

**Rezoning
Staff Report**

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

Rezoning Case: Z23-17
Property Owner(s): Daniel Rodano
Applicant(s): Sendero Ventures LLC.
Legal Description: 1.06 acres being a portion of the John Smith Survey, Abstract No. 730
Location: 1100 block (north side) of E. Hufsmith Rd. (Exhibit “A”)
Area: 1.06 acres
Comp Plan Designation: Ranch Rural & Estate (Exhibit “B”)
Present Zoning: Single-Family Residential -20 District (Exhibit “C”)
Request: Rezone from the Single-Family Residential – 20 (SF-20) to the Commercial (C) district

Adjacent Zoning & Land Uses:

North: Single-Family Residential -20 (SF-20)/ Single-family residence(s)

South: Commercial (C) / Vacant

West: Single-Family Residential – 20 (SF-20) with a Conditional Use Permit (CUP 19)/ Reception Venue

East: Agricultural (AG) / Single-family residence(s)

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1909. The property is a portion of a greater parcel of land which is approximately 14 acres and is presently occupied by a single-family residence. The property is split zoned into two zoning designations, the southernmost approximately 7.3 acres is within Commercial (C) zoning. The northernmost 1.80 acres of this commercial portion of the property was rezoned from Single Family Estate – 20 (SF-20-E) to Commercial (C) in 2020. The remaining 7 acres of the overall property is within Single Family Estate Residential -20 (SF-20-E) zoning. The subject property is 1.057 acres of the SF-20-E portion of the property. In August of 2023 city staff met with the applicants to discuss the development of an office/warehouse facility at this location. It was discussed that the current landowner is wanting to sell approximately 8.1 acres of the overall property, which comprises most of that portion which is within the C zoning district as well as the property which is the subject of this zone change request; being approximately 1.057 acres of land within the SF-20-E zoning. During our meeting with the applicants, city staff were informed that this northernmost 1.057 acres would be utilized for the development’s onsite stormwater detention. The applicants were notified that this portion of the property could not be utilized for commercial purposes, nor could it be used

for the drainage facility (i.e. detention pond) for the commercial development without first being rezoned to Commercial.

ANALYSIS

Description: The subject property comprises approximately 1.06 acres located in the 1100 block (north side) of E. Hufsmith Road. The property falls within the Single Family Residential Estate – 20 zoning district and has been within this zoning designation since the City of Tomball adopted zoning in 2008. North of the subject property is Single Family Estate 20 (SF-20-E) zoning occupied by a single-family residence. East of the site is Agricultural (AG) zoning occupied by a single-family residence. West of the subject property is Single Family Estate 20 (SF-20-E) zoning with a Conditional use Permit (CUP #19), this property is occupied by wedding/event reception venue. South of the subject property is Commercial (C) zoning that is vacant, 1.79 acres of this property was rezoned from SF-20-E to Commercial in 2020 to accommodate on-site stormwater detention.

Comprehensive Plan Recommendation: The property is designated as “Ranch Rural & Estate” by the Comprehensive Plans Future Land Use Map. This Ranch Rural & Estate category is intended to identify areas that represent bucolic character. The land use category is defined by the abundance of natural landscape and may include limited agricultural enterprises.

According to the Comprehensive Plan, land uses should consist of large lot residential, conservation subdivisions, and agricultural enterprises. The built environment should be complemented by large amounts of green space such as mature woodlands or pasture.

The Comprehensive Plan recommends the zoning districts of – Agricultural (AG), Single Family Residential Estate Residential (SF-20-E), or Planned Developments (PD)

Staff Review Comments:

The request to rezone the subject property would expand the existing Commercial (C) zoning by approximately 1-acre to accommodate the proposed developments detention pond. City staff believes that this is a marginal expansion to the existing Commercial zoning within the immediate area and will pose no additional adverse impacts to surrounding properties. Furthermore, the intended use of the subject property for detention pond purposes may serve as a buffer between the planned commercial use and existing single family residential uses to the north. This detention pond will also promote the open space encouraged by the Ranch Rural & Estate land use category identified on the Future Land Use Map found within the Comprehensive Plan.

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 Z23-17.

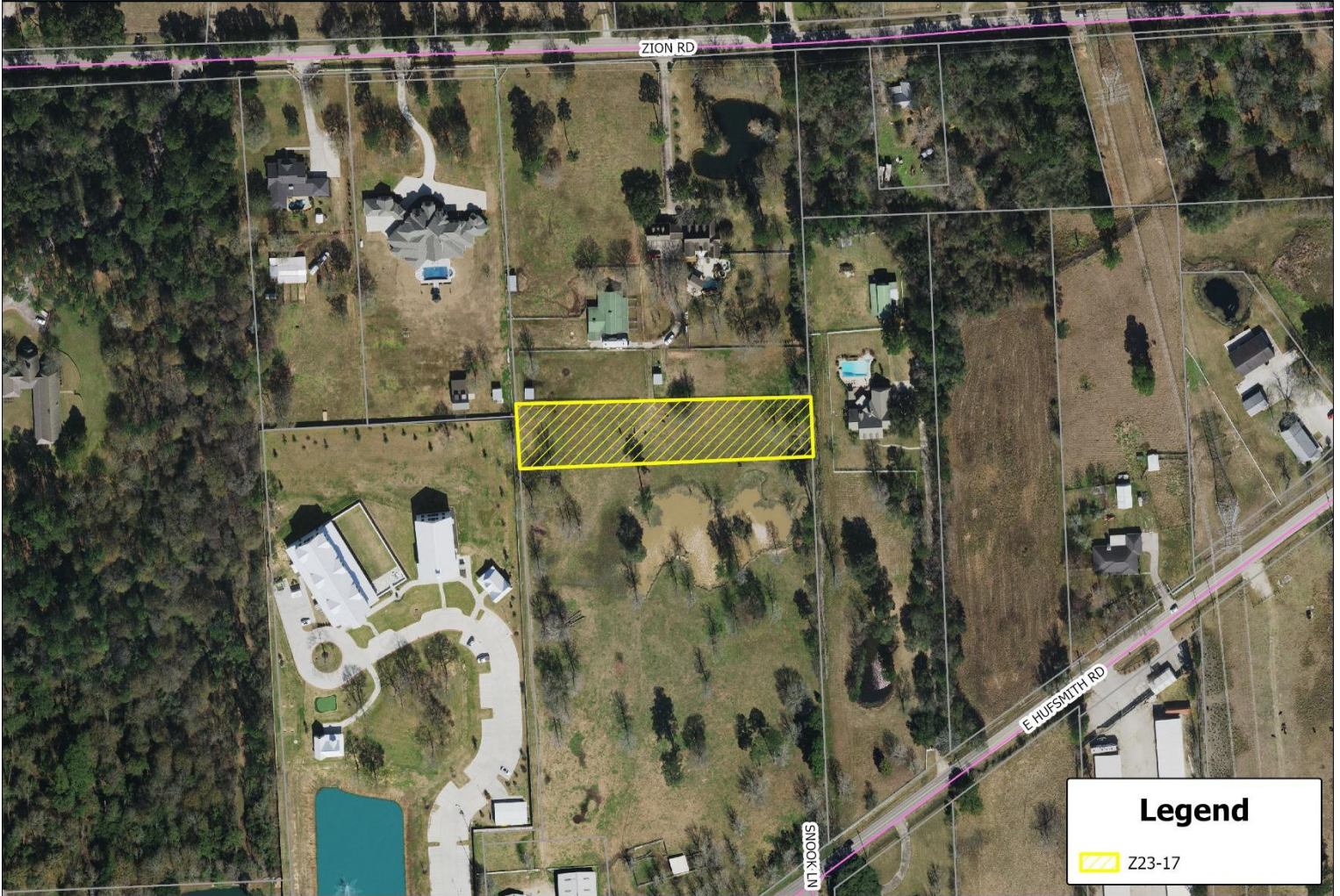
EXHIBITS

- 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



Legend


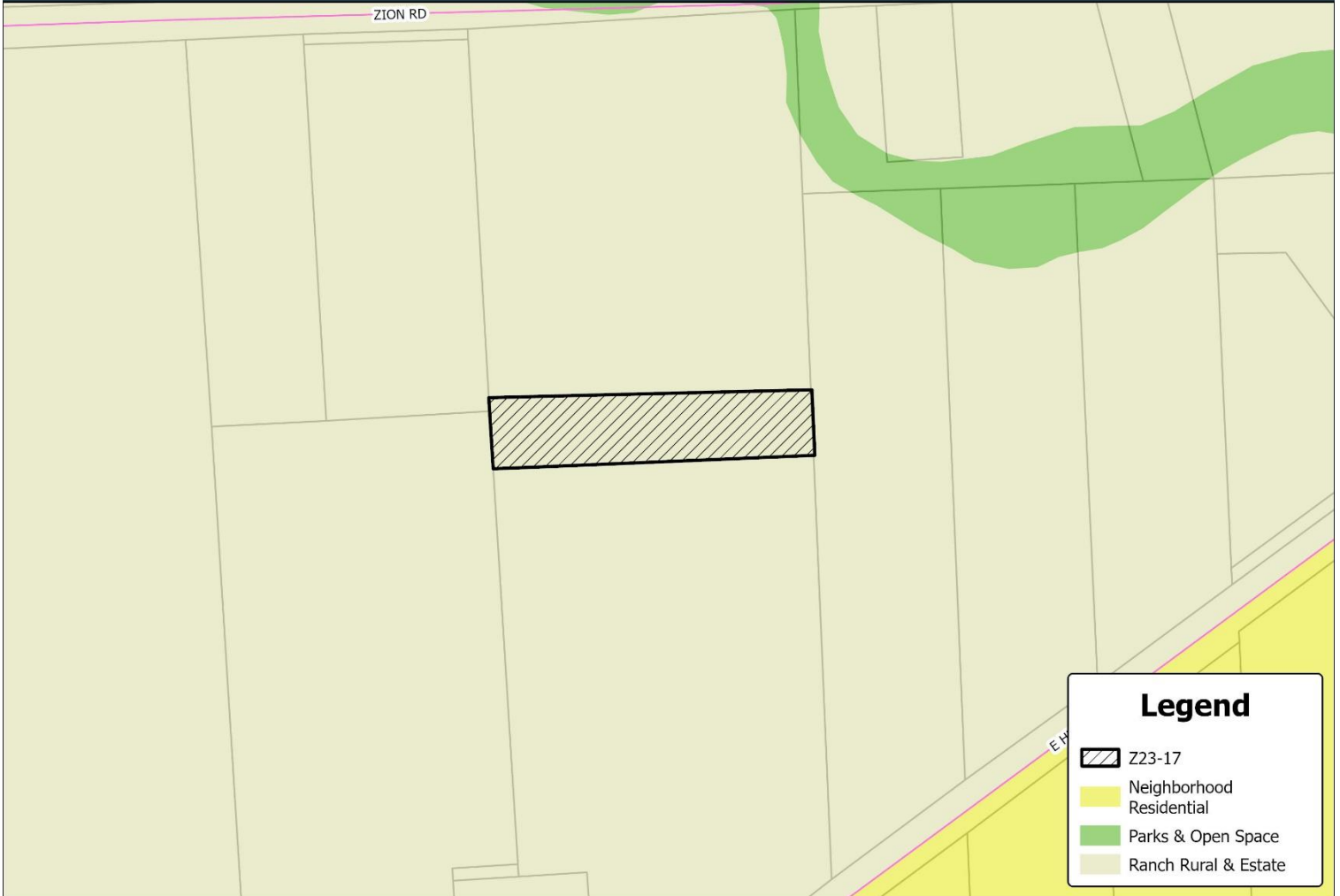
 Z23-17

Exhibit "B"
Future Land Use Plan



Future Land Use



Legend





-  Z23-17
-  Neighborhood Residential
-  Parks & Open Space
-  Ranch Rural & Estate

Exhibit "C"
Zoning Map



Zoning

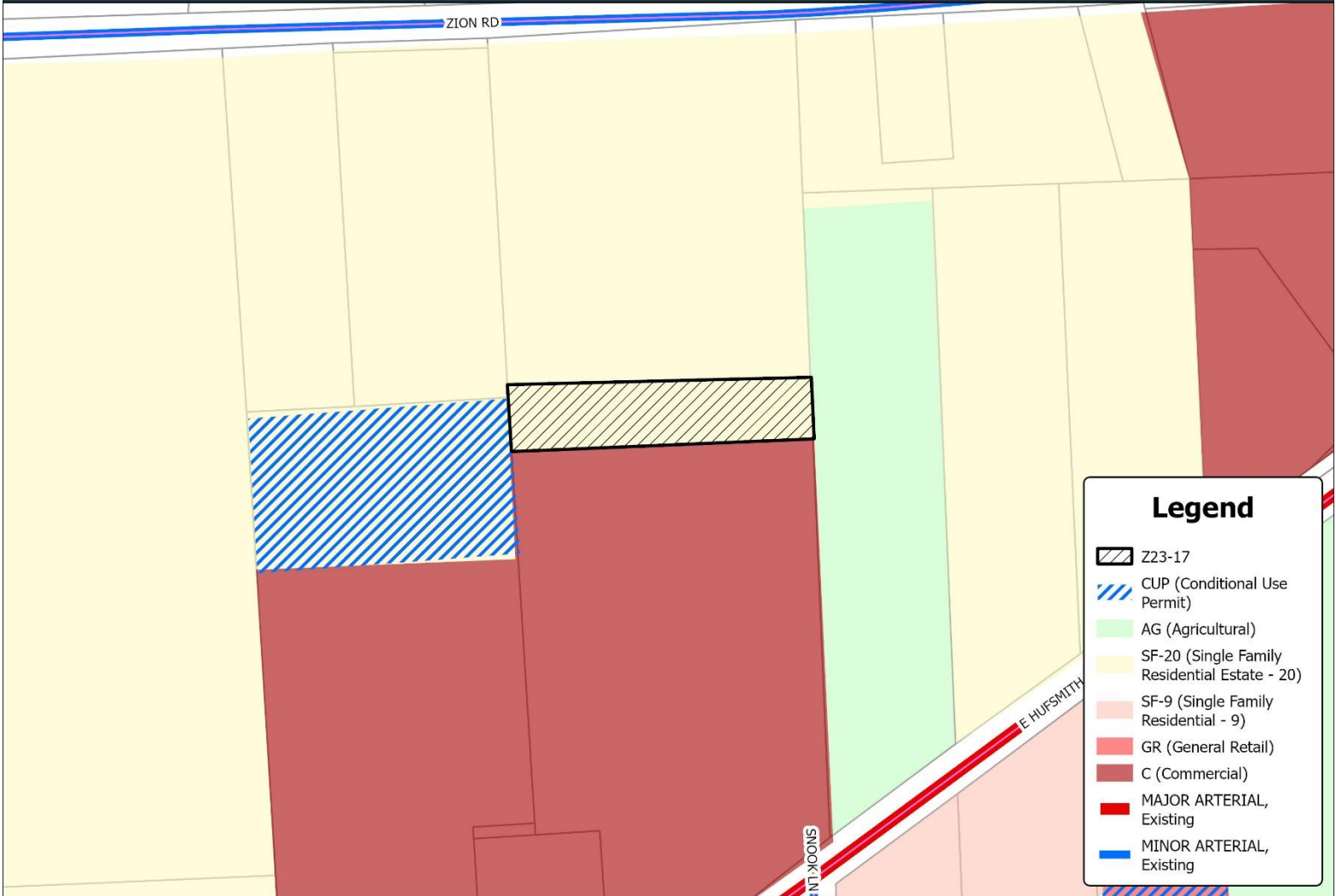


Exhibit "D"
Site Photo(s)

Subject Site (north of E. Hufsmith)



Subject Site (south of Zion)



Neighbor (east)



Neighbor (west)



Neighbor (southwest)



Neighbor (northwest)



Exhibit "E"
Rezoning Application

DocuSign Envelope ID: 08AA7C64-CA8F-4D3C-9723-7D422096C135

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: tombalredd
PASSWORD: Tomball1

Applicant

Name: Sendero Ventures LLC Title: Managing Member
Mailing Address: 26410 Oak Ridge Dr #108 City: The Woodlands State: TX
Zip: 77380 Contact: Juan Sanchez & Scott Burrer
Phone: (832) 607-8678 Email: juan@senderogroup.net

Owner

Name: Daniel Rodano Title: owner
Mailing Address: 12125 Zion Rd City: Tomball State: TX
Zip: 77375 Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: DPK Engineering; David Kelley Title: Engineer
Mailing Address: P.O. Box 823 City: Fulshear State: TX
Zip: 77441 Contact: _____
Phone: (281) 300-1869 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

Description of Proposed Project: _____

Physical Location of Property: Property is on the north side of E Hufsmith Rd, directly across from Flax Ct, 0.4 miles from Zion Rd intersection
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: PT TRS 6A 12A 18A 24A 30A & 36A (AG-USE) TOMBALL OUTLOTS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E

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

Revised: 10/1/2022

Current Use of Property: vacant land

Proposed Zoning District: C- Commercial District

Proposed Use of Property: office/warehouse business park development

HCAD Identification Number: 0352820000179 Acreage: 7.088 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.

DocuSigned by:
JUAN C. SANCHEZ

10/17/2023

X

Signature of Applicant

Date

DocuSigned by:
[Signature]

9/30/2023

X

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.



FIELD NOTES
TO BE ZONED COMMERCIAL

Description of 1.057 acres (46,040 square feet) of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas; being a portion of a called 15.237 acre tract to Daniel G. Rodano by Special Warranty Deed of land as recorded in Harris County Clerk's File No. X609281, said 1.057 acre tract being more particularly described as follows (all bearings are based NAD83 Texas State Plane Coordinate System):

COMMENCING at a found 5/8-inch iron rod for the southwest corner of said 15.237 acre tract, the southeast corner of a called 0.850 acre residual of a called 15.2374 acres as recorded under Harris County Clerk's File No. X609278 and in the northwest right-of-way of Huffsmith Road;

THENCE, North 02°57'19" West, along the west line of said 15.237 acre tract and the east line of said 0.850 acre, a west line of a called 2.792 acre to Hogan Crum, LLC by General Warranty Deed as recorded under Harris County Clerk's File No. RP-2017-108431, passing a found 5/8-inch iron rod with cap at 339.17 feet and a called 7.000 acre tract to Hogan Crum, LLC by General Warranty Deed as recorded under Harris County Clerk's File No. RP-2017-46121 a total distance of 931.85 feet to the POINT OF BEGINNING and southwest corner of the herein described tract;

THENCE, North 02°57'19" West, along the west line of said 15.237 acre tract and the east line of said 7.000 acre tract a distance of 104.70 feet to a found 5/8-inch iron rod with cap for the northwest corner of the herein described tract;

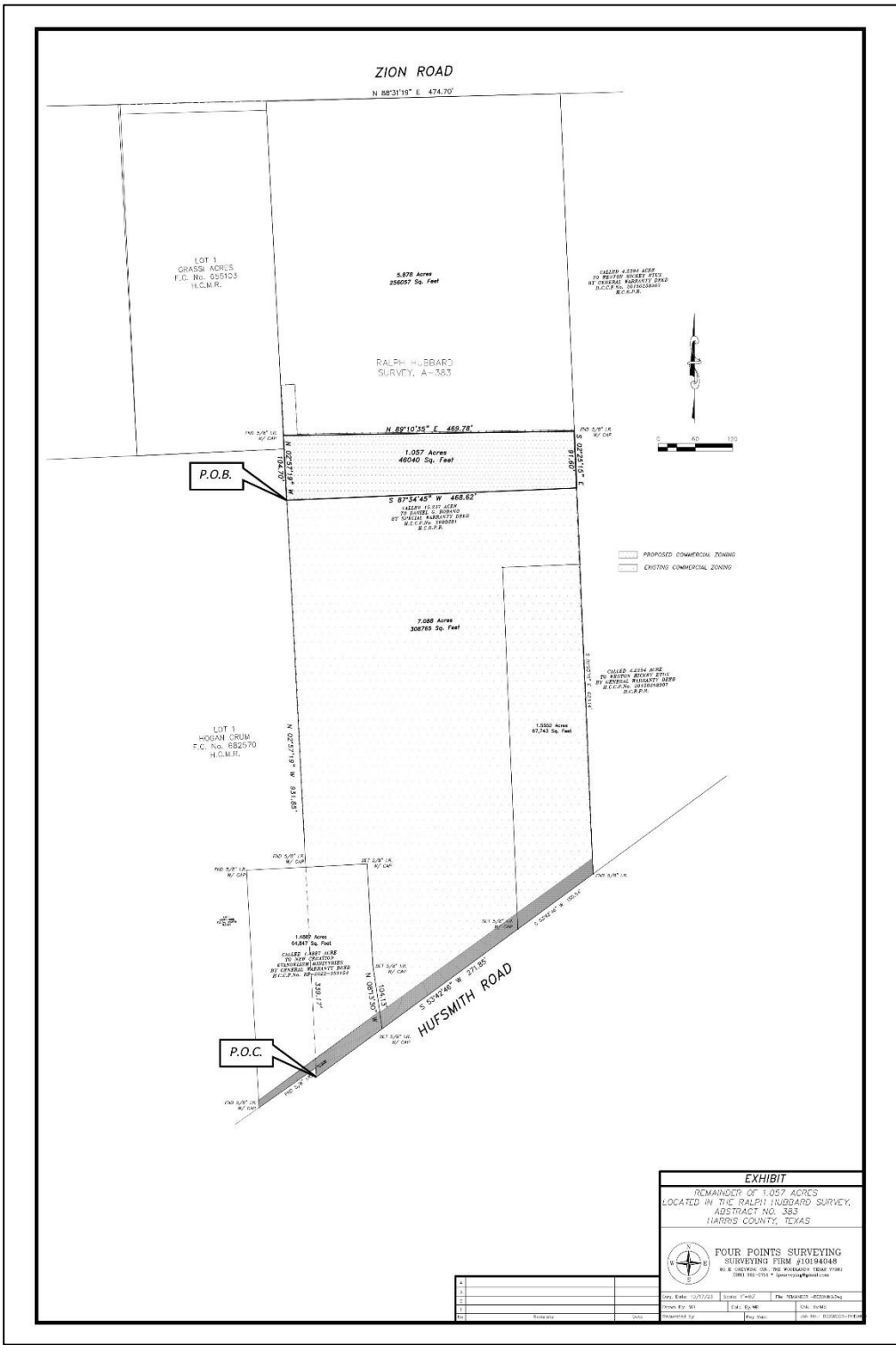
THENCE, North 89°10'35" East, over and across said 15.237 acre tract a distance of 469.78 feet to a found 5/8-inch iron rod with cap for the northeast corner of the herein described tract and in the west line of a called 4.2394 acre tract to Weston Hickey ETUX by General Warranty Deed as recorded under Harris County Clerk's File No. 20150258907;

THENCE, South 02°25'15" East, along the east line of said 15.237 acre tract and the west line of said 4.2394 acre tract a distance of 91.60 feet to point for the southeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 02°25'15" East, 623.14 feet, for the southeast corner of the said 15.237 acre tract and in the northwest right-of-way of said Huffsmith Road;

THENCE, South 87°34'45" West, continuing over and across said 15.237 acre tract 468.62 feet to the POINT OF BEGINNING and containing a computed area of 1.057 acres (46,040 square feet) of land. This description is based on a ground survey and plat prepared by Mark Sherley, Registered Professional Land Surveyor and dated October 17, 2023.


Mark L. Sherley
Registered Professional Land Surveyor No. 5326





EXHIBIT

REMAINDER OF 1.057 ACRES
LOCATED IN THE RALPH HUBBARD SURVEY,
ABSTRACT NO. 383
HARRIS COUNTY, TEXAS

FOUR POINTS SURVEYING
SURVEYING FIRM #10184848
WE ARE LICENSED FOR THE PROFESSIONAL DESIGN TITLE
(0001) 0001-0001-0001-0001

DATE: 10/27/21 SCALE: 1"=40' THE SURVEYOR'S RESPONSIBILITY

DRAWN BY: [] CHECKED BY: [] DATE: []
 REVISION: [] DATE: [] PREPARED BY: [] DATE: []