

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

Rezoning Case: Z23-06
Property Owner(s): Mike Matheson
Applicant(s): Red Grip LLC.
Legal Description: Lot 72, Block 1 of Acquest Tomball Replat No.1
Location: 1200-1300 blocks (southside) of Rudel Drive. (Exhibit “A”)
Area: 1.04 acres
Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)
Present Zoning: Commercial District (Exhibit “C”)
Request: Rezone from Commercial (C) to the Office (O) district
Adjacent Zoning & Land Uses:
North: Old Town & Mixed Use (OT&MU)/Fire Station #1
South: Commercial (C)/Office, professional and general business
West: Multi-Family Residential (MF)/Apartments
East: Commercial (C)/Drainage/Detention Pond

BACKGROUND

The subject property is presently vacant. City staff has met on multiple occasions over the course of the past year to discuss the potential development of an office complex on the subject property. According to information provided by the applicant, there are plans to construct two office buildings which will be divided into suites. The intention is to split these buildings by property boundaries so that each respective suite occupant can own their respective office spaces. To achieve this goal and create the desired number of suites for purchase the applicants are requesting to rezone to Office (O) zoning which has a minimum lot area of 6,000 square feet as opposed to the current Commercial (C) zoning minimum lot area of 10,000 square feet.

ANALYSIS

Description: The subject property comprises approximately 1.04 acres, located in the 1200-1300 block (south side) of Rudel Drive. Currently the subject property is located within the Commercial zoning district and has been within this zoning designation since the City of Tomball adopted zoning in 2008. Immediately north of the subject property is Old Town & Mixed Use zoning which is presently occupied by Fire Station #1. West of the subject property is existing Multi-Family zoning within which an apartment complex is presently being constructed. East of the subject site

is existing Commercial zoning which is occupied by detention/drainage facilities. Immediately south of the subject property is existing Commercial zoning presently occupied by a clinical office building.

Comprehensive Plan Recommendation: The property is designated as “Neighborhood Commercial” by the Comprehensive Plans Future Land Use Map. This Neighborhood Commercial category 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.

According to the Comprehensive Plan, land uses should consist of restaurants, retail, professional services, clinics, and offices. Appropriate secondary uses may 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 Business Park & Industrial land use category.

The Comprehensive Plan states that Neighborhood Commercial developments should be located adjacent to an intersection of a collector street or greater functional classification. Additionally, the Comprehensive Plan identifies the need to promote development that creates complimentary relationships between differing land uses. According to the Comprehensive Plan locating community facilities, services, and limited commercial uses within and near existing and proposed neighborhoods has the potential to create mutually beneficial synergies and promote a higher quality of life for Tomball residents. The Comprehensive Plan encourages development that creates complimentary relationships between differing land uses. According to the Comprehensive Plan it is important to transition or buffer land uses by “stepping down” land uses from more intense to less intense uses.

Staff Review Comments:

The request to rezone to Office zoning is in direct alignment with the Future Land Use Plan. The adoption of Office zoning will promote an appropriate transitional land use buffering, “stepping down” the intensity of land use as you move further north from FM 2920 and closer to existing multi-family and single-family residential land uses. According to the Comprehensive Plan locating limited commercial services near residential neighborhoods/communities can encourage a mutually beneficial relationship between these land uses.

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 April 18, 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 Z23-06.

EXHIBITS

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


Exhibit "A"
Aerial Location Map



Location Map



Legend

 Z23-06


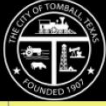
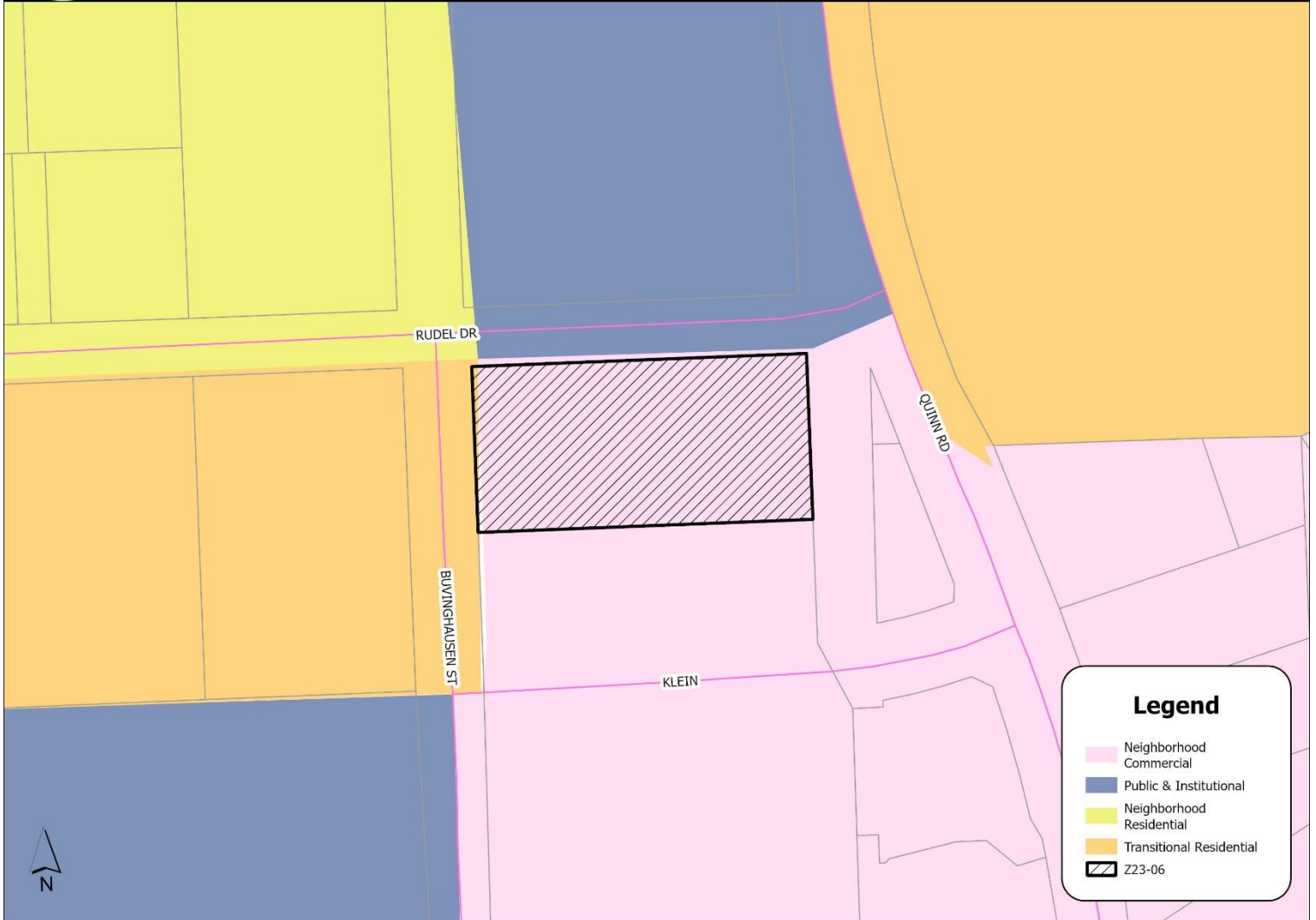
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Exhibit "B"
Future Land Use Plan



Future Land Use Map



Legend

- Neighborhood Commercial
- Public & Institutional
- Neighborhood Residential
- Transitional Residential
- Z23-06

Exhibit "C"
Zoning Map

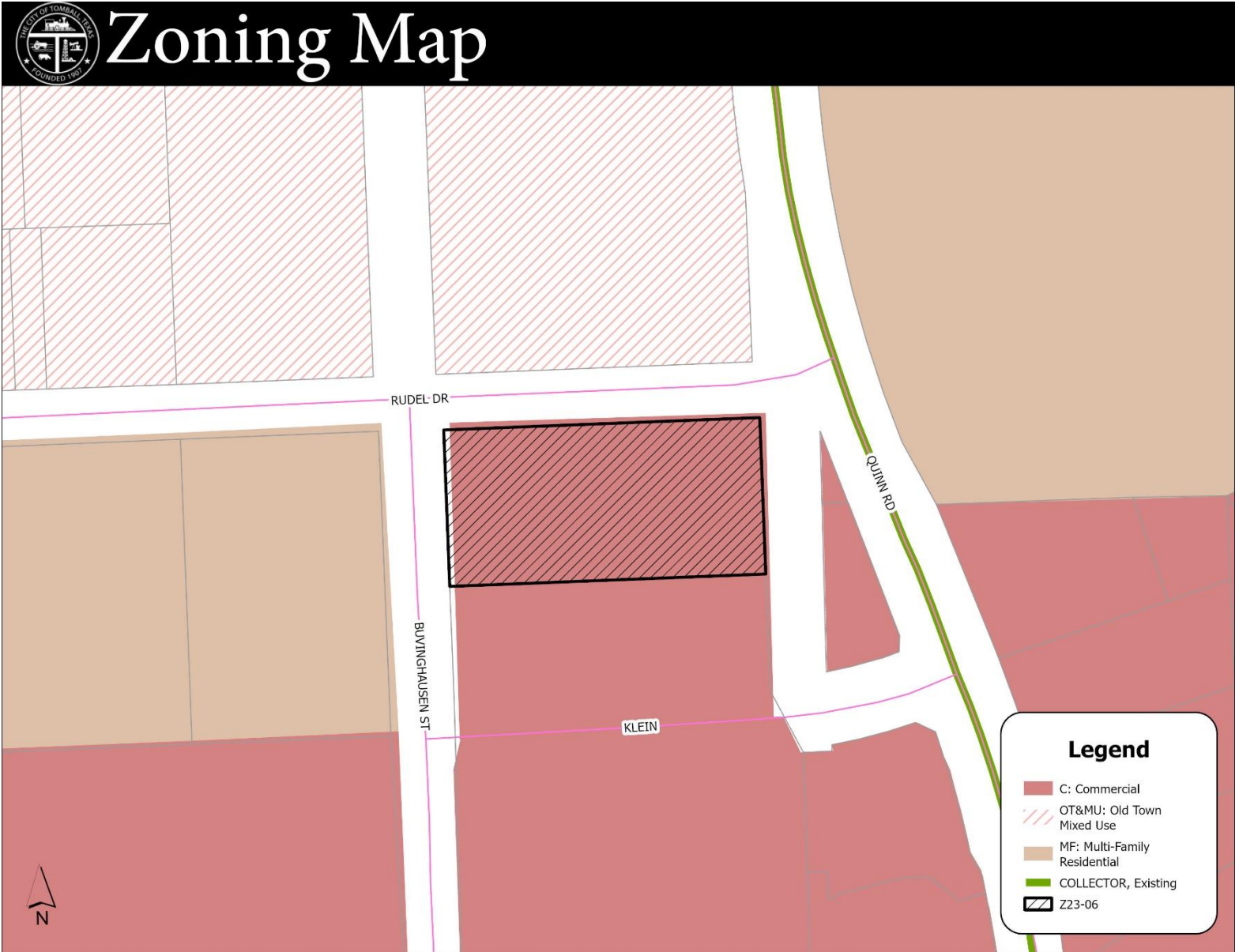


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)

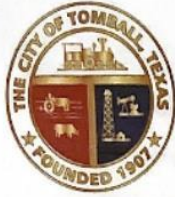


Neighbor (South)



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/secure send
USERNAME: tomballdd
PASSWORD: Tomball1

Applicant

Name: Mike Matheson Title: Owner
Mailing Address: 14315 Arlington Place City: Cypress State: TX
Zip: 77429 Contact: 281-658-7526
Phone: (281) 658-7526 Email: info@redgrip llc.com

Owner

Name: Same as above Title: _____
Mailing Address: 11750 Katy Freeway City: Katy State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: Patrick Rummel Title: Civil Eng.
Mailing Address: 11750 Katy Freeway City: Katy State: TX
Zip: 77079 Contact: _____
Phone: (404) 285-9267 Fax: (____) _____ Email: prummel@ardurra.com

Description of Proposed Project: Office Buildings @ Rudel

Physical Location of Property: 72 Block 1 on Rudel Street, 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Acquestrop LAT NO. 1, HCMR Vol 658 Pg. 107
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: 7214 Commercial (C)

Current Use of Property: Vacant
Proposed Zoning District: 7214 Office (O)
Proposed Use of Property: Office Buildings
HCAD Identification Number: 133395002001 Acreage: 1.04

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 Michael Matheson 3-28-23
Signature of Applicant Date

X Michael Matheson 3-28-23
Signature of Owner Date

METES AND BOUNDS DESCRIPTION OF 1.0401 ACRE TRACT – RED GRIP, LLC, A TEXAS LIMITED LIABILITY COMPANY

A TRACT OR PARCEL OF LAND CONTAINING 1.0401 ACRE BEING LOT 72, BLOCK 1 OF ACQUEST TOMBALL REPLAT NO. 1, AN ADDITION IN HARRIS COUNTY ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 658, PAGE 107 OF THE HARRIS COUNTY MAP RECORDS IN THE JOSEPH HOUSE SURVEY, ABTRACT 34 IN HARRIS COUNTY, TEXAS, SAID 1.0401 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

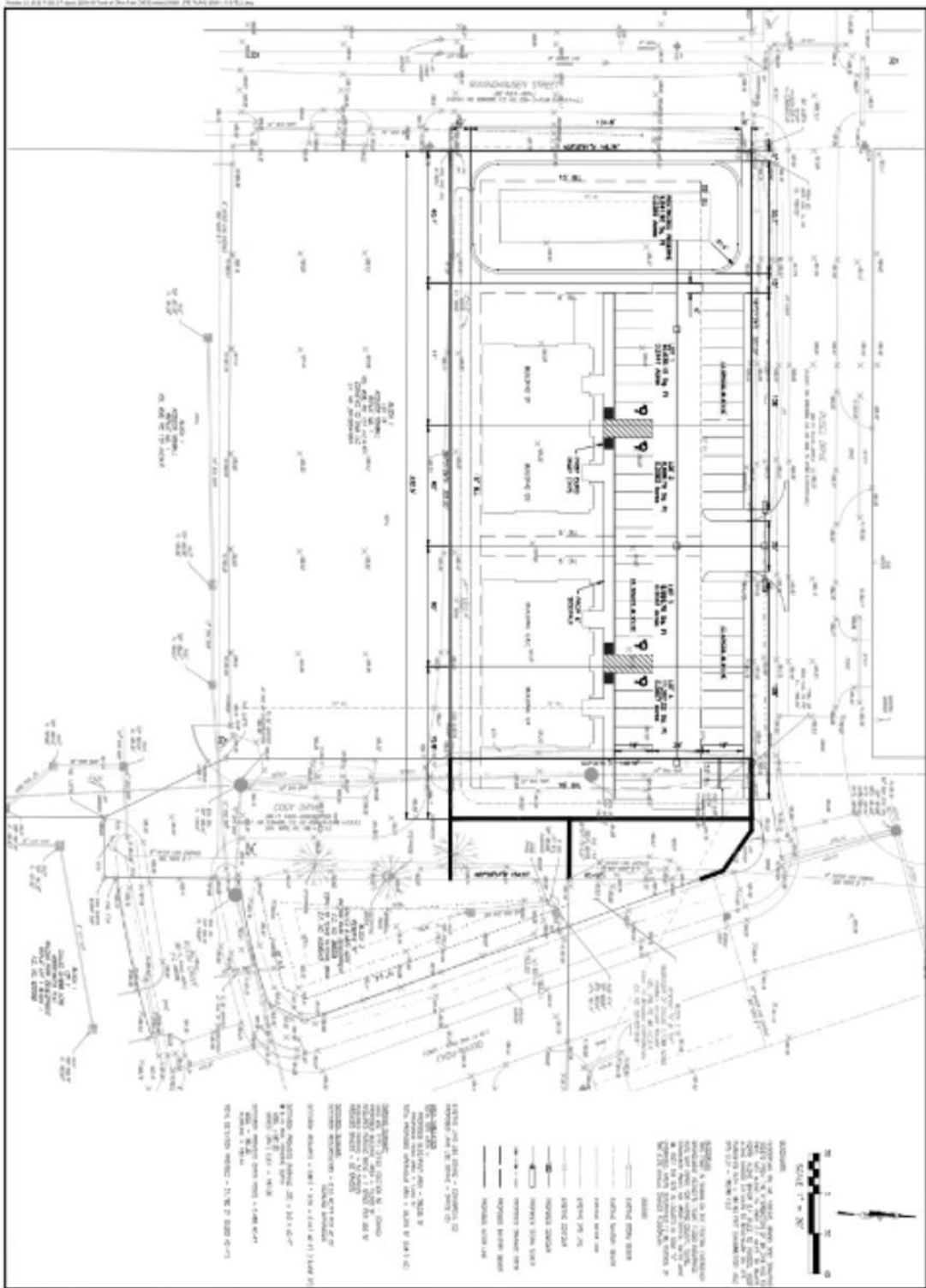
BEGINNING at a 3/8 inch iron rod set with cap marking the Northwest corner of the herein described tract being at the intersection of the East right-of-way line of Buvinghausen Street (60 ft. right-of-way) and the South right-of-way line of Rudel Drive (60 ft. right-of-way);

THENCE North 87 degrees 27 minutes 09 seconds East with the Southerly right-of-way line of said Rudel Drive a distance of 302.50 ft. to a 5/8 inch iron rod found with cap at the Northeast corner of the herein described tract being in the West right-of-way line of Cody Drive (undeveloped);

THENCE South 02 degrees 30 minutes 51 seconds East with the West right-of-way line of said Cody Drive a distance of 149.78 ft. to a 5/8 inch iron rod found with cap marking the Southeast corner of the herein described tract and the Northeast corner of Lot 73;

THENCE South 87 degrees 27 minutes 09 seconds West with the division line between Lots 72 and 73 a distance of 302.50 ft. to a mag nail found in asphalt marking the Southwest corner of the herein described tract, the Northwest corner of Lot 73 in the East right-of-way line of said Buvinghausen Street;

THENCE North 02 degrees 30 minutes 51 seconds West with the Easterly right-of-way line of said Buvinghausen Street a distance of 149.78 ft. to the PLACE OF BEGINNING and containing 1.0401 acre of land.



# # SHEET NO. 11 OF 12	RUDEL OFFICE PARK SITE DEVELOPMENT CIVIL SITE LAYOUT	PREPARED BY ACURBA ARCHITECTS 1111 W. 19TH AVENUE, SUITE 100 DENVER, CO 80202 PHONE: (303) 733-1111 FAX: (303) 733-1112 WWW.ACURBA.COM	DATE: 10/20/11 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]
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RED GRIP LLC

CYPRESS, TEXAS

March 24th, 2023

City Planning and Zoning Commission
TomballTx.gov/secaresent

Dear City Planning and Zoning Commission:

We are requesting that the property located at Lot 72 Block 1 on Rudel Street in Tomball, Texas 77375 be rezoned from Commercial to Office. Currently in Google and HCAD # is 1333950020001

The recorded plat for this property is Tomball Acquestrep LAT NO. 1, HCMR VOL 658 PG. 107. The development intends to erect 2 separate buildings and subdivide the one lot into three separate lots based on the city's ordinances, the site plan does not comply with the minimum commercial lot size of 10,000 sq./ft. therefore we are requesting a rezoning to office with a minimum of 6,000 sq./ft.

This was discussed in a pre-development meeting with the City Planner on March 9th with myself Mike Matheson, Juan Lozano, Kyle Bertrand, Jared Smith and Patrick Rummel present.

Reference: 50-77 Tomball Ordinance

We appreciate your consideration in this matter.

Sincerely,

Mike Matheson and Juan Lozano

Owners of Red Grip LLC

