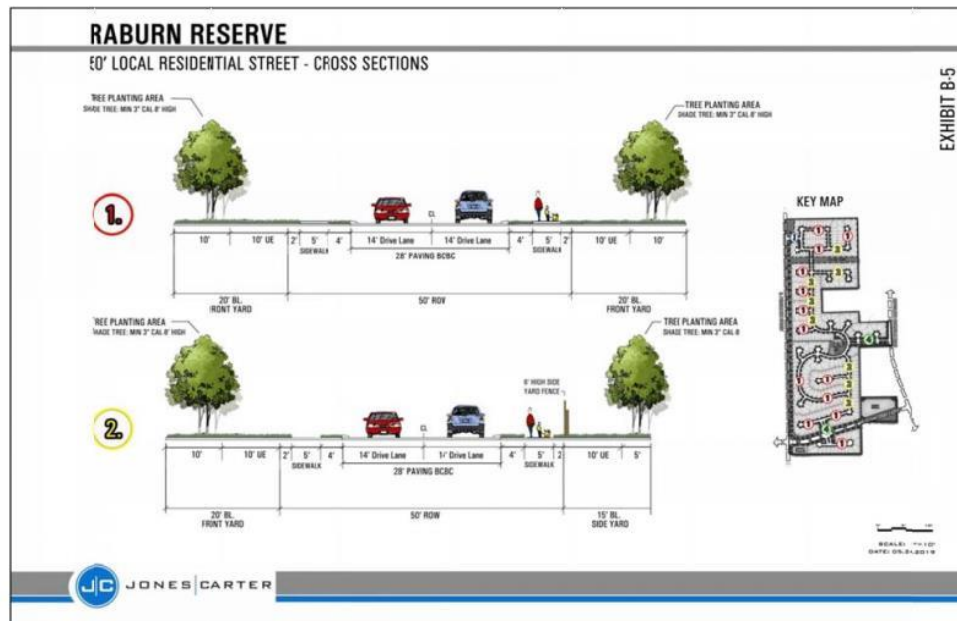


Exhibit "C"
Concept Plan



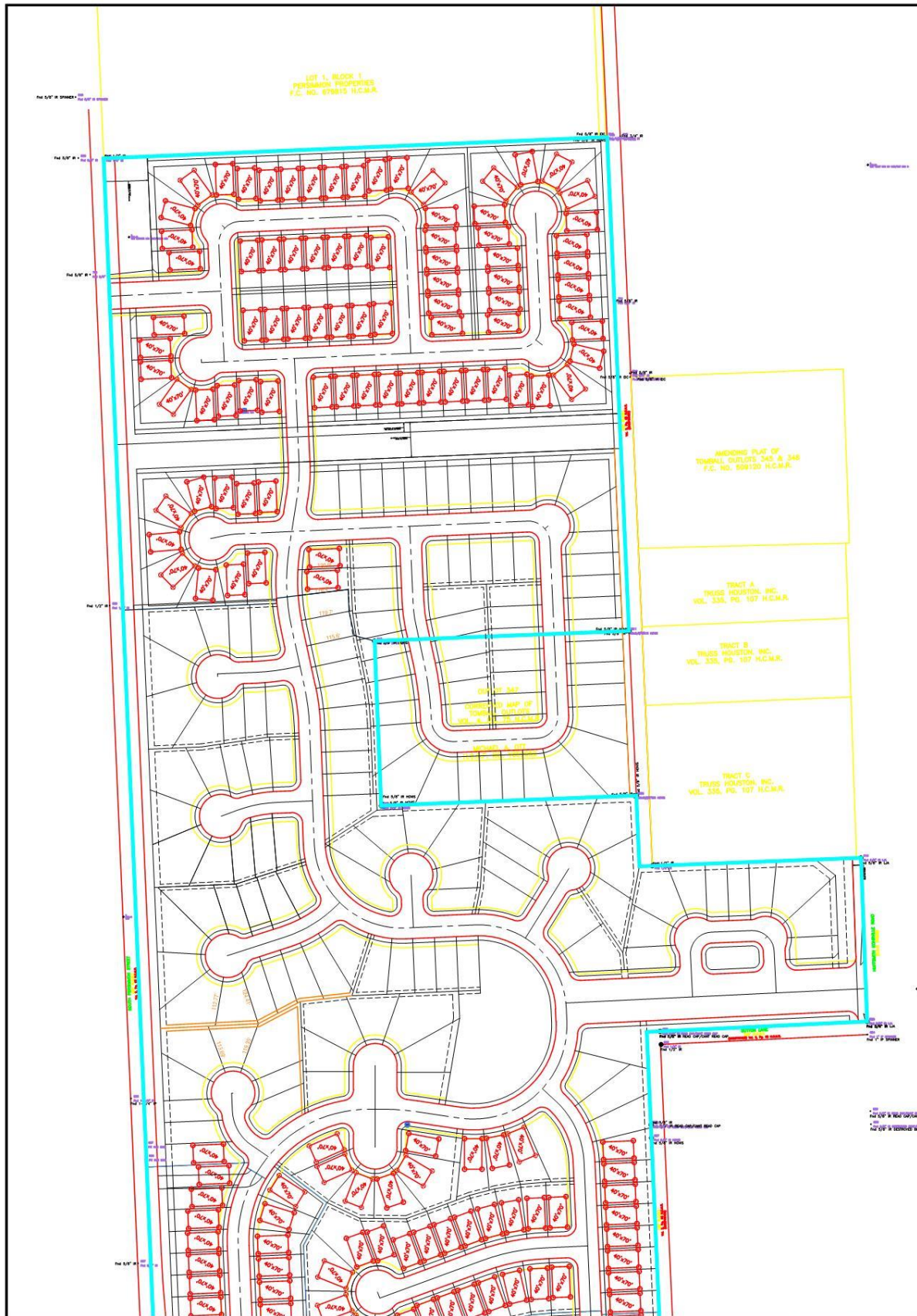
RABURN RESERVE

by

Hines



Exhibit “F” Concept Plan



Raburn Reserve

Section 1 Lot Revision from Plat & Section 2 re-lot with added land.

EHRA JOB NO. 181-056-00

June 25, 2020

No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.



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City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 2, 2020

Topic:

Approve Resolution 2020-41, a Resolution of the City Council of the City of Tomball, Texas, calling for a Public Hearing on the addition of land to the Raburn Reserve Public Improvement District located within the City of Tomball

Background:

Origination: HT Raburn Reserve Development, L.P.

Recommendation:

Approval

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

Craig Meyers, Director of
Community Development

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>Craig Meyers</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

RESOLUTION NO. 2020-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, CALLING FOR A PUBLIC HEARING ON THE ADDITION OF LAND TO THE RABURN RESERVE PUBLIC IMPROVEMENT DISTRICT LOCATED WITHIN THE CITY OF TOMBALL

WHEREAS, the City of Tomball, Texas (the "*City*"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "*Act*"), to create a public improvement district ("*PID*") within its corporate limits; and

WHEREAS, on July 26, 2019, Raburn Commercial Resources, LLC a Texas limited liability company (the "*Petitioner*"), the owner of approximately 103.7 acres within the corporate limits of the City, submitted and filed with the City Secretary of the City a petition (the "*Petition*") requesting the establishment of a PID to be known as the Reserve at Raburn Public Improvement District (the "*District*" or "*PID*"); and

WHEREAS, on July 26, 2019, the City Council of the City (the "*City Council*") received the Petition which was signed by the owners of more than 50% of the appraised value of the taxable real property liable for assessment and the record owners of more than 50% of the area of all taxable real property within the District that is liable for assessment, and as such, the Petition complies with the Act; and

WHEREAS, on August 5, 2019, the City Council accepted the Petition and called a public hearing for September 3, 2019, on the creation of the District and the advisability of the improvements; and

WHEREAS, notice of the hearing was published in a newspaper of general circulation in the City in which the District is to be located on August 14, 2019; and,

WHEREAS, on August 16, 2019, notice to the owners of property within the proposed District were sent by first-class mail to the owners of 100% of the property subject to assessment under the proposed District containing the information required by the Act such that such owners had actual knowledge of the public hearing to be held on September 3, 2019; and

WHEREAS, the City Council opened and conducted such public hearing on the advisability of the improvements and the creation of the District, and closed such hearing on September 3, 2019; and

WHEREAS, the City Council approved the creation of the PID by Resolution No. 2019-41 approved on October 7, 2019, (the "*Original Creation Resolution*") and published the Original Creation Resolution as authorized by the Act; and

WHEREAS, subsequent to the City's approval of the Original Creation Resolution, the City abandoned approximately two (2) acres of right-of-way that the Petitioner requested be added to the boundaries of the PID (the "*Additional Land*"); and

WHEREAS, on October 7, 2019 the City approved Resolution No. 2019-42 calling a public hearing on the addition of the Additional Land to the boundaries of the PID; and

WHEREAS, on October 9, 2019, notice of public hearing regarding the addition of the Additional Land to the PID was mailed to the owners of the Property within the PID and notice of the public hearing was published in a newspaper of general circulation, in the PID on October 23, 2019; and

WHEREAS, the City Council opened and conducted such public hearing on the addition of the Additional land to the PID and closed such hearing on November 4, 2019; and

WHEREAS, on November 4, 2019 the City Council held a public hearing on the additional of the Additional Land to the PID; and

WHEREAS, on November 4, 2019 the City Council approved a resolution amending and restating the Original Creation Resolution (the “*Amended Creation Resolution*”) to add the Additional Land to the boundaries of the PID; and

WHEREAS, the Petitioner has now acquired an additional approximately 5.072 acres of land adjacent to the PID as set forth in Exhibit A, (the “*Adjacent Land*”) and wishes to add such Adjacent Land to the boundaries of the PID; and

WHEREAS, the Petitioner has submitted a petition to the City to add the Adjacent Land to the PID, such petition is attached hereto as Exhibit B; and

WHEREAS, the City Council wishes to add such Adjacent Land to the PID at the request of the Petitioner and desires to call a public hearing and authorizing the publication and mailing of notice in order to amend and restate the Amended Creation Resolution to add the Adjacent Land to the boundaries of the PID;

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

SECTION 1: That a public hearing is hereby scheduled at 6:00 P.M. on December 7, 2020, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 to receive public comment on the inclusion of the Adjacent Land within the PID as shown on the map attached hereto as Exhibit A; and

SECTION 2: That notice of said hearing, in the substantially final form set forth in Exhibit C attached hereto, with such changes as may be approved by the City’s counsel, shall be published in a newspaper of general circulation in the City and in a newspaper of general circulation in the City before the 15th day prior to the hearing as required by the Act; and

SECTION 3: That written notice, in the substantially final form set forth in Exhibit C attached hereto with such changes as may be approved by the City’s counsel, shall be mailed to each property owner, as reflected on the tax rolls, of property subject to assessment within the Adjacent Land, before the 15th day prior to the date set for the hearing; and

SECTION 4: That all of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein; and

SECTION 5: That if any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision; and

SECTION 6: That this Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

DULY RESOLVED by the City Council of the City of Tomball, Texas, on the 2nd day of November, 2020.

[Signature Page Follows]

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

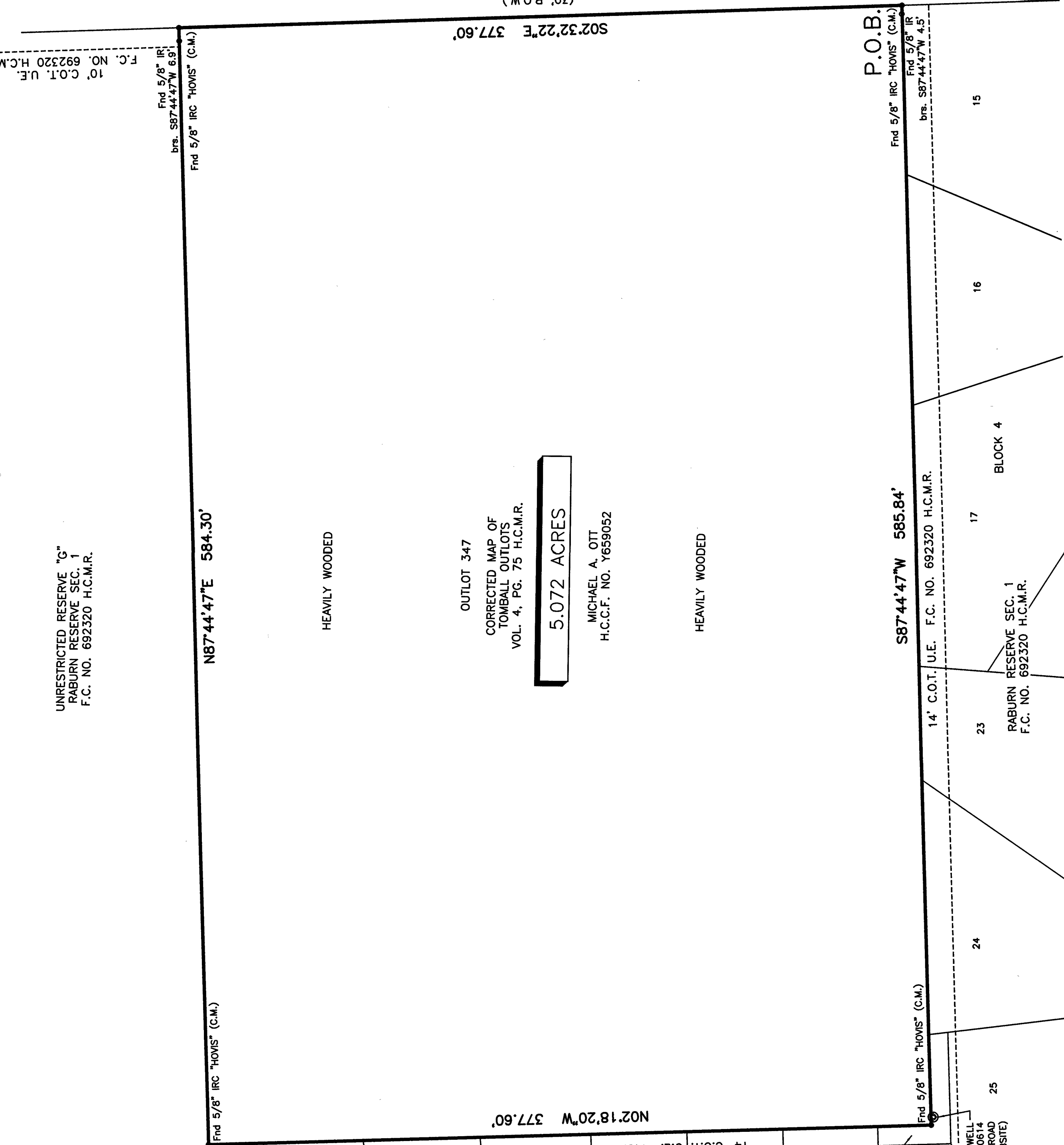
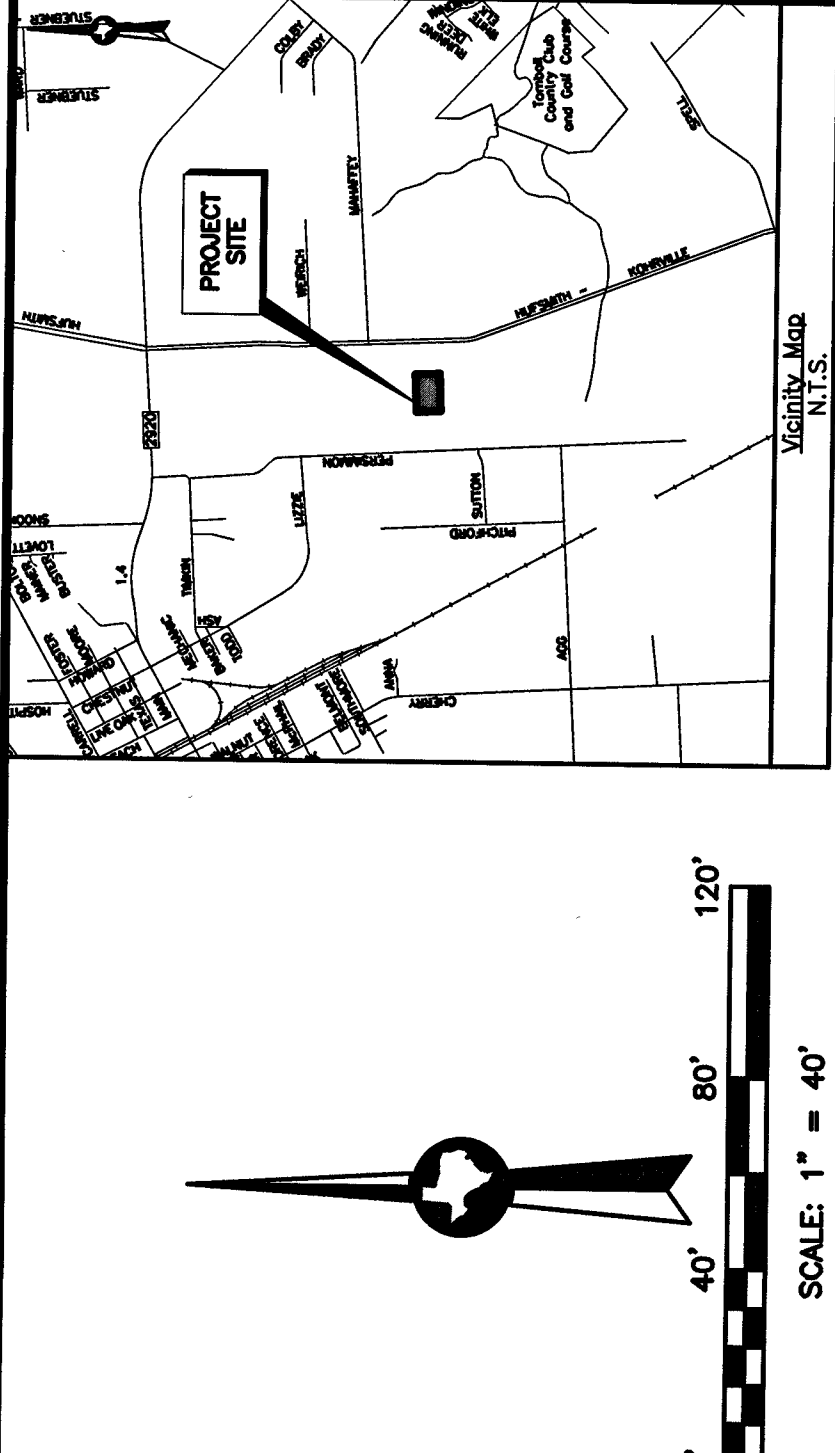
EXHIBIT A
ADJACENT LAND

GENERAL NOTES:

- 1.Easements and other recorded information shown hereon are as per Commitment for Title Insurance prepared by Fidelity National Title Insurance Company, GF No. ch-7655-1076552000203-JL with an effective date of July 16, 2020. No further research for easements or encumbrances was performed by Edminster, Hinshaw, Russ & Associates, Inc. d/b/a/ EHRA.
- 2.The basis of Bearings shown hereon is referenced to the Texas Coordinate System, NAD83, South Central Zone (TXSC 4204) as determined by GPS measurements.
- 3.According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Harris County, Texas, Map No. 48201C0230L dated June 18, 2007; the subject tract lies within unshaded zone "X", areas determined to be outside the 0.2% annual chance of flood.
- This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made obstructions. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, Edminster, Hinshaw, Russ and Associates, Inc. assume no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ and Associates, Inc.
- 4.This survey does not determine the location of wetlands, fault lines, toxic waste, cemeteries, landfills, dumps or any other environmental issues.
- 5.Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, has not been provided with construction plans showing the location of underground utilities. Underground utilities may exist which are not shown hereon.
- 6.Readily visible improvements/utilities were located with this survey. no subsurface probing, excavation or exploration was performed by Edminster, Hinshaw, Russ & Associates, Inc. d/b/a/ EHRA.
- 7.Fences shown hereon with dimensional ties are shown where they were physically measured. The fence line may meander between measured locations.
- 8.This survey does not address any oil, gas or mineral interest.

SCHEDULE B NOTES

- 10b. Interest in and to all oil, gas and other minerals, and all rights incident hereto contained in instrument recorded under Volume 992, Page 45 Harris County Deed Records – (NO COMMENT BY SURVEYOR)



TRACT A
TRUSS HOUSTON, INC.
VOL. 335, PG. 107 H.C.M.R.

TRACT B
TRUSS HOUSTON, INC.
VOL. 335, PG. 107 H.C.M.R.

TRACT C
TRUSS HOUSTON, INC.
VOL. 335, PG. 107 H.C.M.R.

METES AND BOUNDS DESCRIPTION
BEING 5.072 ACRES
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

A 5.072 ACRE TRACT OF LAND IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS, BEING ALL OF OUTLOT 347 OUT OF THE CORRECTED MAP OF TOMBALL OUTLOTS, VOL. 4, PG. 75 H.C.M.R., AS RECORDED UNDER VOLUME (VOL.) 4, PAGE (PG.) 75 OF THE HARRIS COUNTY CLERK'S FILE NUMBER (H.C.F. NO.) 692320 H.C.M.R., THE SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8" iron rod with cap stamped "Hovis" found in the westerly line of said Outlot 347, a distance of 377.60 feet, to a 5/8" iron rod with cap stamped "Hovis" found, marking the northeast corner of Lot 15, Block 4 of Raburn Reserve Sec. 1, and the southeast corner of said Outlot 347 and the herein described tract;

THENCE South 87°44'47" West, along the northerly line of said Block 4, and the southerly line of said Outlot 347, and the herein described tract, passing at a distance of 585.84 feet, to a 5/8" iron rod with cap stamped "Hovis" found marking an interior corner of Reserve "G", of said Raburn Reserve Sec. 1, and the northwest corner of the herein described tract;

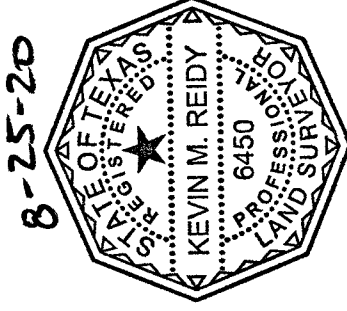
THENCE North 02°18'20" West, along the east line of said Block 4, and the west line of said Outlot 347, a distance of 377.60 feet, to a 5/8" iron rod with cap stamped "Hovis" found, marking on interior corner of Reserve "G", of said Raburn Reserve Sec. 1, and the northwest corner of the herein described tract;

THENCE North 87°44'47" East, along the southerly line of said Reserve "G", and the northerly line of said Outlot 347, passing at a distance of 577.4 feet, to a 5/8" iron rod with cap stamped "Hovis" found on the westerly R.O.W. line of aforesaid unnamed road, marking the southeast corner of said Reserve "G", and the northeast corner of said Outlot 347, and the herein described tract;

THENCE South 02°32'22" East, along the westerly R.O.W. line of said unnamed road, and the easterly line of said Outlot 347, a distance of 377.60 feet, to the POINT OF BEGINNING and containing 5.072 acres of land.

To: Hines Acquisitions LLC, a Delaware limited liability company
Fidelity National Title Insurance Company
Michael A. Ott

This survey was made in accordance with and satisfies the requirements of the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and conforms to the current standards promulgated by the Texas Board of Professional Land Surveying.



Kevin M. Reidy
Registered Professional Land Surveyor
Texas Registration No. 6450

REV	DESCRIPTION	BY	DATE
3			
2			
1			



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPLS No. 10092300

LAND TITLE SURVEY OF
OUTLOT 347 OUT OF THE
CORRECTED MAP OF TOMBALL
OUTLOTS VOL. 4, PG. 75 H.C.M.R.
JESSE PRUETT SURVEY, A-629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

DATE: 8/24/2020 SCALE: 1" = 40'
JOB NO: 181-056-00
R:\2018\181-056-00\Drawing\Boundary\UTS_Outlot_347_082420.dwg

**METES AND BOUNDS DESCRIPTION
BEING 5.072 ACRES
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS**

A 5.072 ACRE TRACT OF LAND IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS, BEING ALL OF OUTLOT 347 OUT OF THE CORRECTED MAP OF TOMBALL OUTLOTS AS RECORDED UNDER VOLUME (VOL.) 4, PAGE (PG.) 75 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.) CONVEYED TO MICHAEL A. OTT IN DOCUMENT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) Y659052, THE SAID 5.072 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8" iron rod with cap stamped "Hovis" found in the westerly Right-Of-Way (R.O.W.) line of an unnamed road (based on a width of 30 feet) as dedicated by Vol. 2, Pg. 65 H.C.M.R., marking the northeast corner of Lot 15, Block 4 of Raburn Reserve Sec. 1, map or plat thereof recorded under Film Code Number (F.C. NO.) 692322 H.C.M.R. and the southeast corner of said Outlot 347 and the herein described tract;

THENCE, South 87°44'47" West, along the northerly line of said Block 4, and the southerly line of said Outlot 347, and the herein described tract, passing at a distance of 4.5 feet, a found 5/8" iron rod, continuing a total distance of 585.84 feet, to a 5/8" iron rod with cap stamped "Hovis" found marking an interior corner of Reserve "L", of said Raburn Reserve Sec 1, and the southwest corner of said Outlot 347, and the herein described tract;

THENCE, North 02°18'20" West, along the east line of said Block 4, and the west line of said Outlot 347, a distance of 377.60 feet, to a 5/8" iron rod with cap stamped "Hovis" found, marking an interior corner of Reserve "G", of said Raburn Reserve Sec. 1, and the northwest corner of the herein described tract;

THENCE, North 87°44'47" East, along the southerly line of said Reserve "G", and the northerly line of said Outlot 347, passing at a distance of 577.4 feet, a 5/8" iron rod, continuing a total distance of 584.30 feet, to a 5/8" iron rod with cap stamped "Hovis" found on the westerly R.O.W. line of aforesaid unnamed road, marking the southeast corner of said Reserve "G", and the northeast corner of said Outlot 347, and the herein described tract;

THENCE, South 02°32'22" East, along the westerly R.O.W. line of said unnamed road, and the easterly line of said Outlot 347, a distance of 377.60 feet, to the **POINT OF BEGINNING** and containing 5.072 acres of land.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPLS No. 10092300



Kevin M. Reidy, R.P.L.S.
Texas Registration No. 6450
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: August 25, 2020

Job No: 181-056-00

File No: R:\2018\181-056-00\Docs\Description\Boundary\OL-347-M&B_082520.doc

EXHIBIT B
PETITION

PETITION FOR ADDITION OF LAND INTO RABURN RESERVE PUBLIC IMPROVEMENT DISTRICT

This petition ("Petition") is submitted and filed with the City Secretary of the City of Tomball, Texas ("City"), by Michael A. Ott, (the "Petitioner"), the owner of approximately 5.072 acres (the "Property"), more particularly described by the metes and bounds description in **Exhibit A** and depicted in **Exhibit B**, located within the corporate limits of the City and located contiguous to the District, as hereinafter defined. Acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the "Act"), the Petitioner requests that the City add the Property into the existing Raburn Reserve Public Improvement District (the "District") and amend the boundaries of the District to include the Property. In support of this Petition, the Petitioner would present the following:

Section 1. General Nature of the Authorized Improvements. The general nature of the proposed public improvements (collectively, the "Authorized Improvements") may include: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to gas, water, wastewater and drainage (including detention) improvements and facilities; (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

Section 2. Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire, and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment administration and operation of the District, is \$15,000,000. The City will pay none of the costs of the proposed improvements from funds other than such assessments. The remaining costs of the proposed improvements will be paid from sources other than the City or assessments of property owners.

Section 3. Boundaries of the District. The boundaries of the District shall be amended to include the land described by the metes and bounds description in **Exhibit A**.

Section 4. Method of Assessment. The City currently levies or will levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment, and must continue for a period necessary to retire the indebtedness of those Authorized Improvements (including interest).

Section 5. Apportionment of Costs between the District and the City. The City is not obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the District and possible tax increment reinvestment zone revenue. The Petitioner may also pay certain costs of the improvements from other funds available to the Petitioner.

Section 6. Management of the District. The District is managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.

Section 7. The Petitioner Requests Addition of the Property into the District. The person(s) signing this Petition request(s) the addition of the Property into the District, is duly authorized, and has the corporate authority to execute and deliver the Petition.

Section 8. Advisory Board. The District has been established and managed without the creation of an advisory board. If an advisory board is created, the Petitioner requests that a representative of the Petitioner be appointed to the advisory board.

Section 9. Landowner(s). This Petition has been signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal.

This Petition is hereby filed with the City Secretary of the City, or other officer performing the functions of the municipal secretary, in support of the annexation of the Property into the District by the City Council of the City as herein provided. The undersigned request that the City Council of the City call a public hearing on the advisability of the Authorized Improvements, give notice thereof as provided by law and grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioner may show itself to be entitled.

EXHIBIT A**Metes and Bounds Description**

**METES AND BOUNDS DESCRIPTION
BEING 5.072 ACRES
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS**

A 5.072 ACRE TRACT OF LAND IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS, BEING ALL OF OUTLOT 347 OUT OF THE CORRECTED MAP OF TOMBALL OUTLOTS AS RECORDED UNDER VOLUME (VOL.) 4, PAGE (PG.) 75 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.) CONVEYED TO MICHAEL A. OTT IN DOCUMENT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) Y659052, THE SAID 5.072 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8" iron rod with cap stamped "Hovis" found in the westerly Right-Of-Way (R.O.W.) line of an unnamed road (based on a width of 30 feet) as dedicated by Vol. 2, Pg. 65 H.C.M.R., marking the northeast corner of Lot 25, Block 4 of Raburn Reserve Sec. 1, map or plat thereof recorded under Film Code Number (F.C. NO.) 692322 H.C.M.R. and the southeast corner of said Outlot 347 and the herein described tract;

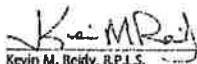
THENCE, South 87°44'47" West, along the northerly line of said Block 4, and the southerly line of said Outlot 347, and the herein described tract, passing at a distance of 4.5 feet, a found 5/8" iron rod, continuing a total distance of 585.84 feet, to a 5/8" iron rod with cap stamped "Hovis" found marking an interior corner of Reserve "L", of said Raburn Reserve Sec. 1, and the southwest corner of said Outlot 347, and the herein described tract;

THENCE, North 02°18'20" West, along the east line of said Block 4, and the west line of said Outlot 347, a distance of 377.60 feet, to a 5/8" iron rod with cap stamped "Hovis" found, marking an interior corner of Reserve "G", of said Raburn Reserve Sec. 1, and the northwest corner of the herein described tract;

THENCE, North 87°44'47" East, along the southerly line of said Reserve "G", and the northerly line of said Outlot 347, passing at a distance of 977.4 feet, a 5/8" iron rod, continuing a total distance of 584.30 feet, to a 5/8" iron rod with cap stamped "Hovis" found on the westerly R.O.W. line of aforesaid unnamed road, marking the southeast corner of said Reserve "G", and the northeast corner of said Outlot 347, and the herein described tract;

THENCE, South 02°32'22" East, along the westerly R.O.W. line of said unnamed road, and the easterly line of said Outlot 347, a distance of 377.60 feet, to the **POINT OF BEGINNING** and containing 5.072 acres of land.

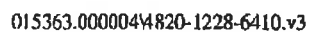
ADMINISTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba ENRA, Inc. TBPLS No. 10092300


Kevin M. Reidy, R.P.L.S.
Texas Registration No. 6450
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: August 23, 2020
Job No: 181 058-00
File No: R:\2018\181-058-00\Docs\Description\Boundary\OL-347 M&B_082520.doc

Depiction Of The Property



RESPECTFULLY SUBMITTED, on this the 27 ^{October} day of ~~November~~, 2020.

PETITIONER:

By: M A Ott
Name: Michael A. Ott

Massachusetts
STATE OF ~~TEXAS~~ §
COUNTY OF Worcester §

This instrument was acknowledged before me on Oct 27th, 2020,
Michael Anthony Ott signed in front of me Jana Bromell, notary.

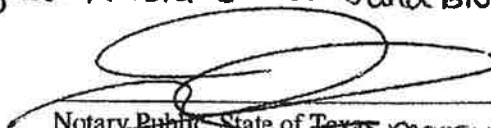

Notary Public, State of Texas Massachusetts



EXHIBIT C

NOTICE OF PUBLIC HEARING OF THE CITY OF TOMBALL, TEXAS TO CONSIDER THE ADVISABILITY OF ADDING LAND TO THE RABURN RESERVE PUBLIC IMPROVEMENT DISTRICT LOCATED WITHIN THE CITY.

NOTICE IS HEREBY GIVEN THAT the City Council (the "City Council") of the City of Tomball, Texas (the "City"), pursuant to Chapter 372 of the Texas Local Government Code, as amended (the "Act"), will hold a public hearing at 6:00 p.m. on December 7, 2020, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 for the purpose of considering the addition of approximately 5.072 acres of land to the Raburn Reserve Public Improvement District.

The Raburn Reserve Public Improvement District (the "PID") was created by Resolution of the City Council on October 7, 2019, as amended on November 4, 2019, and the City and property owners of approximately 5.072 acres of land adjacent to the PID (the "Adjacent Land") now wish to add such land to the boundaries of the PID.

GENERAL NATURE OF THE AUTHORIZED IMPROVEMENTS: The general nature of the proposed public improvements within the PID (collectively, the "Authorized Improvements") may include: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to gas, water, wastewater and drainage (including detention) improvements and facilities; (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

ESTIMATED COST OF THE AUTHORIZED IMPROVEMENTS: The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment, administration and operation of the PID is \$15,000,000 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and

maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

PROPOSED METHOD OF ASSESSMENT: The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.

PROPOSED APPORTIONMENT OF COSTS BETWEEN THE CITY AND THE PID: The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the PID and from other sources of funds available to the Petitioners.

BOUNDARIES OF THE PROPOSED PID: Approximately 110.072 Acres of Land within the City of Tomball, Harris County, Texas, Said Property Being Generally Located on the East Side of South Persimmon Road from Lizzie Lane to Agg Road (such approximately 110.072 acres to include the Adjacent Land to be added to the PID). A metes and bounds description of the PID Boundaries and the boundary of the Adjacent Land is available for inspection at the offices of the City Secretary at the location described above.

All interested persons are invited to attend such public hearing to express their views with respect to the inclusion of the Adjacent Land within the PID and the Authorized Improvements to be made therein.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

THE CITY OF TOMBALL, TEXAS

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 2, 2020

Topic:

Adopt on First Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; 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:

The amendment to Section 46.56 – Deposits Required will be amended to “Utility Account Deposits.”

The amendment will provide a consistent approach for the collection of deposits for both residential and commercial utility accounts and establish a clear process of deposits being returned for both residential and commercial accounts after verification that the utility account has an eligible account history for a refund.

Origination: Finance Department

Recommendation:

Adopt Ordinance Number 2020-32 on first reading

Party(ies) responsible for placing this item on agenda: Glenn Windsor, Finance Director

FUNDING (IF APPLICABLE)

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

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

Signed Glenn Windsor, CPA Approved by _____
Finance Director 10/28/20 City Manager Date

ORDINANCE NO. 2020-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING THE CODE OF ORDINANCES BY REPEALING SECTION 46.56 – DEPOSITS REQUIRED AND SECTION 46.57 – REFUND OF DEPOSITS, OF ARTICLE II, RATES AND CHARGES, OF CHAPTER 46, UTILITIES, IN THEIR ENTIRETY; ADOPTING A NEW SECTION 46.56 – UTILITY ACCOUNT DEPOSITS, ESTABLISHING THE TERMS AND CONDITIONS FOR UTILITY ACCOUNT DEPOSITS AND REFUNDS OF UTILITY ACCOUNT DEPOSITS; 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, it is incumbent upon the City of Tomball, Texas (the “City”) to establish and/or update utility account deposits for water, wastewater, and sanitation;

WHEREAS, the City of Tomball desires to change the deposits required to obtain residential and commercial utility service in an effort to reduce financial losses incurred when customers fail to pay for utility services and to provide for a more uniform system of deposits and returns;

WHEREAS, the City Council of the City of Tomball, Texas, finds that it is in the best interest of the health, safety and welfare of the citizens to change the deposits required to obtain residential and commercial utility service and deposit returns as set forth 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. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by repealing Section 46.56 – Deposits Required and Section 46.57 – Refunds, of Article II, Rates and Charges, of Chapter 46, Utilities, as previously adopted on December 19, 1988 by Ordinance No. 1988-12, in their entirety. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. The Code of Ordinances of the City of Tomball, Texas, is further amended by adopting a new Section 46.56 – Utility Account Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, to read as follows:

“Section 46.56. – Utility Account Deposits.

(a) Security Deposit.

1. *Residential.* A single-family residential unit shall, prior to obtaining water from the city, shall post a security deposit as provided for in the Master Fee Schedule as adopted or amended by the City Council. This security deposit shall be held by the City under the conditions and terms of subsection (b)(1). Residential security deposits may not be reassigned to another account; and in the event of a change of occupant the new occupant shall be required to post a new security deposit.
2. *Commercial.* A commercial unit shall, prior to obtaining water from the City, post a security deposit as provided for in the Master Fee Schedule as adopted or amended by the City Council. This security deposit shall be held by the City under the conditions and terms of subsection (b)(2). Commercial security deposits may not be reassigned to another account; in the event of a change of occupancy the new occupant shall be required to post a new security deposit.
3. *Temporary Fire Hydrant Meter.* Prior to obtaining a temporary Fire Hydrant Meter from the City, a security deposit shall be posted as provided for in the Master Fee Schedule as adopted or amended by City Council. This security deposit shall be held by the City under the conditions and terms of subsection (b)(3). Temporary Fire Hydrant Meter security deposits may not be reassigned to another account; and in the event of a change of contractor the new contract shall be required to post a new security deposit.

At any time the City Manager, or authorized representative, reserves the right to review required security deposits and make changes on a case by case basis.

(b) Security Deposit Return.

1. *Residential.* The residential security deposit shall be held by the City for a period of one (1) year. All residential accounts will be evaluated annually and those accounts maintaining an eligible account history with no more than one (1) late penalty assessment, one (1) disconnection for non-payment, and one (1) returned check, will receive a security deposit refund in the form of a credit to the their utility account.
 - i. Residential accounts that are closed will receive a security deposit refund in the form of a check, after the final payment has been received and the account closed. If payment is not received within 30 days of the final bill being issued, the security deposit will be applied to the final balance and the remainder refunded.
2. *Commercial.* The commercial security deposit shall be held by the City for a period of five (5) years. All commercial accounts will be evaluated annually and those accounts maintaining an eligible account history with no more than one (1) late penalty assessment, one (1) disconnection for non-payment, and one (1) returned check, will receive a security deposit refunded in the form of a credit to their utility account.
 - i. Commercial accounts that are closed will receive a security deposit refund in the form of a check, after the final payment has been received and the account closed. If payment is not received within 30 days of the final bill being issued, the security deposit will be applied to the final balance and the remainder refunded.
3. *Temporary Fire Hydrant Meters.* The security deposit shall be held by the City for the duration of the account or until the contractor request the account to be closed and a final utility bill issued. Once final payment has been received the security deposit will be refunded in the form of a check. If payment is not received within 30 days of the final bill being issued, the security deposit will be applied to the final balance and the remainder refunded.”

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.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF OCTOBER 2019.

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

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF OCTOBER 2019.

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 2, 2020

Topic:

Approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021.

Background:

Resolution No. 2020-38, amending the Impact Fee Effective Dates and Utility Rate Computation in the Master Fee Schedule for Fiscal Year 2020-2021, is presented to Council for consideration and approval.

The revision to the Impact Fees is to reflect the appropriate effective dates based on approved Ordinance Number 2019-24, adopting the City of Tomball Impact Fees.

The revision to the Utility Rate Computation is amended to reflect the new deposit rates for residential customer accounts and the computation method for commercial customer accounts.

Upon approval of the fees presented, a revised copy of the Master Fee Schedule will be posted on the City's website.

Origination: City Secretary's Office

Recommendation:

Staff recommends approving Resolution No. 2020-38

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

RESOLUTION NO. 2020-38

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AMENDING IMPACT FEES AND UTILITY DEPOSIT COMPUTATION, PER CITY OF TOMBALL ORDINANCE NO. 2020-38, IN THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021.

* * * * *

WHEREAS, on September 21, 2020, the Tomball City Council adopted a Master Fee Schedule for Fiscal Year 2020-2021 to provide easier access for Tomball residents and commercial interests; and

WHEREAS, the Tomball City Council finds it advisable and necessary to amend the amend the City of Tomball Impact Fee effective dates and Utility Deposit Computation Rates in accordance with Resolution No. 2020-38; **NOW, THEREFORE**

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

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

Section 2. Page 17, Impact Fees, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2020-2021 is hereby amended to reflect the revised Effective Dates of the Impact Fees adopted by the City of Tomball Ordinance Number 2019-24, to reflect October 1, 2020 – September 30, 2021, a copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2020-2021.

Section 2. Page 58, Utility Deposit Computation, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2020-2021 is hereby amended to reflect the new deposit rates for residential and commercial customer accounts, copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2019-2020.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND RESOLVED this 2nd day of November 2020.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

BUILDING PERMIT FEES

DOMESTIC AND COMMERCIAL GAS TAP FEES

BORING FEE

If a bore is required for the installation of a tap a fee will be assessed based on the tap size:

<u>Bore Length</u>	<u>BORE FEE</u>
Up to 80'	\$375.00

A bore in excess of 80 feet (80') or in the State Right-of-Way, services will be contracted and subject to the City's Procurement procedures

IMPACT FEES

PER CITY OF TOMBALL ORDINANCE NO. 2019-24

Effective October 1, 2020 – September 30, 2021*

<u>LUE'S</u>	<u>WATER</u> <u>METER SIZE</u>	<u>WATER</u>	<u>SEWER</u>	<u>TOTAL</u>
1.0	3/4"	\$3,023.75	\$2,521.00	\$5,554.75
2.5	1"	\$5,049.66	\$4,210.07	\$9,259.73
5.0	1 1/2"	\$10,069.09	\$8,394.93	\$18,464.02
8.0	2"	\$16,116.59	\$13,436.93	\$29,553.52
16.0	3"	\$35,287.16	\$29,420.07	\$64,707.23
25.0	4"	\$60,475.00	\$50,420.00	\$110,895.00
50.0	6"	\$136,068.75	\$113,445.00	\$249,513.75
80.0	8"	\$161,256.59	\$134,444.93	\$295,701.52

Drainage effective August 18, 2014:

M118 per acre	\$5,757.81
M121E per acre	\$7,886.69
M121W per acre	\$6,692.00
M125 per acre	\$ 436.88

Revised 9/21/2020

UTILITY FEES

City Administrative Service Charge: All utility customers will be assessed a monthly service charge fee of \$1.00 per account.

Waste Corporation of Texas Administrative Fee: All direct bill customer of WCA will be assessed a monthly service charge of \$5.50.

UTILITY DEPOSIT COMPUTATION

Residential Accounts - A deposit of \$200.00 will be required for every residential account.

Commercial Accounts - Average annual bill of previous occupant multiplied by two (2) or \$300.00, whichever is greater.

~~Residential Accounts — Average 12 months of previous billing and multiply by 2 (Round result).
— If result is under \$100, minimum deposit will be \$100.00.~~

~~Commercial Accounts — Average 12 months of previous billing and multiply by 2 (Round result).
— If result is under \$125, minimum deposit will be \$125.00.~~

WATER RATES

The monthly rates and charges for potable water provided by the City shall be as follows:

- a. **Small Residential.** A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.
- b. **Medium Residential.** A base rate of \$12.54, plus a consumption charge of \$3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 10,001 gallons or more up to 15,000 gallons during the billing month.
- c. **Large Residential.** A base rate of \$14.42, plus a consumption charge of \$4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 15,001 gallons or more during the billing month.
- d. **Small Commercial.** A base rate of \$18.45, plus a consumption charge of \$3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons during the billing month.
- e. **Medium Commercial.** A base rate of \$29.70, plus a consumption charge of \$4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons during a billing month.
- f. **Large Commercial.** A base rate of \$51.99, plus a consumption charge of \$5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more during a billing month.

Bulk Sales. A base rate of \$87.05, plus a consumption charge of \$4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be \$1,000.00.

The City collects additional surcharges, based on rates established by the **North Harris County Regional Water Authority**, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases.

WATER METER TESTING FEE

In the event a customer request a meter to be tested and the meter is found to be in working order, the account will be accessed a meter testing fee based on the meter size.

In addition to the meter testing fee, the customer will be also be accessed a Bench Test Fee of \$35.00.

Meter Size (Inches)	Testing Fee
0.75	\$75.00
1.0	\$75.00
1.5	\$125.00
2.0	\$125.00
3.0+	\$150.00

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

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

Sanitary Sewer Rates – Residential	
Monthly Base Charge	\$9.65
Volume Rate per 1,000 gallons	\$3.37
(Residential Usage Based on Winter Average)	

Residential - Summer Rates (March-October): Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

Sanitary Sewer Rates - Commercial	
Monthly Base Charge	\$23.50
Volume Rate per 1,000 Gallons	
0 – 5,000	\$4.27
5,001 – 51,000	\$5.33
Above 51,000	\$6.67

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

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

Residential Sanitary Sewer Rates (not receiving potable water)	
Monthly Base Rate	\$39.56

Commercial Sanitary Sewer Rates (not receiving potable water)	
Monthly Base Rate	\$65.83
Fee per drain (in excess of 10)	\$2.62

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

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

1. Residential Service:
 - a. Bag Service: \$15.70
 - b. Poly Cart Service (Refuse Only): \$18.70
 - c. Poly Cart Service (Recycling Only) \$18.70
 - d. Poly Cart Service (Refuse & Recycling): \$21.70
2. Special Collection (Large Bulk):
 - a. Service Fee: \$40.00
 - b. Disposal Cost (per yard): \$20.00

3. Small Commercial with Poly Cart:

Service	Rate per Month
1 Collection per Week	\$30.00
Additional Cart – once per week collection	\$25.00
2 Collections per week	\$35.00
Additional cart – twice per week collection	\$30.00
Weekly Recycling Collection	\$10.00
Cart replacement (MSW and/or Recycling)	\$85.00

4. Monthly Rate for Dumpsters:

Size	Frequency	Rate per Month
2 Yard	1	\$75.00
2 Yard	3	\$142.00
3 Yard	1	\$90.00
3 Yard	2	\$140.00
3 Yard	3	\$215.00
3 Yard	4	\$270.00
3 Yard	5	\$335.00
3 Yard	6	\$400.00
3 Yard Additional Container	1	\$85.00
3 Yard Additional Container	2	\$130.00
3 Yard Additional Container	3	\$200.00
3 Yard Additional Container	4	\$250.00

3 Yard Additional Container	5	\$310.00
3 Yard Additional Container	6	\$370.00
4 Yard	1	\$100.00
4 Yard	2	\$155.00
4 Yard	3	\$230.00
4 Yard	4	\$290.00
4 Yard	5	\$360.00
4 Yard	6	\$430.00
4 Yard Additional Container	1	\$90.00
4 Yard Additional Container	2	\$145.00
4 Yard Additional Container	3	\$215.00
4 Yard Additional Container	4	\$270.00
4 Yard Additional Container	5	\$330.00
4 Yard Additional Container	6	\$400.00
6 Yard	1	\$125.00
6 Yard	2	\$200.00
6 Yard	3	\$300.00
6 Yard	4	\$370.00
6 Yard	5	\$460.00
6 Yard	6	\$550.00
6 Yard Additional Container	1	\$115.00
6 Yard Additional Container	2	\$180.00
6 Yard Additional Container	3	\$275.00
6 Yard Additional Container	4	\$340.00
6 Yard Additional Container	5	\$425.00
6 Yard Additional Container	6	\$510.00

8 Yard	1	\$150.00
8 Yard	2	\$245.00
8 Yard	3	\$355.00
8 Yard	4	\$450.00
8 Yard	5	\$550.00
8 Yard	6	\$650.00
8 Yard Additional Container	1	\$135.00
8 Yard Additional Container	2	\$225.00
8 Yard Additional Container	3	\$320.00
8 Yard Additional Container	4	\$375.00
8 Yard Additional Container	5	\$490.00
8 Yard Additional Container	6	\$565.00

a. Additional Dumpster Fees

Description	Fee	Occurrence
Additional Collection	\$100.00	Per Collection
Exchange Charge	\$60.00	Per Exchange
Casters	\$90.00	One-time fee
Locks	\$90.00	One-time fee

5. Roll-Off Containers (Temporary or Permanent):

Size	Delivery Fee	Daily Rent	Hauling Rate	Trip Charge
20 Yard	\$130.00	\$6.50	\$185.00	\$145.00
30 Yard	\$130.00	\$6.50	\$200.00	\$145.00
40 Yard	\$130.00	\$6.50	\$210.00	\$145.00

6. Self-Contained & Stationary Compactor (standard pricing for all sizes)

Hauling Rate	Disposal Rate/Ton	Trip Charge
\$275.00	\$40.00	\$145.00

City Council Meeting Agenda Item Data Sheet

Meeting Date: November 2, 2020

Topic:

Discussion regarding parking regulations for single-family residential homes.

Background:

Chapter 50 (Zoning) currently requires two off-street parking spaces per single-family home. Chapter 50 also states that the two required off-street parking spaces shall be paved of the same material of the abutting street, or concrete. The first two parking spaces included in a covered garage or carport do not count towards required off-street parking.

Origination: Mark Stoll, City Council Position 2

Recommendation:

N/A

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

Craig Meyers, Director of
Community Development

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>Craig Meyers</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date