

## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2022  
City Council Public Hearing Date: December 19, 2022

**Rezoning Case:** P22-367  
**Property Owner(s):** Colleen Pye  
**Applicant(s):** Colleen Pye  
**Legal Description:** Lots 41, 42, 43, and 44, Block 72 in Revised Map of Tomball  
**Location:** 300 block (south side) of Texas Street between at 329 Texas St. (Exhibit "A")  
**Area:** 0.32 acres  
**Comp Plan Designation:** Old Town (Exhibit "B")  
**Present Zoning:** Single-Family 6 District (Exhibit "C")  
**Request:** Rezone from the Single-Family 6 District to the Old Town & Mixed-Use District

### Adjacent Zoning & Land Uses:

**North:** Single-Family Residential -6 (SF-6)/ Single-family residence(s)

**South:** Old Town & Mixed Use (OT & MU) / Office & Retail Uses

**West:** Single-Family 6 District / Single-family residence

**East:** Single-Family Residential – 6 (SF-6)/ Single-family residence

### **BACKGROUND**

The subject property has been located within the City Limits of Tomball since the City's establishment in 1907. There is presently a single-family residence located on the subject property. According to Harris County Appraisal District records the existing home was built in 1995. In October of this year, it was brought to city staff's attention that a parking area was created in the rear of the subject property to facilitate spillover parking for the existing office and retail establishment immediately south of the subject site. According to Section 50-82 (Use Regulations Chart) parking lots for passenger cars and trucks of less than one-ton capacity are not permitted by right in Single Family Residential – 6 zoning. Subsequently, city staff sent a notice of violation to the owner of the property informing them that the use of the site for commercial parking is not permitted by right in the current zoning designation. The owner of the property wishes to rezone the site to Old Town & Mixed Use to allow the continued use of the property for commercial parking purposes. Additionally, according to information provided by the applicant, the rezoning to Old Town & Mixed Use will allow the owner to achieve their future plans of operating an office at this location.

## **ANALYSIS**

**Description:** The subject property is comprised of approximately 0.32 acres, located in the 300 block on the south side of Texas Street. Immediately north, east, and west of the subject properties are existing single-family residences located within Single Family Residential zoning. South of the subject property is an existing Remax real estate office and book retailer within Old Town & Mixed Use zoning. The Single Family Residential – 6 zoning that the subject site falls within has been in existence since the City of Tomball adopted zoning in 2008.

**Comprehensive Plan Recommendation:** The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed Use District “is a mixture of retail, commercial and other non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. Additionally, this area “is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”.

### **Staff Review Comments:**

The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject property as being within the “Old Town” land use category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. Particularly in regards to growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. This zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually-beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the City grows. Given the proximity to Main Street and other existing commercial businesses currently located within Old Town & Mixed Use zoning; this requested zone change will further encourage the mixture of land uses within the immediate area and will not be contrary to the Comprehensive Plan or the Future Land Use Plan. Furthermore, the character of development encouraged by Old Town & Mixed Use zoning are intended to be compatible with nearby single-family residential land uses.

## **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 November 18, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## **STAFF RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P22-367.

## **P&Z RECOMMENDATION**

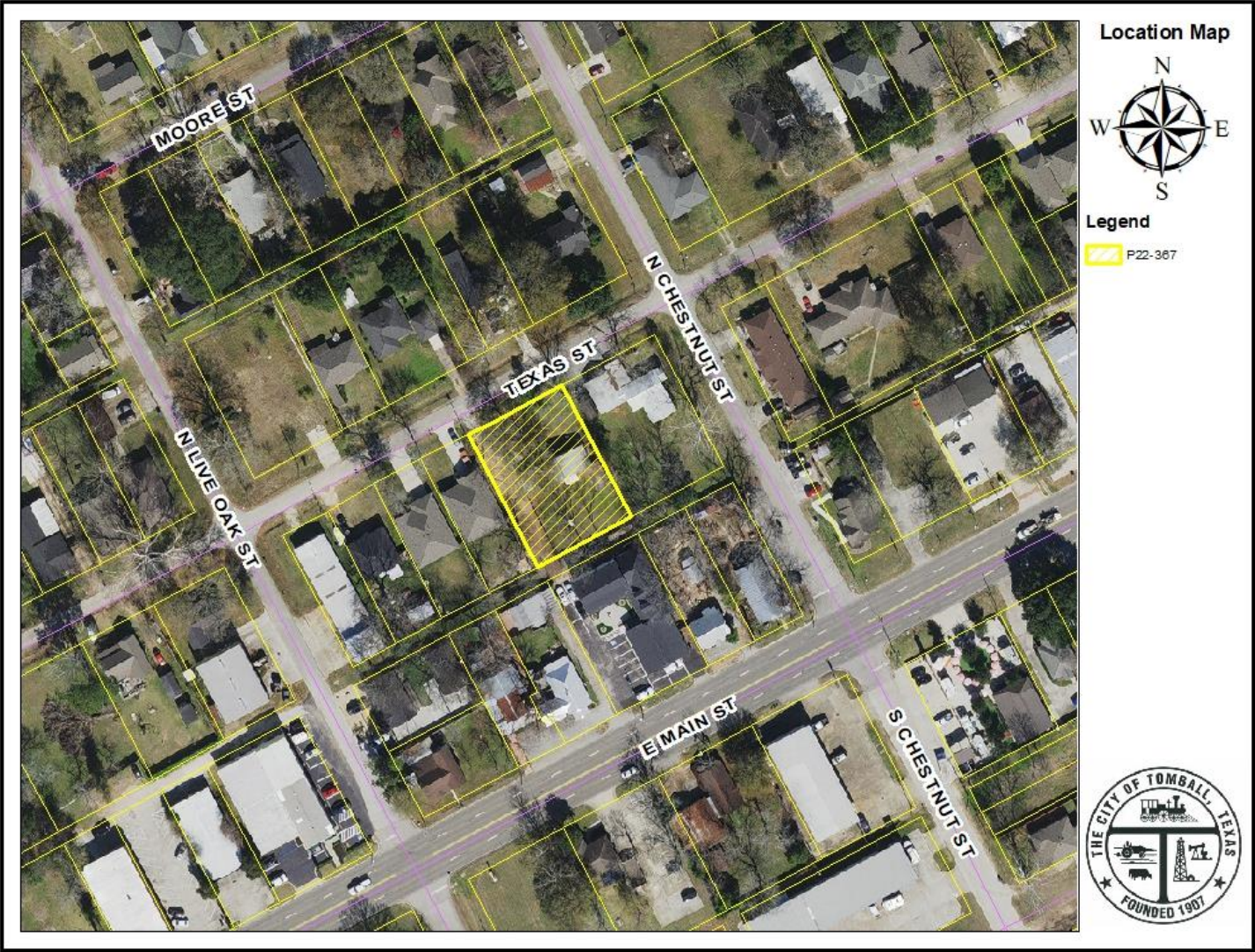
Denial (1 Vote Aye, 3 Vote Nay)

- Discussion Items:
  - Potential of creating a through alley
  - Whether or not parking will be brought up to city standard

## **EXHIBITS**

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

Exhibit "A"  
Aerial Photo





**Exhibit "B"**  
**Future Land Use Plan**



Exhibit "C"  
Zoning Map

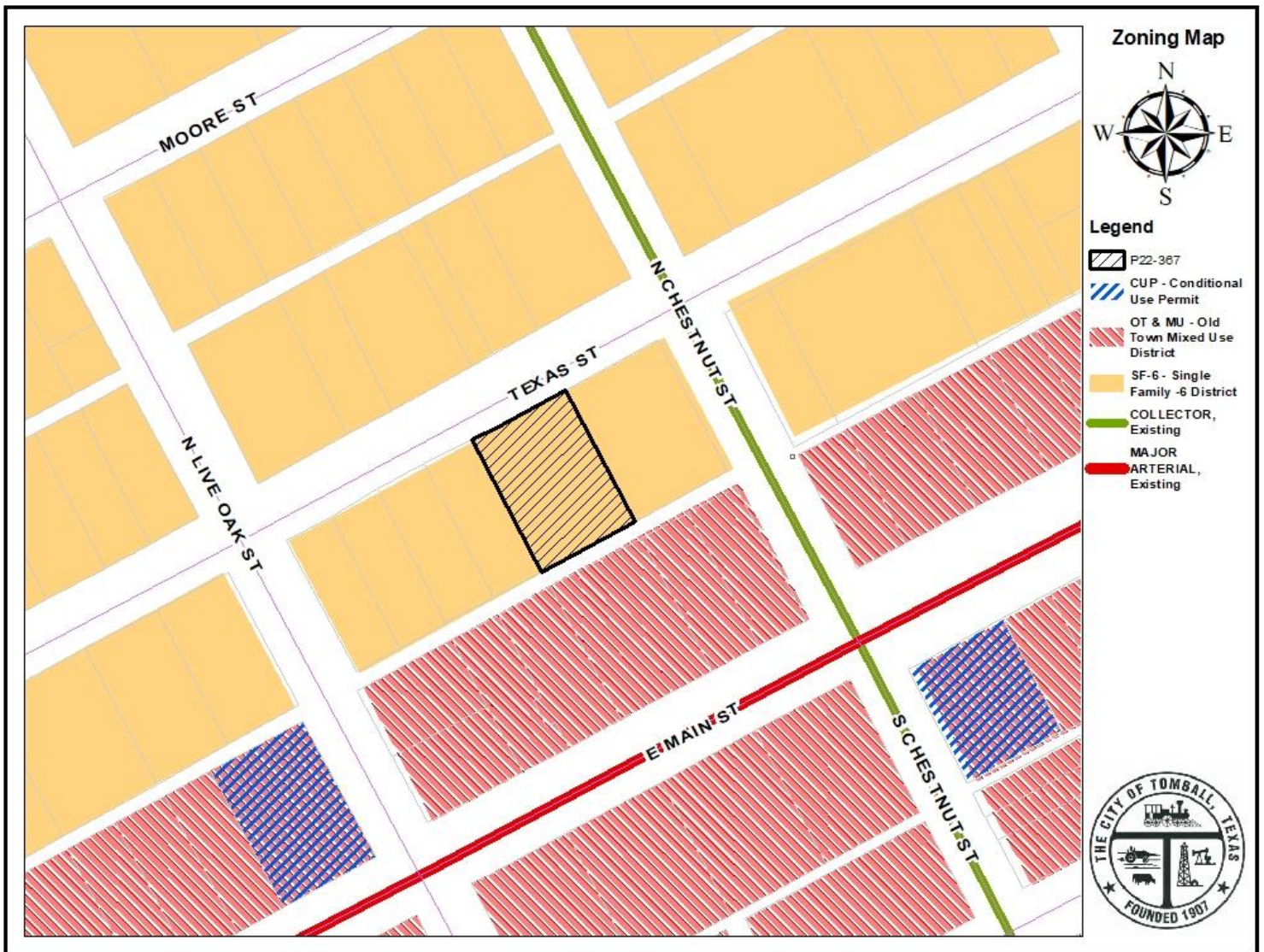




Exhibit "D"  
Site Photo(s)

Subject Site



Neighbor (West)





## Neighbor (East)



## Neighbor (North)





## Neighbor (South)



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



RECEIVED (KC)  
10/18/2022

Revised 5/19/15  
P&Z #22-367

**APPLICATION FOR REZONING**  
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: Colleen Pye Title: Owner  
Mailing Address: 207 Florence St City: Tomball State: TX  
Zip: 77375  
Phone: ( 281 ) 932-2784 Fax: (      )      Email: info@colleenpye.com

**Owner**

Name: Colleen Pye Title: Owner  
Mailing Address: 207 Florence City: Tomball State: TX  
Zip: 77375  
Phone: ( 281 ) 932-2784 Fax: (      )      Email:     

**Engineer/Surveyor (if applicable)**

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

**Description of Proposed Project:** 329 Texas Tomball, TX 77375

**Physical Location of Property:** 329 Texas Tomball, TX 77375

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

**Legal Description of Property:** Lots 41-44 Block 72

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

**Current Zoning District:** Single Family 6

**Current Use of Property:** Single Family 6

**Proposed Zoning District:** Old Town Mixed Use

**Proposed Use of Property:** Currently a rental, with oversized yard. Will eventually put a efficiency suite

**HCAD Identification Number:** 0352730720049 Acreage: 35

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://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  10/17/2022  
Signature of Applicant Date

X \_\_\_\_\_  
Signature of Owner Date

**From:** [noreply@tomballtx.gov](mailto:noreply@tomballtx.gov)  
**To:** [Kimberly Chandler](#)  
**Subject:** Receipt #R01337900  
**Date:** Wednesday, October 26, 2022 9:02:57 AM

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

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DATE : 10/18/2022 8:59 AM  
OPER : RP  
TKBY : rp  
TERM : 2  
REC# : R01337900  
130.0000 PLANNING AND ZONING  
329 texas rezoning pye 400.00

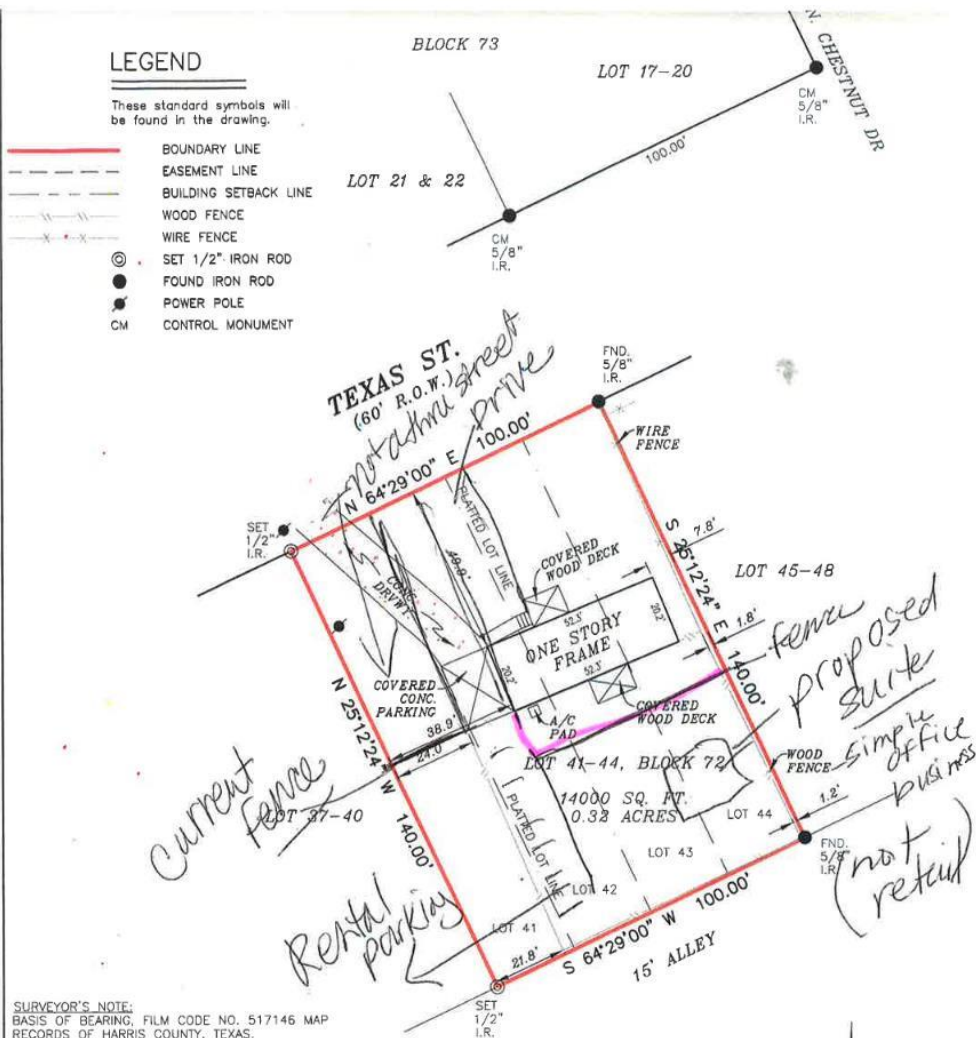
Paid By:329 texas rezoning pye  
2-CK 400.00 REF:w 1089



# LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- WOOD FENCE
- WIRE FENCE
- SET 1/2" IRON ROD
- FOUND IRON ROD
- POWER POLE
- CM CONTROL MONUMENT



SURVEYOR'S NOTE:  
BASIS OF BEARING: FILM CODE NO. 517146 MAP  
RECORDS OF HARRIS COUNTY, TEXAS.

THIS SURVEY IS BASED ON A TITLE COMMITMENT  
REPORT ISSUED BY STEWART TITLE GUARANTY COMPANY  
GF NO. 17201051962 ISSUED ON 07/31/2017.

FLOOD INFORMATION  
FIRM: 48201C PANEL: 0230 L  
REV. DATE: 06/18/2007  
ZONE: "X"

FLOOD INFORMATION PROVIDED HEREON IS BASED ON  
SCALING THE LOCATION OF THE SUBJECT TRACT ON  
THE FLOOD INSURANCE RATE MAPS, THE INFORMATION  
SHOULD BE USED TO DETERMINE FLOOD INSURANCE  
RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC  
FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE  
FOR THE F.I.R.M.'S ACCURACY.

## GRAPHIC SCALE



I, DONALD MATT COOKSTON, a Registered Professional Land Surveyor in the State of Texas,  
do hereby certify to STEWART TITLE COMPANY

and  
that the above map is true and correct according to an actual field survey, made by me or under my supervision,  
of the property shown hereon or described by field notes accompanying this drawing. I further  
certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except  
as shown, there are no apparent visible encroachments, no apparent visible overlapping of improvements and  
no apparent discrepancies or conflicts in the boundary lines, as of the date of the field survey.  
Lot(s) 41-44, Block 72, REVISED MAP OF TOMBALL recorded in  
Volume 4, Page(s) 25, of the Map/Deed and Plat Records of HARRIS County, Texas,  
located in the WILLIAM HURD SURVEY, A-371

## LAND TITLE SURVEY

JOB NO.:	1708008258	NO.	REVISION
DATE:	09/04/17		
DRAWN BY:	AV		
APPROVED BY:	DMC		





# City of Tomball

**Lori Klein Quinn**  
Mayor

**David Esquivel**  
City Manager

October 14, 2022

PYE COLLEEN  
207 Florence St.,  
Tomball, TX 77375-6635

First Notice of Violation (Zoning)  
RE: 329 Texas Street (HCAD ID: 0352730720049)

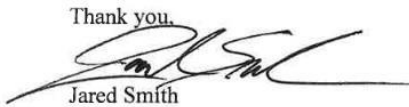
Current property owner,

It has come to our attention that the property located at 329 Texas Street (HCAD ID: 0352730720049) is in violation of the City of Tomball Use Regulations Chart (Section 50-82). Specifically, the use of the property as a "Parking lot or garage for passenger cars and trucks of less than one-ton capacity" is not permitted by right within the Single Family Residential – 6 (SF-6) zoning district that the property falls within.

The city is hereby giving you ten (10) days from the receipt of this letter to remove parking lot features and cease the use of this property for commercial parking lot purposes. Following these allotted ten days, a second inspection will be conducted of the site. If this violation is not corrected additional action may be taken by the City as prescribed within Section 1-14. This may include fines up to \$2,000 for each day that the violation persists.

According to the records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive the notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. The notice must be delivered in person or by certified mail, return receipt requested.

Thank you,

  
Jared Smith  
City Planner

*conditional purchase  
zoning - old Town mixed u*

Enclosed: Pictures; Non-Ownership Affidavit

*Certified # 7020 0090 0000 9726 1069*

401 MARKET STREET • TOMBALL, TEXAS 77375-4645 • 281-351-5484