

**Rezoning
Staff Report**

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

Rezoning Case: Z23-03
Property Owner(s): Chris & Tiona Campbell
Applicant(s): Chris & Tiona Campbell
Legal Description: Portion of Lot 48 in Tomball Townsite
Location: 11100-11200 blocks (east side) of Rudolph Road (Exhibit “A”)
Area: 4.940 acres
Comp Plan Designation: Ranch Rural & Estate (Exhibit “B”)
Present Zoning: Single-Family Residential -20 Estate District (Exhibit “C”)
Request: General Retail (GR) district
Adjacent Zoning & Land Uses:
North: Single-Family Residential -20 (SF-20)/ Vacant
South: Single-Family Residential – 20 (SF-20)/ Vacant
West: Single-Family Residential – 20 (SF-20) / Jerry Matheson Park
East: Single-Family Residential – 20 (SF-20) / Vacant and Water Treatment Plan

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting to rezone the subject property to General Retail to locate their Exterminator Service/Company on the subject property. Exterminator services is a land use that is not permitted within the current Single Family Estate Residential zoning district that the property falls within. In addition to this exterminator service, the applicants are also seeking a separate Conditional Use Permit to allow “Residential Use” within this desired General Retail district to construct their single-family residence on the subject property if the General Retail zoning is to be adopted.

ANALYSIS

Description: The subject property comprises about 4.94 acres, located in the 11100-11200 block on the east side of Rudolph Road. Currently the subject property is located within Single Family Residential – 20 zoning and has been within this zoning classification since the City of Tomball adopted zoning in 2008. All properties within the immediate vicinity are also located within this

Single Family Residential – 20 zoning designation. Properties to the north, south, and east are currently vacant. The property located on the west side of Rudolph Road is Jerry Matheson Park.

Comprehensive Plan Recommendation: The property is designated as “Ranch Rural & Estates” by the Comprehensive Plans Future Land Use Map. This Ranch Rural & Estates category is intended to create areas of bucolic character. The land use category is defined by an abundance of natural landscape and may include agricultural enterprises.

According to the Comprehensive Plan, appropriate land uses should consist of large lot residential, conservation subdivisions, and agricultural enterprises. The built environment should be complimented by large amounts of green space such as mature woodlands or pasture. Secondary uses include bed & breakfast lodging, home professions, cottage industries, and accessory dwelling units.

The Comprehensive Plan recommends the zoning districts of – Agricultural (AG), Single Family Estate Residential – 20 (SF-20-E), or Planned Developments (PD).

Staff Review Comments:

The request to rezone the subject property to General Retail (GR) would create spot zoning of general retail on property which is generally surrounded by residential zoning & land uses. Spot zoning refers to when a particular property receives a zoning designation which is drastically different from the zoning which is applicable to the surrounding properties within the immediate vicinity. The requested general retail zoning is also in direct conflict with the goals and objectives of the Comprehensive Plans established with the City of Tomball’s Future Land Use map which identifies the Single-Family Estate Residential land use as the desired character for the subject property and surrounding properties. This land use category is intended to continue the promotion of large lot residential and agricultural 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 denial of Zoning Case Z23-03.

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

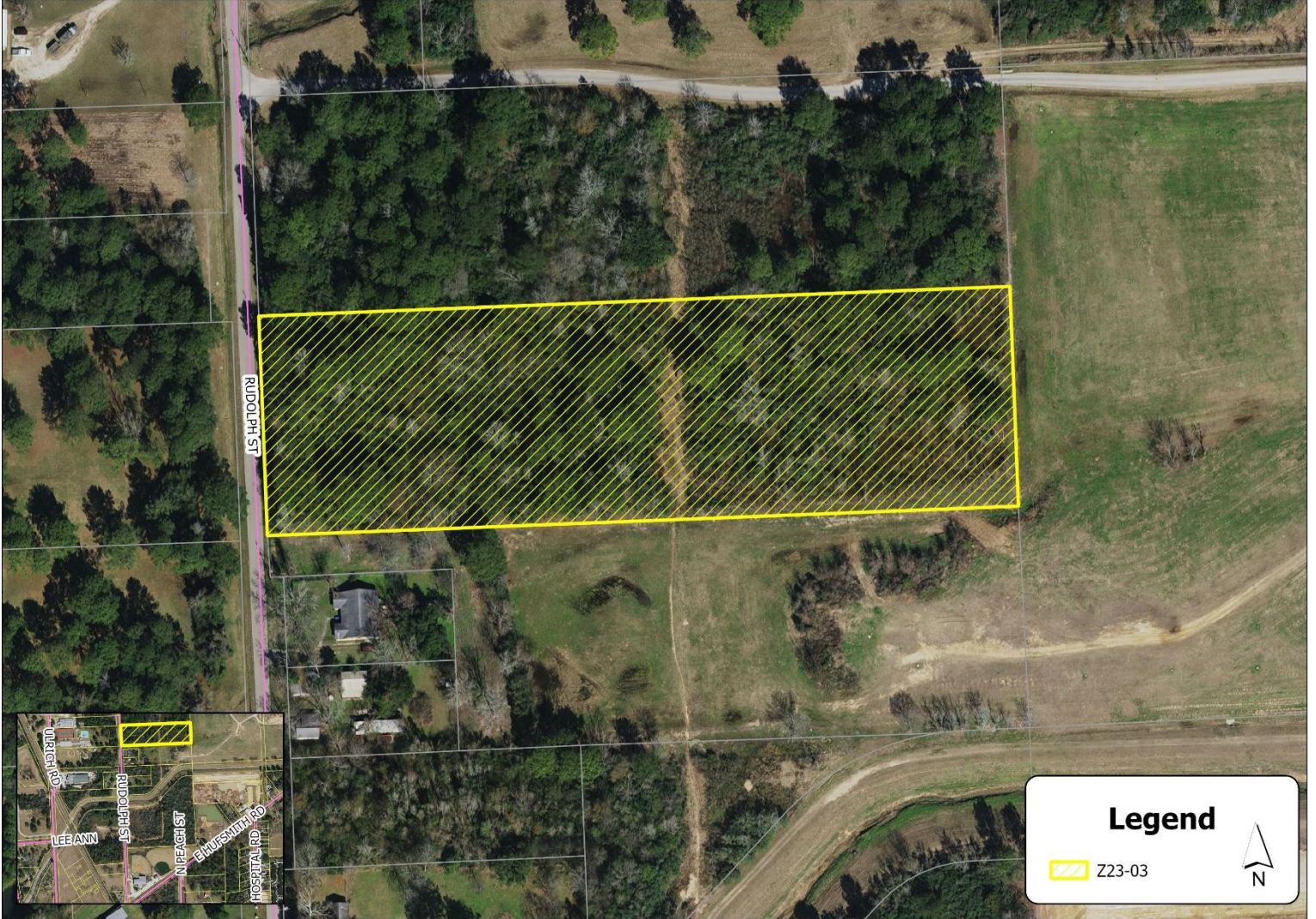
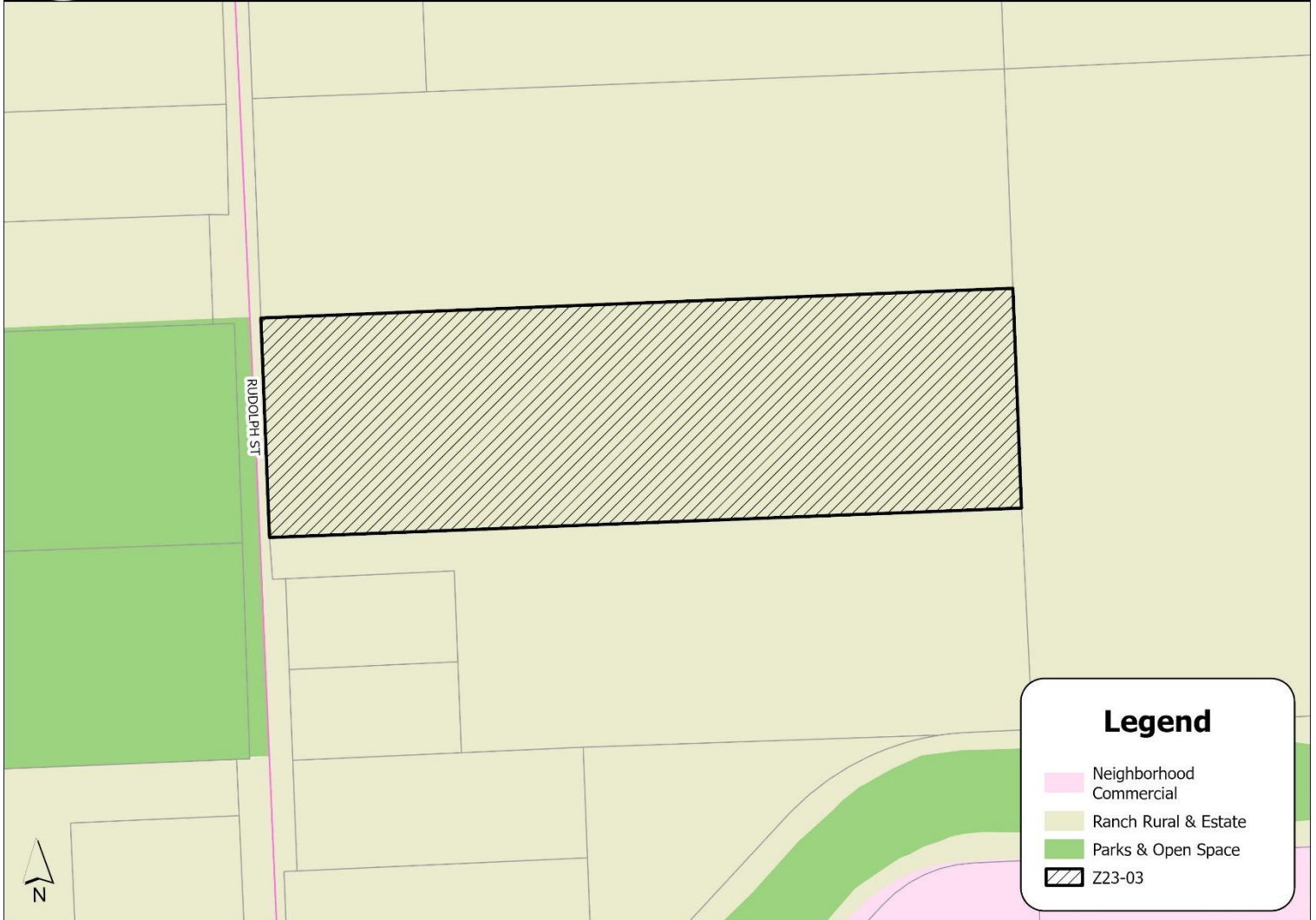


Exhibit "B"
Future Land Use Plan



Future Land Use Map



Legend

- Neighborhood Commercial
- Ranch Rural & Estate
- Parks & Open Space
- Z23-03

Exhibit "C"
Zoning Map

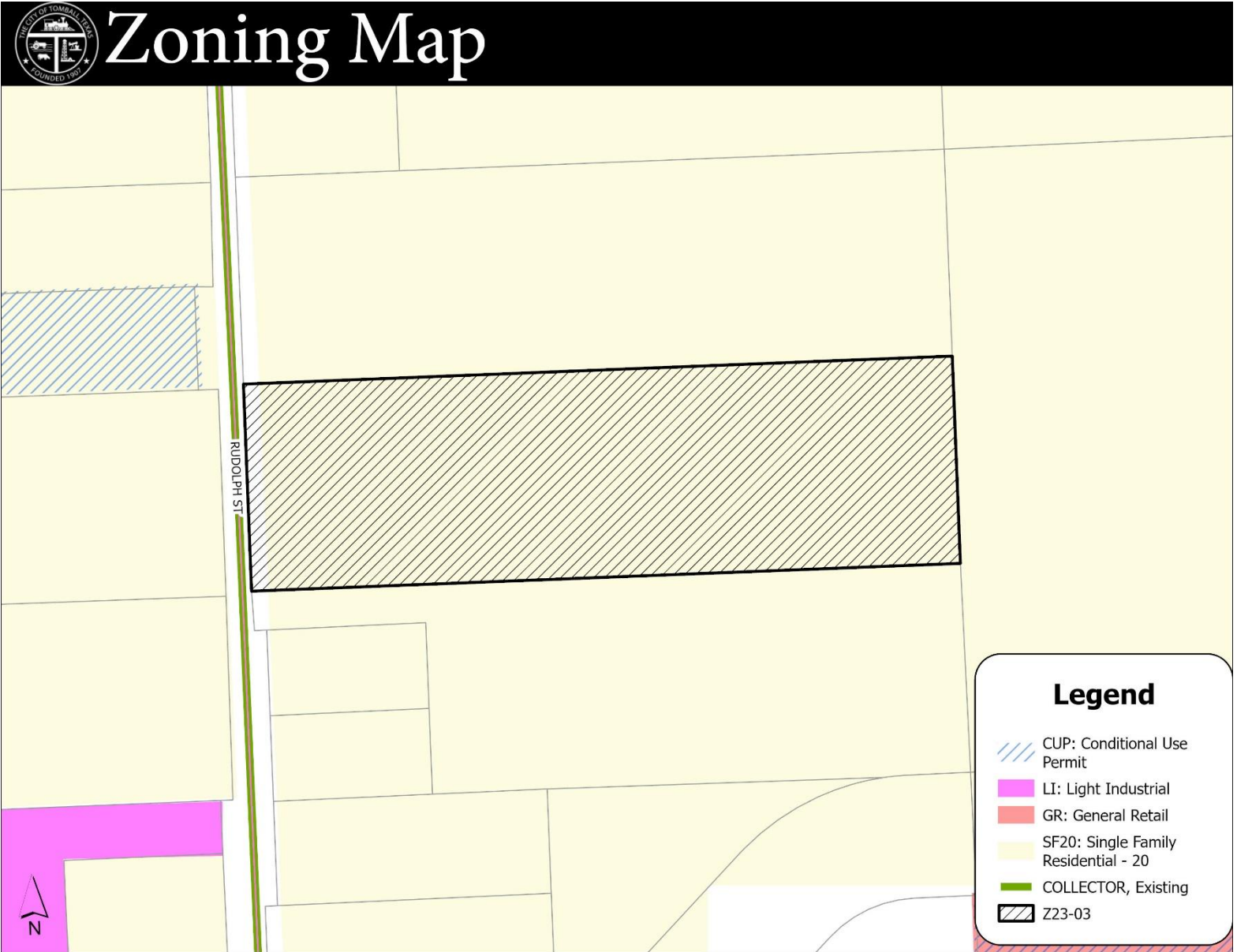


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (South)



Neighbor (North)



Neighbor (West)



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
USERNAME: tombalcedd
PASSWORD: Tomball

Applicant

Name: Chris & Tiona Campbell Title: Owner's
Mailing Address: 26402 I-45 City: Spring State: TX
Zip: 77386 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@Bellodomain.com

Owner

Name: Chris & Tiona Campbell Title: Owner's
Mailing Address: 26402 I-45 City: Spring State: TX
Zip: 77386 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@Bellodomain.com

Engineer/Surveyor (if applicable)

Name: C+C Surveying Inc Title: _____
Mailing Address: 33300 Egypt Lane City: Magnolia State: TX
Zip: 77354 Contact: Steven L Crews
Phone: (281) 356-5172 Fax: () _____ Email: Survey@C+Csurveying.com

Description of Proposed Project: Re-Zoning of Property to be used as a office

Physical Location of Property: 1120 Rudolph Rd, Tomball TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lot 48 Clerk's File # 2022-215079
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E

Current Use of Property: undeveloped

Proposed Zoning District: General Retail (GR) Zoning

Proposed Use of Property: office + storage

HCAD Identification Number: 035282000083 Acreage: 4.940

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.

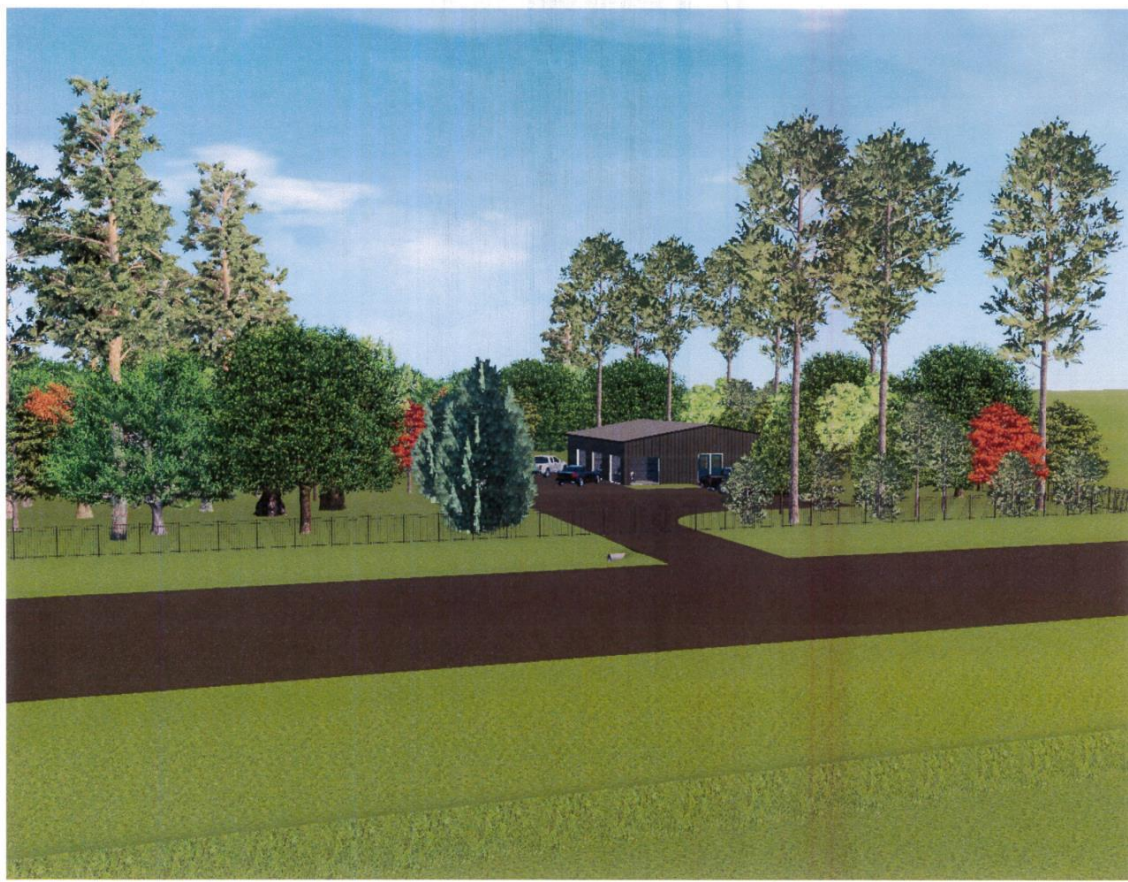
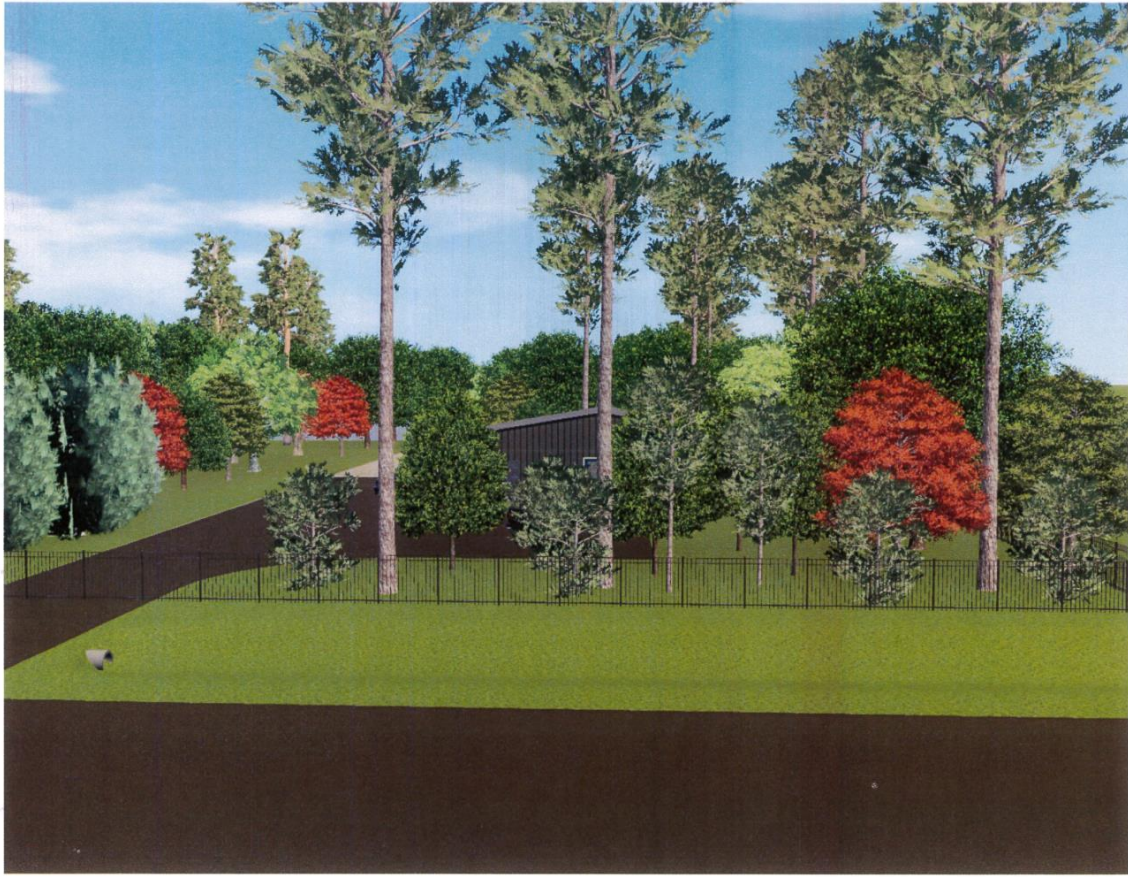
This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

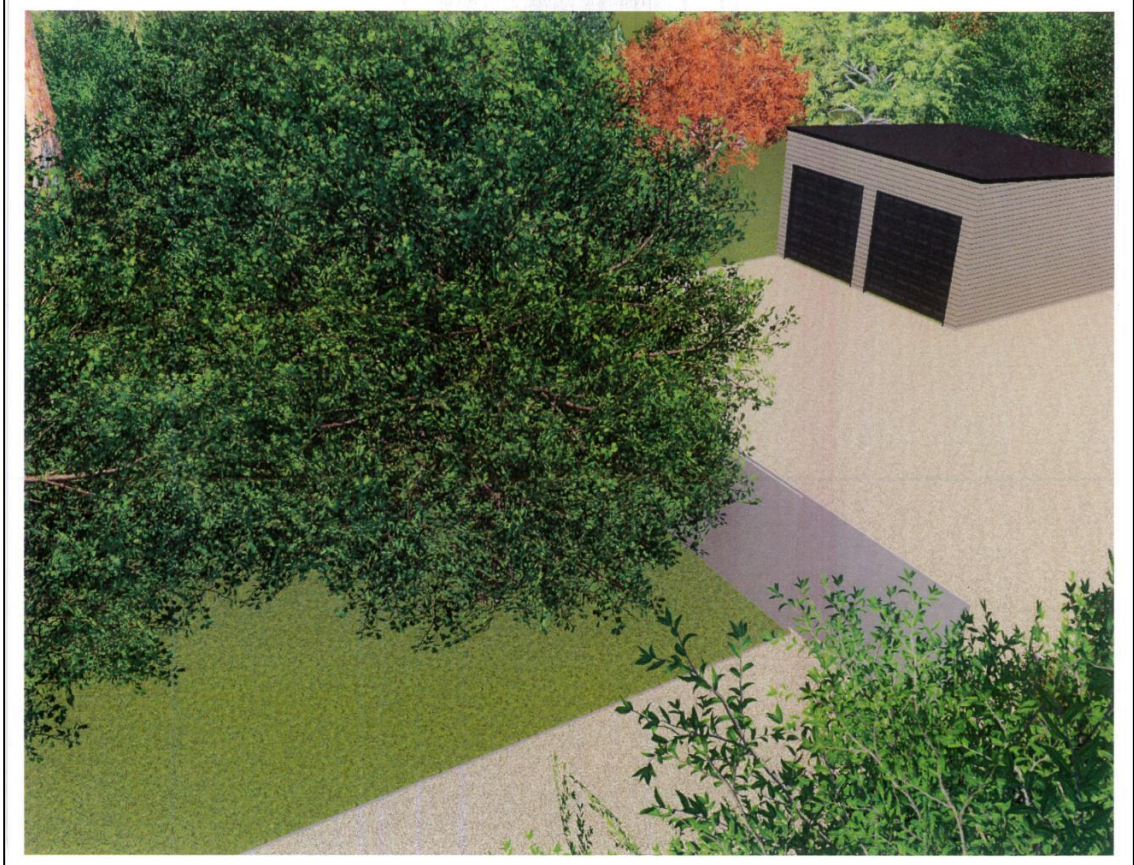
Chris Lytle / Juna Campbell 3-13-23
Signature of Applicant Date

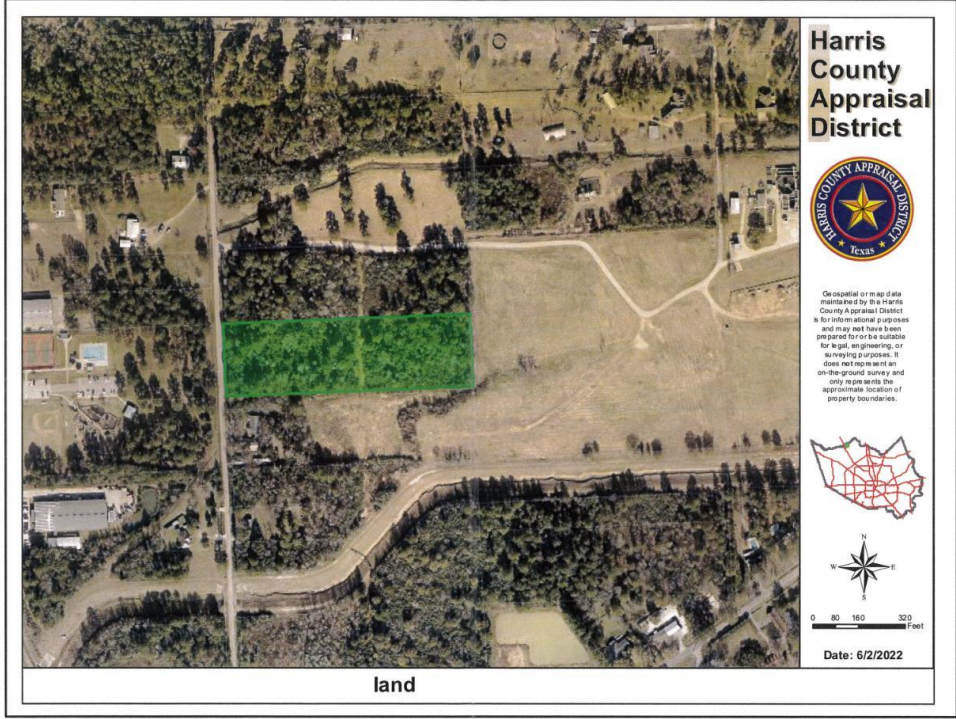
Chris Lytle / Juna Campbell 3-13-23
Signature of Owner Date

Dear, Whom it may concern

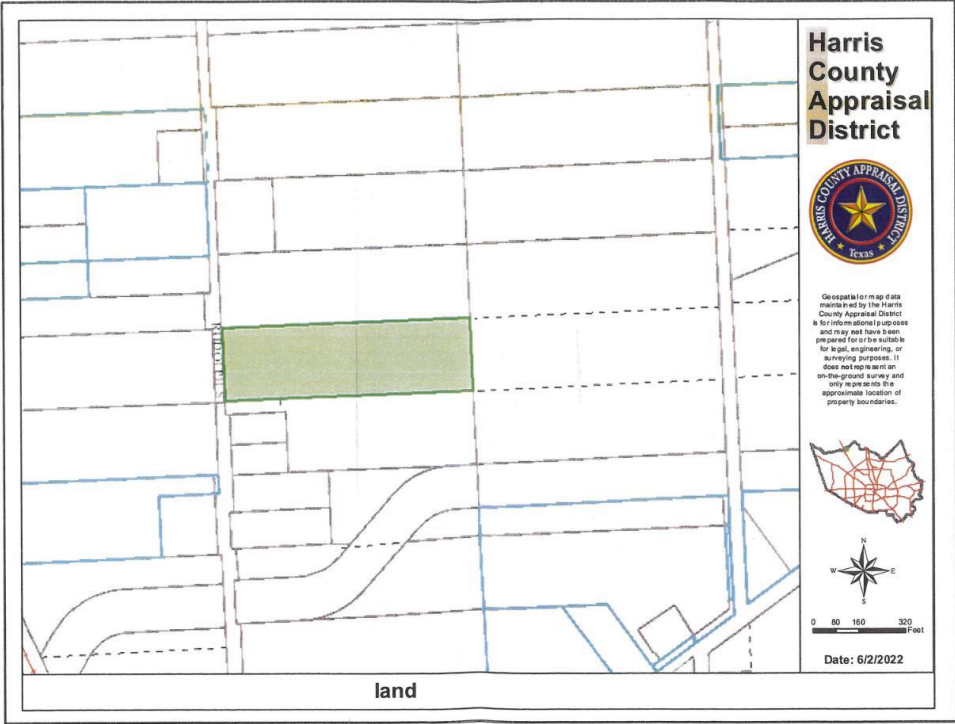
My family and I would be honored to be a part of the Tomball community with our business and our home. Our plan would be to move our business and Family where we can grow for many years and generations to come. Our hope is to build an office that has a 1950's-1960's style to match our classic trucks which we use for service. We would love to become more involved with the community throughout the years. Our location would not affect the flow of traffic since there will not be any retail customers or regular deliveries. We want to preserve as many trees as possible and plant more landscaping after the build out is completed. We believe our business would be a benefit to the Tomball area as we would bring in more business to the local community with the additional gas for the work trucks, Resturants where our family and employees would support daily. we would do additional shopping at the local grocery and hardware stores, also all taxes that comes with us moving to the area. We have been in business since 1998 and want to move to Tomball and be a staple for the community with our antique trucks and welcoming service.







Rezoning				
Map Revised	Ord. No.	Ord. Date	Case No.	Description
6/6/2008	2008-05	5/5/2008	P08-006	SF-6 to C
6/6/2008	2008-08	6/2/2008	P08-005	SF-6 to C
6/6/2008	2008-10	6/2/2008	P08-012	D to C
8/21/2008	2008-09	7/21/2008	P08-008	Ag to O (**Single Story-30' Max)
8/21/2008	2008-17	8/4/2008	P08-025	AG & GR to C
8/21/2008	2008-18	8/4/2008	P08-029	SF-20-E to LI
8/21/2008	2008-20	8/4/2008	P08-036	AG & SF-20-E to SF-6 & C
11/3/2008	2008-28	10/6/2008	P08-056	SF-6 to C
11/3/2008	2008-29	10/6/2008	P08-060	SF-6 to D
4/14/2009	2009-09	4/6/2009	P08-074	AG to SF-20-E
4/14/2009	2009-10	4/6/2009	P09-099	AG to C
6/9/2009	2009-14	6/1/2009	P09-115	AG to C
10/5/2009	2009-22	9/8/2009	P09-128	D to C
10/5/2009	2009-23	9/8/2009	P09-129	D to C
10/5/2009	2009-25	9/8/2009	P09-146	SF-20-E to SF-9
10/5/2009	2009-29	10/5/2009	P09-158	SF-9 to C
11/2/2009	2009-32	11/2/2009	P09-161	SF-6 to OT&MU
1/26/2010	2009-34	1/4/2010	P09-180	SF-6 to D
11/2/2010	2010-08	5/3/2010	P10-208	SF-6 to OT&MU
11/2/2010	2010-10	6/7/2010	P10-226	AG to C
11/2/2010	2010-11	6/7/2010	P10-225	AG to C
11/2/2010	2010-23	11/1/2010	P10-273	O to SF-20-E
5/22/2012	2011-02	4/4/2011	P11-302	AG to C
5/22/2012	2011-11	7/26/2011	P11-333	SF-20-E to LI
5/22/2012	2011-21	10/3/2011	P11-347	AG to C
5/22/2012	2011-22	10/3/2011	P11-348	SF-6/C to LI
5/22/2012	2011-25	11/24/2011	P11-354	SF-20-E to Ag
5/22/2012	2011-27	12/5/2011	P11-360	C/OT&MU to C
5/22/2012	2011-28	12/5/2011	P11-362	C to OT&MU
5/22/2012	2011-32	1/3/2011	P11-375	AG to LI
5/22/2012	2012-05	5/7/2012	P12-421	AG to LI
7/24/2012	2012-09	6/4/2012	P12-427	D to C
7/24/2012	2012-10	6/4/2012	P12-428	D to C
7/24/2012	2012-11	6/4/2012	P12-429	D to C
10/9/2012	2012-26	9/4/2012	P12-457	D to O
10/9/2012	2012-33	10/1/2012	P12-459	SF-20-E to AG
10/9/2012	2012-34	10/1/2012	P12-468	AG to LI
10/9/2012	2012-35	10/1/2012	P12-469	AG, SF-20-E, and LI to LI
1/8/2013	2012-54	1/7/2013	P12-514	AG to LI
4/22/2013	2013-03	4/1/2013	P13-066	SF-6 to OT&MU
12/16/2013	2013-22	12/2/2013	P13-158	PD-1 to O
2/18/2014	2013-26	1/6/2014	P13-182	AG to LI
8/18/2014	2014-18	8/4/2014	P14-109	C & OT&MU to C
9/3/2014	2014-21	8/18/2014	P14-102	AG to SF-9
10/20/2014	2014-34	10/6/2014	P14-154	D to C
12/16/2014	2014-40	12/1/2014	P14-217	AG to SF-9
12/16/2014	2014-41	12/1/2014	P14-218	PD-1 to SF-20-E
1/21/2015	2014-44	1/5/2015	P14-232	MF to C
3/16/2015	2015-03	3/2/2015	P14-262	SF-6 to C
4/20/2015	2015-05	4/4/2015	P14-254	AG to LI
4/20/2015	2015-06	4/4/2015	P15-009	GR to C
11/30/2015	2015-21	11/16/2015	P15-107	AG to LI
11/30/2015	2015-22	11/16/2015	P15-108	AG to C
8/2/2016	2016-05	5/2/2016	P16-0020	AG to C
8/2/2016	2016-06	6/6/2016	P16-0048	AG to O
8/19/2016	2016-13	8/15/2016	P16-0083	SF-6 to OT&MU
8/19/2016	2016-15	8/1/2016	P16-0080	AG to C
11/21/2016	2016-27	11/7/2016	P16-0140	AG to C
1/9/2017	2016-30	12/19/2016	P16-0156	SF-20-E to C
1/26/2017	2016-31	1/3/2017	P16-0162	AG to C
4/17/2017	2017-06	4/3/2017	P17-0007	SF-6 to O
8/21/2017	2017-22	8/7/2017	P17-0069	SF9 to SF-6
8/21/2017	2017-21	8/7/2017	P17-0070	SF-20-E to SF-6
9/22/2017	2017-28	9/5/2017	P17-0083	AG to C
8/20/2017	2017-36	8/6/2018	P17-0115	AG to SF-20-E
11/21/2017	2017-38	11/6/2017	P17-0117	AG to C
1/17/2018	2018-02	1/2/2018	P17-0131	AG to C
2/19/2018	2018-03R	2/5/2018	P17-0137	AG to GR
3/19/2018	2018-09	3/5/2018	P18-004	SF-6 to OT&MU
3/19/2018	2018-10	3/5/2018	P18-008	SF-6 to OT&MU
6/7/2018	2018-18	5/21/2018	P18-035	Outside City Limits to C
7/5/2018	2018-19	6/4/2018	P18-055	SF-6 to OT&MU
8/22/2018	2018-22	8/6/2018	P18-079	AG to C
9/4/2018	2018-20	8/20/2018	P18-072	AG to SF-6
9/18/2018	2018-22	9/4/2018	P18-089	AG & GR to SF-6
9/18/2018	2018-23	9/4/2018	P18-120	SF-9 to PD-11
10/17/2018	2018-24	9/4/2018	P18-122	Outside City Limits to C
12/19/2018	2018-37	12/3/2018	P18-161	AG to LI
12/19/2018	2018-38	12/3/2018	P18-166	PD-2 to O
1/31/2019	2018-43	1/7/2019	P18-168	SF-6 to OT&MU
6/3/2019	2019-10	5/20/2019	P19-039	AG to C
6/17/2019	2019-11	6/3/2019	P19-053	AG to C
9/23/2019	2019-16	9/3/2019	P19-090	SF-9 to SF-6
11/27/2019	2019-27	11/4/2019	P19-120	LI to C
1/22/2020	2019-36	1/6/2020	P19-157	SF-6 to OT&MU
1/22/2020	2019-34	1/6/2020	P19-155	SF-20-E and AG to GR
8/20/2020	2020-09	8/3/2020	P20-069	SF-6 to O
8/20/2020	2020-20	8/3/2020	P20-099	SF-20-E to C
1/19/2021	2020-35	1/4/2021	P20-321	SF-20-E to LI
1/19/2021	2020-36	1/4/2021	P20-332	AG to SF-6
5/3/2021	2021-02	2/1/2021	P20-419	Outside City Limits to GR
5/3/2021	2021-10	4/5/2021	P20-420	AG to C
5/3/2021	2021-04	4/5/2021	P20-436	Outside City Limits to C
5/3/2021	2021-09	4/5/2021	P20-442	SF-20-E to C
8/25/2021	2021-24	8/2/2021	P21-252	SF-20-E to LI
8/25/2021	2021-26	8/2/2021	P21-266	AG to GR



- Notes:
1. Basis of bearings: North line of subject property.
 2. Easements and building lines as shown are per the recorded plat.
 3. Survey performed without the benefit of a title report and may be subject to easements and/or restrictions not shown.

— X — X — WIRE FENCE
 ⊕ — POWER POLE



This property lies within ZONE X as SCALED from FEMA Map Panel Number 48201C0230L dated June 18, 2007.

THIS MEANS THAT THE SUBJECT PROPERTY SCALES OUTSIDE THE 100 YEAR FLOOD PLAIN.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.

Being a 4.940 acre tract situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a portion of Lot 48 of Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said portion of Lot 48 being recorded in Clerk's File Number 2022-215079 of the Real Property Records of Harris County, Texas.

Date	July 29, 2022	C# No.	N/A
Job No.	22-42303	Scale	1" = 100' (Actual)
Address	Rudolph Road	Drawn By	DY
City, State	Tomball, Texas	Rec'd	0

C & C Surveying, Inc.
 Firm Number 10009400
 33300 Egypt Lane, Suite F200 Magnolia, Texas 77354
 Office: 281-356-5172
survey@ccsurveying.com / www.ccsurveying.com



Certified To: Chris & Tiana Campbell
 Client: Chris & Tiana Campbell

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CITY/STATE IN CONFORMANCE WITH STANDARD LAND SURVEY, AND THAT THERE ARE NO ENCROACHMENTS SHOWN.

Steven L. Crews RPLS #4141