

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: September 9, 2024
City Council Public Hearing Date: September 16, 2024

Rezoning Case: Z24-012
Property Owner(s): Estate of James D. Wilmoth
Applicant(s): Texas T 22, LLC
Legal Description: A 10.89-acre tract of land situated in the Jesse Pruitt Survey, Abstract 629
Location: 21803 Hufsmith Kohrville Road (Exhibit “A”)
Area: 10.89 acres
Comp Plan Designation: Business Park and Industrial (Exhibit “B”)
Present Zoning: Single-Family Estate Residential – 20 (SF-20-E) District (Exhibit “C”)
Request: Single-Family Estate Residential – 20 (SF-20-E) to the Light Industrial (LI) District

Adjacent Zoning & Land Uses:

North: Single-Family Estate Residential – 20 (SF-20-E) and Planned Development – 12 (PD-12) / Vacant land and residential subdivision

South: Single-Family Estate Residential – 20 (SF-20-E) / Dwelling - Single-Family detached

East: Single-Family Estate Residential – 20 (SF-20-E) / Dwelling - Single-Family detached

West: Tomball Extra Territorial Jurisdiction (ETJ) / Dwelling - Single-Family detached

BACKGROUND

The subject property currently has a barn structure and the remains of a demolished single-family detached residence on site. The property has been within the SF-20-E zoning district since the adoption of zoning in February of 2008. Many rezoning cases requesting the LI district to the south of the subject property have been approved, specifically Z23-11 that was rezoned from SF-20-E to the LI district in August of 2023. This request aims to allow for the development of a multibuilding trade park similar to current developments found further south on Hufsmith Kohrville Road.

ANALYSIS

Comprehensive Plan Recommendation: The property is designated as “Business Park and Industrial” by the Comprehensive Plan’s Future Land Use Map. The Business Park and Industrial category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight.

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

The Comprehensive Plan identifies the following zoning districts as compatible with the Business Park and Industrial category: Light Industrial (LI), Commercial (C), Office (O), and Planned Development (PD).

The Comprehensive Plan identifies the need to carefully design commercial and industrial developments to include landscape buffering as well as the screening of outdoor storage and equipment from public rights-of-way.

Staff Review Comments: The request to rezone the subject property to Light Industrial (LI) is in conformance with the Future Land Use Plan. Furthermore, the subject property will have frontage onto Hufsmith Kohrville Road which is designated as a Major Arterial on Tomball’s Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that can be expected within a Light Industrial District. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Future Land Use Plan for this area.

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 August 19, 2024. 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 Z24-012.

EXHIBITS


- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Location



Legend 


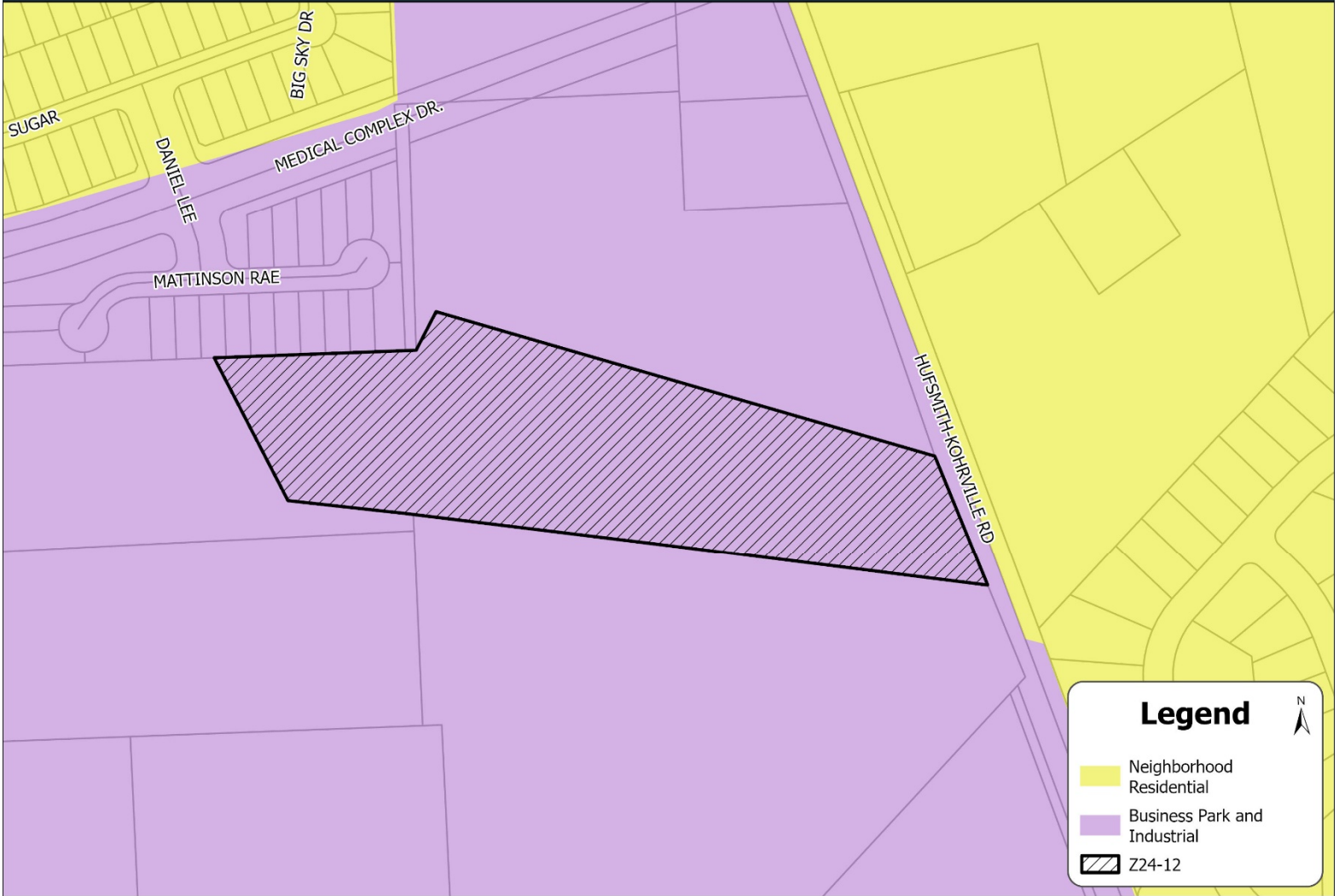
 Z24-12

Exhibit "B"
Future Land Use Plan



Future Land Use



Legend 

-  Neighborhood Residential
-  Business Park and Industrial
-  Z24-12

Exhibit "C"
Zoning Map



Zoning

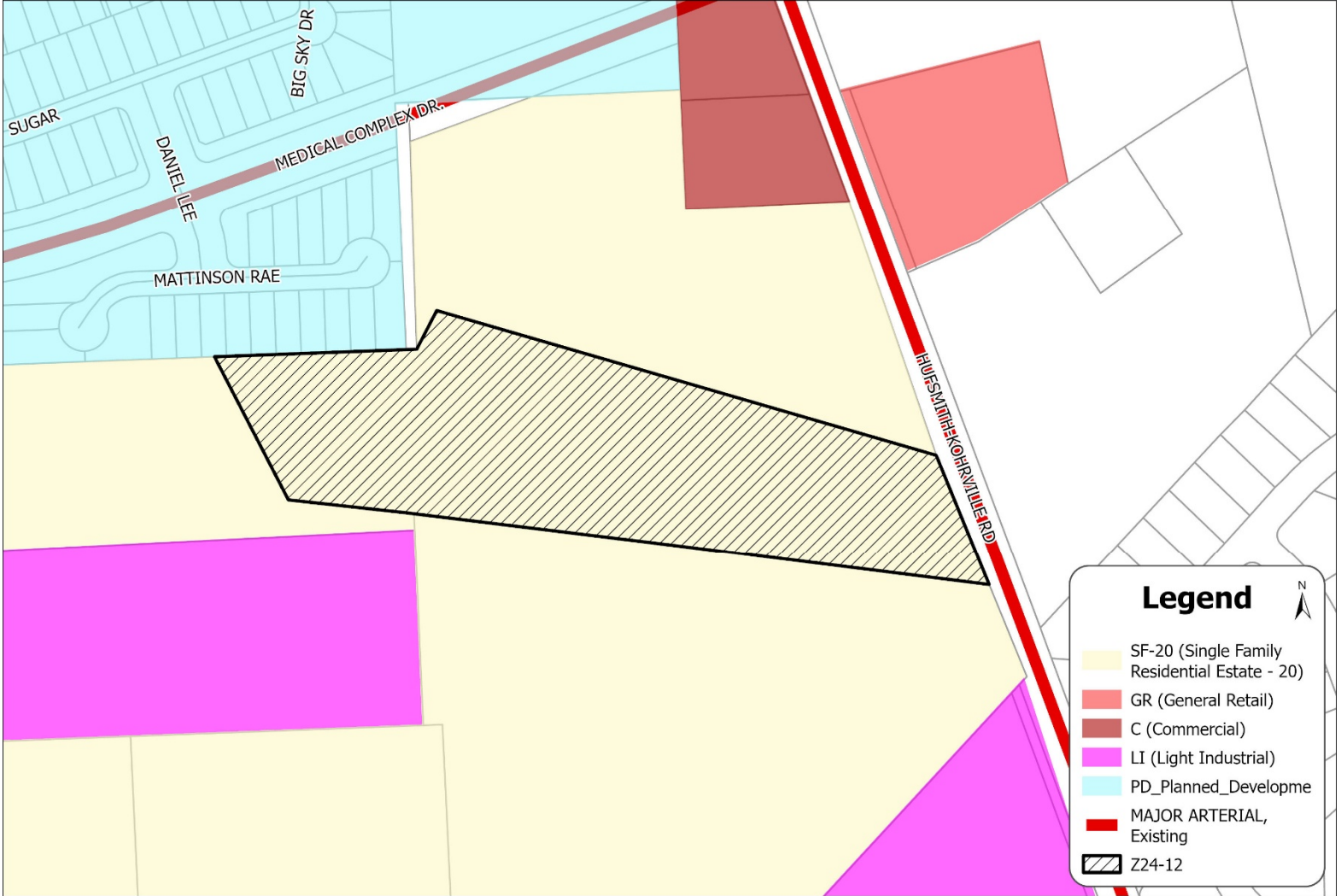


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (North)



Neighbor (East)



Neighbor (South)



Neighbor (West)



Exhibit "E"
Rezoning Application



Revised: 08/25/2023

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.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Texas T 22, LLC Title: Manager
Mailing Address: 12234 Queenston Blvd #100 City: HOUSTON State: TX
Zip: 77095 Contact: Michael Evenson
Phone: (713) 806-7182 Email: queenstonbusinesspark@gmail.com

Owner

Name: Estate of JamesD. Wilmoth Title: sole executor
Mailing Address: 30104 Riley Rd City: Waller State: TX
Zip: 77484 Contact: Melody Wilkerson
Phone: (713) 560-3572 Email: melwilkerson1@gmail.com

Engineer/Surveyor (if applicable)

Name: Civil Grade Engineers Title: _____
Mailing Address: 710 N. PostOak#510 City: Houston State: Tx
Zip: 77024 Contact: Rico Rodriguez
Phone: (832) _____ Fax: (____) _____ Email: rico@rrcivileng.com

Description of Proposed Project: New Small Industrial Development

Physical Location of Property: 21801 Huffsmith Khorville Khorville
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 10.89 Ac in Jesse Pruett Survey Abstract#629 Harris County
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (SF-20-E) : Single Family Residential Estate

Current Use of Property: Farming

Proposed Zoning District: (LI) : Light Industrial

Proposed Use of Property: Industrial Development

HCAD Identification Number: 03529920000134 Acreage: 10.89

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  7/29/24
 Signature of Applicant Date

X  7/29/24
 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 (standard zoning) or \$1,500.00 (PD zoning)**
- **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 (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.

DESCRIPTION OF A 10.89 ACRE TRACT OF LAND SITUATED
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
HARRIS COUNTY, TEXAS

BEING a 10.89 acre (474,212 square foot) tract of land situated in the Jesse Pruett Survey, Abstract No. 629 of Harris County, Texas and being all of a called 11.06 acre tract of land as described in an instrument to Charles L. Laswell recorded under Harris County Clerk's File Number (H.C.C.F. No.) C792063, a portion of Lots 134, 371, 368, and 370 and a 30 foot unimproved road of CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision per plat recorded under Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), said 10.89 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the perimeter of said 11.06 acre tract as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at the Northeast corner of the herein described tract and said 11.06 acre tract and the Southeast corner of a called 10.27 acre tract of land as described in an instrument to M.E. Sims with Emory T. Carl as Trustee recorded under H.C.C.F. No. G259048, lying on the Southwest right-of-way line of Hufsmith Kohrville Road (60 feet wide) recorded under Volume 2549, Page 325 of the Harris County Deed Records (H.C.D.R.) and said CORRECTED MAP OF TOMBALL OUTLOTS, from which a found 1/2-inch iron rod bears S 86°31' E, a distance of 0.85 feet;

THENCE, S 20°12'50" E, along and with the Northeasterly line of said 11.06 acre tract and the Southwest right-of-way line of said Hufsmith Kohrville Road, a distance of 288.28 feet (called S 17°46'00" E, 287.90 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Southeast corner of said 11.06 acre tract and the herein described tract, same being the Northeast corner of a called 56.8003 acre tract of land as described in an instrument to Melvin E. Michel and Tracy A. Michel recorded under Harris County Clerk's File Number (H.C.C.F. No.) S954259 and a called 6.188 acre tract of land as described in an instrument to John W. Randall, Jr. and Tracy A. Randall recorded under File Number (F.N.) 20100453523 of the Official Public Records of Harris County (O.P.R.H.C.);

THENCE, N 83°25'52" W, along and with the South line of said 11.06 acre tract and the North line of said 6.188 acre tract and said 56.8003 acre tract, a distance of 1,148.25 feet (called N 80°52'00" W, 1,413.50 feet) to a 1/2-inch iron rod found for the Northwest corner of said 6.188 acre tract and said 56.8003 acre tract;

THENCE, N 83°11'34" W, along and with the South line of said 11.06 acre tract and a Northerly line of a called 7.6266 acre tract of land as described in an instrument to James R. Grappe and Carolyn J. Grappe recorded under H.C.C.F. No. N584790, a distance of 270.89 feet (continuing along and with called N 80°52'00" W, a distance of 1,413.50 feet) to a 5/8-inch iron rod found for the Southwest corner of said 11.06 acre tract and an interior corner of said 7.6266 acre tract;

THENCE, N 23°06'21" W, along and with a Southwesterly line of said 11.06 acre tract and a Northeasterly line of said 7.6266 acre tract, a distance of 322.68 feet (called N 20°27'00" W, 324.60 feet) to the Northwest corner of the herein described tract and said 11.06 acre tract and the Northeast corner of said 7.6266 acre tract, from which a found 5/8-inch iron rod bears N 23°40' W, 0.99 feet;

HUFSMITH TRACT BOUNDARY SURVEY
10.89 ACRES

AUGUST 26, 2022
JOB NO. 10671-00

THENCE, N 87°43'08" E, along and with a Northerly line of said 11.06 acre tract, a distance of 391.29 feet (called S 89°43'00" E, a distance of 386.50 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for an interior corner of the herein described tract and said 11.06 acre tract, same being the Southwest corner of said 10.27 acre tract, from which a found 5/8-inch iron rod with cap stamped "PBS&J" bears N 03°09' W, a distance of 2.10 feet;

THENCE, N 29°04'07" E, along and with a Northwesterly line of said 11.06 acre tract and a Southeasterly line of said 10.27 acre tract, a distance of 79.70 feet (called N 31°38'00" E, a distance of 79.70 feet) to a found 3/4-inch iron pipe for the most Northerly corner of the herein described tract and said 11.06 acre tract and an interior corner of said 10.27 acre tract;

THENCE, S 74°36'37" E, along and with a Northerly line of said 11.06 acre tract and a southerly line of said 10.27 acre tract, a distance of 1,044.45 feet (called S 72°09'00" E, 1,043.80 feet) feet to the **POINT OF BEGINNING** and containing 10.89 acres (474,212 square feet) of land.



Austin Woo RPLS No. 6852
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

HARRIS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
0352920000521

Tax Year: 2022

Print

| Owner and Property Information | | | | | | | | | | |
|---|---------------------------|----------------|-------------|------------|---|-------------------|--------------|--------------------------------|-----------|----------------------|
| Owner Name & Mailing Address: WILKERSON MELODY MITCHELL SHONNA K TIEMANN KIM 30104 RILEY RD WALLER TX 77484-6142 | | | | | Legal Description: PT TR 400 (AG-USE) TOMBALL OUTLOTS Property Address: 21803 HUFSMITH KOHRVILLE RD TOMBALL TX 77375 | | | | | |
| State Class Code | Land Use Code | Building Class | Total Units | Land Area | Building Area | Net Rentable Area | Neighborhood | Market Area | Map Facet | Key Map [®] |
| D1 -- Real, Qualified Agricultural Land | 9910 -- Agricultural Land | | 0 | 435,600 SF | 0 | 0 | 2581:06 | 400 -- ISD 26 - Tomball ISD | 4870A | 289N |

Value Status Information

| Value Status | Notice Date | Shared CAD |
|--------------|-------------|------------|
| Noticed | 04/29/2022 | No |

Exemptions and Jurisdictions

| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2021 Rate | 2022 Rate |
|----------------|-----------|-----------------------|-----------------|--------------------------|-----------|-----------|
| None | 026 | TOMBALL ISD | | Certified: 08/19/2022 | 1.250000 | 1.230000 |
| | 040 | HARRIS COUNTY | | Certified: 08/19/2022 | 0.376930 | 0.343730 |
| | 041 | HARRIS CO FLOOD CNTRL | | Certified: 08/19/2022 | 0.033490 | 0.030550 |
| | 042 | PORT OF HOUSTON AUTHY | | Certified: 08/19/2022 | 0.008720 | 0.007990 |
| | 043 | HARRIS CO HOSP DIST | | Certified: 08/19/2022 | 0.162210 | 0.148310 |
| | 044 | HARRIS CO EDUC DEPT | | Certified: 08/19/2022 | 0.004990 | 0.004900 |
| | 045 | LONE STAR COLLEGE SYS | | Certified: 08/19/2022 | 0.107800 | 0.107800 |
| | 083 | CITY OF TOMBALL | | Certified: 08/19/2022 | 0.333339 | 0.287248 |
| | 679 | HC EMERG SERV DIST 8 | | Certified: 08/19/2022 | 0.094245 | 0.093561 |

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations

| | Value as of January 1, 2021 | | Value as of January 1, 2022 | |
|--------------|-----------------------------|------------|-----------------------------|------------|
| | Market | Appraised | Market | Appraised |
| Land | 544,500 | | 544,500 | |
| Improvement | 0 | | 0 | |
| Ag/Tmbr/Spc | 600 | | 700 | |
| Total | 544,500 | 600 | 544,500 | 700 |

Request to Rezone from a SFR designation to industrial designation

Proposed development name:

South Tomball Industrial Park

21801 Hufsmith – Kohrville Road Tomball, Tx 77375

Preliminary observation:

- The property is currently zoned SF-20 single family 20 Estate District
- The property is located along the proposed Hufsmith- Kohrville major thoroughfare expansion route.
- The geographic area is underserved for a small deed restricted industrial development.
- There are numerous mid to large Industrial developments along the route and our preliminary research shows a need for smaller size lots (30,000 to 50,000 SF) to serve the small business owner.
- We will be offering the business owner 2 options:
 - Option A: A lot only sale with a 2-year timeline to begin construction
 - Option B: A turnkey transaction consisting of a lot sale along with a build to suit

We are in discussion with a local Tomball bank that will be offering attractive financing to the small business owner.

