

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 12, 2021

City Council Public Hearing Date: July 19, 2021

Rezoning Case: P21-252
Property Owner(s): Tim Littlefield
Applicant(s): Tim Littlefield
Legal Description: TRS 284D 284E & 286 Tomball Outlots
Location: Northwest corner of Agg Road and Persimmon Road (Exhibit “A”)
Area: 4.00 acres
Comp Plan Designation: Business Park & Industrial (Exhibit “B”)
Present Zoning and Use: Single-Family 20 Estate District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Request: Rezone from the Single-Family 20 Estate District to the Light Industrial District

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate District / Undeveloped

South: Single-Family 20 Estate District / Single-Family residence

West: Single-Family 20 Estate District / Single-family residence

East: Planned Development PD-12 District / Raburn Reserve (under construction)

BACKGROUND

City Staff received a Rezoning Application for the subject site in May 2021.

ANALYSIS

The subject site is approximately 4.00 acres located at the northwest corner of Agg Road and South Persimmon Street. The property is undeveloped. Raburn Reserve, a single-family residential subdivision, is currently under construction on the east side of South Persimmon Street. The property to the north of the subject site is undeveloped and the properties to the west and south contain single-family residences on lot estate lots.

According to Section 50-78 (*Light Industrial District*), the Light Industrial District is “intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major

thoroughfares, major highways, and/or other means of transportation such as the railroad.” The subject site is located at the intersection of two major thoroughfares: South Persimmon Street and Agg Road (Medical Complex Drive) and also is in close proximity to the railroad tracks.

The property, along with properties to the north, south and west, is designated as Business Park and Industrial by the Comprehensive Plan Future Land Use Map. This category is intended “to create opportunities for employment. This area is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic”. Appropriate land uses for this category include office, warehousing, light manufacturing, breweries/distilleries, equipment sales, contractor services, and corporate campuses. Additionally, compatible zoning districts include Light Industrial, Commercial, Office and Planned Development.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on June 30, 2021. 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 P21-252.

EXHIBITS

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

Exhibit "A"
Aerial Photo

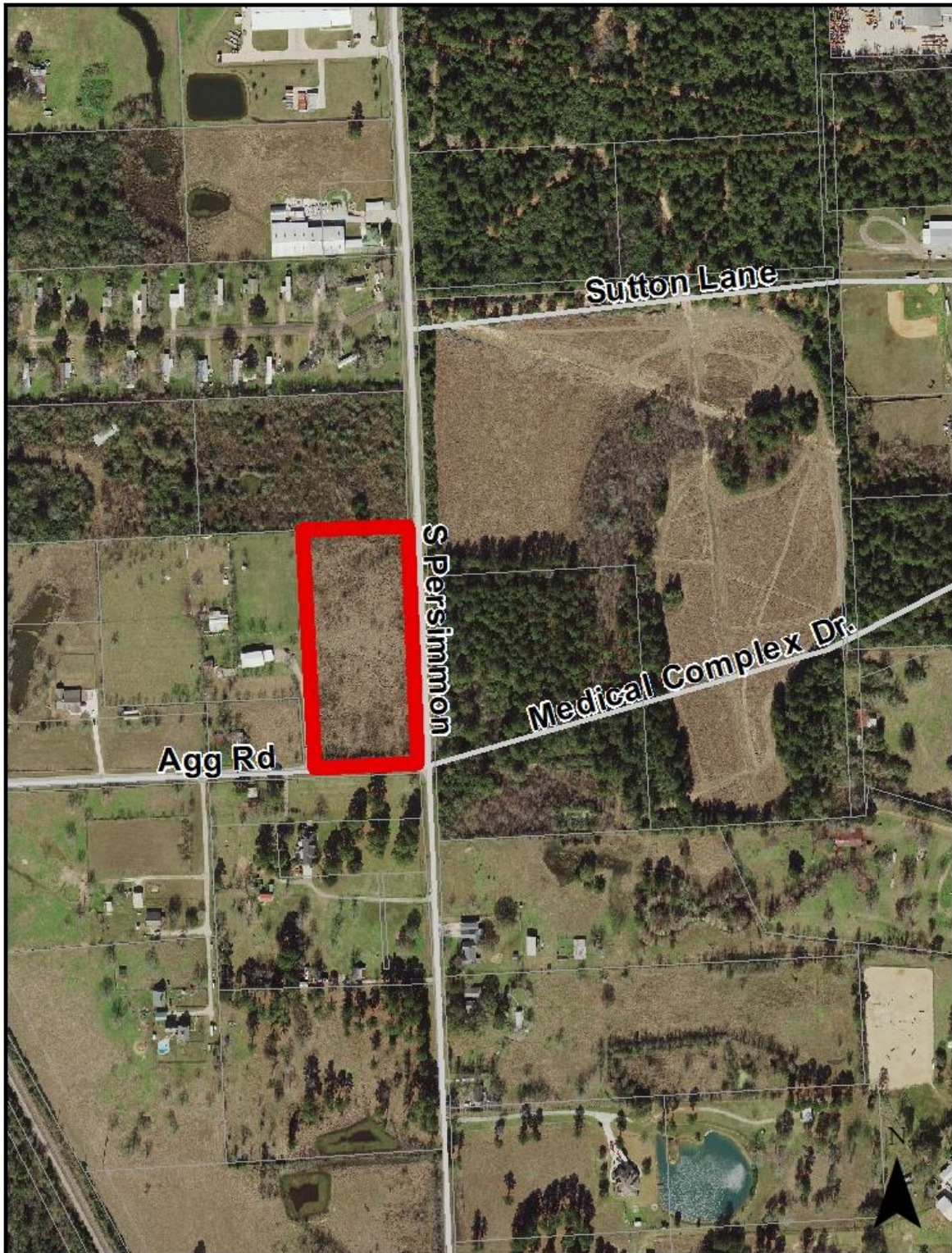


Exhibit "B"
Comprehensive Plan

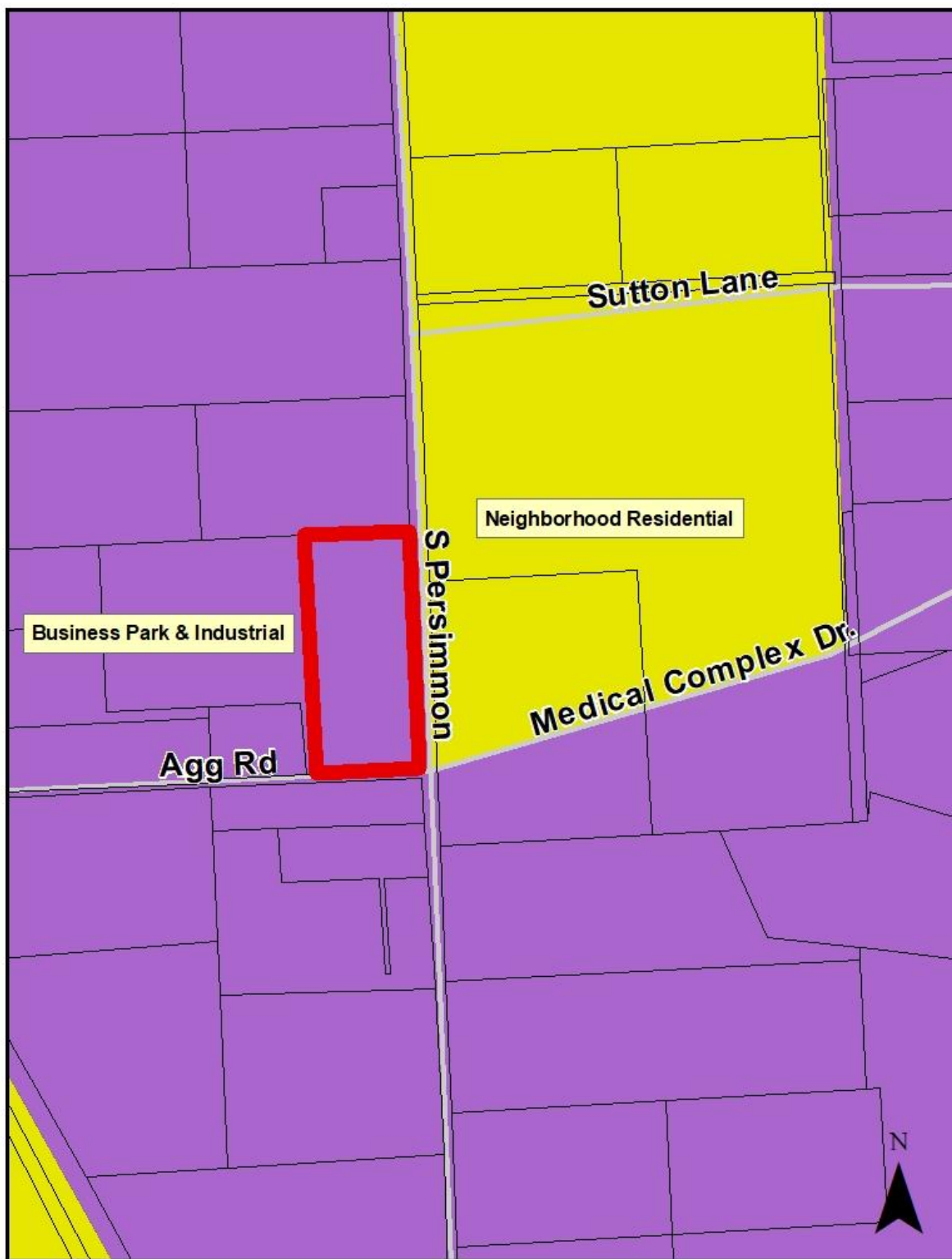
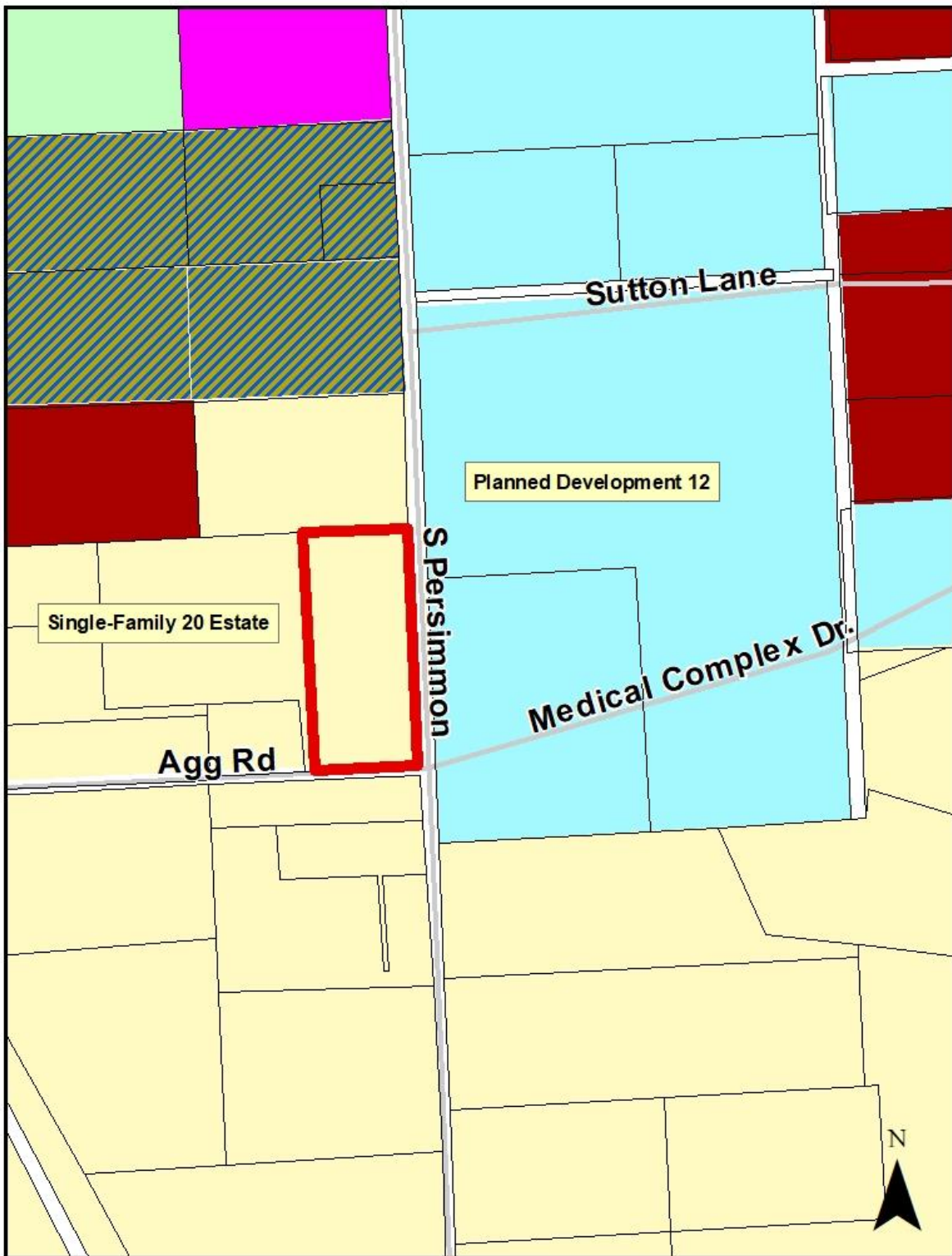


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"

Rezoning Application



RECEIVED (KC)
05/17/2021 2:32:57 PM

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

Revised: 4/13/2020

P&Z #21-252
\$440.00 PD

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

Physical Location of Property: Corner of AGG Road and Persimmon Street
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 3.9287 Acres (called 4.393 acres Duncan Harrison H.C.C.F. No. 20150071264 O.P.R.R.P.H.C., TX
[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



HCAD Identification Number: _____ Acreage: 3.9287

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.

<p>X </p> <p>_____ Signature of Applicant</p>	<p>5/10/21</p> <p>_____ Date</p>
<p>X </p> <p>_____ Signature of Owner</p>	<p>5/10/21</p> <p>_____ Date</p>

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

DATE : 5/14/2021 2:44 PM
OPER : TW
TKBY : TW
TERM : 5
REC# : R01263152

130.0000 PLANNING AND ZONING 440.00
Corner of Agg Rd & Persimmon 440.00

Paid By: Corner of Agg Rd & Persimmon
2-CK 440.00 REF: w 2209

APPLIED	440.00
TENDERED	440.00
CHANGE	0.00

Dear Planning and Zoning Commission as well as City Council,

My name is Tim Littlefield. I own a construction company located in Conroe, Texas. I recently purchase approx. 3.93 acres at the corner of Agg Road and Persimmon Street. I am asking for this property to be rezoned from SF-20-E Single – Family to LI – Light Industrial. I would like to build a new office/warehouse on the property. If approved, and once project is completed, we would move our office staff from Conroe to Tomball. This property is currently an empty lot (vacant). At some point, we may try and building an additional warehouse if space is adequate. We have been at our current location for going on 25 yrs. We have outgrown our current property (1.5 acers) and would love to build a new office on this property in Tomball area.

Sincerely,



Tim Littlefield

Old Republic National Title Insurance Company
GF# 21000834

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.

General Warranty Deed

Date: March 5, 2021

Grantor: Duncan Harrison, a married person not joined herein by Grantor's spouse as the property conveyed forms no part of the homestead

Grantor's Mailing Address: 8419 CreeksideTimbersDr, Tomball, TX 77375

Grantee: Tim Littlefield LLC

Grantee's Mailing Address: 15925 FM 3083 #16, Conroe, TX 77301

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Fieldnotes for a survey of 4.393 acres of land out of Outlots 284 and 286 of CORRECTED MAP OF TOMBALL OUTLOTS, recorded in Volume 4, Page 75 of the Harris County Map Records, and also being out of that certain 15.6203 acre tract described in deed recorded under Harris County Clerk's File No. R838858, said 4.393 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the east line of said 15.6203 acre tract and west right-of-way line of Persimmon Road (30 feet wide), marking the northeast corner of Outlot 284 and southeast corner of Outlot 281 and southeast corner of that certain 5.004 acre tract described in deed recorded under Harris County Clerk's File No. U858829, and also marking the northeast corner of the herein described tract;

THENCE S 00 deg. 13 min. 27 sec. W along said west right-of-way line of Persimmon Road, and east line of Outlot 284, at 377.60 feet passing the southeast corner of Outlot 284 and northeast corner of Outlot 286, and northeast corner of a 30 feet wide unimproved public road dedicated in Volume 2, Page 65 of the Harris County Map Records, and at 407.60 feet passing the southeast corner of said 30 feet unimproved public road, and continuing for a total distance of 657.93 feet to a point in Agg Road as occupied, 50 feet wide, from whence a 5/8 inch iron rod bears N 00 deg. 13 min. 27 sec. E, 25.00 feet, said point marking the southeast corner of the herein described tract;

THENCE S 89 deg. 34 min. 28 sec. W, in said Agg Road, and along the north line of that certain 1.67 acre tract described in deed recorded under Harris county Clerk's File No. D557909, a distance of 284.80 feet to a point in Agg Road as occupied for the southwest corner of the herein described tract, and also being the southeast corner of a 2.0172 acre tract;

THENCE N 01 deg. 35 min. 04 sec. W along the east line of said 2.0172 acre tract, at 25.00 feet passing a 5/8 inch iron rod found in the north line of Agg road as occupied, and continuing for a total distance of 197.48 feet to a 5/8 inch iron rod found at an angle point in the east line of said 2.0172 acre tract and west line of the herein described tract;

THENCE N 00 deg. 09 min. 00 sec. E, continuing along the east line of said 2.0172 acre tract and west line of the herein described tract, at 55.73 feet passing the south line of said 30 feet wide unimproved public road, at 85.73 feet passing the north line of said 30 feet unimproved public road, and continuing for a total distance of 463.33 feet to a 5/8 inch iron set in the common line of Outlots 281 and 284, and south line of said 5.004 acre tract, marking the

RP-2021-132294

RP-2021-132294
Pages 4
03/15/2021 11:06 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

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.



Tenesia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

Old Republic National Title Insurance Company
GF# 21000839

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.

General Warranty Deed

Date: March 5, 2021

Grantor: Duncan Harrison, a married person not joined herein by Grantor's spouse as the property conveyed forms no part of the homestead

Grantor's Mailing Address: 8419 CreeksideTimbersDr, Tomball, TX 77375

Grantee: Tim Littlefield LLC

Grantee's Mailing Address: 15925 FM 3083 #6, Conroe TX 77301

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Fieldnotes for a survey of 4.393 acres of land out of Outlots 284 and 286 of CORRECTED MAP OF TOMBALL OUTLOTS, recorded in Volume 4, Page 75 of the Harris County Map Records, and also being out of that certain 15.6203 acre tract described in deed recorded under Harris County Clerk's File No. R838858, said 4.393 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the east line of said 15.6203 acre tract and west right-of-way line of Persimmon Road (30 feet wide), marking the northeast corner of Outlot 284 and southeast corner of Outlot 281 and southeast corner of that certain 5.004 acre tract described in deed recorded under Harris County Clerk's File No. U858829, and also marking the northeast corner of the herein described tract;

THENCE S 00 deg. 13 min. 27 sec. W along said west right-of-way line of Persimmon Road, and east line of Outlot 284, at 377.60 feet passing the southeast corner of Outlot 284 and northeast corner of Outlot 286, and northeast corner of a 30 feet wide unimproved public road dedicated in Volume 2, Page 65 of the Harris County Map Records, and at 407.60 feet passing the southeast corner of said 30 feet unimproved public road, and continuing for a total distance of 657.93 feet to a point in Agg Road as occupied, 50 feet wide, from whence a 5/8 inch iron rod bears N 00 deg. 13 min. 27 sec. E, 25.00 feet, said point marking the southeast corner of the herein described tract;

THENCE S 89 deg. 34 min. 28 sec. W, in said Agg Road, and along the north line of that certain 1.67 acre tract described in deed recorded under Harris county Clerk's File No. D557909, a distance of 284.80 feet to a point in Agg Road as occupied for the southwest corner of the herein described tract, and also being the southeast corner of a 2.0172 acre tract;

THENCE N 01 deg. 35 min. 04 sec. W along the east line of said 2.0172 acre tract, at 25.00 feet passing a 5/8 inch iron rod found in the north line of Agg road as occupied, and continuing for a total distance of 197.48 feet to a 5/8 inch iron rod found at an angle point in the east line of said 2.0172 acre tract and west line of the herein described tract;

THENCE N 00 deg. 09 min. 00 sec. E, continuing along the east line of said 2.0172 acre tract and west line of the herein described tract, at 55.73 feet passing the south line of said 30 feet wide unimproved public road, at 85.73 feet passing the north line of said 30 feet unimproved public road, and continuing for a total distance of 463.33 feet to a 5/8 inch iron set in the common line of Outlets 281 and 284, and south line of said 5.004 acre tract, marking the

northwest corner of the herein described tract;

THENCE S 89 deg. 51 min. 00 sec. E along said common line of Outlots 281 and 284, and south line of said 5.004 acre tract, a distance of 291.61 feet to the POINT OF BEGINNING, and containing 4.393 acres of land.

SAVE AND EXCEPT:

That certain 0.2547 acre (11,096 square feet) tract of land described in Right of Way Deed dated March 13, 2019,, filed on May 27, 2020, under Clerk's File No. RP-2020-222647, GRANTED to the City of Tomball, Texas and being more particularly described by metes and bounds in said Right of Way Deed.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

Validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (1) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (2) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (3) filled-in lands or artificial islands, (4) water rights, including riparian rights, or (5) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant 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 Conveyance and the Exceptions to Conveyance and Warranty.

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

SIGNATURES ON FOLLOWING PAGE

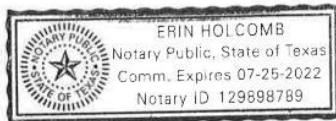
Duncan Harrison
Duncan Harrison

STATE OF TEXAS

COUNTY OF Harris

Before me, the undersigned Notary Public, on this day personally appeared Duncan Harrison, proved to me through TXDL to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 5 day of March, 2021.



Erin Holcomb
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
Dorsett Johnson & Swift, LLP
407 Throckmorton, Suite 500
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:

LAND TITLE SURVEY OF
3.9287 ACRES OR 171,136 SQUARE FEET
OF LAND
SITUATED IN THE
JESSE PRUETT SURVEY, A BTRACT NO. 629
HARRIS COUNTY, TEXAS

1. I, J. P. RYAN, BY WHOM LAND SERVICES HAS THIS DOCUMENT BEING COPIPIED AND IS AN INSTRUMENT OF SERVICE FOR THE SPECIFIC PURPOSE OF TRANSACTIONS FOR WHICH IT WAS PREPARED, REUSE, COPIING OR REPRODUCTION OF THIS DOCUMENT WITHOUT MY WRITTEN CONSENT OR THE WRITTEN CONSENT OF LAND SERVICES, IS PROHIBITED. ANY REUSE, COPIING OR REPRODUCTION WITHOUT WRITTEN PERMISSION FROM LAND SERVICES IS A VIOLATION OF FEDERAL COPYRIGHT LAW.

FILED BY:	RPK	CHECKED BY:	RPK	JOB NO.	09-24-082
PREPARED BY:	MAT	DATE:	ESTRADDY 2008	SHEET NO.	1 OF 1