

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: April 14, 2025
City Council Public Hearing Date: April 21, 2025

Rezoning Case: Z25-03
Property Owner(s): Louetta Leasing LP
Applicant(s): Kimley-Horn & Associates
Legal Description: Approximately 1.05 acres of land legally described as being a portion of Lot 1-B, Block 1 of Tomball 2920 Replat No. 1
Location: 14600 block (north side) of FM 2920 (Exhibit “A”)
Area: 1.05 acres
Comp Plan Designation: Neighborhood Residential (Exhibit “B”)
Present Zoning: Agricultural (AG) District (Exhibit “C”)
Request: Rezone from the Agricultural (AG) to the Commercial (C) District
Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Agricultural (AG)	M-124 Drainage ditch
South	Commercial (C)	Vacant building, Moore Supply Co., retail center, and undeveloped land
East	Commercial (C)	Undeveloped land and retail center
West	Agricultural (AG)	M-124 Drainage ditch

BACKGROUND

The majority of the subject property has been within the City of Tomball’s Commercial zoning district since the adoption of zoning in February 2008; however, a small portion (1.05 acres) was assigned to the Agricultural District (Exhibit C). The property is currently vacant with no structures present. In January of this year an adjacent property to the south was successfully rezoned from the Agricultural to the Commercial zoning district. The applicants’ intent is to have their entire property within the same zoning district.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as “Neighborhood Residential” by the Comprehensive Plan’s Future Land Use Map. The Neighborhood Commercial designation is intended for areas predominantly comprised of single-family detached housing.

According to the Comprehensive Plan, land uses should include single-family detached residential with appropriate secondary uses of parks, schools, public facilities, and limited commercial services.

The Comprehensive Plan identifies the following zoning districts as compatible with the Neighborhood Residential designation: Single-Family Estate Residential – 20 (SF-20-E), Single-Family Residential – 9 (SF-9), Single-Family Residential – 7.5 (SF-7.5), and Single-Family Residential – 6 (SF-6).

Staff Review Analysis: The approval of the requested zoning will promote a new development that is not consistent with the type of development patterns and character endorsed by the Future Land Use Plan for this area. However, 95.4 of the property is already within the Commercial and General Retail Zoning District and is designated as Corridor Commercial by the Comprehensive Plan’s Future Land Use Map. The subject property is accessed by FM 2920 which is classified as a Major Arterial by the City of Tomball’s Major Thoroughfare Plan. Roads such as this are designed to accommodate large volumes of commercial traffic. The unique location of the small piece of property proposed to be rezoned (between the current Commercial District and the M-124 drainage ditch) makes the Future Land Use designation of Neighborhood Residential difficult to achieve. Furthermore, the M-124 drainage ditch provides an adequate buffer to the existing residential area to the north.

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 March 31, 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

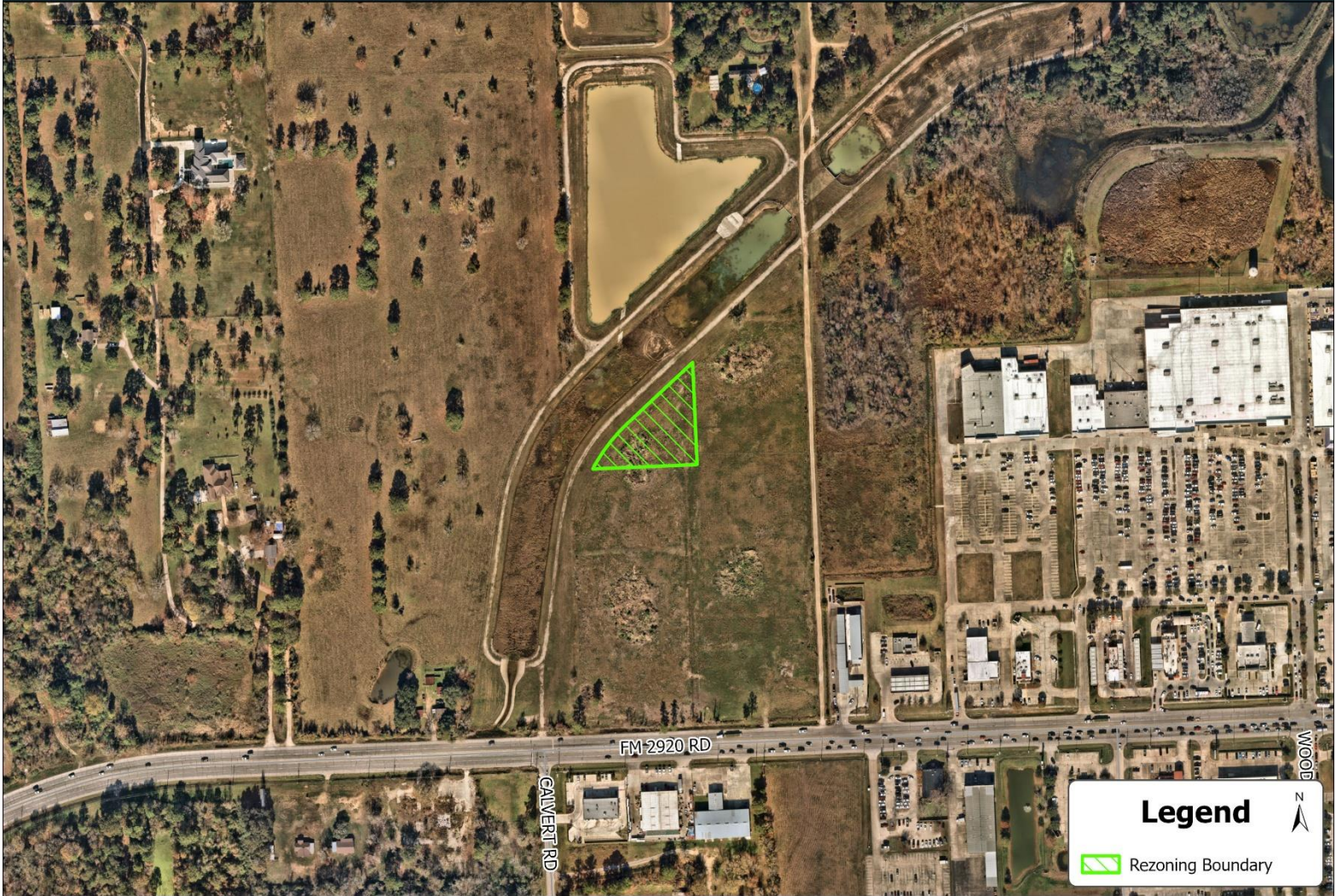


Exhibit "B"
Future Land Use Plan

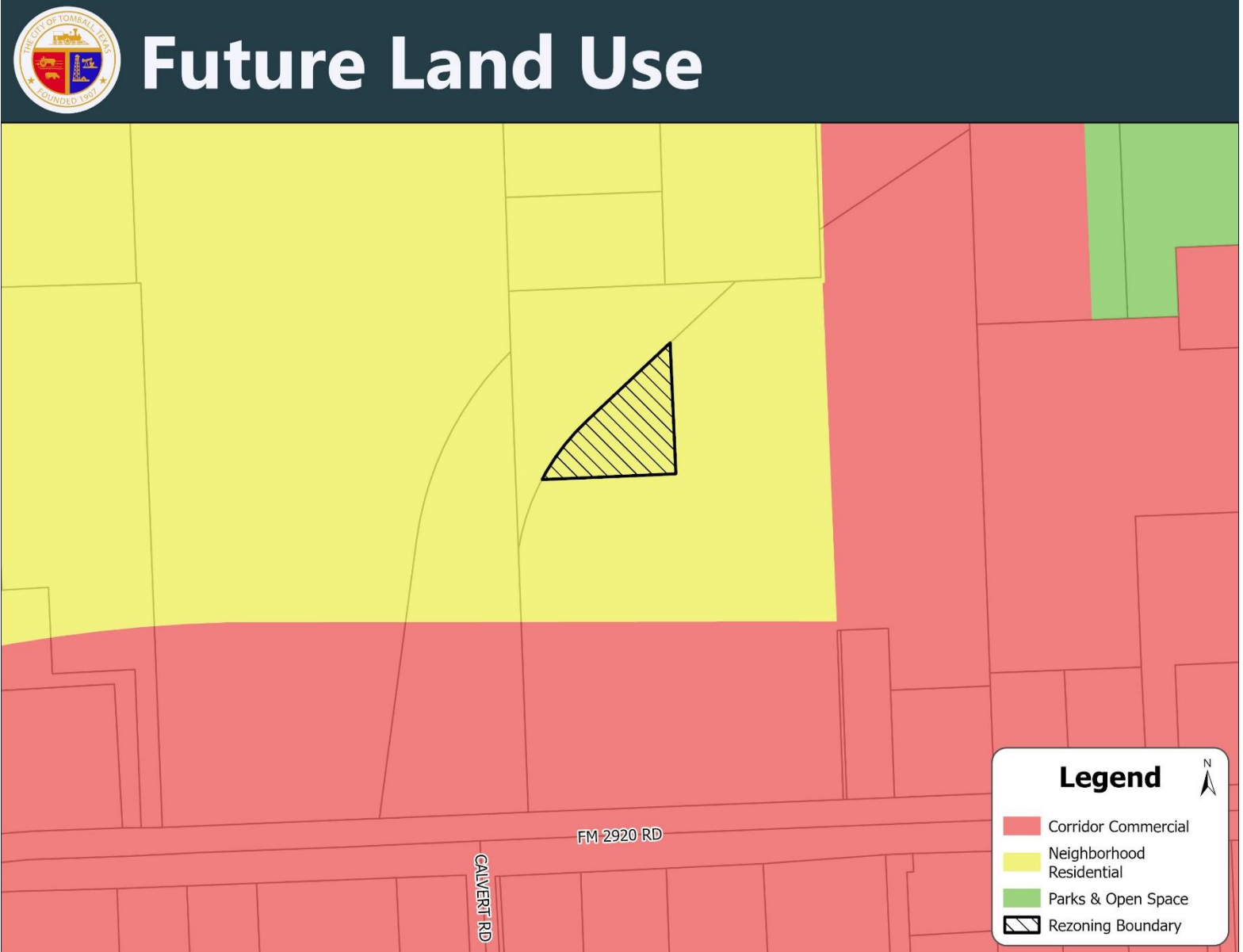
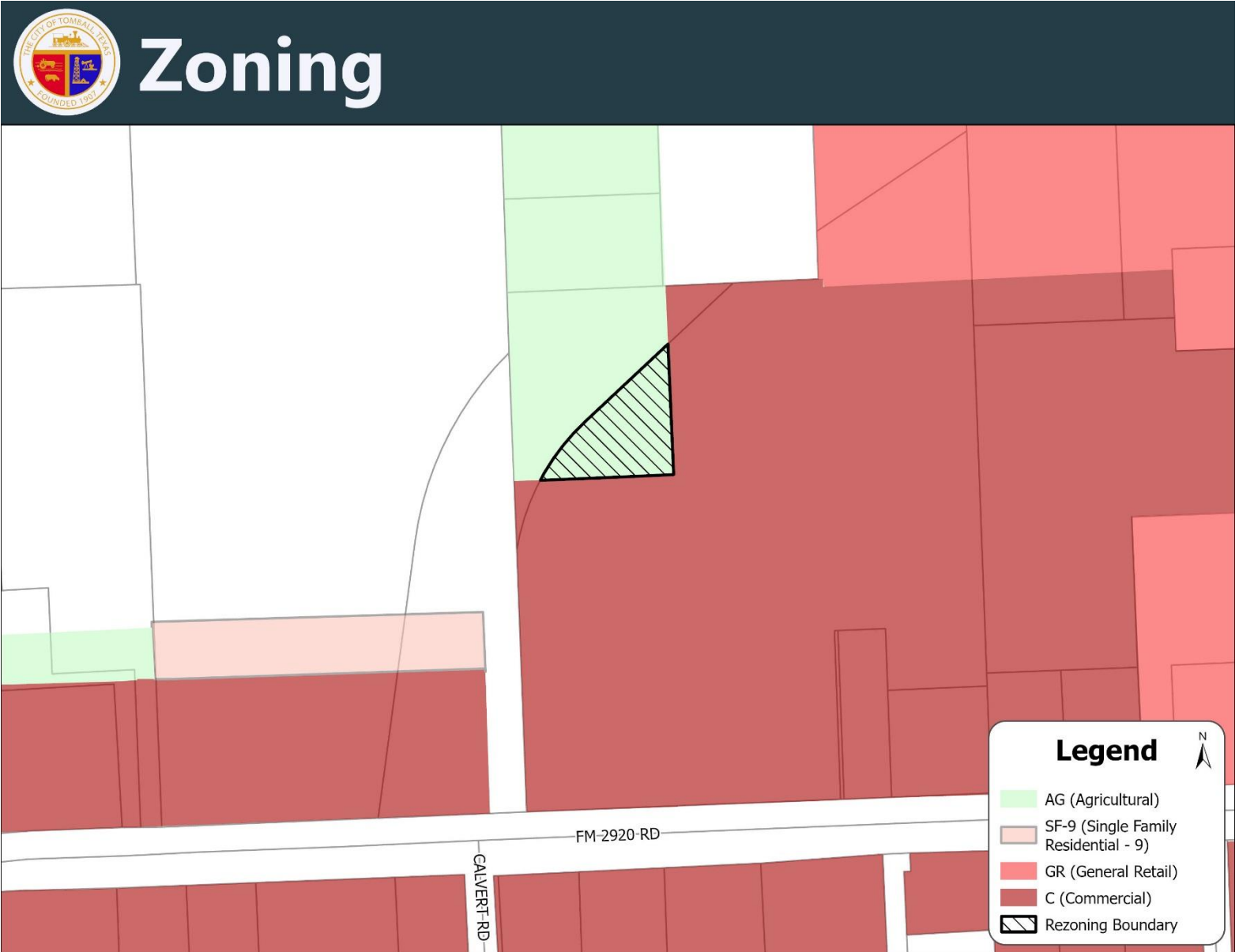


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo(s)**

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



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/securesend
USERNAME: [tombalcedd](#)
PASSWORD: [Tomball1](#)

Applicant

Name: Kimley-Horn & Associates Title: Owner's Representative
Mailing Address: 11720 Amber Park Drive, Suite 600 City: Alpharetta State: GA
Zip: 30009 Contact: Jordan Corbitt, P.E.
Phone: (770) 545-6103 Email: jordan.corbitt@kimley-horn.com

Owner

Name: Louetta Leasing, L.P. Title: _____
Mailing Address: 11011 Northpointe Blvd., Suite D City: Tomball State: TX
Zip: 77375 Contact: Shane Wilson
Phone: (832) 641-7604 Email: lmc3802@aol.com

Engineer/Surveyor (if applicable)

Name: Bowman Consulting Group Title: Registered Land Surveyor
Mailing Address: 1445 N. Loop W. Suite 450 City: Houston State: TX
Zip: 77008 Contact: Mark Piriano, R.P.L.S.
Phone: (713) 993-0333 Fax: () Email: mpiriano@bowman.com

Description of Proposed Project: N/A

Physical Location of Property: North of FM 2920, approximately 90' east of Calvert Road

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

Legal Description of Property: ALTA/NSPS and Topographic Survey of Two Tracts
Tomball 2920 Replat No. 1: Joseph House Survey, A-34
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG (Agricultural) and C (Commercial)

Revised: 10/1/2022

Current Use of Property: Undisturbed Land

Proposed Zoning District: C (Commercial)

Proposed Use of Property: N/A

HCAD Identification Number: 1332640010002 Acreage: 14,306 AC

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.

 Digitally signed by Jordan Corbitt DN: C=US, E=jordan.corbitt@kimley-horn.com, O=Kimley-Horn, CN=Jordan Corbitt Date: 2024.07.10 17:13:15-04'00'	<u>07/10/2024</u>
X <u>Jordan Corbitt</u> Signature of Applicant	Date
 DocuSigned by: Shane Wilson FA3E109243C748A...	<u>7/12/2024</u>
X <u>Shane Wilson</u> 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.



January 6, 2025

City of Tomball
501 James Street
Tomball, TX 77375

RE: *Rezoning Request: Agricultural to Commercial*

The purpose of this request is to rezone a portion of the 3.509-acre Tract 2 at Tomball 2920 Replat No. 1 Joeseph House Survey, A-34 Harris County, Texas. The majority of the property is zoned Commercial; however, a portion of Tract 2 is zoned Agricultural according to the City of Tomball's GIS data. We are requesting the Agricultural section of the property be rezoned to Commercial so that the entire property be zoned under a single use. There is currently no final plat for the site.

Below is the City of Tomball zoning map depicting the property boundary and the area within the property that is zoned Agricultural:



Thank you for your consideration in this request. Please contact me at (707) 718-4760 or jordan.corbitt@kimley-horn.com should you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Jordan Corbitt".

Jordan Corbitt, PE

Owner's Representative

