

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: May 8, 2023
City Council Public Hearing Date: May 15, 2023

Rezoning Case: Z23-04
Property Owner(s): Rosehill Estates, LLC
Applicant(s): Rosehill Estates, LLC
Legal Description: Lot 2, Block 1 of Swinghammer/Hauck Subdivision
Location: 1820 S. Cherry St. (Exhibit “A”)
Area: 5.11 acres
Comp Plan Designation: Business Park & Industrial (Exhibit “B”)
Present Zoning: Single-Family Residential -20 Estate District (Exhibit “C”)
Request: Commercial (C) zoning
Adjacent Zoning & Land Uses:
North: Commercial (C)/ Office/warehouse and Electronic Assembly
South: Single-Family Residential – 20 (SF-20)/ Single-Family Residence
West: Agricultural (AG) / City of Tomball Drainage Channel
East: Single-Family Residential – 20 (SF-20) / Single-Family Residence

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.

ANALYSIS

Description: The subject property comprises about 5.11 acres, located 1820 S. Cherry Street. Currently the property is located within the Single Family Residential – 20 (SF-20) zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Properties east and south of the subject property are also located within the Single Family Residential – 20 district and occupied by single family residences. North of the subject property is existing Commercial (C) zoning which was adopted in 2009 by City Council (P09-099) this Commercial zoning is presently occupied by an office/warehouse and electronic assembly land use. West of the subject property is Agricultural (AG) zoning and is a City of Tomball drainage channel.

Comprehensive Plan Recommendation: The property is designated as “Business Park & Industrial” by the Comprehensive Plans Future Land Use Map. This Business Park & Industrial category is intended to create opportunities for employment. This area is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. These areas may require intensive screening and buffering from surrounding development.

According to the Comprehensive Plan, appropriate land uses include office, warehouse, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses.

The Comprehensive Plan recommends the zoning districts of – Light Industrial (LI), Commercial (C), Office (O), or Planned Developments (PD).

Staff Review Comments:

The request to rezone the subject property to Commercial (C) is in direct alignment with the Comprehensive Plans goal and objective of establishing the Business Park & Industrial land use category. Further, the subject property and the neighboring property to the south are remnant Single Family Residential zoning districts wedged between Commercial zoning to the north (adopted in 2009) and south (adopted in 2015). This current arrangement of large lot single family residential zoning districts wedged between two commercial zoning districts is creating a residential spot zoning instance which could be considered an undesirable arrangement. The request to rezone to commercial zoning will help to improve this arrangement. Lastly, the subject property fronts on S. Cherry Street and is approximately 400-linear feet north of the intersection of S. Cherry Street and Theis Lane, two minor arterial streets. Thoroughfares such as this are customarily considered appropriate for commercial zoning districts and activities as they provide convenient vehicular access as well as exposure to large volumes of traffic which is often considered necessary for commercial success.

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 18, 2023. 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 approval of Zoning Case Z23-04.

EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location Map

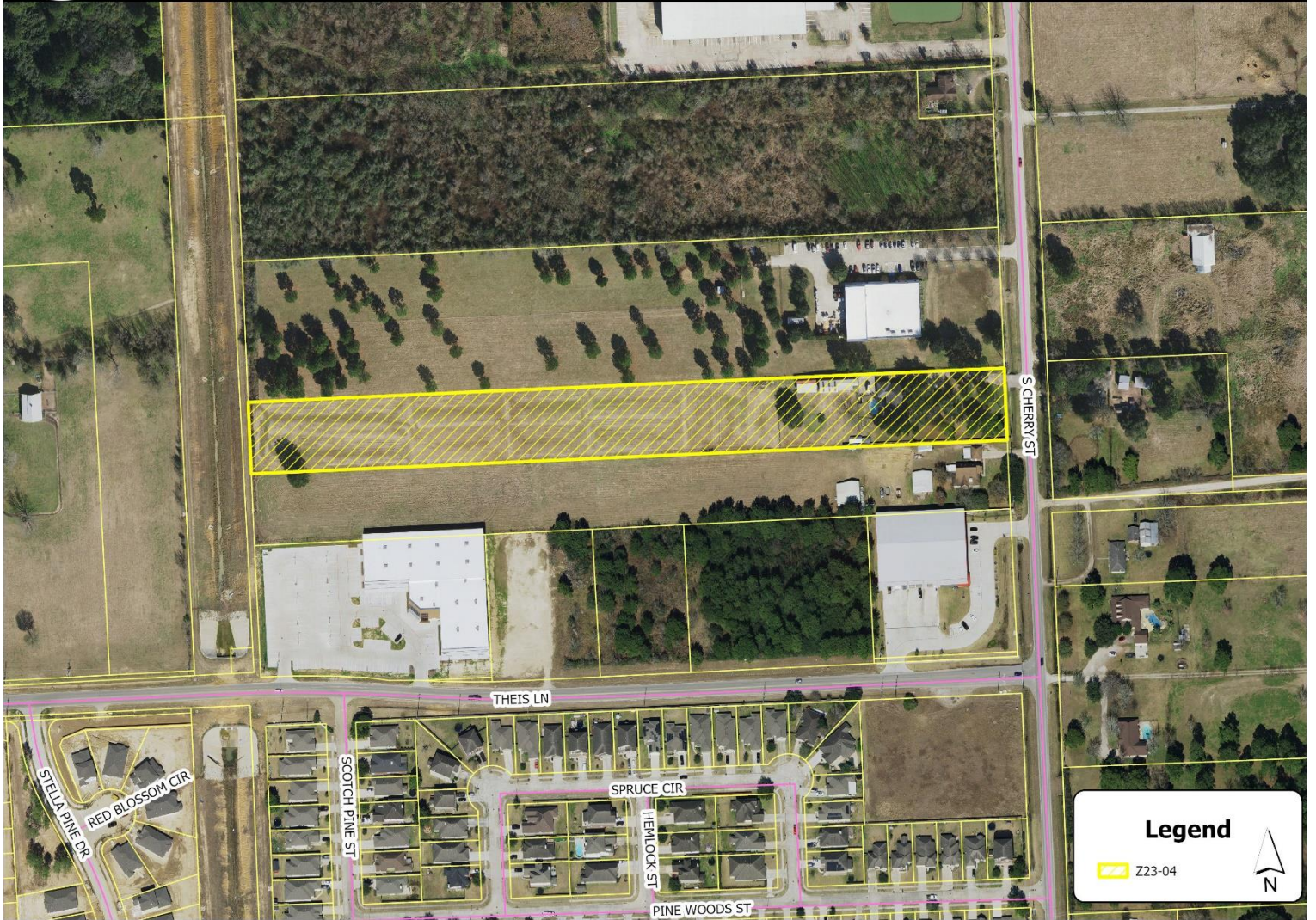
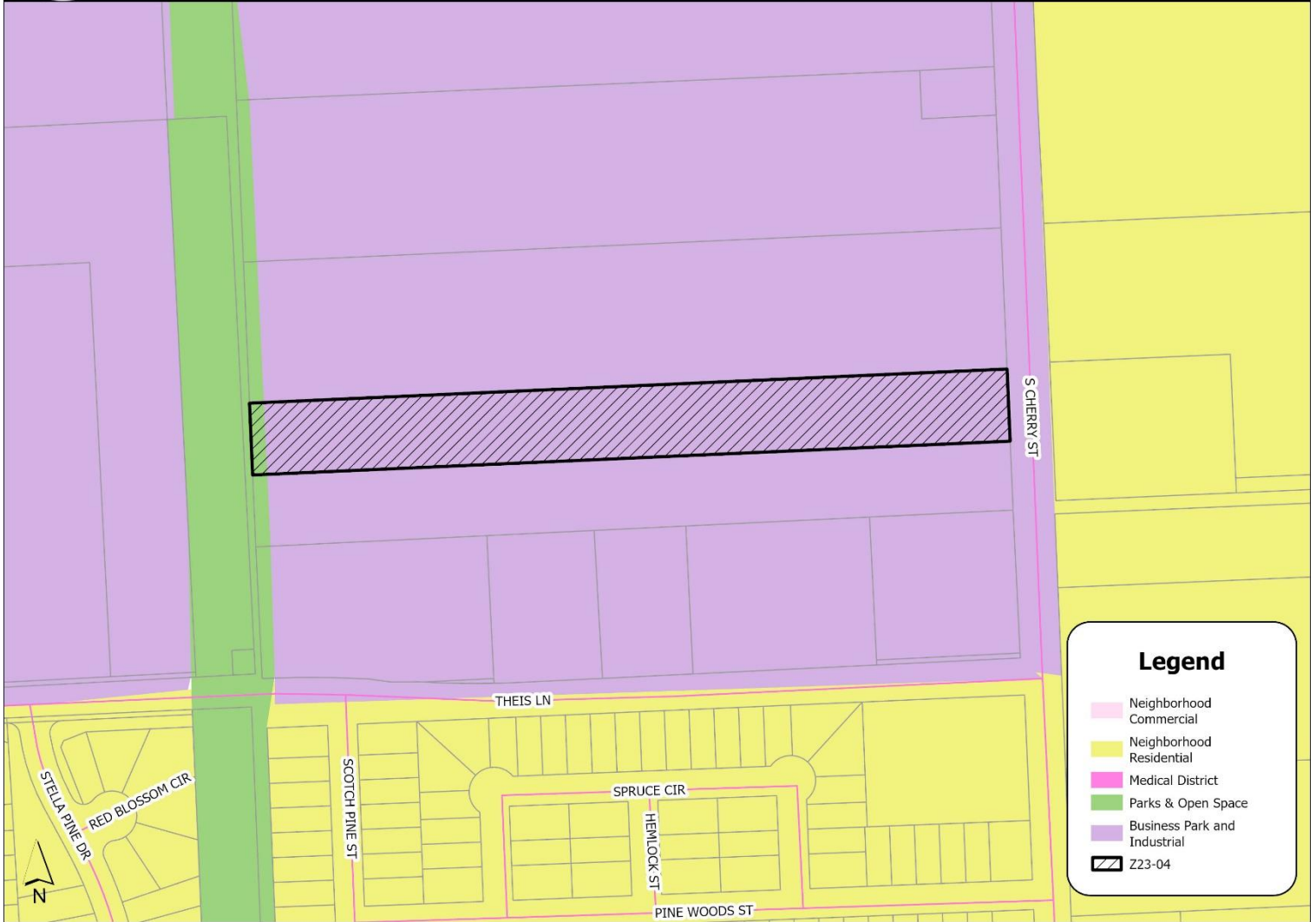


Exhibit "B"
Future Land Use Plan



Future Land Use Map



Legend

- Neighborhood Commercial
- Neighborhood Residential
- Medical District
- Parks & Open Space
- Business Park and Industrial
- Z23-04

Exhibit "C"
Zoning Map

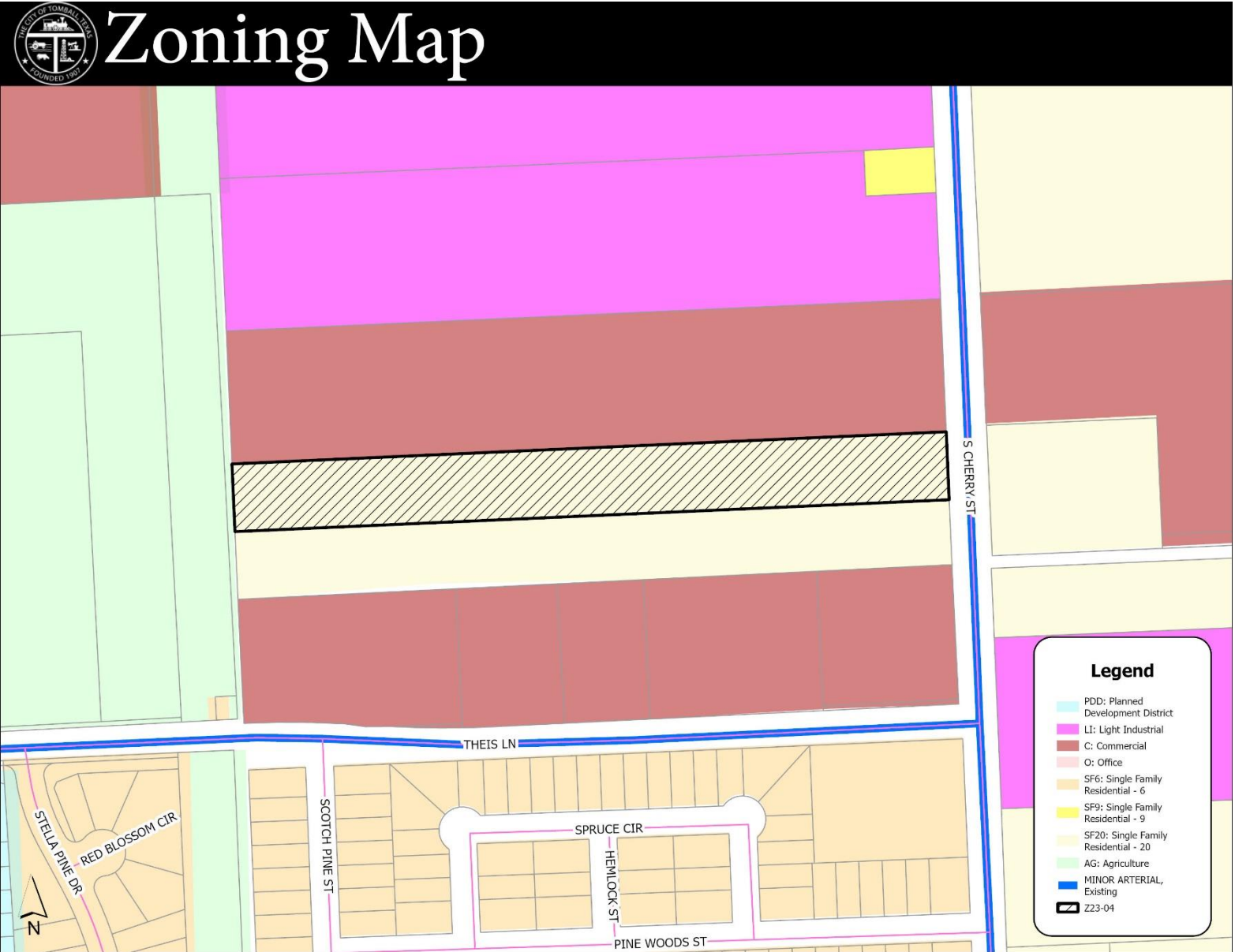


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (South)



Neighbor (North)

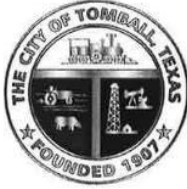


Neighbor (East)



Exhibit "E" Rezoning Application

Revised: 10/1/2022



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: 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.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/secure/send
USERNAME: **tombalcedd**
PASSWORD: **Tomball1**

Applicant

Name: Rosehill Estates, L.L.C., by George Jarquesy Title: Manager
Mailing Address: 1820 S. Cherry St. City: Tomball State: Texas
Zip: 77375 Contact: George Jarquesy
Phone: (281) 290 - 6655 Email: george@jarquesy.com

Owner

Name: Rosehill Estates, L.L.C., by George Jarquesy Title: Manager
Mailing Address: 1820 S. Cherry St. City: Tomball State: Texas
Zip: 77375 Contact: George Jarquesy
Phone: (281) 290- 6655 Email: george@jarquesy.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Use residence as office space, and for future commercial development.

Physical Location of Property: 1820 S. Cherry St Tomball, Tx 77375

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

Legal Description of Property: Lot Two, in Block One (1), of SWINGHAMMER/HAUCK SUBDIVISION

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

Current Zoning District: SF-20

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Current Use of Property: Home Office

Proposed Zoning District: Commercial - C

Proposed Use of Property: Office

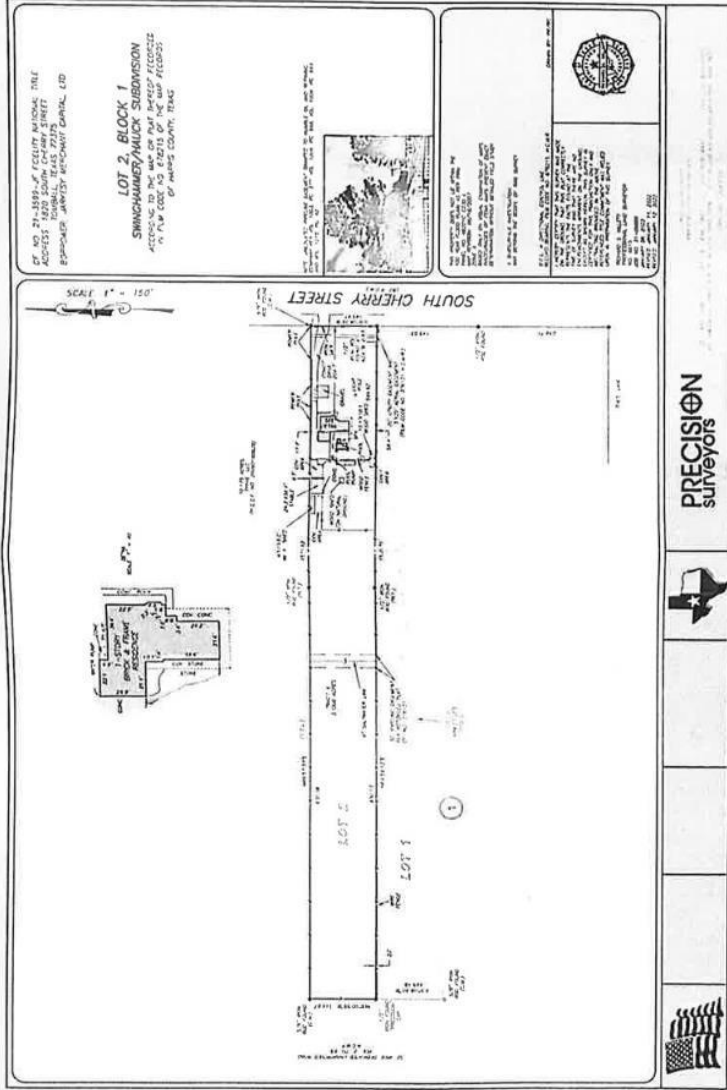
HCAD Identification Number: 13798600010002 Acreage: 5.1 Acre

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  _____ 3-14-2023
Signature of Applicant Date

X  _____ 3-14-2023
Signature of Owner Date





Rosehill Estates LLC, 1820 S. Cherry St. Tomball, Tx 77375

To the City of Tomball,

We are submitting this request asking to Re-zone our residential property to a commercial property.

We would like to use this residential property as our home office for our 5 Employees. We are willing to take necessary action to bring this space up to code standards. This Office space will not be open to the public and has no plans of ever doing so.