

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: December 18, 2023

#### Topic:

Resolution No. 2023-56, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on January 15, 2024, for the creation of Tomball Public Improvement District No. 15 (Graylou Grove) and being located within the City of Tomball.

#### Background:

Resolution No. 2023-56 pertains to Tomball Public Improvement District No. 15, also known as Graylou Grove, which encompasses approximately 43.149 acres located on the east side of Hufsmith-Kohrville Road, at the intersection of Medical Complex Drive. The resolution will accept the PID petition received from FLS Development, LLC, and calls for a public hearing on DATE to consider the creation of a PID.

On September 19, 2022 City Council approved an amendment to the Administrative Policy for Public Improvement Districts (PIDs). The PID Policy amendment specified that the maximum term and assessment for a debt PID as \$0.48 per \$100 assessed value for 30 years and \$0.96 per \$100 assessed value for 15 years. Additionally, the development provides amenities but none than provide a unique or special benefit to the City of Tomball compared to amenities that have been included in both non-PID developments and PID developments.

The submitted petition requests the creation of a bond PID. Staff is recommending denial of the petition for the following reasons based on the adopted PID policy:

- Maximum term and assessment for debt PID.
  - The development is requesting a 30-year debt PID at a \$0.95 per \$100 assessed value.
- Minimum acreage of 50-acres for a debt PID.
  - The PID petition states acreage for requested PID is 43.149 acres.
- Non-adherence to adopted Master Plans and development ordinances.
  - Section II – E of the adopted PID policy requires that requested PID’s increase or enhance the City’s transportation and roadway plans. The preliminary concept plan submitted with the PID application, does not show the road being constructed to and through the residential portion of the development as previously discussed with City Council and staff.
    - Code of Ordinances, Section 38-125 (When Construction is Permitted):  
“...must construct street or drainage facilities in such a manner that they will benefit other property owners, may at their cost and expense construct such street and drainage facilities in accordance with the master plan of the city and in accordance with such conditions as may be prescribed by the ordinances of the city or the city council.”
    - Code of Ordinances, Section 40-64 (Public Streets; General Arrangement and Layout): “Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area:”

- Section X-A of the adopted PID policy requires that plans for proposed development shall be prepared and reviewed by the City in compliance with the City’s development ordinances regarding land use, development, infrastructure design, permitting, and inspections.
  - Based on the Code of Ordinances, Section 40-65 (Streets, specific standards), (f) (Dead-end Streets): *“Dead-end streets shall not be approved except in those instances where the street is terminated by a temporary circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property...”*, the development is not proposing a connection to the neighboring development thus creating a dead-end in the adjacent development.

Staff has provided a copy of the PID policy to the developer and discussed the policy requirements with them. Since the proposed PID application and development does not meet requirements as defined in the adopted PID policy.

The PID policy does maintain that Council has the flexibility to consider unique and desirable elements, and grants Council the final authority for PID creation if the proposed development does not meet the minimum requirements.

**Origination:** Project Management

**Recommendation:**

Staff recommends denial of the PID Petition received from FLS Development, LLC for Public Improvement District No. 15, Graylou Grove, with no further action required.

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

**FUNDING (IF APPLICABLE)**

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

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

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

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