

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 70.4 ACRES OF LAND LEGALLY DESCRIBED AS BEING PART OF LOT 2, BLOCK 1 OF BAKER HUGHES EDUCATION CENTER (DESCRIBED IN EXHIBIT “A”), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM LIGHT INDUSTRIAL (LI) TO THE PLANNED DEVELOPMENT (PD-18) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF FM 2920 AND HUFSMITH KOHRVILLE 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, Baker Hughes Oilfield Operation LLC, represented by META Planning + Design, has requested that approximately 70.4 acres of land, legally described as being part of Lot 2, Block 1 of Baker Hughes Education Center, generally located near the northeast corner of the intersection of FM 2920 and Hufsmith Kohrville Road, within 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 mixture of a commercial and single-family residential development; 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-18) 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 Light Industrial (LI) to the Planned Development (PD-18) 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-18) 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-18) District as described above.

Section 5. The Planned Development (PD-18) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-18) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the Planned Development Regulations (Exhibit "B") and concept plan(s) (Exhibits "C", "D", and "E") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF APRIL 2022.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF MAY 2022.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Metes & Bounds Description

BEING a tract or parcel of land containing 70.4368 acres of land, out of the Jesse Pruitt Survey, Abstract 629, Harris County, Texas; said 70.4368 acres being out of Lot 2, Block 1 in the Final Plat of Baker Hughes Education Center, City of Tomball, Harris County, Texas; being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with "Gruller" cap set for the northwest corner of both the herein described tract and aforesaid Lot 2, and being the southeast intersection of the east Right-of-Way (R.O.W) line of FM 2978 and the south R.O.W. line of Dement Lane;

THENCE, coincident the south R.O.W line of aforesaid Dement Lane and the north line of aforesaid Lot 2, N. 87° 01' 51" East, 724.07 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of both the herein described tract and said Lot 2 and being the northwest corner of that certain tract of land of record in the name of Barbara Heiden Seber in H.C.C.F Number 20070065189;

THENCE, coincident the most westerly east line of aforesaid Lot 2 and the west line of aforesaid Seber Tract, S. 02° 12' 12" East, 834.59 feet to a 5/8 inch iron rod found for the southwest corner of called 1.681-acre tract of record in the name of Jim and Kelli Seber in H.C.C.F Number 20080008247

THENCE N. 87° 16' 29" East, 1,278.93 feet to a 5/8 inch iron rod with "Gruller" cap set for the most southerly northeast corner of both the herein described tract and aforesaid Lot 2 and being the common corner of that certain tract of land of record in the name of Charles and Kennie Kerr in H.C.C.F Number Y112197, a called 15.207-acre tract of record in the name of Charles and Barbara Seber in H.C.C.F Number M412244 and a called 10.70836-acre tract of record in the name of ABCO Land Corporation in H.C.C.F Number W000422;

THENCE, coincident the east line of aforesaid Lot 2 and the west line of aforesaid 10.70836-acre tract, S. 02° 36' 58" East, 1,11.53 feet to a 5/8 inch iron rod with "Gruller" cap set for the most northerly southeast corner of both the herein described tract and said Lot 2 and being the northeast corner of Restricted Reserve "A" in Fifield Addition in Film Code Number 691391, H.C.M.R.;

THENCE, coincident the north line of aforesaid Reserve "A", South 87° 23' 02" West, a distance of 324.85 feet to a 5/8 inch iron rod with "Gruller" cap set for the northwest corner of said Reserve "A";

THENCE, coincident with west line of aforesaid Reserve "A", South 02° 36' 58" East, 494.19 feet to a 5/8 inch iron rod found for the southeast corner of both the herein described tract and aforesaid Lot 2, being the southwest corner of said Reserve "A" and being on the north ROW line of FM 2920;

THENCE, coincident the south line of aforesaid Lot 2 and the north ROW line of aforesaid FM 2920, S 87° 23' 41" West, 962.37 feet to a 5/8 inch iron rod found for the southwest corner of both the herein described tract and said Lot 2 and being the southeast corner of Lot 1 in aforesaid subdivision;

THENCE, coincident the east line of aforesaid Lot 1, N. 02° 31' 00" West, 972.76 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said Lot 1;

THENCE, coincident the north line of aforesaid Lot 1, S. 87° 22' 55" West, 180.22 feet to a 5/8 inch iron rod with "Gruller" cap set;

THENCE, through and across aforesaid Lot 2, the following three (3) courses:

1. N 30° 07' 47" West, 521.38 feet to 5/8 inch iron rod marked "Gruller" set for the beginning of a curve to the left;
2. Coincident aforesaid curve to the left, an arc length of 62.50 feet, having a radius of 25.00 feet, a central angle of 143° 13' 57" and a chord bearing of S 69° 14' 07" West, 47.45 feet to a 5/8 inch iron rod marked "Gruller";
3. S 02° 04' 25" East, 447.67 feet to a 5/8 inch iron rod marked "Gruller" set in the north line of aforesaid Lot 1;

THENCE, coincident the north line of aforesaid Lot 1, S 87° 22' 55" West, 531.45 feet to a 5/8 inch iron rod with "Gruller" cap set for the most northerly southwest corner of both the herein described tract and aforesaid Lot 2, being the northwest corner of said Lot 1 and being on the east ROW line of FM 2978;

THENCE, coincident the west line of aforesaid Lot 2 and the east ROW line of aforesaid FM 2978, the following two (2) courses:

1. N 09° 37' 30" East, 1,042.67 feet to a 5/8 inch iron rod marked "Gruller" set for the beginning of a curve to the left;
2. Coincident aforesaid curve to the left, an arc length of 446.19 feet, having a radius of 3,879.77 feet, a central angle of 06° 35' 21" and a chord bearing N 06° 19' 50" East, 445.95 feet to the **POINT OF BEGINNING** and containing 70.4368 acres of land.



Location: Near northeast corner of the intersection of FM 2920 and FM 2978

Exhibit “B”

Planned Development Regulations

Exhibit B

Planned Development

70 Ac FM 2920

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

1. General Provisions
2. Land Uses
3. Development Regulations for Single Family Lots
4. Development Regulations for Non-Residential Uses
5. Amenities and Landscape Regulations
6. Open Space and Trails
7. 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 ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in a SF-6 (Standard Single Family Residential) or GR (General Retail) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the above stated districts in effect on the effective date of this ordinance apply to this PD as written herein, except to the extent the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C – Concept Plan

Exhibit C1 – Landscape and Open Space Plan

Exhibit C2 – Fencing Plan

4. As shown on Exhibit C, the PD encompasses +/- 70 acres, located East of Huffsmith-Kohrville Dr and north of FM 2920.

C. Land Uses.

1. Single Family Residential: 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)
Accessory Building/Structure	
Home Occupation	
Residential Sales Office (Temporary)	
Wetlands	

2. Commercial: Permitted uses of the Commercial tracts on Exhibit C shall be those uses permitted within GR – General Retail of the Zoning Ordinance with the following exceptions.
 - a. Prohibited Uses:
 - i. Painting and Refinishing Shop
 - ii. Auto Body Repair/Painting
 - iii. Auto Paint Shop
 - iv. Auto Repair (major)
 - v. Propane Sales Filing (Retail)
 - vi. Any Manufacture or Industrial Process Not listed and Not prohibited by Law
 - vii. Concrete or Asphalt Mixing/Batching Plant (Temporary)
 - viii. Outdoor storage

- D. **Development Regulations for Single Family Lots** – Maximum 200 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

 1. The minimum lot width shall be 45 feet wide.
 2. Lots shown on Exhibit C
 - a. Minimum lots area:
 - i. 45' wide lots shall have a minimum area of 4,950 square feet.
 - ii. Lot width shall be measured at the building line.
 - b. Minimum lot width: 45 feet. Lot width shall be measured at the building line.
 - c. Minimum lot depth: 100 feet
 - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
 3. Minimum building setbacks:
 - a. Front yard: 20 feet; (measured from front building line)
 - b. Rear yard: 10 feet;
 - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

- E. **Development Regulations for non-residential uses**- All non residential development must adhere to standards ordinarily applicable within General Retail (GR) zoning, except as modified within this ordinance.
 1. Outdoor storage/sales:
 - a. Outdoor storage/sales shall be prohibited
 2. Parking lot screening:
 - a. All vehicle parking/maneuvering areas shall be screened from public rights-of-ways and residentially zoned properties by means of evergreen hedges, berms, or masonry walls that are consistent with the overall architectural design of the Planned Development. Said screening must be a minimum height of 36 inches.

- F. **Amenities and Landscape Regulations** – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:

1. Landscaping plans submitted for review must adhere to all landscaping standards outlined in this planned development. All landscape materials utilized within this planned development must be visually consistent in design and theme.
2. All landscaping standards ordinarily applicable within General Retail (GR) zoning shall apply to commercial developments, except as modified within this ordinance.
3. Recreation site and amenities:
 - a. A minimum one and one half (1.5) acres of recreational reserve shall be provided, within the development. This may be provided over no more than two (2) separate locations.
 - b. A minimum of 6, off-street parking spaces shall be provided. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both.
 - c. Amenities must include (but are not limited to) a total of three of the following items throughout the development:
 - Playground
 - Picnic Facilities
 - Walking, Biking, Hiking Trails (Pervious or impervious materials)
 - Pavilions
 - Recreation Centers
 - Swimming Pool(s)/Splash Pad(s)
 - Dog park
 - Active Recreation Facilities (basketball, tennis, soccer, baseball, etc.)
4. Landscape buffers:
 - a. 15' foot minimum buffer shall be provided along all arterials and within commercial areas contiguous to residential lot lines. As shown on Exhibit C1
 - b. 10-foot minimum buffer, contiguous to residential lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1. All Required buffers along arterials, collectors, and entry streets shall include one (1) large tree per 40 linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing natural-looking planting arrangement.
 - c. Required buffers along arterials, collectors, and entry streets shall include one (1) large tree per 40 linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing natural-looking planting arrangement.
 - d. Required buffers may include trails.
5. Open Space:
 - a. Minimum 20% space required throughout the entire development, to be distributed as shown on Exhibit C1
 - b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, detention, lakes, and wetlands.
 - c. At a minimum one and one half (1.5) acres shall be provided as parks (over a maximum of two sites).

- d. All required open spaces (including detention sites) shall be fully landscaped with trees and shrubs. Said landscaping shall be grouped or clustered to facilitate site design and provide an aesthetically pleasing natural-looking planting arrangement.
 - For every 20,000 square feet of designated recreation reserves/park space, four (4) trees must be planted.
 - For all detention areas that count toward the required open space, there must be a minimum of two (2) trees for every 20,000 square feet.
 - Said trees must be a minimum of two-inches in caliper, measured six inches above the ground, and shall be a minimum of five feet in height at the time of planting.
 - e. Where possible, preservation of mature trees shall be promoted. Tree preservation credits shall be granted in accordance with standards outlined in the City of Tomball's Code of Ordinances. All mature trees planned to be preserved must be called out on landscape plans submitted for review/approval, and appropriate measures must be taken throughout the course of construction to ensure their preservation. If a planned preserved tree dies, the number of required trees reduced by the allotted credits for the mature tree must be planted in its place.
 - f. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
 - g. The primary entry street into the Planned Development from FM 2920 must be provided fully landscaped boulevards. Said boulevard sections must be a minimum of eighty (80) feet right of way extended the entire linear extent of commercial activity.
- G. **Sidewalks** - As shown on Exhibit C1, the PD shall be developed in accordance with the following:
- 1. Sidewalks:
 - 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.
 - 2. Walking, Biking, Hiking Trails:
 - a. Minimum 6-foot wide multi-use paths shall be included within the boundaries of this planned development, providing ample connectivity between residential, commercial, and open space land uses. This should also be included as part of an exhibit showing the connectivity and cohesiveness of the development internally and externally.
 - b. Trails may be composed of pervious or impervious material.
 - 3. Crosswalks:
 - a. All pedestrian crossings must be defined by demarcated features (i.e. raised crosswalks, pedestrian "bump out" islands, crosswalk striping/painting, etc.)
 - b. Defined pedestrian crosswalks must be provided where commercial land uses are separated by entry streets.

H. Signage:

1. Given that this property's southeastern corner is the easternmost extent of the City limits of Tomball and located along FM 2920 a "Welcome to Tomball" gateway entrance sign shall be provided near the southeastern corner of the development along FM 2920. Any such signage shall be constructed and landscaped in a manner that will be cohesive architecturally with the overall Planned Development; announcing both the overall development as well as the entrance into the City of Tomball.
2. Freestanding pole signs shall be prohibited
3. All signage within this PD must be monument-style signs. Said monument signs must be architecturally similar to the design of the overall planned development district.
4. All signage must be provided with landscaping that is generally consistent with the landscaping design of the overall site.
5. The City Manager or their designee shall be the reviewing body and hold final authority in the approval/disapproval of all signs associated with commercial and residential development(s). In determining the suitability of signage within this PD, signs shall be reviewed to ensure architectural and overall design consistency is maintained throughout the Planned Development.

I. Land Use Buffer(s):

1. A minimum 25-foot-wide unobstructed vegetative buffer yard along all property boundaries separating a more intense zoning classification from a less intense zoning classification.
 - a. Along said property boundaries, a minimum of one (1) two-inch caliper tree shall be provided per 25 lineal feet and one (1) one-inch caliper tree shall be planted alternating between the larger trees at staggered intervals.
 - b. An opaque fence or wall with a minimum height of 6-feet shall be provided along the property boundary of the more intensive use. Existing fences/walls may be utilized to achieve this requirement. All residential property boundaries adjoining right-of-ways for Hufsmith Kohrville and Winfrey must be furnished with community fencing that has a minimum height of 6-feet in the locations as depicted on Exhibit C-2. The community fencing must consist of an upgraded wood fence with masonry columns. The fence design must be submitted to the City of Tomball's Planning Office for review and approval, prior to final approval of the residential subdivision final plats.
 - c. Pipeline easements can be used toward the total buffer yard width requirement.

J. Minor Modifications –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Planning Director.

1. Modifications to internal street patterns are allowed
2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.

3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

Exhibit "C"

Concept Plan (Layout)

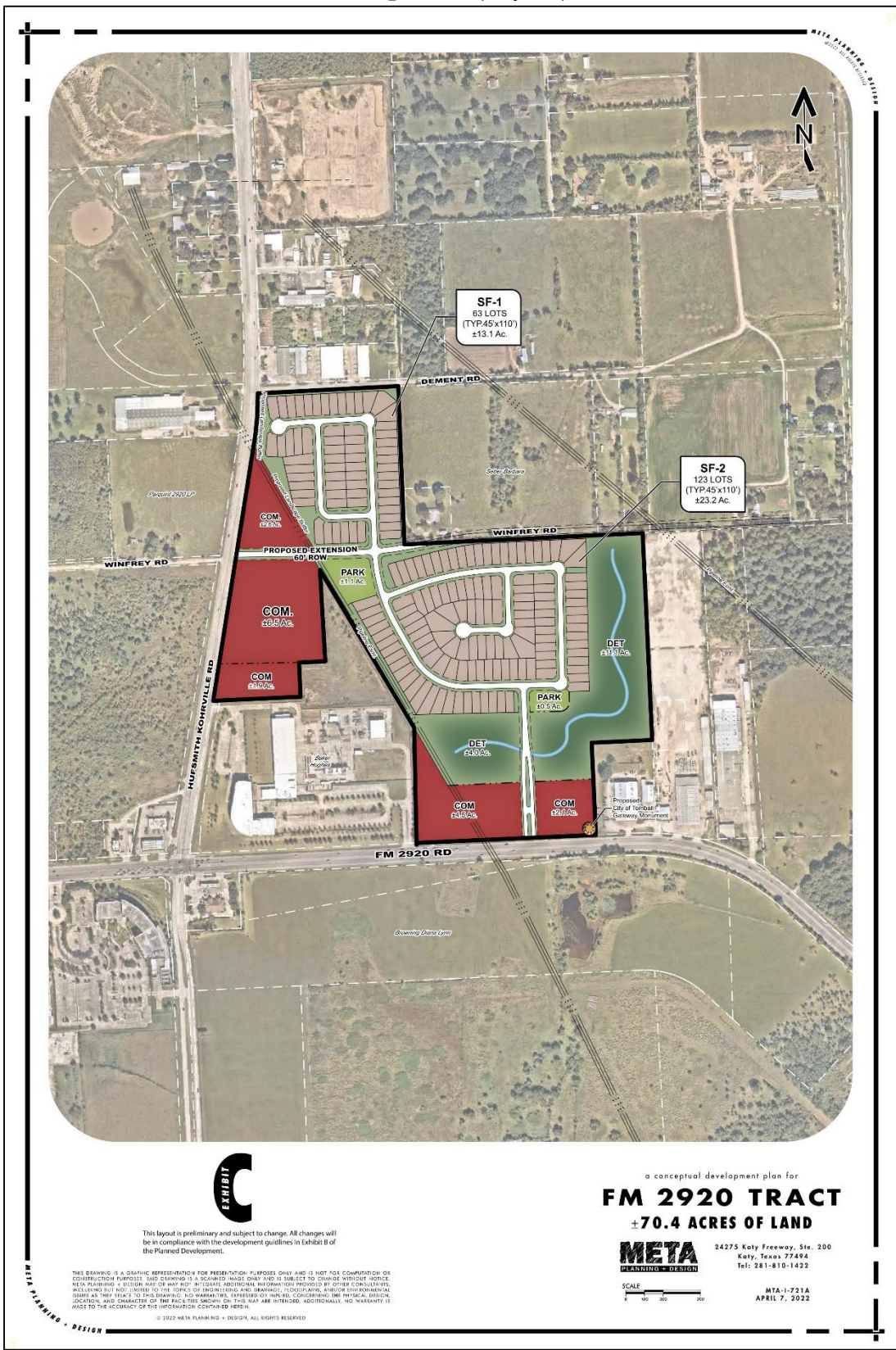


Exhibit "D"

Concept Plan (Open Space/Connectivity)

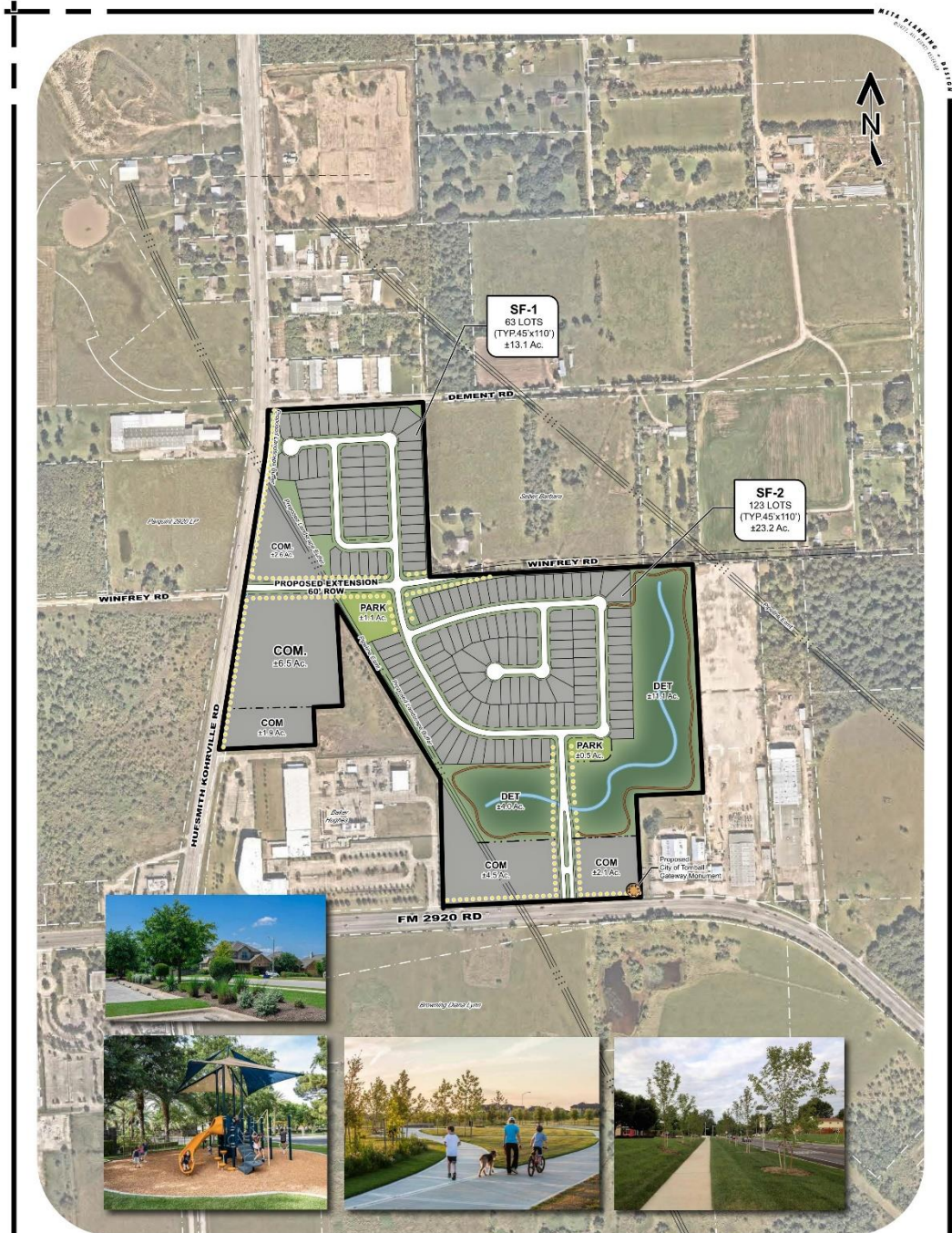


EXHIBIT C1

This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

LEGEND

- PROPOSED 5' SIDEWALK
(Additional sidewalks will extend adjacent to all SF lots)
- PROPOSED 6' TRAIL

an open space exhibit for
FM 2920 TRACT
+70.4 ACRES OF LAND



24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1622

SCALE
0 100 200

MTA-1-721A
APRIL 7, 2022

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Exhibit "E" Concept Plan (Fencing Plan)

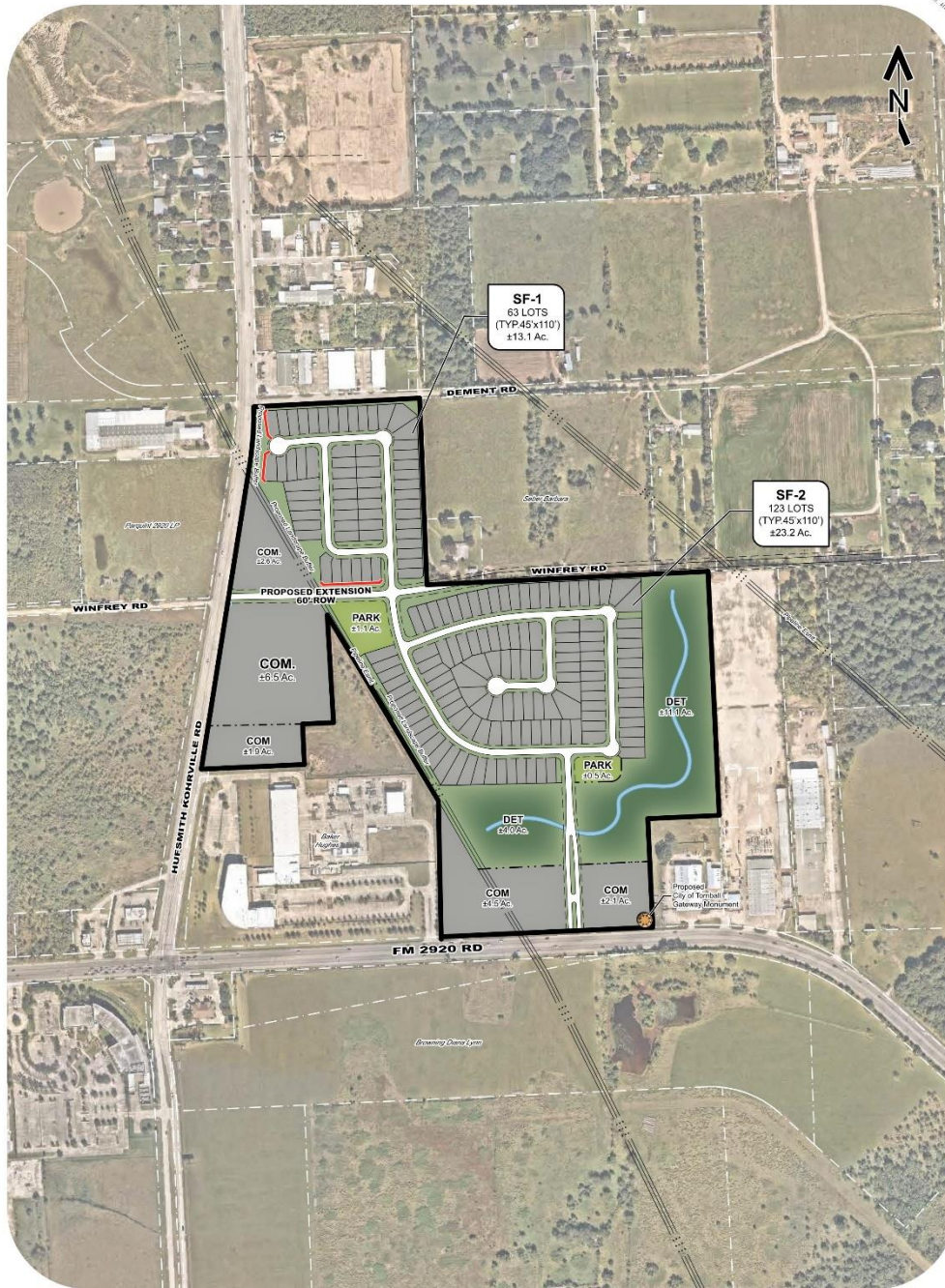


EXHIBIT C2

This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

LEGEND

PROPOSED FENCING
(6' upgraded wood fence with masonry columns)

a fencing exhibit for
FM 2920 TRACT
±70.4 ACRES OF LAND

META
DESIGN + PLANNING

24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE
0 100 200 300

MTA-I-721A
APRIL 7, 2022

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