

***Rezoning
Staff Report***

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

Rezoning Case: P22-350
Property Owner(s): Zion Woods LLC
Applicant(s): Blue Kite Building Group
Legal Description: 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50.
Location: 12700 block (north side) of Zion Road, within Harris County, Texas.
Area: 22.84 acres
Comp Plan Designation: Ranch Rural & Estate (Exhibit “B”)
Present Zoning and Use: N/A (Exhibit “C”) Vacant (Exhibit “D”)
Request: Rezone from Agricultural (AG) to Planned Development (PD #18) District

Adjacent Zoning & Land Uses:

North: Agricultural (AG) / Single Family Residential Residences
South: Single Family Residential – 20 (SF-20)/ Single Family Residences
West: Agricultural (AG) / Single Family Residential Residences
East: Not Applicable & Single Family Residential - 20 / Single Family Residences

BACKGROUND

Over the past several months’ city staff has held multiple pre-development meetings with the applicants to discuss the potential development of the subject property into a residential subdivision. The subject site presently falls entirely outside the city limits of Tomball. The applicants are currently under a pending contract for the purchase of the subject site contingent on the rezoning of the property. The applicants intend to close on the property and submit a request for annexation into the City of Tomball if they receive favorable votes during the initial public hearings on the rezoning request. The applicants are seeking a Planned Development (PD) zoning district to develop a gated subdivision of custom homes and include a range of community amenities. Furthermore, capitalizing on the mature growth and heavily wooded nature of the site the applicants are seeking to utilize the PD ordinance to require the preservation of mature growth as well as mature vegetative buffering along the periphery of the subdivision.

ANALYSIS

Description: The subject property is approximately 22.84 acres and is located on the north side of Zion Road. The site is approximately 350 feet wide by 2,750 feet in depth. The long and narrow dimensions of the subject property present significant development challenges that have likely led to the property remaining undeveloped. Immediately west and north of the subject property is a single-family residential subdivision within Agricultural (AG) zoning, this subdivision is comprised of lots with a minimum size of 1 acre. East of the subject property are tracts of land outside the city limits of Tomball and hence not within a zoning designation but utilized for residential purposes. Also east of the subject site is a subdivision located within the city limits of Tomball within Single Family Residential – 20 (SF-20) zoning, this subdivision is comprised of lots with a minimum size of 9,000 square feet, the preliminary plat reviewed for this subdivision occurred prior to the adoption of zoning in 2008. South of the subject property are single-family residential homes located within Single Family Residential – 20 (SF-20) zoning.

According to Section 50-80 in the City of Tomball Code of Ordinance; Planned Developments Districts may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a) To provide for a superior design on lots or buildings;
- b) To provide for increased recreation and open space opportunities for public use and enjoyment;
- c) To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d) To protect or preserve natural amenities and environmental assets such as trees; creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
- e) To protect or preserve existing historical buildings, structures, features, or places;
- f) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g) To meet or exceed the standards of this chapter.

According to the Planned Development Application (Exhibit “E”) and the development regulations, the proposed Planned Development will promote a private single-family residential community with convenient access to recreation facilities including but not to be limited to open spaces, pool, clubhouse, playground, picnic facilities, and walking/hiking trails.

All residential lots will have a minimum area of 5,250 square, a minimum lot width of 50’, and a minimum lot depth of 105’. During initial conversations with city staff regarding lot sizes the applicant planned to provide lots that would be a minimum of 50’x125’ with a minimum area of 6,250 square feet; this is slightly larger than the 6,000 square foot lot size ordinarily applicable in the Single Family – 6 Residential zoning district. Following conversations with city staff regarding the enforceability of maintaining the planned 20-foot-wide undisturbed vegetative buffer along the rear property boundaries of each individual lot, staff encouraged the applicants to create a 20-foot-wide reserve along the rear of all lots in the subdivision. By creating a single reserve the undisturbed vegetative buffer yard will remain owned by the HOA and thus be much easier to ensure that it remained undisturbed indefinitely. Subsequently, in providing this reserve the lots effectively lost 20-feet of depth and thereby became the proposed dimension of 50’x105’ with minimum areas of 5,250 square feet. Although the lots became smaller with the reserve, overall the density of lots/homes within the subdivision remains the same. Within the subdivision, there shall be a minimum 1-acre park and recreational reserve centrally located within the development,

which may include a clubhouse, pool, playground, and picnic facilities providing convenient access throughout the community by sidewalk and walking/hiking trails. Within the required recreational reserve(s), a minimum of three (3) community-serving amenities must be provided as specified in the PD ordinance. Moreover, no less than 20% of the overall development shall be dedicated as open space.

Regarding the preservation of environmental assets, this Planned Development ordinance and associated concept plans identify buffer areas within which all vegetation is to remain undisturbed during/after construction. This undisturbed vegetation will serve as an effective transitional land use buffer between the subject property and larger lot residential developments located on the east, west, and north sides of the property. Furthermore, as identified in the concept plan within the PD ordinance there are identified “Yard Areas”, within these designated yard areas all existing trees are to remain in accordance with the standards outlined in the PD ordinance. Which states that all trees greater than 4 inches in caliper within the required yard areas must be preserved during and after construction in accordance with the standards outlined in Section 50-113 (h)(*Tree Preservation*). Any tree greater than 4 inches in caliper removed during or after construction must be replaced in accordance with the table provided within the PD ordinance.

Comprehensive Plan Recommendations: The property is designated as “Ranch Rural & Estate” by the Comprehensive Plans Future Land Use Map. This Ranch Rural Estate land use category is intended for “areas that represent bucolic character”, the land use is defined by an abundance of a natural landscape.

According to the Comprehensive Plan, land uses include large lot residential, conservation subdivisions, and agricultural enterprises. The built environment should be complimented by large amounts of green space such as mature woodlands.

The Comprehensive Plan recommends zoning districts of Agricultural (AG), SF-20-E (Single-Family Estate Residential-20), and PD (Planned Development).

Additionally, the Comprehensive Plan states – The following considerations should be used as guidance for regulatory modifications or as part of decision making: New nonresidential development is appropriate where it is designed to reflect the rural character. Also, consideration should be given to using aggregate measures for housing density to allow for the clustering of housing and the preservation of open space.

Staff Review Comments:

The Comprehensive Plan identifies the need for new residential developments to provide linkages to parks and trails. Having these features provided in subdivisions has been shown to improve the quality of life of residents and positively impact property values. The city should encourage new development to provide connection and/or integration of these amenities into their overall design. Further, the Comprehensive Plan identifies the desire for the City of Tomball to protect the rural character and lifestyle of the community. According to the Comprehensive Plan, this can be achieved in smaller lot subdivisions when larger amounts of open space are provided and the conservation of natural features is prioritized. City staff believes that although the subdivision will be comprised of smaller lots, the rural intent of the Ranch Rural & Estate land use category is being met with the intensive preservation measures being implemented by the PD ordinance.

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 November 18, 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, City staff recommends approval of Zoning Case P22-350.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application
- F. Planned Development Ordinance

Exhibit "A"

Aerial Photo

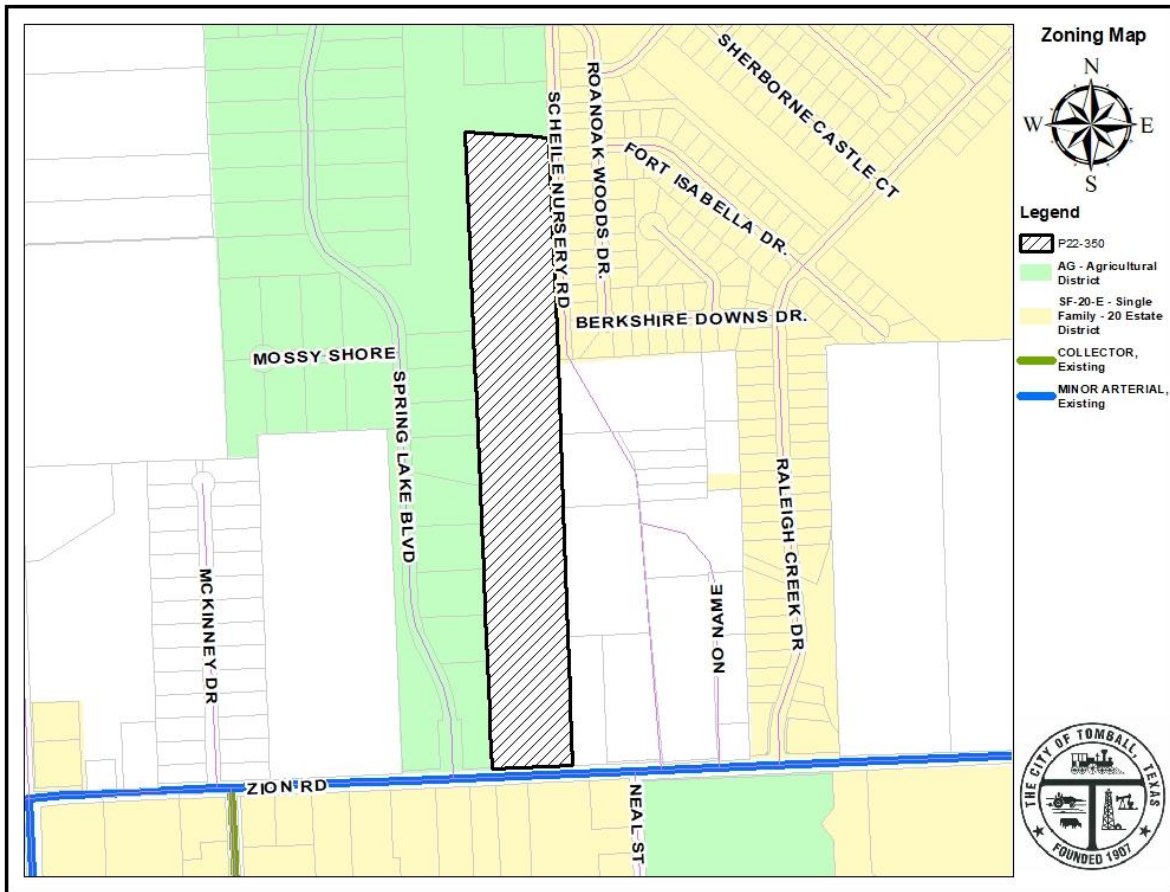


Exhibit "B"

Comprehensive Plan



Exhibit "C" Zoning Map



**Exhibit “D”
Site Photo(s)**



Neighboring Property (East)



Neighboring Property (West)



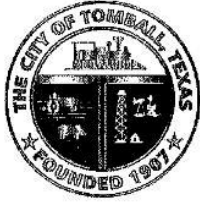
Neighboring Property (South)



Exhibit "E"
Rezoning Application

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Revised: 4/13/2020



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: Blue kite building Group Title: _____
Mailing Address: 2138D Welch St. City: Houston State: TX
Zip: 77019 Contact: Matt Kimich
Phone: (281) 785-5486 Email: matt@bluekitebuilding.com

Owner

Name: zion woods llc Title: Llc
Mailing Address: P.O. Box 1567 City: Tomball State: Texas
Zip: 77377 Contact: usa
Phone: (713) 709860 Email: SDL899@mac.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Gated single family residential development

Physical Location of Property: 12718 ZION RD.

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

Legal Description of Property: 20060033498

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

Current Zoning District: AG

Current Use of Property: none

Proposed Zoning District: PD - SF9

Proposed Use of Property: residential development

HCAD Identification Number: 0410060020136 Acreage: 22.814

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

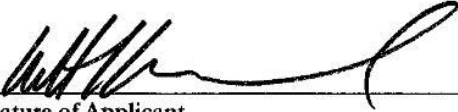
www.tomballtx.gov



Revised: 4/13/2020

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  8-22-22
Signature of Applicant Date

DocuSigned by:
X  8/22/22
Signature of Owner Date



October 3rd, 2022

Mayor and City Council
City of Tomball
401 Market Street
Tomball, TX 77375

RE: ZION RD. PLANNED DEVELOPMENT

Blue Kite Building Group is submitting the application for the Zion Rd. Planned Development.

We intend to develop the 22.8 acre tract as described under C.F. NO. 20060033498 into a gated single-family residential community. The tract is located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.

The following is a list of items included with this submittal:

- 1) Completed Application
- 2) Survey of the Tract
- 3) Planned Development Text
- 4) Concept Plan
- 5) Open Space
- 6) Renderings

Please contact Matt Kimich at Blue Kite Building Group with any questions or if further information is needed.

Sincerely,

Matt Kimich
Blue Kite Building Group
CEO



- © 2011 is valid only if pre-burn original impressions, soil and a parent surveyor on it. Declaration is valid to original purchase of this survey. It is not transferable to additional interests or subsequent sales.
- This Survey has been done without benefit of a current title report. Surveyor did not intend title. One's responsibility to ascertain or verify facts on site. Check with your local governing agencies for any additional requirements, but flag, tree or other encumbrances not reflected on recorded plat.
- Processed on sheets.
- See Corresponding Field Notes.
- Yes to trees are to the center of the trees shown.

This Property Lies in Zone "C"
 Outside the 100 Year Flood Plain
 Per Graphic Scaling according to
 Community Panel No. 48207003SL
 Issued on Effective Date 08-28-2003
 Job No. 113-4-5
 Scale 1" = 100'
 Date 06-21-2011
 Drawn By: K.P.

Purchaser: SHAUN LEHRMANN
 Address: C. ZION ROAD
 Tract: 131, Block: 1, Section: 34
 Survey: JOSEPH MILLER LEAD, A. 50
 Area: 22.8932 ACRES TRACT
 Subdivision:
 Volume: _____, Page: _____, Record:
 Harris County, Texas

1. Chas. A. Lutz, a registered Professional Land Surveyor in the State of Texas, RP/LS No. 45,077, is hereby certified to (See Note 3) and (See Note 4) that based upon information provided by said Title Company, said Title Company, said Surveyor, and the above Title Insurance Company, he believes that the above Title Insurance Company is the owner of the property as set forth on the plat of this property at this time. I have chosen to record all statements in respect to said Title Company's report. This Survey conforms to the maximum standards of practice as approved by the Texas Board of Professional Land Surveying effective September 1, 1982. Last written 06-2006.

The basis of bearing is N00°38'14"W ALONG THE WEST PROPERTY LINE
PER DEED TO CALL 68.1723 ACRE TRACT.
 A Division of Everything in Christ Services Inc. Inc.

Exhibit “F”

Exhibit B

Planned Development

22.8 Acres Tomball (Zion Road Tract)

- A. Contents. This final development plan includes the following sections:
- General Provisions
 - Land Uses
 - Development Regulations for Single-Family Lots
 - Amenities and Landscape regulations
 - Open Space and Trails
 - Building Regulations
- B. General Provisions
- The Planned Development, PD, approved herein, must be constructed, developed, and maintained in compliance with the ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any city ordinance applicable in a SF-6 (Standard Single-Family Residential) is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this Ordinance apply to this PD as through written herein, except when the city regulation or provision conflicts with a provision in this ordinance.
 - Except as otherwise provided herein, the words used in this planned development have the meaning established by the Development Code.
 - The PD shall be developed in accordance with the following exhibits that are attached to and made part of this final development plan:
 - Exhibit C – Concept Plan
 - Exhibit C1 – Landscape, amenities, and Open Space Plan
 - Exhibit C2 – Tree Preservation Plan
 - As shown on Exhibit C, the PD encompasses 22.8 acres, located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.
- C. Land Uses
- SFR: Permitted land uses are listed below.
- | Use | SIC Code |
|--|----------|
| Private Household Services | 8811 |
| Dwellings – Single Family | 99 |
| Parks and Recreational Facilities, Public or Private | 99 |
| Residential Sales Office (Temporary) | |

- D. **Development Regulations for Single Family Lots** — Maximum 99 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

- a. The minimum lot width shall be 50 feet wide.
 - b. Lots shown on Exhibit C
 - i. Minimum lot area: 50ft wide lots shall have a minimum area of 5,250 square feet.
 - ii. Minimum lot width: 50 feet. Lot width shall be measured at the building line.
 - iii. Minimum lot depth: 105 feet
 - iv. Maximum lot coverage: 40% (lot acreage shall include building footprint only)
 - c. Minimum building setbacks:
 - i. Front yard: 20 feet; (measured from front building line)
 - ii. Rear yard: 15 feet
 - iii. Side yard: 5 feet, 10 feet on street side of a corner lot.
- E. **Amenities and Landscape Regulations**— As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
- a. Recreation site and amenities:
 - i. A minimum 1-acre recreational reserve, centrally located within the development, may include a pool, playground, and picnic facilities, etc.
 - ii. A minimum 24, off-street head-in parking spaces shall be provided. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - iii. Amenities must include (but are not limited to) Three of the following:
 - 1. Recreation center/Clubhouse
 - 2. Playground
 - 3. Picnic Facilities
 - 4. Pavilions
 - 5. Swimming Pool/ Splash pads
 - 6. Dog Park
 - 7. Active Recreation Facilities (Basketball, Tennis, Soccer, Baseball. Etc.)
 - 8. Walking, Biking, Hiking Trails
 - b. Landscape buffers:
 - i. 20-foot minimum buffer yard shall be provided along all street-side property boundaries for residential lots and along Zion Road. Lots/Reserves designated for recreation and amenity areas shall be exempt from this requirement.

- ii. 20-foot minimum undisturbed vegetative buffer reserve, contiguous to lot lines, shall be provided along the rear of all lots adjacent to neighboring properties. As shown on Exhibit C1
- iii. Street trees must be provided along all street-side property boundaries at a rate of 1 tree for every 40 linear feet of frontage. Street trees must be provided within the landscape open space median illustrated in concept plans. All street trees must be a minimum 4-inch caliper and 7 feet in height at the time of planting.
- iv. All landscaping/trees must be installed/protected in accordance with the approved landscape/preservation plan (as prescribed in subsection H of this ordinance). Preservation efforts must be maintained throughout all phases of construction.
- v. Required Buffers shall include trails as illustrated in provided concept Plan(s).
- vi. Tree(s) planned to be preserved that are removed/killed during or after construction must be replaced in accordance with the following table:

Diameter of Tree Removed/Killed (Inches)	Number of Trees that must be planted
4-9	Two Trees
9-15	Three Trees
Over 15	Six Trees

c. Open Space:

- i. Minimum 20% space, to be distributed as shown on Exhibit C1
- ii. Open space shall include all landscape buffers, landscape reserves, open space, reserves, parks, pool areas, and recreation facilities.
- iii. At a minimum 5 acres shall be provided as parks and recreation facilities
- iv. All required open space shall be maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- v. Landscaped open space reserve shall be provided within median identified on Exhibit C1

F. Sidewalks & Trails -As shown on Exhibit C1, the PD shall be developed in accordance with the following:

a. Sidewalks:

- i. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- ii. All sidewalks shall be paved with concrete.

- b. Trails:
 - i. Trail network within median must be a minimum of 8-feet in width.
 - ii. All other trails must be a minimum of 5-feet in width.
 - iii. All trails must be paved with asphalt or concrete.
- G. Minor Modifications --The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance with the applicable Tomball Codes and this Ordinance and approved by the Planning Director.
 - a. Modifications to internal street patterns are allowed
 - b. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
 - c. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - d. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.
- H. ADD: Subdivision Plat Procedure – Platting of the subject property shall be in accordance with all standards and procedures ordinarily applicable within the City of Tomball as prescribed in Chapter 40 of the Tomball Code of Ordinance and shall include the following modifications:
 - a. Prior to the approval of a preliminary plat for the subject property an official tree survey must be conducted by a licensed arborist and submitted to the City of Tomball in conjunction with a landscape/tree preservation plan. Said preservation plan must be consistent with the planned preservation areas identified in the provided concept plan (Exhibit C2). Said landscape and tree preservation plan(s) must be approved by the City of Tomball prior to the start of construction.

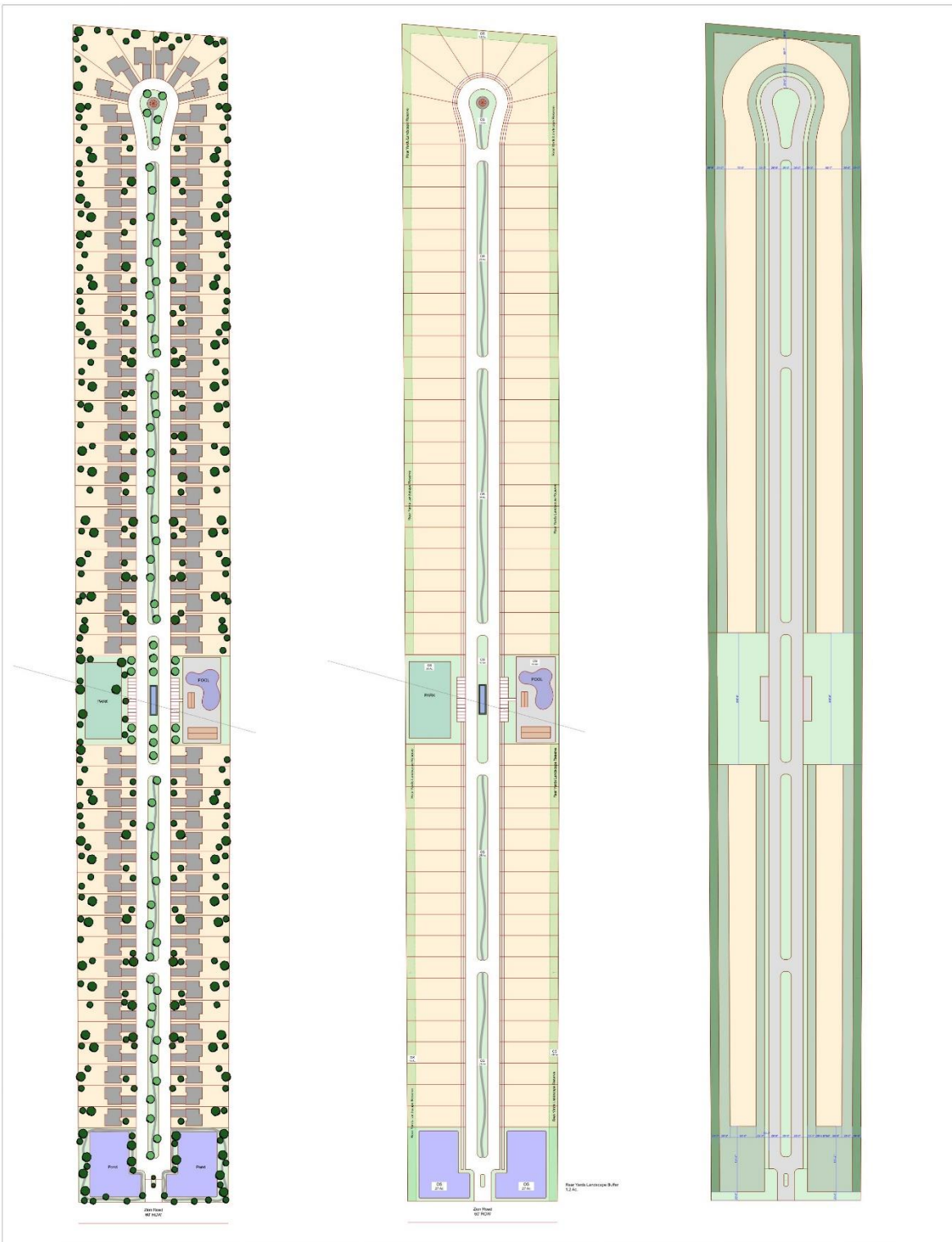


Exhibit C
Concept Plan

Exhibit C1
Open Space Exhibit

Exhibit C2
Tree Preservation Exhibit



Blue Kite Building Group
2138D Welch St. Houston TX 77019
281-785-5486

	Streets and Parking All existing trees and vegetation removed 150,285 SF		Open Space All existing trees and vegetation to remain. New Trees, shrubs, and landscaping to be added. 275,903 SF
	Building Area All existing trees and vegetation removed only after interlocking with building footprint 306,197 SF		Buffer Area All existing trees and vegetation to remain. New Trees to be added as needed to buffer property. 115,781 SF
	Minuscule Area All existing trees and vegetation removed. New Trees, shrubs, and landscaping added. 150,491 SF		

Zion Rd. Trac
Planned Development
22.8 A

Renderings



Renderings

