

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: June 12, 2023
City Council Public Hearing Date: June 19, 2023

Rezoning Case: Z23-07

Property Owner(s): Tomball 10 Joint Venture (Louis E. Harman, III, MD)

Applicant(s): Khoa Nguyen

Legal Description: Being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 (TR 12C-2 ABST 378 W HURD)

Location: Generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas. (Exhibit "A")

Area: 2.73 acres

Comp Plan Designation: Medical District (Exhibit "B")

Present Zoning: Agricultural (AG) (Exhibit "C")

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

Adjacent Zoning & Land Uses:

North: Medical Complex Drive and Agricultural (AG) / Vacant and Undeveloped

South: Agricultural (AG) / Vacant and Undeveloped

West: General Retail (GR) / Retirement Center

East: Commercial (C) / Assisted Living and Memory Care

BACKGROUND

The subject property is currently vacant and undeveloped. The applicant's request is to rezone the subject property to General Retail (GR) to allow medical and retail uses.

ANALYSIS

Description: The subject property comprises about 2.73 acres, generally located within the 13200-13400 blocks (south side) of Medical Complex Drive. Currently the subject property is zoned AG and has been within this zoning classification since the City of Tomball adopted zoning in 2008.

Immediately north of the subject property is Medical Complex Drive and the area further north, zoned AG, is vacant and undeveloped. South of the subject site, zoned AG, is vacant and undeveloped. An independent and assisted living facility, Tomball Retirement Center is located in the area west of the subject property that is zoned GR. Village Green, an assisted living and memory care is located east of the subject property that is zoned GR. A nursing home called Park Manor is located south-east of the subject property, Predominantly medical and health care uses exist in the general area.

Comprehensive Plan Recommendation:

The subject property is designated as “Medical District” by the Comprehensive Plans Future Land Use Plan (FLUP). This category is intended to provide an emphasis on healthcare and supporting services and further capitalize on a unique, regionally-serving area of the City. The Tomball Regional Medical Center provides a significant physical and economic footprint in the community.

The FLUP designates 2 % of the area of the city (approximately 279 acres) as Medical District. One of the guiding principles of the Comprehensive Plan is to create a Medical District with complimentary land uses. The Comprehensive Plan envisions a variety of uses to create a self-serving campus with active transportation connections to Old Town and Transitional Residential areas for this district. As per the Comprehensive Plan “Open space with a pedestrian focus should be a prominent component of the district”.

The Comprehensive Plan recommends the zoning districts of Planned Development (PD), General Retail (GR), Office (O), and Mixed Use (MU) for this designation.

As per the Comprehensive Plan, appropriate land uses include 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 proposed zoning and uses are in conformance with the Comprehensive Plan recommendation.

Staff Review Comments:

The request to rezone the subject property to General Retail (GR) supports new development which is consistent with the types of development pattern and character associated with the Future Land Use Plans goal and objective of establishing the Medical District land use category. Further, the requested rezoning will promote land use and development goals identified within the Comprehensive Plan, specifically by encouraging economic development through the continued growth and development of the Medical District while promoting a mixture of supportive uses within a walkable environment. Lastly, this property is located at the intersection of a Major Arterial Street (Medical Complex Dr.) and planned Collector Street (Commercial Park/Holderrieth South), intersections such as this are considered appropriate for commercial services as they provide convenient vehicular access and exposure to high volumes of traffic often necessary for commercial businesses to succeed.

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 May 26, 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 Z23-07.

EXHIBITS

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


Exhibit "A"
Aerial Location Map



Location Map



Legend

 Z23-07




Exhibit "B"
Future Land Use Plan



Future Land Use Map

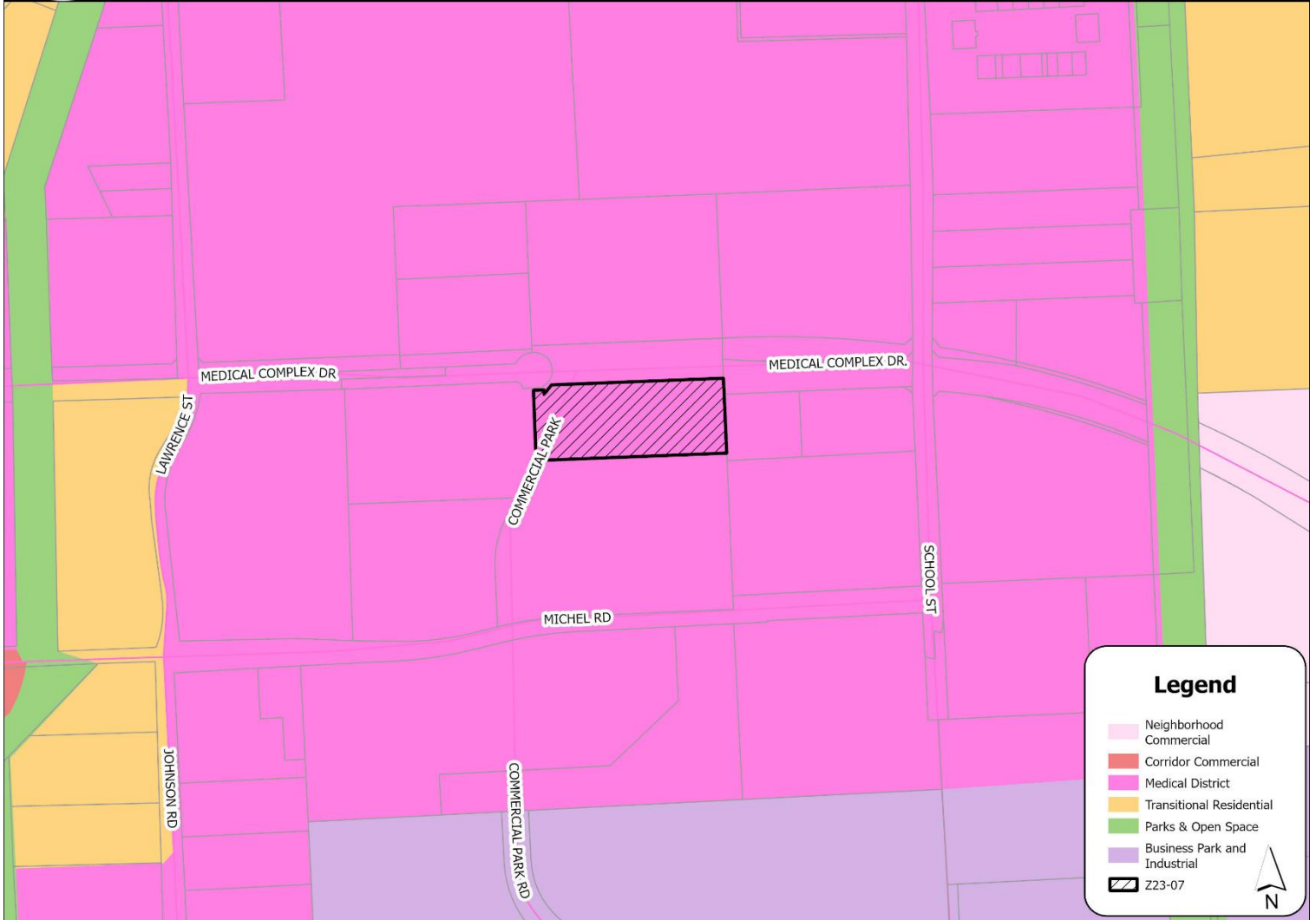
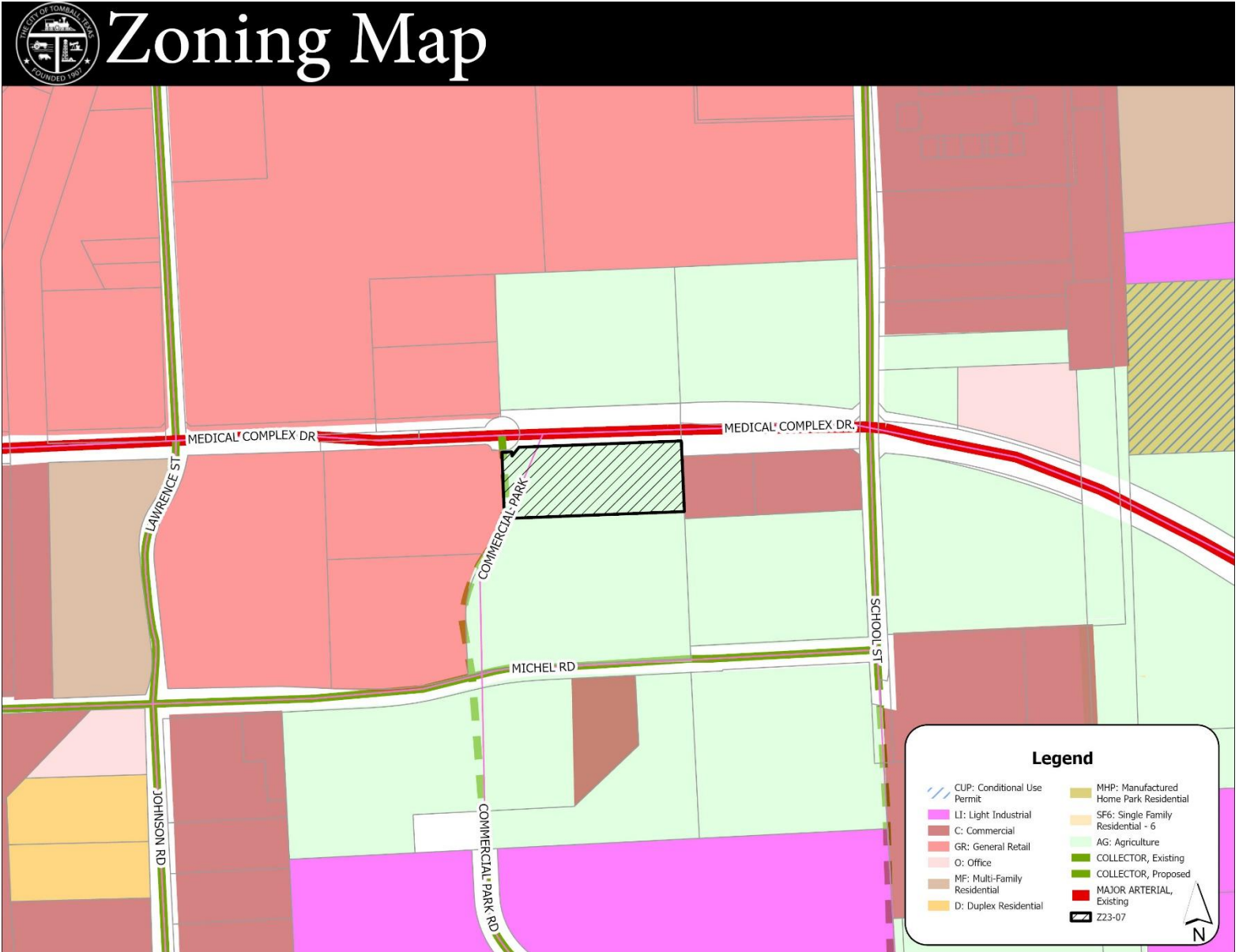


Exhibit "C"
Zoning Map



Legend

CUP: Conditional Use Permit	MHP: Manufactured Home Park Residential
LI: Light Industrial	SF6: Single Family Residential - 6
C: Commercial	AG: Agriculture
GR: General Retail	COLLECTOR, Existing
O: Office	COLLECTOR, Proposed
MF: Multi-Family Residential	MAJOR ARTERIAL, Existing
D: Duplex Residential	Z23-07

N

Exhibit "D"
Site Photo(s)

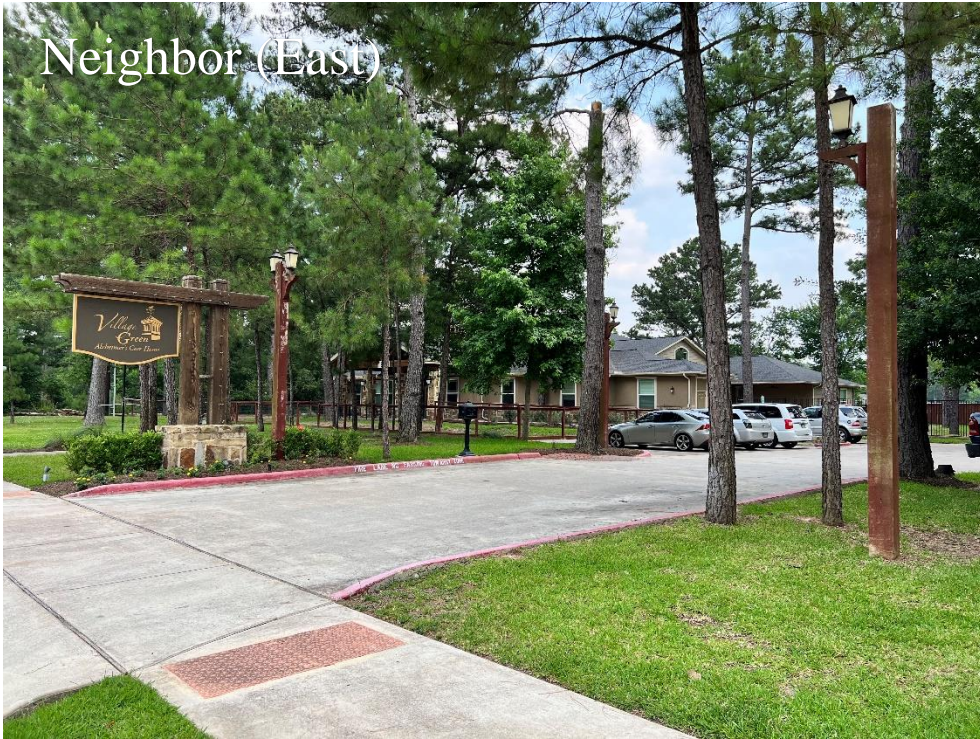
Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E"

Rezoning Application

DocuSign Envelope ID: 9C45569B-035E-4A02-8F1E-87EC9A44CC39

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: Khoa Nguyen Title: _____
Mailing Address: 28527 Tomball Parkway City: Tomball State: TX
Zip: 77375 Contact: _____
Phone: (832) 276-1505 Email: paris.win@gmail.com

Owner

Name: Tomball 10 Joint Venture, Louis E. Harman, III, MD Title: Managing Partner
Mailing Address: 5930 Royal Lane, Ste. E #322 City: Dallas State: Texas
Zip: 75230 Contact: Dr. Louis Harman
Phone: (214) 205-6439 Email: lehmd@sbcglobal.net

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Development of commercial site for medical and retail use.

Physical Location of Property: SEC of Medical Complex Dr and Holderreith S
[General Location-- approximate distance to nearest existing street corner]

Legal Description of Property: TR 12C-2 ABST 378 W Hurd
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural

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

Revised: 10/1/2022

Current Use of Property: Vacant land

Proposed Zoning District: General retail

Proposed Use of Property: Medical and retail

HCAD Identification Number: 0430440000186 Acreage: 2.7320

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.



04/13/2023

Signature of Applicant **Date**

DocuSigned by:
Tomball 10 Joint Venture
 By: Louis E. Harman, III, MD 4/13/2023
FEB08E1A5FF4E5...
Signature of Owner: Louis E, Harman, III, MD, Managing Partner **Date**

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

4/19/2023

Khoa Nguyen
Paris Industries LLC
28527 Tomball Parkway
Tomball, TX 77375

City of Tomball
501 James Street
Tomball, TX 77375

To Whom It May Concern:

This letter is to request the official re-zoning to general retail use. The goal is to put together a concept that meets the requirements of the city. The zoning clarification from agricultural use to general retail will help.

Sincerely,

Khoa Nguyen
[Type the sender title]
Paris Industries LLC

Paris Industries LLC

