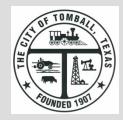
Community Development Department



Rezoning Staff Report

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

Rezoning Case: Z24-013

Property Owner(s): Tim Littlefield, LLC

Applicant(s): Tim Littlefield, LLC

Legal Description: Outlot 281 of the corrected map of Tomball Outlots

Location: 1000 block (west side) of South Persimmon Street (Exhibit "A")

Area: 5.006 acres

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

Present Zoning: Light Industrial (LI) District (Exhibit "C")

Request: Rezone from the Light Industrial (LI) to the Commercial (C)

District

Adjacent Zoning & Land Uses:

North: Manufactured Home Park (MHP) / Dwelling – HUD code-manufactured home

(23)

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

Dwelling - Single-Family detached and a construction company's office,

warehouse, and equipment yard

East: Planned Development – 12 (PD-12) / Dwellings – Single-family detached

West: Commercial (C) / Business headquarters

BACKGROUND

The subject property is currently undeveloped and was successfully rezoned from SF-20-E to the LI district (Z23-09) in June of 2023. This request aims to allow for the development of a multibuilding business park that can be developed to the Commercial (C) zoning district standards. Specifically, the applicant is seeking relief from the required side and rear yards that are greater within the LI district than those required within the Commercial (C) district.

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 Commercial (C) district is in conformance with the Future Land Use Plan. Furthermore, the subject property will have frontage onto South Persimmon Street which is designated as a Minor 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 Commercial 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 Z24-013.

EXHIBITS

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

Exhibit "A" Aerial Location Map



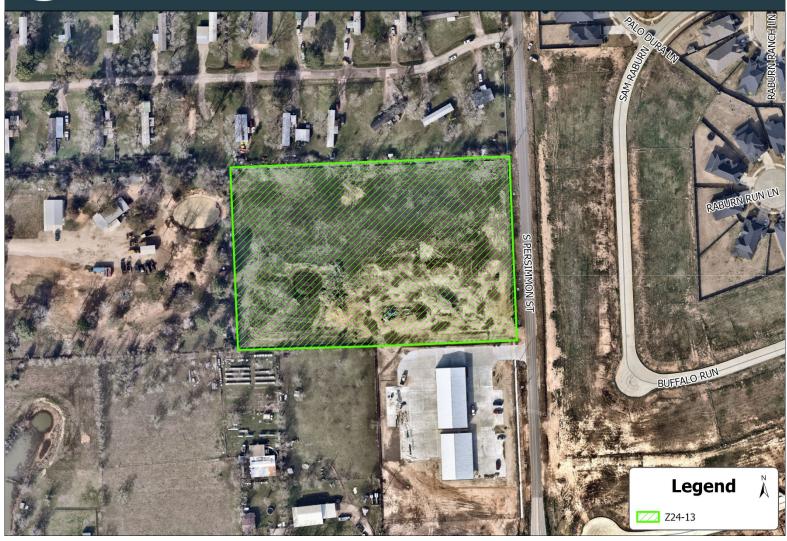


Exhibit "B"
Future Land Use Plan

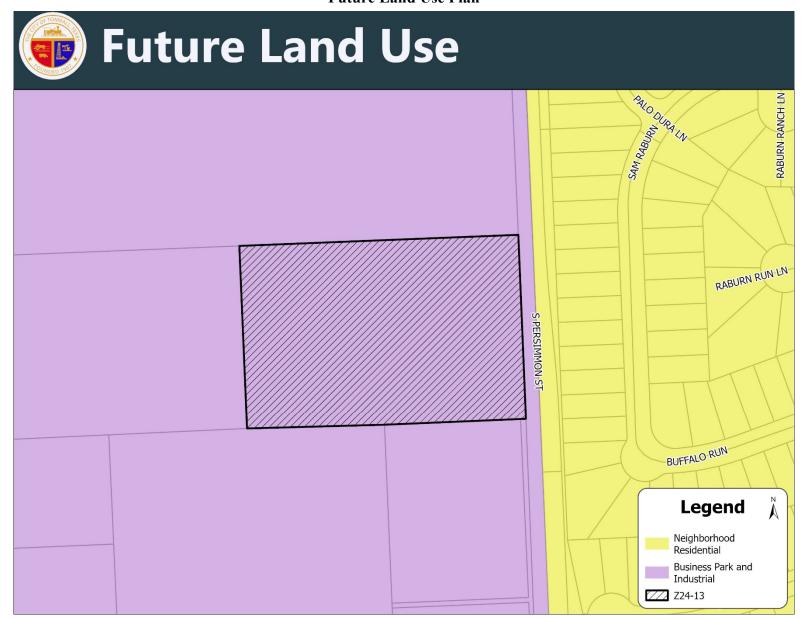


Exhibit "C" Zoning Map

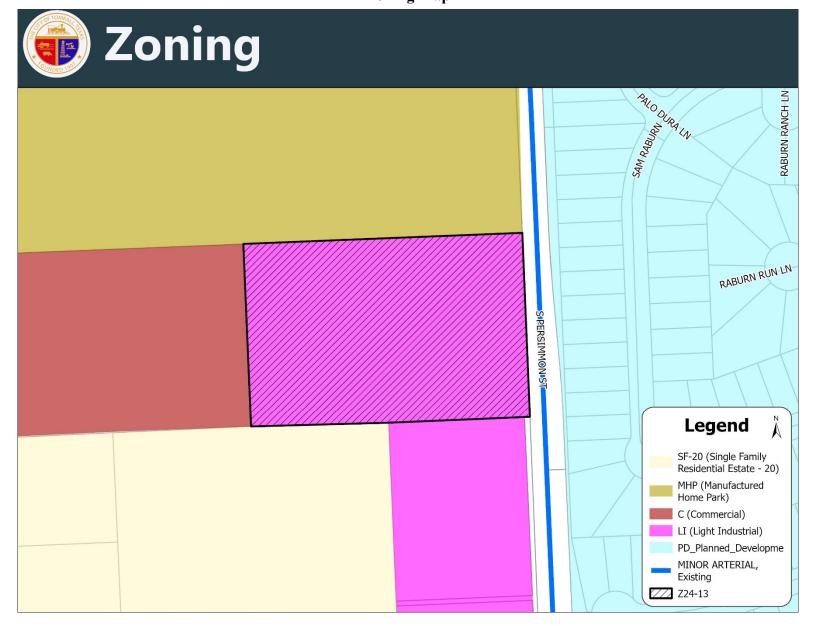


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



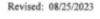
Neighbor (East)



Neighbor (West)



Exhibit "E" Rezoning Application





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.

<u>DIGITAL APPLICATION SUBMITTALS:</u>
PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant				
Name: Tim Littlefield, LLC		Own	ier	
Mailing Address: 1310 Persimmo		City: Tomball	State: TX	
Zip: 77375	Contact: Tim Littlef	ield		
Phone: (281) 399-1488	Email: tim@littlefie	ldbrothers.com		
Owner				
Name: Tim Littlefield, LLC		Title: Own		
Mailing Address: P.O. Box 1808		City:_Tomball	State: TX	
Zip: 77377	Contact: Tim Littlefi	eld		
Phone: (281) 399-1488	Email: tim@littlefie	ldbrothers.com		
Engineer/Surveyor (if applicable	:)			
Name: Marty Comeaux		Title: Arch	itect	
Mailing Address: 1631 Nocturne		City: Houston	State: Texas	
Zip: 77043	Contact: Marty Con	neaux		
Phone: (832) 530-4769	Fax: ()	Email: mart	y@mcomeauxarchitects.com	
Description of Proposed Project: The development of multiple single story pre-engineered shell buildings for future Commercial Office/Warehouse occupancy.				
Physical Location of Property: West side of S Persimmon St., between Agg Rd. and Sutton Ln.				
[General Location - approximate distance to nearest existing street corner]				
Legal Description of Property: Tomball outlet 281, called 5.001 screes, C.C.F.N. RP-2023-78533 O.P.R.H.C.T. in the Jessie Pruit Survey, A-629				
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]				
		a rraces, or planed Subul	vision (value with Lots/Block)	
Current Zoning District:(LI) Light Industrial				
	_			
City of Tomball, Texas 501 James Street	rt, Tomball, Texas 77375	Phone: 281-290-1405	www.tomballtx.gov	

Revised: 08/25/2023

Current Use of Property: Vacant				
Proposed Zoning District: (C) : Commercial				
	ered shell buildings for future Commercial Office/Warehouse occupancy.			
HCAD Identification Number: 0352880000420	Acreage: 5.001			
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 May	8/1/24			
Signature of Applicant	Date			
x All Timbelletield UC	8/1/24			
Signature of Owner	Date			

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

Revised: 08/25/2023

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.

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

Revised: 08/25/2023

Application Process

- The official filing date is the date the application and fee are received by the City.
- The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
- 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.
- 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.

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

RP-2023-78533 03/07/2023 ER \$30.00

WARRANTY DEED

GF# 2796129-HO40

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date:	March	3 , 2023
Grantor: N	ENDOZA HOME	BUILDERS LLC, a Texas limited liability company
Grantor's Mailing	Address: 1	2815 Huffmeister Rd. Suite 2. Cypress. TX 77429 Harris County)
Grantee: T	IM LITTLEFIELD	LLC, a Texas limited liability company
Grantee's Mailing	Address:	U.C. a Texas limited liability company
	(County)

Consideration:

The sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the underzigned in hand paid by Grantee herein named, the receipt of which is hereby acknowledged

Property (including any improvements):

BEING 5.006 ACRES OF LAND, OUT OF THE FERRY COYT CARLISLE, ET AIX 15.6203
ACRE TRACT, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. RESENS.
FURTHER KNOWN AS OUTLOT 281 OF THE CORRECTED MAP OF TOMBALL
OUTLOTS RECORDED IN VOL 4, PG. 75 OF THE MAP RECORDS OF HARRIS COUNTY,
TEXAS; SAID 5.006 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY
METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all entrictions, owners and extended property, but only in the extent they are still in effect, shown of record in the herein above mentioned county and State, and to all moning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the herein shown described property.

Grantov, for the consideration and subject to the Reservations from and Exceptions to Conveyance and Warnary, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtteneous thereto in any wise belonging, to have and hold it to Grantee and Grantee's heirs, successors, or assigns forever. Grantor binds Grantor and Granter's heirs and successors to warnart and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE

EXECUTED on the date first above written.

MENDOZA HOME BUILDERS LLC

(title) Rawl Mendoza Jr. Authorized Signor

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before use on the 3 day of MAYCh 2023, by ROUL MENDOZA ST. AUTHONIZED STOPPOY OF MENDOZA HOME BUILDERS LLC, a Texas limited liability company, on behalf of said company.

KARINA JANET HERNANDEZ Notary ID #125787781 My Commission Expires October 22, 2026

Xarina Janes Henrandes Notary Public in all for the State of Texas

PREPARED IN THE OFFICE OF: Law Office of Beard & Lane, P.C. 10511 Grant Road Houston, Texas 77070 Telephone: (281) 897-8848 Email: brent@beardlane.com AFTER RECORDING RETURN TO:

UNOFFICIAL

COPY

Warranty Deed Page 2 of 2

Page 14 of 22



T.B.P.E.L.S. 10112200
P.O. Box 2501 Conroe Texas 77305

Phone (936)756-5266, Fax (936)756-5281

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)

7aren Hanks Registered Professional Land Surveyor No. 6787 TAREN HANKS

CODY

UNOFFICIAL

RP-2023-78533
Pages 5
03/07/2023 11:59 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

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.



COUNTY CLERK HARRIS COUNTY, TEXAS



01 August, 2024

City of Tomball Planning & Zoning Commission Tomball, TX

Re:

Request to rezone property

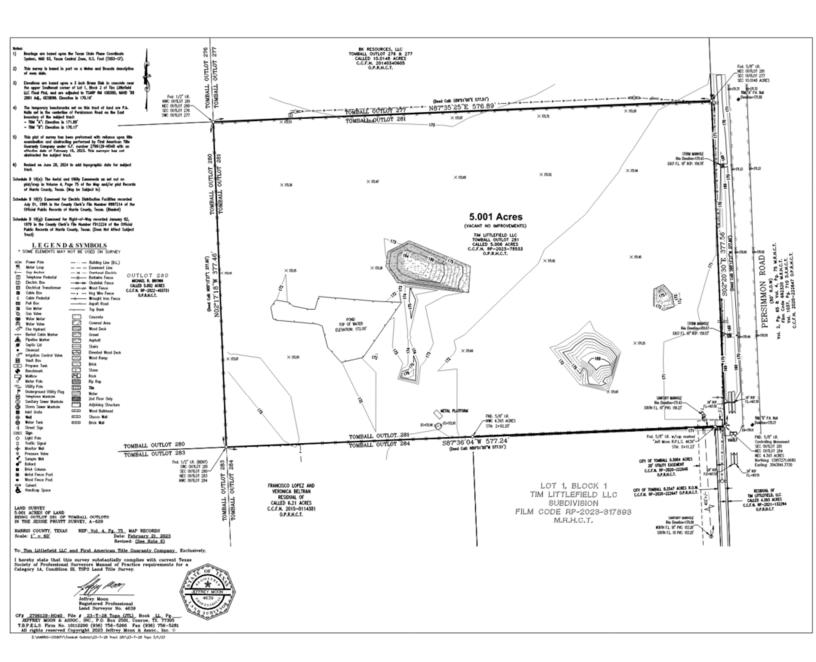
Tim Littlefield-LLC

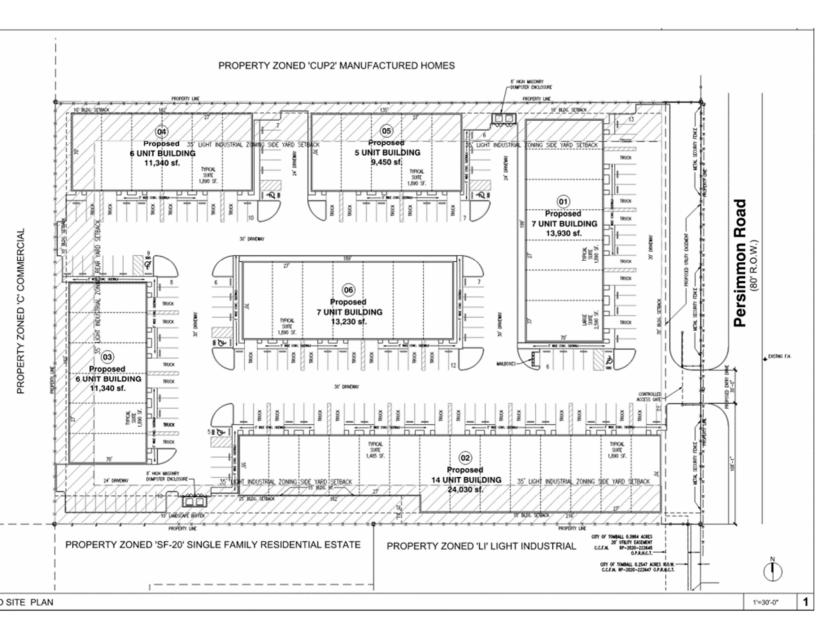
S. Persimmon Road Tomball, Texas 77095

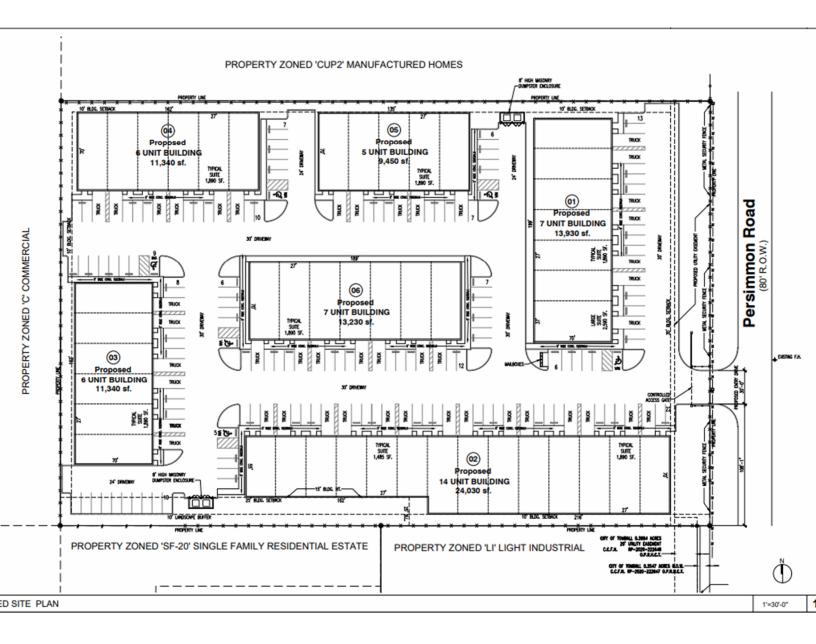
To whom it may concern:

We are proposing to develop our 5 acre tract for commercial purposes, and construct several single-story pre-engineered metal buildings for multi-tenant leasing. Our current Zoning District (LI) Light Industrial prescribes side and rear yard setbacks of 35' or more. A zoning of (C) Commercial, allows for only 10' side and rear yard building setbacks. Since our range of expected occupancy types are allowed under both (C) Commercial, as well as (LI) Light Industrial, in order to maximize our building square footage, we want to be zoned for (C) Commercial. This change will make a substantial difference in the building square footage we can place on the property. For this reason, we are requesting a change to Zoning District (C) Commercial.

Sincerely,









Northern Oaks

Typical Building Littlefield Flex Park Office / Warehouse

RE-ZONING REVIEW 03 AUGUST, 2024

M Comeaux Architects, LLC

1631 Nocturne Ln.
Houston, TX 77043
832-530-4769