

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: August 14, 2023
City Council Public Hearing Date: August 21, 2023

Rezoning Case: Z23-11

Property Owner(s): Wendy Lynn Dixon

Applicant(s): ISIDROWS, LLC

Legal Description: Lots 372 & 373 of Tomball Outlots

Location: Generally located within the 1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

Area: 10 acres (approximately)

Comp Plan Designation: Business Park and Industrial (Exhibit “B”)

Present Zoning: Single Family Residential Estate – 20 (SF-20-E) (Exhibit “C”)

Request: Rezone from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI)

Adjacent Zoning & Land Uses:

North: Single Family Residential Estate – 20 (SF-20-E)/Single Family Residence with Agricultural Exemption

South: Single Family Residential Estate – 20 (SF-20-E)/Single Family Residence with Agricultural Exemption

West: S. Persimmon Street, Single Family Residential Estate – 20 (SF-20-E)/ Vacant Land with Agricultural Exemption

East: Single Family Residential Estate – 20 (SF-20-E)/Single Family Residence with Agricultural Exemption

BACKGROUND

The subject property encompasses two single family residences. The applicant’s request is to rezone the subject property to Light Industrial (LI) to allow office/warehouse uses.

ANALYSIS

Description: The subject property comprises about 10 acres, generally located within the 1500 block (east side) of S. Persimmon Street. Currently the subject property is zoned SF-20-E and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Parcels on the north, south, and east of the subject property are zoned SF-20-E and contain single family residences (homestead). The property west of S. Persimmon Street is zoned SF-20-E and is vacant.

Comprehensive Plan Recommendation:

The subject property is designated as Business Park and Industrial by the Comprehensive Plan's Future Land Use Map (FLUM). This category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. Recommended land uses include office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Recommended secondary uses are utility services, government facilities, and transportation/freight uses. Recommended zoning categories are Light Industrial (LI), Commercial (C), Office (O), and Planned Development (PD).

The proposed zoning category of LI is in conformance with the Comprehensive Plan recommendation.

Staff Review Comments:

The request to rezone the subject property to Light Industrial is in direct alignment with the goals and objectives of the Comprehensive Plan and specifically the Future Land Use Plan map's objective of establishing the "Business Park & Industrial" land use category for this area. Given the proximity of the subject property to the existing Tomball Business and Technology Park to the south, rezoning to Light Industrial will also promote the Comprehensive Plans goal of encouraging the continued growth and development of business parks and corporate campuses in Tomball. Finally, the subject property is located along a minor arterial street (S. Persimmon St.) and is near the intersection of this minor arterial and an existing major arterial street (Medical Complex Drive). Major thoroughfares such as these are routinely considered appropriate to carry large volumes of traffic. These thoroughfares are also designed to accommodate the large vehicles and freight traffic that the planned warehouse use may generate.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on July 26, 2023. 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 Z23-11.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan

- C. Zoning Map
- D. Site Photo(s)
- E. Rezoning Application

Exhibit "A"
Aerial Location Map

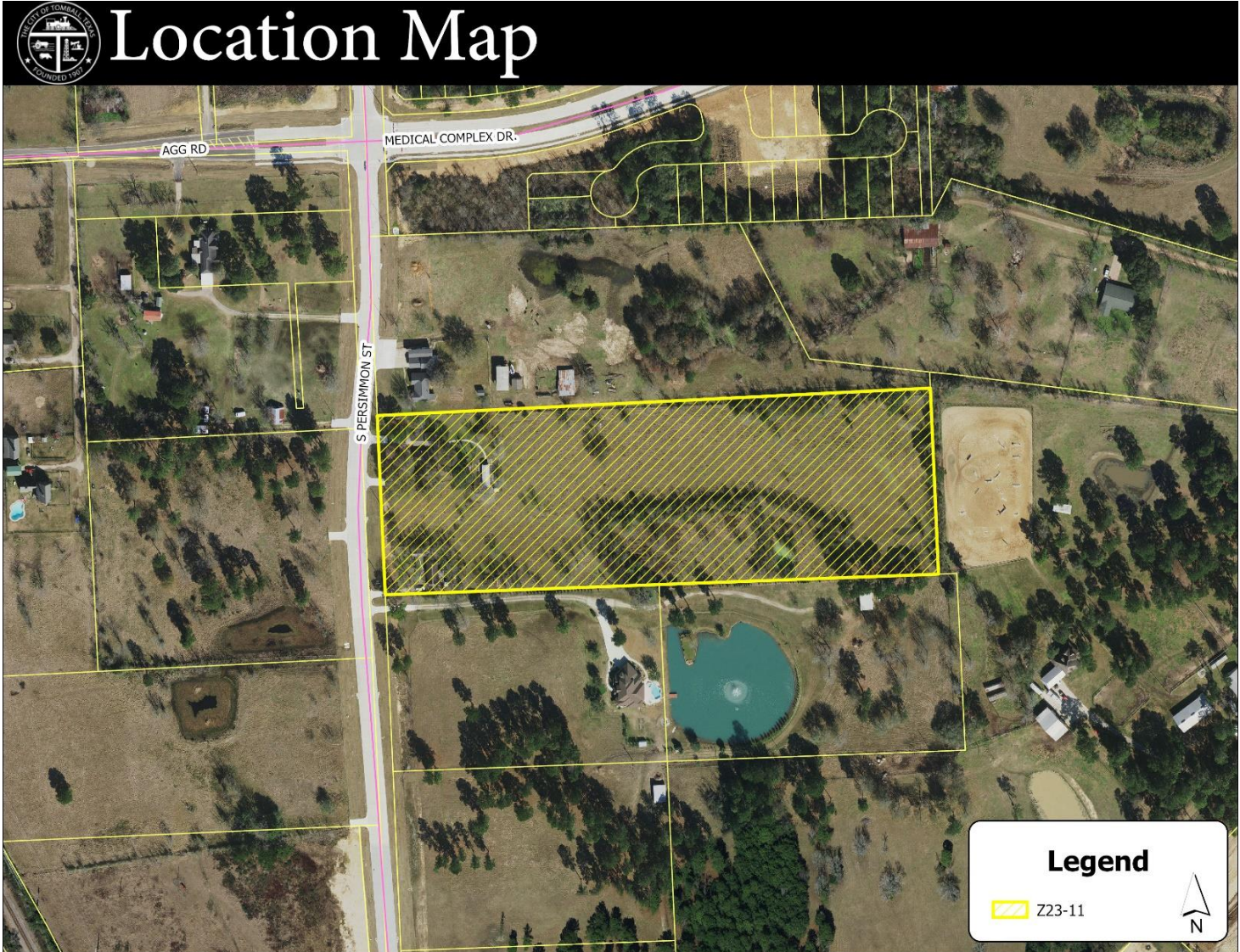


Exhibit "B"
Future Land Use Plan



Future Land Use Map

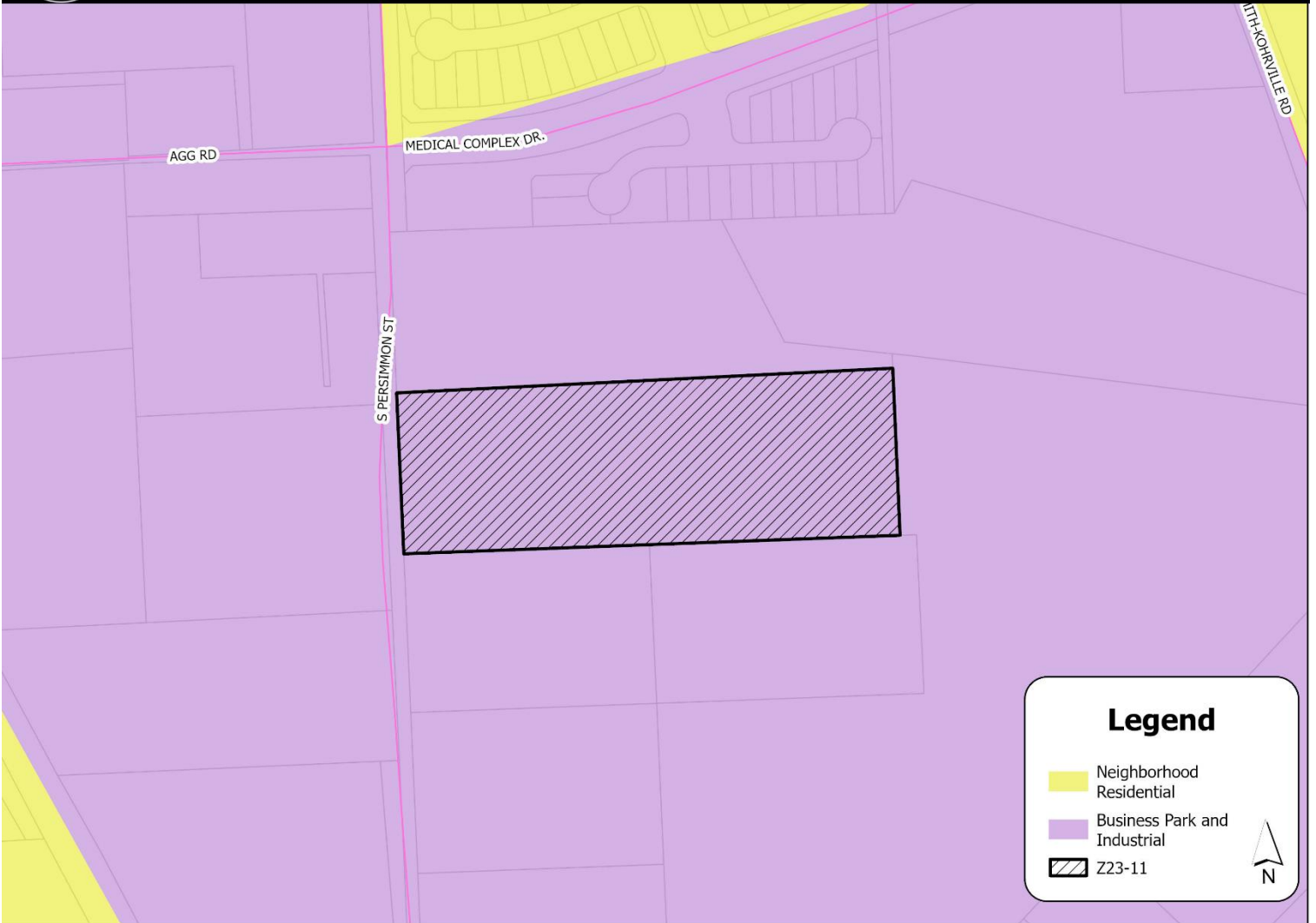


Exhibit "C"
Zoning Map

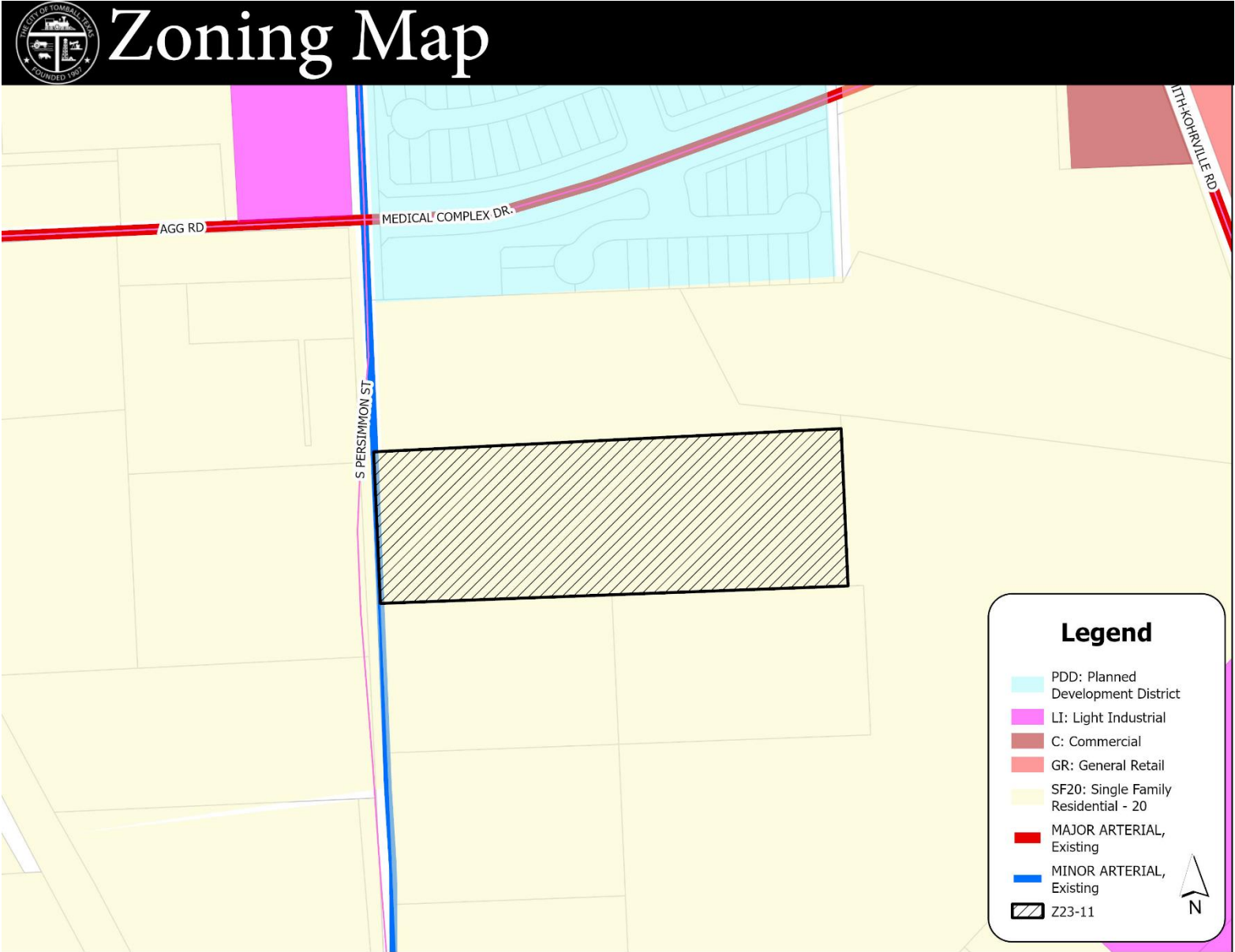


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E"
Rezoning Application

Revised: 10/1/2022



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: 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.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/secure send
USERNAME: tombalcedd
PASSWORD: Tomball

Applicant

Name: ISIDROWS LLC Title: _____
Mailing Address: 1808 SNAKE RIVER ROAD STE. A KATY State: TX
Zip: 77449 Contact: MARGOS PATRONELLI
Phone: (346) 507-9154 Email: isidrowsllc@gmail.com

Owner

Name: WENDY LYNN DIXON Title: _____
Mailing Address: 1523 S PERSIMMON ST City: TOMBALL State: TX
Zip: 77375 Contact: WENDY LYNN DIXON
Phone: (417) 274-4622 Email: wldixon@richardsschool.k12.mo.us

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: OFFICE WAREHOUSE

Physical Location of Property: 1523 S PERSIMMON ST, TOMBALL TX
[General Location - approximate distance to nearest existing street corner]

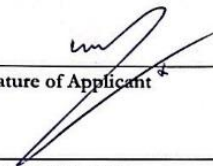
Legal Description of Property: PT LTS 372 & 373 (HOMESITE) TOMBALL OUT LOTS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: RESIDENTIAL USE

Current Use of Property: RESIDENTIAL
Proposed Zoning District: LIGHT INDUSTRIAL
Proposed Use of Property: OFFICE WAREHOUSE
HCAD Identification Number: 035-292-000-0372 Acreage: 10 ACRES

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.

 _____ 06-28-2023
Signature of Applicant Date

 _____ _____
Signature of Owner Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

3
Deed
w

TRANSFER ON DEATH DEED

Date: _____

PROPERTY OWNER MAKING DEED: ARTHUR THOMAS EAGLEMAN

MAILING ADDRESS OF PROPERTY OWNER: 1523 S. PERSIMMON ST.
Tomball TX 77375

Legal Description of Property: SEE ATTACHMENT "A"

Primary Beneficiary THOMAS EDWARD EAGLEMAN
Is Surviving Spouse son: I am not married or I am married to NA
and I want all of my interest in this property to become their/her/his property upon my death.

Primary Beneficiary's Mailing Address: 2815 HARD ROCK CIRCLE
BRYAN, TX 77807

Alternate Beneficiaries: If the primary beneficiary dies before me, I want following named person(s) to own my property upon my death:
These persons are my children: my daughter

WENDY LYNN DIXON, in equal shares, etc 100
share and share alike. etc

Alternate Beneficiary's Mailing Address: 5041 ST. RT. CC
WEST PLAINS, MO 65775

TRANSFER ON DEATH: At my death, I convey and give to the primary beneficiary, Thomas Edward Eagleman all of my interest in the property described above, to have and hold forever.
If my primary beneficiary dies before I do, then I Grant, Give and Convey to the listed and named alternate beneficiaries, all my interest in the property to Have and Hold forever, in equal shares, share and share alike.

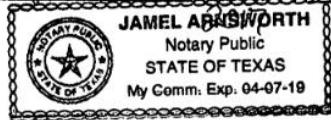
Signature of Property Owner: Arthur Thomas Eagleman 100
ARTHUR THOMAS EAGLEMAN

RP-2017-407706

Sept. 14, 2017
Date

THE STATE OF TEXAS)
COUNTY OF HARRIS)

This instrument was acknowledged before me on this 14th day of
September, 2016, by Arthur Thomas Eaglemar.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING RETURN TO:

ARTHUR THOMAS EAGLEMAN ✓
1523 S. PERSIMMON ST.
TOMBALL, TX 77375

RP-2017-407706

2 of 3

ATTACHMENT "A"

the following described property located in the County of Harris, State OF TEXAS.

Ten (10) acres of land, more or less, consisting of all of Tract 372 and 373, of the Tomball Townsite Five-Acre Outlots, according to the map or plat thereof, recorded in Vol. 2, Page 65, Map Records, Harris County, Texas, reference to same being more particularly made for all purposes, said 10 acres, more or less, being more particularly described by metes and bounds as follows, to-wit:

D

COMMENCING at an iron pipe found marking the Southeast corner of said Outlot 373, in the West right-of-way line of 30 foot wide dedicated roadway, as per map recorded in Vol. 2, Page 65, Harris County Map Records;

THENCE South 89 deg. 43 min. West, along the south line of Outlot 373 and then the South line of Outlot 372, a distance of 1172.10 feet to an iron rod found marking the Southwest corner of said Outlot 372, on the center line of 60 foot wide public roadway;

THENCE North 0 deg. 02 min. East, along said center line, a distance of 377.60 feet to an iron rod found marking the Northwest corner of said Outlot 372;

THENCE North 89 deg. 43 min. East, along the North line of Outlot 372, and then the North line of Outlot 373, a distance of 1172.10 feet, to an iron rod found marking the Northeast corner of said Outlot 373, on the West line of said 30 foot public roadway;

THENCE South 0 deg. 02 min. West, along said line, a distance of 377.60 feet to the PLACE OF BEGINNING, containing 10 acres of land, more or less.

RP-2017-407706

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED FOR RECORD

10:56:05 AM

Friday, September 15, 2017

Stan Stewart

COUNTY CLERK, HARRIS COUNTY, TEXAS

RP-2017-407706

UNOFFICIAL COPY

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED; in the Official Public Records of Real Property of Harris County Texas

Friday, September 15, 2017



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS