

**Rezoning  
Staff Report**

Planning & Zoning Commission Public Hearing Date: July 12, 2021  
City Council Public Hearing Date: August 16, 2021

**Rezoning Case:** P21-253  
**Property Owner(s):** Louis Smulders  
**Applicant(s):** Louis Smulders  
**Legal Description:** Reserve A Block 3 Pine Meadows  
**Location:** Southwest corner of Theis Lane and South Cherry Street (Exhibit "A")  
**Area:** 2.00 acres  
**Comp Plan Designation:** Neighborhood Residential (Exhibit "B")  
**Present Zoning and Use:** Single-Family 6 District (Exhibit "C") / Undeveloped (Exhibit "D")  
**Request:** Rezone from the Single-Family 6 District to the Commercial District

**Adjacent Zoning & Land Uses:**

**North:** Commercial District / Goodson Distribution  
**South:** Single-Family 6 District / Single-family residences (Pine Meadows subdivision)  
**West:** Single-Family 6 District / Single-family residences (Pine Meadows subdivision)  
**East:** Single-Family 20 Estate and Light Industrial Districts / Single-family residences

**BACKGROUND**

When Pine Meadows subdivision was platted in 2004, the subject site was deemed commercial. The City adopted Zoning in 2008 and designated the property as Single-Family 6 District, overriding the recorded plat.

**ANALYSIS**

The subject site is approximately 2.00 acres located at the southwest corner of Theis Lane and South Cherry Street and was originally part of the Pine Meadows subdivision plat. Goodson Distribution Center is located to the north of the property and single-family residences are located to the east, south and west.

According to Section 50-77 (*Commercial District*), the Commercial District “is intended to provide a location for commercial and service-related establishments”. Uses allowed in the Commercial District are typically not compatible with residential uses. There are multiple single-family residences located to the south and west of the subject site. It does not appear the Commercial District is appropriate for this property.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended “for areas predominantly comprised of single-family detached housing”. Appropriate land uses include single-family residences and “limited commercial services that do not require large parking lots” where residential collector streets meet arterials. Compatible zoning districts include Single-Family 20 Estate, Single-Family 9 and 6, and Planned Developments. The proposed zoning district does not meet the intent of this category.

### **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 June 30, 2021. 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 is unable to recommend approval of Zoning Case P21-253. The Office Zoning District may be more appropriate for this property, as it is intended to be a transition district between residential uses and more intense uses.

### **EXHIBITS**

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

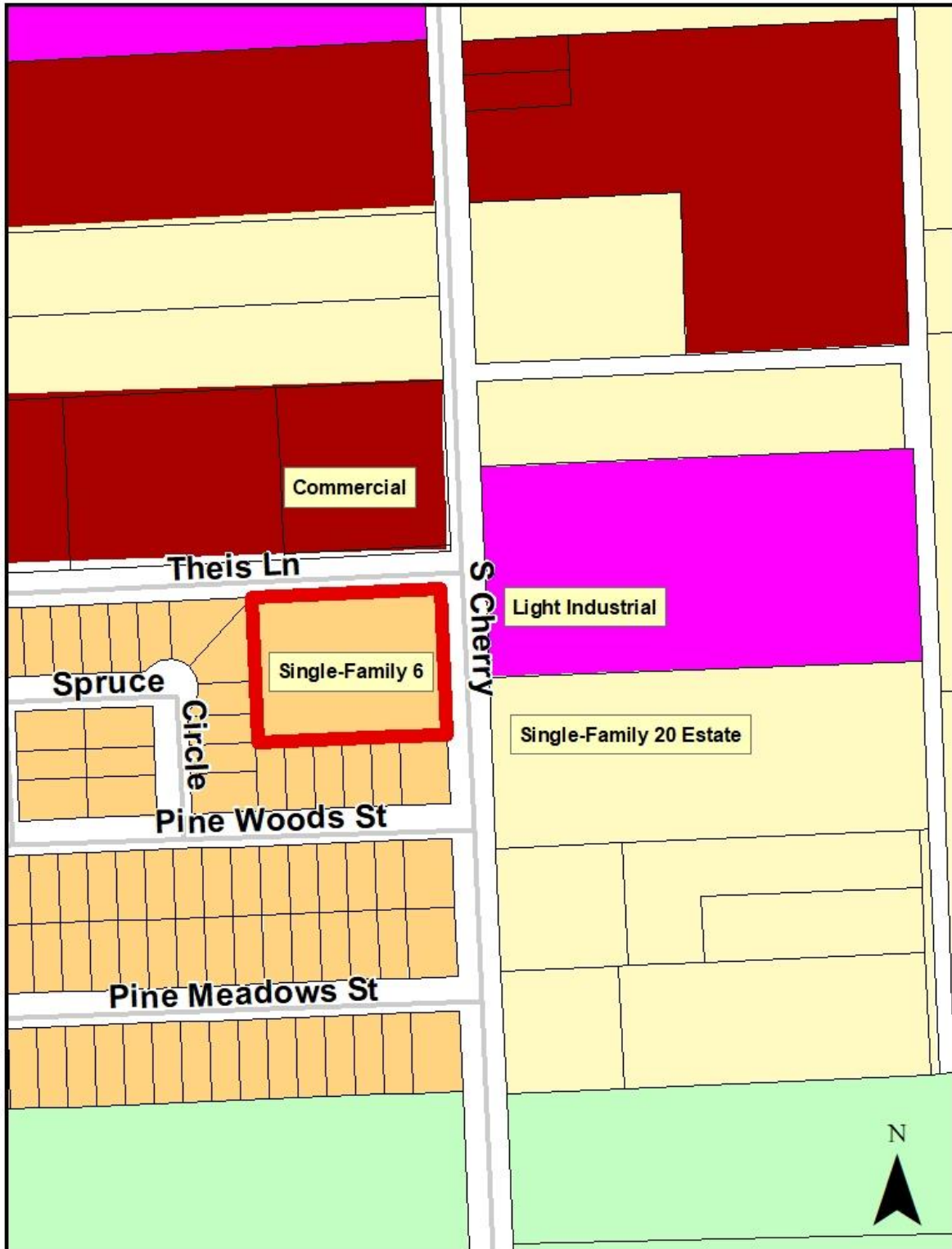
**Exhibit "A"**  
**Aerial Photo**



**Exhibit "B"**  
**Comprehensive Plan**



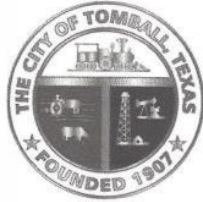
Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**



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



**RECEIVED (KC)**  
05/13/2021 11:57:29 AM

Revised: 4/13/2020  
**P&Z #21-253**  
**\$420.00**

**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: Louis Smulders Title: Owner  
Mailing Address: 30 E. Rivercrest Dr. City: Houston State: Tx.  
Zip: 77042 Contact: Louis Smulders  
Phone: (832) 755-5072 Email: louis\_smulders@hotmail.com

**Owner**

Name: Maritia LP Title: Entity Name  
Mailing Address: 30 E. Rivercrest Dr. City: Houston State: Tx  
Zip: 77042 Contact: Louis Smulders  
Phone: (832) 755-5072 Email: louis\_smulders@hotmail.com

**Engineer/Surveyor (if applicable)**

Name: Pickering & Associates -Roger D. Pickering Title: Surveyor  
Mailing Address: 7702 Pin Oak St. City: Montgomery State: Tx  
Zip: 77316 Contact: Roger Pickering  
Phone: (936) 447-4703 Fax: (    ) Email: rpickering@hotmail.com

**Description of Proposed Project:** 1.9 Acre Corner Tract on Theis Ln & S. Cherry St

Physical Location of Property: SW Corner of Theis Ln & S. Cherry St.  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Reserve A Blk 3 of Pine Meadows, Harris County  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-6 Single Family

Current Use of Property: Vacant

Proposed Zoning District: Commercial


Proposed Use of Property: Office, Retail, Medical Clinic, Convenience Store, Mini Warehouse

HCAD Identification Number: 1252560030038 Acreage: 1.9 Acres

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  05/12/2021  
Signature of Applicant Date

X  05/12/2021  
Signature of Owner Date



METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN 1.899 ACRE (82,729 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE JESSE PRUITT SURVEY, A-629, HARRIS COUNTY, TEXAS AND BEING ALL OF RESERVE "A" OF PINE MEADOWS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 555232 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; SAID 1.899 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET FOR THE NORTHEAST CORNER OF SAID RESERVE "A" AND THE HEREIN DESCRIBED TRACT, SAID CORNER MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THIS LANE (WIDTH VARIES) AND THE WEST RIGHT-OF-WAY LINE OF CHERRY STREET (80 FEET WIDE);

THENCE, S 02°27'37" E-253.44 FEET (CALLED S 02°27'37" E-253.53 FEET) ALONG THE EAST LINE OF SAID RESERVE "A" AND THE WEST RIGHT-OF-WAY LINE OF SAID CHERRY STREET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, S 87°42'38" W-327.63 FEET (CALLED S 87°42'38" W-328.67 FEET) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 02°20'06" W-252.01 FEET (CALLED N 02°17'22" W-252.10 FEET) TO A 5/8 INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF THIS LANE AND MARKING THE NORTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 87°27'39" E-327.07 FEET (CALLED N 87°27'39" E-327.92 FEET) ALONG THE SOUTH RIGHT-OF-WAY LINE OF THIS LANE TO THE POINT OF BEGINNING AND CONTAINING 1.899 ACRES (82,729 SQUARE FEET) OF LAND, MORE OR LESS.



ROGER D. PICKERING, R.P.L.S.  
TEXAS REGISTRATION NO. 5879

PICKERING & ASSOCIATES  
7702 PIN OAK STREET  
MONTGOMERY, TEXAS 77316



