

**Conditional Use Permit
Staff Report**

Planning & Zoning Commission Public Hearing Date: September 11, 2023
City Council Public Hearing Date: September 18, 2023

Rezoning Case: CUP23-05

Property Owner(s): 2S&Z Investments LLC

Applicant(s): Breann Williams

Legal Description: Reserve B, Block 1 of Brown-Hufsmith Church Subdivision

Location: Located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas. (Exhibit "A")

Area: 1.00 acre (approximately)

Comp Plan Designation: Neighborhood Residential (Exhibit "B")

Present Zoning and Use: Office District (O) (Exhibit "C") / Vacant (Exhibit "D")

Proposed Use(s): *Barber/Beauty Shop (no related school/college)*

Request: Conditional Use Permit (CUP) to permit *Barber/Beauty Shop (no related school/college)*

Adjacent Zoning & Land Uses:

North: Brown-Hufsmith Road, Single-Family Residential District (SF-9)/ Redeemer Church

South: Single Family Residential – 6 (SF-6)/Drainage & Detention

West: Single Family Residential – 6 (SF-6)/The Church of Jesus Christ of Latter-Day Saints

East: Baker Drive, Single Family Residential – 6 (SF-6)/Single- Family Residences

BACKGROUND

The subject property is a part of the approved, recorded Brown-Hufsmith Church Subdivision. A building permit for the Bakers Landing Office Condominiums, a one-story multitenant commercial building, was approved by the City in October of 2021 and the construction was completed this year (2023). The applicant is planning to move their business that was previously located on Main Street to Suite B of the Bakers Landing Office Condominiums. As per the applicant, the days of

operation of the proposed Barber/Beauty Shop will be Tuesday-Saturday. The applicant is expecting approximately 13 employees to be working at this location. The *Barber/Beauty Shop (no related school/college)* land use is permitted within the Office (O) zoning district with the approval of a Conditional Use Permit. Conditional Use Permits provide the opportunity to consider whether a location is appropriate for *Barber/Beauty Shop (no related school/college)*, and to apply conditions that promote the compatibility of the proposed use with the surrounding properties and land uses.

ANALYSIS

Description: The subject property comprises about one acre and is located at the southwest corner of Brown-Hufsmith Road and Baker Drive. The subject property was rezoned from Single Family – 6 (SF-6) to Office (O) in August of 2020. Property to the north across Brown-Hufsmith Road is occupied by a church (Redeemer Church) and is zoned SF-9. To the south is an existing drainage/detention facility zoned SF-6. The property to the west is zoned SF-6 and contains a church (The Church of Jesus Christ of Latter-Day Saints). The parcels to the east across Baker Drive are zoned SF-6 and contain single-family residences.

Conformance with the Factors for Consideration of CUP (Sec. 50-81 (f)):

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of 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 the 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 subject property is designated as Neighborhood Residential by the Comprehensive Plan's Future Land Use Map (FLUM). This land use category is intended for areas predominantly comprised of single-family detached housing. Such areas are primarily served by the automobile and with the inclusion of sidewalks for better access and safety. The size of lots will depend on surrounding land uses, with smaller lots being closer to supporting amenities, and recreation opportunities. Recommended primary land use is single-family detached residential. Recommended secondary land uses include parks, schools, and other public facilities. Where residential collector streets meet arterials, limited commercial services and single-family attached residential that do not require large parking lots are recommended. Recommended zoning categories are SF-20-E: Single-family Estate Residential-20; PD: Planned Development; SF-9: Single-family Residential-9; and SF-6: Single-family Residential-6.

The proposed CUP for *Barber/Beauty Shop (no related school/college)* is in conformance with the Comprehensive Plan recommendation of a commercial service that does not require large parking lot and is located at the intersection of a collector and an arterial.

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 rezoned to Office (O) in 2020. This district is appropriate for low intensity office and professional uses. *Barber/Beauty Shop (no related school/college)* is permitted in this district with a CUP. The Comprehensive Plan also recommends commercial services that do not require large parking lots to be located at the intersection of a collector and an arterial.

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

The proposed use will be held to all applicable site development standards outlined in the City Code of Ordinances. A building permit for the shell building where the proposed use will be located was approved by the City in 2021. Additionally, prior to operation, a Certificate of Occupancy application shall be submitted to the City of Tomball Community Development Office identifying the planned arrangement of the Barber/Beauty Shop to ensure all standards required by the Code of Ordinances and/or required by this Conditional Use Permit are met.

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;

It is customarily appropriate to locate low intensity commercial uses near the intersection of arterial and collectors in residential areas. This proposed use is consistent with the surrounding mix of land uses currently found in the area. Staff believes that a Barber/Beauty Shop at this location would not be out of character for the surrounding area, particularly given that the property is next to Brown-Hufsmith Road and Baker Drive and existing nonresidential land uses.

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

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and mailed to property owners within 300 feet of the project site on August 29, 2023. Any public comment forms received 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 CUP Case CUP23-05.

EXHIBITS

- A. Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo(s)
- E. Conditional Use Permit Application

Exhibit "A"
Aerial Location Map



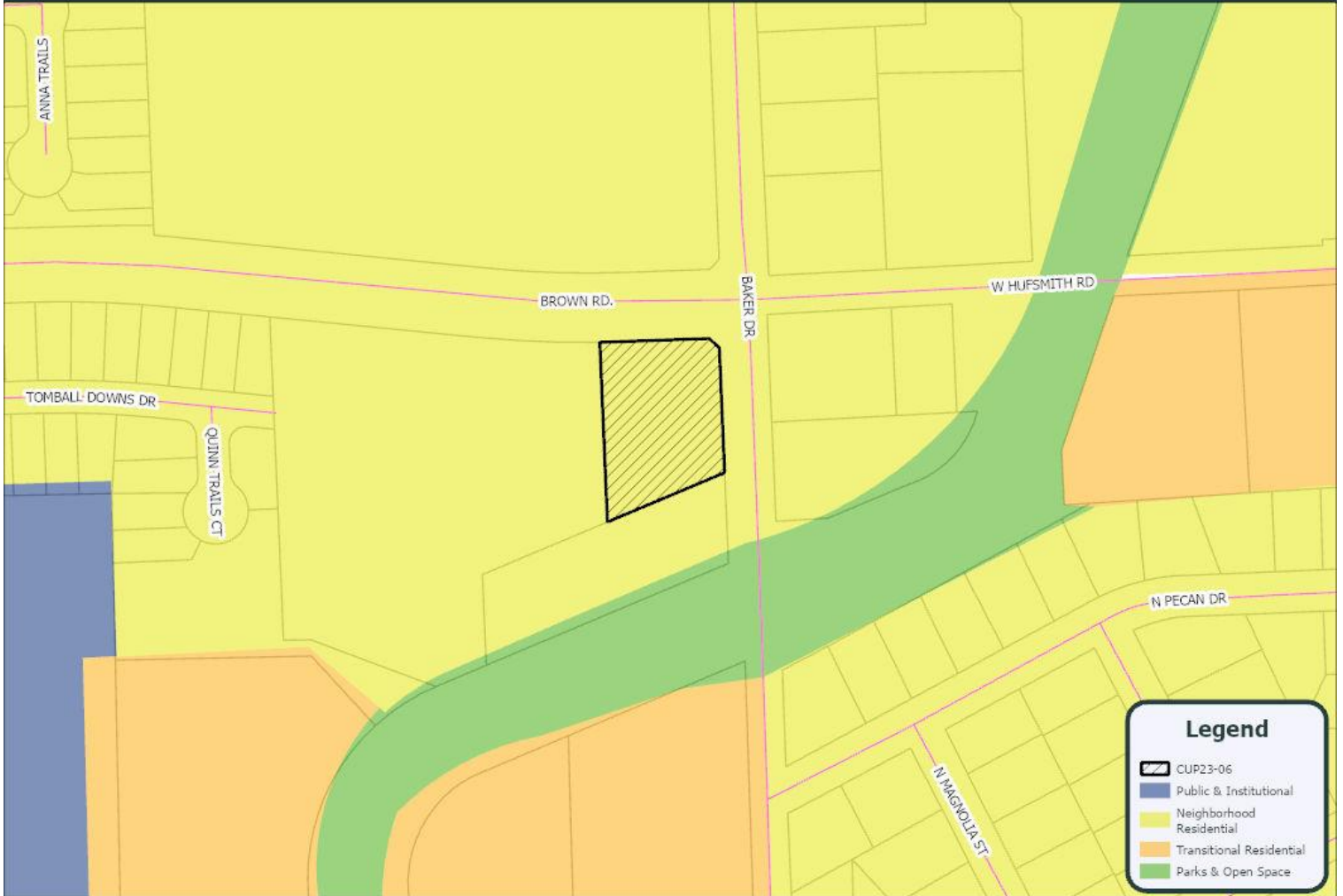
Location



Exhibit "B"
Future Land Use Plan



Future Land Use



Legend

- CUP23-06
- Public & Institutional
- Neighborhood Residential
- Transitional Residential
- Parks & Open Space

Exhibit "C"
Zoning Map



Zoning

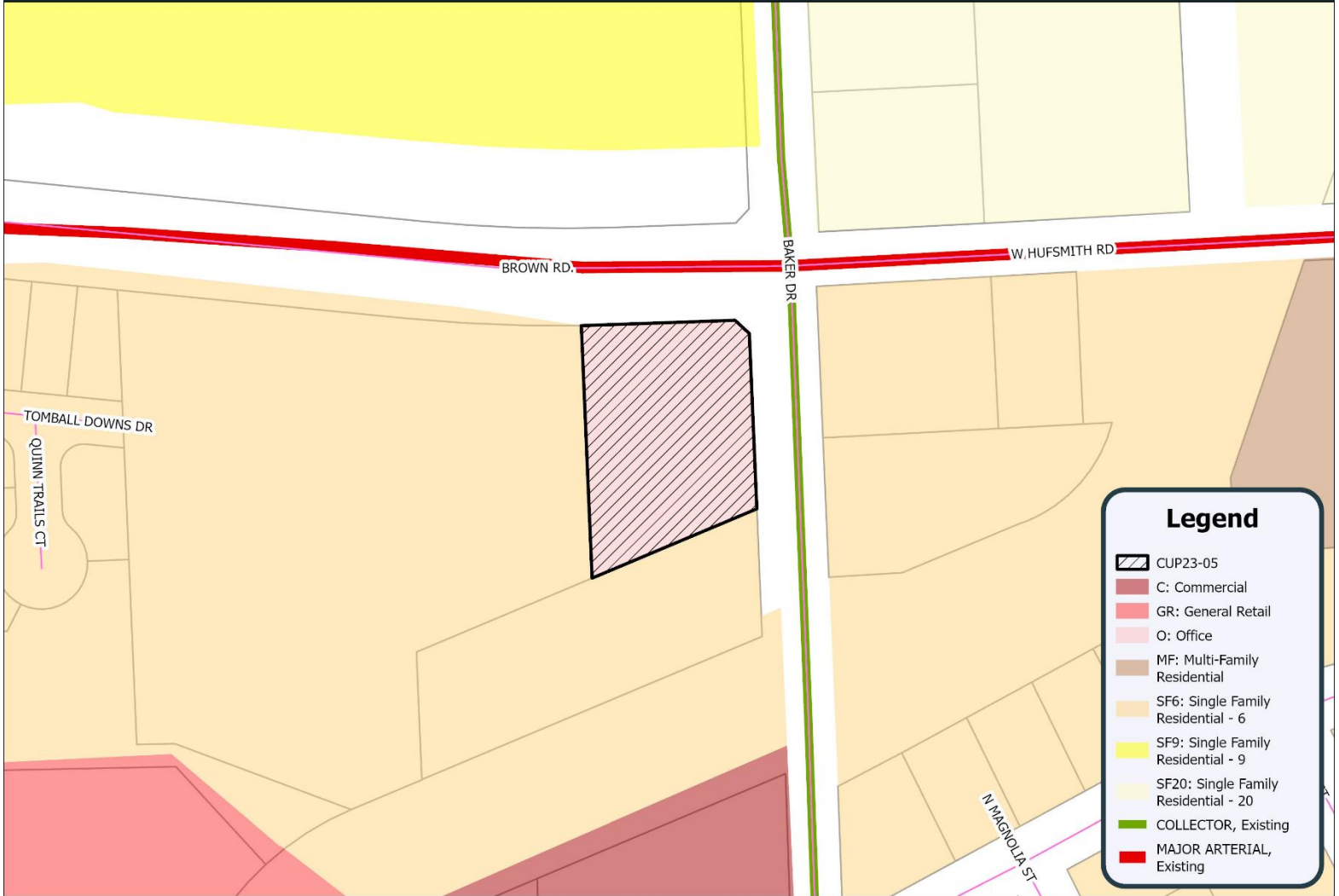


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E"
Conditional Use Permit Application



RECEIVED (KC)
08/02/2023

Revised: 10/1/2022
CUP23-05
\$1,000 PD

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.

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/securesend
USERNAME: tombaldd
PASSWORD: Tomball1

Applicant

Name: Breann Williams Title: Owner, Southern Pineapple Boutique & Salon
Mailing Address: 16902 Indigo Hills Dr City: Magnolia State: TX
Zip: 77355 Contact: _____
Phone: (281) 441-1414 Email: southernpineappleboutiquetx@gmail.com

Owner

Name: Shan Ali Title: Owner, 2S&Z Investments, LLC
Mailing Address: 15110 Mintz Ln City: Houston State: TX
Zip: 77014 Contact: _____
Phone: (832) 630-1758 Email: shanali1@icloud.com

Engineer/Surveyor (if applicable)

Name: Ismaali urfi Title: engineer
Mailing Address: 1914 Kelli Wood Trails City: Katy State: TX
Zip: 77450 Contact: ismali@nengineer.com
Phone: (281) 748 1940 Fax: () _____ Email: _____

Description of Proposed Project: Hair Salon/Beauty Shop

Physical Location of Property: 640 Baker St, Ste B, Tomball, TX
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: RES B BIK 1 BROWN HUFFSMITH UTURAT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1387030010002 Acreage: 43560SF

Current Use of Property: New building/Vacant

Proposed Use of Property: Hair Salon/Beauty Shop

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] 7/31/2023
Signature of Applicant Date

X [Signature] 7-31-23
Signature of Owner Date

From: noreply@mail.tdr.tylerhosting.cloud
To: [Kimberly Chandler; customerservice](mailto:Kimberly.Chandler@customerservice.com); bre.pennix@gmail.com
Subject: Receipt #R01374015
Date: Tuesday, August 1, 2023 11:23:20 AM

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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

DATE : 8/1/2023 11:18 AM
OPER : SM
TKBY : SM
TERM : 6
REC# : R01374015
130.0000 PLANNING AND ZONING
640 baker 1000.00

508.0000 CREDIT CARD FEES-GENERAL FUND
100-5561 30.00

Paid By:breann pennix
4-CC 1030.00AUTH:07089C REF:p visa 383

To whom it may concern,

I am asking for a conditional occupancy for my hair salon/beauty shop at 640 Baker St suite B in Tomball.

I am a Tomball business owner and a Tomball local (born and raised). My business was previously located on Main Street and this move would allow us to continue our growth and better serve the community of Tomball.

Our salon is open Tuesday-Saturday by appointment. We have a receptionist that works at the front desk from 11-5 Tuesday- Saturday as well. Our business currently employees 7 people with an opportunity to add 5-6 more jobs with this move.

I appreciate your consideration.

Thank you,

Breann Williams
Owner - Southern Pineapple

