

***Rezoning
Staff Report***

Planning & Zoning Commission Public Hearing Date: April 11, 2022
City Council Public Hearing Date: April 18, 2022

Rezoning Case: P22-048

Property Owner(s): Glenn R. Stumpner

Applicant(s): Glenn R. Stumpner

Legal Description: Being a portion of Tract 53 from Abstract 34 of the J House Survey

Location: 300-400 blocks of W. Hufsmith Rd (south side), between Baker Drive and N. Cherry Street, at 457 Hufsmith Road, City of Tomball, Harris County, Texas

Area: 1.77 acres

Comp Plan Designation: Transitional Residential (Exhibit “B”)

Present Zoning and Use: Multi-Family Residential (MF) (Exhibit “C”)
Automotive Repair/Paint Shop (Exhibit “D”)

Request: Rezone from Multi-Family Residential (MF) the Commercial (C) District

Adjacent Zoning & Land Uses:

- North:** Single Family – 20 (SF-20)/ Undeveloped
- South:** Single-Family – 6 (SF-6)/ Single Family Residential Neighborhood
- West:** Single Family – 6 (SF-6) / Drainage Channel
- East:** Multi-Family Residential (MF) / Apartment Complex

BACKGROUND

The subject property has been embraced within the City of Tomball since 1907. The applicant has owned the subject property since 1995. A building permit was issued to construct a paint booth on the subject property in 1995. Since this time the existing building(s) at the location have been occupied as an automotive repair and paint shop. In 2008, when the City of Tomball adopted zoning the subject property was embraced within a Multi-Family Residential (MF) district.

ANALYSIS

Description: The subject property is approximately 1.77 acres located on the south side of West Hufsmith Road. Immediately south of the subject property are single-family residences within Single Family Residential (SF-6) zoning, west of the subject property is an existing multi-family apartment complex within Multi-Family Residential (MF) zoning. The properties on the north side of West Hufsmith Road are currently undeveloped and zoned for Single-Family Estate Residential (SF-20) which requires large acreage residential lots that are approximately ½ acre in size. The property to the west of the subject property is within Single Family Residential (SF-6) zoning and is comprised of a drainage channel measuring approximately 130-linear feet in width. These surrounding zoning districts have been in effect since the City of Tomball adopted zoning in 2008. As previously stated, building permits were issued to construct the buildings which presently occupy the subject property in 1995. At this time the property was occupied as an automotive repair/paint shop. This use became legally nonconforming when Tomball adopted zoning and the property was embraced within its current Multi-Family (MF) zoning classification. The rezoning of this property to Commercial (C) would remedy the property owners' legally nonconforming status and transition to a legally conforming use.

According to Section 50-77 in the City of Tomball Code of Ordinance; Commercial (C) districts are “generally not compatible with residential uses and even some nonresidential uses. Commercial districts allow uses that may often be considered inappropriate when in close proximity to residential land uses. Taking this into consideration the rezoning of the subject property to a Commercial district may be contrary to the public interest in the immediate area of concern. Furthermore, rezoning the subject property to Commercial would effectively create a “spot” zoning situation in which the subject property would be the only commercial property wedged mid-block within an otherwise residential area. It is worth noting that the subject property is 1.77 acres in size, Section (50-73) of the Code of Ordinance specifies that a minimum of 50% of this property must be dedicated as “Green Space”, taking this into consideration, paired with the minimum parking requirement of 2 units/dwelling; approximately 10 dwelling units could be provided on this site if it were to be developed with multi-family residential apartments. Given the restrictive size of this subject property it may be best suited for duplex, townhome, or single-family detached developments.

Comprehensive Plan Recommendations: The property is designated as “Transitional Residential” by the Comprehensive Plans Future Land Use Map. This Transitional Residential category “is intended to provide more housing choices for the full lifecycle of Tomball residents. This district is intended to be equally designed for the pedestrian and the automobile, and to allow for an appropriate transition between areas of lower (e.g., neighborhood residential) and higher (e.g., commercial or industrial) intensity.”

According to the Comprehensive Plan, “land uses should encourage a variety of housing types, including single-family detached, single-family attached, duplex, and apartments. Secondary uses include accessory dwelling units, parks, schools, and other public facilities.”

The Comprehensive Plan recommends that zoning districts of – PD (Planned Developments), SF-6 (Single-Family Residential – 6), D (Duplex Residential), MF (Multi-family Residential) for the transitional residential land use designation.

Additionally, the Comprehensive Plan states – “The following considerations should be used as guidance for regulatory modifications or as part of decision making: New transitional residential development should be integrated into or complimented by the surrounding development.

Nonresidential mixed uses should be allowed provided it is part of a planned unit development and does not constitute more than 25 percent of the development. Transitional residential should be used as a buffer between single-family development and more intense uses.

Staff Review Comments:

Conformance to the Comprehensive Plan: The existing zoning of Multi-Family (MF) encourages the development of apartments, duplexes, and townhomes at this location; such uses would achieve the goal of creating a mixture of housing opportunities while providing an adequate transitional land use buffer between West Hufsmith Road (a major arterial street) and the existing single-family residences immediately south of the subject property. The request to rezone to a Commercial district is contrary to the intent of the Future Land Use Map and the principles outlined in the Comprehensive Plan as it encourages land uses that may not provide the desired land use transitional buffer. Furthermore, rezoning to a Commercial (C) district may promote uses that could be considered incompatible with nearby single-family residences.

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 March 30, 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 denial of Zoning Case P22-048.

EXHIBITS

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

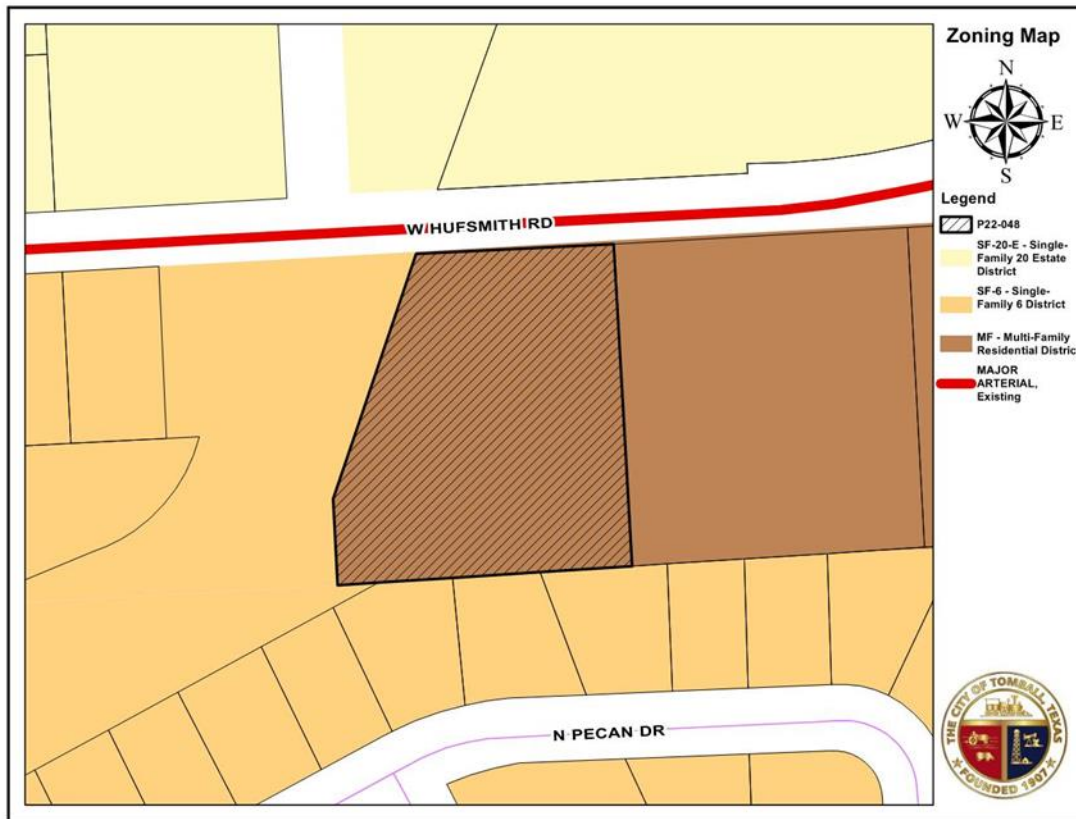
**Exhibit “A”
Aerial Photo**



**Exhibit “B”
Comprehensive Plan**



Exhibit "C" Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application



Revised: 4/13/2020

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: Glenn R. Stumpner Title: _____
Mailing Address: 457 W. Hutsmith City: Tomball State: TX
Zip: 77375 Contact: _____
Phone: (281) 782-1753 Email: gstumpner@gmail.com

Owner

Name: Glenn R. Stumpner Title: _____
Mailing Address: 14258 Carneswood City: Tomball State: TX
Zip: 77375 Contact: _____
Phone: (281) 782-1753 Email: gstumpner@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: No Project

Physical Location of Property: 2 blocks West of Baker Dr. : Hutsmith Rd
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Joseph House Survey Abstract No. 34
[Survey/ Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Multi Family residential

Current Use of Property: Commercial

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial

HCAD Identification Number: 0402700010061 **Acreage:** 1.77

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
Signature of Applicant

2/15/2022
Date

X
Signature of Owner

2/15/2022
Date

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

DATE : 2/15/2022 1:57 PM
OPER : TW
TKBY : TW
TERM : 5
REC# : R01303678

130.0000 PLANNING AND ZONING 420.00
457 W Hufsmith 420.00

508.0000 CREDIT CARD 12.60
FEES-GENERAL FUND
100-5561 12.60

Paid By: Miscellaneous Receipt
4-CC 432.60 AUTH: 29202B REF: W MC

APPLIED 432.60
TENDERED 432.60

CHANGE 0.00

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the user.

City of Tomball, Texas 501 J

www.tomballtx.gov

Jared Smith

From: Glenn Stumpner <gstumpner@gmail.com>
Sent: Friday, April 1, 2022 10:19 AM
To: Jared Smith
Subject: 457 W. Hufsmith

To whom it may concern,

My name is Glenn R. Stumpner, and I am the owner of the property in question. I purchased this land in 1995 and built the first building on the West side of the property to move my business from Elm Street (a property I rented from the city for 10 years). I built the second building in 1997 to be used as a dance studio. The first property is now being used as a Body and Repair shop, and has always been automobile based since day one. The zoning change request is based on the need of smaller buildings to store not only the used sheet metal being removed from the damaged automobiles,(most insurance companies require us to hold on to these damage panels for inspection for up to 3 weeks after the repairs are complete), but also the new parts being delivered everyday. As it is now, these damaged panels are being stacked outside in huge piles, causing quite the eye sore. This industry has a delivery service known as OPS, which delivers overnight to repair shops, but they require a secured building that they will have access to daily. I certainly can not let them have a key to the main building for this purpose. This delivery system can cut as much as 2 days off of each repair, which we are held to strict completion dates from the insurance companies.(If we run late, we will be asked to pay the extra rental car days). It's very important to our business to do what we can to help streamline the repair process, and parts delivery is a huge part of this process. I don't have any plans to build any new large buildings, as I feel we have enough square footage with the existing structures on the property to allow us to continue to serve the people in our community, by moving the paint department over to the second building, but new parts stacked in every corner we can find takes up alot of that footage needed repair space. Thank you for your consideration on this matter, Glenn

0.2250 ACl

3' W. SE W
VOL. 9066, PG

5/8" I.R. Fnd.
5.89° 40' 03" W

PREPARED FOR
L. STUMPFNER AND WIFE, DEBORAH A. STUMPFNER

TOMBALL TERRACE SUBDIVISION
VOL. 114, PG. 67 H.C.M.R.

