

**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR  
MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, November 13, 2023  
6:00 PM**

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
  - D.1 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 **Reserve HK-5**: 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

**C E R T I F I C A T I O N**

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](http://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

### 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, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # 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.**

draft

- 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 **Conditional Use Permit Case CUP23-05**: 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 **Conditional Use Permit Case CUP23-06**: 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 **Re-Zoning Case Z23-12**: 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 **Re-Zoning Case Z23-13**: 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 **Wiley Commercial**: 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 **Caliber Collision Tomball**: 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 **Northwest Houston Heart Center, Replat No. 1:** 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 **Re-Zoning Case Z23-14:** 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 **Re-Zoning Case Z23-14.**

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

Vote was as follows:

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

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	<u>Nay</u>
Commissioner Moore	<u>Nay</u>
Commissioner Harris	<u>Nay</u>
Commissioner Anderson	<u>Nay</u>

Motion Failed (Unanimously).

- F.5 Conduct a Public Hearing and Consideration to Approve **Conditional Use Permit Case CUP23-07**; 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 **Conditional Use Permit Case CUP23-07.**

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

Vote was as follows:

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

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

- F.6 Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-15:** 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 **Re-Zoning Case Z23-15.**

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

Vote was as follows:

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

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.

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Kim Chandler  
 Community Development Coordinator/  
 Commission Chair Commission Secretary

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Barbara Tague  
 Commission Chair

# Planning & Zoning Commission

## Agenda Item

### Data Sheet

**Meeting Date:** November 13, 2023

**Topic:**

Minor Plat of **Reserve HK-5**: 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: # \_\_\_\_\_

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

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

# CITY OF TOMBALL

Plat Name: Reserve HK-5 Plat Type: Minor

Construction Drawings for Public Facilities required? Yes ☐ No ☐ N/A ☒

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: November 13, 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.





# 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: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
                     Staff Member                      Date                      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.

**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 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](mailto:jasmith@tomballtx.gov).

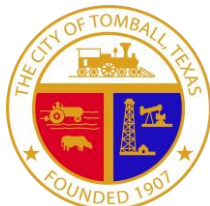
**C E R T I F I C A T I O N**

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 10<sup>th</sup> 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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

**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@tomballtx.gov](mailto:jasmith@tomballtx.gov)

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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.

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

I am in favor ☐

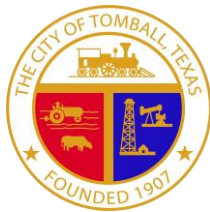
I am opposed ☐

Additional Comments:

Name:  
Parcel I.D.:  
Address:

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

Signature: \_\_\_\_\_

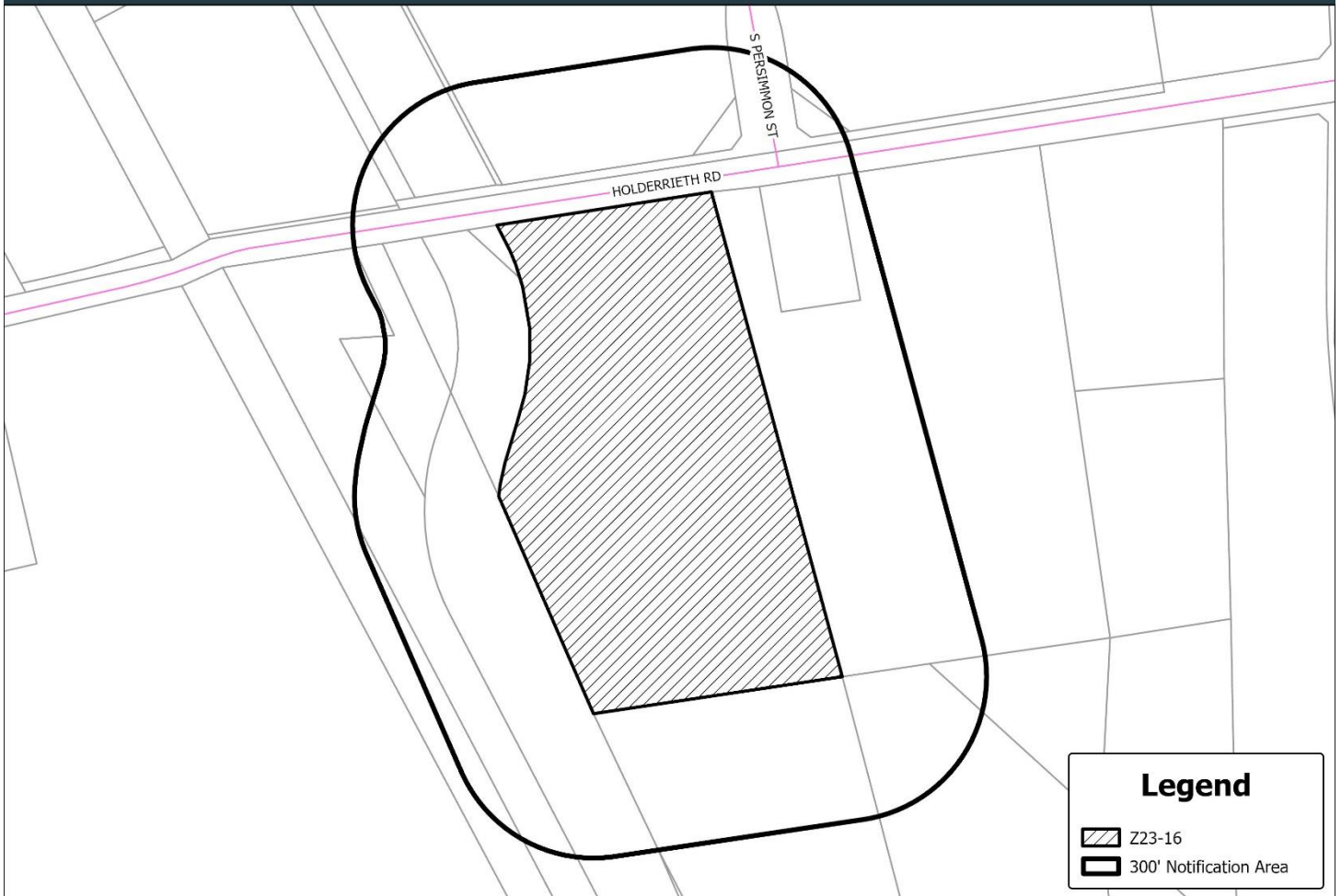


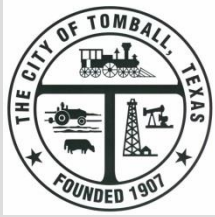
**City of Tomball**  
**Community Development Department**

**Z23-16**



# Notification Area





## ***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 "A"  
Aerial Location Map

Item F.1



# Location



## Legend

 Z23-16



Exhibit "B"  
Future Land Use Plan

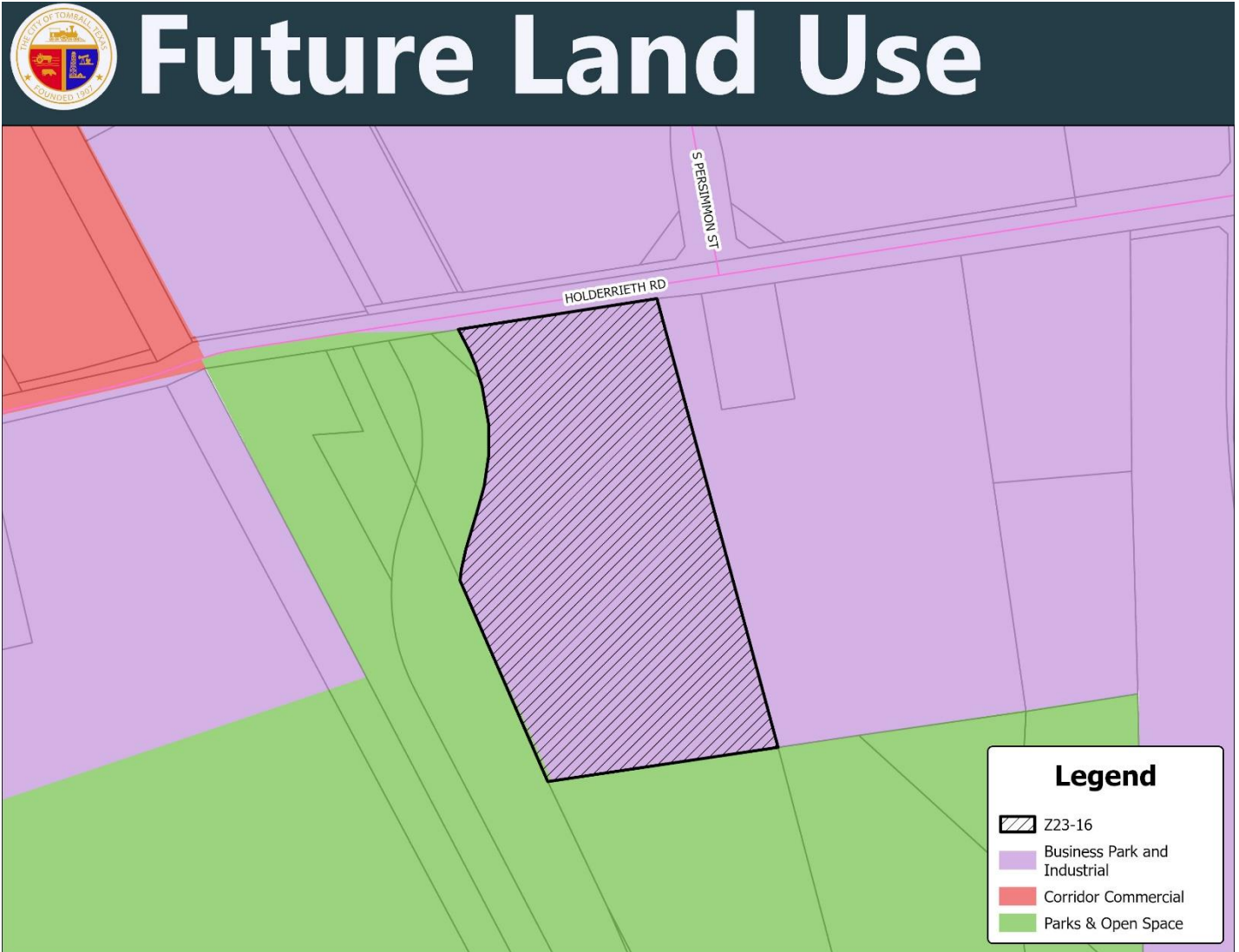
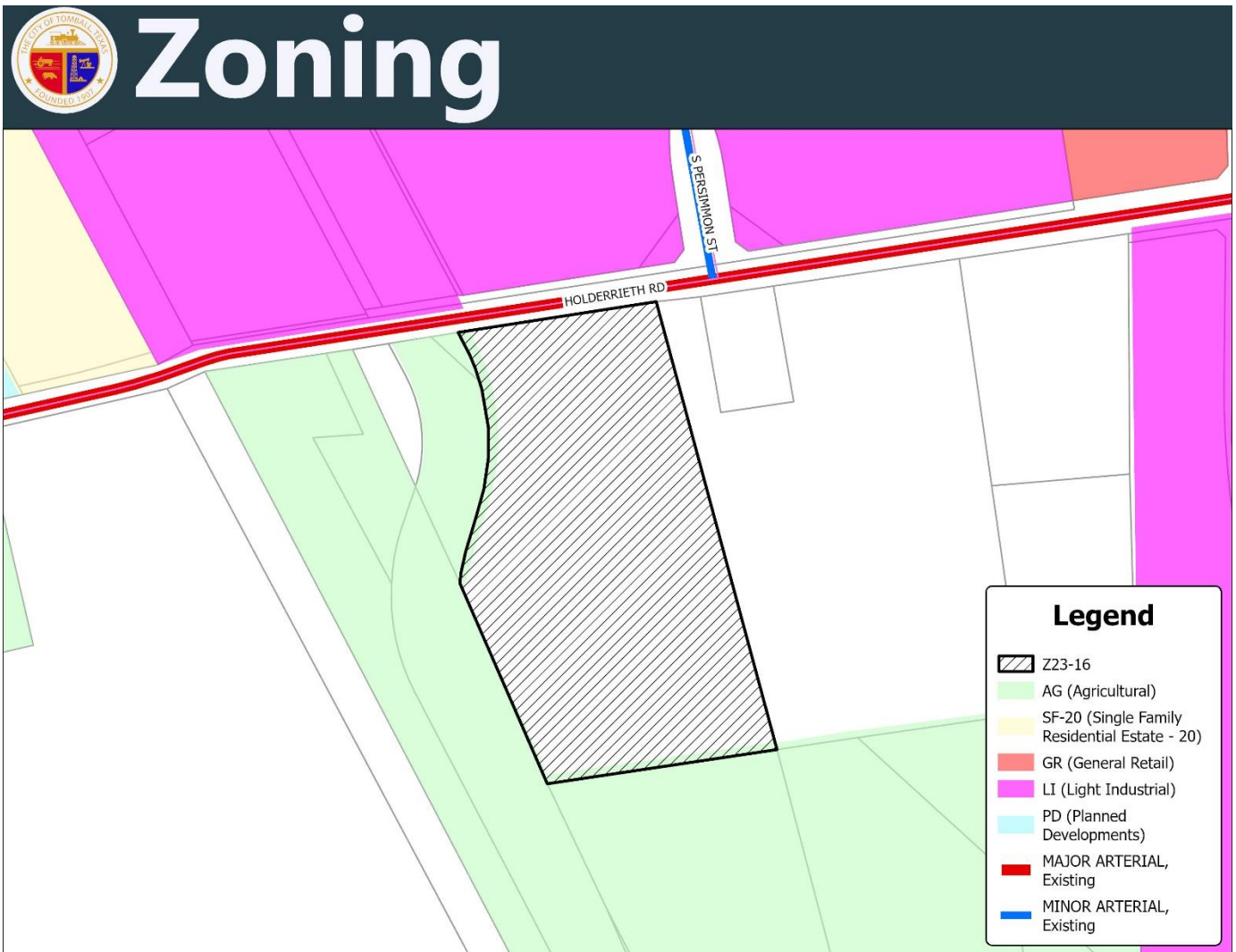


Exhibit "C"  
Zoning Map



**Subject Site**



**Neighbor (West)**





## Neighbor (East)

Item F.1

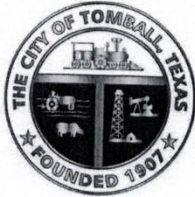


## Neighbor (North)



# Exhibit "E"

## Rezoning Application



Revised: 10/1/2022

### APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

**DIGITAL PLAN SUBMITTALS:**

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

**WEBSITE:** tomballtx.gov/securesend  
**USERNAME:** tombalcedd  
**PASSWORD:** Tomball1

**Applicant**

Name: AUSTIN HAYNES Title: CIVIL ENGINEER  
Mailing Address: PO BOX 1305 City: CYPRESS State: TX  
Zip: 77410 Contact: RHONDA CHILDS  
Phone: (832)-657-3972 Email: RHONDA@ALTARGRP.COM

**Owner**

Name: HH 11701 Properties LLC Title: \_\_\_\_\_  
Mailing Address: 9103 Emmott Road, Ste 21 City: Houston State: TX  
Zip: 77040 Contact: \_\_\_\_\_  
Phone: ( ) Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**

Name: AUSTIN HAYNES Title: CIVIL ENGINEER  
Mailing Address: PO BOX 1305 City: CYPRESS State: TX  
Zip: 77410 Contact: AUSTIN HAYNES  
Phone: (281)-794-3015 Fax: ( ) Email: AUSTIN@ALTARGRP.COM

Description of Proposed Project: BUSINESS PARK WITH OFFICE WAREHOUSE SPACE

Physical Location of Property: 11701 HOLDERRIETH ROAD

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 3E & (5,415 SQ FT EASEMENT) TRS 13D-2 13E & 13J  
ABST 632 C N PILOT ABST 70 E SMITH

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: NO ZONING - PROPERTY IS SEEKING ANNEXATION

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

Revised: 10/1/2022

Current Use of Property: VACANTProposed Zoning District: LID- LIGHT INDUSTRIAL DISTRICTProposed Use of Property: BUSINESS PARK WITH OFFICE WAREHOUSE SPACEHCAD Identification Number: 0410260020004 Acreage: 12.114

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 Aust. Haynes 09/25/2023  
Signature of Applicant Date

X [Signature] 9/25/23  
Signature of Owner Date

**From:** [noreply@incode.tylerhosting.cloud](mailto:noreply@incode.tylerhosting.cloud)  
**To:** [Kimberly Chandler](#)  
**Subject:** Receipt #R01384980  
**Date:** Wednesday, October 4, 2023 8:25:47 AM

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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.



Revised: 10/1/2022

## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) 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.



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 District (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.

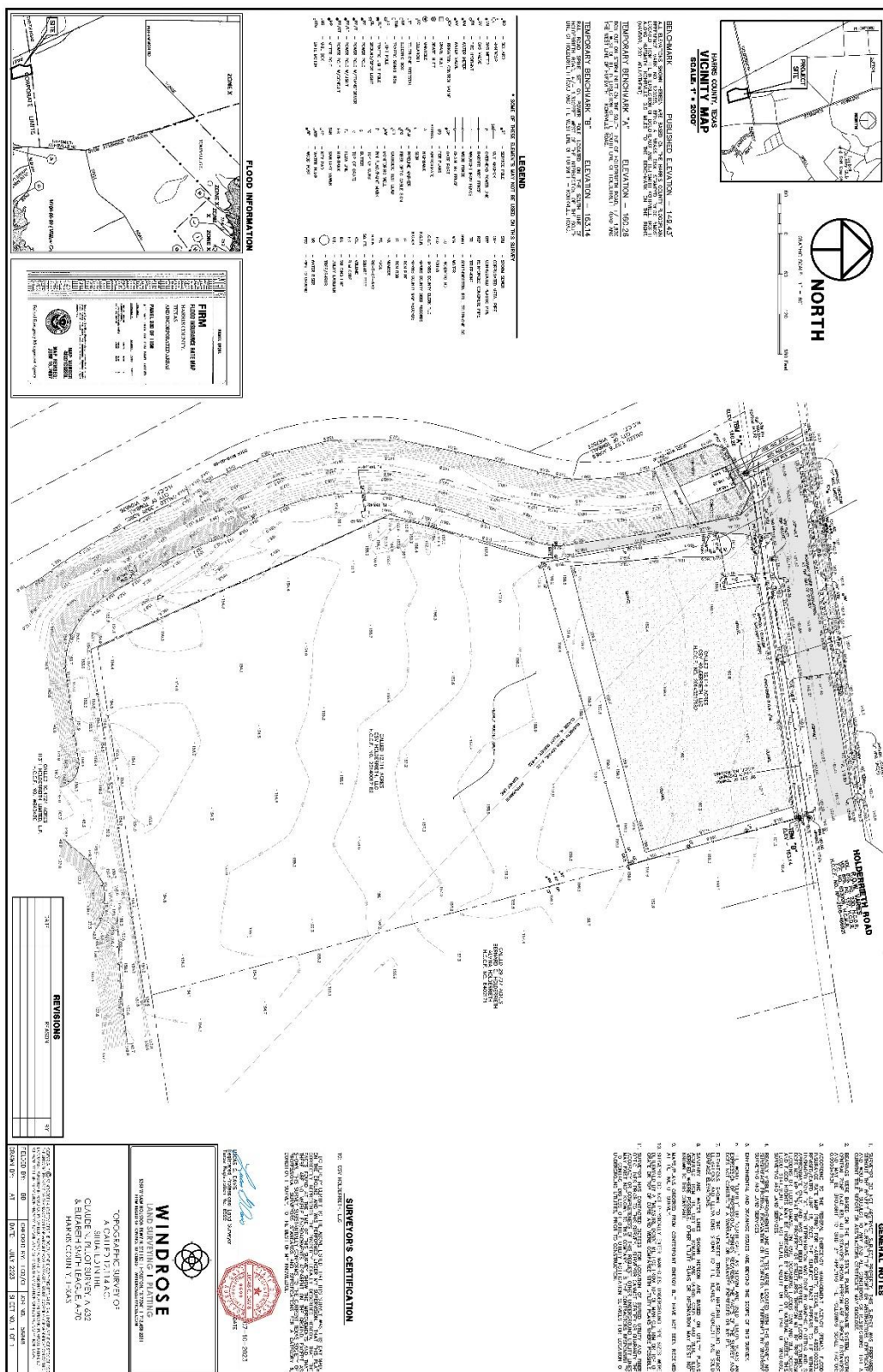
Property:

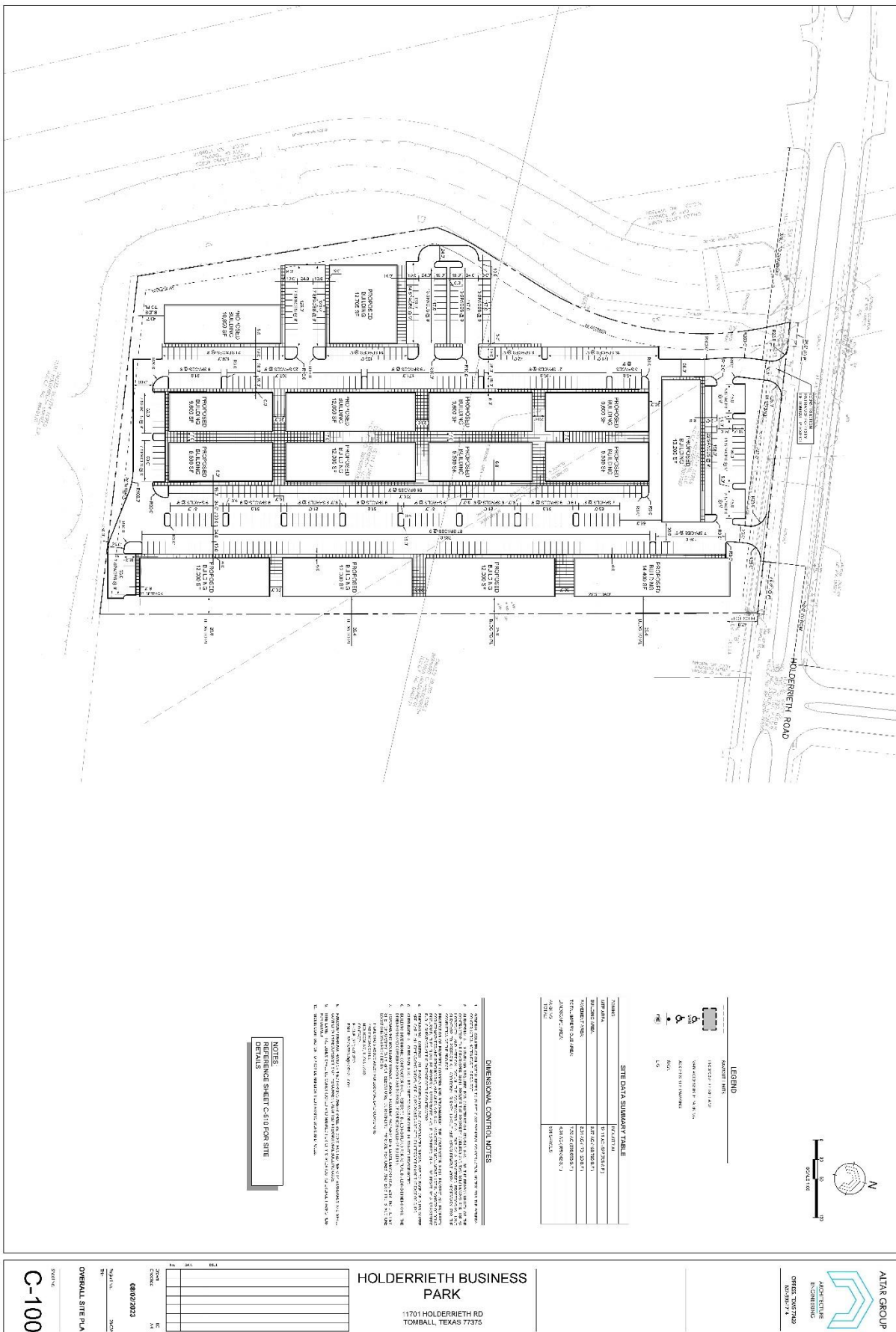
Address: 11701 Holderrieth Road, Tomball, Tx  
HCAD Account 0410260020004

Respectfully,

Austin Haynes, PE  
Altar Group, PLLC  
Architecture | Engineering  
[Austin@altargrp.com](mailto:Austin@altargrp.com)  
281-794-3015

**Altar Group**  
11615 Spring Cypress Rd, Suite E  
Tomball, TX 77377  
P. 713-248-7752









8118 Fry Road, Ste. 402, Cypress, Texas 77433 \* (281) 213-2517  
[www.dvjlansurveying.com](http://www.dvjlansurveying.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 Holderrieth 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:

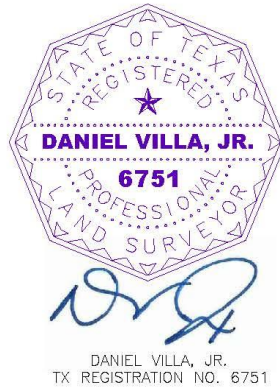
1. North 23 Degrees 31 Minutes 10 Seconds West, a distance of 477.72 feet to the beginning of a curve to the right;
2. Coincident aforesaid curve to the right, an arc length of 71.37 feet, having a radius of 325.00 feet, a central angle of 12 Degrees 34 Minutes 58 Seconds and a chord bearing of North 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;
4. 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;
5. 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](http://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



DANIEL VILLA, JR.  
TX REGISTRATION NO. 6751

# Planning and Zoning Commission

## Agenda Item

### Data Sheet

Meeting Date: November 13, 2023

**Topic:**

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-17**: 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.

**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.

**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

*Item 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.

**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 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](mailto:jasmith@tomballtx.gov).

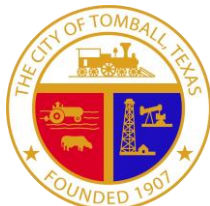
**C E R T I F I C A T I O N**

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 10<sup>th</sup> 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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

**NOTICE OF PUBLIC HEARING**

**RE: Zone Change Case Number Z23-17**

**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 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@tomballtx.gov](mailto:jasmith@tomballtx.gov)

---

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.

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Name:  
Parcel I.D.:  
Address:

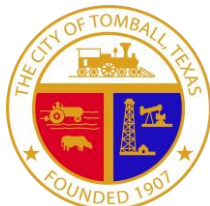
Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor ☐

I am opposed ☐

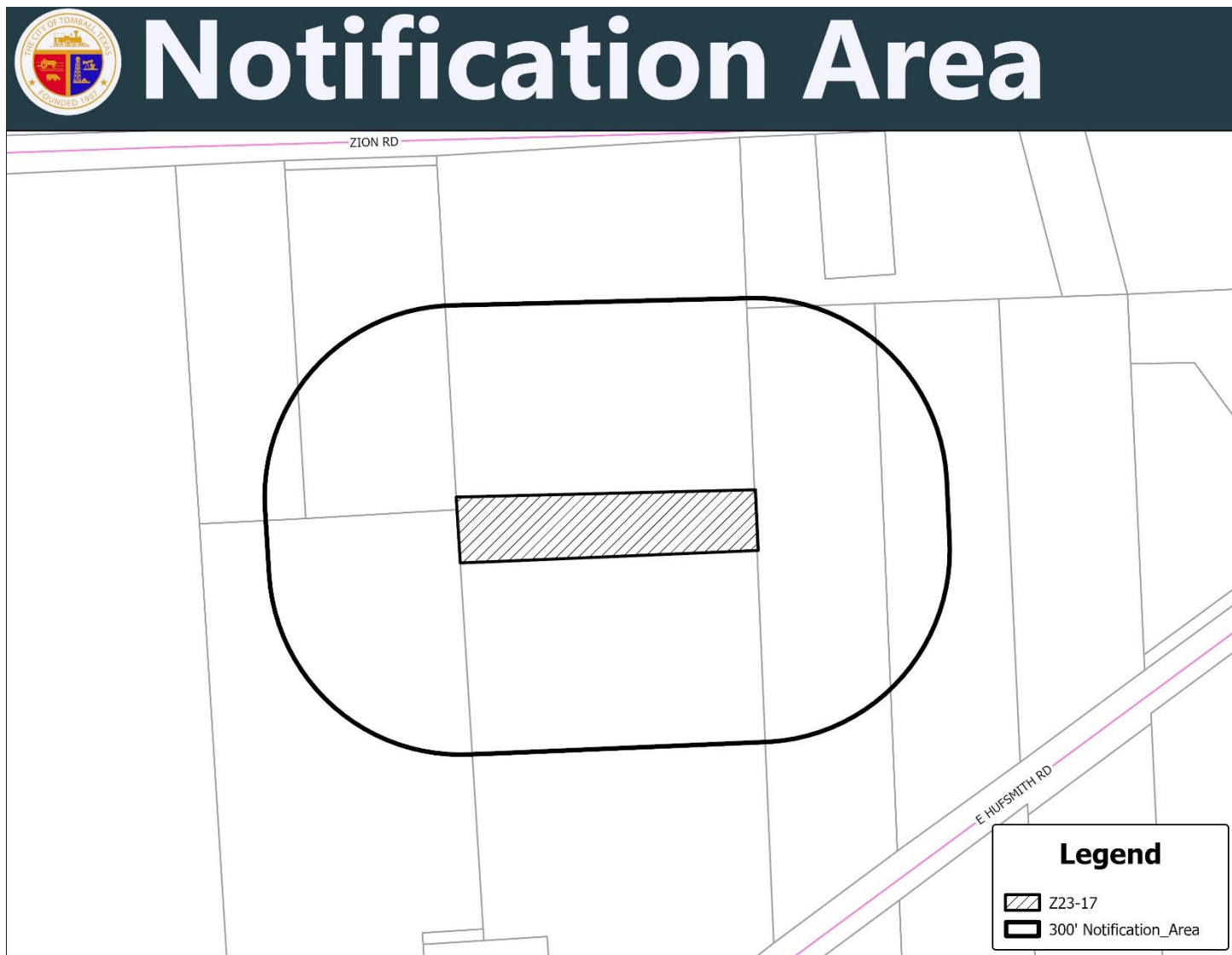
Additional Comments:

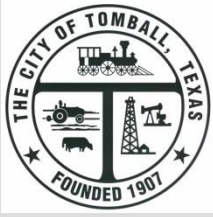
Signature: \_\_\_\_\_



**City of Tomball**  
**Community Development Department**

**Z23-17**





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

### Adjacent Zoning & Land Uses:

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

**South:** Commercial (C) / Vacant

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

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

### **BACKGROUND**

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

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

## **ANALYSIS**

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

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

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

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

## **Staff Review Comments:**

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

## **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on October 26, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-17.



## **EXHIBITS**

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

Exhibit "A"  
Aerial Location Map

Item F.2



# Location

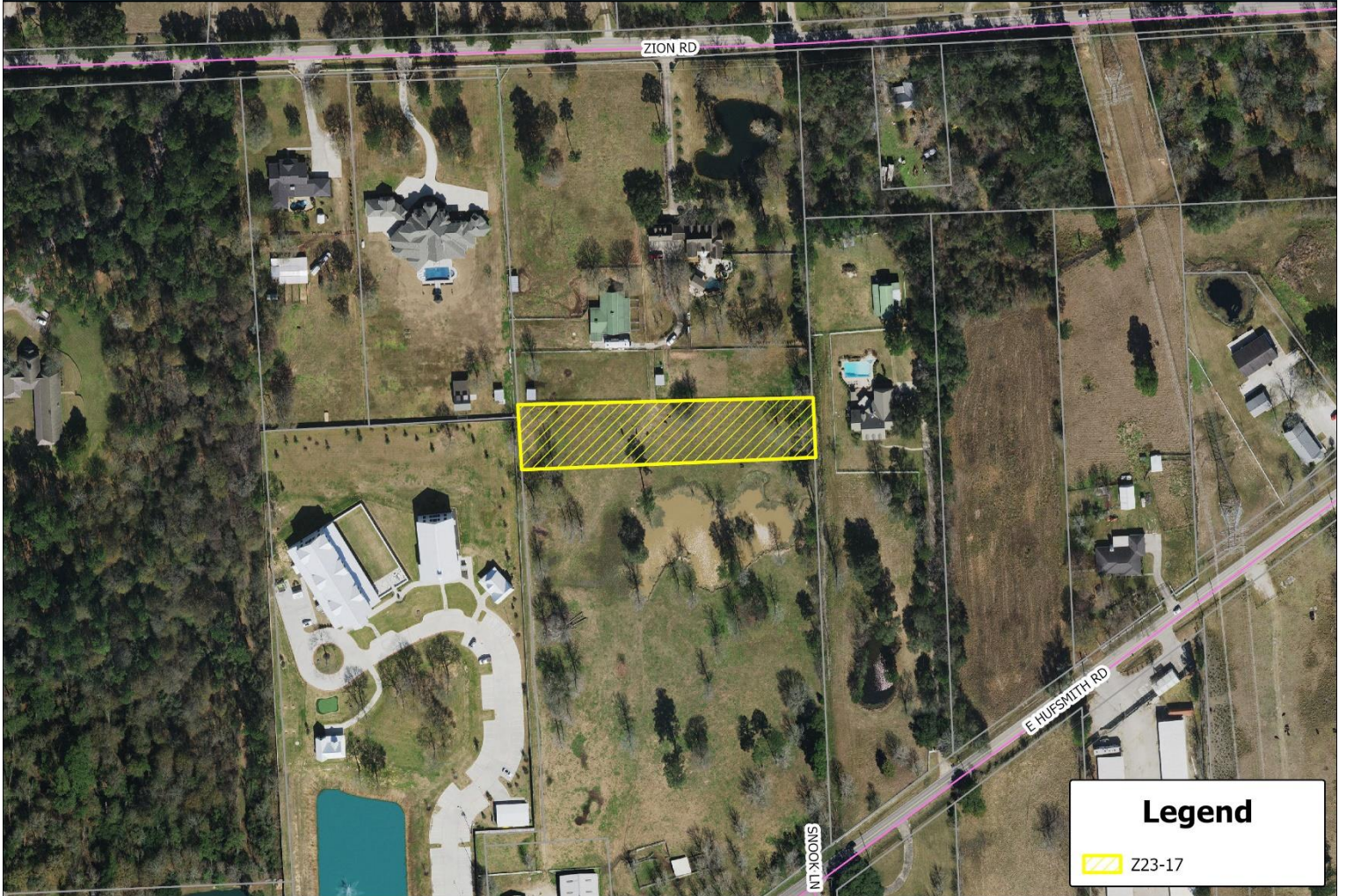


Exhibit "B"  
Future Land Use Plan



# Future Land Use

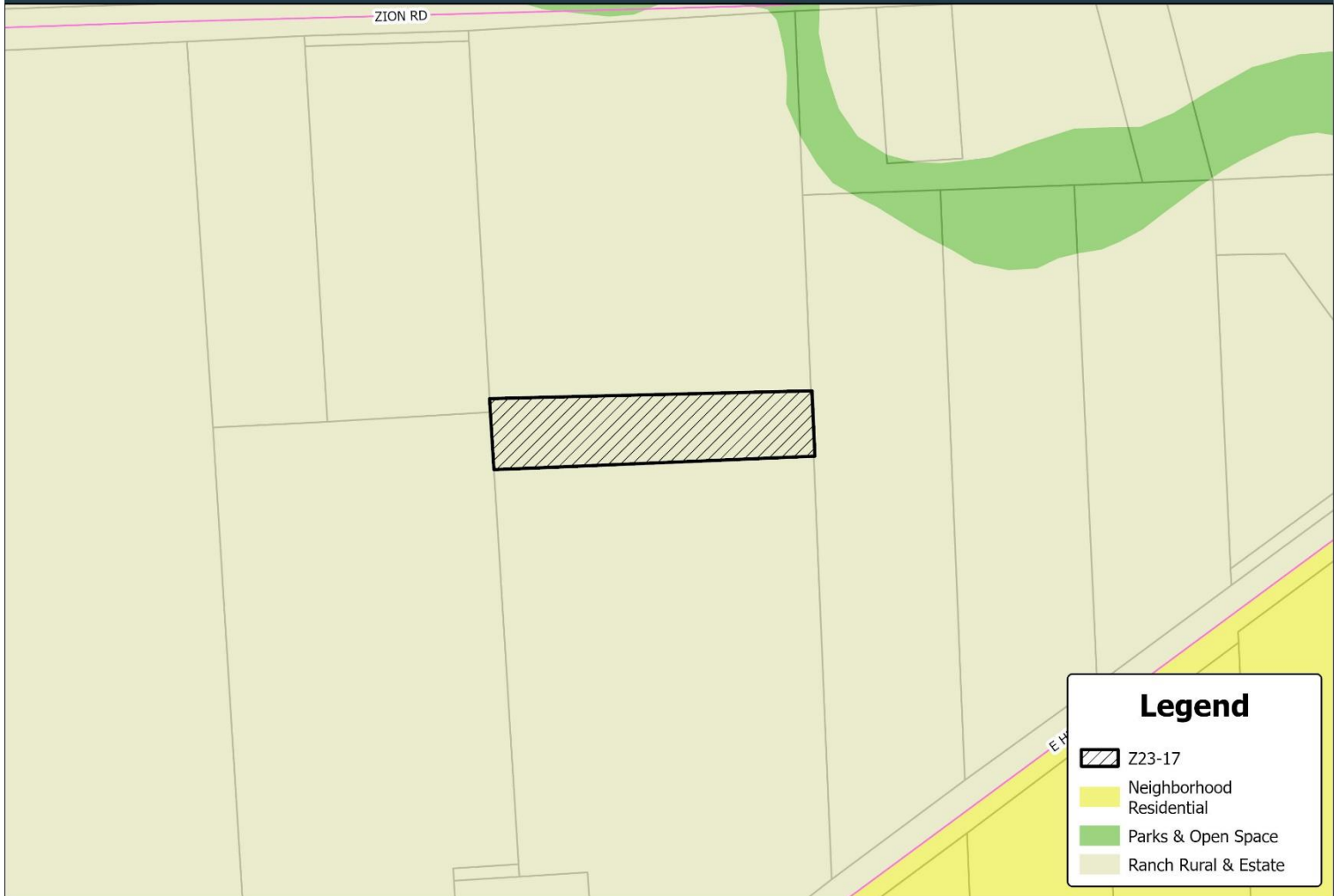
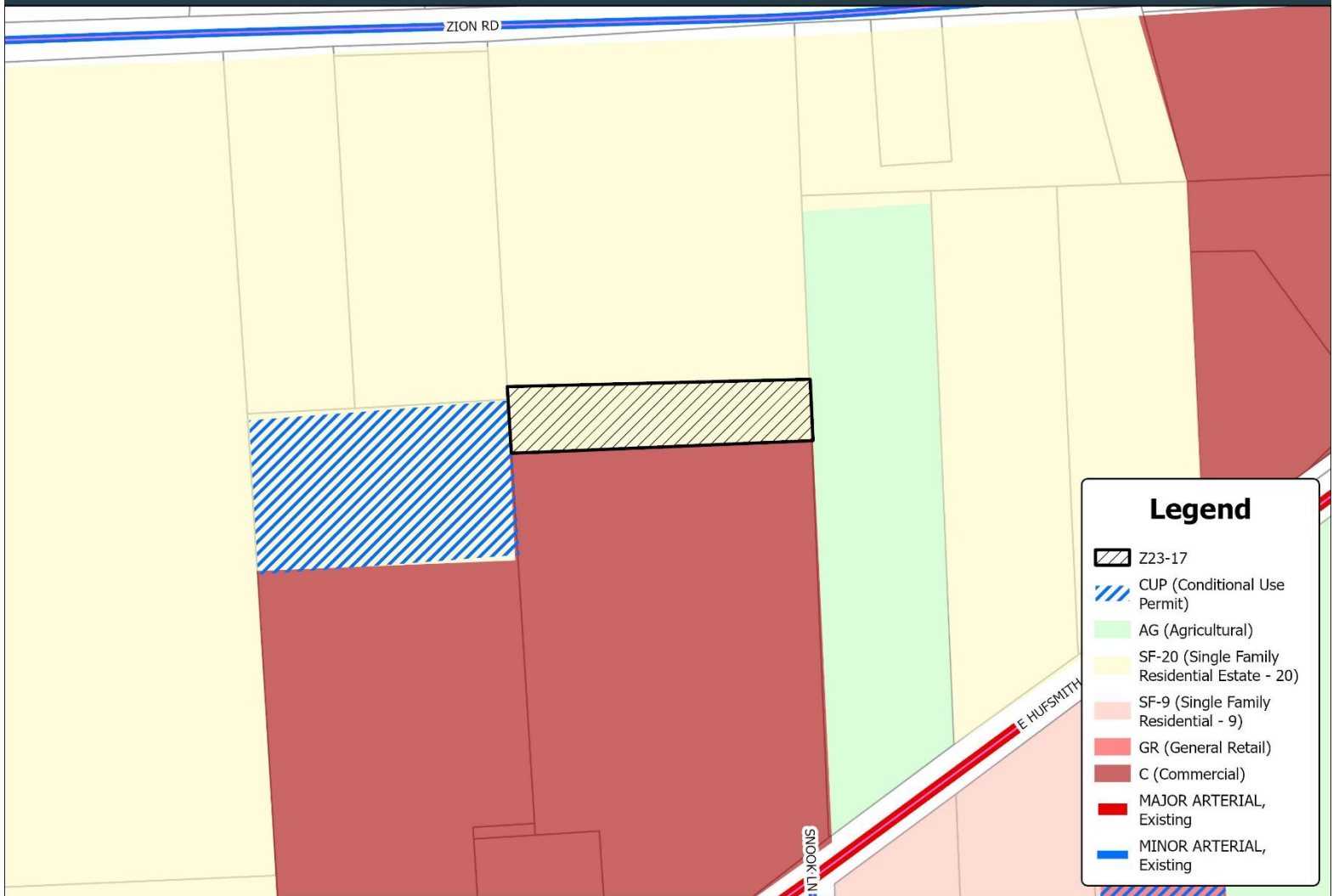


Exhibit "C"  
Zoning Map

Item F.2



# Zoning





**Exhibit “D”  
Site Photo(s)**

*Item F.2*

**Subject Site (north of E. Hufsmith)**



**Subject Site (south of Zion)**





## Neighbor (east)



## Neighbor (west)





Neighbor (southwest)



Neighbor (northwest)



## Exhibit "E"

### Rezoning Application

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

Revised: 10/1/2022



### APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

#### **DIGITAL PLAN SUBMITTALS:**

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

**WEBSITE:** [tomballtx.gov/secure/send](http://tomballtx.gov/secure/send)  
**USERNAME:** tombalredd  
**PASSWORD:** Tomball1

#### **Applicant**

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

#### **Owner**

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

#### **Engineer/Surveyor (if applicable)**

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

#### **Description of Proposed Project:** \_\_\_\_\_

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

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

Current Zoning District: SF-20-E

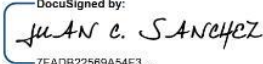
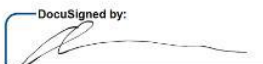
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

Revised: 10/1/2022

Current Use of Property: vacant landProposed Zoning District: C- Commercial DistrictProposed Use of Property: office/warehouse business park developmentHCAD Identification Number: 0352820000179 Acreage: 7.088 acres

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

**This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.**

<p><small>DocuSigned by:</small>    <small>7FADB22569A54F3...</small></p>	<p>10/17/2023</p>
<p><b>X</b></p>	
<p>Signature of Applicant</p>	<p>Date</p>
<p><small>DocuSigned by:</small>    <small>00430009E-4FAE4FD...</small></p>	<p>9/30/2023</p>
<p><b>X</b></p>	
<p>Signature of Owner</p>	<p>Date</p>



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.

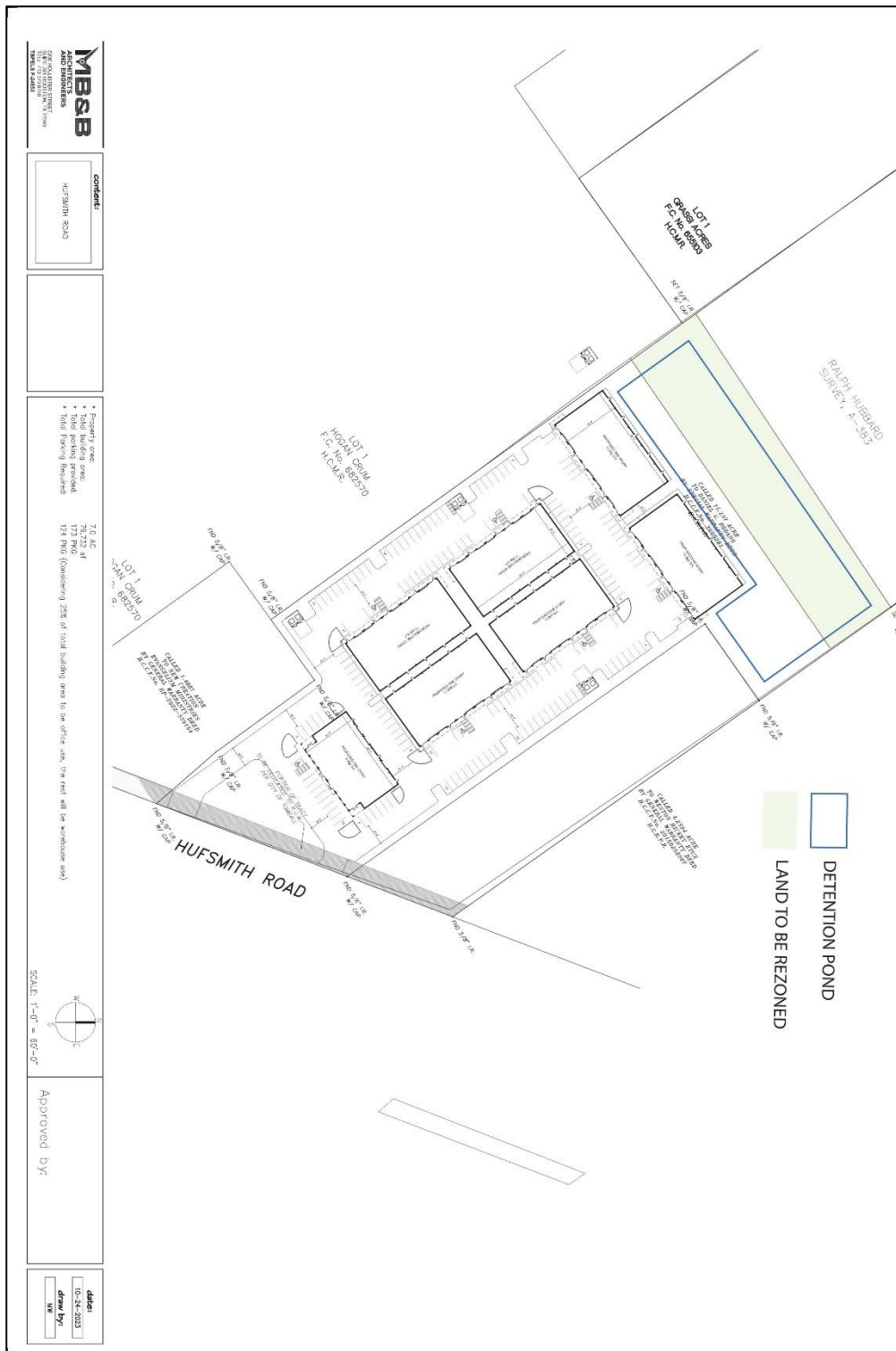


Revised: 10/1/2022

## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

**FAILURE TO APPEAR:** It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.





FIELD NOTES  
TO BE ZONED COMMERCIAL

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

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

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

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

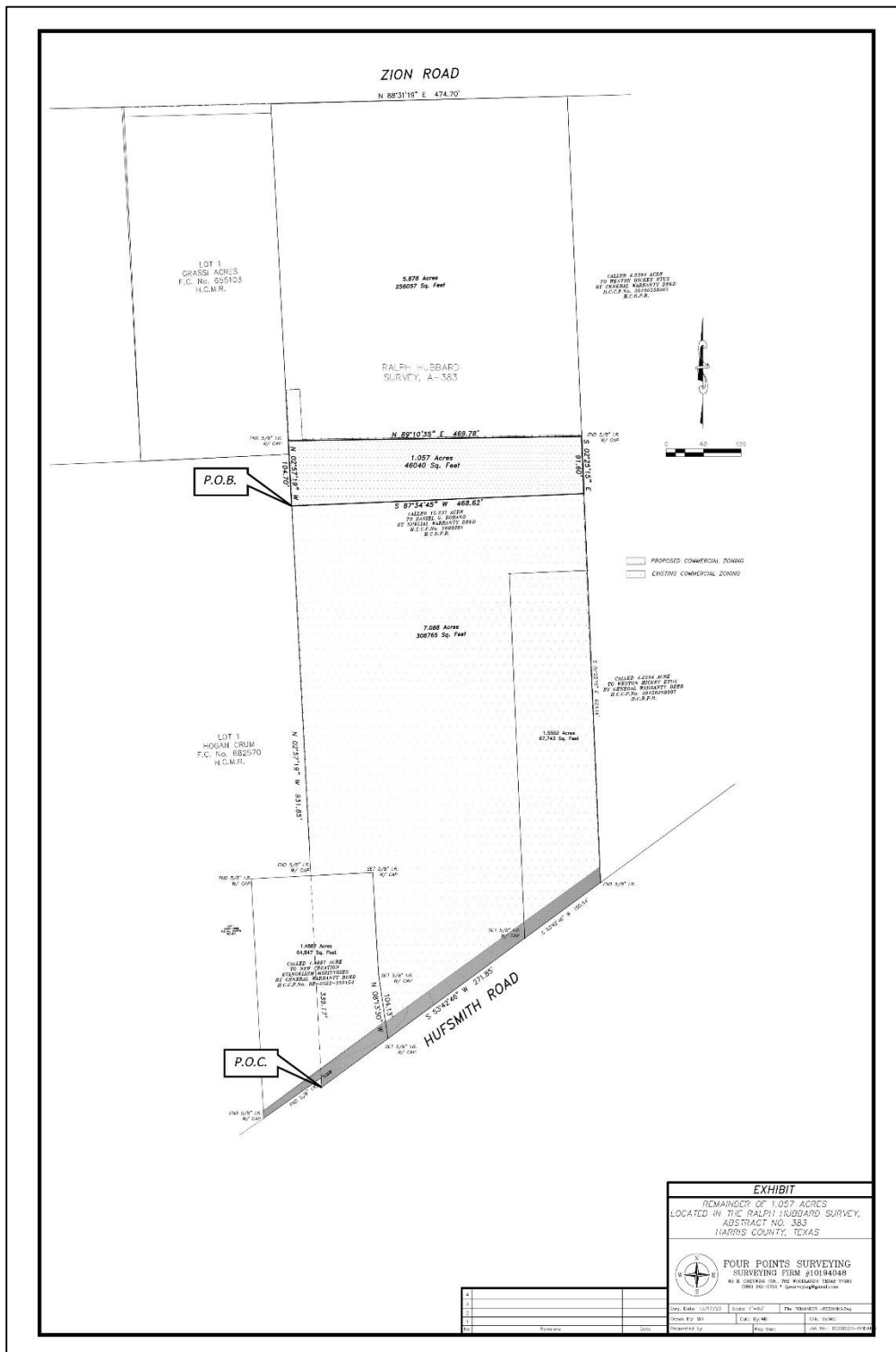
THENCE, North 89°10'35" East, over and across said 15.237 acre tract a distance of 469.78 feet to a found 5/8-inch iron rod with cap for the northeast corner of the herein described tract and in the west line of a called 4.2394 acre tract to Weston Hickey ETUX by General Warranty Deed as recorded under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

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

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

  
Mark L. Sherley  
Registered Professional Land Surveyor No. 5326









**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.

**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 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](mailto:jasmith@tomballtx.gov).

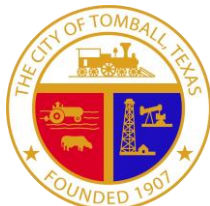
**C E R T I F I C A T I O N**

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 10<sup>th</sup> 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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

**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@tomballtx.gov](mailto:jasmith@tomballtx.gov)

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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.

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Name:  
Parcel I.D.:  
Address:

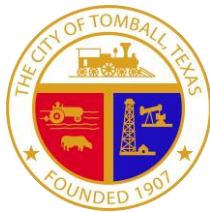
Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor ☐

I am opposed ☐

Additional Comments:

Signature: \_\_\_\_\_



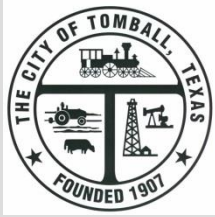
**City of Tomball**  
**Community Development Department**

**Z23-18**



# Notification Area





## 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.

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**

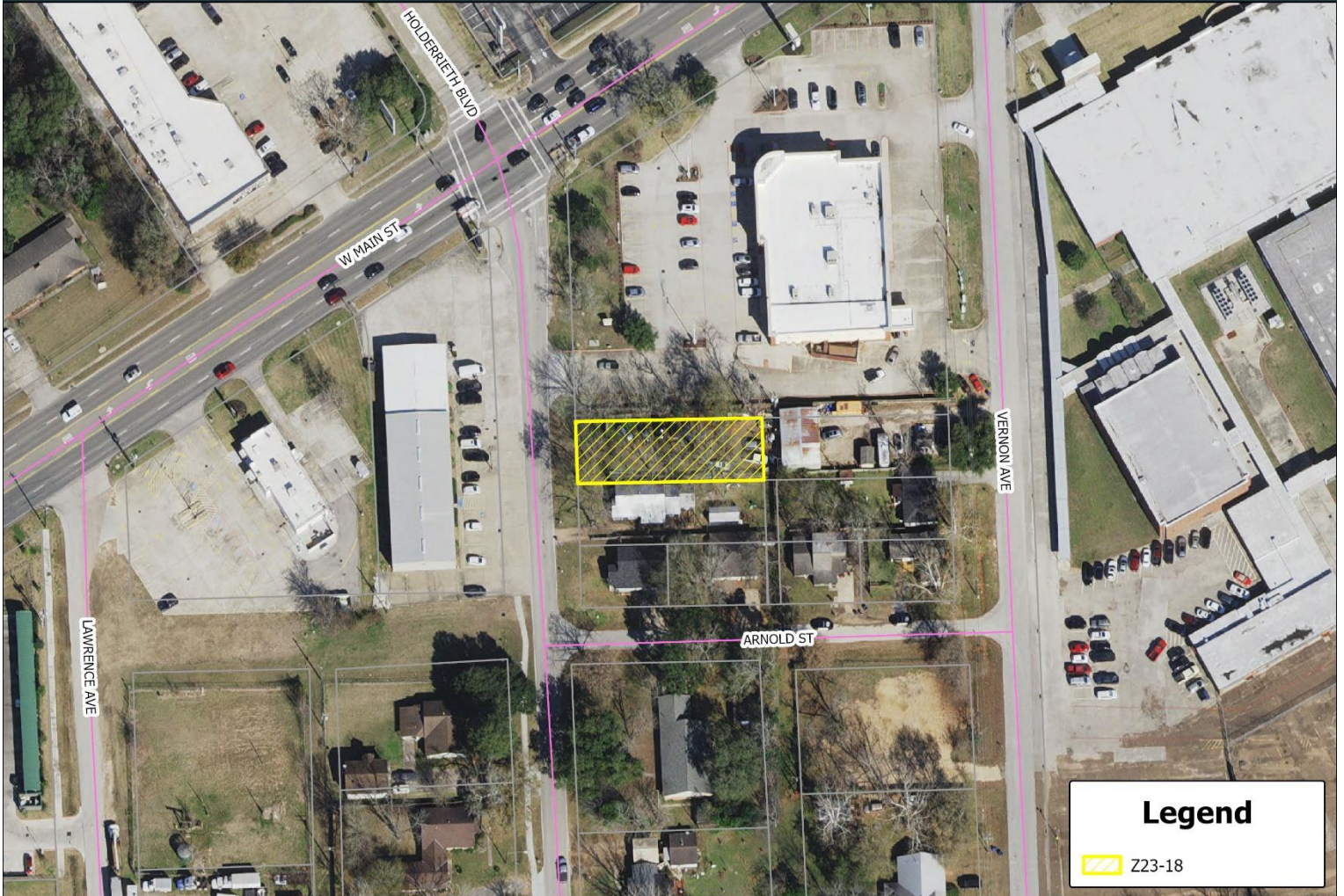
- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Current Zoning Map
- D. Site Photo(s)
- E. Rezoning Application



Exhibit "A"  
Aerial Location Map



# Location



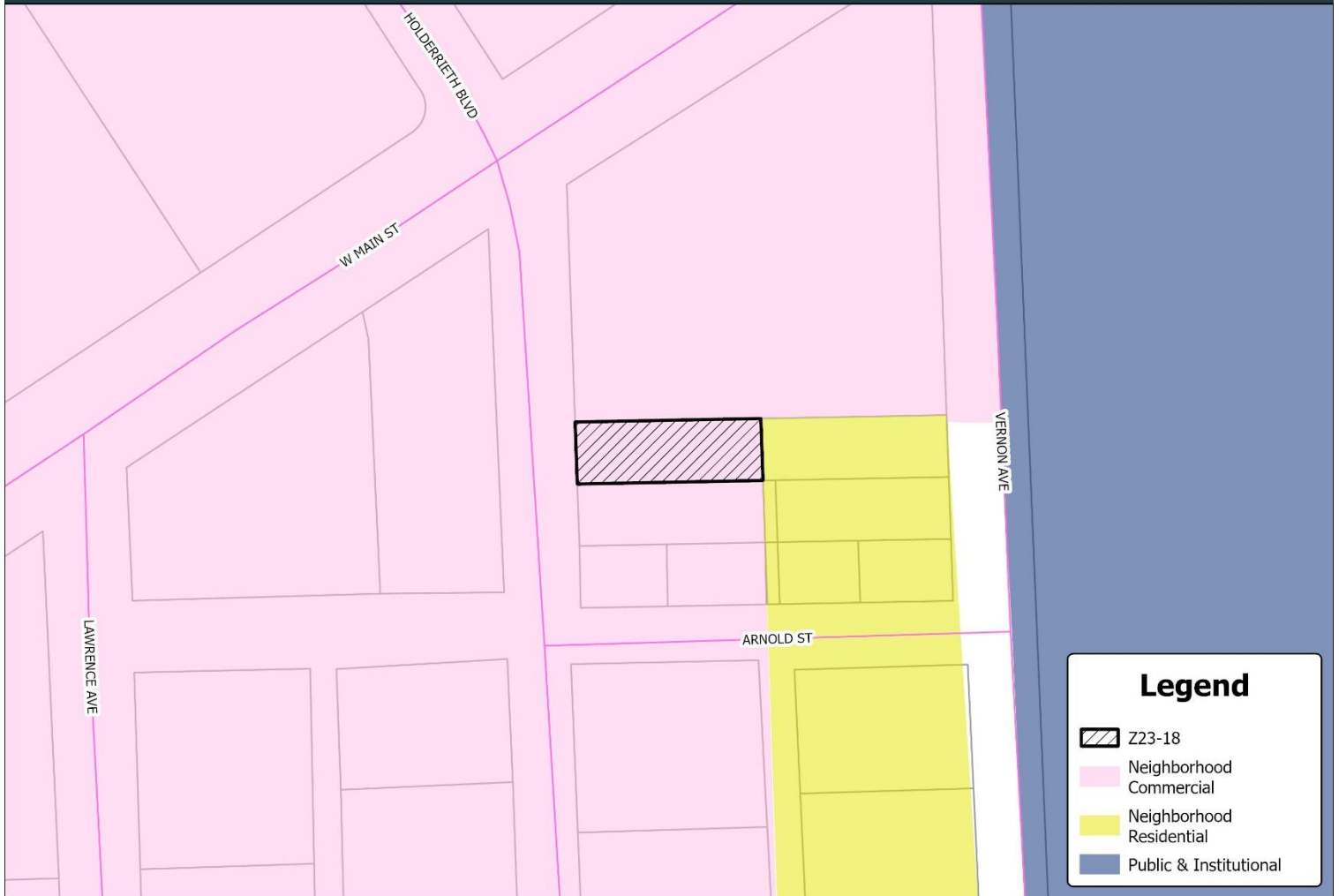
**Legend**

 Z23-18

Exhibit "B"  
Future Land Use Plan



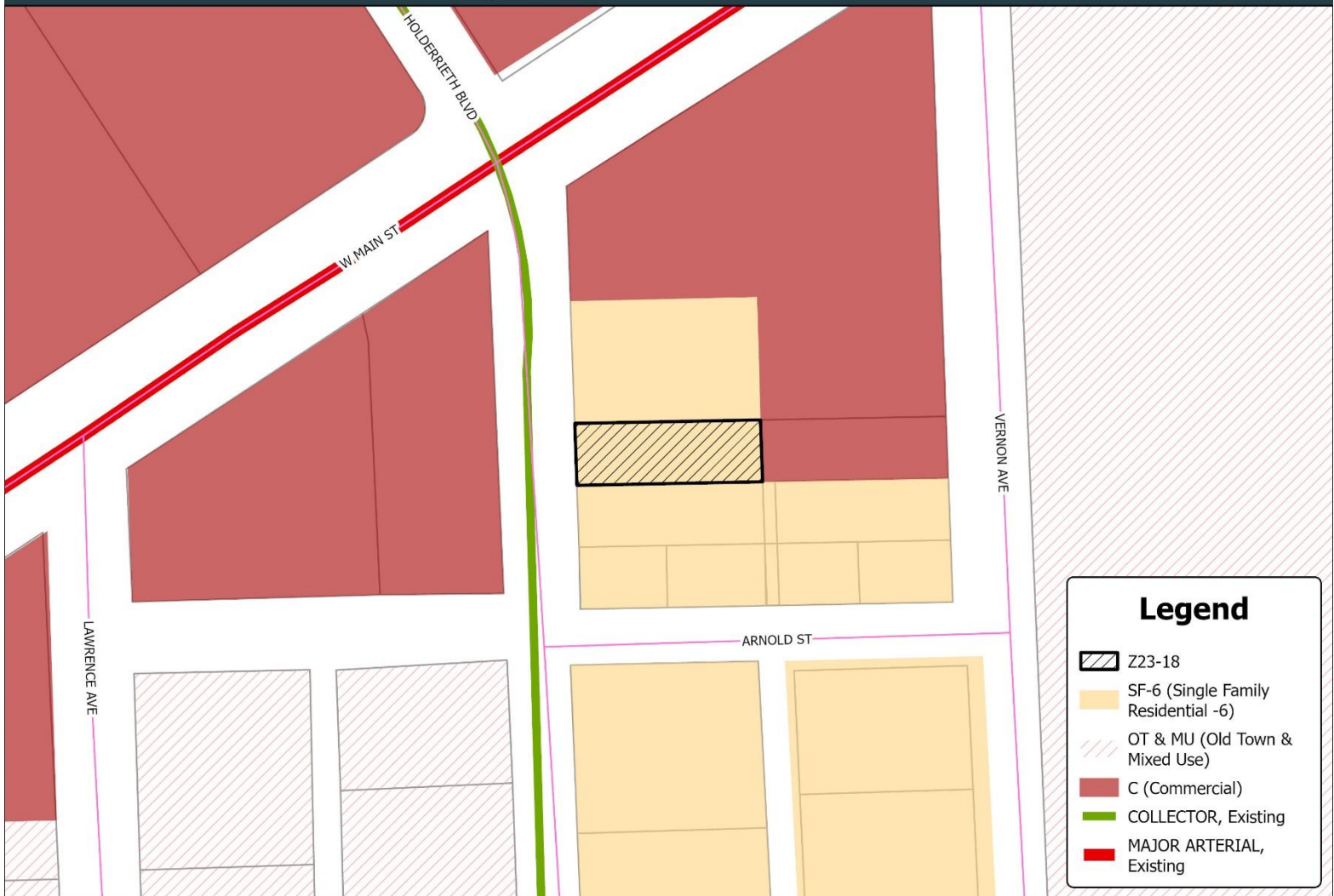
# Future Land Use













# Zoning



## Legend

-  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)

Item F.3



## Neighbor (North)





## Neighbor (South)



## Exhibit "E"

### Rezoning Application



Revised: 10/1/2022

### APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

**DIGITAL PLAN SUBMITTALS:**

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

**WEBSITE:** tomballtx.gov/securesend  
**USERNAME:** tombalcedd  
**PASSWORD:** TomballI

**Applicant**

Name: Brian T. Mai Title: Owner  
Mailing Address: 112 S Vernon Street City: Tomball State: TX  
Zip: 77375 Contact: Brian Mai  
Phone: (978) 761-8840 Email: maibrian08@gmail.com

**Owner**

Name: Brian T. Mai Title: Owner  
Mailing Address: 112 S Vernon Street City: Tomball State: TX  
Zip: 77375 Contact: Brian T. Mai  
Phone: (978) 761-8840 Email: maibrian08@gmail.com

**Engineer/Surveyor (if applicable)**

Name: N/A Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**Description of Proposed Project:** Small commercial space may include retail shops, boutique stores, or Professional offices.

**Physical Location of Property:** Lot nine (9) in Block one (1) - Main Street - Tomball - Faced Holderrieth Bldv  
[General Location – approximate distance to nearest existing street corner]

**Legal Description of Property:** LT9 BLK1 - MAIN STREET - TOMBALL  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** Single Family 20 Estate District

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

Revised: 10/1/2022

Current Use of Property: vacantProposed 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

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**
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- **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.

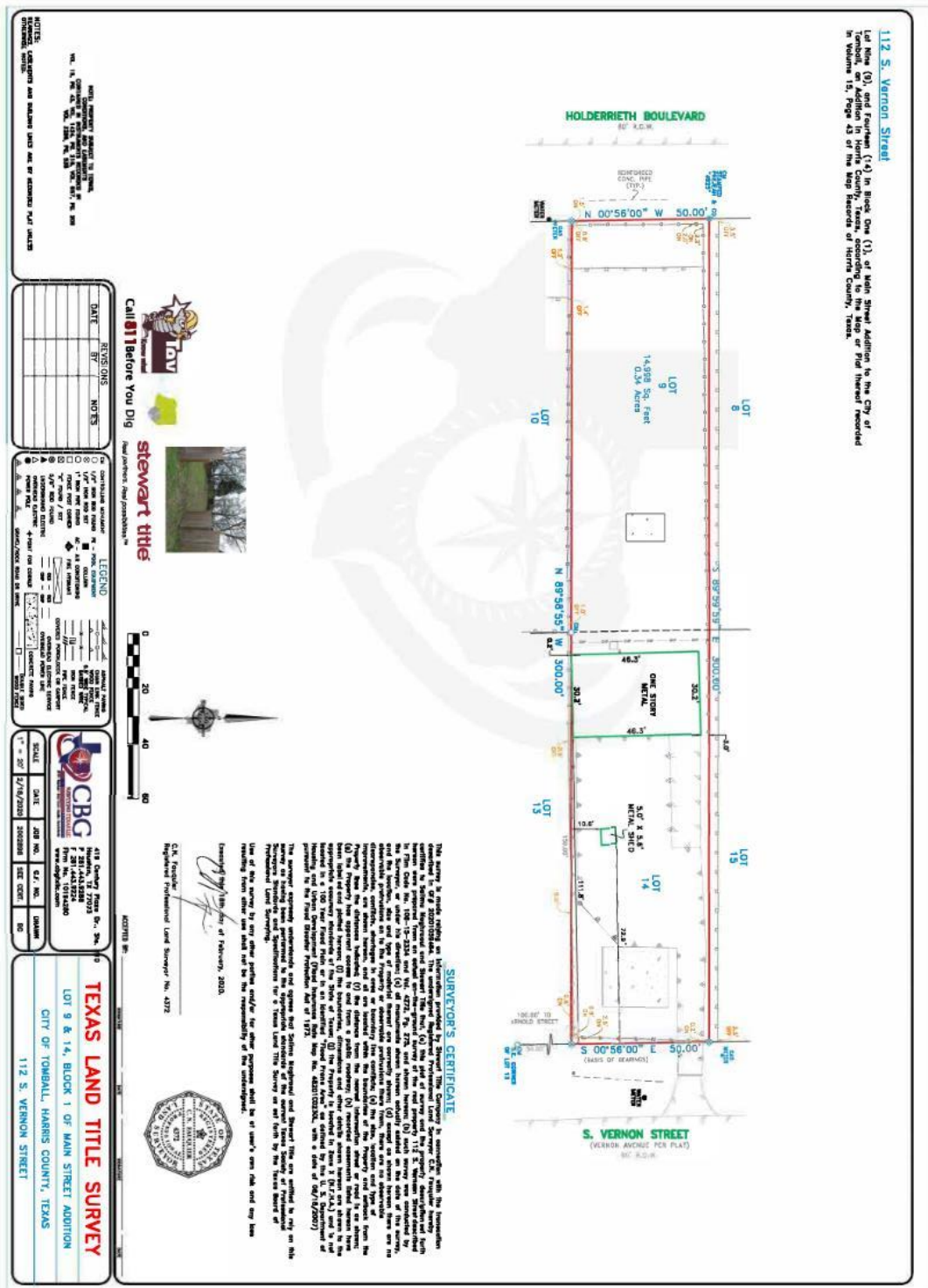
Revised: 10/1/2022

## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) 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.





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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