

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: August 11, 2025
City Council Public Hearing Date: August 18, 2025

Rezoning Case: CUP25-06
Property Owner(s): H&L PLAZA LLC
Applicant(s): Tom Nguyen
Legal Description: 1.0532-acre tract of land situated in the J. House Survey, Abstract No. 34
Location: 1101 Alma Street (Exhibit “A”)
Area: 1.0532 acres
Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)
Present Zoning: General Retail (GR) District (Exhibit “C”)
Request: The granting of a Conditional Use Permit (CUP) to allow the land use of “Amusement devices/arcade” within the City of Tomball’s General Retail (GR) zoning district.

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Commercial (C) and Old Town & Mixed-Use (OTMU)	Equip Church and Single-Family Residence
South	General Retail (GR) and Multifamily (MF)	Bridgewater Apartments
East	General Retail (GR)	Martha’s Restaurant and Retail Center
West	General Retail (GR)	Medical Offices

BACKGROUND

The subject property is currently home to a multi-tenant office/retail center. The applicant desires to operate four or more amusement/arcade devices in conjunction with retail sales. This application for a CUP is the product of the properties current zoning district (General Retail) which only allows the land use of “Amusement devices/arcade” with the approval of a CUP by City Council.

ANALYSIS

According to Section 50-81 (f) of Chapter 50 (Zoning), when considering applications for a CUP, the City shall, based on the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;

The property is designated as Neighborhood Commercial by the Comprehensive Plan's Future Land Use Map. The Neighborhood Commercial designation is intended for commercial uses that are developed with the appropriate context, scale and design to complement residential development. These areas are intended to be accessible by both vehicles and pedestrians. This land use category should serve as a transition between lower intensity residential development and higher intensity commercial and industrial development. Appropriate land uses identified by the Comprehensive Plan include retail, hotels, restaurants, personal services, and offices. The request to operate an amusement devices/arcade business is in conformance with the Future Land Use Plan. Furthermore, the subject property has frontage on Alma Street which is designated as a collector road on Tomball's Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that is normally produced by the mixture of medical offices currently found on the property and the proposed arcade.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

According to the Zoning Ordinance, "a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through the imposition of certain standards and conditions."

The property was first zoned within the General Retail district when zoning was adopted in 2008. The subject property is surrounded by the Multifamily, Commercial, General Retail, and OTMU districts. The nature of the area is a mixture of businesses, professional offices, retail spaces, multifamily housing, and single-family housing. The General Retail district was established to provide areas for local neighborhood shopping and service facilities, and for the retail sales of goods and services.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;

Yes, all supplemental standards specifically applicable to the desired land use are satisfied by the existing conditions of the property.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts.**

The proposed use is consistent with surrounding land uses.

5. **The proposed use is not materially detrimental to public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

City Staff does not anticipate adverse impacts to the adjacent properties nor the surrounding area.

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 July 28, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

Note that the Planning & Zoning Commission may recommend, and the City Council may impose any additional conditions as are reasonably necessary.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Exhibit "B"
Future Land Use Plan



Future Land Use

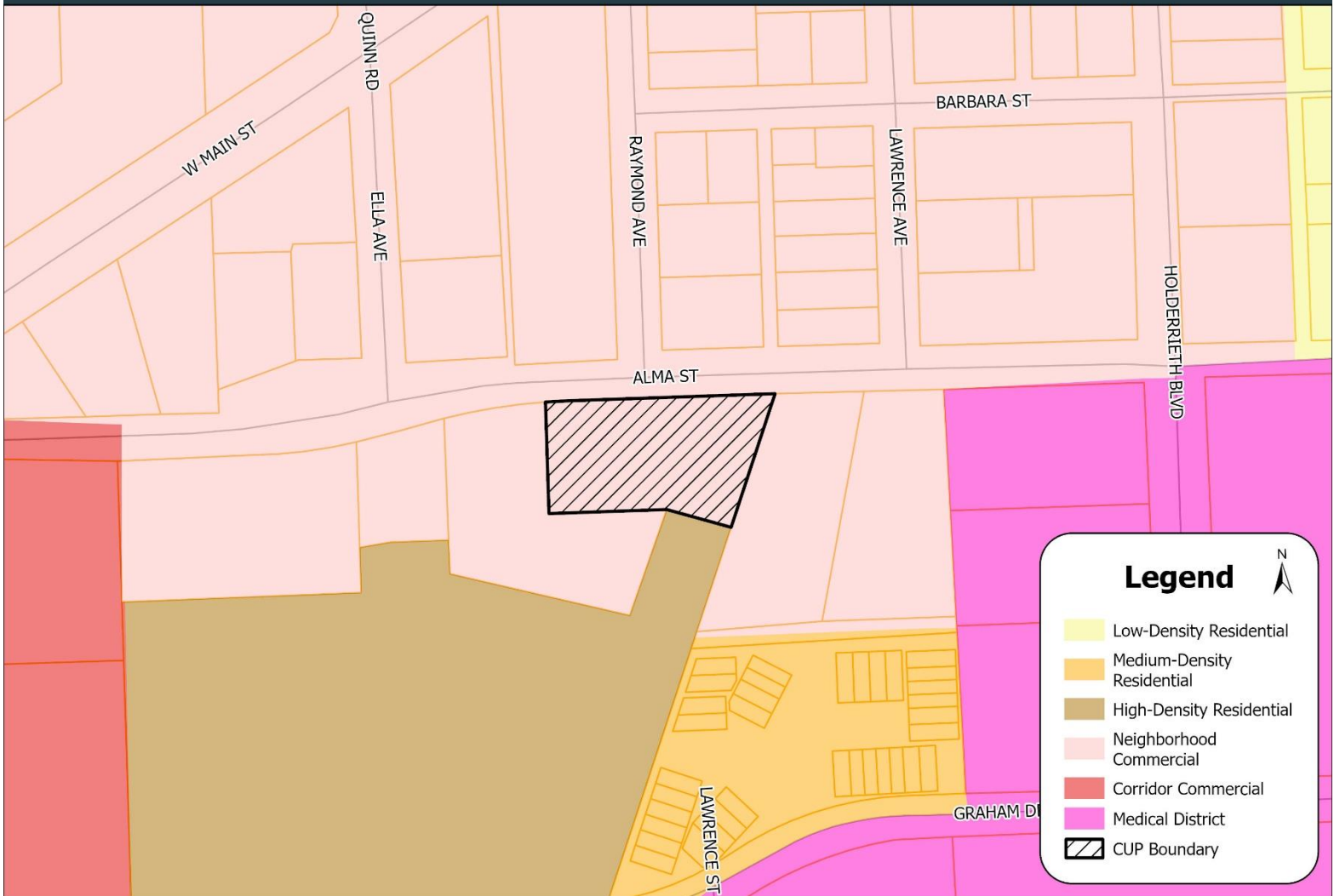
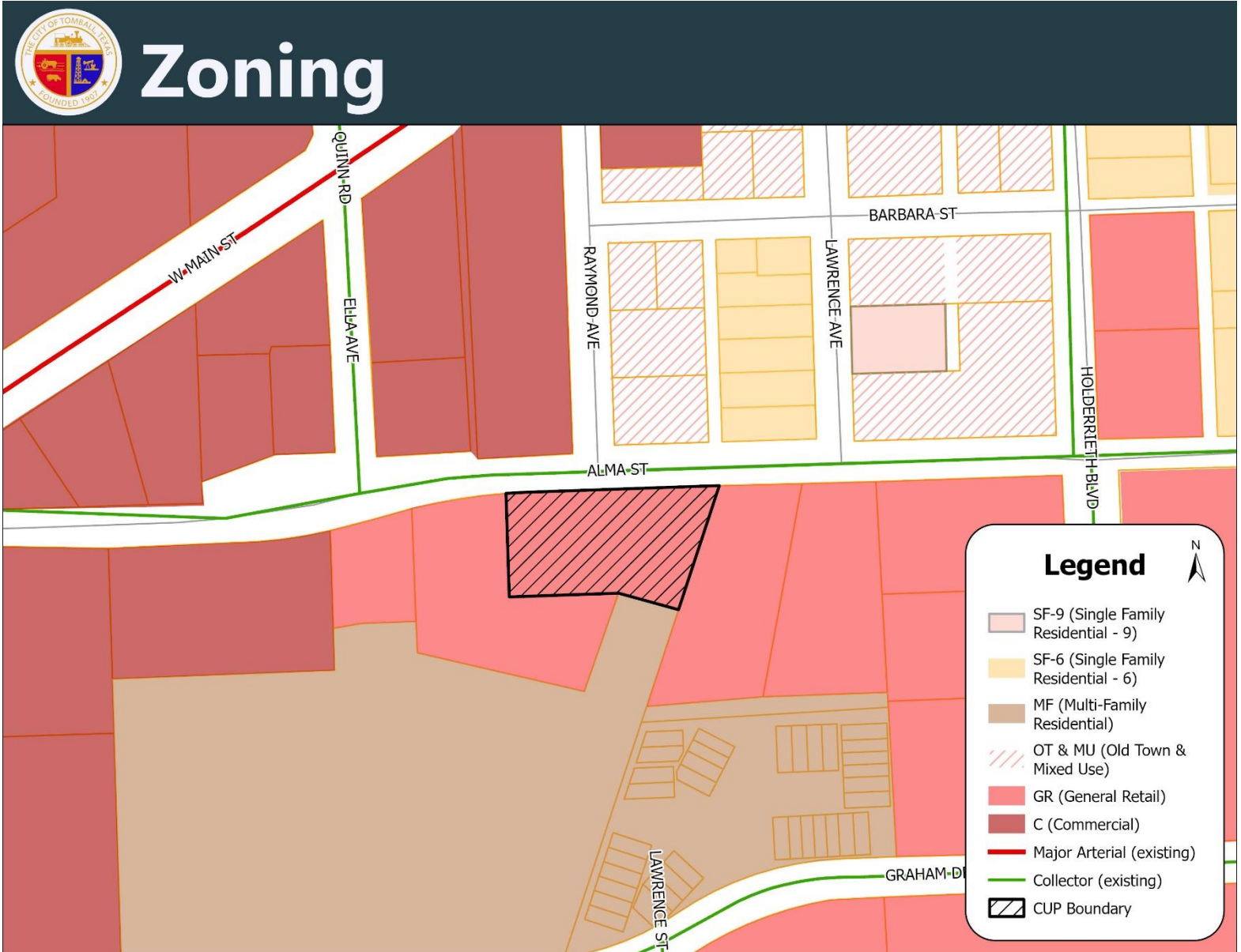


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**

Subject Site



Subject Site



Neighbor (North)



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E"

Rezoning Application

Revised: 10/1/2022



APPLICATION FOR CONDITIONAL USE PERMIT

Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

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

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for Conditional Use Permit (CUP) request

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

SMARTGOV WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Tom Nguyen Title: Store Manager
Mailing Address: 1101 Alma St, Suite 100 City: Tomball State: TX
Zip: 77375 Contact: Anne Tran
Phone: (713) 6288578 Email: esytrendy@gmail.com

Owner

Name: Dr. Hang A. Le Title: Owner
Mailing Address: 103 E. Black Knight Dr. City: Spring State: TX
Zip: 77382 Contact: Dr. Hang Le
Phone: (228) 861-6338 Email: Hangle2014@gmail.com

Engineer/Surveyor (if applicable)

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

Revised: 10/1/2022

Description of Proposed Project: Arcade center and general retail

Physical Location of Property: 1101 Alma St, Suite 100

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

Legal Description of Property: TR 27K ABST 34 J HOUSE

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

HCAD Identification Number: 0402700010736 Acreage: 1.0532

Current Use of Property: Vacant

Proposed Use of Property: Arcade-style games/machines and general retail

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  6/29/25
Signature of Applicant Date

X  6/29/25
Signature of Owner Date

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 delivered to the City at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- ☐ **Application Fee: \$1,000 (Non-Refundable)**
- ☐ **Completed application form**
- ☐ ***Copy of Recorded/Final Plat**
- ☐ **Concept/Site Plan**
- ☐ **Letter stating reason for request and issues relating to request.**
- ☐ **Metes & Bounds of property**
- ☐ **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Sec. 12.1 C of the Zoning Ordinance 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 Planning Department unless evidence of a legal lot is provided. To be an un-platted 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.

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 purpose of the public hearing is to allow the Planning and Zoning Commission to conduct a fact finding process. 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 (1st) and third (3rd) 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 manor as the Planning and Zoning Commission. In the event there has been filed with the City Secretary a petition of 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.

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, shall 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.

June 29, 2025

Tom Nguyen

1101 Alma St., Unit 100

Tomball, TX 77375

City of Tomball

401 Market Street

Tomball, TX 77375

Subject: Request for Approval of Conditional Use Permit for Arcade and Retail Business

Dear Members of the Planning and City Council,

I respectfully submit this application for a Conditional Use Permit (CUP) for a proposed arcade and retail business located at 1101 Alma St., Suite 100. This commercial unit, zoned as GR – General Retail District, has been vacant for almost two years. With your approval, we intend to transform this unused retail location into a vibrant and family-friendly spot that adds value to the community.

We're planning to install arcade-style game machines and retail business including but not limited to toys, clothes, and refreshments to create a casual and family-friendly location that gives people a reason to stop by and enjoy themselves. We believe it could add a little extra energy to the area, support nearby businesses, generate new jobs, and bring in some extra tax revenue for the city too.

We'll make sure everything we do follows the city's guidelines, and we're happy to provide anything else you might need from us during the process. We are looking forward to bringing something positive to the community and to partnering with the city to turn this long unused space into a positive asset for Tomball.

We respectfully ask for your thoughtful consideration and support of this application

Sincerely,

A handwritten signature in black ink, appearing to be 'Tom Nguyen', written in a cursive style.

Tom Nguyen

