

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 10, 2025
City Council Public Hearing Date: March 17, 2025

Rezoning Case: Z25-05
Property Owner(s): Jacquelyn D. Marshall
Applicant(s): Andrea Ameen
Legal Description: Approximately 7.06 acres of land legally described as being a portion of the 15.541 acre tract situated in the Jesse Pruett Survey, Abstract No. 629, containing all of Lots 163, 167, 171, and a portion of lot 159 of Five Acre Tracts, Tomball Townsite
Location: 13000 block (south side) of Medical Complex Drive (Exhibit “A”)
Area: 7.06 acres
Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)
Present Zoning: Agricultural (AG) District (Exhibit “C”)
Request: Rezone from the Agricultural (AG) to the General Retail (GR) District

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Agricultural (AG)	Vacant land
South	Office (O)	Church (Real Life Ministries)
East	Office (O) and General Retail (GR)	Church (Real Life Ministries) and vacant land
West	Agricultural (AG)	M-121 Drainage ditch

BACKGROUND

The subject property has been within the City of Tomball’s AG zoning district since the adoption of zoning in February 2008. The property is currently vacant with no structures present. In February of 2023 the property to the east, across Medical Complex Drive, successfully rezoned into the General Retail zoning district. In July of 2023 the property directly to the south of the subject tract successfully rezoned into the Office zoning district. The applicants’ request aims to allow for the development of a multibuilding assisted living facility with supporting amenities.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as “Neighborhood Commercial” by the Comprehensive Plan’s Future Land Use Map. The Neighborhood Commercial designation is intended for areas predominantly comprised of commercial uses that are developed with the appropriate context, scale, and design to compliment residential development.

According to the Comprehensive Plan, land uses should include restaurants, retail, professional services, clinics, and offices. Appropriate secondary uses include places of assembly or event venues, local utility services, and government facilities.

The Comprehensive Plan identifies the following zoning districts as compatible with the Neighborhood Commercial designation: Office (O) and General Retail (GR)

Staff Review Analysis: The subject property is directly adjacent to Tomball’s “Medical District” as defined in the Comprehensive Plan. The Medical District area is intended to provide for development with an emphasis on healthcare and supporting uses. This request would create a supportive commercial area that complements the established Medical District and the nearby residential areas. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Future Land Use Plan for this 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 February 20, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

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

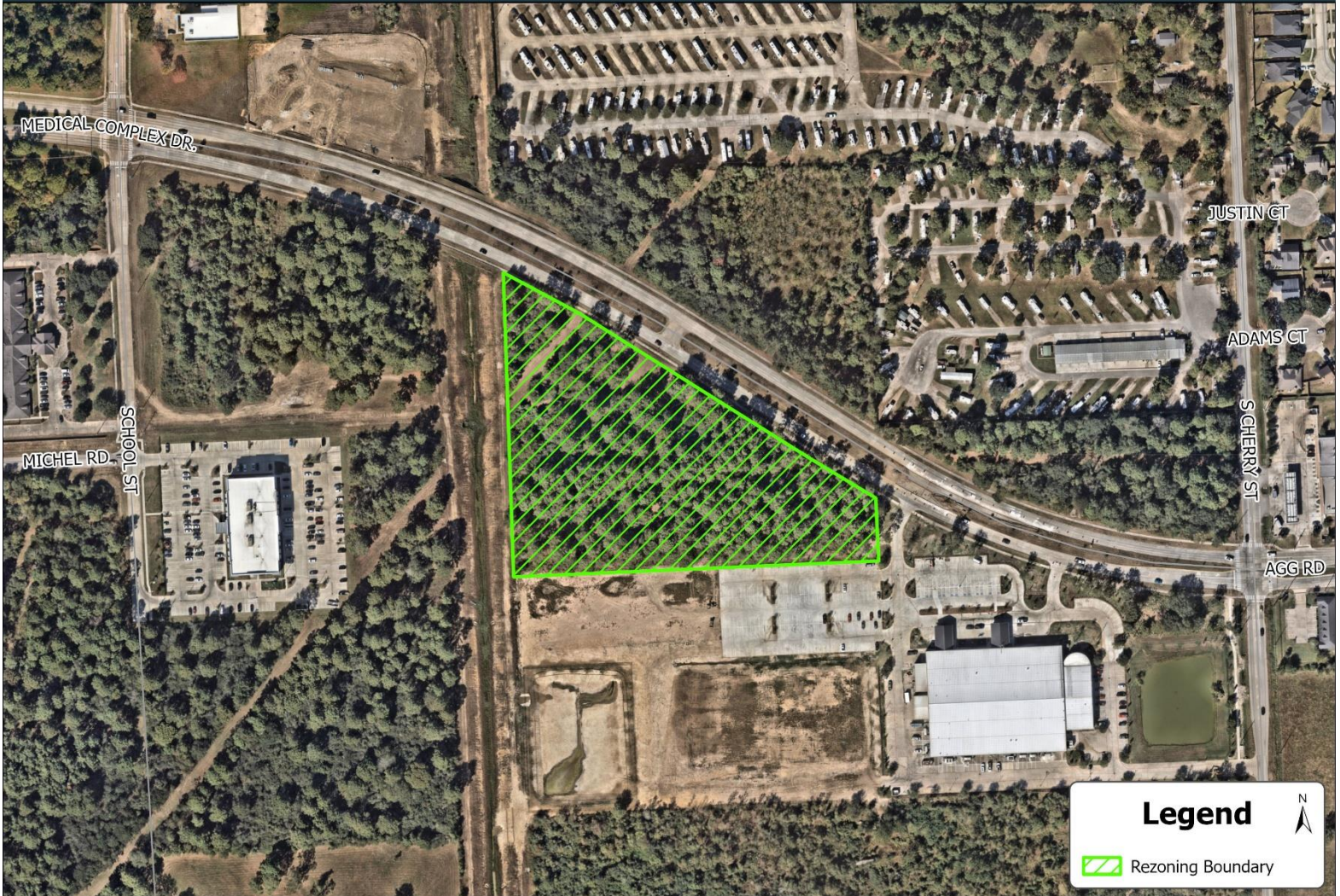


Exhibit "B"
Future Land Use Plan



Future Land Use

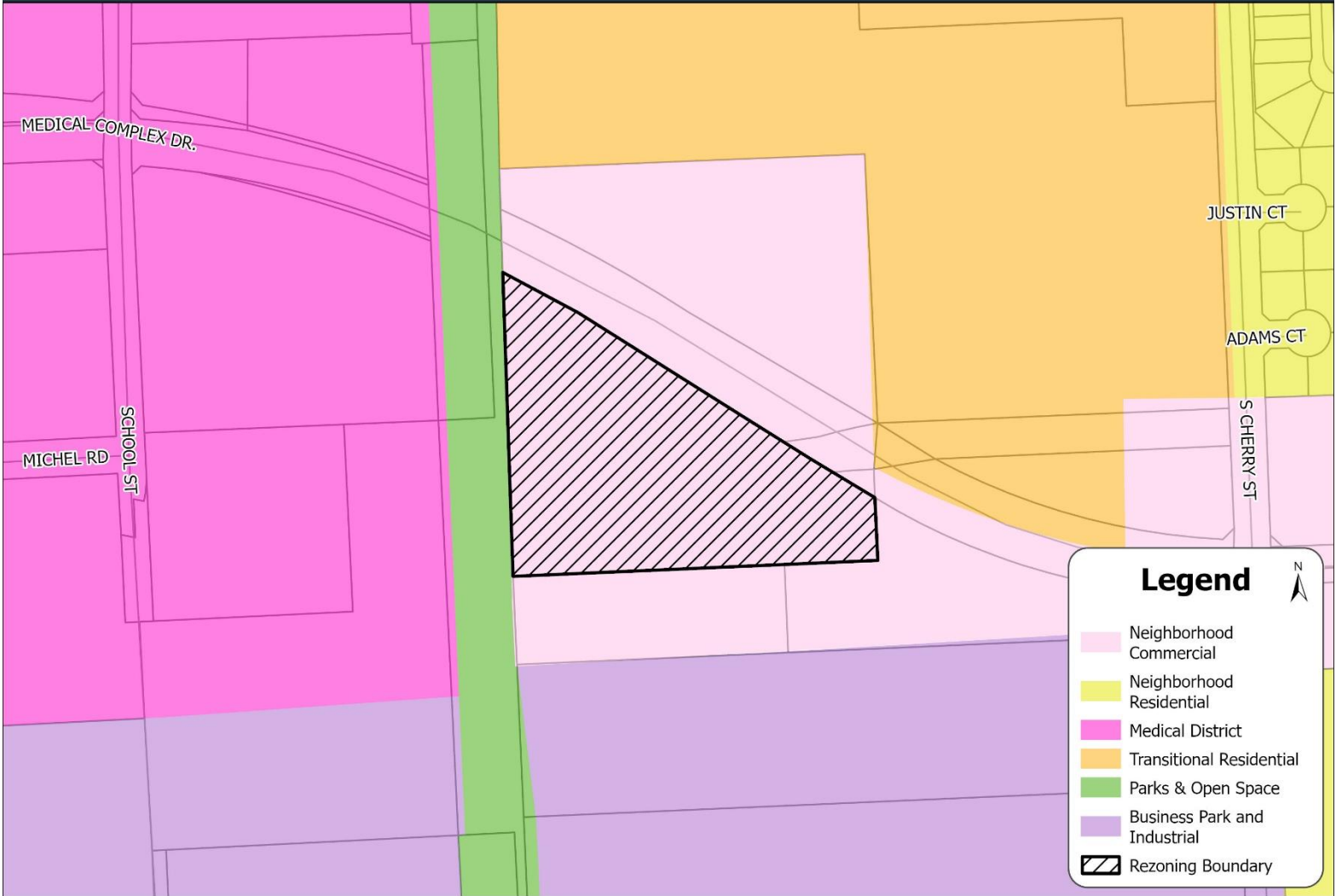


Exhibit "C"
Zoning Map

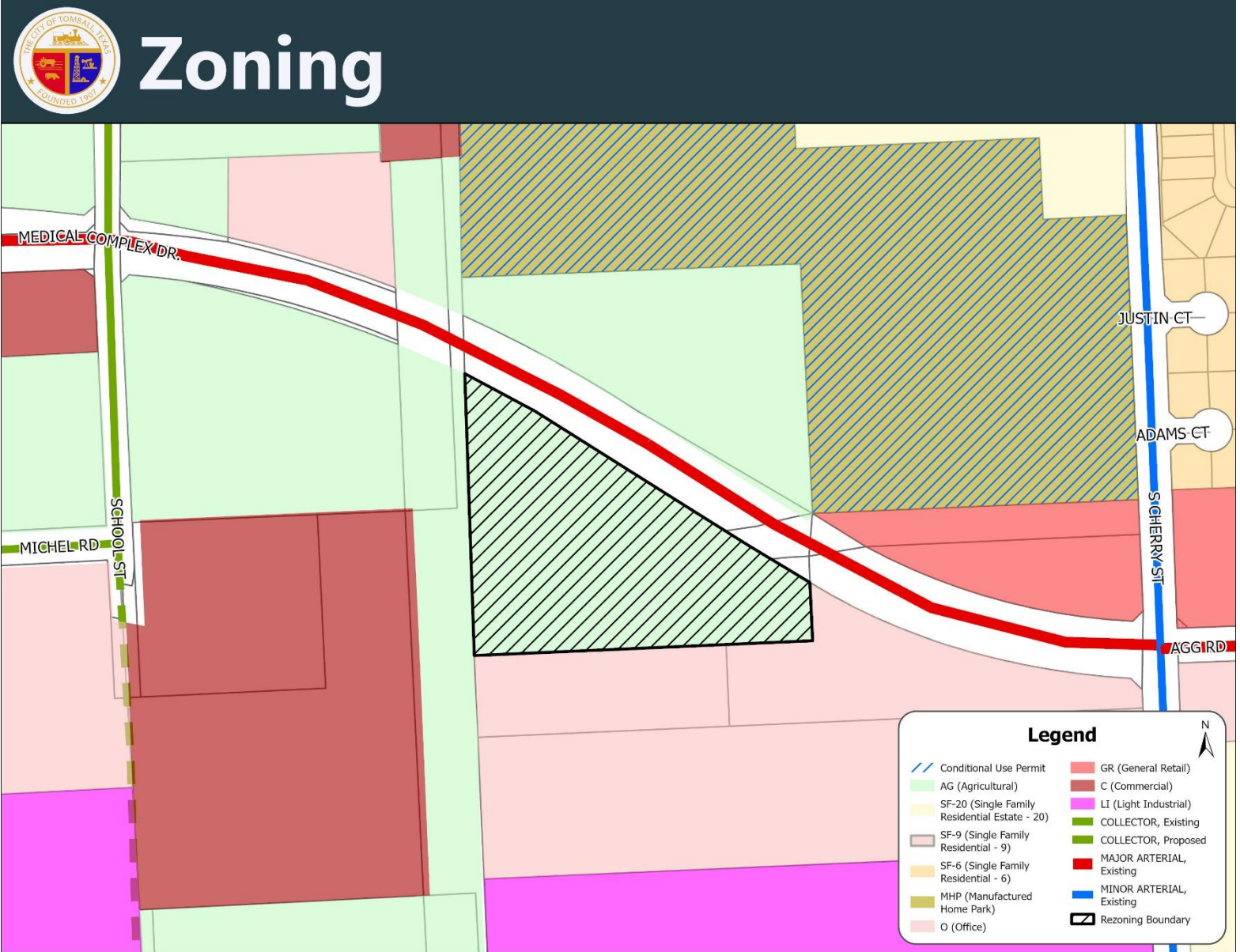


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E"
Rezoning Application

DocuSign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023



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.

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

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Andrea Ameen Title: _____
 Mailing Address: 9407 Briscoe Bend Ln City: Cypress State: TX
 Zip: 77377 Contact: _____
 Phone: (847) 310-2290 Email: andreakenzerameen@gmail.com

Owner

Name: Jacquelyn D Marshall Title: _____
 Mailing Address: 16007 Stablepoint Ln City: Cypress State: TX
 Zip: 77429 Contact: Jacquelyn D. Marshall
 Phone: (281) 610-6824 Email: critrdoc@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: To build new small residential assisted living homes

Physical Location of Property: 0 Medical Complex Dr, between School and S Cherry St.
 [General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 7.1439 acres aka Tract 1 out of 15.541 acre tract Jesse Pruitt Survey A-69
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (AG) Agricultural

Revised: 08/25/2023

Current Use of Property: vacant land

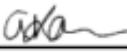
Proposed Zoning District: (GR) : General Retail

Proposed Use of Property: small type B assisted living homes

HCAD Identification Number: 0352860000163 Acreage: 7.14

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  1/13/25
Signature of Applicant Date

X  1/27/25
Signature of Owner 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.

To whom it concerns,

We are formally requesting a rezoning of the parcel at 0 Medical Complex Dr, Tomball, TX 77377 (parcel number 0352860002416) from Agriculture (AG) to General Retail (GR), to enable construction and operation of small assisted living homes for seniors in need of memory care. We believe this rezoning request aligns with the city's comprehensive plan and will significantly benefit the community.

Community Benefit: The project will serve the community's senior population and their families, providing the highest quality care and customer service for those who need assisted living or memory care. We want to elevate the industry of residential assisted living, providing many amenities of larger facilities in a small, comfortable home environment. Our family business would add to the appeal and desirability of the nearby medical district.

Neighborhood Cohesiveness: Our design will resemble an upscale home subdivision as much as possible. We want to retain as many trees on the property as possible. We do not want to overcrowd the land with structures and pavement. We believe that our site design will also appeal to residential neighbors, because we plan to incorporate walking trails throughout the property, and if possible incorporate a small outdoor pavilion, public park, and/or gardens.

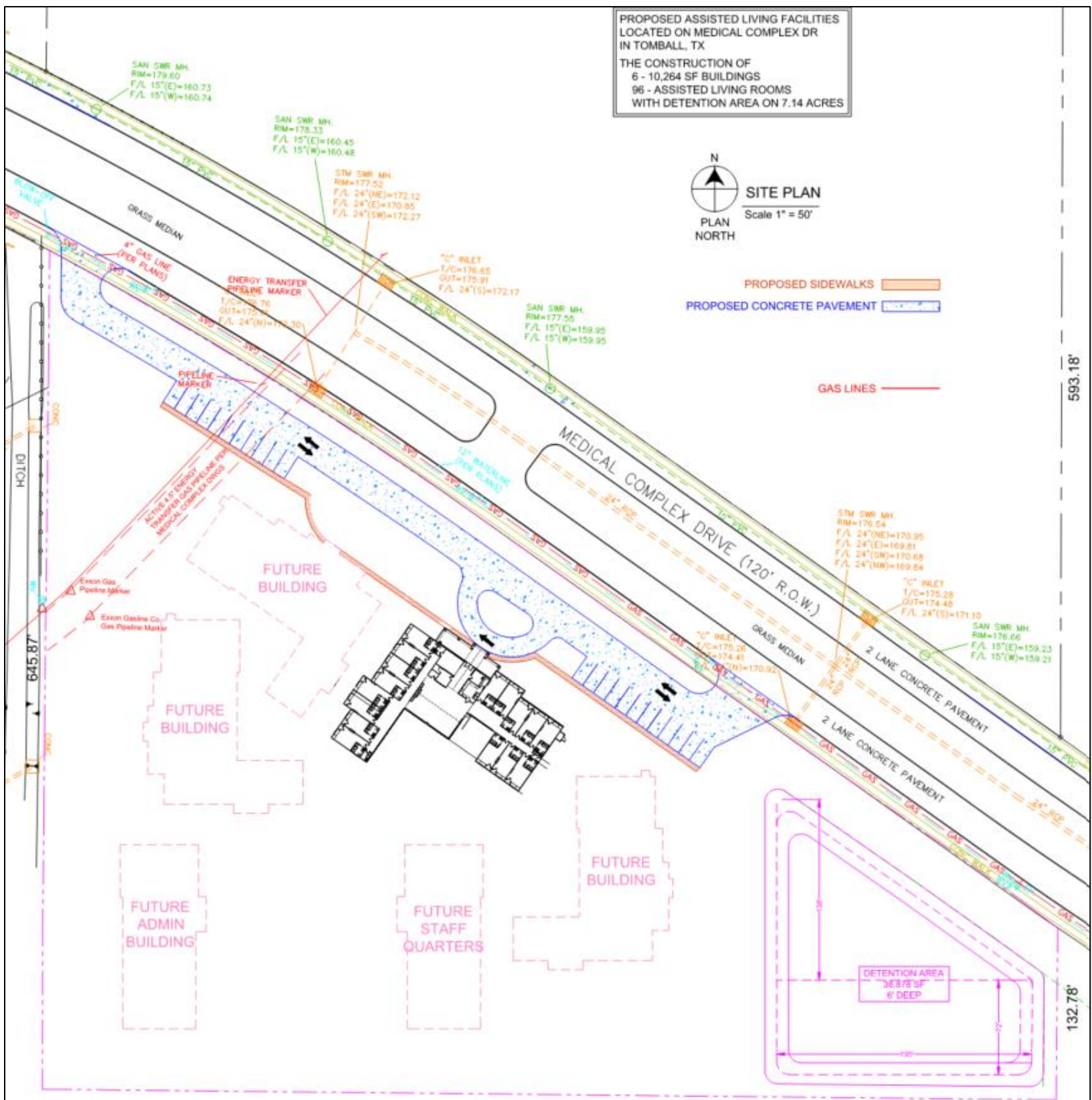
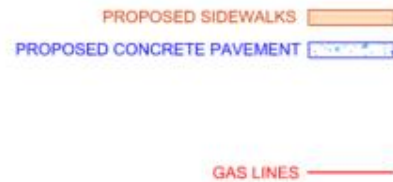
Sustainable Plans: We plan to use sustainable building methods as much as possible, and retain as much green space on the property as possible. We do not want to pave a lot and we do not want large parking lots on the property. Our site plans take drainage into account with a large detention pond, if we are unable to use the drainage ditch nearby.

Economic Impact: This business will serve to increase employment opportunities and have a positive economic impact on the community at large. Our aim is to buy and hire local. We will partner with community businesses as much as possible. We plan to provide very desirable employment benefits to our care teams. We plan to provide excellent training and continued education for team members to allow them to grow in the assisted living industry.

We are happy to answer any questions about the project and our proposed plans. It is our intention to work in cooperation with the surrounding community to develop a project that truly serves it.

Sincerely,
Andrea Ameen & Aaron Ameen

PROPOSED ASSISTED LIVING FACILITIES
 LOCATED ON MEDICAL COMPLEX DR
 IN TOMBALL, TX
 THE CONSTRUCTION OF
 6 - 10,264 SF BUILDINGS
 96 - ASSISTED LIVING ROOMS
 WITH DETENTION AREA ON 7.14 ACRES



593.18'

132.78'