

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: December 11, 2023
City Council Public Hearing Date: December 18, 2023

Rezoning Case: Z23-19
Property Owner(s): William G. Hightower
Applicant(s): William G. Hightower
Legal Description: Lot 1, Block 1 of Elim
Location: 300 block (north side) of Mechanic St. (Exhibit "A")
Area: 0.24 acres
Comp Plan Designation: Old Town (Exhibit "B")
Present Zoning: Single-Family Residential -6 (Exhibit "C")
Request: Rezone from the Single-Family Residential – 6 (SF-6) to the Old Town & Mixed Use (OT&MU) district

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use (OT&MU)/ Vacant
South: Single-Family Residential – 6 (SF-6)/ Single Family residence(s)
West: Single-Family Residential – 6 (SF-6) / Single-family residence
East: Single-Family Residential – 6 (SF-6) / Vacant

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. There is an accessory storage building which appears to have been placed on the subject property in 2020. Aside from this accessory building, the lot is currently vacant. According to the information provided by the applicants this request to rezone the subject property to Old Town & Mixed Use is to allow the use of the property for a small commercial business.

ANALYSIS

Description: The subject property comprises about 0.24 acres, located in the 300 block (north side) of Mechanic Street. This parcel of land is within the Single Family Residential – 6 (SF-6) 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 vacant land within Old Town & Mixed Use (OT&MU). Properties to the east, west, and south are within the Single Family Residential – 6 (SF-6) zoning districts. The properties west and south of the subject property are occupied by single family residences, while the property to the east is vacant.

Comprehensive Plan Recommendation: The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed-Use District “is a mixture of retail, commercial and other non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. Additionally, Old Town & Mixed-Use zoning “is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”.

Staff Review Comments:

The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject property as being within the “Old Town” Future Land Use Category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. This is particularly true regarding growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. Additionally, this zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the city grows.

The existing land uses within the immediate vicinity are comprised of a mixture of commercial and residential land uses. The request to rezone the subject property to Old Town & Mixed Use will continue to support the comprehensive plan’s objective of encouraging developments with this mixture of land uses within Old Town Tomball. The commercial uses which may be promoted by the rezoning of this property will not appear out of character with the surrounding area as there are existing commercial uses within the immediate vicinity to include properties along S. Chestnut Street, approximately 200-feet east of the subject property within Old Town & Mixed Use (OT&MU) zoning and the existing Live Oak Business Park, approximately 100-feet west of the subject property within Light Industrial (LI) zoning.

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 November 29, 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 Z23-19.

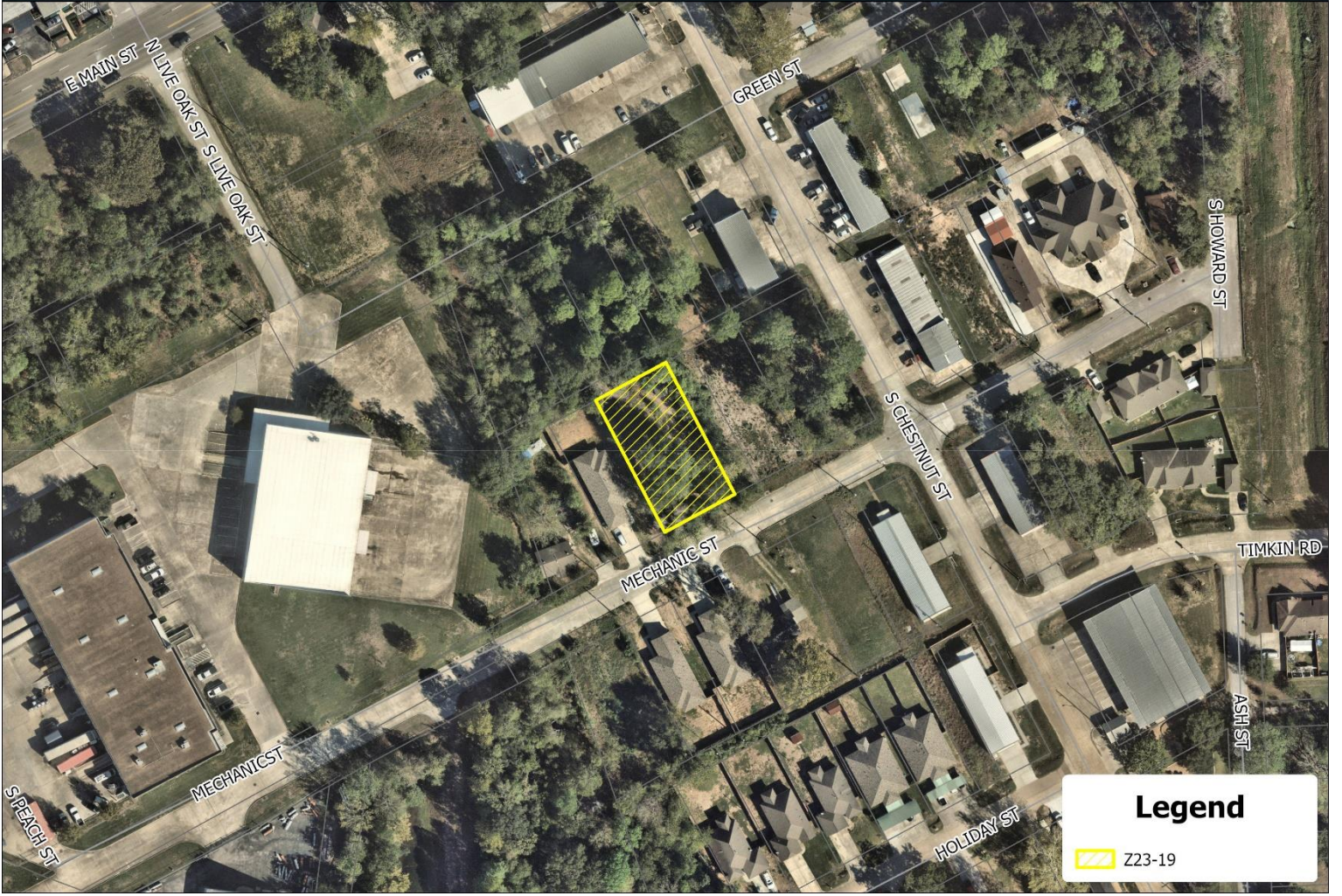
EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location



Legend

 Z23-19

Exhibit "B"
Future Land Use Plan



Future Land Use

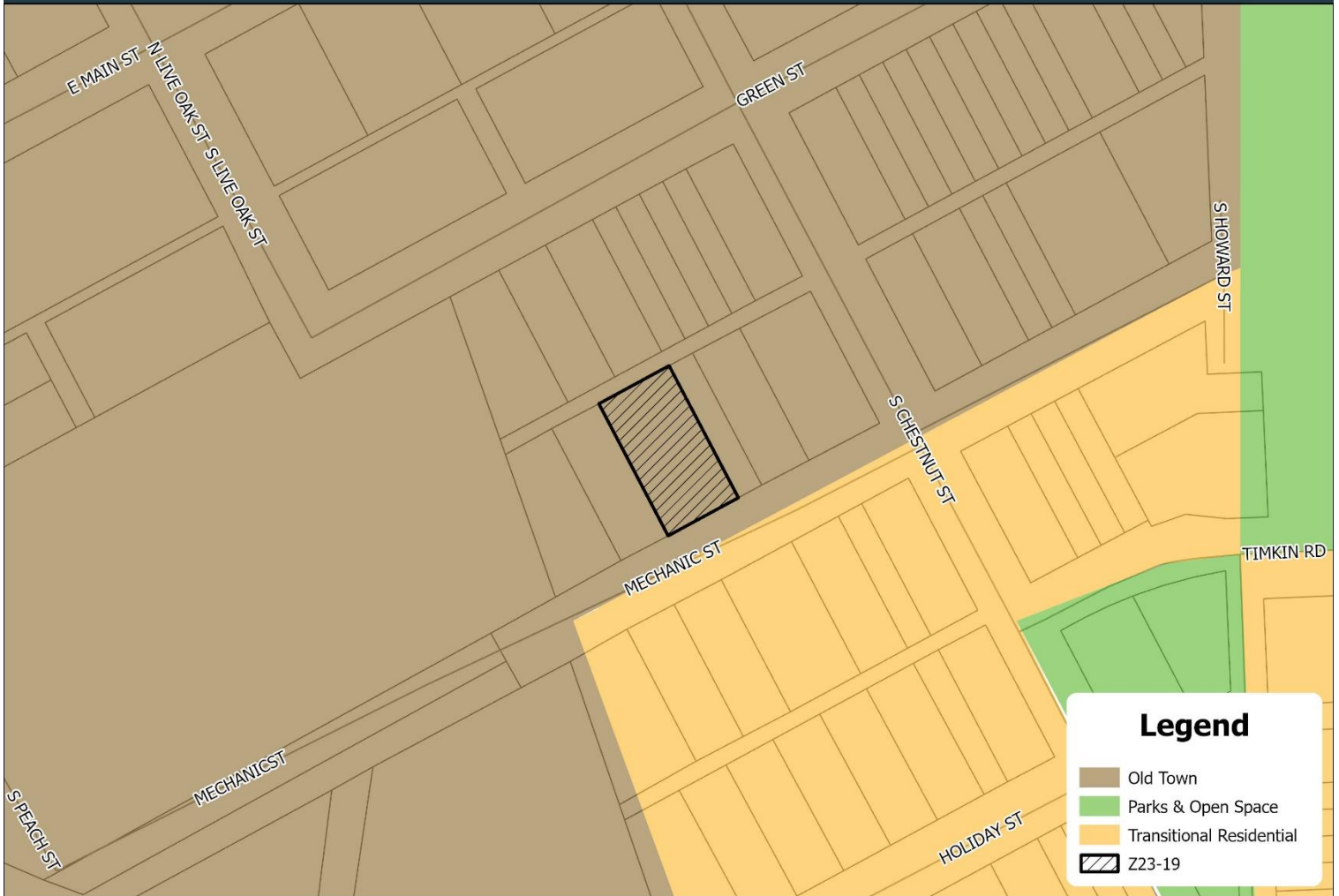
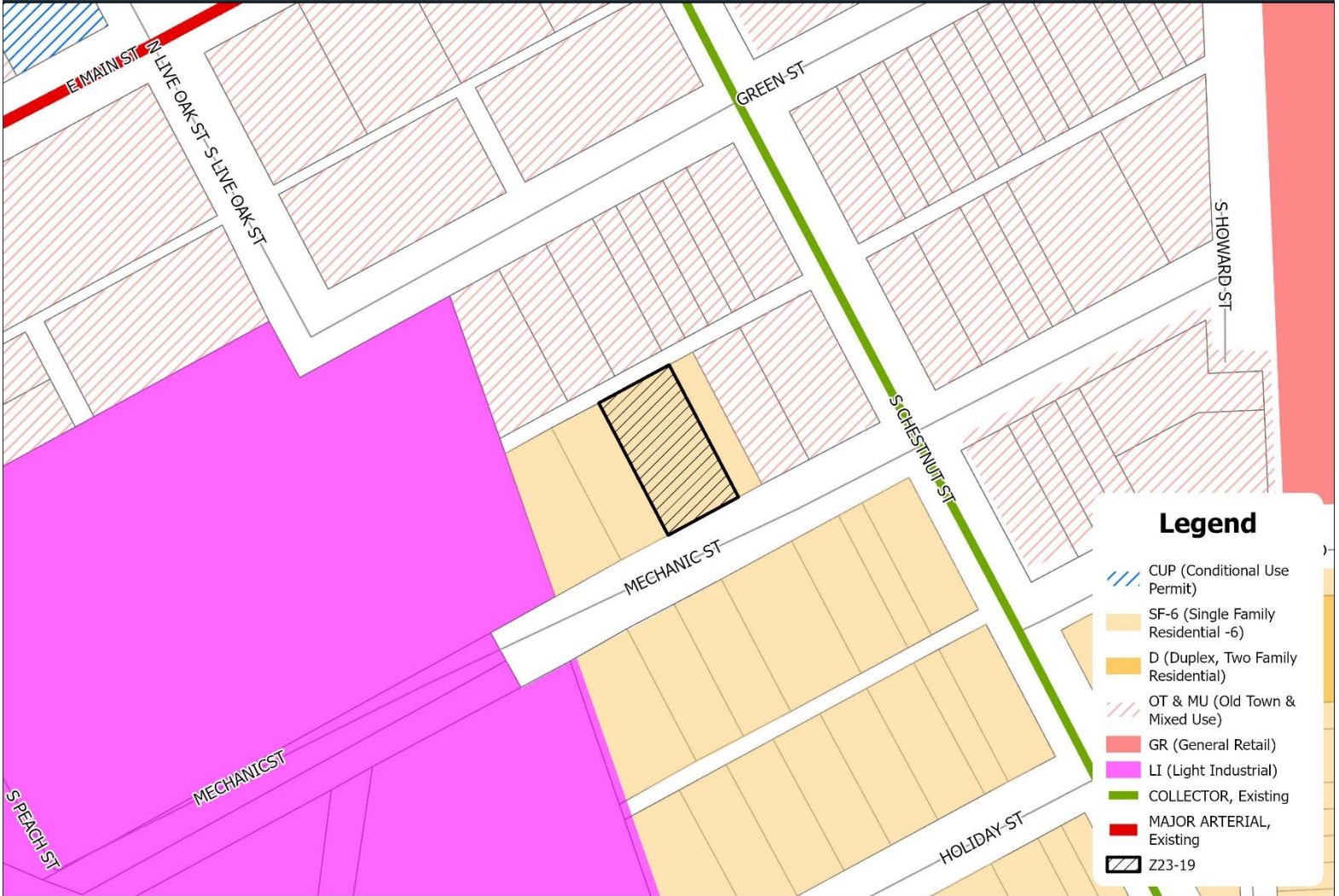


Exhibit "C"
Zoning Map



Zoning



Legend

- CUP (Conditional Use Permit)
- SF-6 (Single Family Residential -6)
- D (Duplex, Two Family Residential)
- OT & MU (Old Town & Mixed Use)
- GR (General Retail)
- LI (Light Industrial)
- COLLECTOR, Existing
- MAJOR ARTERIAL, Existing
- Z23-19

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
USERNAME: tombalcedd
PASSWORD: Tomball1

Applicant

Name: William G. HIGHTOWER Title: OWNER
Mailing Address: 6015 THEALL RD. City: HOUSTON State: TEXAS
Zip: 77066 Contact: BILL HIGHTOWER
Phone: (832) 423-0513 Email: bill@hightowerelectricfd.com

Owner

Name: SAME AS ABOVE Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: SMALL COMMERCIAL BUILDING

Physical Location of Property: 315 MECHANIC RD. @ CHESTNUT
[General Location -- approximate distance to nearest existing street corner]

Legal Description of Property: LOT 1 BLOCK 1 FLIM
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SINGLE FAMILY 6 DISTRICT

Current Use of Property: VACANT
Proposed Zoning District: OLD TOWN MIXED USE
Proposed Use of Property: SMALL COMMERCIAL BUSINESS
HCAD Identification Number: 0352730700020 Acreage: .25

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 [Signature] 10/16/2023
Signature of Applicant Date

X [Signature] 10/16/2023
Signature of Owner Date

*William G. Hightower
6115 Theall Road
Houston, Texas 77066*

October 16, 2023

City of Tomball
Planning & Zoning Commission
501 James Street
Tomball, TX 77375

Reference: 315 Mechanic Street

I would like to request a zoning change for 315 Mechanic Street from SF-6 - Single Family 6 District to OT & MU – Old Town & Mixed-Use District. I am requesting this change to allow for construction of a small commercial building for future use.

Thank you for your consideration.

Sincerely,



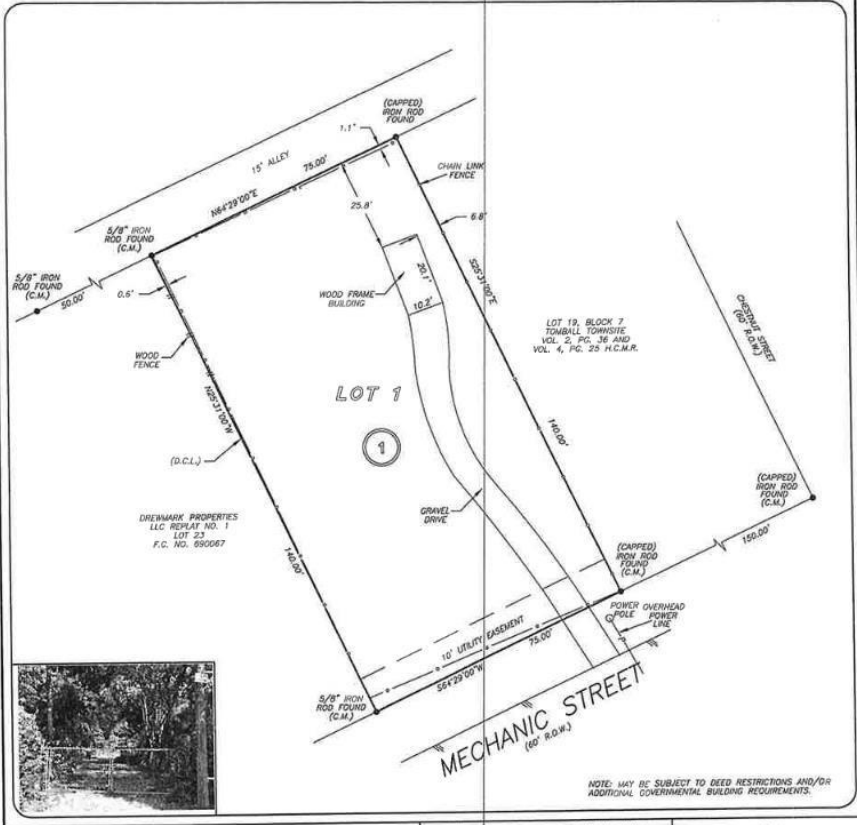
William G. Hightower

GF NO. 23004868 OLD REPUBLIC TITLE
 ADDRESS: 315 MECHANIC ROAD
 TOMBALL, TEXAS 77375
 BORROWER: WILLIAM G. HIGHTOWER

HCCAS # 0352730700030

**LOT 1, BLOCK 1
 ELIM**

A SUBDIVISION IN HARRIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN FILM CODE NO. 702609 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS



NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR
 ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.

THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48001 C 0225 L
 MAP REVISION: 05/18/07
 ZONE X
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.
 INCONGRUITIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY

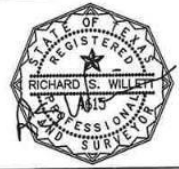
A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: FILM CODE NO. 702609, H.C.M.R.

DRAWN BY: VT/MM

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND, THAT THIS PLAT CORRECTLY
 REPRESENTS THE FACTS FOUND AT THE
 TIME OF SURVEY AND THAT THERE ARE NO
 ENCUMBRANCES APPARENT ON THE GROUND,
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS
 CERTIFIED FOR THIS TRANSACTION ONLY AND
 ABSTRACTING PROVIDED IN THE ABOVE
 REFERENCES TITLE COMMITMENT WAS RELIED
 UPON IN PREPARATION OF THIS SURVEY.

RICHARD S. WILLET
 PROFESSIONAL LAND SURVEYOR
 NO. 4613
 JOB NO. 23-06674
 AUGUST 24, 2023



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionurveyors.com

201-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FORM NO. 1006.3700