

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: November 13, 2023
City Council Public Hearing Date: November 20, 2023

Rezoning Case: Z23-16
Property Owner(s): HH 11701 Properties LLC.
Applicant(s): Austin Haynes
Legal Description: 12.11 acre being portions of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract No. 632
Location: 11701 Holderrieth Road (Exhibit “A”)
Area: 12.11 acres
Comp Plan Designation: Business Park and Industrial (Exhibit “B”)
Present Zoning: N/A (Subject of Annexation Request) (Exhibit “C”)
Request: Rezone from the Agricultural (AG) to the Light Industrial (LI) district

Adjacent Zoning & Land Uses:

North: Light Industrial (LI)/ Tomball Business & Technology Park
South: Agricultural (AG)/ City of Tomball Regional Detention Facility
West: Agricultural (AG) / City of Tomball Drainage Channel (M118)
East: N/A (City of Tomball ETJ) / Single-family residence

BACKGROUND

The subject property currently falls outside the city limits of Tomball. The applicants are requesting annexation into the City of Tomball. The request is to rezone the subject property from the default Agricultural (AG) zoning which is applied when property is initially annexed to Light Industrial (LI). According to the applicant the intent of this rezoning request is to develop a business park which will include office-warehouse space.

ANALYSIS

Description: The subject property comprises approximately 12.11 acres, located 11701 Holderrieth Road. The property is subject to a request for annexation. Following annexation, the default base zoning of Agricultural (AG) will be applied to the property. The applicants are seeking Light Industrial (LI) to allow the establishment of “business park and office-warehouse” uses. Immediately north of the subject property, on the north side of Holderrieth Road is the Tomball Business & Technology Park. East of the subject property is an existing single-family residence

which falls outside the city limits of Tomball. South and East of the subject property is Agricultural (AG) zoning. South of the property is an existing City of Tomball regional detention facility and east of the property is the City of Tomball drainage channel (M118) which drains to said facility.

Comprehensive Plan Recommendation: The property is designated as “Business Park & Industrial” by the Comprehensive Plans Future Land Use Map. This Business Park & Industrial category is intended to create opportunities for employment. The uses that are to be promoted in this designated land use should be uses that benefit from proximity to major thoroughfares which provide convenient access for vehicle traffic, including freight traffic.

According to the Comprehensive Plan, land uses should consist of office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Appropriate secondary uses may include things such as utility services, government facilities, and transportation/freight uses.

The Comprehensive Plan recommends the zoning districts of – Light Industrial (LI), Commercial (C), Office (O), or Planned Developments (PD) for the Business Park & Industrial land use category.

Staff Review Comments:

The request to rezone the subject property to Light Industrial (LI) is in direct alignment with the goals and objectives of the Comprehensive Plan. The Comprehensive Plan identifies the need to encourage continued growth of business parks and corporate campuses in Tomball. This rezoning request will continue the promotion of business park land uses within and immediately adjacent to the existing Tomball Business & Technology Park. Furthermore, the property falls within the Business Park & Industrial future land use category which identifies Light Industrial (LI) as a zoning district that will best promote the goals and objectives of this planned future land use category.

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 October 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 Z23-16.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Current Zoning Map
- D. Site Photo(s)
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Location



Exhibit "B"
Future Land Use Plan



Future Land Use



Exhibit "C"
Zoning Map



Zoning

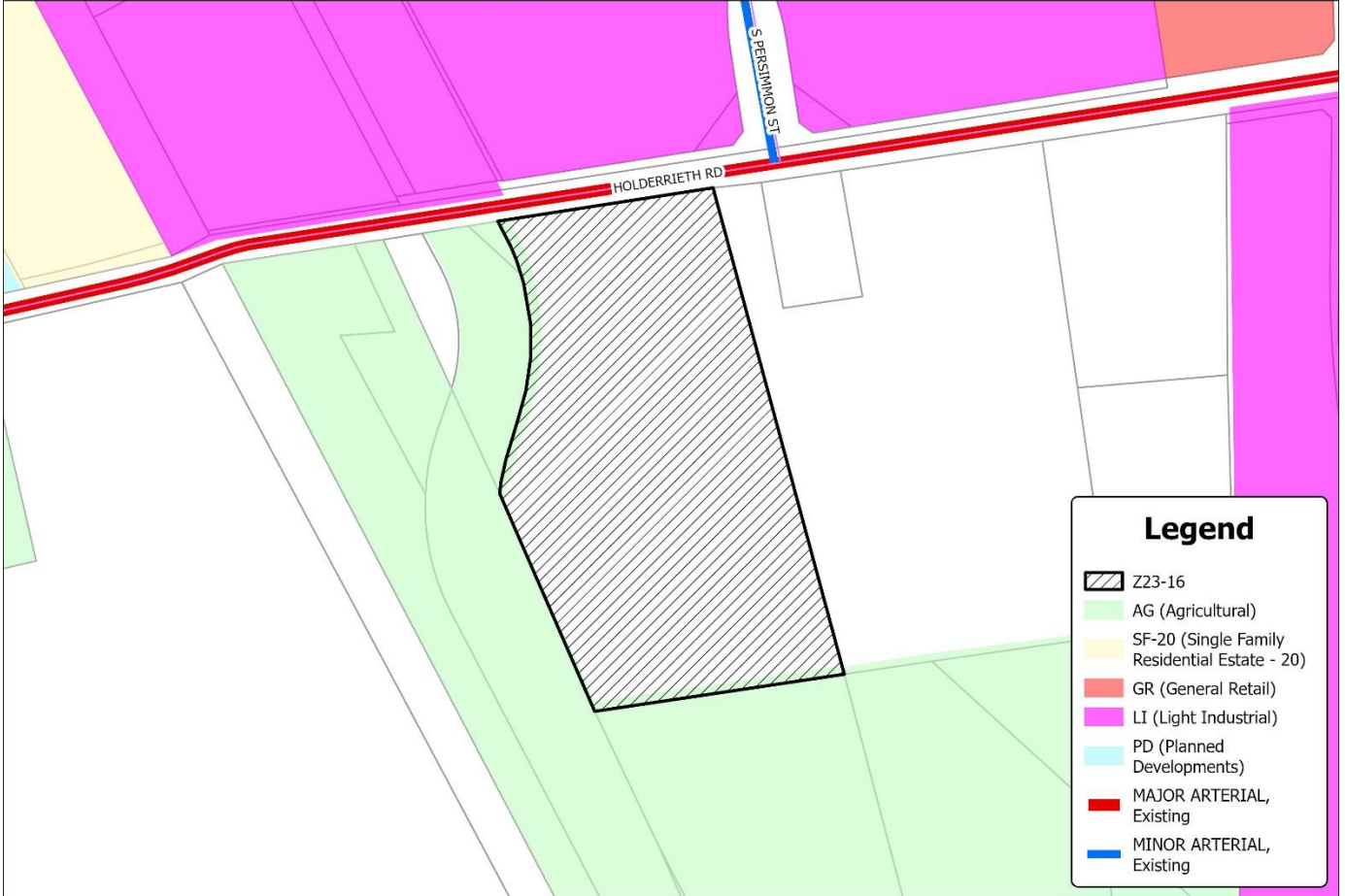


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)

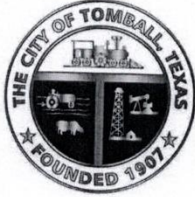


Neighbor (North)



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/securesend
USERNAME: tombalcedd
PASSWORD: Tomball1

Applicant

Name: AUSTIN HAYNES Title: CIVIL ENGINEER
Mailing Address: PO BOX 1305 City: CYPRESS State: TX
Zip: 77410 Contact: RHONDA CHILDS
Phone: (832)-657-3972 Email: RHONDA@ALTARGRP.COM

Owner

Name: HH 11701 Properties LLC Title: _____
Mailing Address: 9103 Emmott Road, Ste 21 City: Houston State: TX
Zip: 77040 Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: AUSTIN HAYNES Title: CIVIL ENGINEER
Mailing Address: PO BOX 1305 City: CYPRESS State: TX
Zip: 77410 Contact: AUSTIN HAYNES
Phone: (281)-794-3015 Fax: (____) _____ Email: AUSTIN@ALTARGRP.COM

Description of Proposed Project: BUSINESS PARK WITH OFFICE WAREHOUSE SPACE

Physical Location of Property: 11701 HOLDERRIETH ROAD

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

Legal Description of Property: TR 3E & (5,415 SQ FT EASEMENT) TRS 13D-2 13E & 13J
ABST 632 C N PILOT ABST 70 E SMITH

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

Current Zoning District: NO ZONING - PROPERTY IS SEEKING ANNEXATION

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

Current Use of Property: VACANT
Proposed Zoning District: LID- LIGHT INDUSTRIAL DISTRICT
Proposed Use of Property: BUSINESS PARK WITH OFFICE WAREHOUSE SPACE
HCAD Identification Number: 0410260020004 Acreage: 12.114

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 *Aust. Hayes* 09/25/2023
Signature of Applicant Date

X *[Signature]* 9/25/23
Signature of Owner Date

From: noreply@incode.tylerhosting.cloud
To: [Kimberly Chandler](#)
Subject: Receipt #R01384980
Date: Wednesday, October 4, 2023 8:25:47 AM

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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

DATE : 10/4/2023 8:13 AM
OPER : AM
TKBY : Angelica Meza
TERM : 3
REC# : R01384980
130.0000 PLANNING AND ZONING
Holderrieth Business Park ReZoning 1000.00

Paid By: Holderrieth Business Park ReZoning
2-CK 1000.00 REF:w1065

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 un-platted 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.



ALTAR GROUP

September 26, 2023

City of Tomball
401 Market Street
Tomball, Tx 77375

Re: 11701 Holderrieth Road Re-zoning Application

To whom it may concern,

The above mentioned property is seeking to be annexated into the City of Tomball and is thus requiring to pursue zoning. The requested Light Industrial Distict (LID) zoning is consistent with the surrounding developments as well as the future development plan.

Thank you for considering this application, we look forward to receiving any comments or questions you may have.

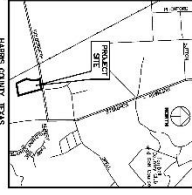
Property:

Address: 11701 Holderrieth Road, Tomball, Tx
HCAD Account 0410260020004

Respectfully,

Austin Haynes, PE
Altar Group, PLLC
Architecture | Engineering
Austin@altargrp.com
281-794-3015

Altar Group
11615 Spring Cypress Rd, Suite E
Tomball, TX 77377
P. 713-248-7752



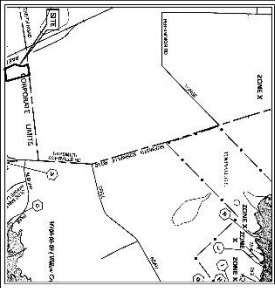
VIETNAM COUNTY ROAD
SCALE: 1" = 200'



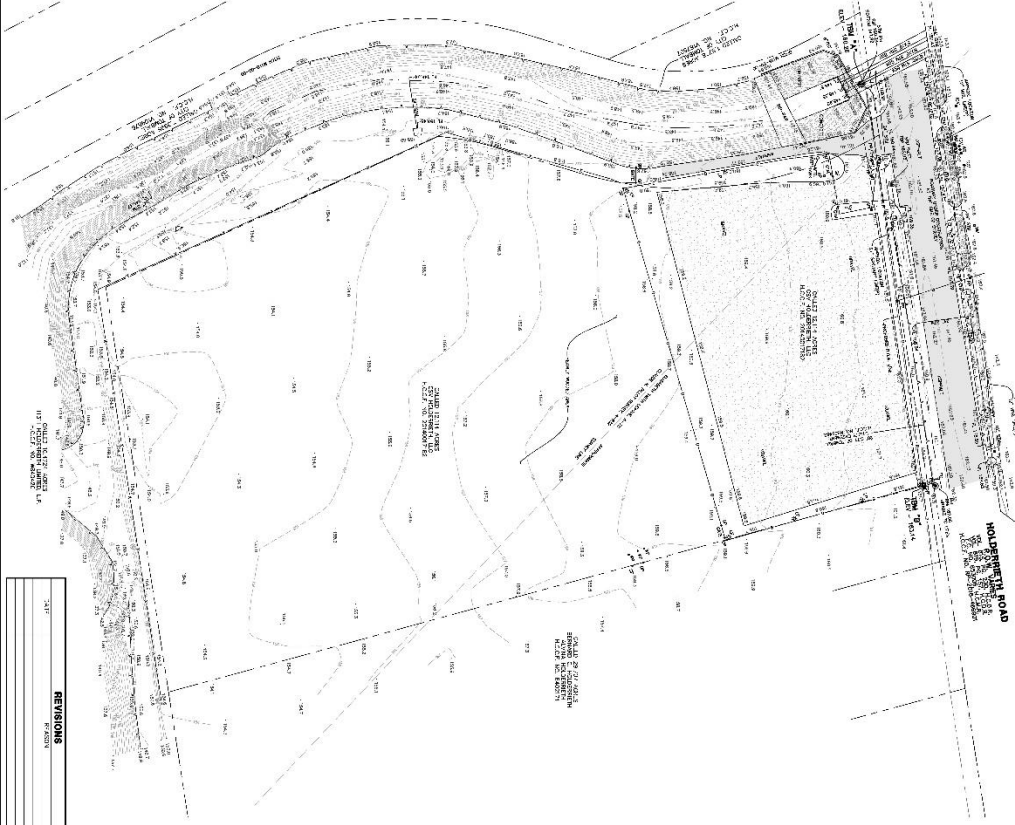
PERMANENT ELEVATION - 142.42'
TEMPORARY ELEVATION - 162.26'
TEMPORARY ELEVATION - 163.14'

LEGEND

Symbol	Description
...	...
...	...
...	...



FIRM
 FLOOD INSURANCE RATE MAP
 FIRM NUMBER: 17033C0101
 EFFECTIVE DATE: 07-15-2013



REVISIONS	
NO.	DATE
1	10/17/13
2	11/18/13

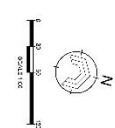
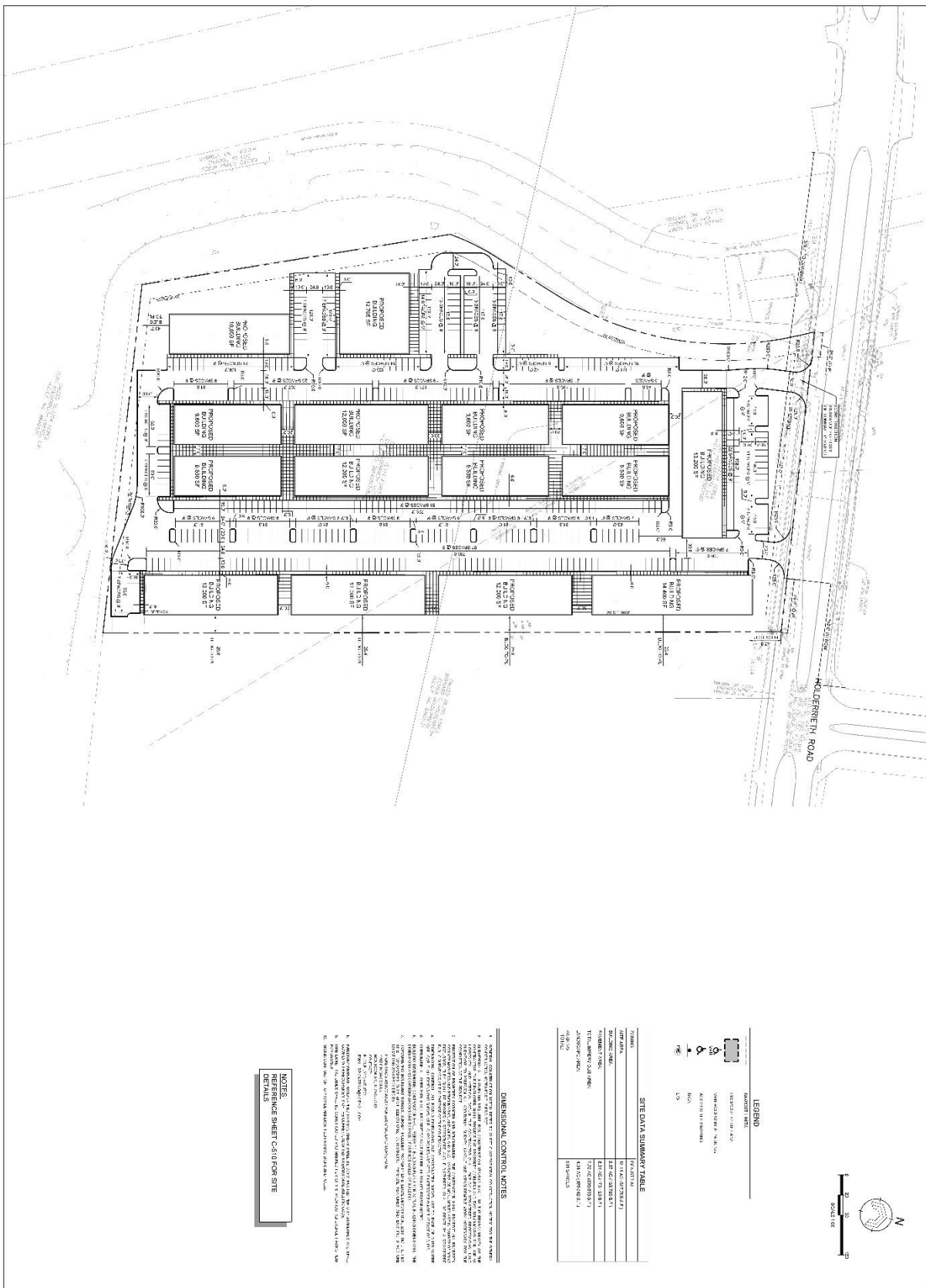
- GENERAL NOTES**
1. THIS PLAN IS THE PROPERTY OF THE ENGINEER AND ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND JURISDICTIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM ALL AFFECTED ADJACENT OWNERS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM ALL AFFECTED ADJACENT OWNERS.
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 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM ALL AFFECTED ADJACENT OWNERS.

SIGNATOR'S CERTIFICATION

I, the undersigned, being a duly licensed Professional Engineer in the State of California, do hereby certify that I am the author of the above design and that I am a duly Licensed Professional Engineer in the State of California.

WINDROSE
 LAND SURVEYING & PLANNING
 20000 N. 17th Ave., Suite 100
 Phoenix, AZ 85022
 (602) 998-8888
 www.windrose.com

TOPOGRAFC SURVEY OF
 A CALIFORNIA LLC
 CLAUDE S. BAKER, P.E.
 & BILLY SOUTH ENGLE, A.M.S.
 MARKUS COHN, V.P. OAS



LEGEND

ASPHALT DRIVE

CONCRETE DRIVE

ASPHALT DRIVE

ASPHALT DRIVE

ASPHALT DRIVE

ASPHALT DRIVE

SITE DATA SUMMARY TABLE

ITEM	VALUE
TOTAL AREA	61,144.00 SQ FT
PROPOSED BLDG AREA	127,420.00 SQ FT
PROPOSED PARKING	1,200 SPACES
PROPOSED DRIVEWAY	1,200 SPACES
PROPOSED DRIVE	1,200 SPACES

DIMENSIONAL CONTROL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. DIMENSIONS TO FACE OF BUILDINGS SHALL BE TO THE EXTERIOR FACE OF THE WALLS AND TO THE EXTERIOR FACE OF THE ROOFING.
3. DIMENSIONS TO FACE OF DRIVEWAYS SHALL BE TO THE EXTERIOR FACE OF THE DRIVEWAY WALLS.
4. DIMENSIONS TO FACE OF PARKING SPACES SHALL BE TO THE EXTERIOR FACE OF THE DRIVEWAY WALLS.
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10. DIMENSIONS TO FACE OF PARKING SPACES SHALL BE TO THE EXTERIOR FACE OF THE DRIVEWAY WALLS.

NOTES
 REFERENCE SHEET C-100 FOR SITE DETAILS

ATLAS GROUP

11701 HOLDERRIETH RD
 TOMBALL, TEXAS 77375

HOLDERRIETH BUSINESS PARK

11701 HOLDERRIETH RD
 TOMBALL, TEXAS 77375

OWNER: ATLAS GROUP

PROJECT NO.: 08072003

DATE: 08/07/2003

SCALE: AS SHOWN

SHEET NO.: C-100

TOTAL SHEETS: 10



DVJ
CIVIL ENGINEERING &
LAND SURVEYING

8118 Fry Road, Ste. 402, Cypress, Texas 77433 * (281) 213-2517
www.dvjlandsurveying.com * TBPELS Reg. No. 10194609

**METES AND BOUNDS DESCRIPTION
12.114 ACRES (527,706 SQUARE FEET)
LOCATED IN THE
ELIZABETH SMITH SURVEY, ABSTRACT 70
& THE C.M. PILOT SURVEY, ABSTRACT 632,
HARRIS COUNTY, TEXAS**

Being a tract or parcel, containing 12.114 acres (527,706 square feet) of land situated in the Elizabeth Smith Survey, Abstract Number 70 and in the C.M. Pilot Survey, Abstract 632, Harris County, Texas; Said 12.114 acre tract of record in the name of CSV Holderrieth, LLC in Harris County Clerk's File (H.C.C.F.) Number 20140017182; Said 12.114 acre tract being more particularly described by metes and bounds as follows (bearing referenced herein are based on the Texas Coordinate System, South Central Zone NAD83):

BEGINNING at a 5/8 inch iron rod with "Gorrdanda" cap found for the northeast corner of the herein described tract and the northwest corner of a called 29.707 acre tract of record in the name of Bernard C. Holderrieth and Alvina Holderrieth in H.C.C.F. Number B402171, and being on the south Right-of-Way (R.O.W.) line of Holderrieth Road (width varies);

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 29.707 acre tract, South 14 Degrees 21 Minutes 24 Seconds East, a distance of 1,023.87 feet to a 1/2 inch iron rod with "Villa 6751" cap set for the southeast corner of the herein described tract and the northeast corner of a called 16.4724 acre tract of record in the name of 11311 Holderrieth Limited, L.P., in H.C.C.F. Number W840420, and being on the west line of said 29.707 acre tract;

THENCE, coincident the south line of the herein described tract and the north line of aforesaid 16.4724 acre tract, South 82 Degrees 00 Minutes 26 Seconds West, a distance of 522.80 feet to the southwest corner of the herein described tract and the northwest corner of said 16.4724 acre tract, and being on the east line of a called 7.3995 acre tract of record in the name of the City of Tomball in H.C.C.F. Number V109876;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 7.3995 acre tract the following five (5) courses:

1. North 23 Degrees 31 Minutes 10 Seconds West, a distance of 477.72 feet to the beginning of a curve to the right;
2. Coincident aforesaid curve to the right, an arc length of 71.37 feet, having a radius of 325.00 feet, a central angle of 12 Degrees 34 Minutes 58 Seconds and a chord bearing of North 11 Degrees 33 Minutes 44 Seconds East, a distance of 71.23 feet;
3. North 17 Degrees 51 Minutes 14 Seconds East, a distance of 113.68 feet to the beginning of a curve to the left;
4. Coincident aforesaid curve to the left, an arc length of 373.07 feet, having a radius of 475.00 feet, a central angle of 45 Degrees 00 Minutes 02 Seconds and a chord bearing of North 04 Degrees 38 Minutes 58 Seconds West, a distance of 363.55 feet;
5. North 27 Degrees 08 Minutes 46 Seconds West, a distance of 26.50 feet to the northwest corner of the herein described tract and the northeast corner of aforesaid 7.3995 acre tract, and being on the south R.O.W. line of aforesaid Holderrieth Road;

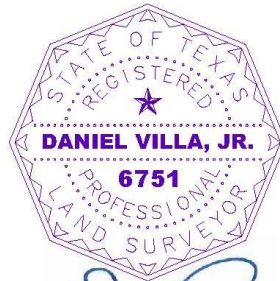
THENCE, coincident the north line of the herein described tract and the south R.O.W. line of aforesaid Holderrieth Road, North 82 Degrees 01 Minutes 22 Seconds East, a distance of 451.28 feet to the **POINT OF BEGINNING** and containing 12.114 acres (527,706 square feet) of land.



DVJ
CIVIL ENGINEERING &
LAND SURVEYING

8118 Fry Road, Ste. 402, Cypress, Texas 77433 * (281) 213-2517
www.dvijlandsurveying.com * TBPELS Reg. No. 10194609

Compiled by: Chris Garcia
Checked by: Daniel Villa, Jr.
DVJ Land Surveying
8118 Fry Road, Ste. 402
Cypress, Texas 77433
September 27, 2023
Project Number 23-0836



DANIEL VILLA, JR.
TX REGISTRATION NO. 6751