

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 10, 2024

City Council Public Hearing Date: June 17, 2024

Rezoning Case: Z24-09

Property Owner: Tomball Hospital Authority D/B/A Tomball Regional Health Foundation

Applicant: Conley Land Services, LLC

Legal Description: Tracts 12B & 12C of the William Hurd Survey, Abstract 378

Location: 1300 block (north side) of Medical Complex Drive (Exhibit “A”)

Area: 5.552 acres

Comp Plan Designation: Medical District (Exhibit “B”)

Present Zoning: Agricultural (AG) District (Exhibit “C”)

Request: Rezone from the Agricultural (AG) to the General Retail (GR) District

Adjacent Zoning & Land Uses:

North: General Retail (GR) / Hospital, parking lot, undeveloped land

South: Office (O) / Vacant lot

East: Agricultural (AG) / Vacant lot

West: General Retail (GR) / Medical and professional offices

BACKGROUND

The subject property has been within the Agricultural (AG) zoning district since the City of Tomball adopted zoning in 2008. This property is currently vacant with no structures present. The applicants are requesting the rezoning of the subject property to General Retail (GR) to allow for the development of an approximately 9,400 square foot building what will serve as the headquarters of the Tomball Regional Health Foundation. The development plans to have amenities including a walking path, fitness station, sensory garden, and pavilion.

ANALYSIS

The property is designated as “Medical District” by the Comprehensive Plan’s Future Land Use Map. The Medical District category is intended to further capitalize on a unique, regionally serving area of Tomball that emphasizes healthcare and supporting services.

According to the Comprehensive Plan, land uses should consist of 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 Comprehensive Plan identifies the following zoning districts as compatible with the Medical District category: Planned Development (PD), General Retail (GR), Office (O), and Mixed Use (MU).

The Comprehensive Plan identifies the need to promote the development of a self-serving campus as well as the need to provide appropriate transition developments to the surrounding area. Additionally, open space with a pedestrian focus should be a prominent component of this area.

The request to rezone the subject property to General Retail (GR) is in conformance with the Future Land Use Plan's goals and objectives of building upon the acclaimed Medical District in Tomball. The approval of the requested zoning will promote a new development that is consistent with the types of development endorsed by the Comprehensive Plan for this area.

PUBLIC COMMENT

A Notice of Public Hearing was published in the Potpourri and property owners within 300 feet of the property were mailed notification of this proposal on May 16, 2022. 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 Z24-09.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location

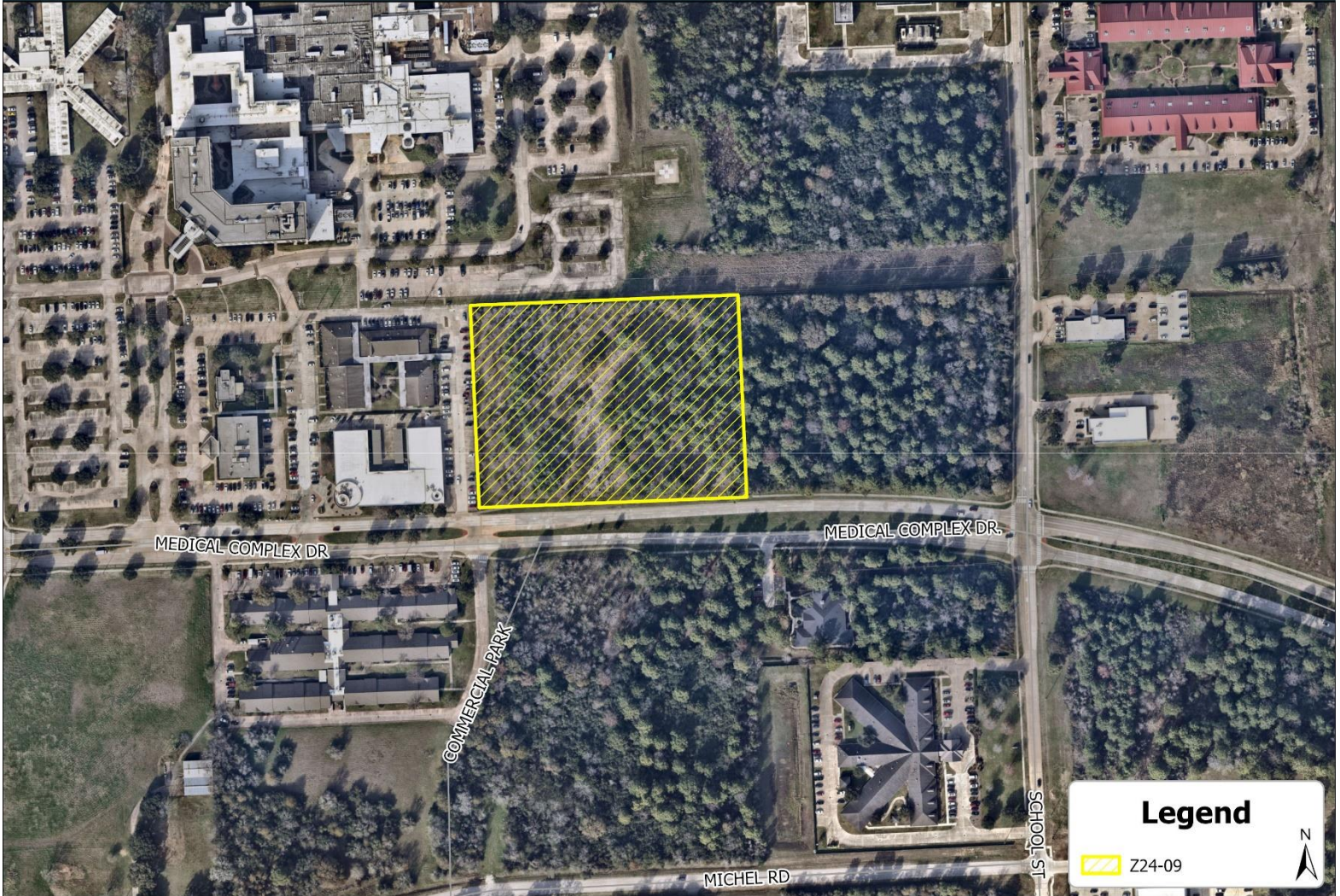


Exhibit "B"
Future Land Use Plan



Future Land Use

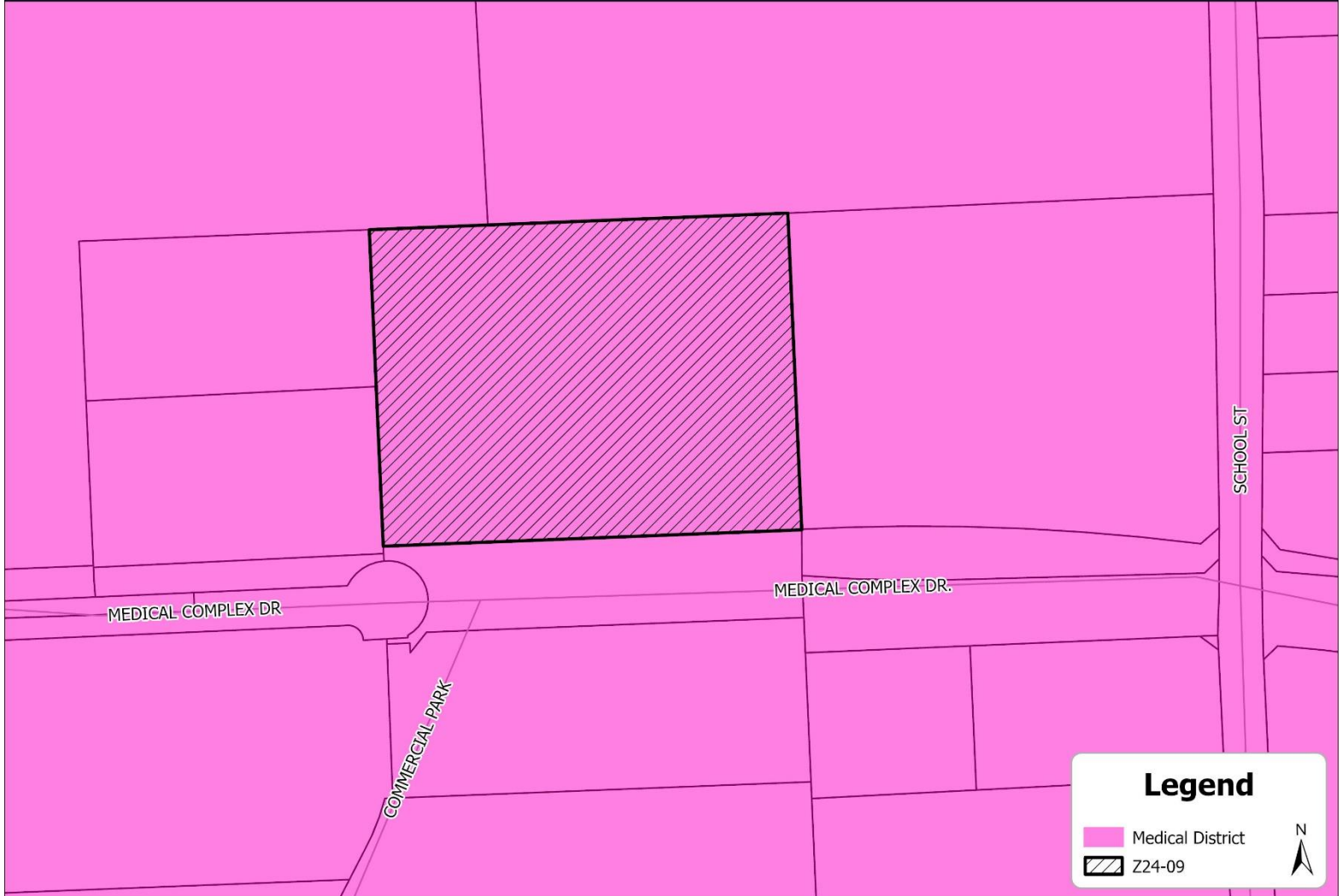
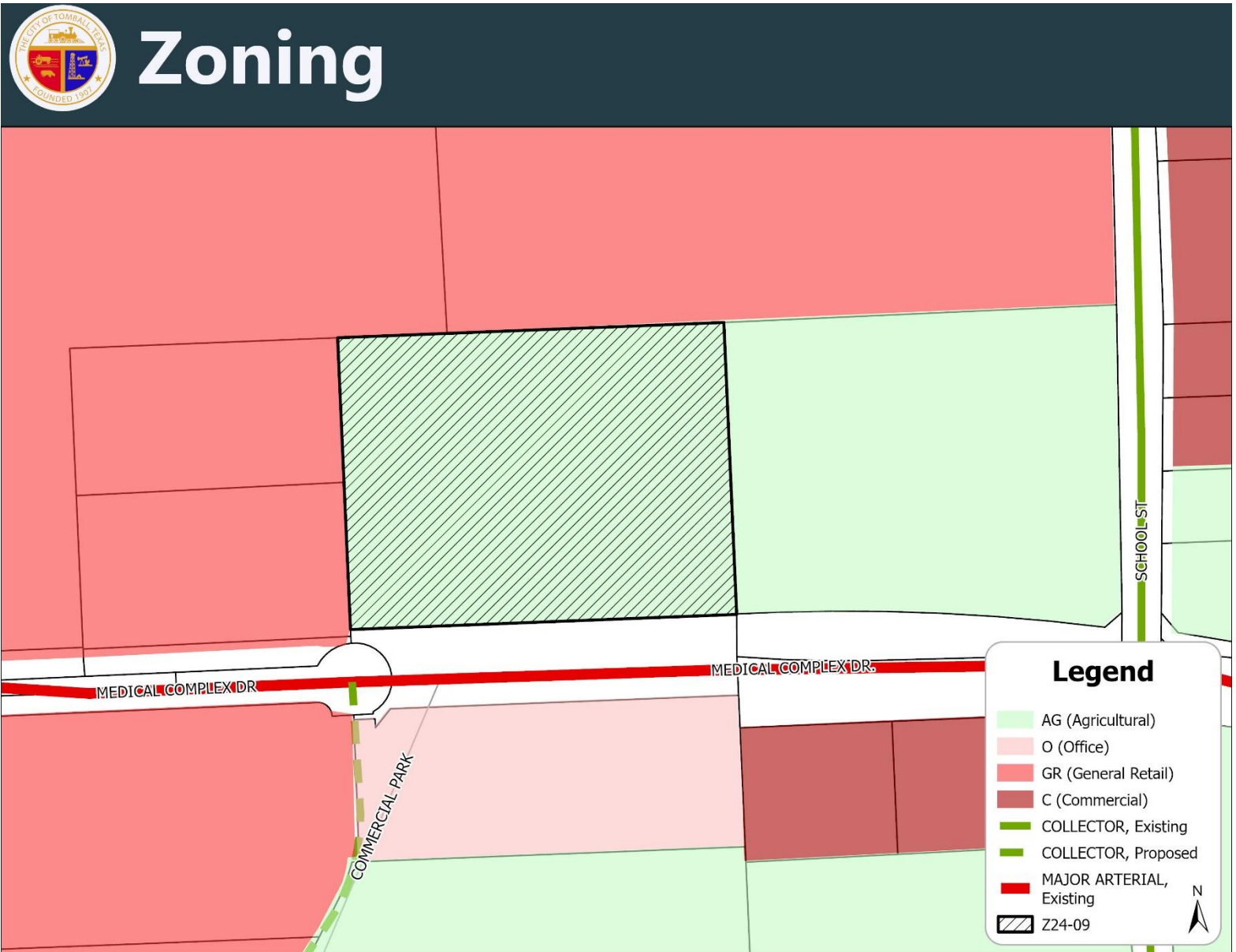


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**

Subject Site



Neighbor (North)



Neighbor (East)



Neighbor (South)



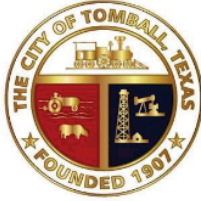
Neighbor (West)



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: [TomballI](#)

Applicant

Name: Conley Land Services, LLC Title: RPLS
Mailing Address: 11003 Buttonwood Creek Trail City: Tomball State: TX
Zip: 77375 Contact: Sean Conley
Phone: (832) 729-4997 Email: sean@conleyland.com

Owner

Tomball Hospital Authority D/B/A
Name: Tomball Regional Health Foundation Title: _____
Mailing Address: 29201 Quinn Road, Ste. A City: Tomball State: TX
Zip: 77375 Contact: Jeffrey Klein
Phone: (832) 559-5511 Email: _____

Engineer/Surveyor (if applicable)

Name: same as applicant Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Headquarters for Tomball Regional Health Foundation

Physical Location of Property: 560 feet west of intersection of Medical Complex Dr. and School St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TRS 12B & 12C of William Hurd Survey, A-378
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Medical District

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Current Use of Property: vacant, not in use

Proposed Zoning District: GR

Proposed Use of Property: Headquarters for Tomball Regional Health Foundation

HCAD Identification Number: 0430440000058 Acreage: 5.552

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 BCQ 4/30/2024
Signature of Applicant Date

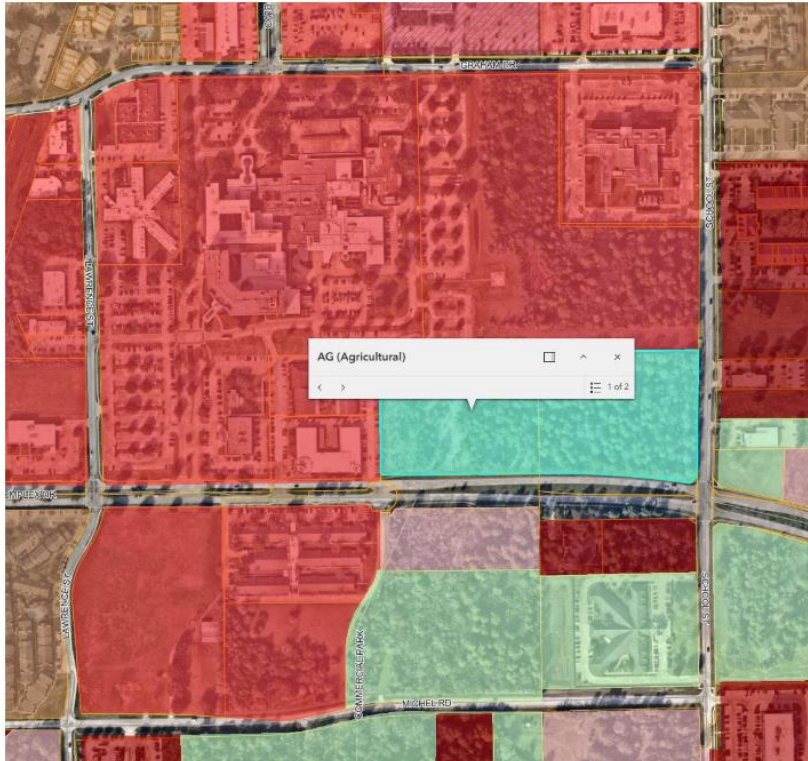
X jk
Signature of Owner Date

Community Development Department
201 James St.
Tomball, TX 77375

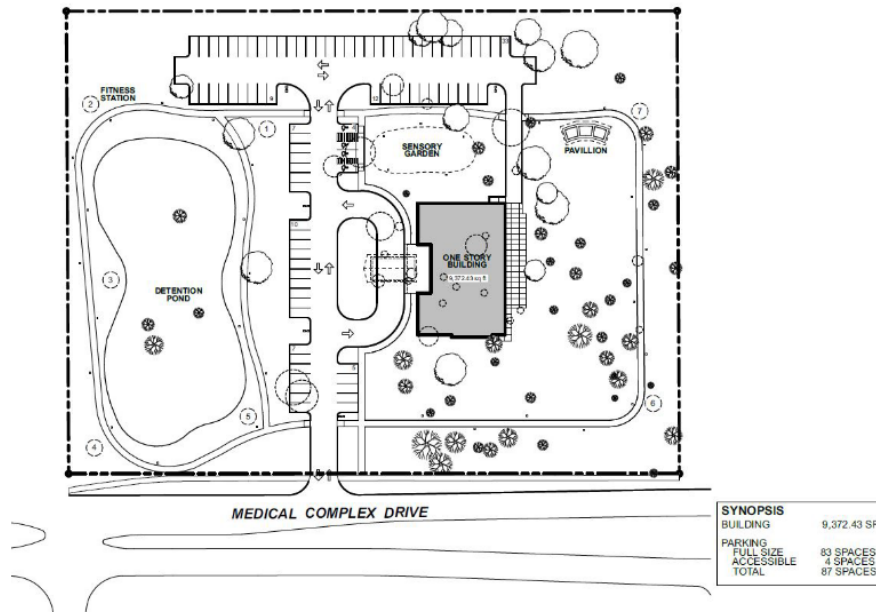
Dear Jared Smith,

We would like to formally request a zoning change for the property located at 0 Medical Complex Drive, Tomball, TX 77375, also identified as TRS 12B & 12C ABST 378 W HURD, HCAD Parcel ID 0430440000058. The parcel is comprised of 5.552 acres of land and is currently zoned as Agriculture. We propose the property to be rezoned as General Retail.

As shown in the existing zoning map below, the site is bounded to the west and north by general retail zoned properties. Said properties contain buildings offering health and wellness services. The current state of the property is undeveloped, covered in grass and trees (mostly pine smaller than 12-inch diameter).



The conceptual plan for the site is to create a one-story building to be utilized as the headquarters for the Tomball Regional Health Foundation (TRHF). Other site features include a detention pond with walking path, fitness station, sensory garden, and pavilion. The development of this site will allow the TRHF to grow and continue its mission "to promote wellness and improve health status for all residents in our communities through programs that enhance access to health care, preventative care and health education." Additionally, the plan for this site will enhance the aesthetic appeal of the surrounding area and community.



Please contact Sean Conley at 832-729-4997 or sean@conleyland.com for any further information. We appreciate your consideration in reviewing this rezoning request and look forward to working with you in our aligned goal of making a positive impact on *our* Tomball Community.

Respectfully,

Sean Conley
Conley Land Services, LLC
On behalf of Tomball Region Health Foundation

**DESCRIPTION OF A 5.552 ACRE TRACT OF LAND
SITUATED IN THE
WILLIAM HURD SURVEY, ABSTRACT 378
CITY OF TOMBALL
HARRIS COUNTY, TEXAS**

Being a 5.552-acre (241,828 square foot) tract of land situated in the situated in the Willaim Hurd Survey, Abstract No. 378, City of Tomball, Harris County, Texas, and being all of a called 5.5516 acre tract of land described in an instrument to Tomball Hospital Authority D/B/A Tomball Regional Health Foundation recorded under Harris County Clerk's File Number RP-2021-280091, said 5.552 acre tract being more fully described by metes and bounds as follows with all bearings being based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 5/8-inch iron rod with cap stamped "PBS&J CONTROL" lying on the south line of Block 3 of TOMBALL REGIONAL HOSPITAL SUBDIVISION, a subdivision per plat recorded under Film Code Number (F.C. NO.) 424128 of the Harris County Map Records (H.C.M.R.), being the northeast corner of TOMBALL DOCTORS PLAZA SECTION ONE, a subdivision per plat recorded under Volume 306, Page 62 of the H.C.M.R., same being the northwest corner of said 5.5516 acre tract and the herein described tract of land;

THENCE, N 87°43'39" E, with the south line of said Block 3, at a distance of 160.34 feet passing the southwest corner of REPLAT OF FINAL PLAT OF TOMBALL REGIONAL HOSPITAL, a subdivision per plat recorded under F. C. No. 571106 of the H.C.M.R., continuing with the south line of said REPLAT OF FINAL PLAT OF TOMBALL REGIONAL HOSPITAL for a total distance of 565.64 feet to a 5/8-inch iron rod found for the northwest corner of a called 7.799 acre tract of land described in an instrument to North Houston – TRMC, LLC recorded under H.C.C.F. No. RP-2017-295676, same being the northeast corner of said 5.5516 acre tract and the herein described tract of land;

THENCE, S 02°31'09" E, a distance of 427.72 feet with the west line of said 7.799 acre tract to a 5/8-inch iron rod found lying on the north right-of-way line of Medical Complex Drive (width varies) for the southwest corner of said 7.799 acre tract, same being the southeast corner of said 5.5516 acre tract and the herein described tract of land;

THENCE, S 87°45'07" W, a distance of 565.47 feet with the north right-of-way line of said Medical Complex Drive to a scribed "X" in concrete found for the southeast corner of Lot 1 of TEXAS PROFESSIONAL BUILDING SUBDIVISION, a subdivision per plat recorded under F.C. No. 582074 of the H.C.M.R., same being the southwest corner of said 5.5516 acre tract and the herein described tract;

THENCE, N 02°32'30" W, with the east line of said Lot 1, at a distance of 215.64 passing the northeast corner of said Lot 1, continuing with the east line of said TOMBALL DOCTORS PLAZA SECTION ONE for a total distance of 427.48 feet to the **POINT OF BEGINNING** and containing 5.552 acres or 241,828 square feet of land.

 04/30/2024
Sean Conley, RPLS 6739
Conley Land Services, LLC
(832)729-4997
Conleyland.com
TBPELS Firm No. 10194732



GF#21201059858

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Special Warranty Deed

Date: may 18, 2021

Grantor: Tomball 10 Joint Venture, a Texas general partnership

Grantor's Mailing Address:

Tomball 10 Joint Venture
c/o Louis E. Harman, III MD
5930 Royal Ln., Ste. E #322
Dallas, Dallas County, TX 75230

Grantee: Tomball Hospital Authority d/b/a Tomball Regional Health Foundation

Grantee's Mailing Address:

Tomball Regional Health Foundation
29201 Quinn Rd., Ste. A
Tomball, Harris County, TX 77375

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

All that certain tract or parcel containing 5.5516 acres of land out of that certain call 9.872 acre tract of land situated in the William Hurd Survey, A-378 in Harris County, Texas, said 9.872 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. H784607, said 5.5516 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with PBS&J cap (found) in the South line of Unrestricted Reserve "A" in Block 3 of Tomball Regional Hospital Subdivision Final Plat, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 428128 of the Harris County Map Records marking the Northeast corner of the remainder of Unrestricted Reserve "A" in Block 1 of Tomball Doctor's Plaza, Section 1, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record in Volume 306, Page 62 of said Harris County Map Records, the Northwest corner of said 9.872 acre tract of land and the Northwest corner of the herein described 5.5516 acre tract

STEWART TITLE

RP-2021-280091

of land;

THENCE N 87°43'42" E, a distance of 565.64 feet, (call S 89°52'02" E, 565.61 feet), along the common line of said Unrestricted Reserve "A" in Block 3 and said 9.872 acre tract of land to a 5/8" iron rod (found) marking the Northwest corner of the remainder of that certain call 7.799 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. V540401, the Northeast corner of said 9.872 acre tract of land and the Northeast corner of the herein described 5.5516 acre tract of land;

THENCE S 02°31'06" E, (call S 00°08'26" E), a distance of 427.72 feet along the common line of said 7.799 acre and said 9.872 acre tracts of land to a 5/8" iron rod (found) in the North right-of-way line of Medical Complex Drive, (variable width), marking the Southwest corner of the remainder of said 7.799 acre tract of land, the Northeast corner of that certain 1.4454 acre tract of land known as Parcel 2 to the City of Tomball as described in a deed filed for record under Harris County Clerk's File No. 20120351956 and the Southeast corner of the herein described 5.5516 acre tract of land;

THENCE S 87°45'10" W, a distance of 565.47 feet along the North right-of-way line of said Medical Complex Drive, the North line of said Parcel 2 and the South line of said 5.5516 acre tract of land to an "x" in concrete (found) in the East line of Lot 1 in Block 1 of Texas Professional Building Subdivision Final, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 582074 of said Harris County Map Records and the West line of said 9.872 acre tract of land marking the Northwest corner of said Parcel 2 and the Southwest corner of the herein described 5.5516 acre tract of land, from this point an "x" in concrete (found) bears N 76°05'03" E, 0.37 feet;

THENCE N 02°32'27" W, (call N 00°08'26" W), along the common line of said 9.872 acre tract of land and said Lot 1 in Block 1, passing at call 215.64 feet the Northeast corner of said Lot 1 in Block 1 and the Southeast corner of the remainder of said Unrestricted Reserve "A" in Block 1, a total distance of 427.48 feet to the POINT OF BEGINNING and containing 5.5516 acres of land, more or less.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the restrictions, encumbrances, easements and conditions listed in Exhibit "A" attached to this deed and incorporated herein by reference, to the extent, but only to the extent, that such title exceptions are presently valid and existing and affect the hereinabove described property. Taxes for 2021 have been prorated as of the date hereof; payment of 2021 taxes, if any, attributable to the period January 1 through the date hereof shall be payable by Grantee.

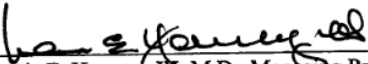
Grantor, for the Consideration and subject to the Reservations from Conveyance

and the Exceptions to Conveyance and Warranty, **GRANTS, SELLS and CONVEYS** to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to **WARRANT AND FOREVER DEFEND** all and singular the property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the reservations from conveyance and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

SELLER:

TOMBALL 10 JOINT VENTURE

By: 
Louis E. Harman, III, M.D., Managing Partner

STATE OF TEXAS

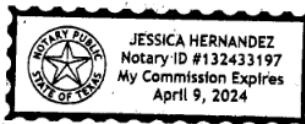
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COUNTY OF ~~HARRIS~~

§

Dallas

This instrument was acknowledged before me on May 18, 2021, by Louis E. Harman, III, M.D., as Managing Partner of Tomball 10 Joint Venture, a Texas general partnership, on behalf said joint venture.




NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE OFFICE OF:

Anthony T. Sortino, Attorney
500 W. Main Street

RP-2021-280091