

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 12, 2025

City Council Public Hearing Date: May 19, 2025

Rezoning Case: CUP25-04

Property Owner(s): Real Life Ministries Texas

Applicant(s): Brandon Guindon and Kathleen Hauck

Legal Description: All of Lot 1, Block 1 of Devasco International and all of two tracts of land (3.5879 and 2.5043 acres) being portions of Outlots 172, 175, and 176 of Tomball Townsite

Location: 1626 South Cherry Street (Exhibit “A”)

Area: 17.5392 acres

Comp Plan Designation: Business Park and Industrial & Neighborhood Commercial (Exhibit “B”)

Present Zoning: Office (O) District (Exhibit “C”)

Request: The granting of a Conditional Use Permit (CUP) to allow the land use of “Child day care center (business)” within the City of Tomball’s Office (O) zoning district.

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Multifamily Residential (MF) & General Retail (GR)	Proposed assisted living facility & undeveloped land
South	Light Industrial (LI) & Single-Family Residential – 9 (SF-9)	Undeveloped land & a single-family residence
East	Office (O) & Single-Family Estate Residential – 20 (SF-20-E)	Athena Consulting, Inc & a single-family residence
West	Agricultural (AG)	M-121 Drainage ditch

BACKGROUND

The subject property is currently home to Real Life Ministries Texas which operates as a *Church/temple/place of worship* as defined in the City of Tomball's Code of Ordinances. The building found on the subject property has been extensively renovated to accommodate normal church activities and an onsite child day care facility. This application for a CUP is the product of the properties current zoning district (Office) which only allows the land use of "Child day care center (business)" with the approval of a CUP by City Council.

ANALYSIS

According to Section 50-81 (f) of Chapter 50 (Zoning), when considering applications for a CUP, the City shall, based on the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;

The property is designated as Neighborhood Commercial and Business Park and Industrial by the Comprehensive Plan's Future Land Use Map. The Neighborhood Commercial designation is intended for commercial uses that are developed with the appropriate context, scale, and design to complement residential development. These areas are intended to be accessible by both vehicles and pedestrians. The desire to establish a child day care center at this location will promote a development that creates a complimentary relationship between differing land uses, which is an objective of the Comprehensive Plan. The proximity of the subject property to a wide variety of residential housing, professional offices, and existing schools makes the desired land use mutually beneficial to the surrounding area. The Business Park & Industrial designation is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic such as freight. With the subject property being split by these two designations, the property creates a desirable land use intensity transition between the two designations which complements the surrounding area.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

According to the Zoning Ordinance, "a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through the imposition of certain standards and conditions."

The property was first zoned within the Agricultural and Light Industrial districts when zoning was adopted in 2008 and was rezoned into the Office district in 2023. The subject property is surrounded by the Light Industrial, Multifamily, Office, SF-9, SF-20-E, and Agricultural zoning districts. The nature of the area is a mixture of undeveloped land, businesses, professional offices, retail spaces, and single-family housing. The

Comprehensive Plan endorses the continuation of the mixture of uses in this area of the city, and specifically states that retail, offices, clinics, and government facilities are the most appropriate uses. The Office district was established to create an appropriate setting for low intensity office and professional uses

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;

Yes, all supplemental standards specifically applicable to the desired land use are satisfied by the existing conditions of the property.

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts.

The proposed use is consistent with surrounding land uses and would provide a beneficial service to the area.

5. The proposed use is not materially detrimental to public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

City Staff does not anticipate adverse impacts to the adjacent properties nor the surrounding 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 April 28, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

Note that the Planning & Zoning Commission may recommend, and the City Council may impose any additional conditions as are reasonably necessary.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location



Exhibit "B"
Future Land Use Plan



Future Land Use

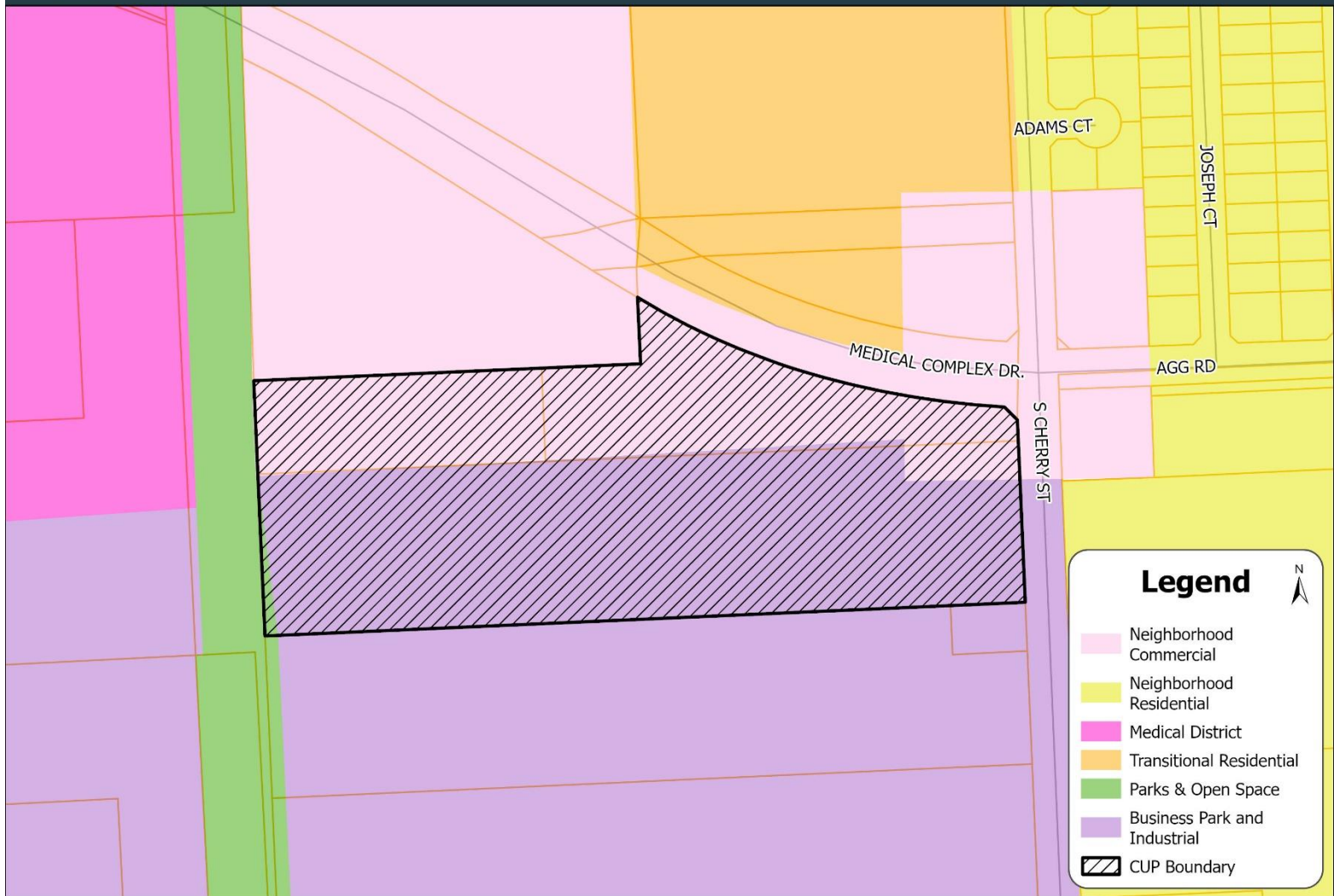
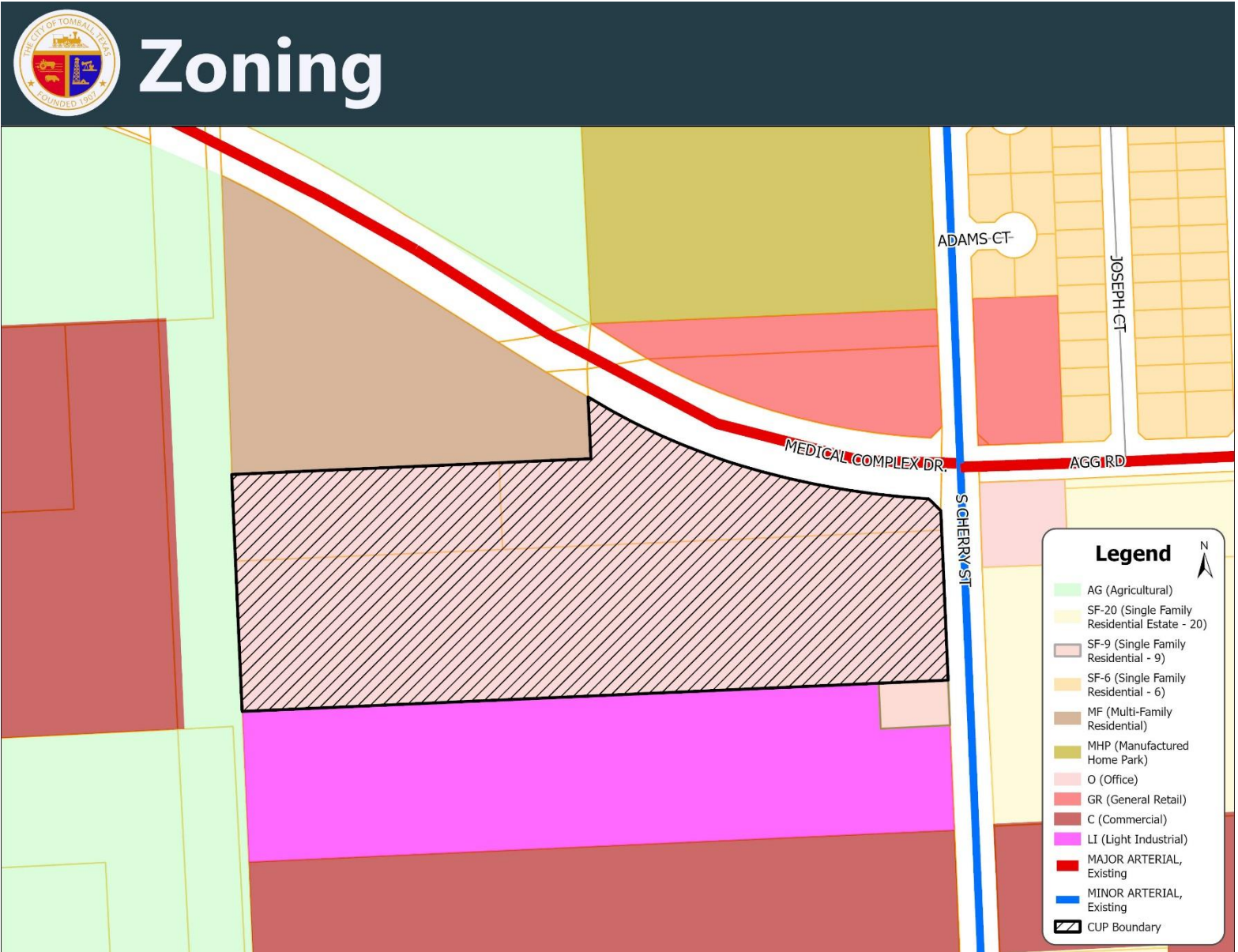


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**

Subject Site



Subject Site



Neighbor (North)



Neighbor (North)



Neighbor (South)



Neighbor (South)



Neighbor (East)



Neighbor (East)



Neighbor (West)



Exhibit "E"

Rezoning Application



Revised: 10/1/2022

APPLICATION FOR CONDITIONAL USE PERMIT

Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

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.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for Conditional Use Permit (CUP) request

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

SMARTGOV WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Kathleen Hauck Title: Executive Assistant
Mailing Address: 1626 S. Cherry Street City: Tomball State: TX
Zip: 77375 Contact: Kathleen Hauck
Phone: (83) 922-2660 Email: khauck@reallifetexas.org

Owner

Name: Tommy Roberson Brandon Guindon Title: Owner
Mailing Address: 1626 S. Cherry Street City: Tomball State: TX
Zip: 77375 Contact: Tommy Roberson
Phone: (97) 864-7805 Email: troberson@reallifetexas.org

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: daycare/preschool that will be onsite here at the churchPhysical Location of Property: 1626 S. Cherry Street

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

Legal Description of Property: LT 1 BLK 1

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

HCAD Identification Number: 1299580010001 Acreage: 11.447Current Use of Property: Real Life MinistriesProposed Use of Property: Lionheart Children's Academy

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 Kathleen M Hauck
Signature of Applicant

4/3/2025
Date

X [Signature]
Signature of Owner

4/3/2025
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.



April 3, 2025

City of Tomball
Staff & City Council
Planning & Zoning Commission

It was our understanding that a preschool could operate under our current zoning "office". Unfortunately, we have learned that it is not the case. Real Life Ministries Texas is requesting a Conditional Use Permit to operate a preschool in the children's wing of our existing property at 1626 S Cherry St.

As our church our grown, we have many new families with young children attending. What we have consistently found is the need for additional daycare/preschools in our area. We have partnered with a proven and reputable preschool called The Lionheart Academy. They will be housed in the children's wing of our facility right here in the heart of Tomball. We look forward to opening and being another great option and resource for families in our community.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Guindon".

Brandon Guindon
Sr Pastor

