

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 8, 2025

City Council Public Hearing Date: September 15, 2025

Rezoning Case: Z25-10

Property Owner(s): Donald and Cheryl Murchison

Applicant(s): Donald and Cheryl Murchison

Legal Description: Approximately 0.3360 acres of land legally described as being a tract of land situated within the J. Pruitt Survey, Abstract No. 629

Location: 1710 S. Cherry Street (Exhibit “A”)

Area: 0.3360 acres

Comp Plan Designation: Mixed Use (Exhibit “B”)

Present Zoning: Single-Family Residential (SF-9) District (Exhibit “C”)

Request: Rezone from the Single-Family Residential (SF-9) to the General Retail (GR) District.

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Office (O) and Conditional Use Permit (CUP)	Real Life Ministries
South	Light Industrial (LI)	Undeveloped land
East	Single-Family Estate Residential (SF-20-E)	Large estate with a single-family residence and agricultural buildings
West	Light Industrial (LI)	Undeveloped land

BACKGROUND

The subject property has been within the City of Tomball’s SF-9 zoning district since the adoption of zoning in February 2008. Only one structure is present on the property, a single-family detached residence that was built in 1977. Recent zoning changes in the area include the property directly to the north, which rezoned from the Light Industrial (LI) and Agricultural (AG) to the Office (O) district in 2023. Also, the same property successfully obtained a Conditional Use Permit for the operation of a *Child day care center (business)* in June of 2025. The property abutting to the west and south of the subject property successfully rezoned from the Agricultural (AG) into the Light Industrial (LI) district in 2011.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as “Mixed Use” by the Comprehensive Plan’s Future Land Use Map. The Mixed Use designation is intended to provide a mix of residential and non-residential uses in order to locate housing closer to jobs and services. New development should be in synergy with the character of adjacent areas.

According to the Comprehensive Plan, land uses should consist of single-family attached homes, patio homes, duplexes, quadplexes, multifamily apartments and condominiums, parks and green spaces, office, retail, entertainment, restaurants, and public facilities. Appropriate secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or event venues, and home professions.

The Comprehensive Plan identifies the following zoning districts as compatible with the Mixed Use designation: Neighborhood Retail (NR), General Retail (GR), Office (O), Duplex (D), Single-Family Residential (SF-6), and Multifamily (MF). The Comprehensive Plan also identifies the need for pedestrian enhancements such as wide sidewalks, pedestrian furnishings, and an emphasis on street trees.

Staff Review Comments: The request to rezone the subject property to General Retail (GR) is in conformance with the Future Land Use Plan. Furthermore, the subject property has frontage on South Cherry Street which is designated as a Minor Arterial on Tomball’s Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that can be expected within the GR district. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Future Land Use Plan for this area.

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 August 22, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Exhibit "B"
Future Land Use Plan

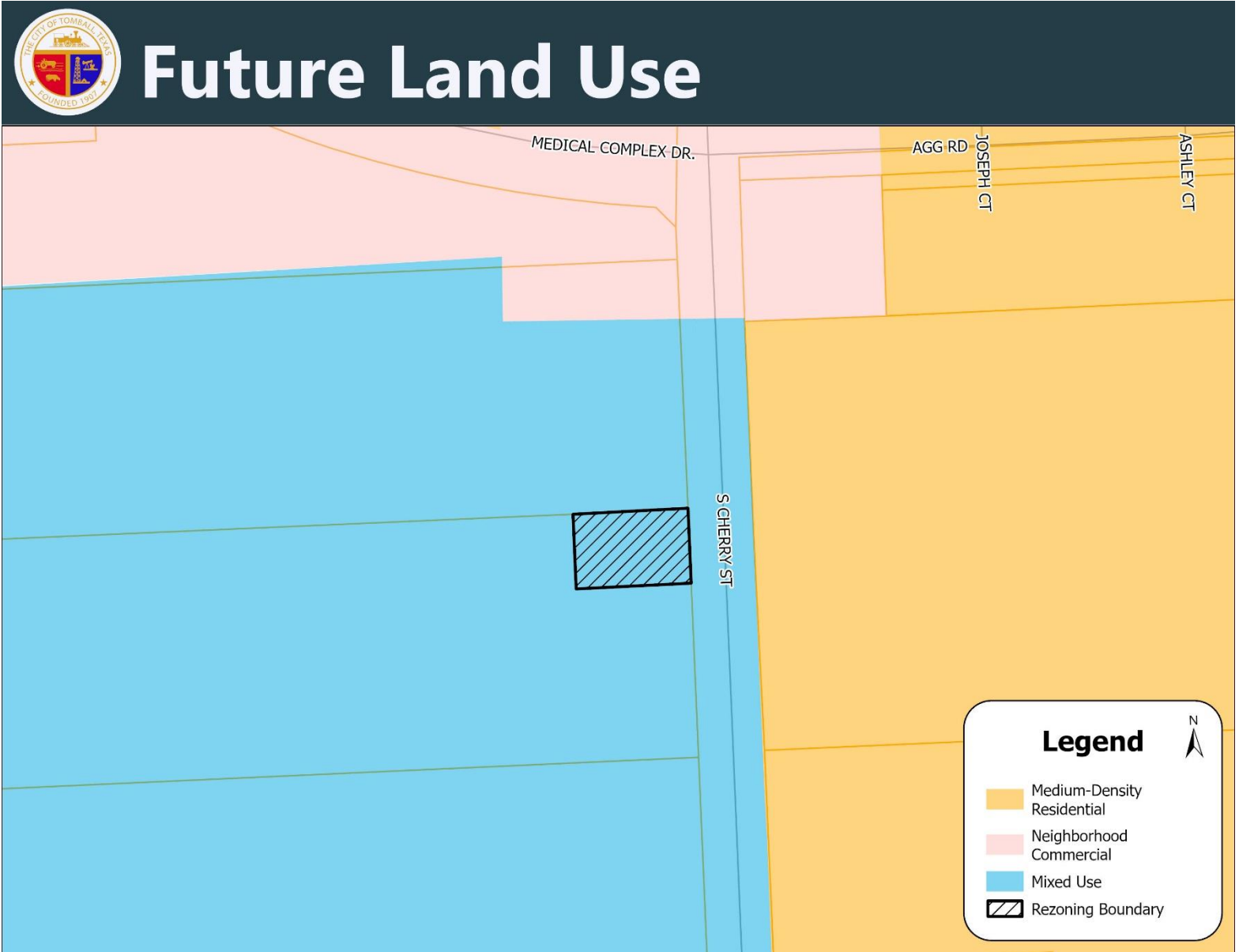
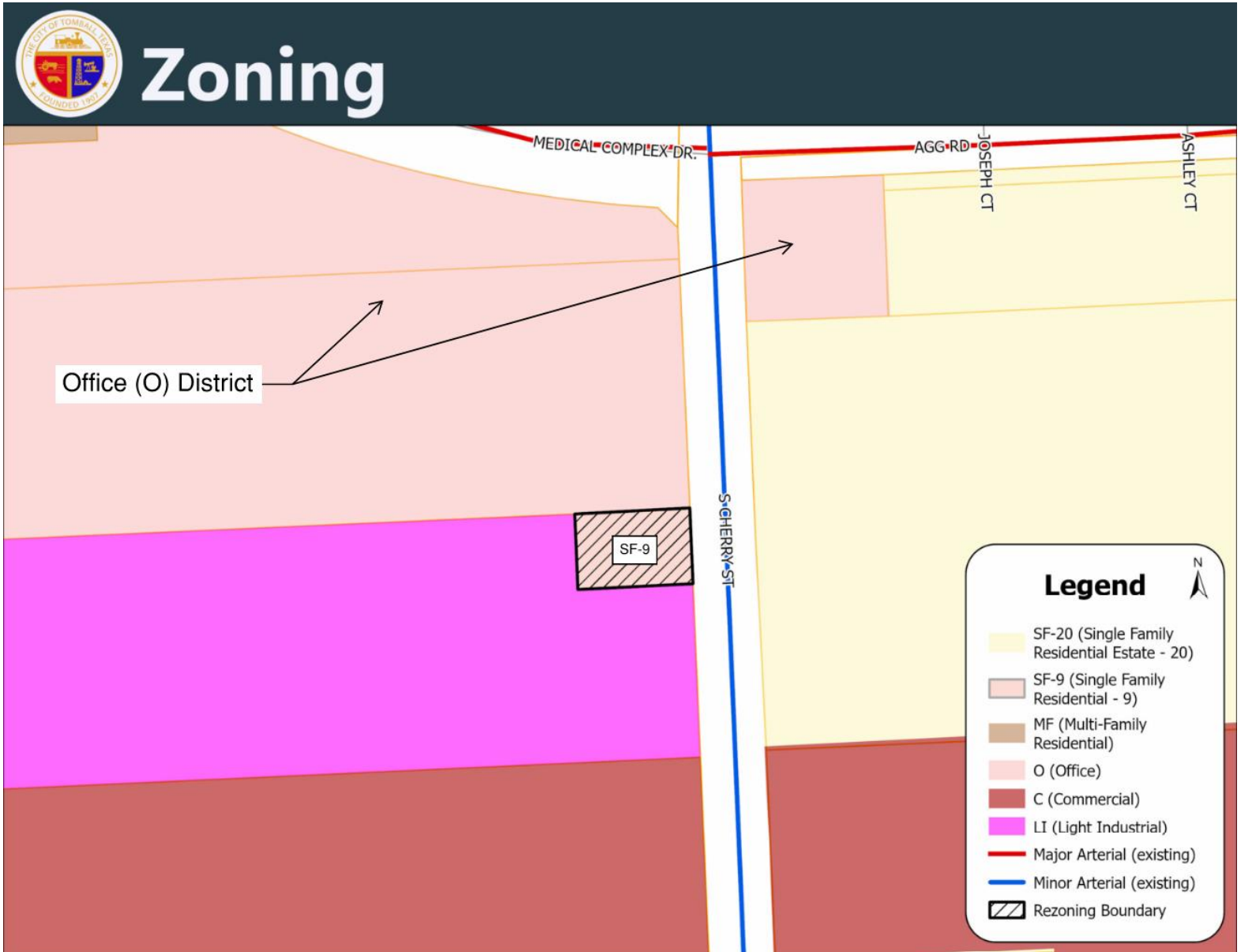


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo(s)**

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Public Notice Sign



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: Cheryl Murchison Title: Mrs.
Mailing Address: 12602 Mutiny Ln. City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (713) 471-2858 Email: cheryl@murchisonspiceco.com

Owner

Name: Donald Murchison Title: Mr.
Mailing Address: 12602 Mutiny Ln. City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (832) 898-3260 Email: don1murchison@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Converting a home that is listed as Residential to a Commercial Property

Physical Location of Property: 1710 S. Cherry St. Tomball, TX 77375 *near Medical Complex Dr.

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

Legal Description of Property: A tract or parcel of land 0.3360 acres Film Code No. 644043

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

Current Zoning District: Neighborhood: M/R (E OF 249)

Revised: 10/1/2022

Current Use of Property: Residential
Proposed Zoning District: General Retail (GR)
Proposed Use of Property: Light Commercial Use for Murchison Spice Company
HCAD Identification Number: 0352860000180 Acreage: 0.3360 acres

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 Cheryl Murchison 07/29/2025
Signature of Applicant Date

X Dennis Murchison 07/29/2025
Signature of Owner 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 (standard zoning) or \$1,500.00 (PD zoning)**
- **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.



Date: 07/29/2025

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

Re: Rezoning Request for 1710 S Cherry St, Tomball, TX 77375

Dear Members of the Planning & Zoning Commission,

My name is Cheryl Murchison, and I am the owner of Murchison Spice Company. I am writing to formally request the rezoning of the property located at **1710 S Cherry Street**, Tomball, TX 77375, from **Single-Family Residential (SF-9)** to **General Retail (GR)**.

We intend to repurpose the existing residential structure on this property to operate a small-scale, community-focused retail business under the Murchison Spice Company brand. Our goal is to bring locally blended spices and culinary goods to the Tomball community in a setting that is welcoming and accessible.

This request aligns with the **City of Tomball's Comprehensive Plan**, which designates this area for future **commercial and retail use**. The proposed rezoning would therefore support the long-term vision for growth and economic development within this corridor, while allowing us to invest in and improve the existing site in a manner that respects its residential character and the surrounding neighborhood.

We are committed to working closely with the City of Tomball's planning staff and building officials to ensure full compliance with applicable zoning and code requirements, and to complete any upgrades necessary to obtain a Certificate of Occupancy for our use.

Thank you for your consideration of this request. I am available at your convenience to answer any questions or provide additional information as needed.

Sincerely,

Cheryl Murchison (Jul 29, 2025 14:37:06 CDT)

Cheryl Murchison

Owner, Murchison Spice Company

cheryl@murchisonspiceco.com

(346) 808-5123

STATE OF TEXAS

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COUNTY OF HARRIS

A TRACT OR PARCEL OF LAND 0.3360 ACRES, (14,635 SQUARE FEET), SITUATED IN THE J. PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS, BEING OUT OF AND A PART OF THAT CERTAIN CALLED TRACT NO. 3 AS RECORDED BY INSTRUMENT IN VOLUME 8244, PAGE 600-603, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 0.3360 ACRE TRACT OF LAND BEING THAT CERTAIN TRACT OF LAND AS CONVEYED TO SCOTT A. MCNAIR AND WIFE, LISA RENEE MCNAIR BY INSTRUMENT RECORDED IN DOCUMENT NO. P400002 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, SAID 0.3360 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: FILM CODE NO. 644043 OF THE map RECORDS OF HARRIS COUNTY, TEXAS).

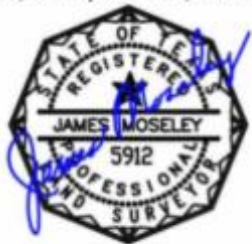
BEGINNING at a 5/8" iron rod found on the west right-of-way line of South Cherry Street, (80.00 foot right-of-way per Film Code No. 644043 of the Map Records of Harris County, Texas), for the northeast corner of Final Plat of FNR LLC, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Film Code No. 644043 of the Map Records of Harris County, Texas, same being the southeast corner and the POINT OF BEGINNING of the herein described tract;

Thence, S 87°08'14" W, along the common line of said Final Plat of FNR LLC, a distance of 150.50 feet to a capped iron rod found for a corner of said Final Plat of FNR LLC, same being the southwest corner of the herein described tract;

Thence, N 02°26'42" W, along the common line of said Final Plat of FNR LLC, a distance of 97.66 feet to a fence post on corner found on the common line of Final Plat of Devasco International, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Film Code No. 615009 of the Map Records of Harris County, Texas, for a corner of said Final Plat of FNR LLC, same being the northwest corner of the herein described tract;

Thence, N 87°27'31" E, along the common line of said Final Plat of Devasco International, a distance of 150.50 feet to a point on the west right-of-way line of South Cherry Street, for the southeast corner of said Final Plat of Devasco International, same being the northeast corner of the herein described tract, from which a 5/8" iron rod found for reference bears, S 87°25'59" W, a distance of 0.73 feet, and from said northeast corner, a 1" iron pipe found for reference bears, S 00°43'17" W, a distance of 0.60 feet;

Thence, S 02°26'24" E, along the west right-of-way line of South Cherry Street, a distance of 96.82 feet to the POINT OF BEGINNING and containing 0.3360 acres or 14,635 square feet, more or less.



James E. Moseley
Registered Professional Land Surveyor,
No. 5912
Job No. 2025-05646
July 14, 2025

See Drawing Attached