

***Rezoning
Staff Report***

Planning & Zoning Commission Public Hearing Date: October 11, 2021

City Council Public Hearing Date: October 18, 2021

Rezoning Case: P21-369

Property Owner(s): Louis Smulders

Applicant(s): Louis Smulders

Legal Description: Reserve A Block 3 Pine Meadows

Location: Southwest corner of Theis Lane and South Cherry Street (Exhibit “A”)

Area: Approximately 1.9 acres

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

Present Zoning and Use: Single-Family 6 District (Exhibit “C”) / Undeveloped (Exhibit “D”)

Request: Rezone from the Single-Family 6 District to the General Retail District

Adjacent Zoning & Land Uses:

- North:** Commercial District / Goodson Distribution
- South:** Single-Family 6 District / Single-family residences (Pine Meadows subdivision)
- West:** Single-Family 6 District / Single-family residences (Pine Meadows subdivision)
- East:** Single-Family 20 Estate and Light Industrial Districts / Single-family residences

BACKGROUND

When Pine Meadows subdivision was platted in 2004, the subject site was designated for commercial use. The City adopted Zoning in 2008 and designated the property as Single-Family 6 District, overriding the recorded plat.

In July 2021, a rezoning request for the same parcel from Single-Family 6 District to Commercial District was considered. Planning & Zoning Commission and staff recommend denial of that zone change and the zone change was denied by City Council. At that time, staff’s recommendation was to consider the Office District for this site, as the Office zoning district is intended to be a transition district between residential uses and more intense non-residential uses. The Office District is considered to be suitable for locations that are in close proximity to residential districts as the uses permitted in the Office District are generally compatible with adjacent residential areas.

ANALYSIS

Location: The subject site, approximately 1.9 acres is located at the southwest corner of Theis Lane and South Cherry Street and was originally part of the Pine Meadows subdivision plat. Goodson Distribution Center is located to the north of the property and single-family residences are located to the east, south and west.

Description of Proposed Zoning Category: According to Section 50-76 (*General Retail District (GR)*), the General Retail District is “established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The GR General Retail District should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.” Uses allowed in the General Retail District are typically not compatible with residential uses.

Permitted Land Uses: Theis Lane and Cherry Street are existing minor arterials based on the Thoroughfare Map, however there are multiple single-family residences located to the south and west of the subject site. Based on the range of uses permitted by right in this zone, it does not appear that the General Retail District is appropriate for this property. See attached land use matrix (Exhibit E) for a list of uses that are permitted in the General Retail District.

Comprehensive Plan Recommendation: The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended “for areas predominantly comprised of single-family detached housing”. Appropriate land uses include single-family residences and “limited commercial services that do not require large parking lots” where residential collector streets meet arterials. Compatible zoning districts include Single-Family 20 Estate, Single-Family 9 and 6, and Planned Developments. The proposed zoning district does not meet the intent of this category.

Conceptual Development Plans: The applicant has included proposed development plans for the site. However, it is important to note that the zone change cannot be conditioned on a site plan or other additional requirements. Once the property is zoned, it can be developed for any uses permitted in that zoning category and in a manner that meets the requirements of the zoning code.

Recommendation: The zoning code includes another zoning district, Office that will permit the proposed uses with a Conditional Use Permit (CUP). Office District seems appropriate for the subject parcel considering the adjacent residential use. CUP gives City an opportunity to review the site plan and identify additional requirements. This was recommended to the applicant at a Pre-development meeting.

Applicable Compatibility Standards: At the previous meeting, there was some discussion on landscaping, buffers, and lighting. The following zoning requirements would be applicable to this property:

- A ten-foot side landscaped open-space buffer along the adjacent residential area.
- Minimum rear yard adjacent to a single-family (within which parking is permitted) shall be 60 feet.
- A minimum 15 percent of the front yard shall be permanently landscaped area. In addition, 7.5 percent of the area not covered by building or structure shall be permanently landscaped.

- S. Cherry Street and Theis Lane - A minimum ten foot landscape buffer adjacent to the right-of-way is required, with one large tree per 40 linear feet (or portion thereof) of street frontage.
- Landscape areas of a minimum of 50 square feet in area and a minimum of five feet wide, with at least one tree within 60 feet of every parking space.
- A minimum of one tree planted in the parking area for every ten parking spaces for parking lots having more than 20 spaces.
- A minimum 3-4 trees required for the proposed square footage of the building, in addition to those required for major thoroughfares.
- All parking area lighting shall be designed, shielded and operated so as not to reflect or shine on adjacent properties.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper on September 29, 2021 and property owners within 200 feet of the project site were mailed notification of this proposal on September 30, 2021. 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 is unable to recommend approval of Zoning Case P21-369. The Office Zoning District may be more appropriate for this property, as it is intended to be a transition district between residential uses and more intense uses. More intense uses would require a CUP that would give the City an opportunity to evaluate the impact of those uses on adjoining residential properties and require appropriate measures to mitigate the adverse impacts.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Land Use Matrix
- F. Rezoning Application and Supporting Documents

A. Exhibit "A"
Aerial Photo



**Exhibit “B”
Comprehensive Plan**

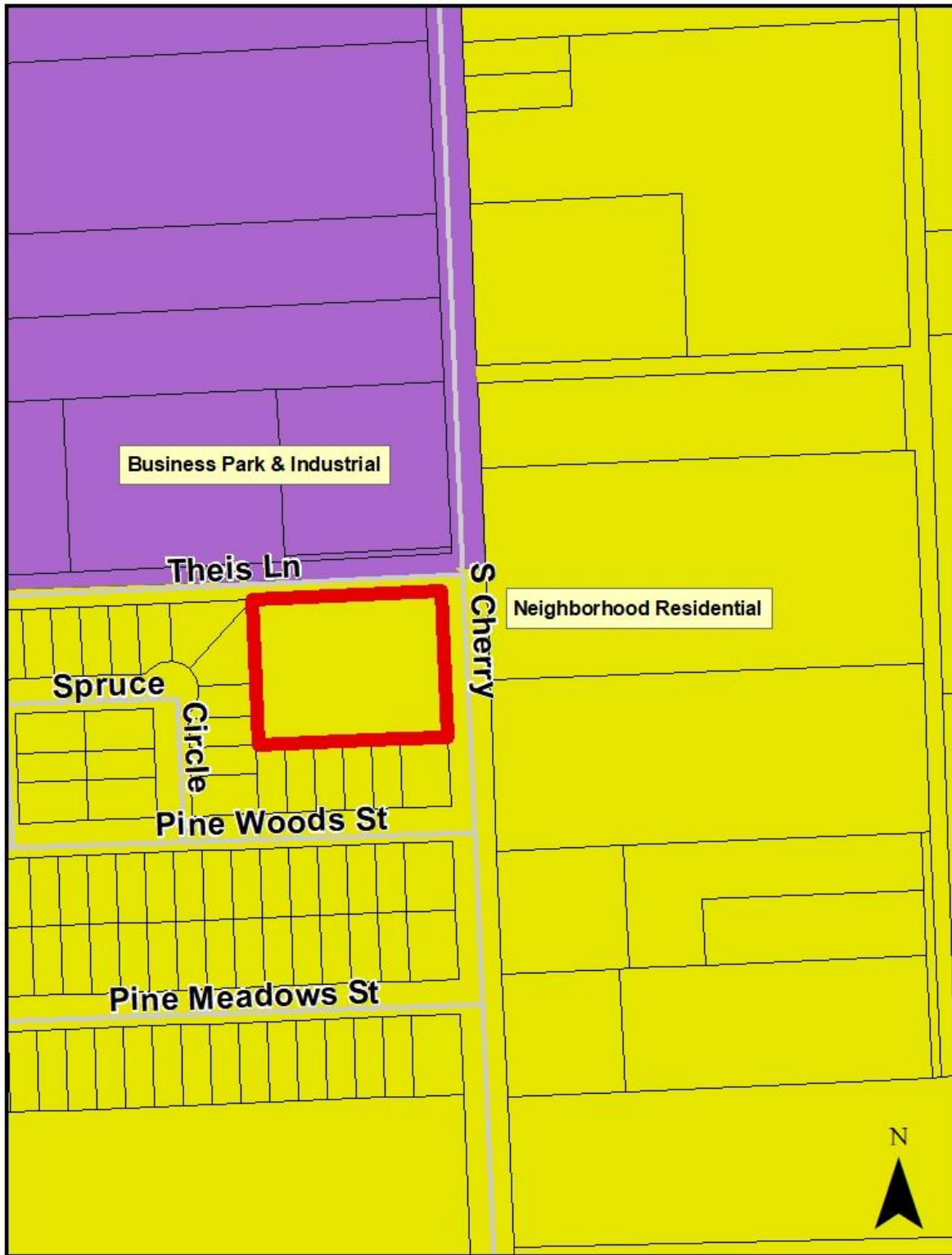
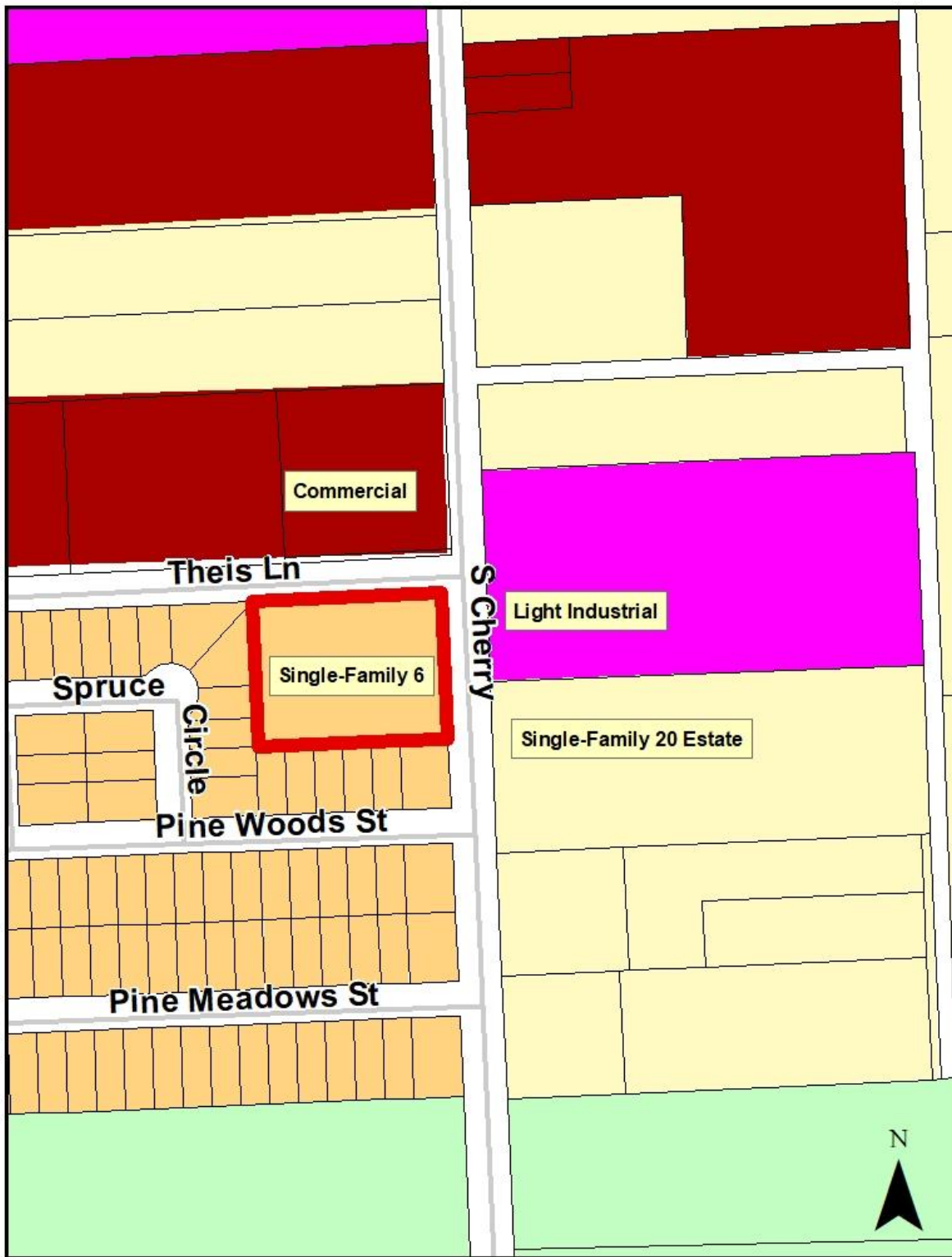


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



**Exhibit “E”
Land Use Matrix**

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL	Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning			
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2			
Zoning Categories	O	GR	C
Accessory building/structure (business or industry) ‡	P	P	P
Accessory building/structure (residential) ‡			
Accessory dwelling			
Acid manufacture			
Adhesives and sealants manufacture			C
Adult day care (business)			
Aircraft parts manufacture			
Airplane repair and manufacturing			
Airport or landing field ‡			
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)		P	P
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display)		P	P
Ambulance service		C	P
Amusement devices/arcade (4 or more devices, indoors only) ‡		C	P
Amusement, commercial (indoor) ‡		C	P
Amusement, commercial (outdoor) ‡		C	P
Amusement, commercial, temporary, (e.g., carnival, haunted house). (Note: Allowed by building official for up to 10 days) ‡			C
Animal kennel (outdoor pens)			C
Animal processing and slaughter			C
Antenna (commercial)			
Antenna (noncommercial)			
Antique shop (no outside sales or storage) ‡		P	P
Antique shop (with outside storage)		C	P
Any manufacture or industrial process not listed and not prohibited by law			C
Apparel shop		P	P

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Appliance repair		P	P	
Armed services recruiting center	P	P	P	
Art gallery/museum/dealer ‡	C	P	P	
Artificial flower manufacture		C	P	
Artist or photography studio	C	P	P	
Asphalt paving and roofing material manufacture				
Assisted living facility (continuing care retirement community) ‡	C	P	P	
Auction house		C	P	
Auto accessories (retail sales only)		P	P	
Auto body repair/painting		C	P	
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)		P	P	
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡		P	P	
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display		C	P	
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡		C	P	
Auto glass repair/tinting		P	P	
Auto interior shop/upholstery		C	P	
Auto muffler shop		C	P	
Auto paint shop		C	P	
Auto parts sale (new or rebuilt; no outside storage, no outside display, no repair)		P	P	
Auto parts sale (new or rebuilt; with outside storage or display)		C	P	
Auto rental		P	P	
Auto repair (major) ‡		C	P	
Auto repair (minor) ‡		P	P	
Auto storage or auto auction ‡			C	
Auto tire sales (indoor)		P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Auto wrecker service			P	
Automobile assembly				
Automobile driving school (including defensive driving)	C	P	P	
Automobile parts manufacturing			C	
Automobile wash (full service/detail shop) ‡		P	P	
Automobile wash (self-service) ‡		C	P	
Awning manufacture, cloth, metal and wood			P	
Bag manufacturing			P	
Bakery (wholesale) ‡			P	
Bakery, retail (eating establishment, no drive-through) ‡	C	P	P	
Bakery, retail (with drive-through)		P	P	
Bank, savings and loan, or credit union (no motor bank services)	P	P	P	
Bank, savings and loan, or credit union (with motor bank services)	C	P	P	
Barber/beauty shop (no related school/college)	C	P	P	
Battery manufacture				
Bed and breakfast inn ‡	C	P	P	
Bike sales and/or repair		P	C	
Billiard/pool Facility (4 or more tables)		C	P	
Bingo facility		C	P	
Bird and pet shops (retail only)		P	P	
Bleaching/chorine powder manufacture				
Boiler manufacture and repair				
Book binding			P	
Book/stationery shop (retail only) ‡		P	P	
Bottling works			P	
Bowling alley (air conditioned and soundproofed)		P	P	
Brewpub	C	P	P	
Broadcast station (with tower)				

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Broadcast towers (commercial)				
Broom manufacture			P	
Building material sales/lumber yard ‡		C	P	
Bulk Grain and/or feed storage			C	
Bus or truck storage			P	
Candy and other confectionary products manufacture		C	P	
Canning and preserving factory			C	
Canvas and related products manufacture			P	
Caretaker's, guard's residence ‡	P	P	P	
Carpenter shop		C	P	
Carpet and rug cleaning plant		C	P	
Casein manufacture				
Catering service		P	P	
Cattle, swine, or poultry feedlot (CAFO)				
Cellular communications tower/PCS				
Celluloid and similar cellulose manufacture				
Cement manufacture				
Cemetery and/or mausoleum ‡	C	C	C	
Ceramic products manufacture		C	P	
Chalk manufacture				
Check cashing service		C	C	
Chemicals (agricultural) manufacture				
Chemicals (industrial) manufacture				
Child day care center (business) ‡	C	P	P	
Church/temple/place of worship ‡	P	P	P	
Civic center (municipal) ‡	P	P	P	
Civic club	P	P	P	
Cleaning plant (commercial laundry) ‡		C	P	
Clinic, emergency care		P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Clinic, medical and/or dental	P	P	P	
Clothing manufacture			P	
Coffee roasting			C	
Coffin manufacture			C	
Cold storage plants/locker			P	
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)		P	P	
Community center (public)	P	P	P	
Community home ‡				
Community or social buildings ‡	P	P	P	
Concrete or asphalt mixing/batching plant (permanent) ‡				
Concrete or asphalt mixing/batching plant (temporary) ‡		C	P	
Consignment shop		C	P	
Construction contractor with storage yard			P	
Contractor's office/sales, no outside storage including vehicles		P	P	
Contractor's temporary on-site construction office (only with permit from building official.)	P	P	P	
Convenience store (with or without gasoline sales) ‡	C	P	P	
Copy shop ‡	C	P	P	
Country club (private) ‡	C	C	C	
Credit agency	P	P	P	
Crematory				
Culvert manufacture				
Cutlery, handtools and general hardware manufacture			C	
Dairy products manufacture			C	
Dance hall/dancing facility ‡		C	C	
Dance/drama/music schools (performing arts, martial arts)	C	P	P	
Dinner theatre		P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts	
Source: City of Tomball Chapter 50 - Zoning			
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2			
Zoning Categories	O	GR	C
Distillation of liquors, spirits, etc. (brewery)			
Distribution center ‡			P
Drinking establishment	C	P	P
Drive-in theater			C
Drug store (retail only)		P	P
Dwelling, four-family (quadraplex) (defined under Multiple-family dwelling) ‡			
Dwelling, HUD code- manufactured home ‡			
Dwelling, industrialized home ‡			
Dwelling, multiple-family ‡			
Dwelling, single-family attached ‡			
Dwelling, two-family, duplex or duplex townhome ‡			
Dwelling, zero-lot line/patio home ‡			
Dwelling—Single-family detached ‡			
Dye manufacture			
Dyeing plant			C
Earth satellite dish (private, less than 3 feet in diameter)			
Eating establishment (with drive-in service) ‡		C	P
Eating establishment (with drive- through service) ‡		C	P
Eating establishment (with no drive through service) ‡	C	P	P
Electric lamp manufacture			C
Electric power plant			C
Electric repair, (domestic equipment and autos)	C	P	P
Electrical substation ‡	C	C	C
Electronic assembly			P
Electronic goods (retail only)		P	P
Electro-plating/electro-typing			P
Elevator manufacture			
Enameling and painting			C

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Engraving plant			P	
Envelope manufacture			P	
Exhibition hall ‡		C	P	
Exterminator service/company (no outdoor sales or storage)		P	P	
Fair ground or rodeo ‡			C	
Family home (child care in place of residence) ‡	P	P	P	
Farm (ranch, garden, crops, livestock, or orchard) ‡	P	P	P	
Farm/garden machinery and equipment manufacture			C	
Fats and oils (animal) manufacture				
Feed and grain store/farm supply store ‡		C	P	
Feed manufacture			C	
Felt manufacture				
Fix-it shops, small engine, saw filing, mower sharpening		C	P	
Fixtures manufacture			C	
Florist shop (retail only) ‡	C	P	P	
Flour and other grain mills				
Food or grocery store		P	P	
Food processing ‡			C	
Footwear manufacture			C	
Fortunetelling and similar activities ‡				
Foundry, all types				
Fraternal organization ‡	C	P	P	
Fraternity or sorority house ‡	C	C	C	
Funeral home ‡		C	P	
Fur/hide tanning and finishing				
Furnace manufacture				
Furniture and appliance store (retail only) ‡		P	P	
Furniture manufacture			C	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Furniture store (new and used) ‡		P	P	
Garage/accessory dwelling ‡				
Garden shop ‡		P	P	
Gases (industrial) manufacture				
Gasoline station		P	P	
General retail stores (no outside storage)		P	P	
Gift or card shop (retail only)	C	P	P	
Glucose manufacture				
Golf course (private) ‡	C	C	C	
Golf course (publicly owned) ‡	P	P	P	
Golf driving range		C	P	
Governmental building or use (county, state or federal) ‡	P	P	P	
Greenhouse (non-retail/hobby)				
Hair products factory (other than human)				
Hardware store		P	P	
Health club (indoor)	C	P	P	
Health club (outdoor)		P	P	
Heating and air conditioning sales/services		C	P	
Heavy machinery sales and storage ‡			C	
Heliport ‡	C	C	C	
Helistop	C	C	C	
Hobby and crafts store (retail only)	C	P	P	
Home improvement center		P	P	
Home occupation ‡		P	P	
Hospital ‡	C	P	P	
Hotel ‡		P	P	
Household care facility ‡				
Household care institution		P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Ice cream/ice manufacture			P	
Institution for alcoholic, narcotic, or psychiatric patients ‡		C	C	
Institution of religious, educational or philanthropic nature	C	P	P	
Iron works (ornamental)			C	
Jewelry store		P	P	
Kerosene manufacture or storage				
Laboratory equipment manufacturing ‡				
Laundromat/washateria/self- service ‡		P	P	
Laundry/dry cleaning (retail only, drop off/pick up) ‡	C	P	P	
Lawnmower repair and/or sales		C	P	
Leather products manufacture			C	
Livestock sales/auction				
Livestock, wholesale/auction				
Loading or storage tracks			P	
Loan service (payday / auto title)		C	C	
Locksmith		P	P	
Lumber mill/yard				
Machine shop			P	
Machinery manufacture			C	
Mailing service (private)		P	P	
Maintenance and repair service for buildings/janitorial		C	P	
Manufactured home display or sales (new or used) ‡			C	
Marble working and finishing			C	
Market, open air, flea			C	
Mattress, making and renovating			P	
Meat and fish market (retail only)		P	P	
Meat packing plant				
Metal cans and shipping containers manufacture			C	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Metal products, stamping and manufacture			C	
Milk depot, wholesale			P	
Mini-warehouse/self storage ‡		C	P	
Mirror resilvering			C	
Mobile Food Court ‡		C	C	
Model home (including sales office)	P	P	C	
Mortuary		C	P	
Motel ‡			C	
Motion picture studios, commercial films		C	P	
Motion picture theater (indoors)		P	P	
Motor freight transportation, storage, and terminal			P	
Motorcycle sales/dealer w/no outdoor sales, storage, and display		P	P	
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡		P	P	
Moving and storage company			P	
Municipal facility or use ‡	P	P	P	
Museum	C	P	P	
News printing			P	
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)		P	P	
Nursery ‡		P	P	
Office equipment manufacture			P	
Office showroom/warehouse ‡	C	C	P	
Office, parole-probation		P	P	
Office, professional and general business ‡	P	P	P	
Oil compounding and barreling				
Oilcloth manufacture				
Orthopedic, prosthetic, surgical appliances and supplies manufacture			P	
Outdoor sales as a primary use ‡		C	P	
Paint manufacture and/or mixing			C	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Painting and refinishing shop		C	P	
Paper and paper pulp manufacture				
Paper products and paper box manufacture			P	
Park and/or playground (private) ‡	P	P	P	
Park and/or playground (public, municipal) ‡	P	P	P	
Parking lot or garage for passenger cars and trucks of less than one-ton capacity ‡	C	P	P	
Pawn shop ‡			P	
Pecan processing			C	
Penal or correctional institutions			P	
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display		P	P	
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display		P	P	
Pet and animal grooming shop (no outside kennels) ‡		P	P	
Petroleum and petroleum products refining				
Petroleum distribution/storage ‡			C	
Pharmacy (retail only)	C	P	P	
Piano and musical instruments (retail only)		P	P	
Plastic products, molding, casting and shaping			P	
Playfield or stadium (private)		C	P	
Plumbing shop		C	P	
Post office (governmental)	P	P	P	
Poultry hatchery				
Poultry slaughtering and processing				
Printing equipment, supplies and repairs		C	P	
Printing ink manufacture				
Private street subdivision		C	C	
Propane sales filling (retail)		C	P	
Publishing and printing company		C	P	
Quick lube/oil change/minor inspection		P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Radio, television and communications towers				
Railroad team tracks, unloading docks, and spurs			P	
Railroad yards, round house or shop			C	
Reception venue	C	P	P	
Recreational vehicle park				
Recreational vehicle park/campground ‡			C	
Rectory/parsonage	P	P	P	
Reduction of fats, ores, metals, garbage, offal, etc.; rendering plant				
Rehabilitation care facility (halfway house) ‡	C	P	P	
Rehabilitation care institution (business) ‡	C	P	P	
Residential use ‡	C	C	C	
Retirement housing for the elderly ‡				
Riding academy	C	C	C	
Rock quarries, sand, gravel and earth excavations or extractions				
Rug and carpet manufacture			C	
Salvage storage yard ‡				
Sand, gravel, or stone storage (including sales) ‡			C	
Sanitary landfill (private)				
School, business (e.g., barber/beauty/cosmetology)		P	P	
School, college or university	C	P	P	
School, commercial trade (vocational) ‡	C	P	P	
School, other than public or denominational ‡	C	P	P	
School, public or denominational ‡	P	P	P	
Scientific and industrial research laboratories (hazardous) ‡			C	
Scientific and industrial research laboratories (nonhazardous) ‡	P	C	P	
Scrap metal storage yard				
Seamstress, dressmaker or tailor (retail only)	C	P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Security monitoring company (no outside storage)	P	P	P	
Security systems installation company		C	P	
Sexually oriented business				
Sheet metal shop			P	
Shellac and varnish manufacture				
Sheltered care facility ‡		C	C	
Shoe repair shop (retail only)		P	P	
Sign manufacturing (no outside storage)			C	
Sign manufacturing (with outside storage)			C	
Sign shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)		P	P	
Sign, all types (defined within the referenced section) ‡				
Skating rink		P	P	
Skilled nursing facility ‡	C	C	P	
Snuff manufacture				
Soap, detergents, cleaning preparations manufacture				
Stable, commercial				
Stables (private, principal or accessory use) ‡				
Starch manufacture				
Steel works, blast furnaces and rolling mills				
Stone cutting or crushing				
Stone monuments and gravestones, engraving and retail sales only		C	P	
Stone, clay, glass and concrete Products (other than handicrafts) manufacture				
Storage of cement, sands and gravel			C	
Storage of used lumber and building materials			C	
Studio for radio and/or television (no towers) ‡	P	P	P	
Swimming pool, commercial ‡	C	P	P	
Swimming pool, private (use by membership) ‡	P	P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories	O	GR	C	
Tattoo or body piercing studio ‡			C	
Taxi/limousine service		C	P	
Taxicab storage and repair			P	
Taxidermist		C	P	
Telemarketing agency	C	C	C	
Telephone exchange/switching station ‡	P	P	P	
Temporary real estate field office	P	P	P	
Tennis court (private/lighted)		C	C	
Tennis court (private/not lighted)	P	P	P	
Textile products manufacture			C	
Tire retreading and recapping			C	
Tire sales (indoors, no outside storage) ‡			P	
Tire sales (outdoors, with outside storage) ‡			C	
Tool and machinery rental (indoor storage only) ‡		P	P	
Tool and machinery rental (with outdoor storage) ‡		C	P	
Transfer station (refuse/pick-up) ‡			C	
Transit terminal ‡			P	
Trophy engraving		P	P	
Truck and bus leasing ‡			P	
Truck manufacture				
Truck sales and services (heavy trucks) ‡			P	
Truck stop ‡			C	
Truck terminal ‡			P	
Upholstery shop (nonauto)		P	P	
Used merchandise		P	P	
Vacuum cleaner sales and repair ‡		P	P	
Veterinarian clinic (indoor kennels) ‡		P	P	
Veterinarian clinic (outdoor kennels or pens) ‡			C	
Video rental/sales		P	P	

TYPES OF LAND USES PERMITTED IN OFFICE, GENERAL RETAIL & COMMERCIAL		Nonresidential Zoning Districts		
Source: City of Tomball Chapter 50 - Zoning				
P Designates use permitted (Blank) Designates use prohibited (i.e., not allowed) C Designates use may be permitted by a CUP (also see section 50-81) ‡ The land use is defined within section 50-2				
Zoning Categories		O	GR	C
Warehouse (defined under storage or wholesale warehouse) ‡			C	P
Waste paper products manufacture				
Water distillation				P
Wedding chapel			P	P
Welding shop			C	P
White lead manufacture				
Wholesale trade, nondurable goods			C	P
Wood container manufacture				C
Wood distillation (manufacture of tar, charcoal, turpentine and similar				
Wood preserving manufacture and treatment				
Wood products manufacture				C
Woodworking shops			C	P
Wrecking materials yard ‡				

Exhibit “F”

Rezoning Application



RECEIVED (KC)
09/01/2021

Revised: 4/13/2020
P&Z #21-369
\$420.00 PD

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: Louis Smulders Title: Owner
Mailing Address: 30 E. Rivercrest Dr. City: Houston State: Tx.
Zip: 77042 Contact: Louis Smulders
Phone: (832) 755-5072 Email: louis_smulders@hotmail.com

Owner

Name: Maritia LP Title: Entity Name
Mailing Address: 30 E. Rivercrest Dr. City: Houston State: Tx
Zip: 77042 Contact: Louis Smulders
Phone: (832) 755-5072 Email: louis_smulders@hotmail.com

Engineer/Surveyor (if applicable)

Name: Pickering & Associates -Roger D. Pickering Title: Surveyor
Mailing Address: 7702 Pin Oak St. City: Montgomery State: Tx
Zip: 77316 Contact: Roger Pickering
Phone: (936) 447-4703 Fax: () Email: rpickering@hotmail.com

Description of Proposed Project: 1.9 Acre Corner Tract on Theis Ln & S. Cherry St

Physical Location of Property: SW Corner of Theis Ln & S. Cherry St.

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

Legal Description of Property: Reserve A Blk 3 of Pine Meadows, Harris County

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

Current Zoning District: SF-6 Single Family

Current Use of Property: Vacant

Proposed Zoning District: General Retail

Proposed Use of Property: Office, Retail, Medical Clinic, Convenience Store, Bakery, Beauty Shop

HCAD Identification Number: 1252560030038 Acreage: 1.9 Acres

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

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 	8/31/2021
Signature of Applicant	Date
X 	8/31/2021
Signature of Owner	Date

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

DATE : 8/31/2021 1:21 PM
OPER : RP
TKBY : rp
TERM : 2
REC# : R01278965

130.0000 PLANNING AND ZONING 420.00
theis and s cherry louis smulders
420.

Paid By: theis and s cherry louis
smulder
2-CK 420.00 REF: w 5040

APPLIED	420.00
TENDERED	420.00
CHANGE	0.00

713-906-9119
BURKE@SBCGLOBAL.NET

BURKE FROELICH
REAL ESTATE AGENT

THE WIRT COMPANY
COMMERCIAL - INVESTMENTS - ACREAGE

THE STATE OF TEXAS
COUNTY OF HARRIS

I, Lou Smulders, of Maritia L. P., his successors in office and assigns, whose address is 11530 Brown Road, Tomball, Texas 77377, owner, hereinafter referred to as owners of the 30.5747 acre tract described in the above and foregoing plat of Pine Meadows, do hereby make and establish said subdivision of said property according to all laws, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

Further, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unrestricted aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward; located adjacent to all public utility easements shown hereon.

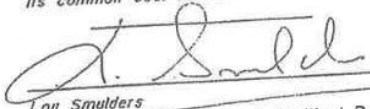
Further, owners do hereby covenant and agree that all the property within the boundaries of this plat shall be restricted to provide that the drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (1 3/4 inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

Further, owners do hereby dedicate to the public a strip of land three feet (3') wide on each side of the center line of any and all bayous, gullies, ravines, draws, sloughs, or other natural drainage channels located upon dedicated land, as easements for drainage purposes, giving the City Of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

Further, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drains ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

Further, We hereby relinquish all rights of access to major larger streets or highways shown hereat except by way of platted streets shown.

In Testimony Whereof, Maritia L.P. has caused these presents to be signed by Lou Smulders, hereunto authorized as its common seal hereunto affixed this 27th day of June, 2003


Lou Smulders
Executive Vice President, of Maritia L.P.

①



JESSE PRUITT A-629
 CLAUDE N. PILLOT A-632

WE, THE CITY OF
 TOMBALL, TEXAS
 DO HEREBY CERTIFY
 THAT THIS PLAT
 WAS
 BEN GRIFFIN, C

To certify that the City accepts the Planning Commission's authorized approval and acceptance
 evidenced public easements and rights-of-way in conformance with the laws of the State of Texas
 ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this
 day of February, 2004

[Signature]
 Mayor
[Signature]
 Doris Spear, City Secretary

Notary Public, Clerk of the County Court of Harris County, do hereby certify that the within instrument
 of authentication was filed for registration in my office on this 8 day of April
8:12 o'clock P.M., and duly recorded on the 12 day of April, 2003, at 9:15 o'clock A.M.
552232 at the Map Records of Harris County.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Harris County, Texas, the day and date last above written.
 B. KAUFMAN

Notary Public
 of the County Court
 Harris County, Texas

[Signature]
 Notary Public

NOTION HEREIN WHICH RESTRICTS
 RENTAL OR USE OF THE
 REAL PROPERTY BECAUSE OF
 RACE IS INVALID AND
 UNENFORCEABLE UNDER FEDERAL LAW.

THIS INSTRUMENT IS VALID ONLY AS TO THE
 PARTS WHICH THE ORIGINAL
 INSTRUMENT AND ONLY THEN TO THE
 EXTENT THE INSTRUMENT IS NOT ALTERED
 AFTER RECORDING

(3)

DATE: FEBRUARY 27, 20

OWNER: MARITIA L.F.
 11530 BROWN ROAD
 TOMBALL, TEXAS 77
 (281) 755-5072

ENGINEER: DAVID S. BROUSE
 17527 HAWKINS
 TOMBALL, TEXAS
 (281) 290-8

WE, THE CITY MANAGER AND THE CITY ENGINEER FOR THE CITY OF TOMBALL, TEXAS, HEREBY CERTIFY
THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL'S ORDINANCES.

Ben Griffin
BEN GRIFFIN, CITY MANAGER

Mark W. Moore
MARK W. MOORE, P.E., CITY ENGINEER

o'clock 4 M., and

PINE MEADOWS

FINAL PLAT

A SUBDIVISION OF 30.5747 ACRES

LOCATED IN THE J. PRUITT SURVEY, A-629

CONSISTING OF

COMMERCIAL RESERVE, 5 BLOCKS, 144 RESIDENTIAL LOTS
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

JANUARY 27, 2003

MARITIA L.P.
1530 BROWN ROAD
TOMBALL, TEXAS 77377
(832) 755-5072

WIL S. BROUSSARD, P.E.
17527 HAWKINS LANE
TOMBALL, TEXAS 77375
(281) 290-8502

4

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was
found to be inadequate for the best photographic
reproduction because of illegibility, carbon or
photo copy, discolored paper, etc. All blocks,
additions and changes were present at the time
the instrument was filed and recorded.

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE, SUITE 6-200
TOMBALL, TEXAS 77375
(281) 351-7155
JOB NO. 20030205



METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN 1.899 ACRE (82,729 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE JESSE PRUITT SURVEY, A-629, HARRIS COUNTY, TEXAS AND BEING ALL OF RESERVE "A" OF PINE MEADOWS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 555232 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; SAID 1.899 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET FOR THE NORTHEAST CORNER OF SAID RESERVE "A" AND THE HEREIN DESCRIBED TRACT, SAID CORNER MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE (WIDTH VARIES) AND THE WEST RIGHT-OF-WAY LINE OF CHERRY STREET (80 FEET WIDE);

THENCE, S 02°27'37" E-253.44 FEET (CALLED S 02°27'37" E-253.53 FEET) ALONG THE EAST LINE OF SAID RESERVE "A" AND THE WEST RIGHT-OF-WAY LINE OF SAID CHERRY STREET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, S 87°42'38" W-327.63 FEET (CALLED S 87°42'38" W-328.67 FEET) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 02°20'06" W-252.01 FEET (CALLED N 02°17'22" W-252.10 FEET) TO A 5/8 INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE AND MARKING THE NORTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 87°27'39" E-327.07 FEET (CALLED N 87°27'39" E-327.92 FEET) ALONG THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE TO THE POINT OF BEGINNING AND CONTAINING 1.899 ACRES (82,729 SQUARE FEET) OF LAND, MORE OR LESS.

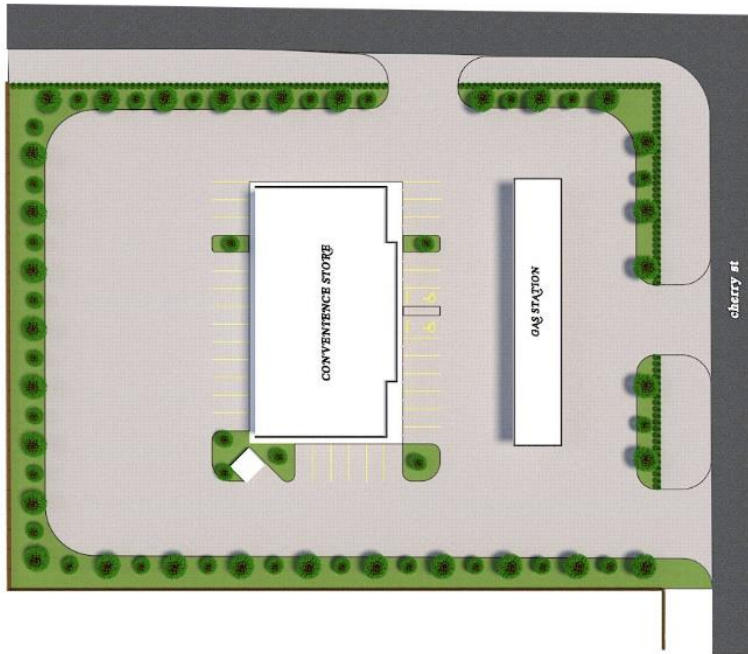
Roger D. Pickering

ROGER D. PICKERING, R.P.L.S.
TEXAS REGISTRATION NO. 5879

PICKERING & ASSOCIATES
7702 PIN OAK STREET
MONTGOMERY, TEXAS 77316







ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR
P.O. BOX 3547
HOUSTON, TEXAS 77253-3547
TEL: 713-274-8000



2020 Property Tax Statement
Web Statement

Statement Date:	September 22, 2021
Account Number	125-256-003-0038

Additional city sales tax reduced your city ad valorem tax by: \$231.26



MARITIA LP
30 E RIVERCREST DR
HOUSTON TX 77042-2514

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	124,473	0.391160	\$486.89
Harris County Flood Control Dist	0	124,473	0.031420	\$39.11
Port of Houston Authority	0	124,473	0.009910	\$12.34
Harris County Hospital District	0	124,473	0.166710	\$207.51
Harris County Dept. of Education	0	124,473	0.004993	\$6.21
Lone Star College System	0	124,473	0.107800	\$134.18
City of Tomball	0	124,473	0.337862	\$420.55
Emergency Service Dist #8 (EMS)	0	124,473	0.097000	\$120.74

Property Description
THEIS RD 77375 RES A BLK 3 PINE MEADOWS 1.9050 AC

Appraised Values	
Land - Market Value	124,473
Impr - Market Value	0
Total Market Value	124,473
Less Capped Mkt Value	0
Appraised Value	124,473

Exemptions/Deferrals

Page: 1 of 1

Total 2020 Taxes Due By January 31, 2021:	\$1,427.53
Payments Applied To 2020 Taxes	\$1,427.53
Total Current Taxes Due (Including Penalties)	\$0.00
Prior Year(s) Delinquent Taxes Due (If Any)	\$0.00
Total Amount Due For July 2021	\$0.00

Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2021	7%	\$0.00	\$0.00	\$0.00
By March 31, 2021	9%	\$0.00	\$0.00	\$0.00
By April 30, 2021	11%	\$0.00	\$0.00	\$0.00
By May 31, 2021	13%	\$0.00	\$0.00	\$0.00
By June 30, 2021	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2015 to 2020: Appraised Value 0%, Taxable Value 0%, Tax Rate -3%, Tax Bill -3%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.



PAYMENT COUPON

MARITIA LP
30 E RIVERCREST DR
HOUSTON TX 77042-2514

Make check payable to:

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

Account Number
125-256-003-0038
Amount Enclosed
\$ _____

Web Statement - Date Printed: 09-22-2021

12525600300380 2020 000000000 000000000 000000000 000000000

2,638,313-1

TAX STATEMENT 2020 +**STATEMENT DATE: 09/22/2021****LEGAL: RES A BLK 3****ACCOUNT: 1252560030038****PINE MEADOWS****OWNER: MARITIA LP****PIDN: 1252560030038****PARCEL ADDRESS: 0000000 THEIS RD****ACRES: 1.905****EXEMPTION CODES:**

LAND VALUE	APPRAISED VALUE				
124,473	124,473				
TAXING ENTITIES	EXEMPTION AMOUNT	TAXABLE VALUE	TAX RATE PER \$100	BASE TAX	PENALTY & INTEREST
TOMBALL ISD	C	124,473	1.290000	0.00	0.00
			SUBTOTAL	0.00	0.00
			PRIOR YEARS	0.00	
TOTAL AMOUNT DUE				0.00	

This top portion and your canceled check will serve as your receipt.

^ Detach on perforation and return this portion with your check payable to:

Kristi Williams
PO Box 276
Tomball, TX 77377-0276
(281)357-3100

DELINQUENT DATE: 02/01/2021**ACCOUNT: 1252560030038 2020 +**

MARITIA LP
30 E RIVERCREST DR
HOUSTON, TX 77042-2514

TOTAL AMOUNT DUE
\$0.00

^^ AMOUNT DUE ON RECEIPT ^^**OWNER: MARITIA LP****PIDN: 1252560030038**

IF PAID IN	AMOUNT DUE
OCT	0.00
NOV	0.00
DEC	0.00
JAN	0.00
FEB	0.00
MAR	0.00