

## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 9, 2022

City Council Public Hearing Date: May 16, 2022

<b>Rezoning Case:</b>	P22-106
<b>Property Owner(s):</b>	Harold & Sandra Keys, Mirekeys Corporation, Ernest Grandinetti, and Jeff & Jessica McClung
<b>Applicant(s):</b>	Harold & Sandra Keys, Cindy Keys Corporation, Ernest Grandinetti, and Jeff & Jessica McClung
<b>Legal Description:</b>	Lots 21, 22, 23, and 24, Block 32 in Revised Map of Tomball, and Lots 25 & 27 in Grandinetti Tract
<b>Location:</b>	500 block (north side) of James Street between S. Pine Street and S. Magnolia Street at 504, 516, 522, and 526 James St. (Exhibit "A")
<b>Area:</b>	0.64 acres
<b>Comp Plan Designation:</b>	Old Town (Exhibit "B")
<b>Present Zoning:</b>	Single-Family 6 District (Exhibit "C")
<b>Request:</b>	Rezone from the Single-Family 6 District to the Old Town & Mixed-Use District
<b>Adjacent Zoning &amp; Land Uses:</b>	
<b>North:</b>	Single-Family 6 District / Single-family residence(s)
<b>South:</b>	Single-Family 6 District / Municipal Facility
<b>West:</b>	Single-Family 6 District / Single-family residence
<b>East:</b>	Single-Family 6 District / Vacant Lot / Single-family residence

### **BACKGROUND**

The subject properties have been located within the City Limits of Tomball since the City's establishment in 1907. There are presently three (3) structures that exist on the subject properties. According to Harris County Appraisal District, the first is a single-family dwelling located at 516 James Street (Lots 23 & 24) that has existed since at least 1930. The second is also a dwelling, located at 504 James Street (Lots 21 & 22) that has existed since at least 1940. The most recent structure received building permit approval in 2019, recently finalized construction, and is now seeking approval for this zone change to allow the opportunity for commercial occupancy within this structure.

## **ANALYSIS**

**Description:** The subject properties comprise approximately 0.64 acres, located in the 500 block on the north side of James Street. Immediately north, east, and west of the subject properties are existing single-family residences located within Single Family Residential (SF-6) zoning. South of the subject properties are municipal buildings that currently house a variety of departmental offices for the City of Tomball, these buildings also fall within a Single Family Residential (SF-6) district. The existing Single Family Residential (SF-6) districts that the subject properties and surrounding properties fall within have been in existence since the City of Tomball adopted zoning in 2008. It is worth noting additional nearby land uses. Approximately 200-300 feet southwest of the subject properties on the south side of James Street are existing residential multi-family apartment buildings as well as an office complex. East and southeast of the subject properties, approximately 150-200 feet is an existing assisted living facility. As previously mentioned, two of the existing structures were constructed in 1930 and 1940. The most recently constructed structure received building permit approval in 2019 and has finalized construction this year. The current owners of this new structure located at 522 James Street are seeking approval of the requested zone change to allow the occupancy of this new building by commercial uses.

**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.

Additionally, the Comprehensive Plan states – “The following considerations should be used as guidance for regulatory modifications or as part of decision-making: New development should encourage building to the street at a pedestrian scale, with no parking between the front building façade and the street. Pedestrian enhancements such as wide sidewalks, pedestrian furnishings, and street trees should be emphasized.”

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, this area “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:**

Conformance to the Comprehensive Plan: The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject properties as being within the “Old Town” land use category. Rezoning the properties as requested would achieve the goals and objectives outlined in the Comprehensive Plan. Particularly in regards to growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. 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. Given the proximity to existing municipal facilities/offices, multi-family development(s), and office complex; this requested zone change will further encourage the mixture of land uses within the immediate area and will not be contrary to the Comprehensive Plan or the Future Land Use Plan. Furthermore, the character of development that will be promoted by Old Town & Mixed Use zoning are intended to be compatible with nearby single-family residential land uses.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on April 25, 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 P22-106.

### **EXHIBITS**

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

Exhibit "A"  
Aerial Photo





Exhibit "B"  
Comprehensive Plan

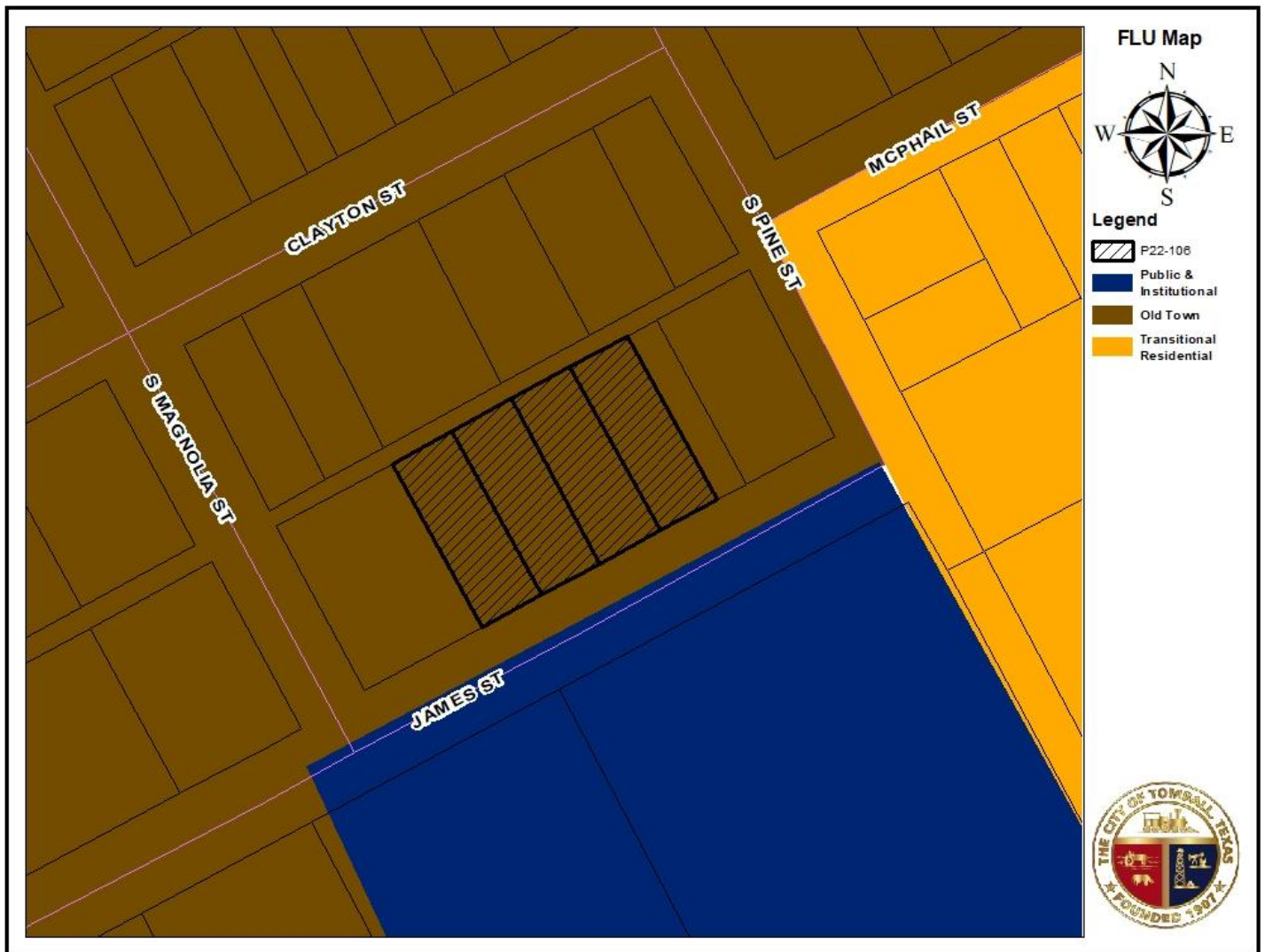


Exhibit "C"  
Zoning Map



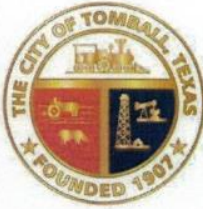


**Exhibit “D”  
Site Photo(s)**





**Exhibit "E"**  
**Rezoning Application**



RECEIVED (KC)  
11/01/2021

Revised: 4/13/2020  
P&Z #21-469  
\$400.00

**APPLICATION FOR RE-ZONING**

Community Development Department  
Planning Division

**APPLICATION SUBMITTAL:** 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.

**Applicant**

Name: HAROLD E SANDRA KEYS Title: OWNERS  
Mailing Address: 477 SHENWOOD FOREST N City: WOODVILLE State: TX  
Zip: 75979 Contact: HAROLD KEYS  
Phone: (713) 582-6035 Email: HLKEYS@HOTMAIL.COM

**Owner**

Name: "SAME AS APPLICANT" 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:** NEW CONSTRUCTION

**Physical Location of Property:** LT 25 - GRANDINETTI TRACT ↗

[General Location - approximate distance to nearest existing street corner]

**Legal Description of Property:** 522 JAMES ST 77375 ↖

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** SF-6

**Current Use of Property:** UNDER CONSTRUCTION

**Proposed Zoning District:** OT & MU (SEC. 50-79)

**Proposed Use of Property:** MIXED USE

**HCAD Identification Number:** 122682XXXX01 **Acreage:** 7,000 SF

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov



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 HAROLD E SANDRA KEYS 10/29/2021  
Signature of Applicant Date

X HAROLD E SANDRA KEYS 10/29/2021  
Signature of Owner Date

**From:** [noreply@tomballtx.gov](mailto:noreply@tomballtx.gov)  
**To:** [Kimberly Chandler](#)  
**Subject:** Receipt #R01288429  
**Date:** Tuesday, November 2, 2021 1:50:25 PM

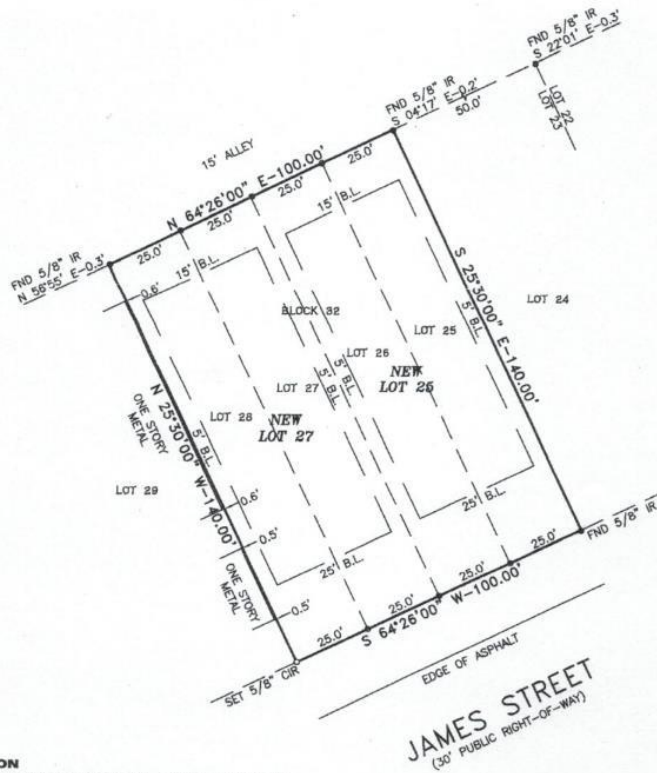
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401 Market Street  
401 Market Street  
Tomball, TX 77375  
(281) 351-5484

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DATE : 11/2/2021 1:40 PM  
OPER : TW  
TKBY : TW  
TERM : 5  
REC# : R01288429  
130.0000 PLANNING AND ZONING  
522 James St 400.00

Paid By:522 James St  
2-CK 400.00 REF:w 21503

WILLIAM HURD SURVEY, A-371  
HARRIS COUNTY, TEXAS



**LEGAL DESCRIPTION**

LOT TWENTY-FIVE (25) AND TWENTY-SEVEN (27), OF THE GRANDINETTI TRACT NOTICE OF BOUNDARY LINE ADJUSTMENT, A PLAT SHOWING THE NEW BOUNDARY LINES OF NEW LOT 25 AND NEW LOT 27, BEING COMPRISED OF LOTS 24, 25, 26 AND 27, BLOCK 32 OF THE REVISED MAP OF TOMBALL, FILED FOR RECORD UNDER FILM CODE NO. 501056, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

**SURVEY NOTES**

1. ONLY VISIBLE EVIDENCE OF UTILITIES AND IMPROVEMENTS ARE SHOWN.
2. BEARINGS AND STREET RIGHT OF WAYS ARE BASED ON RECORDED PLAT.
3. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
4. SURVEYOR DID NOT ABSTRACT THE PROPERTY, EASEMENTS, BUILDING LINES, RESTRICTIONS, ETC., ARE AS DEFINED IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY ALAMO TITLE INSURANCE COMPANY OF NO. ATCH-16-ATCH13034211APK, EFFECTIVE DATE JANUARY 05, 2015.
5. PROPERTY LIES IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48201C0230L, EFFECTIVE DATE 08-18-07. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
6. ONLY THOSE SURVEYS WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL WILL BE CONSIDERED A "VALID COPY" OF THIS SURVEY. SURVEYOR WILL NOT BE RESPONSIBLE FOR ANYTHING OTHER THAN A "VALID COPY" OF THIS SURVEY.

**SURVEYOR'S CERTIFICATION**

I, ROGER D. PICKERING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION OF THE PROPERTY DESCRIBED HEREON (AND/OR BY METES AND BOUNDS ON ATTACHED SHEET), IS CORRECT AND THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, AND THAT ALL IMPROVEMENTS LIE WHOLLY WITHIN THE PROPERTY LINES, EXCEPT AS SHOWN OR NOTED HEREON.



*Roger D. Pickering*  
Roger D. Pickering, R.P.L.S.  
Texas Registration No. 5879

Date

SCALE: 1"=30' DATE: 01-16-15  
REVISION:  
BOOK: N/A  
DRAWN BY: K.L.P.  
APPROVED BY: R.D.P.  
PROJECT NO.: 70008-15

**ALAMO TITLE COMPANY**

PURCHASER: ALFRED LESTER JONES  
LENDER: N/A  
PROPERTY ADDRESS: 816 JAMES STREET  
TOMBALL, TEXAS 77375

**LAND TITLE SURVEY**

SEE ATTACHED LEGAL DESCRIPTION

**PICKERING & ASSOCIATES**

PROFESSIONAL LAND SURVEYORS, LLC  
Firm Registration No. 10165200  
7702 Vin Oak Street  
Montgomery, Texas 77316  
Phone: (936) 447-4703  
Mobile: (281) 804-0785  
rpickering@att.net Copyright 2015





*City of Tomball*  
Community Development Department  
Zoning Affidavit

I, (We), MIREKEYS Corp by, agree to be associated with the Official Zoning amendment as shown with the associated map that has been submitted with this application.

We are requesting to be included with the request to rezone our property to: **OLD TOWN – MIXED USE (OT/MU)** from **SINGLE FAMILY RESIDENTIAL (SF-6)**

Legal Description: Harris County Appraisal District

**LT 27 GRANDINETTI TRACT**  
**526 JAMES ST. TOMBALL, TX 77375**

Property Owners Information:

Names: **MIREKEYS CORP**

Address: **414 N CHESTNUT ST TOMBALL TX 77375-4538**

Phone: 713-979-8078 E-mail: mirekeys@gmail.com

Authorized Agent/Applicant Contact Information:

Names: **MIREKEYS CORP**

Address: **414 N CHESTNUT ST TOMBALL TX 77375-4538**

Phone: \_\_\_\_\_ E-Mail: m

Correspondence to be sent to: Owner \_\_\_\_\_ Authorized Agent/Applicant \_\_\_\_\_ by: Mail \_\_\_\_\_ Email \_\_\_\_\_

Owner Signature: Cynthia Keys Date: 3/27/22  
Owner Signature: MIREKEYS CORP Date: \_\_\_\_\_



*City of Tomball*  
Community Development Department  
Zoning Affidavit

I, (We), Jeff and Jessica McClung, agree to be associated with the Official Zoning amendment as shown with the associated map that has been submitted with this application.

We are requesting to be included with the request to rezone our property to **OLD TOWN - MIXED USE (OT/MU)** from **SINGLE FAMILY RESIDENTIAL (SF-6)**

Legal Description: Harris County Appraisal District

**LTS 21 & 22, BLOCK 32 IN REVISED MAP OF TOMBALL  
504 JAMES ST. TOMBALL TX, 77375**

Property Owners Information:

Name(s): Jeff and Jessica McClung

Address: 504 James St. Tomball TX 77375

Phone: 281-923-4803 E-mail: Jmac8527@hotmail.com

Authorized Agent/Applicant Contact Information:

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Correspondence to be sent to: Owner X Authorized Agent/Applicant \_\_\_\_\_ by: Mail \_\_\_\_\_ Email X

Additional Info: \_\_\_\_\_

Owner Signature: [Signature] Date: 4/27/22

Owner Signature: [Signature] Date: 4/28/22



*City of Tomball*  
Community Development Department  
Zoning Affidavit

I, (We), ERNEST GRANDINETTI, agree to be associated with the Official Zoning amendment as shown with the associated map that has been submitted with this application.

We are requesting to be included with the request to rezone our property to: **OLD TOWN – MIXED USE (OT/MU)** from **SINGLE FAMILY RESIDENTIAL (SF-6)**

Legal Description: Harris County Appraisal District

**LTS 23 & 24 BLK 32**  
**516 JAMES ST. TOMBALL, TX 77375**

Property Owners Information:

Names: **ERNEST GRANDINETTI**  
Address: **606 JAMES ST TOMBALL TX 77375-4626**

Phone: 281 733 6086 E-mail: \_\_\_\_\_

Authorized Agent/Applicant Contact Information:

Names: **ERNEST GRANDINETTI**  
Address: **606 JAMES ST TOMBALL TX 77375-4626**

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Correspondence to be sent to: Owner \_\_\_\_\_ Authorized Agent/Applicant \_\_\_\_\_ by: Mail \_\_\_\_\_ Email \_\_\_\_\_

Owner Signature: Ernest Grandinetti Date: 2/15/22

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_



