

City Council Agenda Item Data Sheet

Meeting Date: 05/15/2023

Topic:

Consideration to approve **Zoning Case Z23-04**: Request by Rosehill Estates, LLC represented by George Jarkey to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-04**

Adopt, on First Reading, Ordinance No. 2023-10, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

The subject property has been within the City Limits of Tomball since at least 1907. According to Harris County Appraisal District records a single-family residential dwelling has been located on the subject property since at least 1990. In September of 2022 it was brought to city staff's attention that the property is being utilized for commercial purposes and subsequent notices of zoning violation for unlawful land use within Single Family Residential -20 zoning were sent to the owner of the property. Following conversations with the applicant it has been confirmed that the property is presently being utilized for office purposes. To bring the property into legal land use conformance the applicant is seeking a change of zoning to the Commercial (C) zoning district to continue to allow the use of the property for commercial purposes. If the zoning is to be approved, the site will need to obtain all necessary building permits and plan approvals from the City of Tomball to bring the building and site up to commercial building standards.

Origination:

Recommendation:

City staff recommends approval of Zoning Case Z23-04. Planning and Zoning Commission recommends Approval Unanimously (5 Votes Aye).

Party(ies) responsible for placing this item on agenda: Nathan Dietrich (Community Development Director)

FUNDING (IF APPLICABLE)

