

*Community Development
Department
**Rezoning
Staff Report***

Planning & Zoning Commission Public Hearing Date: June 12, 2023
City Council Public Hearing Date: June 19, 2023

Rezoning Case: Z23-09
Property Owner(s): Tim Littlefield
Applicant(s): Tim Littlefield
Legal Description: Tomball Townsite Outlot 281
Location: Generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)
Area: 5.001 acres
Comp Plan Designation: Neighborhood Residential (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: MHP - Manufactured Home District (MHP) / Mobile Home Park

South: Light Industrial (LI) and Single Family Residential Estate – 20 (SF-20-E) / Vacant and Undeveloped and Warehouse

West: Commercial (C) / Barn

East: S. Persimmon Street, Planned Development District / Single Family Residential

BACKGROUND

The subject property is currently vacant and undeveloped. The applicant’s request is to rezone the subject property to Light Industrial (LI) to allow office, warehouse, and storage buildings.

ANALYSIS

Description: The subject property comprises about 5.001 acres, generally located within the 1100-1400 blocks (west side) of S. Persimmon Street. Currently the subject property is zoned Single Family Residential Estate – 20 (SF-20-E) and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Sutton Place Park Mobile Home Park is located north of

the subject property that is zoned MHP. South of the subject site, zoned LI, is vacant and undeveloped. The area to the south that is zoned SF-20-E contains a warehouse building. The area west of the subject property that is zoned C contains a barn that appears to be a residential accessory building. East of the subject site is S. Persimmon Street. The area further east is the PDD for the Raburn Reserve single family residential development.

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 (LI) is in conformance with the Future Land Use Plans goal and objective of establishing the Business Park & Industrial land use. The approval of the requested zoning will promote a new development that is consistent with the type of development pattern and character endorsed by the Future Land Plan for this area. Furthermore, the subject property is situated along S. Persimmon Street, which is a thoroughfare that is designated as a Minor Arterial Street. Roadways such as this (when fully built out) are designed to accommodate the volume and character of traffic that may be expected within a Light Industrial district. It is worth mentioning, this segment of S. Persimmon Street is not fully improved, currently it is approximately 20-feet-wide as opposed to the 40-foot-wide pavement width planned for Minor Arterial Streets. During the review of the development plans for this parcel there is the potential that the City Engineer may require a Traffic Impact Analysis (TIA). Based on findings from this analysis, subsequent street improvements may be required prior to the parcels development to better serve the parcel and alleviate potential traffic concerns that may be generated by the proposed development. Ultimately, this information is to provide background and should not hold any bearing on the decision as to whether Light Industrial zoning is appropriate. The specifics regarding public improvements associated with the development are to be determined at the time of development.

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 May 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 Z23-09.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

Exhibit "A"
Location Map

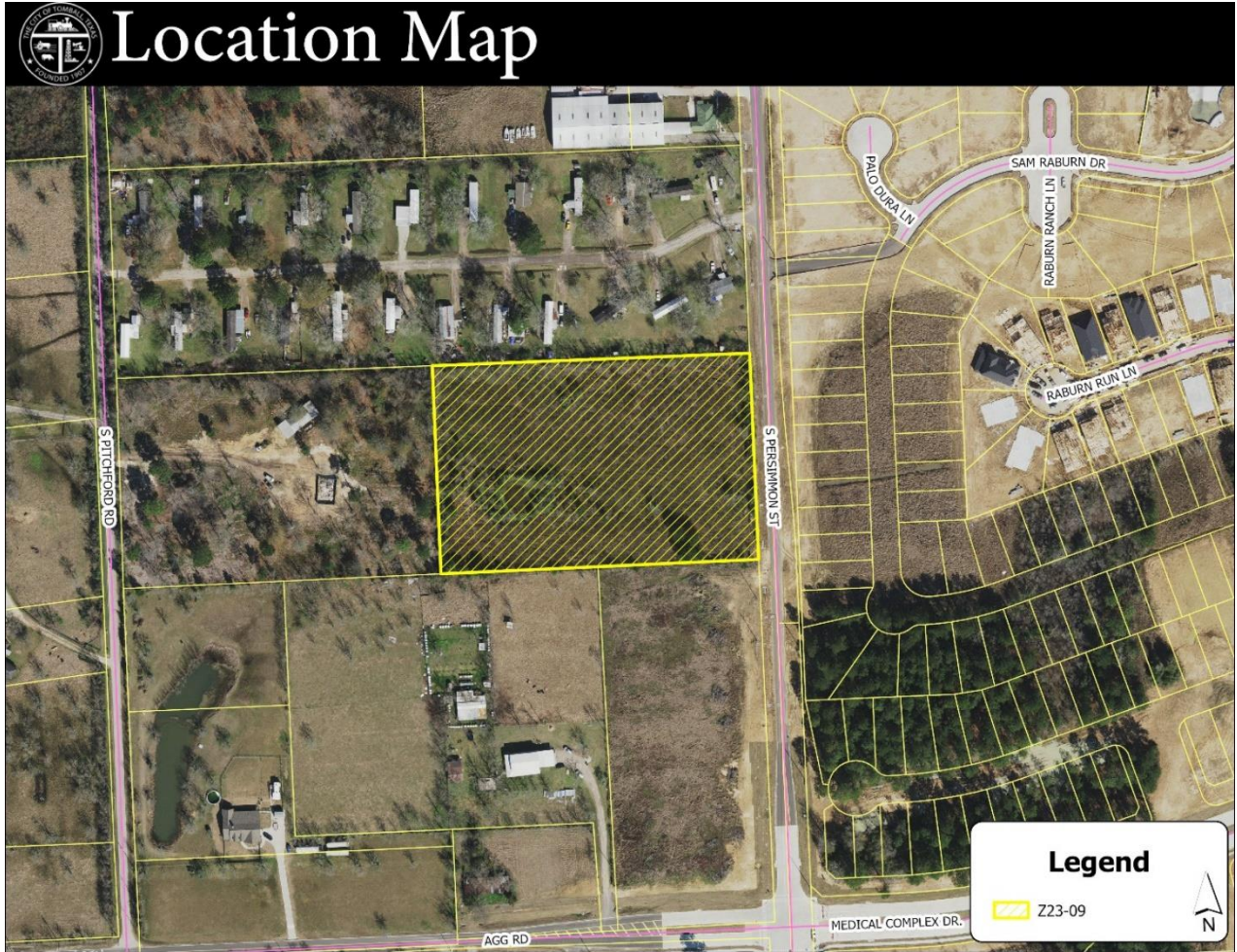
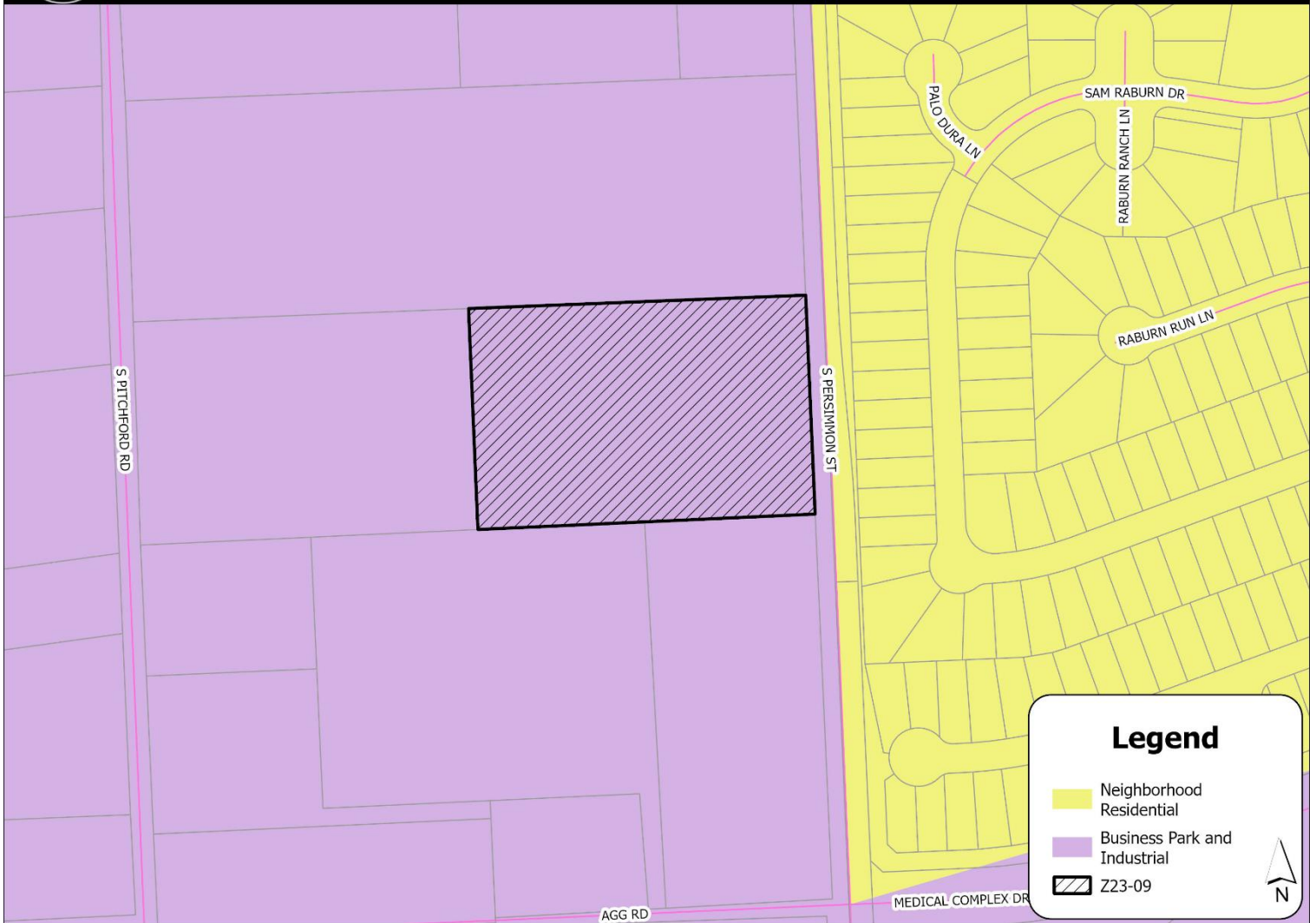


Exhibit "B"
Future Land Use Plan



Future Land Use Map



Legend

- Neighborhood Residential
- Business Park and Industrial
- Z23-09

Exhibit "C"
Zoning Map

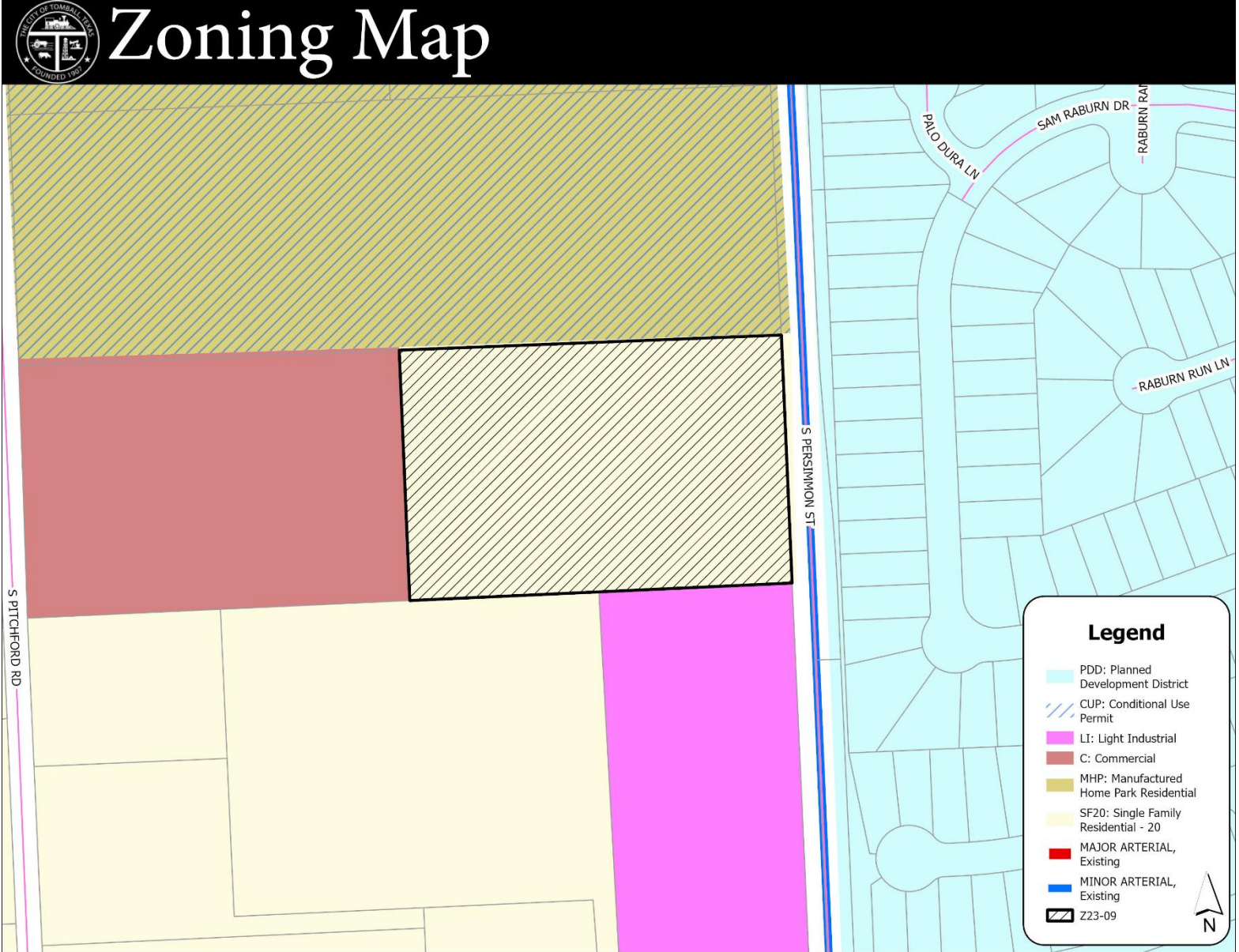


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E"
Rezoning Application

Revised: 4/13/2020



APPLICATION FOR RE-ZONING
Community Development Department
Planning Division

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

Applicant

Name: Tim Littlefield LLC, Tim Littlefield Title: Owner
Mailing Address: 9618 Kirkstone Terrace Dr City: Spring State: TX
Zip: 77379 Contact: Tim Littlefield
Phone: (281) 723-7344 Email: tim@littlefieldbrothers.com

Owner

Name: Tim Littlefield LLC, Tim Littlefield Title: Owner
Mailing Address: 9618 Kirkstone Terrace Dr City: Spring State: TX
Zip: 77379 Contact: Tim Littlefield
Phone: (281) 723-7344 Email: tim@littlefieldbrothers.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Office/Warehouse and/or Storage Buildings

Physical Location of Property: Situated in the Jessie Pruitt Survey, Abstract # 629 in Harris County - Outlot 281 on Persimmon St.

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

Legal Description of Property: Being 5.001 Acres in the Jessie Pruitt Survey, Abstract #629, Outlot 281, Recorded in Volume 4, Page 75 of map records of Harris County recorded under county clerk's file # RP-2020-189624 of the official public records of Harris County

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

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

Current Use of Property: NONE (empty lot)

Proposed Zoning District: LI - Light Industrial


Proposed Use of Property: Office/Warehouse and/or Storage Buildings

HCAD Identification Number: _____ Acreage: 5.001

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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

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

X  _____ Date 4-10-23

X _____
Signature of Owner Date

401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

DATE : 4/26/2023 1:53 PM
OPER : SM
TRBY : SM
TERM : 6
REC# : R01356740

130.0000 PLANNING AND ZONING 1000.00
Jim Littlefield LLC . 1000.00

Paid By: Jim Littlefield LLC .
2-CK 1000.00 REF:w 2284

APPLIED 1000.00
TENDERED 1000.00

CHANGE 0.00

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.

- Completed application form
- *Copy of Recorded/Final Plat
- Check for \$400.00 + \$10.00 per acre (Non-Refundable)
- Letter stating reason for request and issues relating to request
- Conceptual Site Plan (if applicable) *N/A - HAVE NOT GOT THAT FAR.*
- 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 (200) 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.



FEBRUARY 21, 2023

BEING 5.001 ACRES OF LAND, SITUATED IN THE JESSIE PRUITT SURVEY, ABSTRACT NUMBER 629 IN HARRIS COUNTY, TEXAS AND BEING ALL OF OUTLOT 281 OF THE CORRECTED MAP OF TOMBALL OUTLOTS, A SUBDIVISION ACCORDING TO THE MAP AND OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS AND BEING THE SAME TRACT CALLED 5.006 ACRE TRACT AS CONVEYED IN DEED TO MENDOZA HOME BUILDERS, LLC., RECORDED UNDER COUNTY CLERK'S FILE NUMBER RP-2020-189624 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS; SAID 5.001 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83), ALL DISTANCES SHOWN ARE GROUND:

BEGINNING at a 5/8 inch iron rod, found for the Southeast corner of the herein described, being the Southeast corner of said Outlot 281, being the Northeast corner of Outlot 284, being the Northeast corner of a called 4.393 acre tract conveyed in deed to Tim Littlefield LLC., recorded under County Clerk's File Number RP-2021-132294 of the Official Public Records of Harris County, Texas and being in the West line of Persimmon Road, as recorded in Volume 2, Page 65, Volume 4, Page 75, in Film Code 692320 of the Map Records of Harris County, Texas and recorded in Volume 1037, Page 710 of the Deed Records of Harris County, Texas and recorded under County Clerk's File Number 2020-222647 of the Official Public Records of Harris County, Texas;

THENCE South 87°36'04" West (Deed call: North 89°51'00" West), along the South line of said Outlot 281, The North line of said Outlot 284 and the North line of said 4.393 acre tract, passing at a distance of 11.23 feet a 5/8 inch iron rod found in the West line of a called 0.2547 acre tract conveyed to the City of Tomball recorded under County Clerk's File Number RP-2020222647 of the Official Public Records of Harris County, Texas, continuing along said line, passing at a distance of 292.20 feet a 1/2 inch iron rod, found for the Northwest corner of said 4.393 acre tract and being the Northeast corner of a called 6.21 acre tract conveyed in deed to Francisco Lopez and Veronica Beltran recorded under County Clerk's File Number 2015-0114381 of the Official Public Records of Harris County, Texas and continuing, in all, a total distance of 577.24 feet (Deed call: 577.51 feet) to a 1/2 inch iron rod, found for the Southwest corner of the herein described tract, being the Northeast corner of Outlot 283 and being the Southeast corner of Outlot 280 called 5.002 acre tract conveyed in deed to Michael R. Brown recorded under County Clerk's File Number RP-2022-403731 of the Official Public Records of Harris County, Texas


THENCE North 02°17'18" West, (Deed call: North 00°13'27" West), along the West line of said Outlot 281 and the East line of said Outlot 280, a distance of 377.46 feet (Deed call: 377.60 feet) to 1/2 inch iron rod, found for the Northwest corner of the herein described tract, being the Northeast corner of said Outlot 280, being the Southeast corner of Outlot 276, being the Southwest corner of Outlot 277 and

being in the South line of a called 10.0148 acre tract as conveyed in deed to BK Resources, LLC., recorded under County Clerk's File Number 20140340605 of the Official Public Records of Harris County, Texas

THENCE North 87°35'25" East (Deed call: South 89°51'00" East), along the above mentioned line and the South line of said Outlot 277, a distance of 576.89 feet (Deed call 577.51 feet) to a 5/8 inch iron rod, found for the Northeast corner of the herein described tract, being the Southeast corner of said Outlot 277, being the Southeast corner of said 10.0148 acre tract and being in the West line of said Persimmon Road;

THENCE South 02°20'30" East (Deed call: South 00°13'27" West), along the above mentioned line a distance of 377.56 feet (Deed call: 377.60 feet), back to the Point of Beginning and containing 5.001 acres of land, based on the survey and plat prepared by Jeffrey Moon and Associates, Inc., dated February 21, 2023.

Job. No: 23-T-28 (5.001 Acres)


Taren Hanks
Registered Professional
Land Surveyor No. 6787



