

## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 12, 2024  
City Council Public Hearing Date: February 19, 2024

**Rezoning Case:** Z24-01

**Property Owner(s):** ESP Enterprises Inc.

**Applicant(s):** Phlex Properties LLC.

**Legal Description:** Being approximately 6.87 acres out of the William Hurd Survey, Abstract 378

**Location:** Generally located within the 100 block (west side) of School Street, within the City of Tomball, Harris County, Texas. (Exhibit "A")

**Area:** 6.87 acres

**Comp Plan Designation:** Medical District (Exhibit "B")

**Present Zoning:** Agricultural (AG) (Exhibit "C")

**Request:** Rezone from Agricultural (AG) to Office (O)

### Adjacent Zoning & Land Uses:

**North:** Agricultural (AG) / Assisted Living Facility

**South:** Light Industrial (LI) / Metal Products, stamping and manufacture

**West:** Agricultural (AG) / Vacant

**East:** Commercial (C) / Office-General Professional

### **BACKGROUND**

The subject property is currently vacant and undeveloped. The applicant's request is to rezone the subject property to Office (O) to allow the development of an office complex that will be comprised of 10-20 office buildings which will have individual office suites within each building.

### **ANALYSIS**

**Description:** The subject property comprises about 6.87 acres, generally located within the 100 block (west side) of School Street. The property is currently zoned Agricultural (AG) and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Immediately

north of the subject property is an assisted living facility within AG zoning, east of the site is Commercial (C) zoning occupied by a professional office building. South of the subject property is zoned Light Industrial (LI) and is occupied by a metal manufacturer. West of the site is vacant land within AG zoning.

**Comprehensive Plan Recommendation:**

The subject property is designated as “Medical District” by the Comprehensive Plans Future Land Use Map (FLUM). This category is intended to provide an emphasis on healthcare and supporting services and further capitalize on a unique, regionally serving area of the city. The Tomball Regional Medical Center provides a significant physical and economic footprint in the community.

One of the guiding principles of the Comprehensive Plan is to create a Medical District with complimentary land uses. The Comprehensive Plan envisions a variety of uses to create a self-serving campus with active transportation connections to Old Town and Transitional Residential areas for this district. As per the Comprehensive Plan “Open space with a pedestrian focus should be a prominent component of the district”.

The Comprehensive Plan recommends the zoning districts of Planned Development (PD), General Retail (GR), Office (O), and Old Town & Mixed Use (OT & MU) for this designation.

As per the Comprehensive Plan, appropriate land uses include hospitals, clinics, offices, lodging, long-term care, retail, and restaurants. Appropriate secondary uses include private gathering spaces, local utility services, government facilities, and transportation uses.

The proposed zoning and uses are in conformance with the Comprehensive Plan recommendation.

**Staff Review Comments:**

The request to rezone the subject property to Office (O) supports new development which is consistent with the types of development pattern and character associated with the Future Land Use Plans goal and objective of establishing the Medical District land use category. Further, the requested rezoning will promote land use and development goals identified within the Comprehensive Plan, specifically by encouraging economic development through the continued growth and development of the Medical District while promoting a mixture of supportive uses within a walkable environment, particularly given that the property is near existing assisted living facilities and multi-family residential land uses. Lastly, this property is located at the intersection of Michel Road and School Street, two collector roadways. Intersections such as this are routinely considered appropriate for commercial services as they provide convenient vehicular access and exposure to high volumes of traffic often necessary for commercial businesses to succeed.

**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 January 26, 2024. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z24-01.

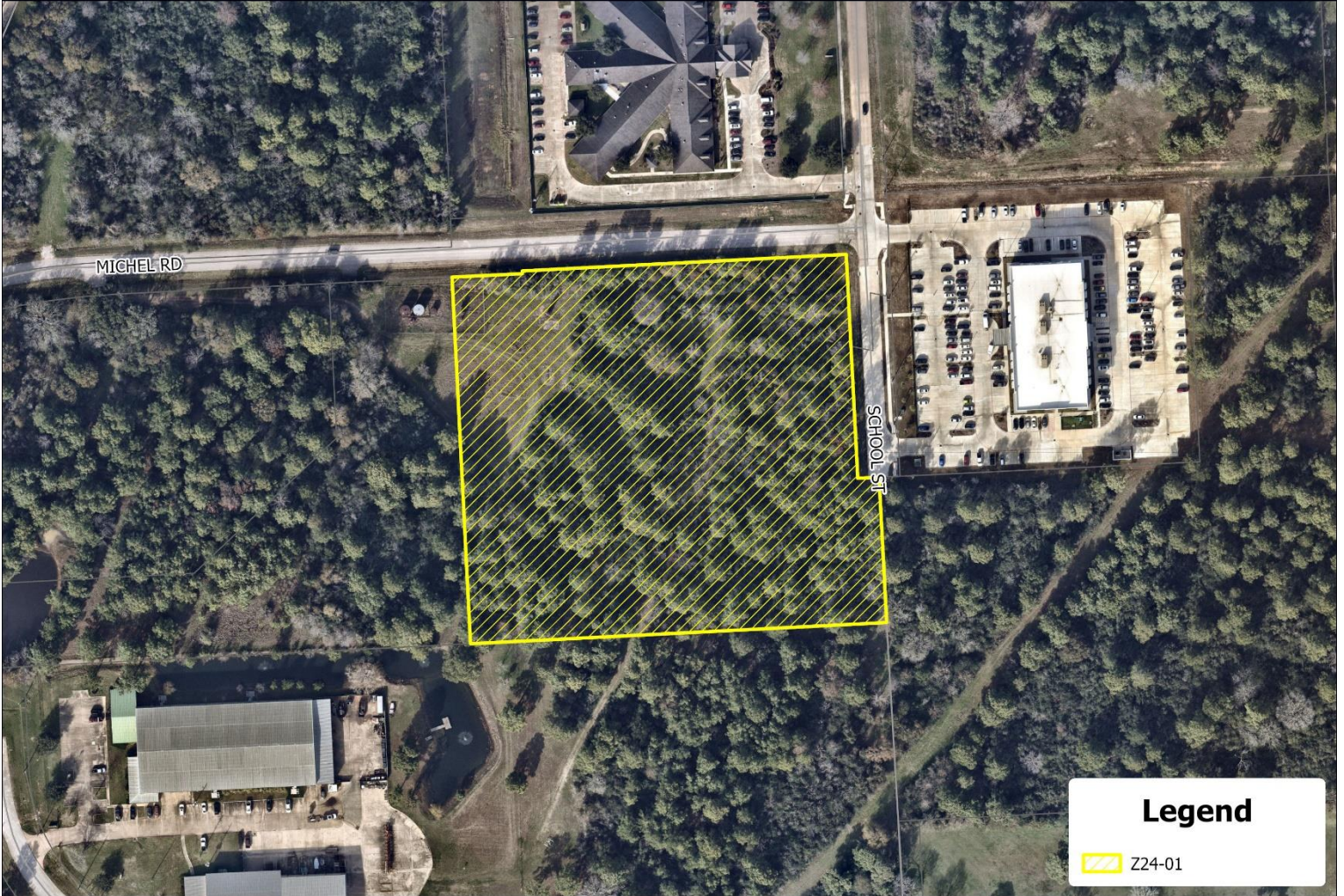
## **EXHIBITS**

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

Exhibit "A"  
Aerial Location Map



# Location



**Legend**


 Z24-01

Exhibit "B"  
Future Land Use Plan



# Future Land Use

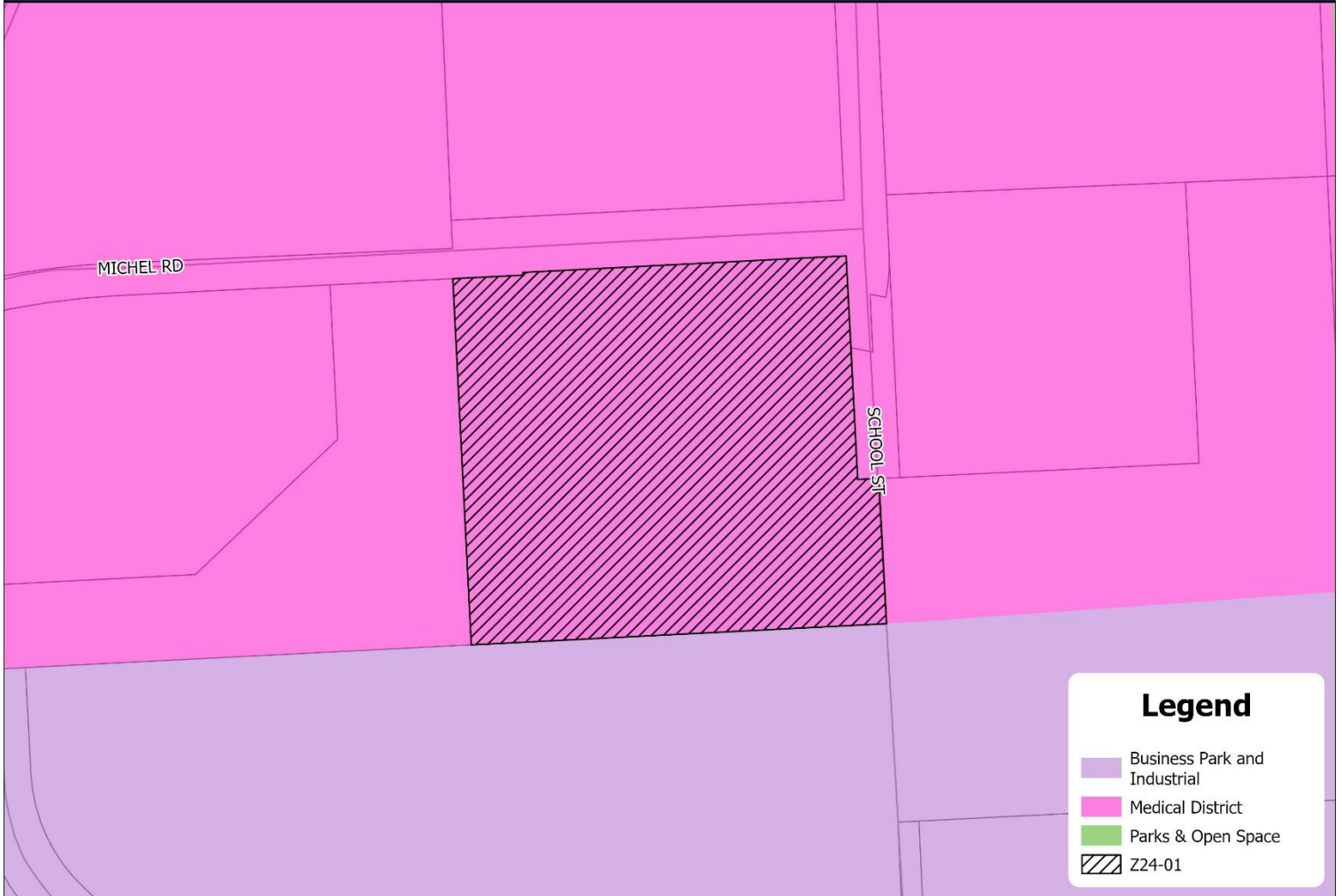


Exhibit "C"  
Zoning Map



# Zoning



**Exhibit "D"**  
**Site Photo(s)**

Subject Site



Neighbor (West)



Neighbor (East)

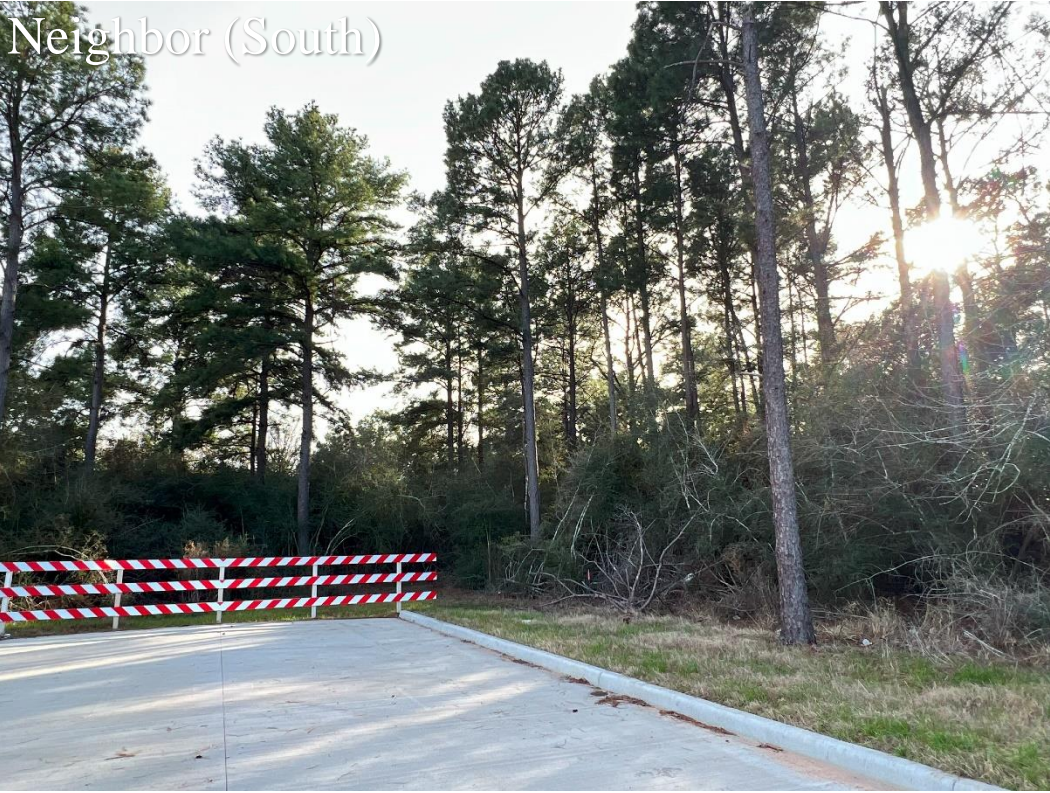


Neighbor (North)





Neighbor (South)



**Exhibit "E"**  
**Rezoning Application**

Revised: 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](http://tomballtx.gov/securesend)  
**USERNAME:** tombalcedd  
**PASSWORD:** Tomball1

**Applicant**

Name: Phlex Properties LLC - Steve Phelan Title: President  
Mailing Address: 13171 Misty Willow Drive City: Houston State: TX  
Zip: 77070 Contact: \_\_\_\_\_  
Phone: (713) 397-0735 Email: steve@phlexproperties.com

**Owner**

Name: ESP Enterprises Inc., Steve Phelan Title: President/Owner  
Mailing Address: 13171 Misty Willow Drive City: Houston State: TX  
Zip: 77070 Contact: Steve Phelan  
Phone: (713) 397-0735 Email: steve@phlexproperties.com

**Engineer/Surveyor (if applicable)**

Name: RSG Engineering, Inc. - Hind Saad Title: Project Manager  
Mailing Address: 13501 Katy Fwy, Suite 3180 City: Houston State: TX  
Zip: 77079 Contact: Hind Saad  
Phone: (713) 842-7069 Fax: ( ) Email: hind@rsgcompanies.com

Description of Proposed Project: General Retail / Office Space

Physical Location of Property: 0 School Road Tomball, TX 77375  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR14 ABST 378 W HURD  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agriculture / Land

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

Current Use of Property: Agriculture / Land  
Proposed Zoning District: Office  
Proposed Use of Property: Professional office space  
HCAD Identification Number: 0430440000177 Acreage: 6.87

**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.**

[Signature] 12/18/23  
Signature of Applicant Date  
 [Signature] 12/18/23  
Signature of Owner Date



**DVJ**  
CIVIL ENGINEERING &  
LAND SURVEYING

8118 Fry Road, Ste. 402, Cypress, Texas 77433 \* (281) 213-2517  
[www.dvjlandsurveying.com](http://www.dvjlandsurveying.com) \* TBPELS Reg. No. 10194609

**METES AND BOUNDS DESCRIPTION**  
**6.8940 ACRES (300,302 SQUARE FEET)**  
**WILLIAM HURD SURVEY, ABSTRACT 378**  
**HARRIS COUNTY, TEXAS**

Being a tract or parcel, containing 6.8940 acres (300,302 square feet) of land situated in the William Hurd Survey, Abstract Number 378, Harris County, Texas; Said 6.8940 acre tract being all of the remainder of a called 8.183 acre tract of record in the name of RYM Company, Ltd., in Harris County Clerk's File (H.C.C.F.) Number Y990591 and all of a called 0.5645 acre tract of record in the name of RYM Company, Ltd., in H.C.C.F. Number 20090143820; Save and Except a called 1.213 acre tract of record in the name of the City of Tomball in H.C.C.F. Number J819955, a called 0.5388 acre tract of record in the name of the City of Tomball in H.C.C.F. Number 20090143820 and a called 0.1273 acre tract dedicated to the public for Right-of-Way (R.O.W.) purposes of record in Film Code Number 694222, in the Map Records of Harris County (H.C.M.R.), Texas; Said 6.8940 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):

**COMMENCING** at a 5/8 inch iron rod found for the northwest corner of aforesaid 1.213 acre tract and the southwest corner of aforesaid 0.5388 acre tract, and being on the north R.O.W. line of Michel Road (80 feet wide)

**THENCE**, coincident the west line of aforesaid 1.213 acre tract and through and across aforesaid Michel Road, South 02 Degrees 32 Minutes 38 Seconds East, a distance of 80.00 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the northwest corner and **POINT OF BEGINNING** of the herein described tract and the northeast corner of the remainder of a called 15.891 acre tract of record in the name of Tortuga Operating Company in H.C.C.F. Number 20140565586, and being on the south R.O.W. line of said Michel Road;

**THENCE**, coincident the north line of the herein described tract and the south R.O.W. line of aforesaid Michel Road the following three (3) courses:

1. North 87 Degrees 26 Minutes 18 Seconds East, a distance of 100.00 feet to a 5/8 inch iron rod with "VILLA 6751" cap set;
2. North 02 Degrees 33 Minutes 42 Seconds West, a distance of 3.86 feet to a 5/8 inch iron rod with "VILLA 6751" cap set;
3. North 87 Degrees 26 Minutes 18 Seconds East, a distance of 460.02 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the northeast corner of the herein described tract and the southeast corner of aforesaid 0.5388 acre tract, being on the south R.O.W. line of said Michel Road and the west R.O.W. line of School Road (60 feet wide);

**THENCE**, coincident the east line of the herein described tract the following four (4) courses:

1. South 02 Degrees 42 Minutes 37 Seconds East, a distance of 131.29 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southeast corner of aforesaid 0.5645 acre tract;
2. South 02 Degrees 46 Minutes 07 Seconds East, a distance of 187.49 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southwesterly terminus of aforesaid School Road;
3. North 87 Degrees 15 Minutes 30 Seconds East, a distance of 30.19 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the northwest corner of Restricted Reserve "A" in SRP GECAP Tomball MOB, a subdivision duly of record in Film Code Number 694222, H.C.M.R.;
4. South 02 Degrees 40 Minutes 39 Seconds East, a distance of 206.25 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southeast corner of the herein described tract and the northeast corner of Lot 7 in Tomball Industrial Park Final Plat, a subdivision duly of record in Film Code Number 437033, H.C.M.R., and being on the west line of aforesaid Reserve "A";



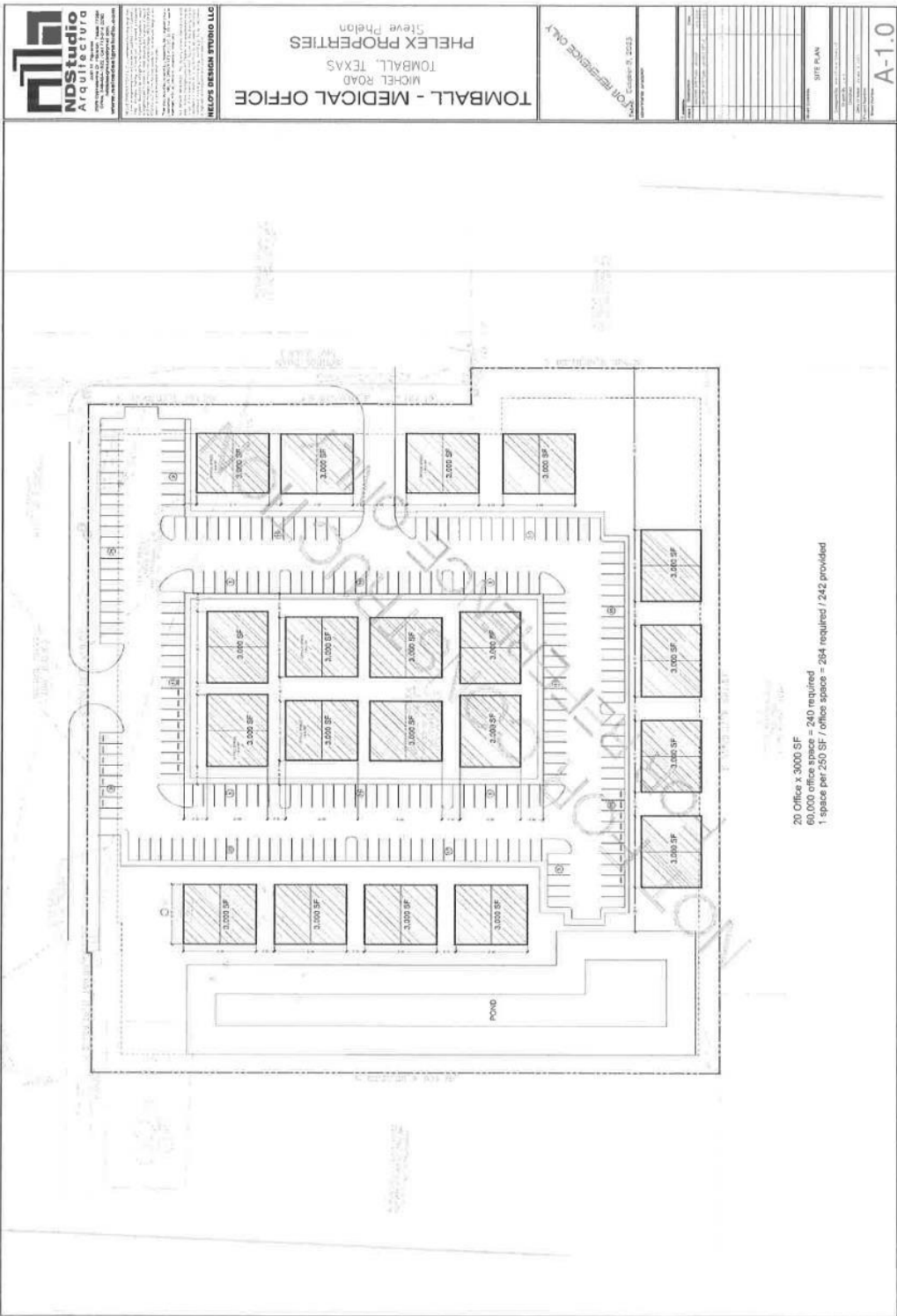
**DVJ**  
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[www.dvjlandsurveying.com](http://www.dvjlandsurveying.com) \* TBPELS Reg. No. 10194609

**THENCE**, coincident the south line of the herein described tract and the north line of aforesaid Lot 7, South 87 Degrees 25 Minutes 33 Seconds West, a distance of 591.81 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southwest corner of the herein described tract and the southeast corner of aforesaid 15.891 acre tract, and being on the north line of said Lot 7;

**THENCE**, coincident the west line of the herein described tract and the east line of aforesaid 15.891 acre tract, North 02 Degrees 32 Minutes 38 Seconds West, a distance of 521.20 feet to the **POINT OF BEGINNING** and containing 6.8940 acres (300,302 square feet) of land.

Compiled by: Chris Garcia  
Checked by: Daniel Villa, Jr.  
DVJ Land Surveying  
8118 Fry Road, Ste. 402  
Cypress, Texas 77433  
February 1, 2023  
Project Number 23-0059



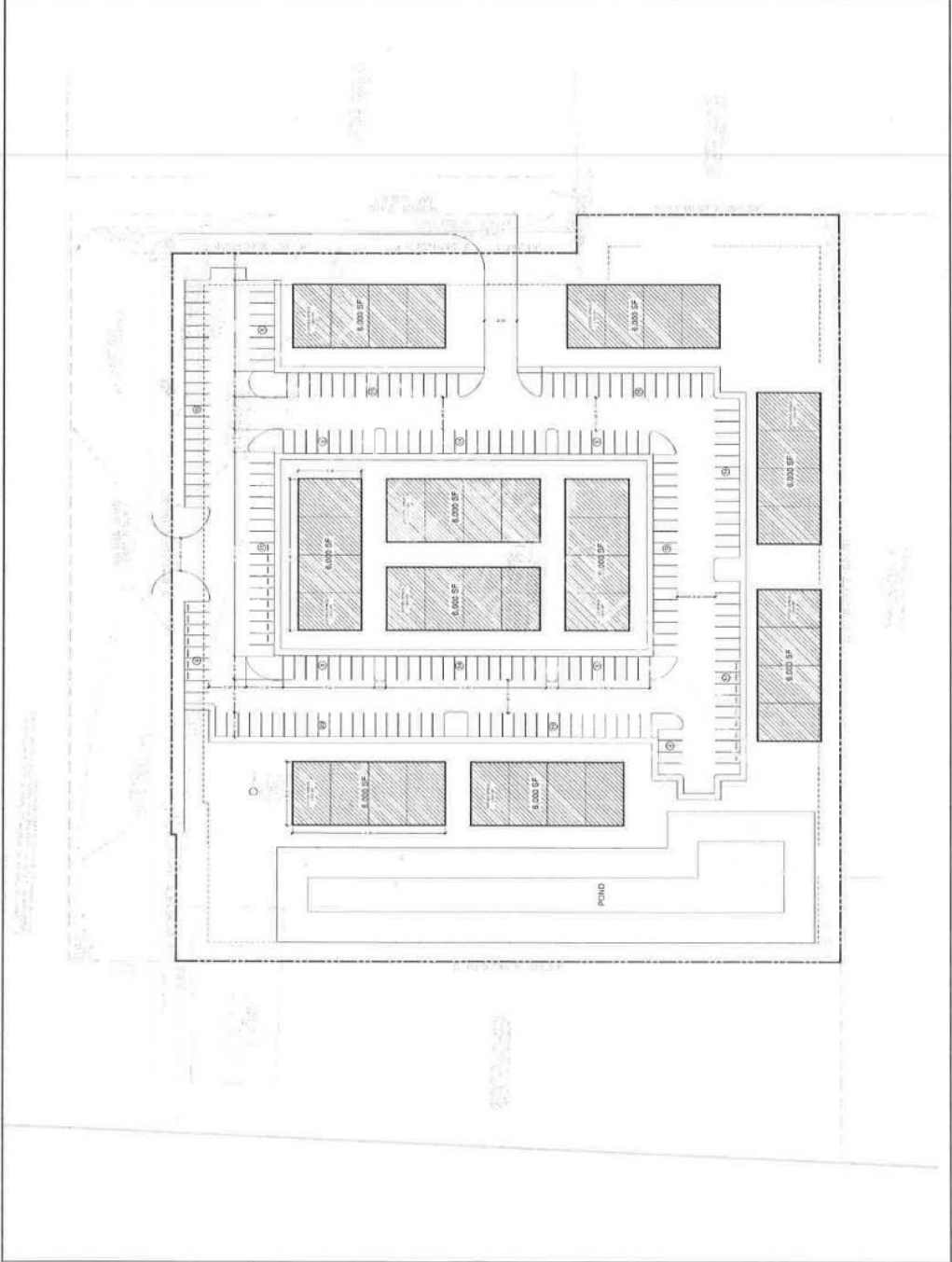
**NDS studio**  
Arquitectura  
1100 West 12th Street, Suite 100  
Tomball, Texas 77375  
Phone: 281-352-3333  
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**MELO'S DESIGN STUDIO LLC**  
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Tomball, Texas 77375  
Phone: 281-352-3333  
www.ndstudio.com

**TOMBALL - MEDICAL OFFICE**  
MICHEL ROAD  
TOMBALL, TEXAS  
PHELEX PROPERTIES  
Steve Phelan

DATE: 03/28/2023  
PROJECT: TOMBALL - MEDICAL OFFICE  
DRAWING: SITE PLAN

**A-1.0**





December 18, 2023

**Community Development Department**  
501 James St.  
Tomball, TX 77375

Dear Jared Smith,

We would like to formally request a zoning change for the property located at 0 School Road, also identified as TR14 ABST 378 W HURD. The parcel, comprising approximately 6.87 acres, is currently zoned as Agriculture, and we propose a change to Office zoning.

As illustrated in the attached existing zoning map, our vision for this site entails the development of 10-20 free-standing buildings, each serving as individual office suites. The current state of the lot is undeveloped, covered in grass, and our plan is to transform it into a professional office space that will significantly contribute to the enhancement of Tomball's Medical District.

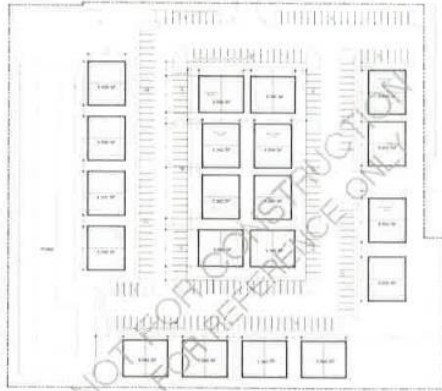




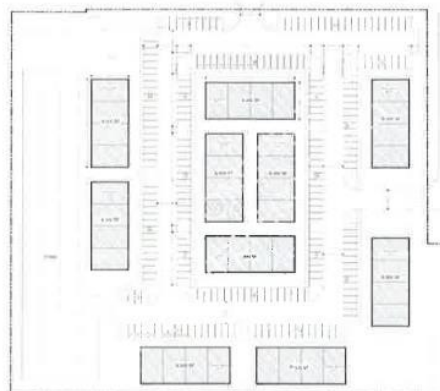


The key features of our proposed project include:

- 10 or 20 free-standing buildings (Please see illustrated models)
- Individual office suites within each building
- Utilization of 6.87 acres for professional office development



Proposed Option 1




Proposed Option 2

This endeavor aligns with our commitment to fostering growth and development within the City of Tomball. The envisaged professional offices aim to not only elevate the aesthetic appeal of the area but also contribute positively to the economic and professional landscape.

Please do not hesitate to reach out to me at 281-456-3032 or [lauren@phlexproperties.com](mailto:lauren@phlexproperties.com). We highly value your time and consideration in reviewing this rezoning request.

Thank you for your attention to this matter, and we look forward to the possibility of contributing to the continued prosperity of Tomball's Medical District.

Sincerely,

  
Steve Phelan, *President*  
**Phlex Properties**