

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: April 8, 2024
City Council Public Hearing Date: April 15, 2024

Rezoning Case: Z24-04
Property Owner(s): Houston Deco Ballons LLC
Applicant(s): Houston Deco Ballons LLC
Legal Description: Portion of Lot 286 of Tomball Outlots
Location: 900 block (North Side) of Agg Road (Exhibit “A”)
Area: 0.87 acres
Comp Plan Designation: Business Park and Industrial (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: Single-Family Residential – 20 (SF-20)/ Single Family residence(s)
West: Single-Family Residential – 20 (SF-20) / Single-family residence(s)
East: Single-Family Residential – 20 (SF-20) / Single-family residence(s)

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1909. There is an existing agricultural structure located on the property which according to historic imagery appears to have been located on the subject property since at least 1989. The applicants are requesting to rezone the subject property to the Commercial (C) zoning district. According to the information provided by the applicant the intent of this rezoning is to allow for the development of mixed-use space comprising office warehouse and retail facilities.

ANALYSIS

Description: The subject property comprises approximately 0.87 acres, located within the 900 block (north side) of Agg Road. The subject property currently is located within the Single Family Residential Estate – 20 (SF-20) zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Immediately north, south, east, and west of the subject property are properties within the Single Family Residential Estate – 20 (SF-20) zoning designation, these properties appear to be occupied by single family residences at this time. Even though the property is surrounded by properties zoned Single Family Residential Estate – 20 (SF-20), properties just to the east of the subject property, separated by a narrow driveway, are within the Light Industrial (LI) zoning district. These properties were rezoned to this classification in 2021. The property northeast of the subject property was recently developed with office warehouse buildings.

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.

The proposed zoning category of Commercial (C) is in conformance with the Comprehensive Plan recommendation for this area.

Staff Review Comments:

The request to rezone the subject property to Commercial (C) is in conformance with the Future Land Use Plans goal and objective of establishing the Business Park & Industrial land use. 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. Furthermore, the subject property is sited along Agg Road, which is a segment of Medical Complex Drive, a roadway which is identified as being a major arterial street in the City of Tomball Major Thoroughfare Plan. Roadways such as this are customarily appropriate for commercial land uses as they provide convenient vehicular access and exposure often necessary to promote commercial success. Additionally, the subject property is near the intersection of Agg Road (major arterial street) and South Persimmon Street (minor arterial street), key intersections of major thoroughfares such as these are important to ensure convenient access to commercial traffic, to include potential freight traffic as promoted by the Business Park & Industrial 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 March 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 Z24-04.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location

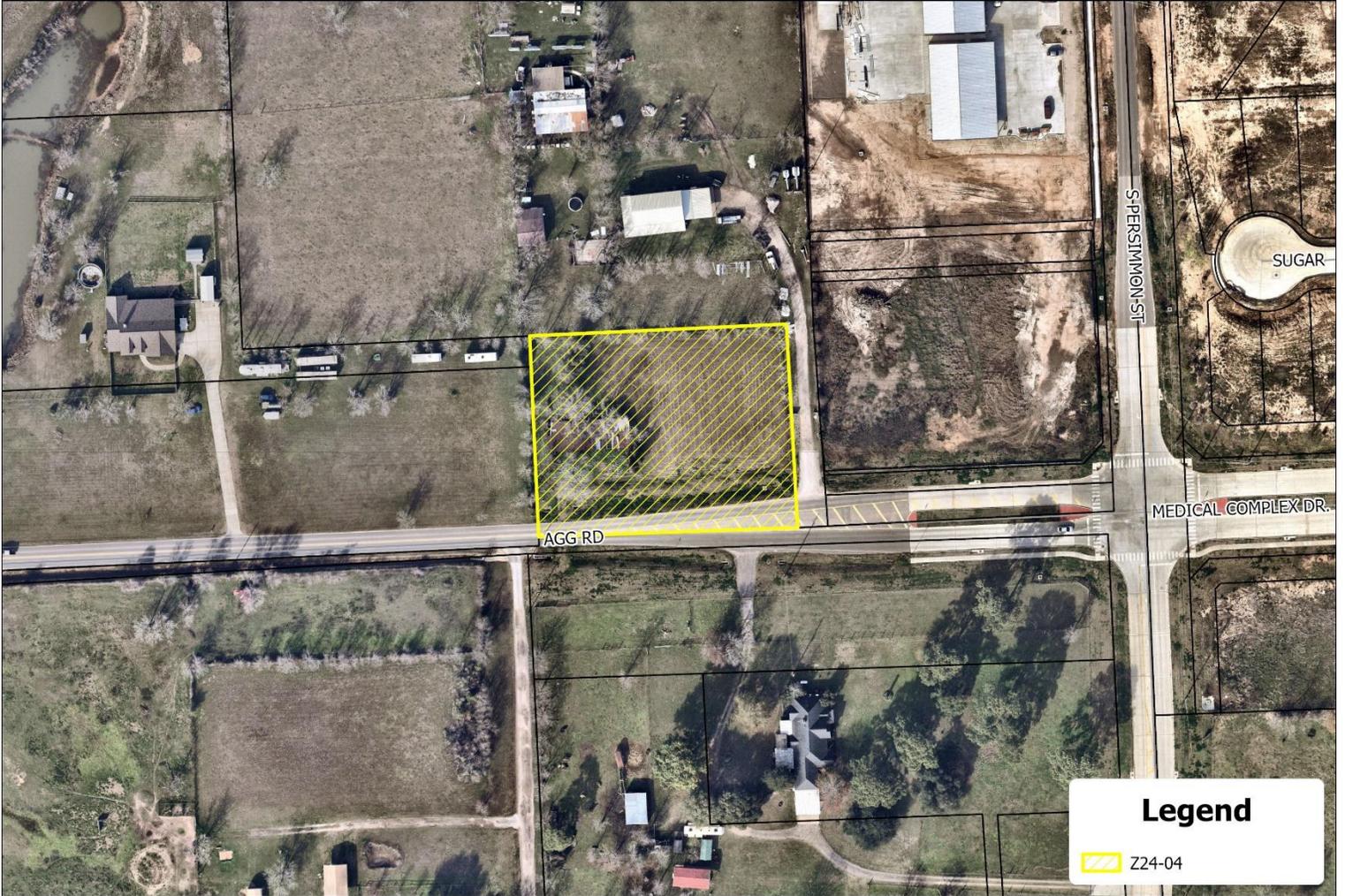
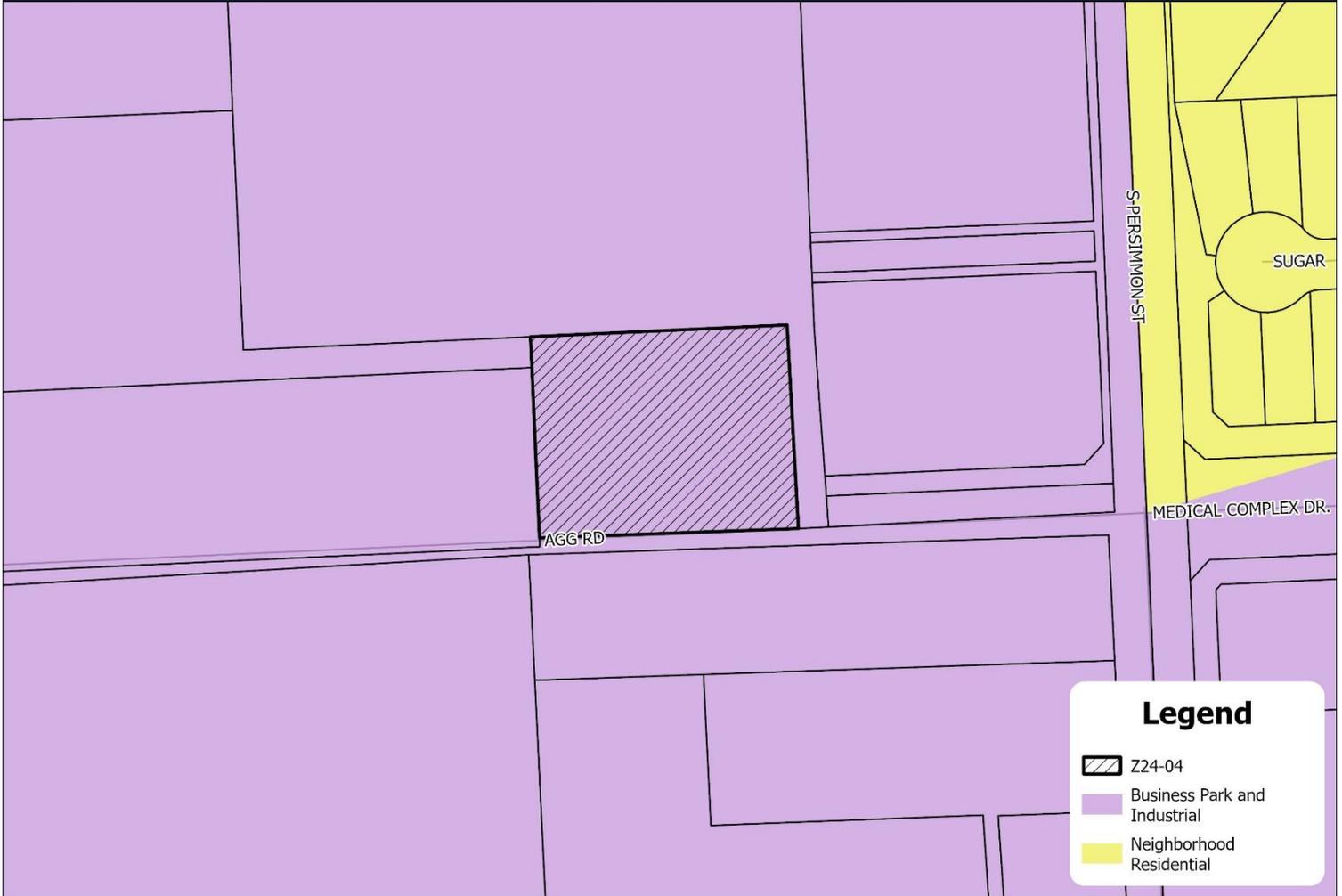


Exhibit "B"
Future Land Use Map



Future Land Use



Legend

-  Z24-04
-  Business Park and Industrial
-  Neighborhood Residential

Exhibit "C"
Zoning Map



Zoning

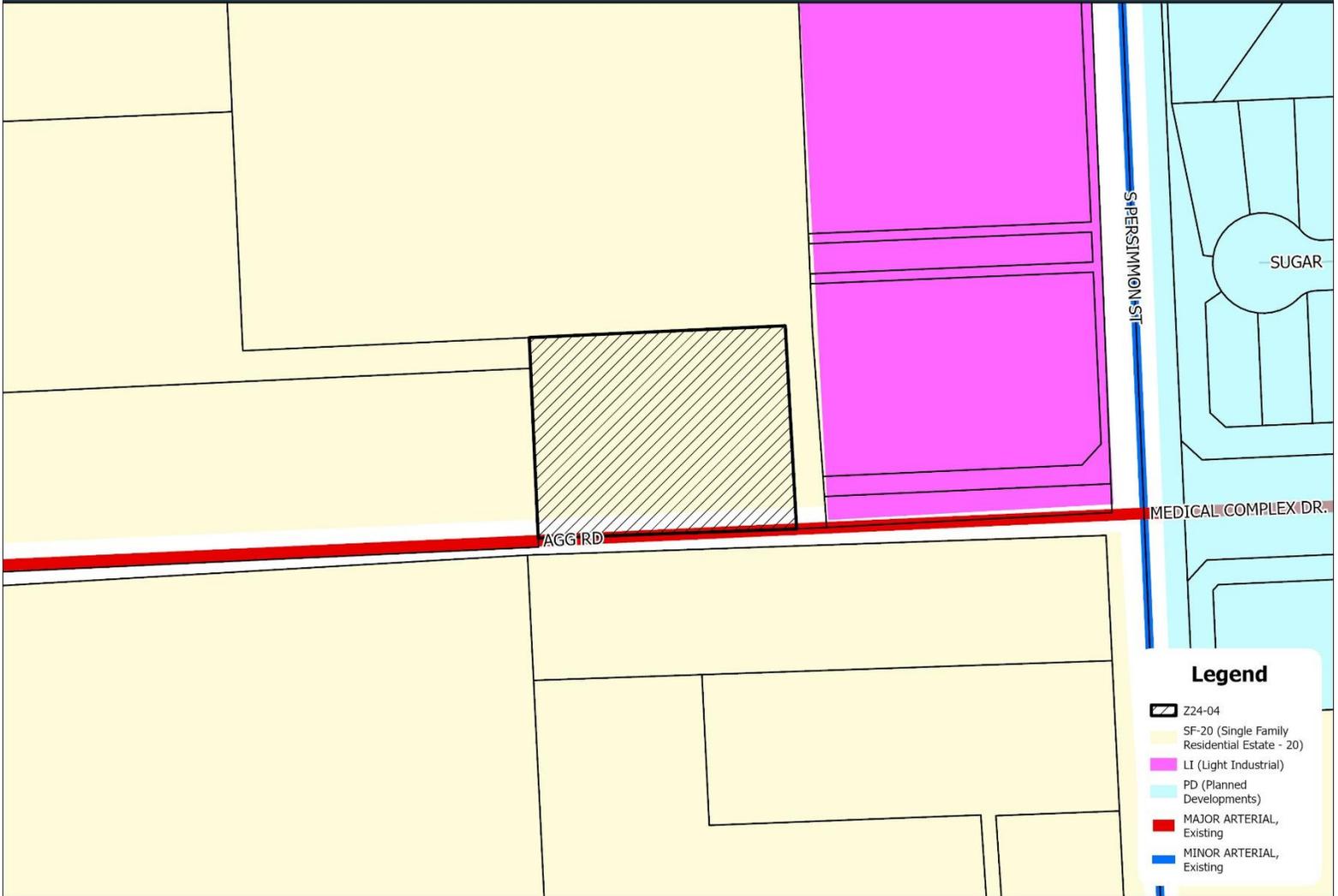


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



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: Sellapperumage Asanka Fernando Title: Managing Member
Mailing Address: 12307 Northpointe Ridge LN City: Tomball State: TX
Zip: 77377 Contact: Sellapperumage Asanka Fernando
Phone: (346) 2258200 Email: madurawala@gmail.com

Owner

Name: Houston Deco Balloons LLC/ Sellapperumage Asanka Fernando Title: Managing Member
Mailing Address: 11424 Spring Cypress RD, Suite A-7 City: Tomball State: TX
Zip: 77377 Contact: Sellapperumage Asanka Fernando
Phone: (346) 2258200 Email: madurawala@gmail.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Office Warehouse and Retail Space

Physical Location of Property: Agg Road and S.Persimmon St (0 S PITCHFORD ST)
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 0.8694 Acre Being a Portion of outlot 286 Tomball Townsite
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

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

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: (C) : Commercial

Proposed Use of Property: Office warehouse and Retail Space

HCAD Identification Number: 0352880000415 Acreage: 0.8694

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 [Signature] 2/23/24
Signature of Applicant Date

X [Signature] 2/23/24
Signature of Owner Date

2/23/2024

City of Tomball,

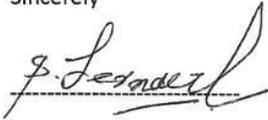
Re: Rezoning for 0.8694 Acre Being a Portion of outlot 286 Tomball Townsite

We have recently acquired a 0.8694-acre property situated at 0 S Pitchford St, Tomball, TX. Presently zoned as SF-20-E: Single Family Residential Estate, our intention is to develop the site into a mixed-use space comprising an office warehouse and a retail warehouse facility.

To align with our development plans, it is imperative to pursue rezoning of the property to commercial status. This strategic endeavor will enable us to optimize the property's potential and contribute positively to the local business landscape.

Thank you,

Sincerely

A handwritten signature in black ink, appearing to read "S. Fernando", written over a horizontal dashed line.

Sellapperumage Asanka Fernando



OLD REPUBLIC
 MARISSA DUNNICK
 281-253-0694

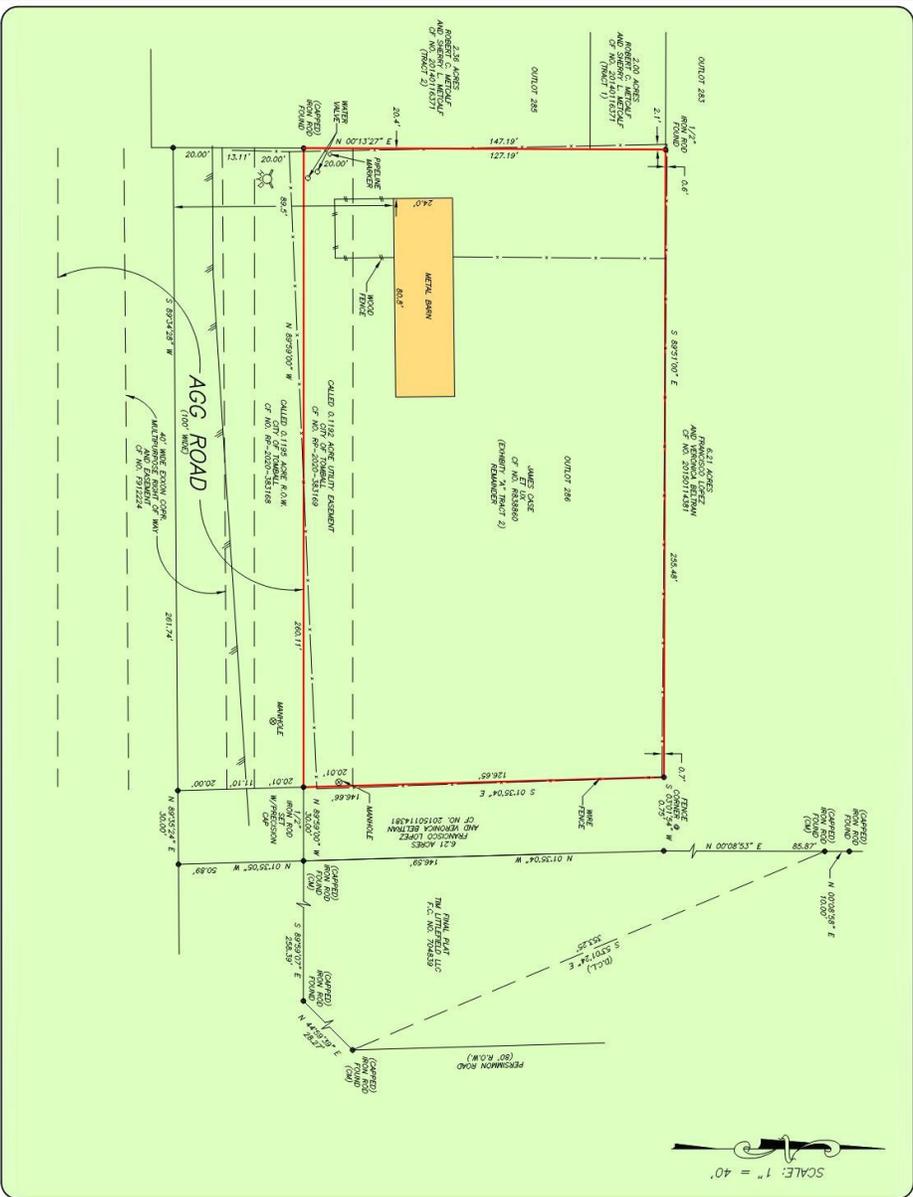


PRECISION
 surveyors

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 1779 MC LOSE 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 7601 150 10625150

281-486-1586
 850 WINDHAMMERE STREET SUITE 150 HOUSTON, TEXAS 77059



OF NO. 24000231 OLD REPUBLIC TITLE
 ADDRESS: AGG ROAD TEXAS 77375
 BORROWER: HOUSTON DECO BALLOONS LLC

**0.8694 ACRE
 BEING A PORTION OF
 OUTLOT 286
 TOMBALL TOWNSITE**

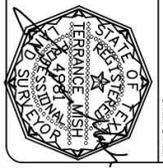
ACCORDING TO THE MAP OR PLAT HEREOF RECORDED
 IN VOLUME 2, PAGE 65 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS (DESCRIPTION)
 (SEE ATTACHED METES AND BOUNDS DESCRIPTION)



NOTE: REMAIN NUMBER DESIGNATED PER OF NO. 0158359.
 NOTE: PUBLIC ROAD EASEMENT PER VOL. 2, PG. 65 H.C.M.A.R.
 (DOES NOT AFFECT SUBJECT TRACT)

THIS PROPERTY, EVER, WILL, BE, WITHIN THE
 JURISDICTION OF THE STATE OF TEXAS.
 MADE IN THE COUNTY OF HARRIS, TEXAS, THIS 28th DAY OF
 JANUARY, 2024.

DECLARATION OF THE SURVEYOR
 I, MARISSA DUNNICK, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE DATE AND THAT THESE ARE THE METES AND BOUNDS
 EXCEPT AS SHOWN HEREON, THIS SURVEY IS
 A SUBSEQUENT INVESTIGATION AND CORRECTION OF THE SAME.
 I, MARISSA DUNNICK, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE DATE AND THAT THESE ARE THE METES AND BOUNDS
 EXCEPT AS SHOWN HEREON, THIS SURVEY IS
 A SUBSEQUENT INVESTIGATION AND CORRECTION OF THE SAME.
 I, MARISSA DUNNICK, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE DATE AND THAT THESE ARE THE METES AND BOUNDS
 EXCEPT AS SHOWN HEREON, THIS SURVEY IS
 A SUBSEQUENT INVESTIGATION AND CORRECTION OF THE SAME.



STATE OF TEXAS §
 §
 §
 §
 §
COUNTY OF HARRIS §

Metes & Bounds Property Description

A tract of land containing 0.8694 Acre (37,870 Square Feet), being a portion of Outlet 286 of Tomball Townsite according the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas (M.R.H.C.T.), being the remainder of a tract recorded in the name of James Case et ux under Harris County Clerk's File (H.C.C.F.) No. R838860 (Exhibit "A", Tract II) of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.), and being more particularly described by metes and bounds as follows: (Bearings based on H.C.C.F. No. R838860 of the R.P.R.H.C.T.)

BEGINNING at an iron rod found at the intersection of the north right-of-way line of Agg Road and the west line of said Outlet 286, being the northwest corner of a right-of-way tract recorded in the name of the City of Tomball under H.C.C.F. No. RP-2020-383168 of the R.P.R.H.C.T., and being the southwest corner of this tract;

THENCE, **NORTH 00° 13' 27" EAST**, with the east lines of Outlots 283 and 285 being the east lines of tracts recorded in the name of Robert C. Metcalf and Sherry L. Metcalf under H.C.C.F. No. 20140116371 (Tracts 1 & 2) of the R.P.R.H.C.T., a distance of **147.19 Feet** to 1/2 Inch iron rod found at the northwest corner of this tract;

THENCE, with the lines of a tract recorded in the name of Francisco Lopez and Veronica Beltran under H.C.C.F. No. 20150144381 of the R.P.R.H.C.T. the following two (2) courses:

1. **SOUTH 89° 51' 00" EAST**, a distance of **255.48 Feet** to point at the northeast corner of this tract from which a fence corner bears South 03 01 54 West, a distance of 0.75 Feet;
2. **SOUTH 01° 35' 04" EAST**, a distance of **146.66 Feet** to a 1/2 Inch iron rod with a "PRECISION" cap set on the aforementioned north right-of-way line of Agg Road at the southwest corner of this tract (from which a iron rod found at the southwest corner of the Final Plat of Tim Littlefield, LLC Subdivision recorded under Film Code No. 704839 of the M.R.H.C.T. bears South 89° 59' 00" East, a distance of 30.00 Feet, from said iron rod found a second iron rod found at a corner of said Final Plat bears South 89° 59' 07" East, a distance of 258.39 Feet, from said second rod found a third iron rod found at a corner of said Final Plat bears North 44° 59' 39" East, a distance of 28.27 Feet, from said third rod found a fourth iron rod found bears North 53° 01' 24" West, a distance of 353.25 Feet, from said fourth rod found a fifth iron rod found bears North 00° 08' 58" East, a distance of 10.00 Feet);

THENCE, **NORTH 89° 59' 00" WEST**, with said north right-of-way line, a distance of **260.11 Feet** to the POINT OF BEGINNING and containing 0.8694 Acre of land.

(See attached drawing)



Terrance P. Mish
Registered Professional Land Surveyor
No. 4981
Job No. 24-00516
January 26, 2024