

***Rezoning
Staff Report***

Planning & Zoning Commission Public Hearing Date: June 13, 2022

City Council Public Hearing Date: June 20, 2022

Rezoning Case: P22-111

Property Owner(s): Shahnaz Shahzad

Applicant(s): Atif Shahzad

Legal Description: Portion of Lot 5 in Tomball Medical Park

Location: 13100 block of Medical Complex Drive (north side),
approximately 250-feet east of the intersection of School Street
and Medical Complex Drive (Exhibit “A”)

Area: 2.10 acres

Comp Plan Designation: Medical District (Exhibit “B”)

Present Zoning and Use: Agricultural (AG) District (Exhibit “C”) / Vacant (Exhibit “D”)

Request: Rezone from the Agricultural District to the General Retail District

Adjacent Zoning & Land Uses:

North: Agricultural / Office Building

South: Agricultural / Vacant

West: Agricultural / Vacant

East: Agricultural & Manufactured Home / Drainage Channel (M-121) , RV &
Manufactured Home Park

BACKGROUND

The subject property has been located within the original Tomball Townsite since 1909. The property has remained vacant since this time. According to information provided by the applicant, the reason for this zone change request is to allow the subject property to be occupied by a medical office building.

ANALYSIS

The subject property is approximately 2.10 acres, located within the 13100 block of the north side of Medical Complex Drive. In 2008, when the City of Tomball adopted zoning the Agricultural (AG) zoning classification was applied to the subject property. Immediately north of the subject property is an existing medical office within Agricultural (AG) zoning. West and south of the subject site are vacant tracts that are within Agricultural (AG) zoning. East of the

subject property is an existing drainage channel (M-121), and east of this channel is an existing manufactured home and RV park within Manufactured Home Park (MHP) zoning.

Comprehensive Plan Recommendation:

The future land use map designates the subject property as “Medical District.” The Medical District land use category is intended to “further capitalize on a unique, regionally-serving area of Tomball.” This area should provide “an emphasis on healthcare and supporting services.

According to the Comprehensive Plan, appropriate land uses include “hospitals, clinic, offices, lodging, long-term care, retail, and restaurants.” Additionally, secondary uses include “private gathering spaces, local utility services, government facilities, and transportation uses.”

The Comprehensive Plan identifies “PD: Planned Development, GR: General Retail, O: Office, MU: Mixed Use” as being compatible zoning districts with the Medical District land use.

In making decisions regarding the Medical District land use category the following items should be considered: “New development should allow for a variety of uses to create a self-serving campus. Active transportation connections to Old Town and transitional residential areas should be encouraged. Open space with a pedestrian focus should be a prominent component of the district.”

Staff Review Comments:

The request to rezone the subject property to General Retail is in accordance with the Medical District land identified on the Future Land Use Map. According to the Comprehensive Plan, this land-use should provide an emphasis on healthcare and supporting services. General Retail zoning allows the subject site to be utilized for the planned medical office the applicants wish to construct, as well as additional supporting uses such as retail and restaurants. This requested zone change will achieve the Comprehensive Plan’s objective of promoting compatible development that encourages a medical district with complementary land uses. Furthermore, the subject property is located near the intersection of a collector road (School Street.) and a major arterial street (Medical Complex Drive.). Commercial land uses are often found at intersections such as this because they provide convenient access and exposure to higher volumes of traffic.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on May 26, 2022. 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, the City staff recommends approval of Zoning Case P22-111.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo

E. Rezoning Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Future Land Use Map

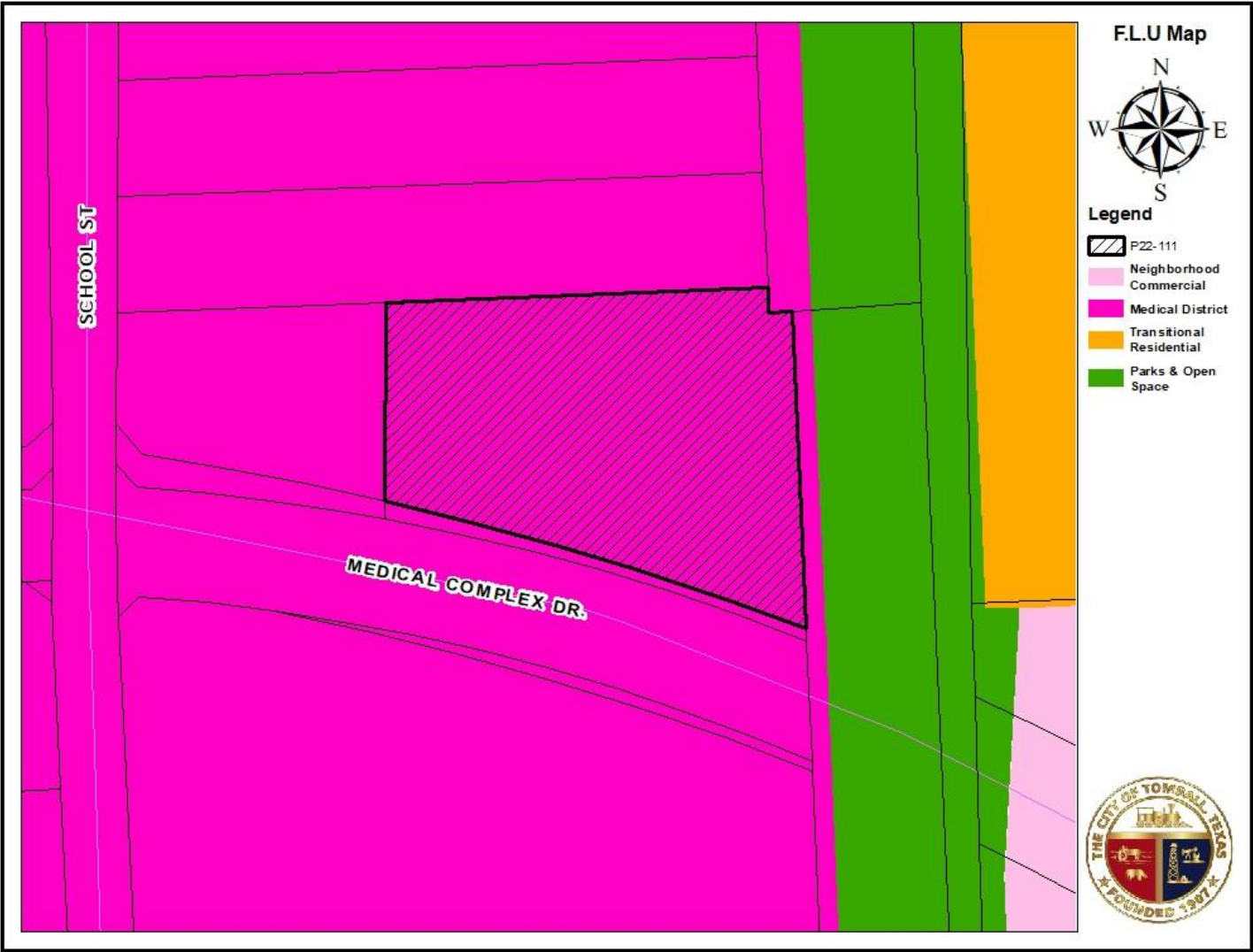


Exhibit "C" Zoning Map



**Exhibit “D”
Site Photo(s)**



Exhibit "E"
Rezoning Application



RECEIVED (KC)
04/25/2022

Revised: 4/13/2020

P&Z 22-111

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: ATIF SHAHZAD Title: MANAGER
Mailing Address: 110 DEER CROSSING CT City: CONROE State: TX
Zip: 77384 Contact: ATIF SHAHZAD
Phone: (281) 782-6383 Email: AFRESHLTD@GMAIL.COM

Owner

Name: SHAHNAZ SHAHZAD Title: OWNER
Mailing Address: 155 MEADOW VALLEY DR City: CONROE State: TX
Zip: 77384 Contact: ATIF SHAHZAD
Phone: (281) 782-6383 Email: AFRESHLTD@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: commercial facility / Medical office Building

Physical Location of Property: 13110 MEDICAL COMPLEX Drive, TOMBALL TX 77375

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

Legal Description of Property: Medical complex Dr. TR5 Tomball Med. Park Reserve. B

HCAO # 122388000026

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

Current Zoning District: agricultural

Current Use of Property: raw land

Proposed Zoning District: commercial

Proposed Use of Property: commercial facility / Medical office building

HCAD Identification Number: 122388000026 **Acreage:** 2.1 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  4/20/22
Signature of Applicant Date

X  4/20/22
Signature of Owner Date

From: [Juanita Cherety](#)
To: [Kimberly Chandler](#)
Cc: [Garbage Service](#)
Subject: FW: Receipt #R01313339-13110 Medical Complex
Date: Monday, April 25, 2022 1:23:50 PM

Rezoning receipt.

Thank you,
Juanita Cherety
Customer Service Specialist
City of Tomball
501 James St.
Tomball, TX, 77375
Phone: 281-290-1450
Fax: 281-351-4735

-----Original Message-----

From: noreply@tomballtx.gov <noreply@tomballtx.gov>
Sent: Monday, April 25, 2022 1:22 PM
To: Juanita Cherety <JCherety@tomballtx.gov>
Subject: Receipt #R01313339

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

DATE : 4/25/2022 1:20 PM
OPER : JC
TKBY : Juanita Cherety
TERM : 5
REC# : R01313339
130.0000 PLANNING AND ZONING
13110 Medical Complex 420.00

Paid By:13110 Medical Complex
2-CK 420.00 REF:W 308

MEETS & BOUNDS

Being a lot, tract or parcel of land situated in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, and being a portion of Lot 5 of Tomball Medical Park Replat of Reserve "B" and a Portion of a 0.38 Acre Tract, a subdivision in the City of Tomball, Harris County, Texas, according to the Map or Plat thereof recorded under Film Code No. 571288, Map Records, Harris County, Texas, same being a portion of a tract of land conveyed to Harkins Medical Properties LTD by deed recorded in Instrument No. RP-2019-82497, Official Public Records, Harris County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being along the North right of way line of Medical Complex Drive (variable width right of way), said corner being along the East line of a tract of land conveyed to Gill Real Estate, LLC by deed recorded in Instrument No. 20100000958, Official Public Records, Harris County, Texas;

THENCE North 00 degrees 20 minutes 41 seconds East along the East line of said Gill Real Estate, LLC tract, a distance of 182.84 feet to a 5/8 inch iron rod found for corner, said corner being along the South line of Lot 4 of said Tomball Medical Park Replat of Reserve "B";

THENCE North 87 degrees 48 minutes 48 seconds East along the South line of Lot 4 of said Tomball Medical Park Replat of Reserve "B", a distance of 350.07 feet to a 5/8 inch iron rod found for corner, said corner being the Southeast corner of Lot 4 of said Tomball Medical Park Replat of Reserve "B", said corner being along the West line of a tract of land conveyed to Corral RVP, LLC by deed recorded in Instrument No. RP-2018-138656, Official Public Records, Harris County, Texas;

THENCE South 02 degrees 34 minutes 37 seconds East along the West line of Corral RVP, LLC tract, a distance of 22.94 feet to 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being the Southwest corner of said Corral RVP, LLC tract;

THENCE North 87 degrees 13 minutes 16 seconds East along

Shahnaz Shahzad (Owner)
155 Meadow Valley Drive, Conroe, Tx, 77384
281-782-6383
afreshltd@gmail.com

04/24/2022

ATTN: Tomball City Planning and Zoning Commission

To whom it may concern,

I am the property owner of 13110 Medical Complex Drive, Tomball TX 77375, legally known as Medical complex drive St 77375 TR5 Tomball Medical Park Reserve B (HCAD # 1223880000026)

I, with this letter, am requesting Tomball City Zoning Commission to change zoning of above tract from agricultural to commercial. It is intended to put a medical office building.

Attached is application including recent survey with meets and bounds. Replatting is in progress. If you have questions, please contact me at 281-782-6383. I look forward to hearing from you.

Sincerely,



Shahnaz Shahzad (Owner)


Atif Shahzad (Property Manager)

Prelim Plat

