

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, November 13, 2023 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; [At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]
- C. Reports and Announcements
- D. Approval of Minutes
 - <u>D.1</u> Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 9, 2023.
- E. New Business Non-Action Items
 - E.1 Minor Plat of <u>Reserve HK-5</u>: A subdivision of 5.00 Acres (217,803 Square Feet), being a partial replat of a new Lot 1, Block 1, Tomball South Commercial No. 2, Film Code No. 659297, H.C.M.R., situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas.

- F. New Business
 - F.1 Conduct a Public Hearing and Consideration to Approve Zoning Case Z23-16: Request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.
 - F.2 Conduct a Public Hearing and Consideration to Approve Zoning Case Z23-17: Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.
 - F.3 Conduct a Public Hearing and Consideration to Approve Zoning Case Z23-18: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to General Retail (GR). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.
- G. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of November 2023 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler

Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date:November 13, 2023

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 9, 2023.

Background:

Origination:	Community	Development
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Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Kim Chandler, Community Development Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes:	 No:		If yes, s	pecify Account Numb	ber: <u>#</u>	
	 			— ·		

If no, funds will be transferred from account: <u>#</u>_____To Account: #

Signed:			Approved by:		
_	Staff Member	Date		City Manager	Date

MINUTES OF REGULAR PLANNING & ZONING COMMISSION MEETING CITY OF TOMBALL, TEXAS

MONDAY, OCTOBER 9, 2023



6:00 P.M.

A. The meeting was Called to Order by Chairwoman Tague at 6:37 p.m. Other Members present were: Commissioner Tana Ross Commissioner Scott Moore

> Commissioner Susan Harris Commissioner Richard Anderson

Others present:

Craig Meyers – Community Development Director Jared Smith – City Planner Kim Chandler – Community Development Coordinator Tommy Ramsey – City Attorney



- B. No Public Comments were received.
- C. Reports and Announcements:
 - City Council Approved <u>Conditional Use Permit Case CUP23-05</u>: Request by 2 S&Z Investments LLC., represented by Breann Williams, for a Conditional Use Permit to allow "Barber/Beauty Shop (no related school/college)" within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas.
 - City Council Approved <u>Conditional Use Permit Case CUP23-06</u>: Request by Equalizer USA, Inc., represented by Morales Engineering Associates, LLC., for a Conditional Use Permit to allow "Playfield or stadium (private)" within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas.
 - City Council Approved <u>Re-Zoning Case Z23-12</u>: Request by Paul & Delphine Michna to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas.

- City Council Approved <u>Re-Zoning Case Z23-13</u>: Request by Hightower Investments LTD. To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas.
- D. Approval of Minutes:

Motion was made by Commissioner Ross, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 11, 2023.

Roll call vote was called by Community Development Coordinator - Kim Chandler.

Motion Carried unanimously.

- E. New Business Non-Action Items
 - E.1 Minor Plat of <u>Wiley Commercial</u>: Being 0.1148-acre (5,000.00 Sq. Ft.) tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 4 and 5, in Block 8, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval with no conditions.

- F. New Business:
 - F.1 Consideration to approve Final Plat of <u>Caliber Collision Tomball</u>: A subdivision of 4.037 acres of land, being a partial replat of Lot 1, Block 1, TRMC-Retail, a subdivision recorded in Film Code Number 702912, Harris County Map Records located in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378 City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval with conditions.

Motion was made by Commissioner Harris, second by Commissioner Anderson, to approve with conditions.

Roll call vote was called by Community Development Coordinator - Kim Chandler.

Motion Carried unanimously.

F.2 Consideration to approved Final Plat of <u>Northwest Houston Heart Center, Replat No. 1</u>: A subdivision of 0.9641 acres, a 0.3214 acre, a 0.3214 acre and a 0.1722 acre tract of land all situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lot 1 in Block 1 of Northwest Heart Center, a subdivision as recorded in Film Code Number 621269, of the Map Records of Harris County, Texas, together with a replat of Lots 1,2,11 and 12, in Block 6, and a replat of the East 75 feet of Lots 5 and 6, in Block 5, all of Main Street Addition To the City of Tomball, a subdivision as recorded in Volume 15, Page 43, of said Map Records.

Jared Smith, City Planner, presented with Staff Approval with conditions.

Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve with conditions.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

F.3 Conduct a Public Hearing and Consideration to Approve <u>Re-Zoning Case Z23-14</u>: Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

George Campos, Owner, (9303 Stratford Place, Tomball, TX 77375), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:50 p.m.

Hearing no comments, the Public Hearing was closed at 6:51 p.m.

Motion was made by Commissioner Harris, second by Commissioner Ross, to approve <u>Re-</u> Zoning Case Z23-14.

Roll call vote was called by Community Development Coordinator - Kim Chandler.

Vote was as follows:

Chair Tague	Aye
Commissioner Ross	Aye
Commissioner Moore	Aye
Commissioner Harris	Aye
Commissioner Anderson	Aye

Motion Carried (Unanimously).

 F.4 Conduct a Public Hearing and Consideration to Approve Ordinance Amendment OAM23-02: Request by Chris & Tiona Campbell to amend Section 50-82 (Use Regulations (charts)), Subsection (b) (Use Charts) of the Tomball Code of Ordinances to allow "Exterminator Service/Company (no outdoor sales or storage)" land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Jared Smith, City Planner, presented the case and staff recommendation of denial.

Chris & Tiona Campbell, Owners, (19611 Glenfinch Lane, Spring, TX 77379), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:02 p.m.

Hearing no comments, the Public Hearing was closed at 7:03 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Ordinance Amendment OAM23-02**.

Roll call vote was called by Community Development Coordinator - Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Ross	Nay
Commissioner Moore	Nay
Commissioner Harris	Nay
Commissioner Anderson	Nay

Motion Failed (Unanimously).

F.5 Conduct a Public Hearing and Consideration to Approve <u>Conditional Use Permit Case</u> <u>CUP23-07:</u> Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow "Exterminator Service/Company (no outdoor sales or storage)" within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of denial.

Chris & Tiona Campbell, Owners, (19611 Glenfinch Lane, Spring, TX 77379), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:20 p.m.

Hearing no comments, the Public Hearing was closed at 7:21 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve <u>Conditional Use Permit Case CUP23-07</u>.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Ross	Nay
Commissioner Moore	Aye
Commissioner Harris	<u>Nay</u>
Commissioner Anderson	Nay

Motion Failed (1 Vote Aye, 4 Votes Nay).

F.6 Conduct a Public Hearing and Consideration to Approve <u>Re-Zoning Case Z23-15</u>: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

Tim Crawford, representing HMF-Americana, LLC., (16333 Firetower Rd, Conroe TX 77306), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:58 p.m.

Marilyn Oneal, (14235 Turnervine Street, Tomball TX 77375), spoke in opposition of the request.

Barbara Senseman, (14243 Turnervine Street, Tomball TX 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 8:05 p.m.

Motion was made by Commissioner Ross, second by Commissioner Harris, to approve **<u>Re-Zoning Case Z23-15</u>**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	Aye
Commissioner Ross	Aye
Commissioner Moore	Aye
Commissioner Harris	Aye
Commissioner Anderson	Nay

Motion Carried (4 Votes Aye, 1 Vote Nay).

G. Adjournment

Motion was made by Commissioner Anderson second by Commissioner Harris, to adjourn.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

The meeting adjourned at 8:25 p.m.

PASSED AND APPROVED this____

_day of 2023.

Kim Chandler Community Development Coordinator/ Commission Chair Commission Secretary Barbara Tague Commission Chair

Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: November 13, 2023

Topic:

Minor Plat of <u>Reserve HK-5</u>: A subdivision of 5.00 Acres (217,803 Square Feet), being a partial replat of a new Lot 1, Block 1, Tomball South Commercial No. 2, Film Code No. 659297, H.C.M.R., situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff approves with no conditions

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes:	No:	If yes, specify Account Number: #	
Ifno	funds will be transforred from account:	# To Account: #	

If no, funds will be transferred from account: # To Account: #

Signed: Approved by: City Manager Date

CITY OF TOMBALL

Plat Name:	Reserve HK-5		Plat Type:	Minor	
Construction	Drawings for Public Faciliti	es required?	Yes No	N/A	X
Plat within C	City Limits X	Within Ex	traterritorial Ju	irisdiction	
Planning and	l Zoning Commission Meetin	ig Date: <u>N</u>	lovember 13, 2	2023	

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves this plat with no contingencies.

STATE OF TEXAS COUNTY OF HARRIS

We, Tara Builders, L.L.C., a Texas limited liability company, acting by and through Charles Nickson and Matthew Paul Nickson, owner, hereinafter referred Owners of the 5.1733 acre tract described in the above and foregoing map of RESERVE HK-5, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so heirs, successors and assigns to market and by these presents do dedicate to the use of FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'-0") perimeter ground easements, from a plane sixteen feet () for sixteen feet (16'0') perimeter ground easements, from a plane sixteen feet (16'0') above the ground level upward, located adjacent to and adjoining said_public ùtility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public of public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (2'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'0") wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way is hereby restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions; we further certify that no portion of the preceding plat was limited by deed restriction to residential use for not more than two (2) residential units per lot.

IN TESTIMONY WHEREOF, Tara Builders, L.L.C., a Texas limited liability company, has caused these presents to be signed by Charles Nickson and Matthew Paul Nickson, thereunto authorized, this _____ day of _____

Tara Builders, L.L.C., a Texas limited liability company

Charles Nickson

Matthew Paul Nickson

STATE OF TEXAS COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Charles Nickson and Matthew Paul Nickson of Tara Builders, L.L.C., a Texas limited liability company, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledgement to me that they executed the same for the purposes and considerations therein expressed

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20___.

Notary Public in and for the State of Texas

My Commission Expires:

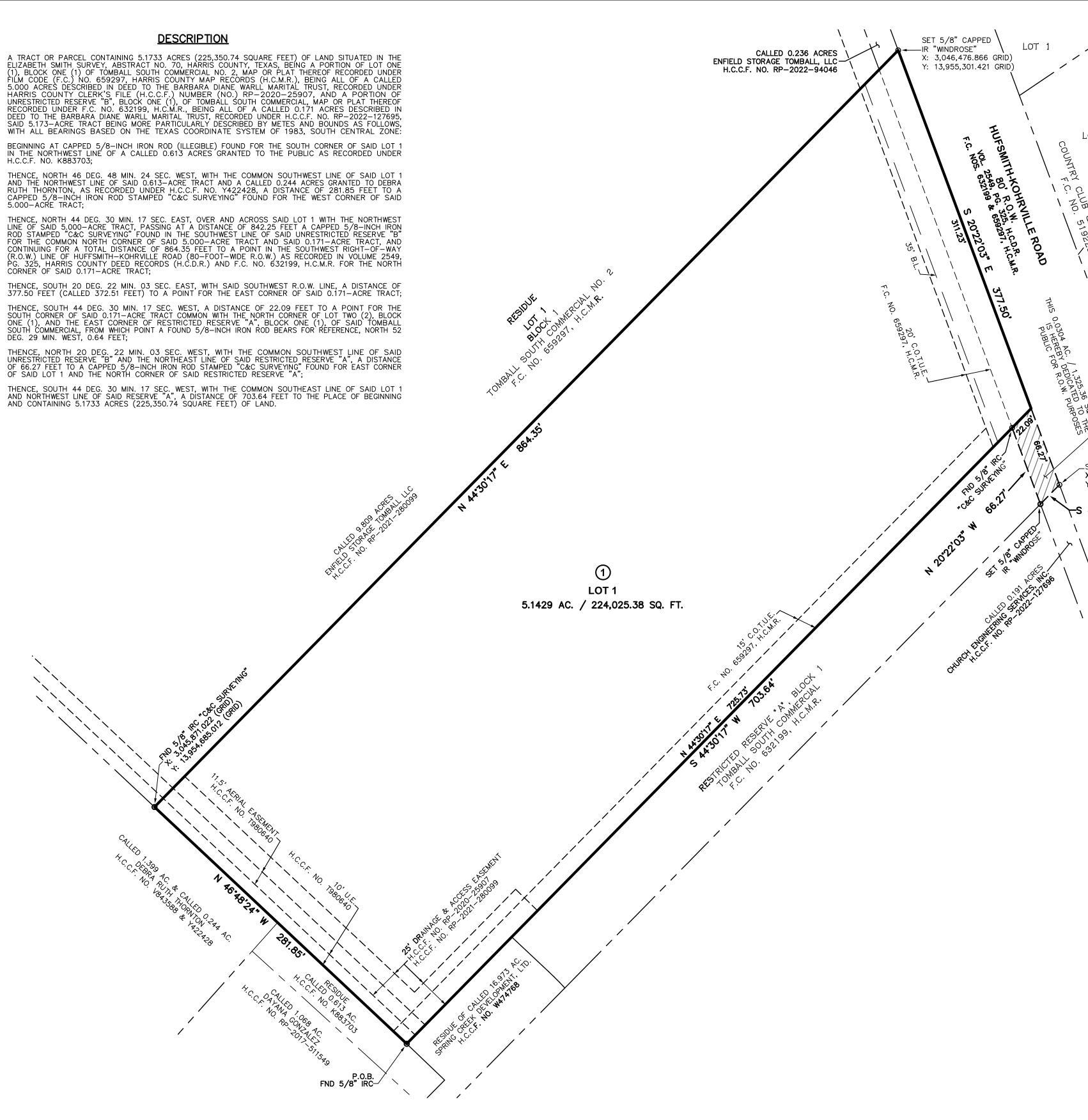
_, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

SIGNED NAME Registered Professional Land Surveyor Texas Registration No. _____ This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RESERVE HK-5 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of ____ By: Craig Meyers Director of Community Development

H.C.C.F. NO. K883703:

5.000-ACRE TRACT;

OF SAID LOT 1 AND THE NORTH CORNER OF SAID RESTRICTED RESERVE "A";

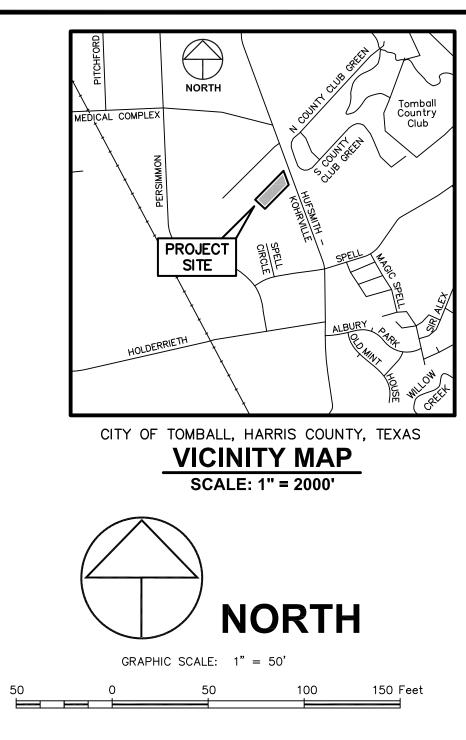


	I, Te	eneshia	Hudsp	eth, (County	Clerk	of	Harris	County,	do	here	eby o	certify	that
ne	within	instru	ment	with	its c	ertific	cate	of	authenti	cat	ion	was	s filed	for

registration in my office on	, 20, at
o'clockM., and duly recorded on	, 20, at
o'clockM., and at Film Code Number	_ of the Map Records of Harris
County for said county.	

Witness my hand and seal of office, at Houston, the day and date last above written.

Teneshia Hudspeth County Clerk of Harris County, Texas



GENERAL NOTES

- 1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN CITY PLANNING LETTER NO. 2023-0450 OF CHARTER TITLE COMPANY, DATED SEPTEMBER 22, 2033, AND IS SUBJECT TO THE LIMITATIONS OF THAT COMMITMENT.
- 2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- ALL COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD 83), AND MAY BROUGHT TO SURFACE BY APPLYING THE FOLLOWING SCALE FACTOR -
- 4. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- 5. ALL OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) WITH OWNERSHIP THROUGH THESUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- 6. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.
- 7. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVED AND VALID COVENANTS OR RETRICTIONS.
- 8. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTAINENCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- 9. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C????L REVISED/DATED JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO LIE WITHIN ??SHADED ZONE "?". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.
- 10. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.
- 11. THE ACREAGE AND SQUARE FOOTAGE PRECISION IS SHOWN HEREON AS REQUIRED UNDER TOMBALL CODE OF ORDINANCES, CHAPTER 40, SECTION 40-29 (3) BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES DESCRIBED AND DO NOT INCLUDE TOLERANCES THAT MAY BE PRESENT DUE TO THE POSITIONAL ACCURACY OF THE BOUNDARY MONUMENTATION.

FINAL PLAT **RESERVE HK-5**

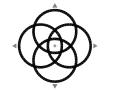
A SUBDIVISION OF 5.1733 AC. / 225,350.74 SQ. FT. BEING A PARTIAL REPLAT OF NEW LOT 1, BLOCK 1, TOMBALL SOUTH COMMERCIAL NO. 2, FILM CODE NO. 659297, H.C.M.R. SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

1 BLOCK 1 LOT

NOVEMBER 2023

Owner Tara Builders, L.L.C., a Texas limited liability company 2807 Eastgrove Ln Houston, Texas 77027 713-204-3247

Surveyor



WINDROSE LAND SURVEYING | PLATTING FIRM REGISTRATION NO. 10108800 713.458.2281 I WINDROSESERVICES.COM 5353 W SAM HOUSTON PKWY N, SUITE 150, HOUSTON TX 77041

ABBREVIATIONS

LOT

100 100

ATT.

LOT 4

LOT 5

0.99994324

_SET 5/8" CAPPED IR "WINDROSE"

X: 3,046,608.244 GRID)

Y: 13,954,947.542 GRID)

∽S 44°30'17" W 22.09

- A.E. AERIAL EASEMENT
- D.E. DRAINAGE EASEMENT ESMT. – EASEMENT
- FND FOUND H.C.C.F. - HARRIS COUNTY CLERK FILE
- H.C.D.R. HARRIS COUNTY DEED RECORDS H.C.M.R. - HARRIS COUNTY MAP RECORDS
- IP IRON PIPE
- IR IRON ROD NO. – NUMBER
- PG. PAGE R.O.W. - RIGHT-OF-WAY
- AC. ACRES SQ. FT. - SQUARE FEET
- VOL. VOLUME
- B.L. BUILDING LINE W.L.E. - WATER LINE EASEMENT
- SANITARY SEWER EASEMENT S.S.E. - CITY OF TOMBALL UTILITY EASEMENT C.T.U.E. -
- · UTILITY EASEMENT - SET 5/8" CAPPED IR "WINDROSE" $\langle s \rangle$

Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: November 13, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-16**: Request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

Background:

The subject property currently falls outside the city limits of Tomball. The applicants are requesting annexation into the City of Tomball. The request is to rezone the subject property from the default Agricultural (AG) zoning which is applied when property is initially annexed to Light Industrial (LI). According to the applicant the intent of this rezoning request is to develop a business park which will include office-warehouse space.

Origination: HH 11701 Properties LLC., represented by Austin Haynes

Recommendation:

Staff recommends denial of **Zoning Case Z23-16**.

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: No:

If yes, specify Account Number: #

If no, funds will be transferred from account: # To Account: #

Date

Signed:

Staff Member

Approved by: ____

City Manager

Date

NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) NOVEMBER 13, 2023 & CITY COUNCIL NOVEMBER 20, 2023



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 20, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case Z23-16: Request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

Zoning Case Z23-17: Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

<u>Zoning Case Z23-18</u>: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to Commercial (C). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of November 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith Jared Smith City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-16

10/26/23

The Planning & Zoning Commission will hold a public hearing on **November 13, 2023** at **6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **November 20, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtxgov

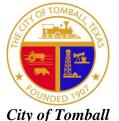
For the PLANNING & ZONING COMMISSION Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-16

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

			Name:
			Parcel I.D.:
			Address:
Mailing To:	Community Development Development	epartment	
C C	501 James St., Tomball TX	77375	Email: jasmith@tomballtx.gov
I am ir	n favor 🗌	I am opposed	
Additional Corr	iments:		Signature:

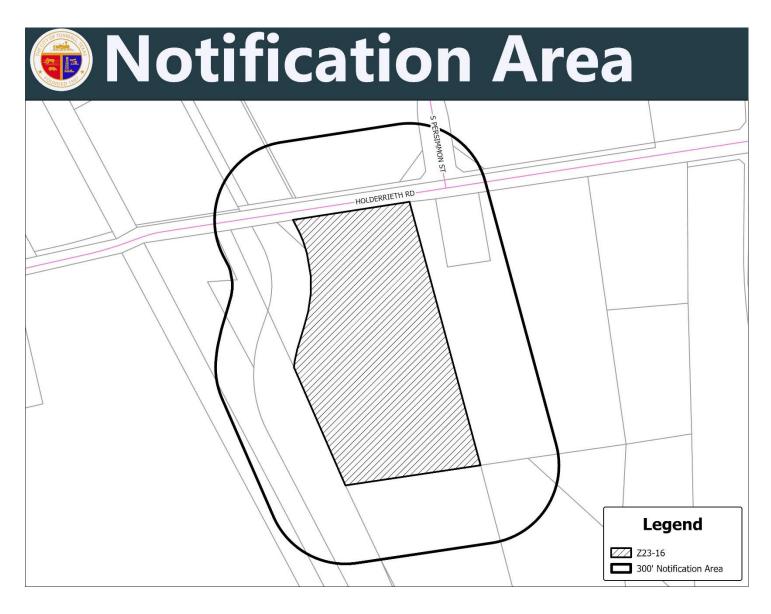
16



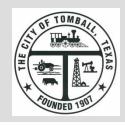
Item F.1

City of Tomball Community Development Department

<u>Z23-16</u>



Community Development Department



Rezoning Staff Report

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

Rezoning Case:	Z23-16					
Property Owner(s):	HH 11701 Properties LLC.					
Applicant(s):	Austin Haynes					
Legal Description:	12.11 acre being portions of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract No. 632					
Location:	11701 Holderrieth Road (Exhibit "A")					
Area:	12.11 acres					
Comp Plan Designation:	Business Park and Industrial (Exhibit "B")					
Present Zoning:	N/A (Subject of Annexation Request) (Exhibit "C")					
Request:	Rezone from the Agricultural (AG) to the Light Industrial (LI) district					

Adjacent Zoning & Land Uses:

North: Light Industrial (LI)/ Tomball Business & Technology Park
South: Agricultural (AG)/ City of Tomball Regional Detention Facility
West: Agricultural (AG) / City of Tomball Drainage Channel (M118)
East: N/A (City of Tomball ETJ) / Single-family residence

BACKGROUND

The subject property currently falls outside the city limits of Tomball. The applicants are requesting annexation into the City of Tomball. The request is to rezone the subject property from the default Agricultural (AG) zoning which is applied when property is initially annexed to Light Industrial (LI). According to the applicant the intent of this rezoning request is to develop a business park which will include office-warehouse space.

ANALYSIS

Description: The subject property comprises approximately 12.11 acres, located 11701 Holderrieth Road. The property is subject to a request for annexation. Following annexation, the default base zoning of Agricultural (AG) will be applied to the property. The applicants are seeking Light Industrial (LI) to allow the establishment of "business park and office-warehouse" uses. Immediately north of the subject property, on the north side of Holderrieth Road is the Tomball Business & Technology Park. East of the subject property is an existing single-family residence

which falls outside the city limits of Tomball. South and East of the subject property is Agricultural (AG) zoning. South of the property is an existing City of Tomball regional detention facility and east of the property is the City of Tomball drainage channel (M118) which drains to said facility.

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.

Staff Review Comments:

The request to rezone the subject property to Light Industrial (LI) is in direct alignment with the goals and objectives of the Comprehensive Plan. The Comprehensive Plan identifies the need to encourage continued growth of business parks and corporate campuses in Tomball. This rezoning request will continue the promotion of business park land uses within and immediately adjacent to the existing Tomball Business & Technology Park. Furthermore, the property falls within the Business Park & Industrial future land use category which identifies Light Industrial (LI) as a zoning district that will best promote the goals and objectives of this planned 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 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 denial of Zoning Case Z23-16.

EXHIBITS

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

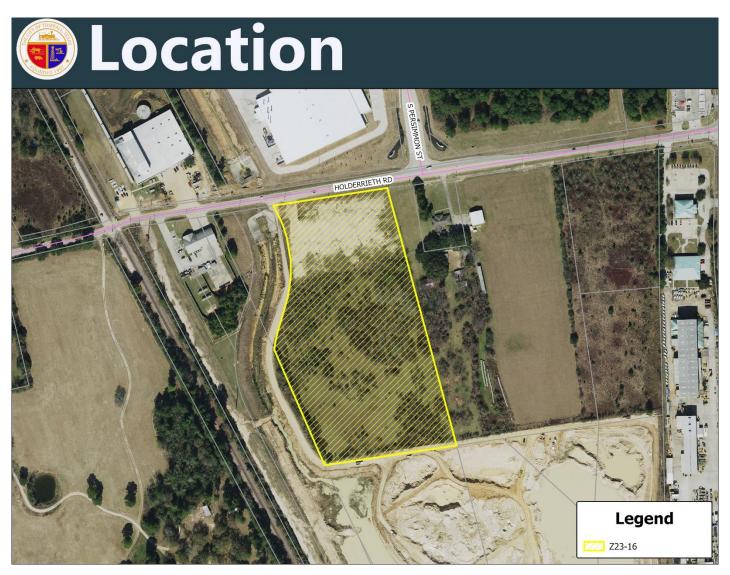
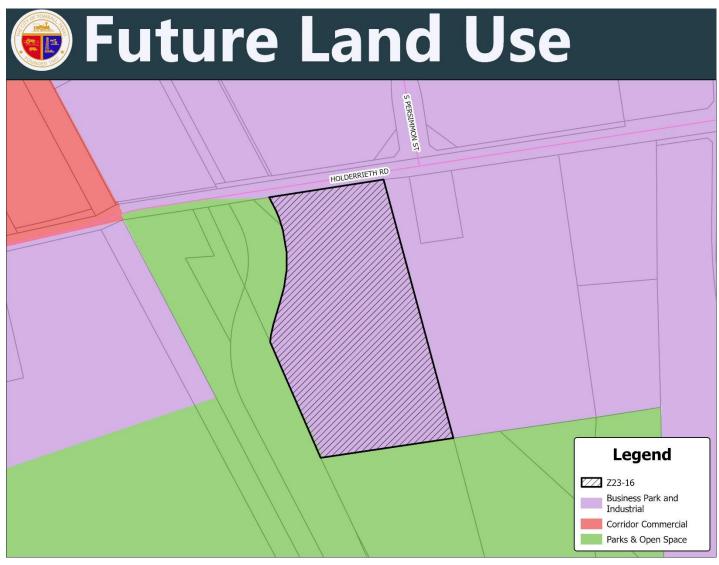


Exhibit "B" Future Land Use Plan



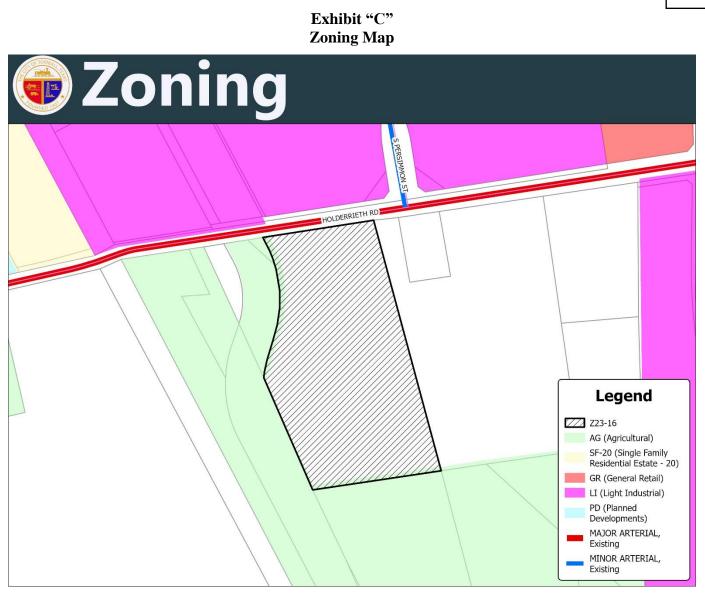


Exhibit "D" Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Exhibit "E" Rezoning Application

HI HINDED 1901	Revised: 10 <u>APPLICATION FOR RE-ZONING</u> Community Development Department Planning Division	0/1/2022
	REQUIREMENTS: Applications will be <i>conditionally</i> accepted of the information, materials and signatures are complete and accurate. mplete or inaccurate, your project may be delayed until correction d.	
There is a \$1,000.00 will not be processed) application fee that must be paid at time of submission or the appli	cation
Applicant	DIGITAL PLAN SUBMITTALS: UR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOW THE WEBSITE BELOW: WEBSITE: tomballtx.gov/securesend USERNAME: tomballcdd PASSWORD: Tomball1	WING
Name: AUSTIN HAY	Title CIVIL ENGINEEP	
Mailing Address: PO B	City: CYPRESS State: TX	
Zip: 77410		
	Contact: RHONDA CHILDS	
	972 Email: RHONDA@ALTARGRP.COM	
Phone: (832)-657-3	972 Email: RHONDA@ALTARGRP.COM	
Phone: (832)-657-3	972 Email: RHONDA@ALTARGRP.COM	
Phone: (832)-657-3 Owner Name: HH 11701 F	972 Email: RHONDA@ALTARGRP.COM	
Phone: (832)-657-3 Owner Name: <u>HH 11701 F</u> Mailing Address: 910	972 Email: RHONDA@ALTARGRP.COM Properties LLC 3 Emmott Road, Ste 21 City: Houston State TV	
Phone: (832)-657-3 Owner Name: <u>HH 11701 F</u> Mailing Address: 910 Zip: 77040	972 Email: RHONDA@ALTARGRP.COM Properties LLC Title: 3 Emmott Road, Ste 21 City: Houston State: TX Contact: Contact:	
Phone: (832)-657-3 Owner Name: <u>HH 11701 F</u> Mailing Address: 910 Zip: 77040	972 Email: RHONDA@ALTARGRP.COM Properties LLC 3 Emmott Road, Ste 21 City: Houston State TV	
Phone: (832)–657–3 Owner Name: <u>HH 11701 F</u> Mailing Address: <u>910</u> Zip: <u>77040</u> Phone: ()	972 Email: RHONDA@ALTARGRP.COM Properties LLC Title: 3 Emmott Road, Ste 21 City: Houston State: TX Contact: Email:	
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Phone: (832)-657-3 Owner Name: <u>HH 11701 F</u> Mailing Address: <u>910</u> Zip: <u>77040</u> Phone: () Engineer/Surveyor (if Name: <u>AUSTIN HA</u> Mailing Address: <u>PO F</u> Zip: <u>77410</u> Phone: (<u>281</u>)- <u>794-30</u> Description of Propose Physical Location of Prope	972 Email: RHONDA@ALTARGRP.COM Properties LLC Title: 3 Emmott Road, Ste 21 City: Houston State: TX Contact: Email: applicable) Title: CIVIL ENGINEER 30X 1305 City: CYPRESS State: TX Contact: AUSTIN HAYNES 115 Fax: () Email: Email: AUSTIN@ALTARGRP.C d Project: BUSINESS PARK WITH OFFICE WAREHOUSE SPACE rty: 11701 HOLDERRIETH ROAD [General Location - approximate distance to nearest existing street cormer] TR 32 & 6 (.5, 415 SO ET EASEMENTN)	COM 2 6 133

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Revised: 10/1/2022

Current Use of Property:	VACAN	г					
Proposed Zoning District:_	LID-	LIGHT	INDUSTR	RIAL	DIS	TRICT	
Proposed Use of Property:	BUSIN	ESS PA	RK WITH	OFF	ICE	WAREHOUSE	SPACE
HCAD Identification Num	ber: 041	026002	0004		Ac	reage: 12.114	1

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 of Applicant

Signature of Owner

09/25/2023 Date

9/25/23 Date

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

From: To: Subject: Date: noreply@incode.tylerhosting.cloud <u>Kimberly_Chandler</u> Receipt #R01384980 Wednesday, October 4, 2023 8:25:47 AM

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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

DATE : 10/4/2023 8:13 AM OPER : AM TKBY : Angelica Meza TERM : 3 REC# : R01384980 130.0000 PLANNING AND ZONING Holderrieth Business Park ReZoning 1000.00

Paid By:Holderrieth Business Park ReZoning 2-CK 1000.00 REF:w1065

Revised: 10/1/2022

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.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Revised: 10/1/2022

Application Process

The official filing date is the date the application and fee are received by the City. 1.

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 3 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.

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

- 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).
- 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 seventytwo (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.

2

4.

5.

6.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov





September 26, 2023

City of Tomball 401 Market Street Tomball, Tx 77375

Re: 11701 Holderrieth Road Re-zoning Application

To whom it may concern,

The above mentioned property is seeking to be annexated into the City of Tomball and is thus requiring to pursue zoning. The requested Light Industrial Distict (LID) zoning is consistent with the surrounding developments as well as the future development plan.

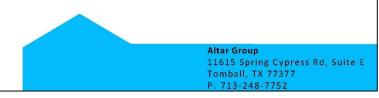
Thank you for considering this application, we look forward to receiving any comments or questions you may have.

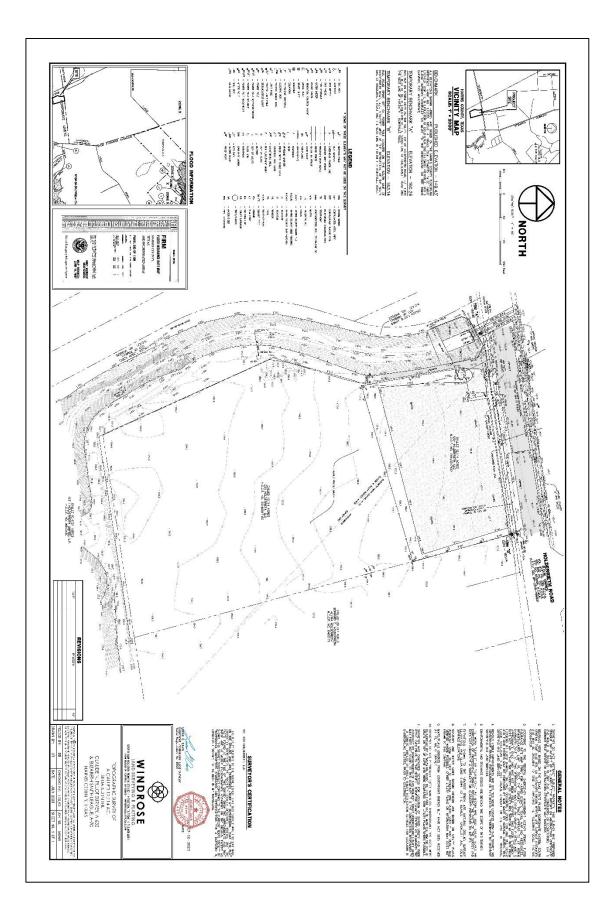
Property:

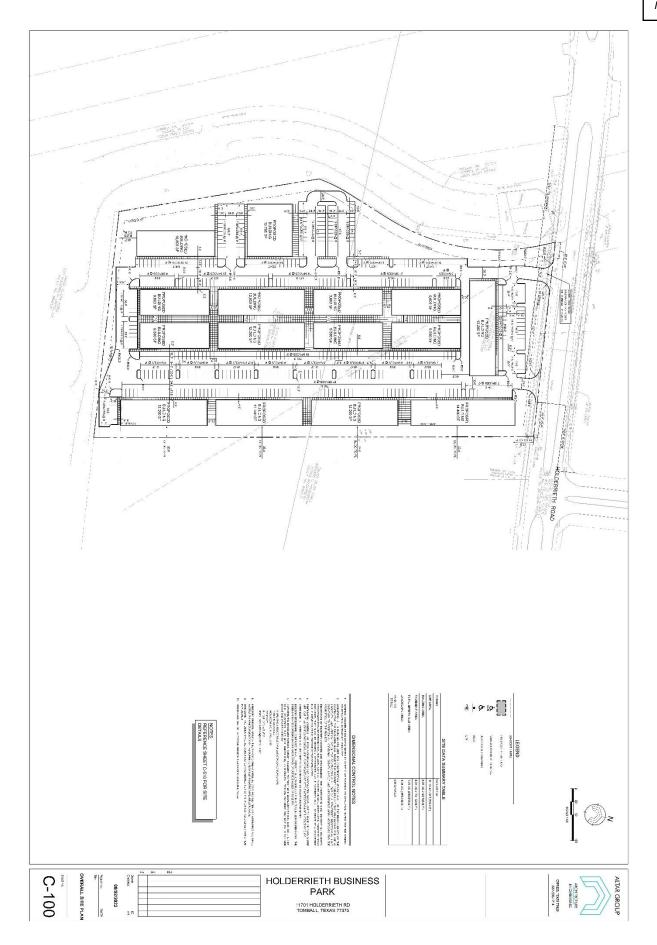
Address: 11701 Holderrieth Road, Tomball, Tx HCAD Account 0410260020004

Respectfully,

Austin Haynes, PE Altar Group, PLLC Architecture | Engineering <u>Austin@altargrp.com</u> 281-794-3015









8118 Fry Road, Ste. 402, Cypress, Texas 77433 * (281) 213-2517 www.dvilandsurveying.com * TBPELS Reg. No. 10194609

METES AND BOUNDS DESCRIPTION 12.114 ACRES (527,706 SQUARE FEET) LOCATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT 70 & THE C.M. PILOT SURVEY, ABSTRACT 632, HARRIS COUNTY, TEXAS

Being a tract or parcel, containing 12.114 acres (527,706 square feet) of land situated in the Elizabeth Smith Survey, Abstract Number 70 and in the C.M. Pilot Survey, Abstract 632, Harris County, Texas; Said 12.114 acre tract of record in the name of CSV Holderrieth, LLC in Harris County Clerk's File (H.C.C.F.) Number 20140017182; Said 12.114 acre tract being more particularly described by metes and bounds as follows (bearing referenced herein are based on the Texas Coordinate System, South Central Zone NAD83):

BEGINNING at a 5/8 inch iron rod with "Gorrdanda" cap found for the northeast corner of the herein described tract and the northwest corner of a called 29.707 acre tract of record in the name of Bernard C. Holderrieth and Alvina Holderrieth in H.C.C.F. Number B402171, and being on the south Right-of-Way (R.O.W.) line of Holderrieth Road (width varies);

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 29.707 acre tract, South 14 Degrees 21 Minutes 24 Seconds East, a distance of 1,023.87 feet to a 1/2 inch iron rod with "Villa 6751" cap set for the southeast corner of the herein described tract and the northeast corner of a called 16.4724 acre tract of record in the name of 11311 Holderreith Limited, L.P., in H.C.C.F. Number W840420, and being on the west line of said 29.707 acre tract;

THENCE, coincident the south line of the herein described tract and the north line of aforesaid 16.4724 acre tract, South 82 Degrees 00 Minutes 26 Seconds West, a distance of 522.80 feet to the southwest corner of the herein described tract and the northwest corner of said 16.4724 acre tract, and being on the east line of a called 7.3995 acre tract of record in the name of the City of Tomball in H.C.C.F. Number V109876;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 7.3995 acre tract the following five (5) courses:

- 1. North 23 Degrees 31 Minutes 10 Seconds West, a distance of 477.72 feet to the beginning of a curve to the right;
- 2. Coincident aforesaid curve to the right, an arc length of 71.37 feet, having a radius of 325.00 feet, a central angle of 12 Degrees 34 Minutes 58 Seconds and a chord bearing of North 11 Degrees 33 Minutes 44 Seconds East, a distance of 71.23 feet;
- 3. North 17 Degrees 51 Minutes 14 Seconds East, a distance of 113.68 feet to the beginning of a curve to the left;
- Coincident aforesaid curve to the left, an arc length of 373.07 feet, having a radius of 475.00 feet, a central angle of 45 Degrees 00 Minutes 02 Seconds and a chord bearing of North 04 Degrees 38 Minutes 58 Seconds West, a distance of 363.55 feet;
- North 27 Degrees 08 Minutes 46 Seconds West, a distance of 26.50 feet to the northwest corner of the herein described tract and the northeast corner of aforesaid 7.3995 acre tract, and being on the south R.O.W. line of aforesaid Holderrieth Road;

THENCE, coincident the north line of the herein described tract and the south R.O.W. line of aforesaid Holderrieth Road, North 82 Degrees 01 Minutes 22 Seconds East, a distance of 451.28 feet to the **POINT OF BEGINNING** and containing 12.114 acres (527,706 square feet) of land.



8118 Fry Road, Ste. 402, Cypress, Texas 77433 * (281) 213-2517 www.dvilandsurveying.com * TBPELS Reg. No. 10194609

Compiled by: Chris Garcia Checked by: Daniel Villa, Jr. DVJ Land Surveying 8118 Fry Road, Ste. 402 Cypress, Texas 77433 September 27, 2023 Project Number 23-0836



Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: November 13, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve <u>Zoning Case Z23-17</u>: Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

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 singlefamily 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.

Origination: Daniel Rodano, represented by Sendero Ventures LLC.

Recommendation:

Staff recommends approval of **Zoning Case Z23-17**.

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: ____ No: ____ If yes, specify Account Number: #_____

If no, funds will be transferred from account: # To Account: #

Signed:

Approved by:

			_	
Staff Member	Date	City Manager	Date	ltem F.2

NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) NOVEMBER 13, 2023 & CITY COUNCIL NOVEMBER 20, 2023



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 20, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case Z23-16: Request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

Zoning Case Z23-17: Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

<u>Zoning Case Z23-18</u>: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to Commercial (C). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of November 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith Jared Smith City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-17

10/26/23

Item F.2

The Planning & Zoning Commission will hold a public hearing on **November 13, 2023** at **6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **November 20, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtxgov

For the PLANNING & ZONING COMMISSION Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-17

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

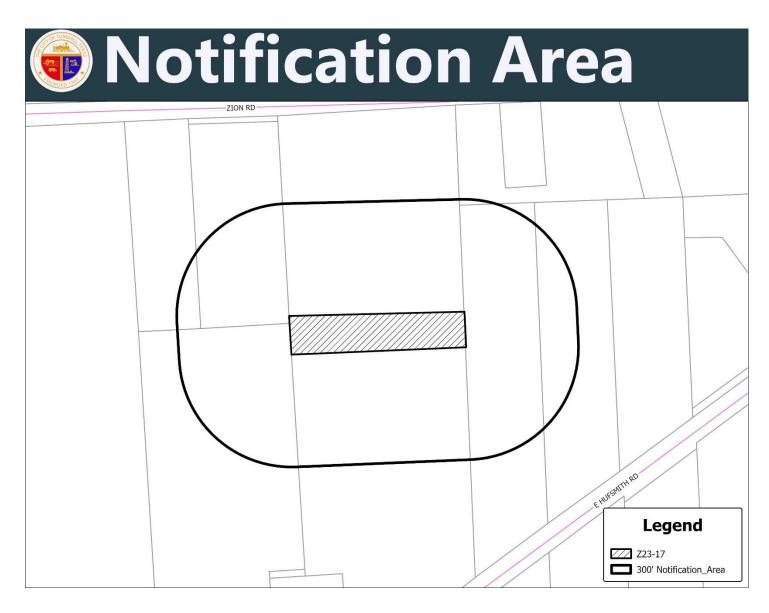
			Name:	
			Parcel I.D.:	
			Address:	
Mailing To:	Community Development Development	epartment		
C C	501 James St., Tomball TX	77375	Email: jasmith@tomballtx.gov	
I am ir	n favor 🗌	I am opposed		
Additional Corr	iments:		Signature:	



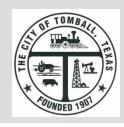
Item F.2

City of Tomball Community Development Department

<u>Z23-17</u>



Community Development Department



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 13, 202 City Council Public Hearing Date: November 20, 202		
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

Location

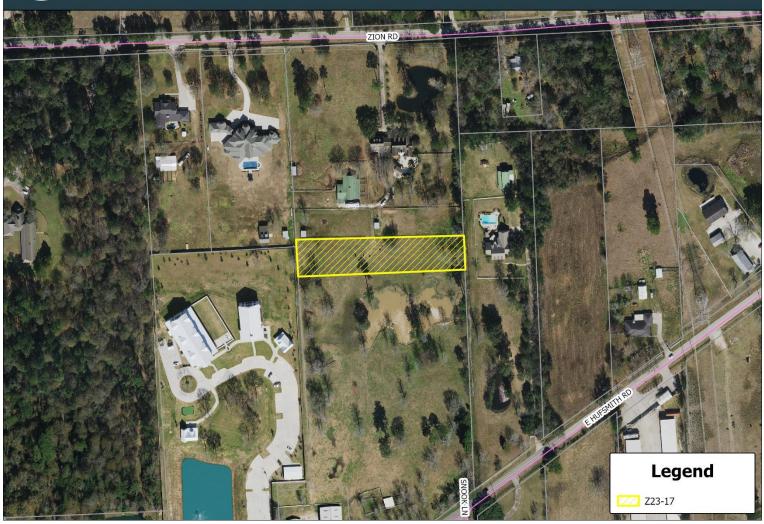
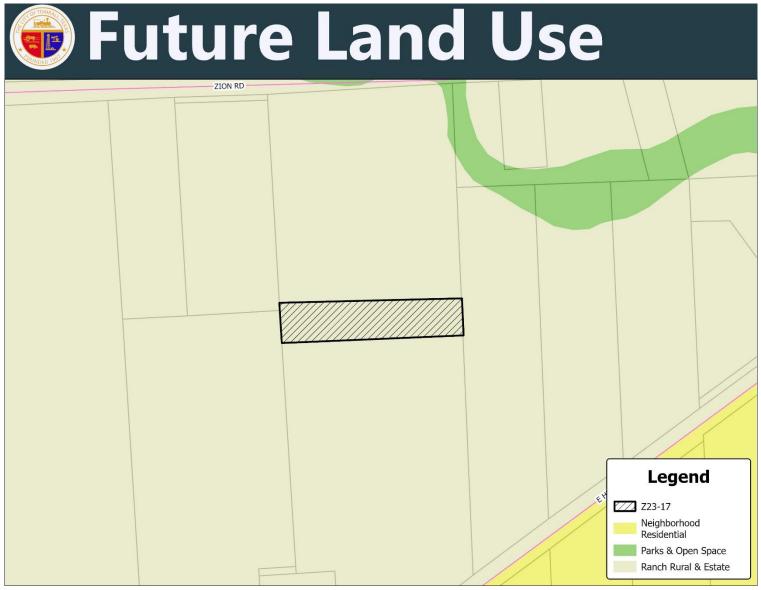


Exhibit "B" Future Land Use Plan



Item F.2

Zoning Map ZION RD Legend ZZZ Z23-17 CUP (Conditional Use Permit) AG (Agricultural) SF-20 (Single Family Residential Estate - 20) EHUFSMITH SF-9 (Single Family Residential - 9) GR (General Retail) C (Commercial) MAJOR ARTERIAL, Existing SNOOK MINOR ARTERIAL, Existing

Exhibit "C"

Item F.2

Exhibit "D" Site Photo(s) Subject Site (north of E. Hufsmith)



Subject Site (south of Zion)



Neighbor (east)



Neighbor (west)



Neighbor (southwest)



Neigbor (northwest)



Exhibit "E" Rezoning Application

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APPLICATION REQUIR presumption that the inform application is incomplete of additions are received. There is a \$1,000.00 application will not be processed.	nation, materials and si or inaccurate, your pro	gnatures are comp ject may be dela	blete and accurate. If the yed until corrections or
will not be processed.	ation fee that must be pa	aid at time of subr	
PLEASE SUBMIT YOUR APPI			nission or the application
Applicant	DIGITAL PLAN SUB LICATIONS AND PLANS D THE WEBSITE B WEBSITE: tomballty USERNAME: tomballty PASSWORD: Tomballty	IGITALLY IN A SIN ELOW: x.gov/securesend dd	GLE PDF BY FOLLOWING
Name: Sendero Ven	tures LLC	Title: Ma	anaging Member
Mailing Address: 26410 Oak R	tidge Dr #108	City: The Woodland	s State: TX
Zip:77380			
Phone: (<u>832)</u> 607-8678			
			2
Owner			
Name: Daniel Roda	no	Title: OV	vner
Mailing Address: 12125 Zion I	Rd	City: Tomball	State: TX
Zip: 77375	Contact:	5. k	
Phone: ()	Email:		
Phone: ()	Email:		
Engineer/Surveyor (if applica	able)		
Engineer/Surveyor (if applica Name: DPK Engineering; David Kel	able) ^{Iley}	Title:Eng	jineer
Engineer/Surveyor (if applica Name:DPK Engineering; David Kel Mailing Address:P.O. Box 823	a ble) Iley	Title; Eng City: Fulshear	jineer State;TX
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Engineer/Surveyor (if applica Name:_DPK Engineering; David Kel Mailing Address:_P.O. Box 823 Zip:77441 Phone: (<u>281)</u> 300-1869 Description of Proposed Proje	able) lley Contact: Fax: (281)346-2616 ect: roperty is on the north side of 4 miles from Zion Rd interse	Title: Eng City: Fulshear Email: dav	incer State: TX id.kelly@dpkengineering.com
Engineer/Surveyor (if applica Name:_DPK Engineering; David Kel Mailing Address:_P.O. Box 823 Zip:77441 Phone: (<u>281)</u> 3 <u>00-1869</u> Description of Proposed Proje Physical Location of Property:_0	able) lley Contact: Fax: (Title: Eng City: Fulshear Email: dav Email: dav	incer State: TX id.kelly@dpkengineering.com tly across from Flax Ct, est existing street corner]
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DocuSign Envelope ID: 08AA7C64-CA8F-4D3C-9723-7D422096C135			
	Revised:	10/1/2022	
Current Use of Property:vacant land		·	
Proposed Zoning District: C- Commercial District		8	
Proposed Use of Property: office/warehouse business park development			
HCAD Identification Number: 0352820000179 Acr	eage: 7.088 acres		
Please note: A courtesy notification sign will be placed on a public hearing process and will be removed when the case This is to certify that the information on this form is COM	has been processed. IPLETE, TRUE, and CO	RRECT	
and the under signed is authorized to make this application this application does not constitute approval, and incon delays and possible denial.			
JUAN C. SANCHEZ 7FADB22569A54F3	10/17/2023		
Signature of Applicant	Date	_	

9/30/2023

Date

X Signature of Owner

DocuSigned by:

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

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.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

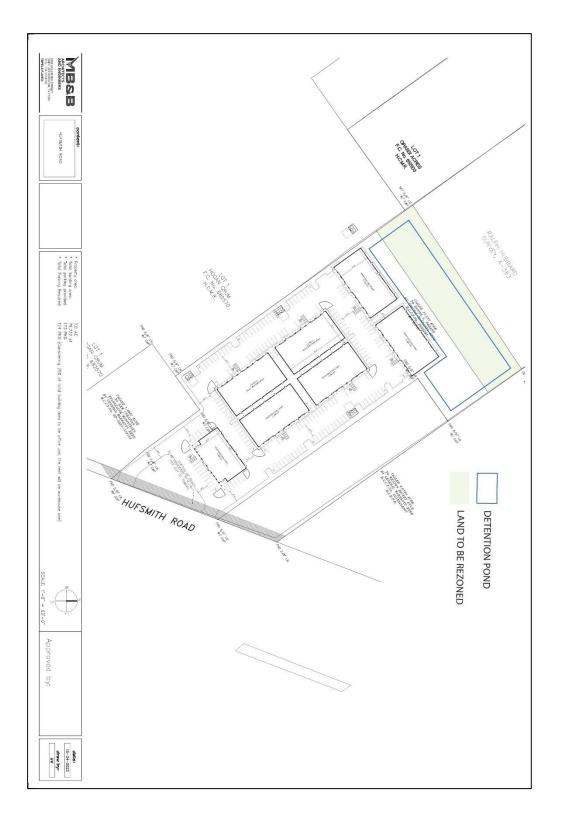
Application Process

- 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.
- 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 (3st) 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







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;

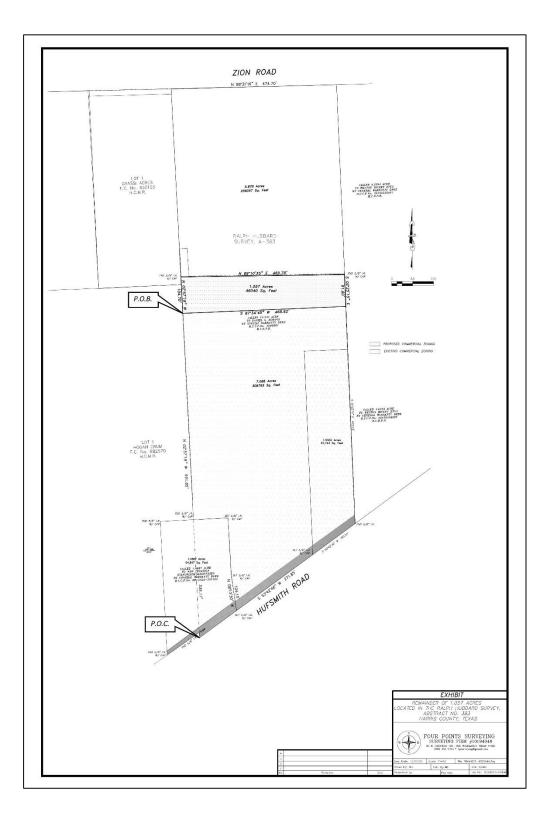
THENCE, South 02°25'15" East, along the east line of said 15.237 acre tract and the west line of said 4.2394 acre tract a distance of 91.60 feet to point for the southeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 02°25'15" East, 623.14 feet, for the southeast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



Item F.2



Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: November 13, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve <u>Zoning Case Z23-18</u>: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to General Retail (GR). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

Background:

The subject property has been within the City Limits of Tomball since at least 1938 and appears to have remained vacant since that time. In 2017, the property was subject the subject of a request for rezoning to Commercial (C) (P17-0036), this request was denied by City Council. The applicants are seeking a rezoning to General Retail (GR). According to the information provided by the applicant the intent is to rezone the property to allow uses such as retail shops, boutique stores, or professional offices.

Origination: Brian Mai

Recommendation:

Staff recommends denial of **Zoning Case Z23-18**.

Party(ies) responsible for placing this item on agenda: Jared Smith (City Planner)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: No:

If yes, specify Account Number: #

If no, funds will be transferred from account: # To Account: #

Date

Signed:

Staff Member

Approved by: ____

City Manager

Date

NOTICE OF PUBLIC HEARING CITY OF TOMBALL PLANNING & ZONING COMMISSION (P&Z) NOVEMBER 13, 2023 & CITY COUNCIL NOVEMBER 20, 2023



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 20, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case Z23-16: Request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

Zoning Case Z23-17: Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

<u>Zoning Case Z23-18</u>: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to Commercial (C). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of November 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

> Jared Smith Jared Smith City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-18

10/26/23

The Planning & Zoning Commission will hold a public hearing on **November 13, 2023** at **6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to Commercial (C). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning.** The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **November 20, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtxgov

For the PLANNING & ZONING COMMISSION Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-18

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

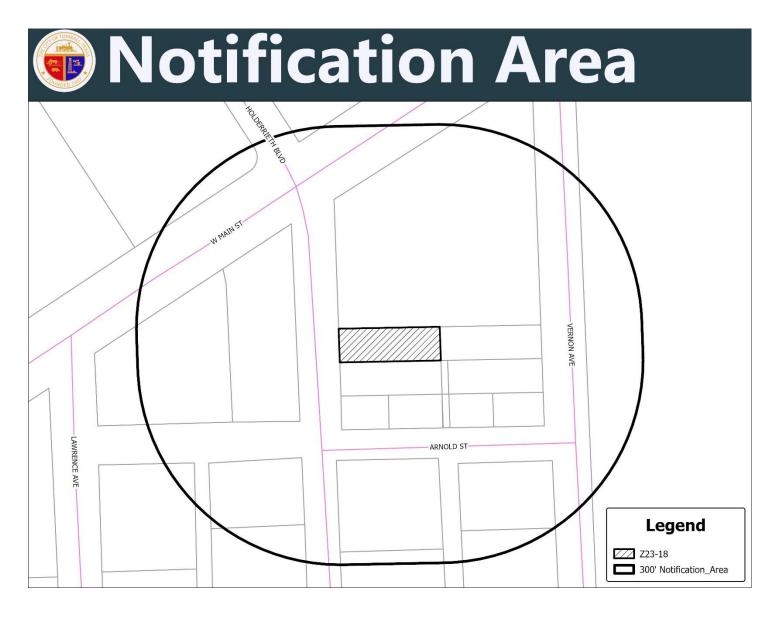
			Name:	
			Parcel I.	.D.:
			Address	5
Mailing To:	Community Development De	epartment		
-	501 James St., Tomball TX	77375	Email:	jasmith@tomballtx.gov
I am in	favor 🗌	I am opposed		
Additional Com	ments:		Signatu	ire:



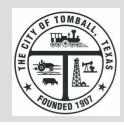
Item F.3

City of Tomball Community Development Department

<u>Z23-18</u>



Community Development Department



Rezoning Staff Report

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

Rezoning Case:	Z23-18
Property Owner(s):	Brian Mai
Applicant(s):	Brian Mai
Legal Description:	Lot 9, Block 1 of Main Street – Tomball
Location:	100 block (east) of Holderrieth Blvd. (Exhibit "A")
Area:	0.172 acres
Comp Plan Designation:	Neighborhood Commercial (Exhibit "B")
Present Zoning:	Single-Family Residential -6 district (Exhibit "C")
Request:	Rezone from the Single-Family Residential – 6 (SF-6) to General Retail (GR) district

Adjacent Zoning & Land Uses:

North: Single-Family Residential -6 (SF-6) & Commercial (C) / CVS Pharmacy

South: Single-Family Residential -6 (SF-6) / Single Family Residence

West: Commercial (C) / Printing Equipment Supplies & Repair

East: Commercial (C) / Auto Repair (Major)

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1938 and appears to have remained vacant since that time. In 2017, the property was the subject of a request for rezoning to Commercial (C) (P17-0036), this request was denied by City Council. The applicants are seeking a rezoning to General Retail (GR). According to the information provided by the applicant the intent is to rezone the property to allow uses such as retail shops, boutique stores, or professional offices.

ANALYSIS

Description: The subject property comprises approximately 0.17 acres, located in 100 block (east side) of Holderrieth Boulevard. The property is currently located within the Single Family Residential - 6 (SF-6) zoning and has been within this zoning classification since the City of Tomball adopted zoning in 2008. North of the subject property is split zoned Single Family Residential - 6 and Commercial, this property is occupied by a CVS pharmacy. East of the subject property is existing Commercial zoning occupied by an automotive repair shop.

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South of the subject property is Single Family Residential -6 zoning, within which a single family residence is located. West of the subject property (west of Holderrieth Boulevard) is Commercial zoning occupied by a printing equipment supplies and retail business.

Comprehensive Plan Recommendation: The property is designated as "Neighborhood Commercial" by the Comprehensive Plan Future Land Use Map. This Neighborhood Commercial land use category is intended to foster commercial uses that are developed with the appropriate context, scale, and design to compliment residential development. These are areas intended to be accessible by both vehicles and pedestrians.

According to the Comprehensive Plan, appropriate land uses within this land use category include restaurants, retail, professional services, clinics, and offices. Secondary uses include places of assembly or event venues, local utility services, and government facilities.

The Comprehensive Plan recommends the zoning districts of Office (O), General Retail (GR), or Planned Developments (PD) for the Neighborhood Commercial land use category.

Staff Review Comments:

The Comprehensive Plan endorses transitional zoning districts to "step down" land use intensities when rezoning properties. This is particularly true when considering commercial zoning districts near residential. The Neighborhood Commercial land use category identifies General Retail (GR) zoning as being appropriate for promoting land uses that will assist in achieving the goals and objectives of the 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 October 26, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

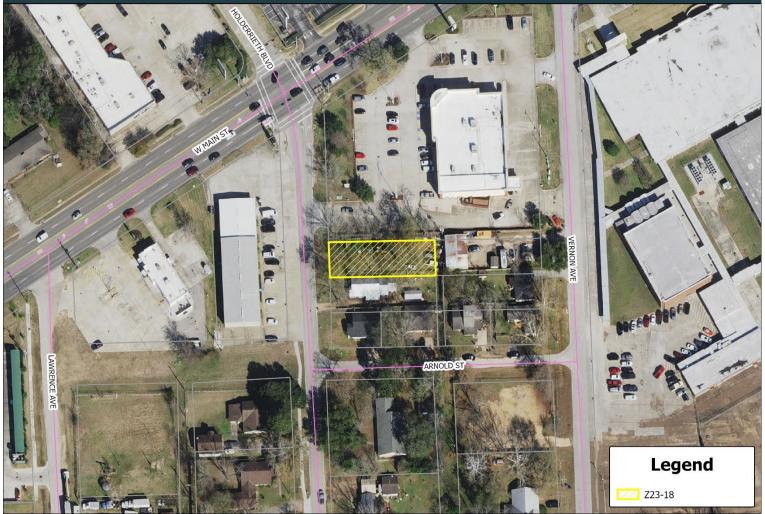
RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends denial of Zoning Case Z23-18.

EXHIBITS

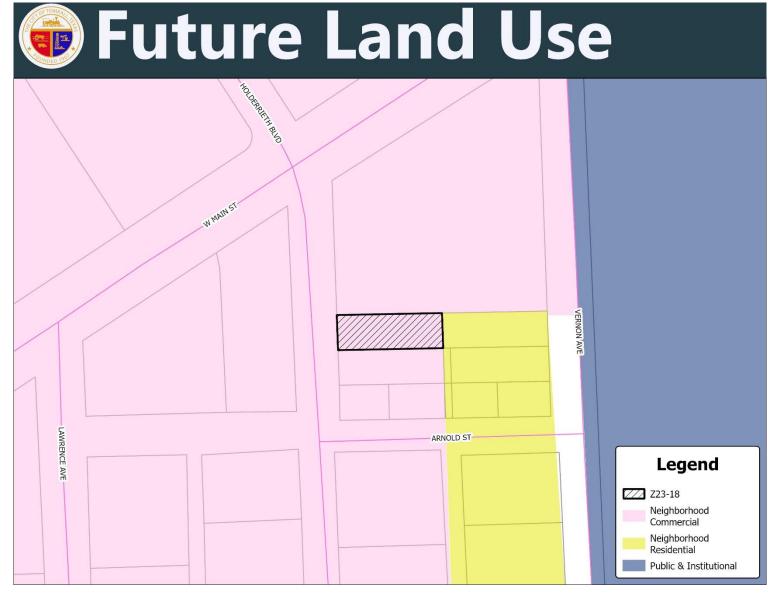
- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Current Zoning Map
- D. Site Photo(s)
- E. Rezoning Application





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Exhibit "B" Future Land Use Plan



Item F.3 Exhibit "C" **Zoning Map** HIDDREAMETH BLOD N.MAIN ST VERNON AVE Legend -LAWRENCE AVE ARNOLD ST ZZZ Z23-18 SF-6 (Single Family Residential -6) OT & MU (Old Town & Mixed Use) C (Commercial) COLLECTOR, Existing MAJOR ARTERIAL, Existing

Exhibit "D" Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



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Neighbor (South)



Exhibit "E" Rezoning Application

STOMBAL			Revised: 10/1/2022
S AI	PLICATION I	FOR RE-ZONII	NG
THE THE REAL	Community Devel	opment Department g Division	
presumption that the info	ormation, materials a	nd signatures are com	<i>itionally</i> accepted on the applete and accurate. If the layed until corrections or
There is a \$1,000.00 appl will not be processed.	ication fee that must	be paid at time of sub	omission or the application
	PPLICATIONS AND PLA THE WEBS WEBSITE: ton USERNAME: ton	<u>N SUBMITTALS:</u> ANS DIGITALLY IN A SE SITE BELOW: nballtx.gov/securesend nballcdd mball1	NGLE PDF BY FOLLOWING
Applicant		0	
Name: Brian T. Ma Mailing Address: 112 S Verno	n Street		
Mailing Address: 112 0 Veria	Brian M	City: Tomban	State: 12
Zip: <u></u>	Contact:		<u></u>
Phone: (978) 761-8840	Email: maionano	o@gmail.com	
Owner		2	
Name: Brian T. Mai	Charact	Title: Ow	ner _{State} ; TX
Mailing Address: 112 S Verr	ion Street	City: Tomball	State: 1X
Zip: 11315	Contact: Brian 1.	Mai	
Phone: (978) 761-8840	Email: maibrian	08@gmail.com	
Engineer/Surveyor (if appl Name: N/A		Tieler	
Moiling Address:		Citur	State:
Zip:			
Zip: Phone: ()			
Phone: ()	Fax: ()	Email:	
Description of Proposed Pr	oject: Small commercia Professional offi	al space may include reta ces.	ail shops, boutique stores, or
Physical Location of Property:	Lot nine (9) in Block	one (1) - Main Street -	Tomball - Faced Holderrieth Bldv
ingstear Elocation of Property	, <i>, ,</i> =		
	[General Location /		a con caloring ou con conner
	[General Location – a	8990	
Legal Description of Property:	LT9 BLK1 - MAIN STRE	EET - TOMBALL	
Legal Description of Property:_	LT9 BLK1 - MAIN STRE	EET - TOMBALL	division Name with Lots/Block]
	LT9 BLK1 - MAIN STRE [Survey/Abstract No	EET - TOMBALL b. and Tracts; or platted Sub	
Legal Description of Property:_ Current Zoning District: Single	LT9 BLK1 - MAIN STRE [Survey/Abstract No	EET - TOMBALL b. and Tracts; or platted Sub	

ltem	F.3

Current Use of Property: vacant

Proposed Zoning District: General Retail (GR)

Proposed Use of Property: Small commercial space may include retail shops, boutique stores, or Professional offices. HCAD Identification Number: 0670990010009 Acreage: 0.172

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 Brian Mai	09/15/2023		
Signature of Applicant	Date		
x Brian Mai	09/15/2023		
Signature of Owner	Date		

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

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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.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

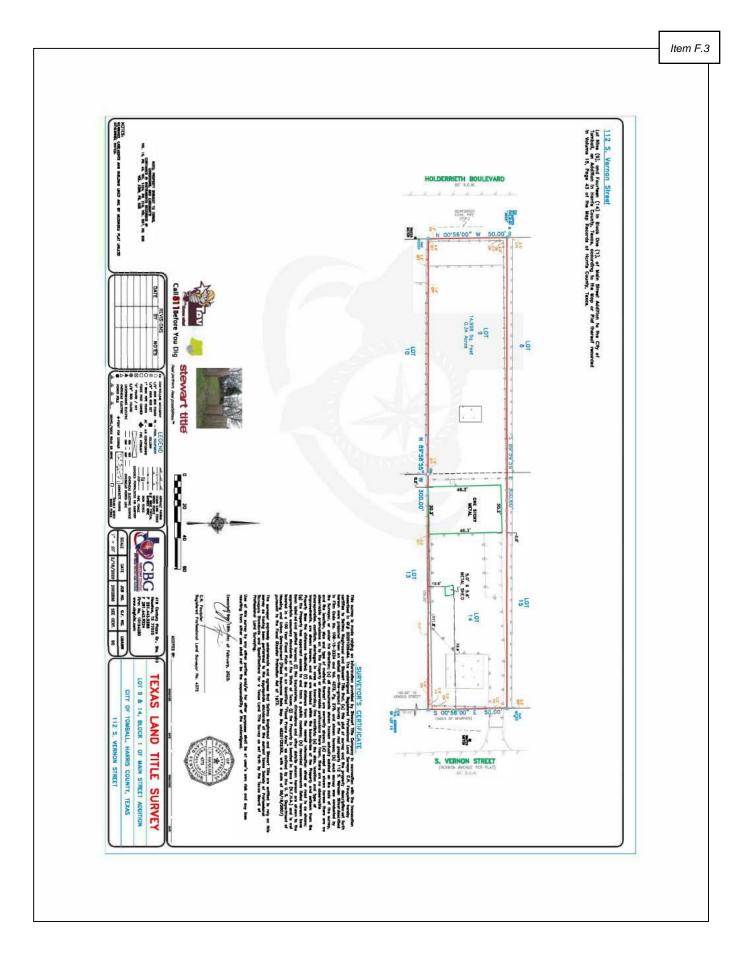
www.tomballtx.gov

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.
- 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 (3st) 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



Brian T. Mai 112 S Vernon Street Tomball, TX 77375 maibrian08@gmail.com (978)761-8840

September 15, 2023

City Zoning and Planning Commission 501 James Street Tomball, TX 77375

Subject: Request for Rezoning of Residential Vacant Lot to Commercial Use

Dear City Zoning and Planning Commission,

I hope this letter finds you in good health and high spirits. I am writing to respectfully request your consideration for the rezoning of a residential vacant lot located adjacent to a commercial lot in our beloved city. This proposal aims to convert the aforementioned lot from its current residential zoning to commercial use. I would like to outline the reasons for this request and address the pertinent issues relating to this matter.

Firstly, it is important to acknowledge the evolving needs of our community. As our city continues to grow and flourish, it is crucial that we adapt our zoning regulations to accommodate the changing landscape. The proximity of the residential vacant lot to an existing commercial lot presents an opportunity to foster economic growth and development in the area. By rezoning this lot for commercial use, we can attract new businesses, create employment opportunities, and enhance the overall vibrancy of our community.

Furthermore, rezoning this residential lot to general commercial use aligns with the city's long-term vision for strategic urban planning. The current zoning classification may not fully utilize the potential of this land. By embracing a more versatile zoning designation, we can optimize land use efficiency and encourage responsible development that aligns with the city's goals and objectives.

I understand that rezoning decisions must be made with careful consideration of potential impacts on the surrounding environment and nearby residents. However, I would like to assure you that this proposal has been thoroughly evaluated to minimize any adverse effects. We are committed to working closely with city planners, environmental agencies, and neighborhood associations to conduct comprehensive impact assessments, implement appropriate mitigation measures, and ensure that any potential concerns are addressed.

In conclusion, the rezoning of the residential vacant lot adjacent to the commercial lot to commercial use holds immense potential for our city's growth, economic prosperity, and community development. I kindly request that you carefully review and consider this proposal, taking into account its alignment with the city's long-term vision and the opportunities it presents for our community.

Thank you for your time, attention, and dedication to serving our city. I remain at your disposal for any further information or clarification you may require. I am confident that together, we can make informed decisions that will enhance the quality of life for all city residents.

Yours sincerely,

Brian Mai

Brian T. Mai