

## Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: July 12, 2021

City Council Public Hearing Date: July 19, 2021

<b>Rezoning Case:</b>	P21-267
<b>Property Owner(s):</b>	Clinton Hankla
<b>Applicant(s):</b>	Clinton Hankla – GHM Homes, LLC
<b>Legal Description:</b>	Lot 1 Block 1 Tennis Venture Tract
<b>Location:</b>	North side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road (Exhibit “A”)
<b>Area:</b>	3.78 acres
<b>Comp Plan Designation:</b>	Neighborhood Commercial (Exhibit “B”)
<b>Present Zoning and Use:</b>	Agricultural District (Rezoning request for the General Retail District) (Exhibit “C”) / Undeveloped (Exhibit “D”)
<b>Proposed Use(s):</b>	<i>Office showroom / warehouse</i> (Exhibit “D”)
<b>Request:</b>	Conditional Use Permit (CUP) to allow the operation of an office/warehouse facility
<b>Adjacent Zoning &amp; Land Uses:</b>	
<b>North:</b>	General Retail District / Undeveloped (future self-storage facility)
<b>South:</b>	Agricultural and Single-Family 6 Districts / Undeveloped
<b>West:</b>	Single-Family 20 Estate and Agricultural Districts / Single-family residence and undeveloped
<b>East:</b>	Agricultural District / Single-family residence

### **BACKGROUND**

City Staff met with the applicant to discuss the development of the subject site in June 2021. In 2014, CUP #11 was approved by City Council for a *tennis court (private)* on the property. In 2015, City Staff approved plans for a private tennis club facility. Construction began, but was never completed.

### **ANALYSIS**

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 a 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 property and all surrounding properties are designated as Neighborhood Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. Appropriate land uses include “restaurants, retail, professional services, clinics, and offices” and compatible zoning districts include Office, General Retail and Planned Developments. The proposed land use appears to meet the intent of the Future Land Use Map.

**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 imposition of certain standards and conditions.”

The property is zoned Agricultural District, with an approved CUP for a private tennis facility. Surrounding properties are zoned Agricultural to the east and west, Single-Family 20 Estate to the east as well and Single-Family 6 and Agricultural to the south. In 2017, the property to the north was rezoned to the General Retail District. According to Section 50-73 (*General Retail District*), the “General Retail District is established to provide areas for local neighborhood shopping and service facilities”. This district should be located along major thoroughfares to accommodate higher traffic volume. The proposed use appears to be consistent with the intent of the General Retail District.

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

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review. Since the lot abuts two single-family residences, additional regulations will be required, such as landscape buffers, screening and increased building setbacks.

**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;**

The property is between two single-family residences to the east and west. The properties on the south side of East Hufsmith Road are undeveloped. The property to the north of the subject site is currently undeveloped as well, however, plans have been submitted to the City for a boat and RV storage facility.

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**

Property owners within 200 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on June 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 recommends approval of Zoning Case P21-267.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan



Exhibit "A"  
Aerial Photo





**Exhibit "B"**  
**Comprehensive Plan**

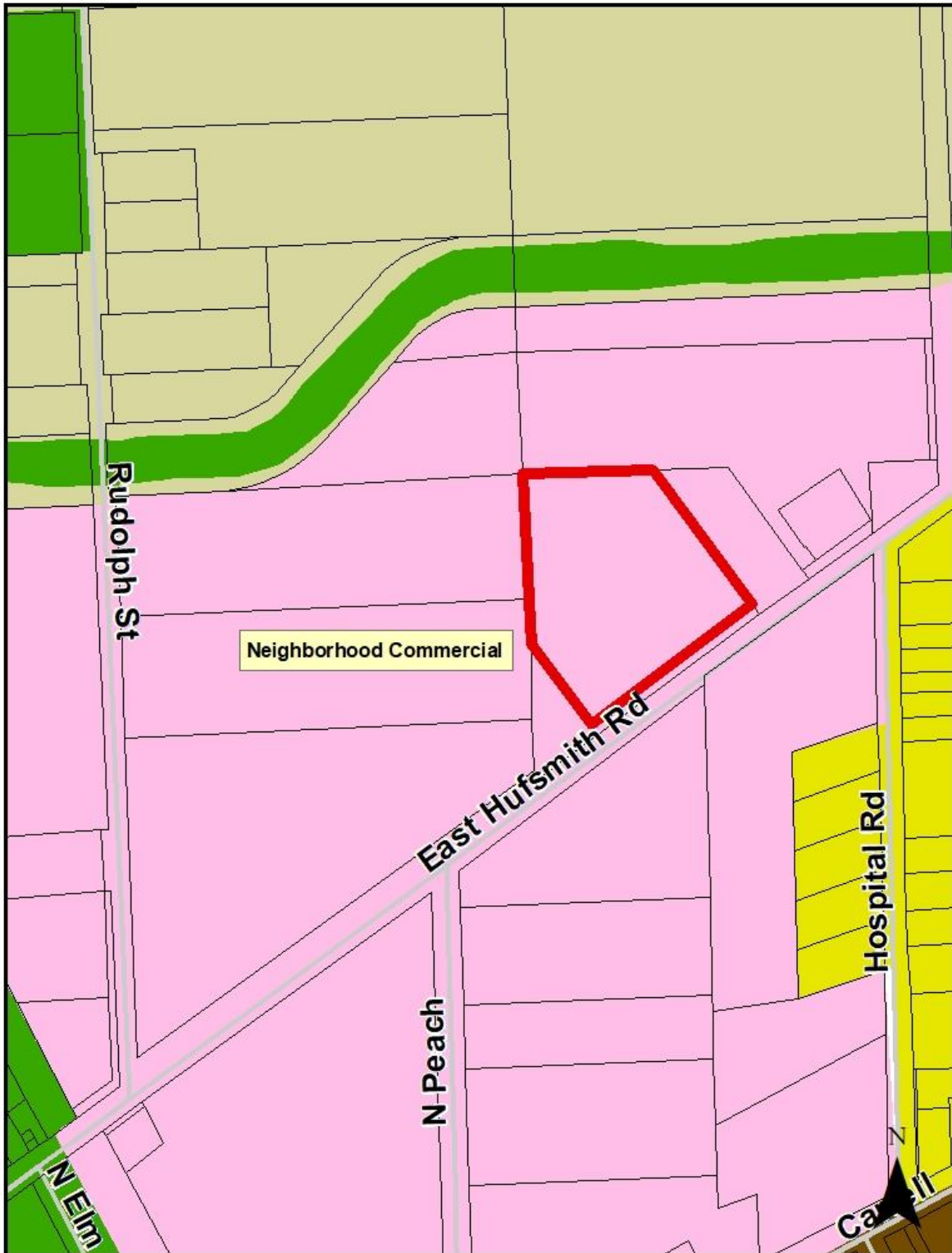
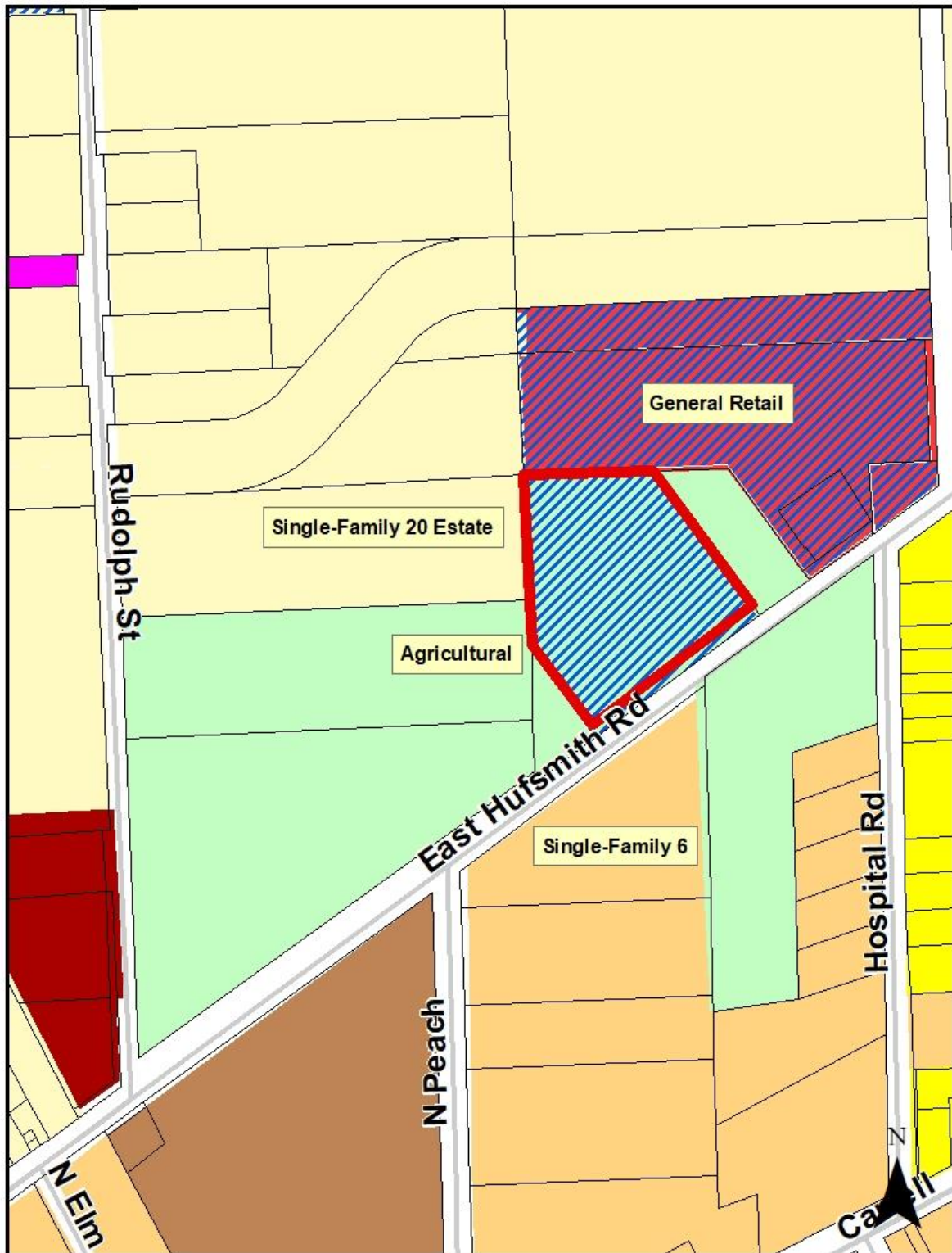


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**



**Exhibit "E"**  
**CUP Application**

RECEIVED (KC)  
06/01/2021 10:22:58 AM



**APPLICATION FOR  
CONDITIONAL USE PERMIT**  
Engineering & Planning Department

Revised 1/20/09  
**P&Z #21-267**  
**\$600.00**

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.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

**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: CLINTON HANKLA Title: MANAGING MEMBER  
Mailing Address: 13315 Mitty Hills Drive City: Cypress State: TX  
Zip: 77429  
Phone: (832) 684-5301 Fax: ( ) Email: chankla@lcc-associates.com

(Clint Hankla)

**Owner**

Name: GMH Homes, LLC Title: Managing member  
Mailing Address: 13315 Mitty Hills Drive City: Cypress State: TX  
Zip: 77429  
Phone: (832) 684-5301 Fax: ( ) Email: chankla@lcc-associates.com

**Engineer/Surveyor (if applicable)**

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



Description of Proposed Project: office warehouse

Physical Location of Property: 343. East Hufsmith Tomball, TX 77375

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

Legal Description of Property: ABSTRACT NO. 1 IN HARM'S COUNTY LOT 1

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

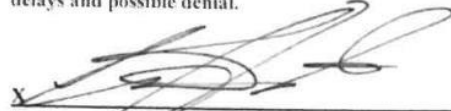
HCAD Identification Number: 1363880010001 Acreage: 3.78

Current Use of Property: Land

Proposed Use of Property: office warehouse


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 of Applicant

Date



5/19/2021

Signature of Owner

Date

June 1, 2021

Amelia Lindley  
City of Tomball Planning Department  
401 Market Street  
Tomball, Texas 77375

**Re: 4 Ac Huffsmith Tract CUP Application (343 E Huffsmith Rd.)**

Dear Amelia,

On behalf of our client, Clint Hankla – GMH Homes, LLC, we are submitting the application for a zone change and conditional use permit for a +/- 4 Acre tract located at 343 E Huffsmith Rd. The request is for a rezone to General Retail with a Conditional Use Permit for Office Warehouse. More specifically, the applicant intends to build a facility that will have the potential to house multiple tenants with a variety of office and service related uses (example: engineering firm, general office uses, repair service business, etc.). The proposed development will be in compliance with all city standards including, but not limited to, allowed uses, building standards, landscaping, parking, screening, and signage.

The enclosed preliminary site plan illustrates the proposed layout for the tract, incorporating significant landscape/open space area and plenty of space for required parking, buffering, etc. The project will be compatible with the surrounding uses, which includes baseball fields, various other business and undeveloped acreage. Property to the east of the tract is already zoned General Retail with a variety of Conditional Use Permits.

The proposed development will bring business to the area and be a beneficial addition to the City of Tomball. Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Kathryn Parker  
Enclosure





June 1, 2021

Amelia Lindley  
City of Tomball Planning Department  
401 Market Street  
Tomball, Texas 77375

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Below is a list of the items that are included with the Conditional Use Permit submittal:

- 1) Rezone Application
- 2) Submittal Fee - \$600 (to be paid over the phone)
- 3) Copy of Recorded "Tennis Venture Tract" Plat
- 4) Tax statements showing all taxes paid (Harris County and Tomball ISD)
- 5) Letter of Intent/Reason for Request
- 6) Preliminary Concept/Site Plan

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Kathryn Parker  
Enclosure

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:	May 26, 2021
Account Number	
	<b>136-388-001-0001</b>

Additional city sales tax reduced your city ad  
valorem tax by: \$468.23



STOKES JANIE L  
29910 ANNA TRAILS  
TOMBALL TX 77375-6206

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	252,016	0.391160	\$985.79
Harris County Flood Control Dist	0	252,016	0.031420	\$79.18
Port of Houston Authority	0	252,016	0.009910	\$24.97
Harris County Hospital District	0	252,016	0.166710	\$420.14
Harris County Dept. of Education	0	252,016	0.004993	\$12.58
Lone Star College System	0	252,016	0.107800	\$271.67
City of Tomball	0	252,016	0.337862	\$851.47
Emergency Service Dist #8 (EMS)	0	252,016	0.097000	\$244.46

Property Description	
343 E HUFSMITH RD 77375 LT 1 BLK 1 TENNIS VENTURE TRACT 3.7766 AC	
Appraised Values	
Land - Market Value	224,016
Impr - Market Value	28,000
Total Market Value	252,016
Less Capped Mkt Value	0
Appraised Value	252,016
Exemptions/Deferrals	

Page: 1 of 1

Total 2020 Taxes Due By January 31, 2021:		\$2,890.26		
Payments Applied To 2020 Taxes		\$2,890.26		
Total Current Taxes Due (Including Penalties)		\$0.00		
Prior Year(s) Delinquent Taxes Due (If Any)		\$0.00		
Total Amount Due For May 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 0%, Tax Bill 0%.

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



**PAYMENT COUPON**

STOKES JANIE L  
29910 ANNA TRAILS  
TOMBALL TX 77375-6206

Make check payable to:

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.

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

Account Number
136-388-001-0001
Amount Enclosed
\$ _____

Web Statement - Date Printed: 05-26-2021

13638800100010 2020 000000000 000000000 000000000 000000000





2,633,054-1

**TAX STATEMENT 2020 +**

STATEMENT DATE: 05/26/2021

LEGAL: LT 1 BLK 1

ACCOUNT: 1363880010001

TENNIS VENTURE TRACT

OWNER: STOKES JANIE L  
PARCEL ADDRESS: 0000343 E HUFSMITH RDPIDN: 1363880010001  
ACRES: 3.7766

LAND VALUE	IMPROVEMENT VALUE	APPRAISED VALUE			
224,016	28,000	252,016			
TAXING ENTITIES	EXEMPTION AMOUNT	TAXABLE VALUE	TAX RATE PER \$100	BASE TAX	PENALTY & INTEREST
TOMBALL ISD	0	252,016	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: 1363880010001 2020 +  
STOKES JANIE L  
29910 ANNA TRAILS  
TOMBALL, TX 77375-6206TOTAL AMOUNT DUE  
\$0.00

^^ AMOUNT DUE ON RECEIPT ^^

OWNER: STOKES JANIE L  
PIDN: 1363880010001

IF PAID IN	AMOUNT DUE
JUN	0.00
JUL	0.00
AUG	0.00
SEP	0.00
OCT	0.00
NOV	0.00

**Figure “F”  
Concept Plan**

