

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: October 9, 2023
City Council Public Hearing Date: October 16, 2023

Rezoning Case: Z23-14

Property Owner(s): TCG Capital

Applicant(s): TCG Capital (Jorge Campos)

Legal Description: Being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision

Location: Generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

Area: 3.00 acres

Comp Plan Designation: Business Park and Industrial (Exhibit “B”)

Present Zoning: Single Family Residential Estate – 20 (SF-20-E) (Exhibit “C”)

Request: Rezone from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C)

Adjacent Zoning & Land Uses:

North: Commercial (C) / Single Family Residence and Vacant Land (Agricultural Exemption)

South: Commercial (C) / Element Sportsplex and Texas Legacy Volleyball Club

West: Agricultural (AG) / Drainage Channel and Vacant Land (Agricultural Exemption)

East: Single Family Residential Estate – 20 (SF-20-E) / Single Family Residence and Vacant Land

BACKGROUND

The applicant’s request is to rezone the subject property to Commercial (C) for commercial use in conjunction with the adjacent Element Sportsplex. In 2019 & 2020, the Board of Adjustments granted special exceptions to allow less than the minimum required parking for the sportsplex located south of the subject property. According to previous conversations held with the applicant this rezoning request is in efforts to provide space for additional parking to serve this existing sportsplex south of the subject site.

ANALYSIS

Description: The subject property comprises about 3.00 acres, generally located in the 12900 block (north side) of Theis Lane. Currently the subject property is zoned Single Family Residential Estate – 20 (SF-20-E) and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Element Sportsplex and Texas Legacy Volleyball Club are located immediately south of the subject property within Commercial (C) zoning which was adopted for the property in 2015. The property north of the subject site, was rezoned to Commercial (C) in 2023 and contains a single-family residence and vacant land (agricultural exemption). The area west of the subject property that is zoned AG contains a drainage channel and vacant land (agricultural exemption). East of the subject site that is zoned (SF-20-E) contains single family residences and vacant land.

Comprehensive Plan Recommendation:

The subject property is designated as Business Park and Industrial by the Comprehensive Plan's Future Land Use Map (FLUM). This category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. Recommended land uses include office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Recommended secondary uses are utility services, government facilities, and transportation/freight uses. Recommended zoning categories are Light Industrial (LI), Commercial (C), Office (O), and Planned Development (PD).

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

Conformance with the Zoning Regulations:

The subject property is zoned SF-20-E. Commercial and/or parking intended to serve commercial uses are not permitted in this zone. The proposed zoning of C will allow the use of the property for parking to serve the existing commercial use to the south.

Conformance with the Character of the Area:

The proposed use (commercial) is in conformance with the character of the area considering the adjacent commercial uses. The proposed zoning of C will be in conformance with the character of the area.

Conformance with the Availability of Utilities:

The subject property will be adequately served by City water and sewer as there are utility connections available in the immediate vicinity.

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 September 28, 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 Z23-14.

EXHIBITS

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

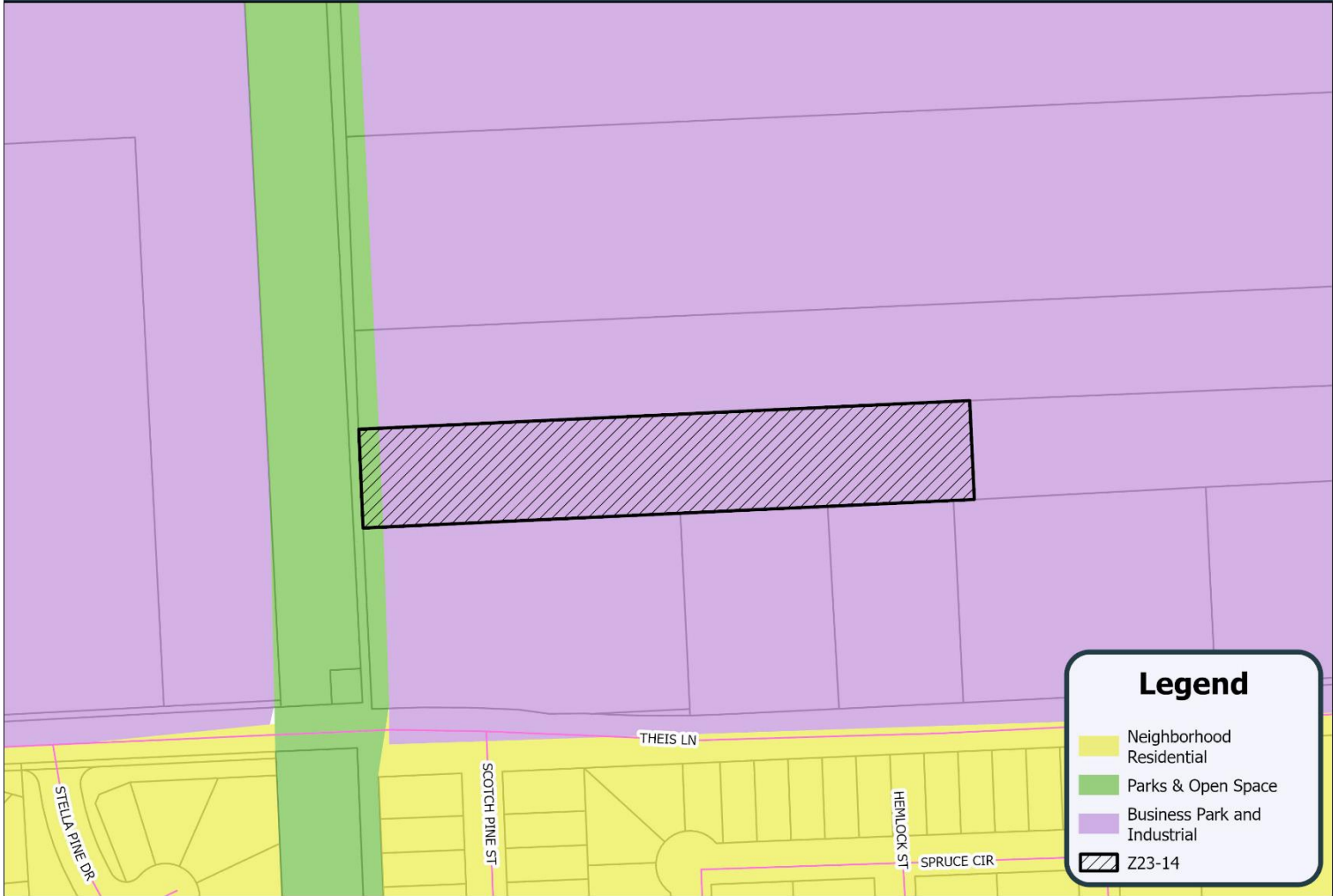
Exhibit "A"
Aerial Location Map



Exhibit "B"
Future Land Use Map



Future Land Use



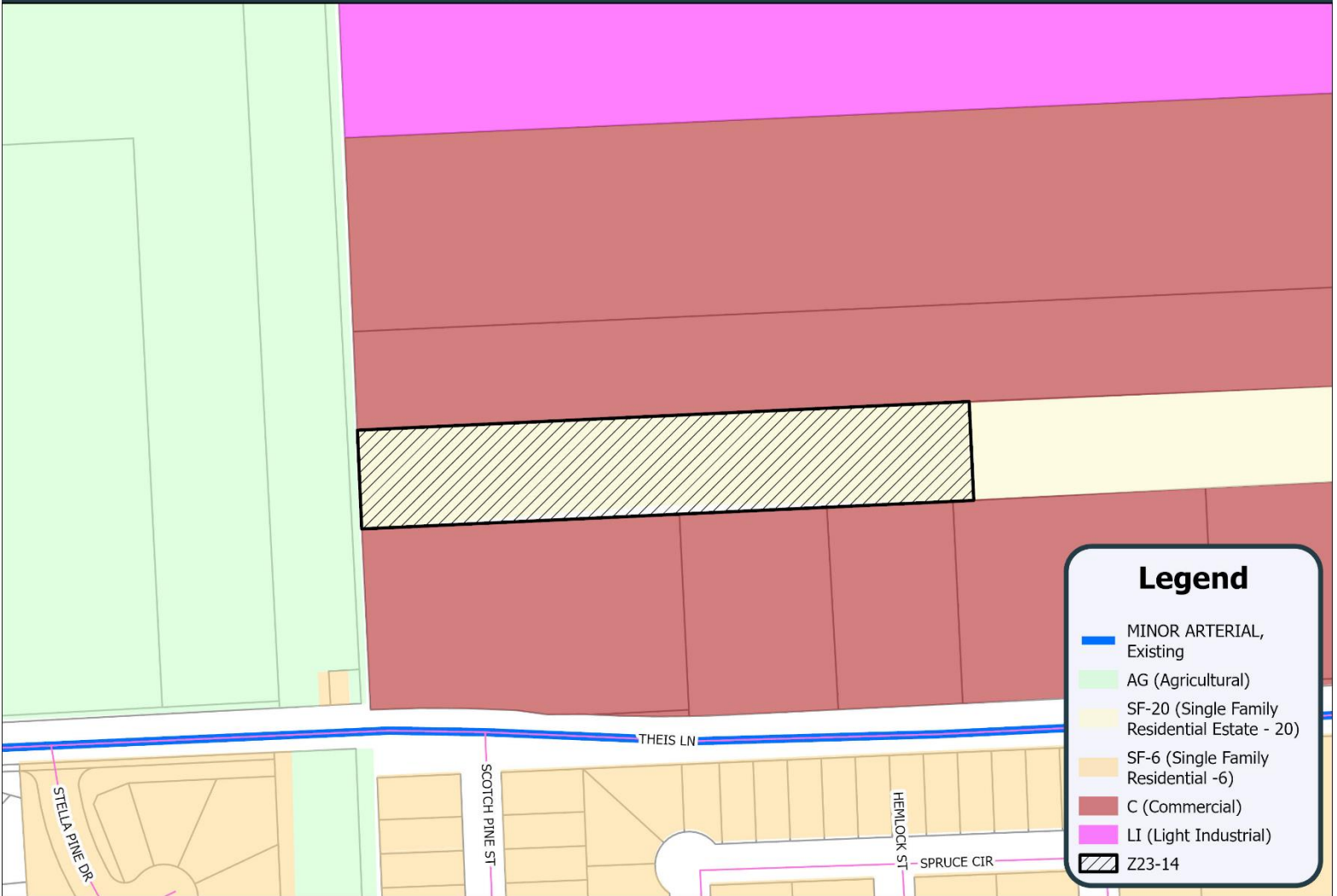
Legend

- Neighborhood Residential
- Parks & Open Space
- Business Park and Industrial
- Z23-14

Exhibit "C"
Zoning Map



Zoning



Legend

- MINOR ARTERIAL, Existing
- AG (Agricultural)
- SF-20 (Single Family Residential Estate - 20)
- SF-6 (Single Family Residential -6)
- C (Commercial)
- LI (Light Industrial)
- Z23-14

Exhibit "E"
Site Photo(s)

Subject Site



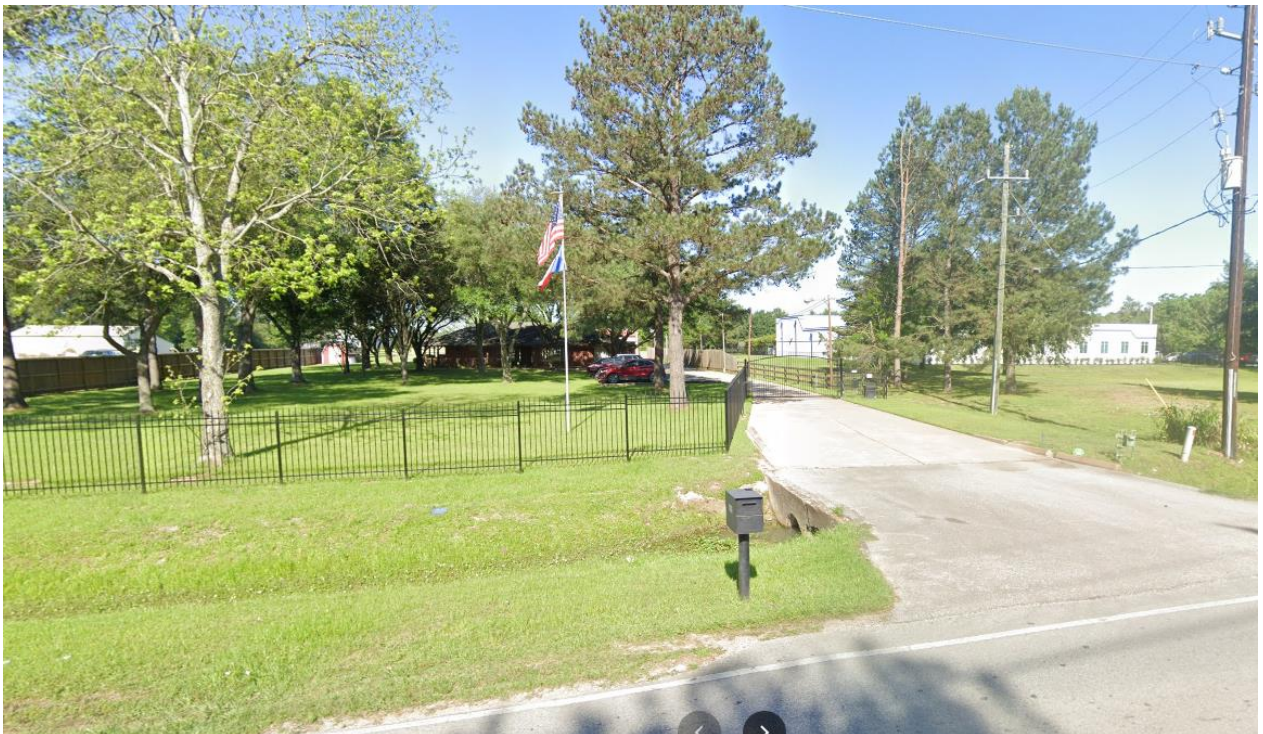
Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "F" 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/secursend
USERNAME: tombalredd
PASSWORD: TomballI

Applicant

Name: TCG CAPITAL Title: _____
Mailing Address: 9303 STRATFORD PL City: TOMBALL State: TX
Zip: 77375 Contact: JORGE CAMPOS
Phone: (713) 202-8759 Email: JORGE@TCGCAP.COM

Owner

Name: JORGE CAMPOS Title: _____
Mailing Address: 9303 STRATFORD PL City: TOMBALL State: TX
Zip: 77375 Contact: JORGE CAMPOS
Phone: (713) 202-8759 Email: JORGE@TCGCAP.COM

Engineer/Surveyor (if applicable)

Name: PRECISION SURVEYORS Title: _____
Mailing Address: 950 THREADNEEDLE SUITE 150 City: HOUSTON State: TEXAS
Zip: 77079 Contact: TERRANCE MZSH
Phone: (281) 496-1586 Fax: () Email: _____

Description of Proposed Project: RE-ZONING FROM RESIDENTIAL TO COMMERCIAL

Physical Location of Property: 0 S CHERRY ST TOMBALL, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 3.00 ACRES BEING A PORTION OF LOT 1 BLOCK 1 SWINGHAMMER/HANCO
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] SUBDIVISION

Current Zoning District: SF-20-E SINGLE-FAMILY 20 ESTATE DISTRICT

Current Use of Property: UNDEVELOPED LAND

Proposed Zoning District: COMMERCIAL DISTRICT

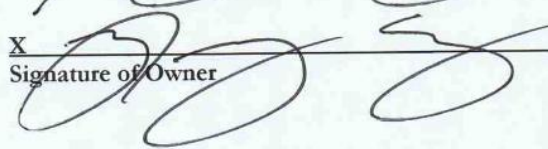
Proposed Use of Property: COMMERCIAL USE

HCAD Identification Number: 1379860010005 Acreage: 3.00

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  8/28/2023
Signature of Applicant Date

X  8/28/2023
Signature of Owner Date

8/28/2023

City of Tomball, Planning and Rezoning
Committee, and Board Members
501 James Street
Tomball, TX 77375

RE: Request for Rezoning of 0 S. Cherry St. Tomball, TX 77375

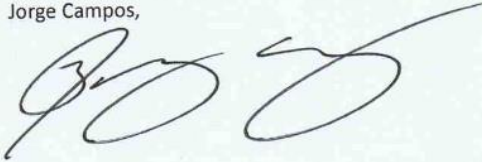
Dear Rezoning Committee and Board Members,

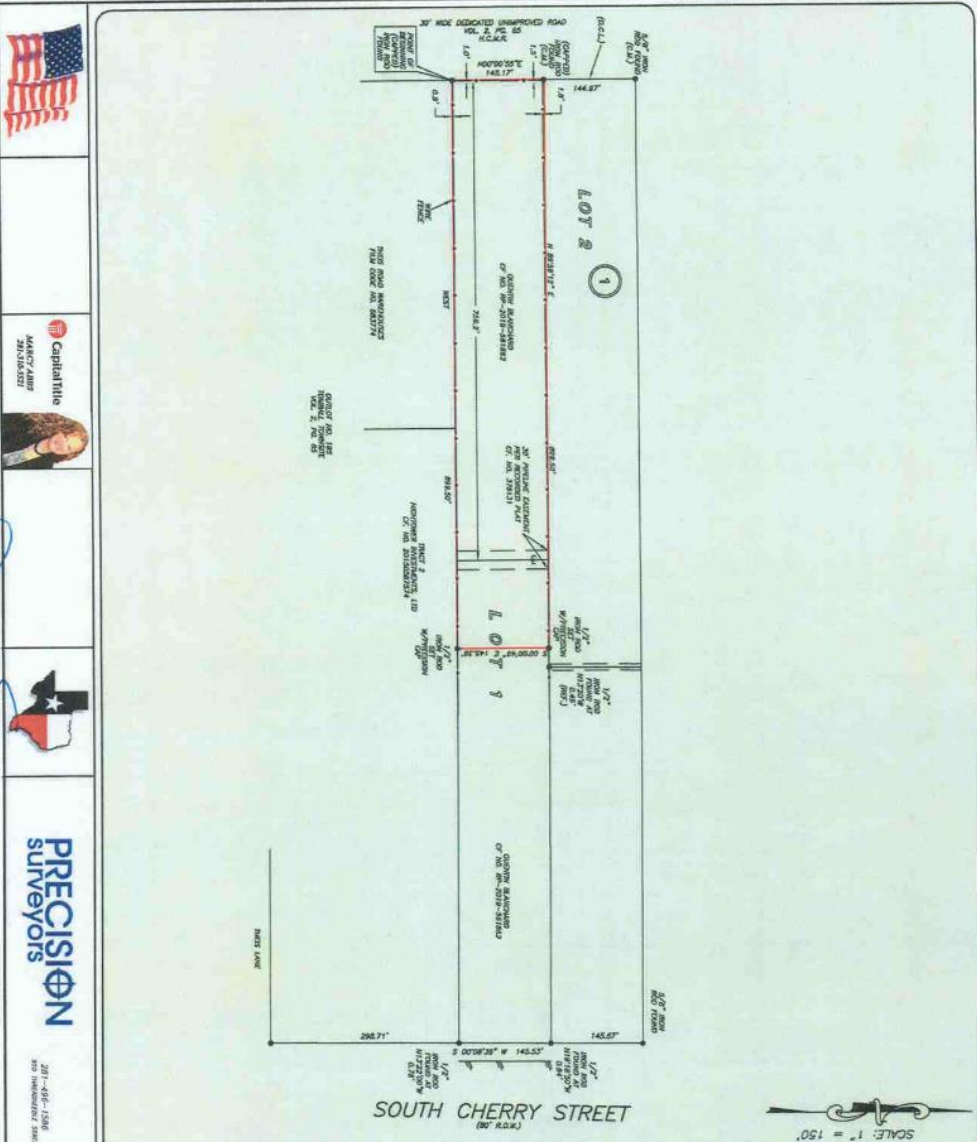
TCG Capital has purchased the 3.00-acre property at 0 S. Cherry St. and it is located in the Single-Family 20 Estate District.

We are requesting this property be rezoned to the Commercial District for commercial use in conjunction with Element Sportsplex. This rezoning will allow use of this property to help serve the people of Tomball and is in line with the proposed rezoning map of the City of Tomball.

Thank you for your consideration in the matter.

TCG Capital
Jorge Campos,

A handwritten signature in black ink, appearing to read 'Jorge Campos', is written over the typed name.



OF NO. 21-629948-KC CAPITAL TITLE
 ADDRESS: 1850 SOUTH CHERRY STREET
 TOMBALL, TEXAS 77375
 BORROWER: TCG CAPITAL, L.L.C.

3.00 ACRES
BEING A PORTION OF LOT 1
SWINGHAMMER/HALUCK SUBDIVISION
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN FIRM CODE NO. 678215 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS DESCRIPTION)



THE PROPERTY DESCRIBED HEREIN IS THE SAME AS THAT DESCRIBED IN THE
 MAP OR PLAT REFERRED TO IN THE METES AND BOUNDS DESCRIPTION ATTACHED
 TO THIS INSTRUMENT. THE PROPERTY IS NOT SUBJECT TO ANY OTHER EASEMENTS,
 ENCUMBRANCES, OR RESTRICTIONS OF ANY KIND. THE PROPERTY IS NOT SUBJECT
 TO ANY OTHER EASEMENTS, ENCUMBRANCES, OR RESTRICTIONS OF ANY KIND.
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 OR RESTRICTIONS OF ANY KIND.



Capital Title
 MARY CALMS
 281.962.8271

PRECISION
 Surveyors

281-496-1506
 800 INDEPENDENT STREET SUITE 500 HOUSTON, TEXAS 77059
 281-281-6962
 13700 W. LOOP S. SUITE 100 HOUSTON, TEXAS 77047
 1-800-4-A-SURVEY
 www.precision-surveyors.com
 210-829-6441
 210-829-1585
 281-496-1506

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

Metes & Bounds Property Description

A tract of land containing 3.000 Acres, being a portion of Lot 1, Block 1 Swinghammer/Hauck Subdivision according to the map or plat thereof recorded under Film Code No. 678215 of the Map Records of Harris County, Texas (M.R.H.C.T.), being a portion of a tract recorded in the name of Quentin Blanchard under Harris County Clerk's File (H.C.C.F.) No. 2019-561862 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.) and being more particularly described by metes and bounds as follows: (Bearings based on Film Code No. 678215 of the M.R.H.C.T.)

BEGINNING at an iron rod found on the east right-of-way line of a 30 Foot wide unopened road as shown on the plat of Tomball Townsite as recorded in Volume 2, Page 65 of the M.R.H.C.T., being the northwest corner of Outlot 195 of said Tomball Townsite, being the southwest corner of said Lot 1, and being southwest corner of this tract;

THENCE, NORTH 00° 00' 55" WEST, with said east right-of-way line, a distance of 145.17 Feet to an iron rod found at the northwest corner of said Lot 1, being the northwest corner of this tract;

THENCE, NORTH 89° 59' 12" EAST, with the south line of Lot 2, a distance of 899.50 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the northeast corner of this tract;

THENCE, SOUTH 00° 00' 49" EAST, across and through the aforementioned Lot 1, a distance of 145.39 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the southeast corner of this tract;

THENCE, WEST, with the north line of the aforementioned Outlot 195, being the north line of a tract recorded in the name of Hightower Investments, Ltd. under H.C.C.F. No. 20150587574 (Tract 2) of the R.P.R.H.C.T., and the north line of Theis Road Warehouses as recorded under Film Code No. 683774 of the M.R.H.C.T., a distance of 899.50 Feet to the POINT OF BEGINNING and containing 3.00 Acres of land.

(See attached drawing)



Terrance P. Mish
Registered Professional Land Surveyor
No. 4981
Job No. 21-08359
November 03, 2021

Recorded at the request
of CAPITAL TITLE
GF No.: 21-629948-TR

Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: September 29, 2022

Grantor: **Quentin Blanchard, a single person**

Grantor's Mailing Address: 1254 Military Pk Houston Tx 77070

Grantee: **TCG Capital LLC, a Texas limited liability company**

Grantee's Mailing Address: 9303 Stratford Pl Tomball, TX 77375

Consideration:

Cash and other good and valuable consideration along with a note of even date executed by Grantee and payable to the order of Austin Bank, Texas National Association in the principal amount of \$200,000.00 (Two Hundred Thousand and 00/100 Dollars). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Austin Bank, Texas National Association and by a first-lien deed of trust of even date from Grantee to Michael L Gunnels, trustee.

Property (including any improvements):

A tract of land containing 3.000 Acres, being a portion of Lot 1, Block 1 Swinghammer/Hauck Subdivision according to the map or plat thereof recorded under Film Code No. 678215 of the Map Records of Harris County, Texas (M.R.H.C.T.), being a portion of a tract recorded in the name of Quentin Blanchard under Harris County Clerk's File (H.C.C.F.) No. 2019-561862 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.) and being more particularly described by metes and bounds as follows: (Bearings based on Film Code No. 678215 of the M.R.H.C.T.)

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THENCE, NORTH 00° 00' 55" WEST, with said east right-of-way line, a distance of 145.17 Feet to an iron rod found at the northwest corner of said Lot 1, being the northwest corner of this tract;

THENCE, NORTH 89° 59' 12" EAST, with the south line of Lot 2, a distance of 899.50 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the northeast corner of this tract;

RP-2022-492028

RP-2022-492028

THENCE, SOUTH 00° 00' 49" EAST, across and through the aforementioned Lot 1, a distance of 145.39 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the southeast corner of this tract;

THENCE, WEST, with the north line of the aforementioned Outlot 195, being the north line of a tract recorded in the name of Hightower Investments, Ltd. under H.C.C.F. No. 20150587574 (Tract 2) of the R.P.R.H.C.T., and the north line of Theis Road Warehouses as recorded under Film Code No. 683774 of the M.R.H.C.T., a distance of 899.50 Feet to the POINT OF BEGINNING and containing 3.00 Acres of land.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:


This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants, and conditions, if any, relating to the hereinabove described property as the same are filed for record in County Clerk's Office of Harris County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The Vendor's Lien against and Superior Title to the Property are retained until the Note described is fully paid according to its terms, at which time this Deed will become absolute. The Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold, and conveyed to the payee of the Note, and the successors and assigns of the payee.

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

EXECUTED this 29th day of September, 2022.



Quentin Blanchard

THE STATE OF Texas §
COUNTY OF Harris §

Before me, a Notary Public, the foregoing instrument was acknowledged on 29th day of September, 2022 by Quentin Blanchard who personally appeared before me, and who is known to me through Paul J. D. to be the person(s) who executed it for the purposes and consideration expressed therein, and in the capacity stated.



me
NOTARY PUBLIC, STATE OF
Texas

AFTER RECORDING, RETURN TO:
12514 Millway Dr.
Houston, TX 77070

PREPARED IN THE LAW OFFICE OF
Shaddock & Associates, P. C.
2400 N. Dallas Parkway, Ste. 560
Plano, Texas 75093

RP-2022-492028

RP-2022-492028

RP-2022-492028
Pages 4
10/04/2022 08:33 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Tenesia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS