

**Rezoning  
Staff Report**

Planning & Zoning Commission Public Hearing Date: June 12, 2023  
City Council Public Hearing Date: June 19, 2023

**Rezoning Case:** Z23-08

**Property Owner(s):** Real Life Ministries Texas (Tommy Roberson)

**Applicant(s):** Quiddity (Cameron Miller)

**Legal Description:** Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176

**Location:** Generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

**Area:** 6.09 acres

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

**Present Zoning:** Light Industrial (LI) and Agricultural (AG) (Exhibit “C”)

**Request:** Rezone from Light Industrial (LI) and Agricultural (AG) to General Retail (GR)

**Adjacent Zoning & Land Uses:**

**North:** Medical Complex Drive, Agricultural (AG), and General Retail (GR) / Vacant and Undeveloped

**South:** Light Industrial (LI) and Single Family Residential - 9 (SF-9) / Vacant and Undeveloped and Single Family Residential

**West:** Agricultural (AG) and Commercial/ Drainage Channel and Diagnostic Imaging and Treatment Services

**East:** S. Cherry Street, Single Family Residential - 20 Estate (SF-20-E), and Office (O) / Single Family Residential, Office Building

**BACKGROUND**

As per the applicant, the subject property is currently being used as a warehouse. The applicant’s request is to rezone the subject property to General Retail (GR) to allow the use of a church and

childcare center to operate at this location. Churches are allowed by right within the current Light Industrial (LI) and Agricultural (AG) zoning which is applicable on the subject property. However, a childcare center is not permitted in either of these zoning districts by right.

## **ANALYSIS**

**Description:** The subject property comprises about 6.09 acres, generally located within the 1600 block (west side) of S. Cherry Street. Currently the subject property is zoned Agricultural and Light Industrial and has been within these zoning classifications since the City of Tomball adopted zoning in 2008. In 2022, the vacant portion of the property subject to this request was considered for rezoning to Commercial (C). During the consideration of this request the City Council shared concerns regarding the uses that would be permitted by the requested Commercial zoning district and suggested that the applicant at the time downgrade their request to General Retail. However, the previous applicants were unable to utilize the property as they intended under a General Retail zoning classification and ultimately the request to rezone to C was denied and the project did not proceed. Immediately north of the subject property is Medical Complex Drive and the area further north, was recently rezoned to GR in March of 2023, this property is vacant and undeveloped. South of the subject site, zoned LI, is vacant and undeveloped. A small area to the south that is zoned SF-9 contains a single-family residence. The area west of the subject property that is zoned AG is a drainage channel. Memorial MRI & Diagnostic is located further west of the subject parcel and is zoned C. East of the subject site is S. Cherry Street. The area further east contains a single family residential (zoned SF-20 E) and a vacant commercial building (zoned O).

### **Comprehensive Plan Recommendation:**

A portion of the property (front) that abuts the Medical Complex Drive is designated as Neighborhood Commercial and the rear is designated as Business Park and Industrial by the Comprehensive Plan's Future Land Use Map (FLUM).

#### Neighborhood Commercial:

The Neighborhood Commercial category is intended for commercial uses that are developed with the appropriate context, scale and design to complement residential development. They are intended to be accessible by both vehicles and pedestrians. Restaurants, retail, professional services, clinics, and offices are appropriate for this category. Recommended secondary uses are places of assembly or event venues, local utility services, and government facilities. Recommended zoning categories are Office (O), General Retail (GR), Planned Development (PD).

#### Business Park & Industrial:

This category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. 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).

### **Staff Review Comments:**

The proposed zoning category of GR is in conformance with the Comprehensive Plan for the area designated as Neighborhood Commercial (located along the Medical Complex Drive). The proposed zoning category of GR is not in conformance with the Comprehensive Plan for the area designated as Business Park & Industrial (rear of the subject parcel). Although this is the case, the conditions on the ground and planned use of the existing facility as a childcare center and church as opposed to its former warehouse use warrants consideration for General Retail in this location.

Particularly given that the property is located on the corner of Medical Complex Drive (a major arterial street) and S. Cherry Street (a minor arterial street) this location provides convenient access to the proposed supporting land uses for nearby residential communities and employees/visitors of the medical district. The requested rezoning may be viewed as an expansion of the current planned Neighborhood Commercial land use category at the intersection of Medical Complex Drive and S. Cherry Street. Furthermore, the location being at the intersection of a major arterial street and minor arterial street is ideally suited to support the volume of traffic that the proposed land uses would generate.

### **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 May 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 Z23-08.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application



Exhibit "A"  
Aerial Location Map



# Location Map

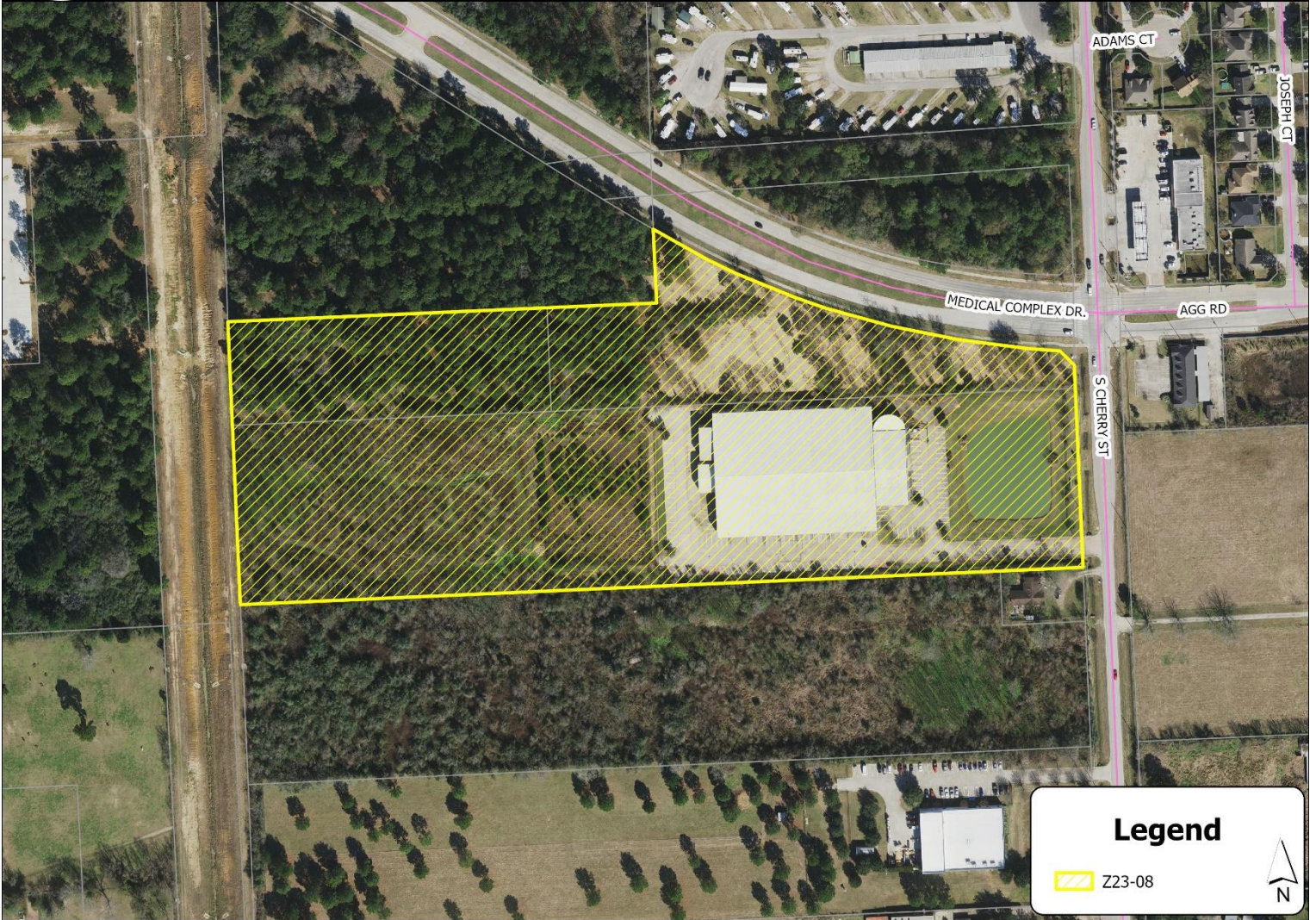
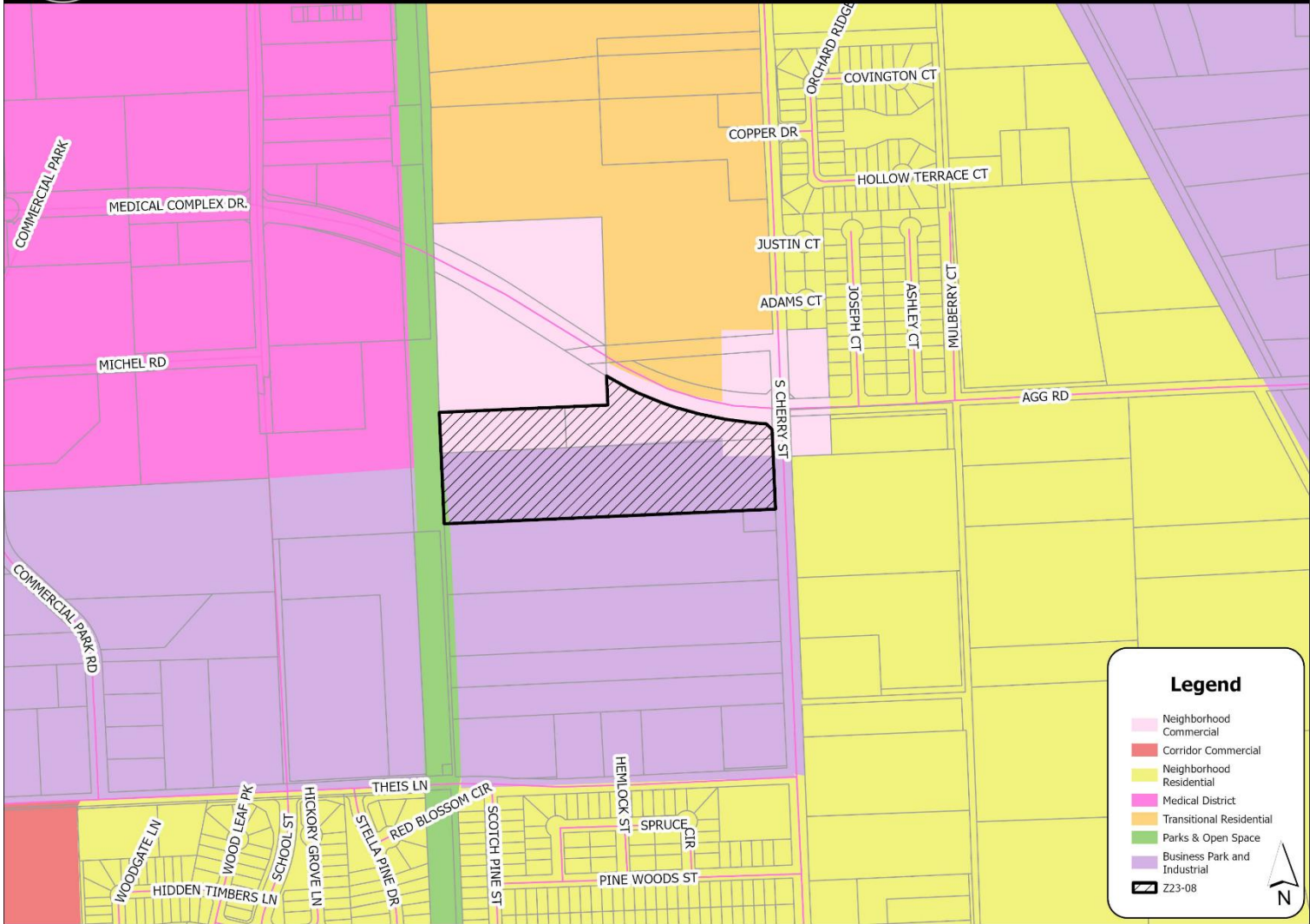




Exhibit "B"  
Future Land Use Plan



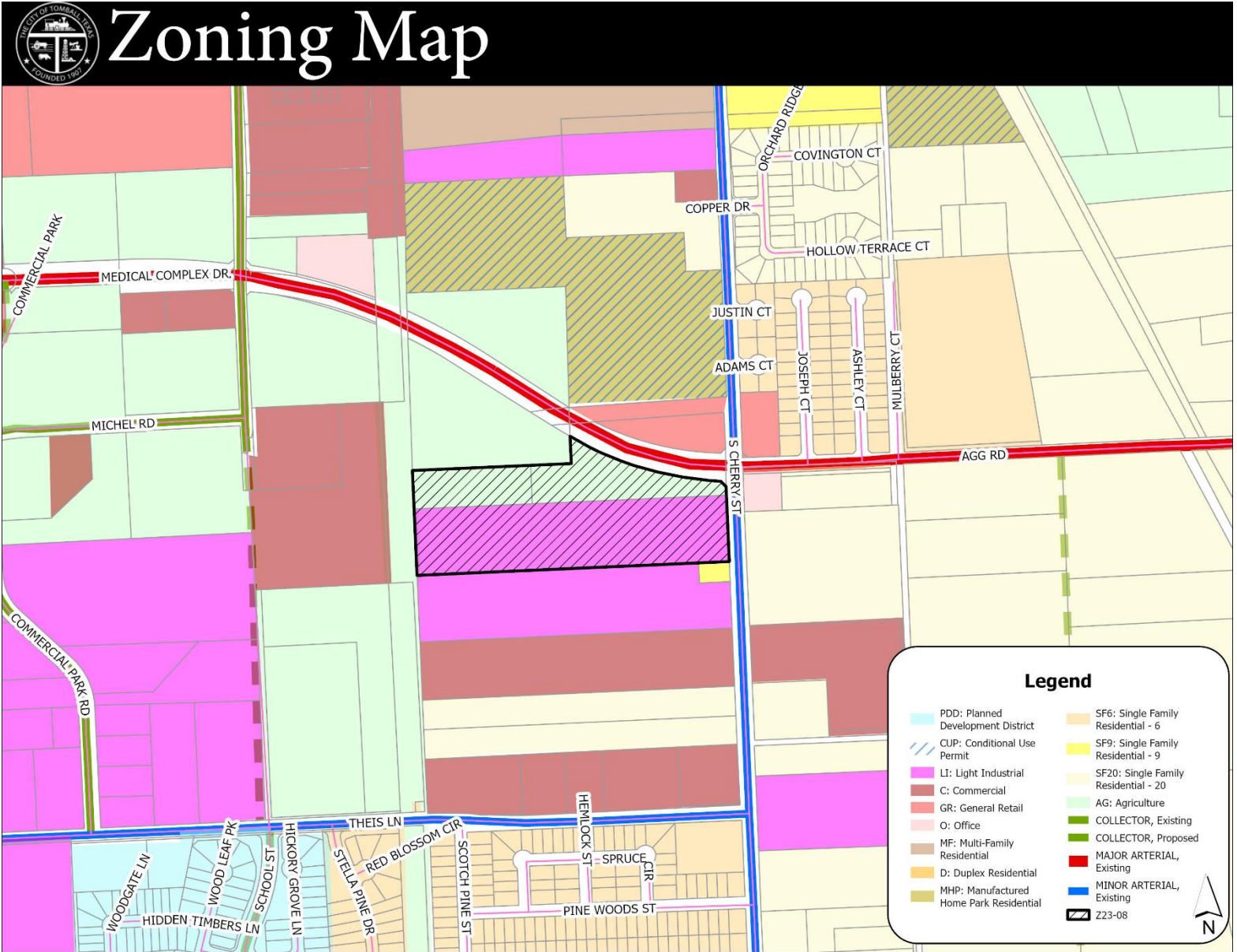
# Future Land Use Map



**Legend**

- Neighborhood Commercial
- Corridor Commercial
- Neighborhood Residential
- Medical District
- Transitional Residential
- Parks & Open Space
- Business Park and Industrial
- Z23-08

Exhibit "C"  
Zoning Map





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







Neighbor (South)



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/secure/send](http://tomballtx.gov/secure/send)  
**USERNAME:** [tomballedd](mailto:tomballedd)  
**PASSWORD:** TomballI

### **Applicant**

Name: Cameron Miller Title: Project Manager  
Mailing Address: 1575 Sawdust Rd. City: Spring State: Texas  
Zip: 77380 Contact: Cameron Miller  
Phone: (346)813-3844 Email: cmiller@quiddity.com

### **Owner**

Name: Tommy Roberson Title: Executive Pastor  
Mailing Address: 1222 W Main Street City: Tomball State: Texas  
Zip: 77375 Contact: Tommy Roberson  
Phone: (972)201-2976 Email: deltarobo@icloud.com

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

Name: Cameron Miller Title: Project Manager  
Mailing Address: 1575 Sawdust Rd. City: Spring State: Texas  
Zip: 77380 Contact: Cameron Miller  
Phone: (346)813-3844 Fax: ( ) Email: cmjller@quiddity.com

**Description of Proposed Project:** Proposed Real Life Ministries. Project consists of remodeling existing warehouse. Added parking, soccer field, play ground and associated drainage

**Physical Location of Property:** 1626 S Cherry Street, Tomball, Texas 77375

[General Location – approximate distance to nearest existing street corner]  
Legal Description of Property: Lot 1, Block 1, Devasco International F.C. No. 615009 H.C.M.R., Tract 1, 3.5879 acres of land south remainder to that certain called 7.56 acres tract recorded under H.C.C.F. No. 2012027296; Tract 2, 2.5043 acres of land, being all of that certain called 2.5 acres tract recorded under H.C.C.F. No. 20130397880.  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** Light Industrial and Agricultural

Current Use of Property: Warehouse - Light Industrial

Proposed Zoning District: General Retail

Proposed Use of Property: Assembly - Church

HCAD Identification Number: 1299580010001, 0352860000172, 0352860000412 Acreage: 17.54

**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.**

|                                     |                           |               |
|-------------------------------------|---------------------------|---------------|
| <input checked="" type="checkbox"/> | <u><i>C.M. Miller</i></u> | <u>5/2/23</u> |
|                                     | Signature of Applicant    | Date          |
| <input checked="" type="checkbox"/> | <u><i>[Signature]</i></u> | <u>5/2/23</u> |
|                                     | Signature of Owner        | Date          |





6330 West Loop South, Suite 150  
Bellaire, Texas 77401  
Tel: 713.777.5337  
www.quiddity.com

May 2, 2023

City of Tomball Planning & Zoning  
501 James Street  
Tomball, Texas 77675

Re : Real life Ministries Re-zoning

To Whom it May Concern:

On behalf of Real Life Ministries, Quiddity Engineering is requesting to re-zone the property listed in the application from light industrial and agricultural to general retail. It is our understanding that, for future development and proposed parking within the agricultural zone, a conditional use permit is required. Because the existing building occupancy will be switching from a warehouse to a church assembly in the future, the City has recommended to rezone the properties to general retail in lieu of the conditional use permit.

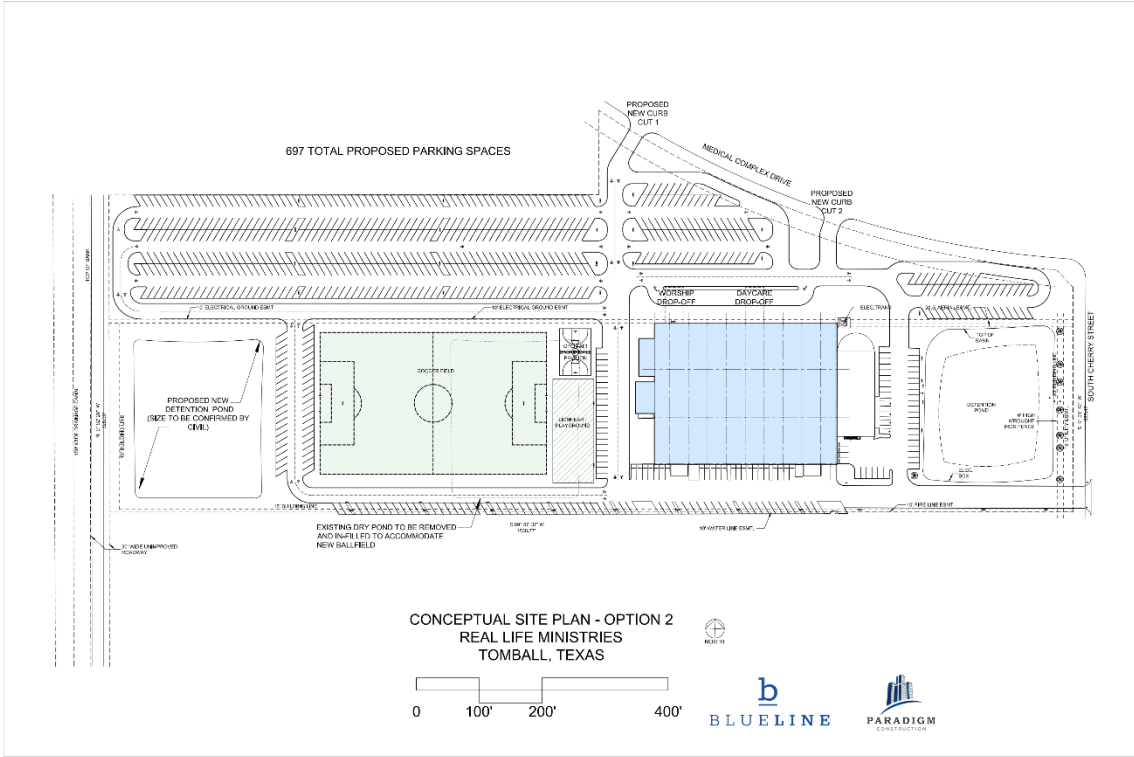
Sincerely,

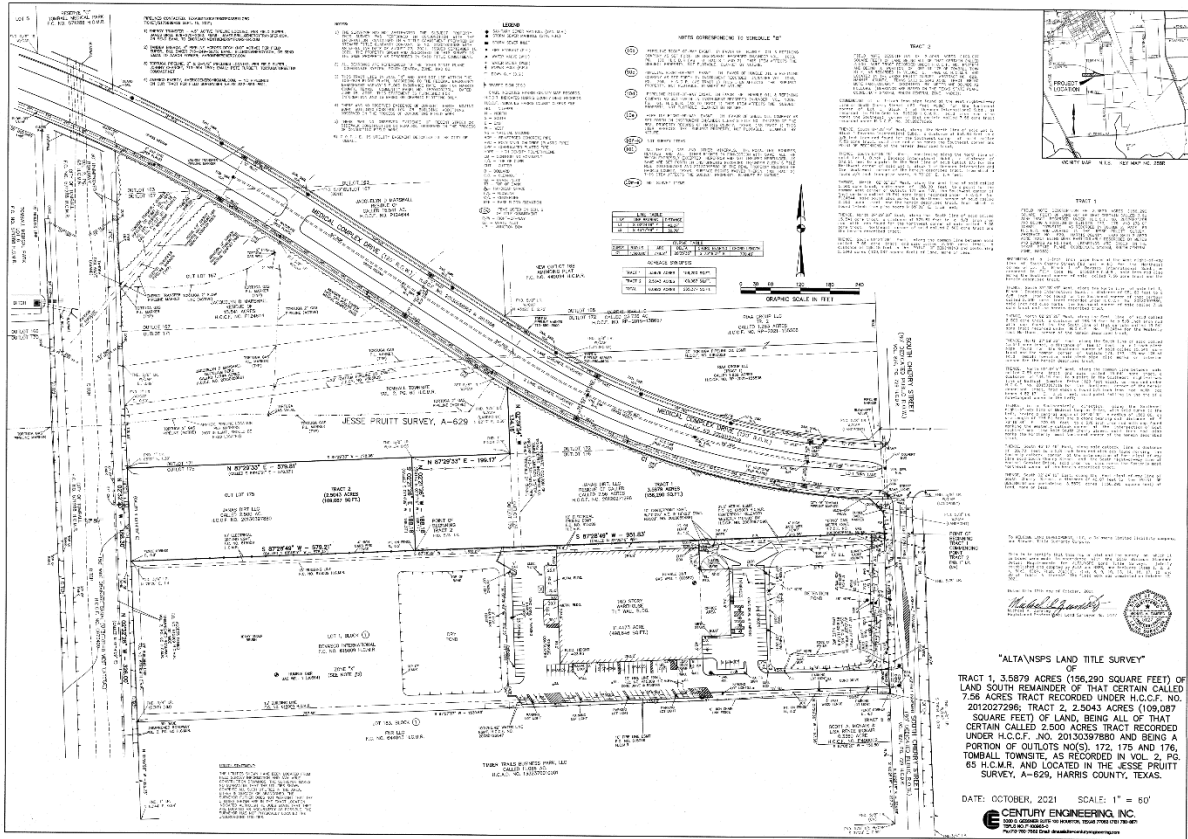
A handwritten signature in black ink that reads "C.M. Miller".

Cameron M. Miller, PE  
Project Manager

CMM/jrd  
K:\18075\18075-0001-00 Real Lift Ministries - Tomball\Project Management\Deliverables\SENT 05-02-2023 Rezoning  
Application\Real Life Ministries.docx  
Enclosures  
By certified mail

Texas Board of Professional Engineers and Land Surveyors Registration Nos. F-23290 & 10046100





**"ALTA WSPS LAND TITLE SURVEY"**  
 TRACT 1, 3,587.9 ACRES (156,290 SQUARE FEET) OF  
 LAND SOUTH REMAINDER OF THAT CERTAIN CALLED  
 7.58 ACRES TRACT RECORDED UNDER H.C.C.F. NO.  
 2012027296; TRACT 2, 2,504.3 ACRES (109,087  
 SQUARE FEET) OF LAND, BEING ALL OF THAT  
 CERTAIN CALLED 2,500 ACRES TRACT RECORDED  
 UNDER H.C.C.F. NO. 20130397880 AND BEING A  
 PORTION OF OUTLOTS NO. 172, 175 AND 176,  
 TOMBALL TOWNSITE, AS RECORDED IN VOL. 2, PG.  
 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT  
 SURVEY, A-629, HARRIS COUNTY, TEXAS.

DATE: OCTOBER, 2021 SCALE: 1" = 80'  
**CENTURY ENGINEERING, INC.**  
 1000 WESTWIND DRIVE, SUITE 100, HOUSTON, TEXAS 77060  
 281.462.8800  
 www.centuryengineering.com