

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: June 10, 2024
City Council Public Hearing Date: June 17, 2024

Rezoning Case: Z24-08
Property Owner(s): CHTA Development, Inc.
Applicant(s): CHTA Development, Inc.
Legal Description: Winfrey Estates
Location: West side of FM 2978 at Winfrey Lane (Exhibit “A”)
Area: 33.386 acres
Comp Plan Designation: Corridor Commercial (Exhibit “B”)
Present Zoning: Planned Development (PD-15) (Exhibit “C”)
Request: Amend Planned Development (PD-15) to reduce the minimum building setback in the rear yard from 14-feet to 9-feet.

Adjacent Zoning & Land Uses:

North: Single-Family Residential-9 (SF-9) / Undeveloped

South: Single-Family Residential-9 (SF-9) and Commercial (C) / Undeveloped

West: Single-Family Residential-9 (SF-9) and Commercial (C) / CenterPoint Energy highline, office/warehouse and storage facilities, undeveloped properties

East: Single -Family Residential-9 (SF-9) and Commercial (C) / Undeveloped

BACKGROUND

The Planned Development (PD-15) District was created in 2021 (Ordinance No. 2021-08) to facilitate the development of an age-restricted single-family residential community with a maximum number of 130 lots. Planned amenities for this community may include a recreational reserve with benches and trails, clubhouse, swimming pool, and pickle ball court. The applicant, CHTA Development, has found that a desired house floor plan for this community requires a smaller rear yard than the current PD-15 regulations allow for. It has been expressed to City Staff that these homes have an outdoor living concept which primarily utilizes a side yard and will have a limited need for a large rear yard.

STAFF REVIEW COMMENTS

This request upholds the original intent of PD-15 and has no significant impact on the nature of the development. Also, the applicant has indicated that there will not be any building encroachments into any easements.

PUBLIC COMMENT

A Notice of Public Hearing was published in the Potpourri and property owners within 300 feet of the property were mailed notification of the proposed amendment on May 16, 2024. 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 within this staff report, City Staff recommends approval of Zoning Case Z24-08.

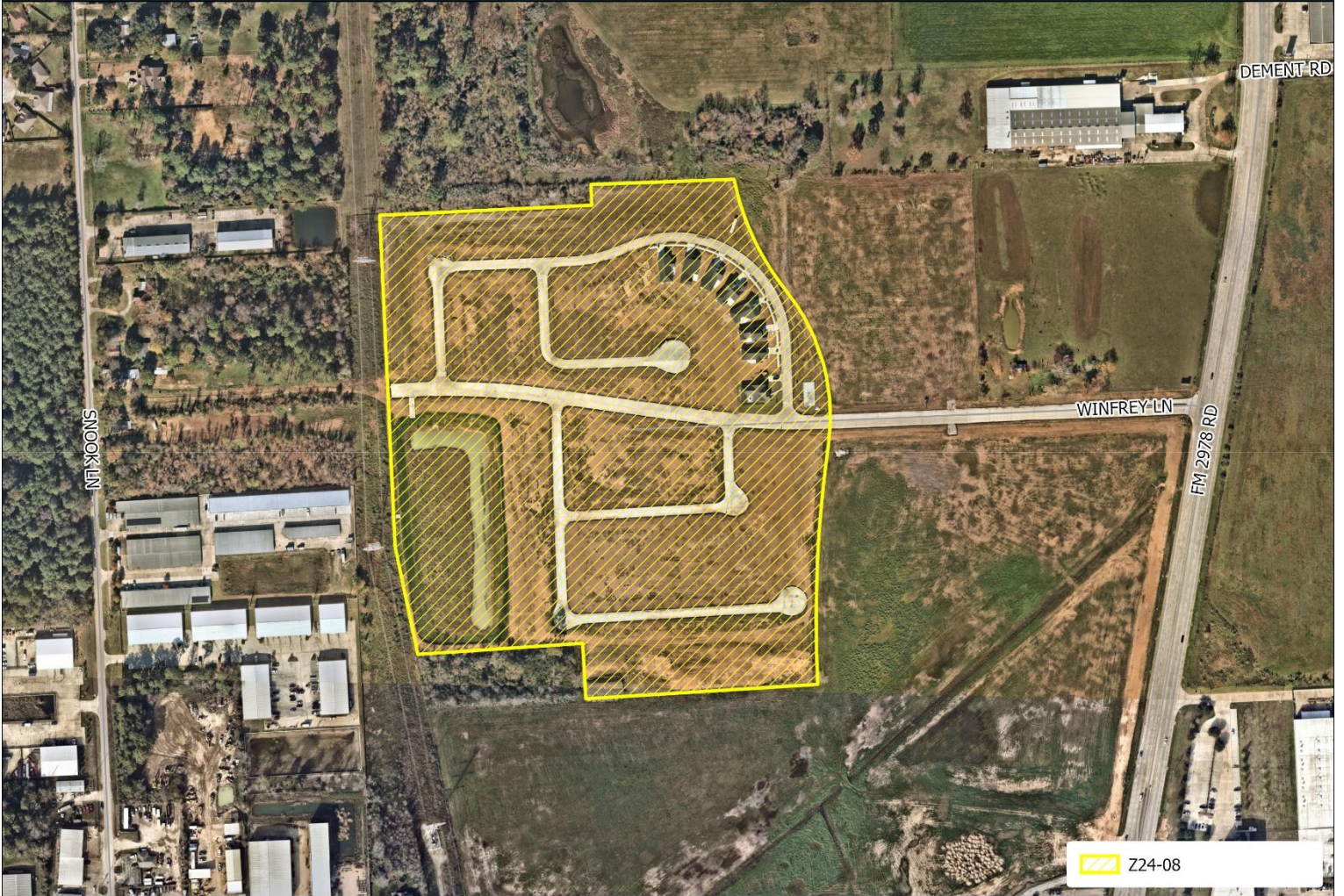
EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Location



Z24-08

Exhibit "B"
Future Land Use Plan



Future Land Use

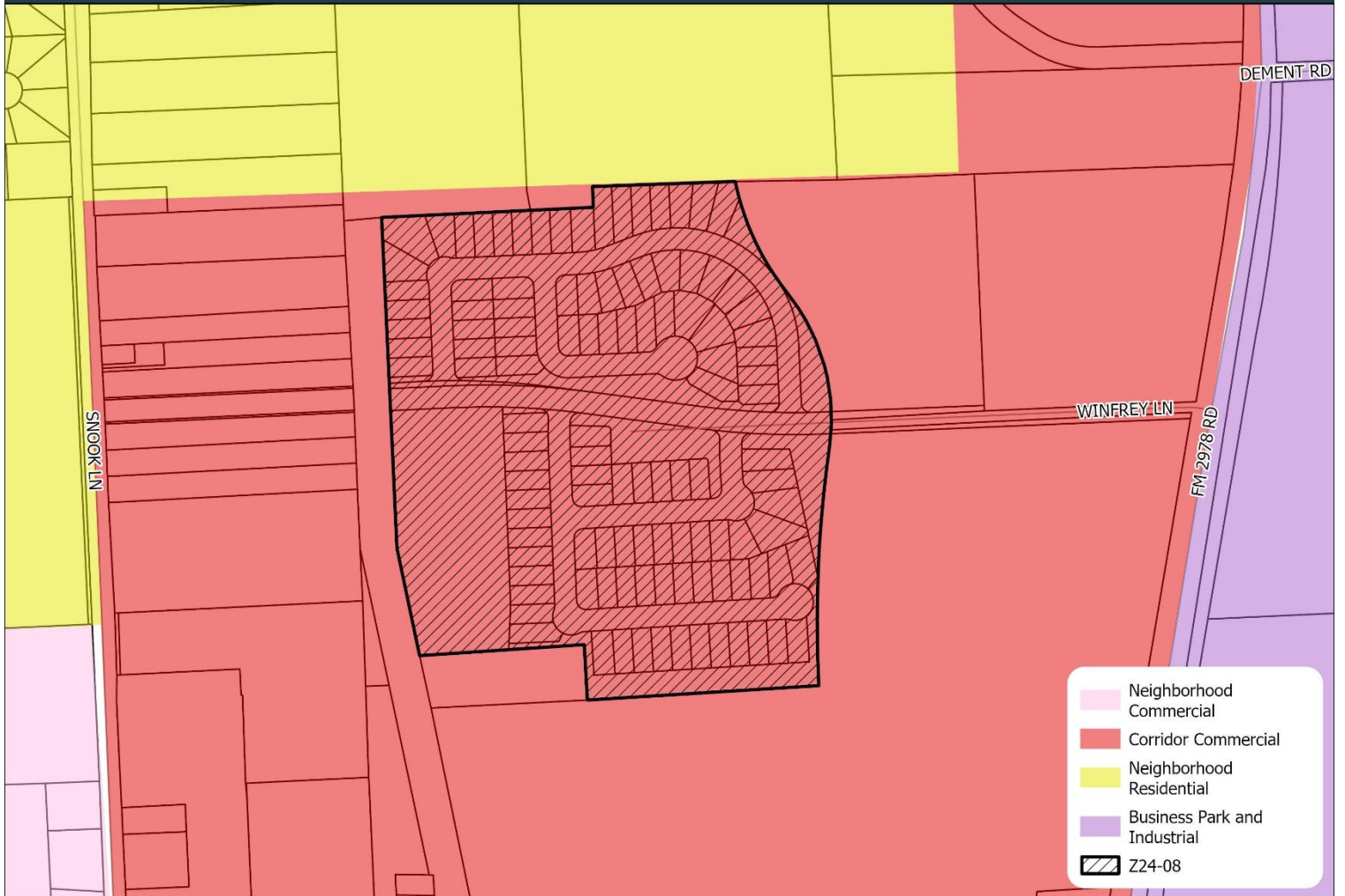


Exhibit "C"
Zoning Map



Zoning



Exhibit "D"
Site Photos

Subject Site



Neighbor (North)



Neighbor (East)



Neighbor (East)



Neighbor (South)



Neighbor (West)



Exhibit "E"
Rezoning Application

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: CHTA DEVELOPMENT, INC. Title: _____
Mailing Address: 1169 BRITTMOORE RD City: HOUSTON State: TX
Zip: 77043 Contact: ROLAND RAMIREZ
Phone: (281) 924-5550 Email: ROLAND@ROC-HOMES.COM

Owner

Name: CHTA DEVELOPMENT, INC. Title: _____
Mailing Address: 1169 BRITTMOORE RD. City: HOUSTON State: TX
Zip: 77043 Contact: ROLAND RAMIREZ
Phone: (281) 924-5550 Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: 55-PLUS RESIDENTIAL COMMUNITY

Physical Location of Property: 1326 HIDDEN OAKS DR.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: A SUBDIVISION OF 33.3858 ACRES OF LAND LOCATED IN THE JESSEE PRUITT SURVEY, ABSTRACT NO 829 HARRIS COUNTY, TEXAS, BEING A REPLAT OF
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (PD) : Planned Development District

Current Use of Property: RESIDENTIAL


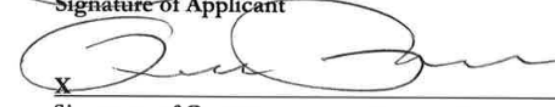
Proposed Zoning District: (PD) : Planned Development District

Proposed Use of Property: PD

HCAD Identification Number: 132833000001 Acreage: 33.3858

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.

<input checked="" type="checkbox"/>		4/30/24
	Signature of Applicant	Date
<input checked="" type="checkbox"/>		4/30/24
	Signature of Owner <u>For Eric Hymowitz</u>	Date

**CHTA DEVELOPMENT, INC.
1169 Brittmoore Rd.
Houston, TX 77043**

To whom it may Concern.

CHTA Development and Roc Homes is the Developer and Builder in Winfrey Estates, Tomball, TX.

Because about 15% of our homes are encroaching on the rear building line (14-feet), we are asking for the plat to be amended with a rear building line of 9-feet to accommodate these homes. All of our homes have the concept of "outdoor living" which is primarily to one side of the homes. However, some of the home do have partial "outdoor living" to the back of the house. On some lots, some of our plans encroach into the rear building line anywhere from 6-inches to 5-feet.

At this time we do not know which plans will go on which lots. This is a Buyers choice depending on the guidelines within the CCR's of the HOA.

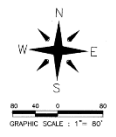
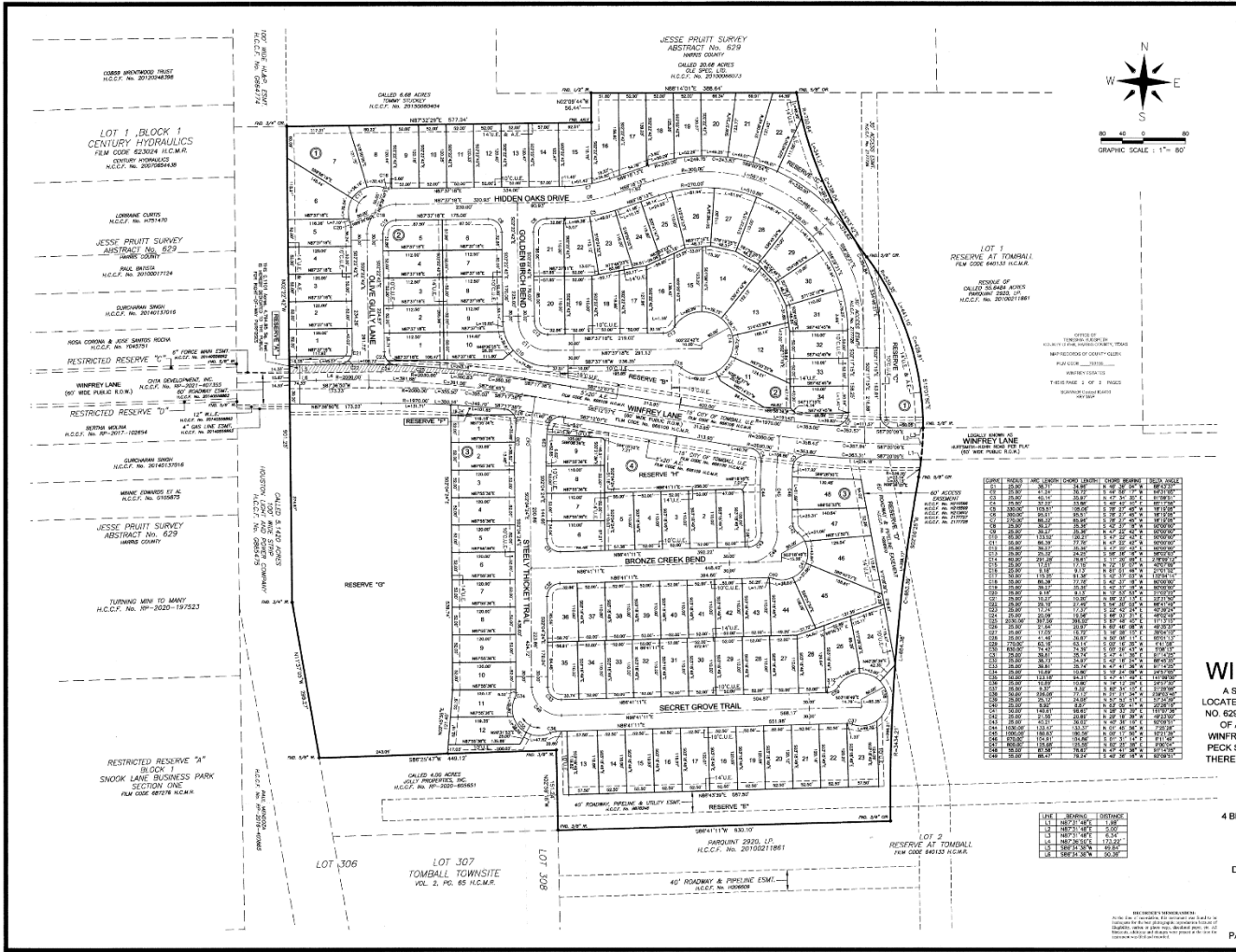
We respectfully request that the Rear Building Line be adjusted to accommodate all of our plans. We understand that, in some areas, the CenterPoint easements will not allow for encroachment into there 14-foot rear Utility Easement and will abide by this.

Thank you for your consideration of this matter.

Sincerely,



Roland Ramirez
Land Acquisition and Development
CHTA Development, Inc.
roland@roc-homes.com
281-924-5550



LEGEND:
 AE - Unsubstantiated Aerial Easement
 C.E. - City of Tomball Utility Easement
 C.L. - Utility Easement
 F.C. - Film Code
 F.S. - Floodplain
 H.C.M.R. - Harris County Map Record
 H.C.P. - Harris County Parcel Record
 H.C.F. - Harris County Clerk's File
 H.C. - Harris County
 O.P.R. - Official Public Records of Real Property

Public Easements:
 Public easements are shown on this plat and are hereby dedicated to the public for the use and enjoyment of the City of Tomball, Texas, including the City of Tomball, shall have the right of all of the easements of ingress and egress, utility, and other easements shown on this plat. The easements are shown on this plat and are hereby dedicated to the public for the use and enjoyment of the City of Tomball, Texas, including the City of Tomball, shall have the right of all of the easements of ingress and egress, utility, and other easements shown on this plat. The easements are shown on this plat and are hereby dedicated to the public for the use and enjoyment of the City of Tomball, Texas, including the City of Tomball, shall have the right of all of the easements of ingress and egress, utility, and other easements shown on this plat.

LOT	ACRES	OWNER	REMARKS
1	0.12	RESERVE AT TOMBALL	
2	0.12	RESERVE AT TOMBALL	
3	0.12	RESERVE AT TOMBALL	
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100	0.12	RESERVE AT TOMBALL	

WINFREY ESTATES
 A SUBDIVISION OF 33.3858 ACRES OF LAND
 LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT
 NO. 629, HARRIS COUNTY, TEXAS, BEING A REPLAT
 OF ALL OF RESERVES "A", RESERVE "B" AND
 WINFREY LANE PORTION ADJACENT THERETO OF
 PECK STATION ACCORDING TO THE MAP OR PLAT
 THEREOF RECORDED IN FILM CODE NO. 666109 OF
 THE HARRIS COUNTY MAP RECORDS

REASON TO REPLAT:
 TO CREATE
 4 BLOCKS 113 LOTS 8 RESERVES

OWNER:
 CHTA DEVELOPMENT, INC.
 1189 Britton Road, Houston, TX 77043

DATE: FEBRUARY, 2023 SCALE: 1"=80'

TETRA
 LAND SERVICES
 1189 Britton Road, Houston, TX 77043
 www.tetra.com
 Phone: 281.441.1111
 Fax: 281.441.1112

PAGE 2 OF 2

Dear Nancy Feher,

We at Winfrey Estates have lots that measure 52 x 110 and 120 feet. Currently, the rear building setback line is 14 feet. Some homes encroach on this line, so we are requesting the City of Tomball to change it to 9 feet.

This change will provide you with an extra 5 feet for any approved structures by the HOA. However, this does not apply to homes with a 14-foot Utility Easement at the rear that isn't shared with a neighboring home.

The City of Tomball staff has requested that all homeowners, whether your home is closed or under contract, sign the amended zoning application. Please find the application attached. Sign it where indicated and return it to the person who gave you this letter and the application.

Thank you for being a part of our community and for your cooperation.

Sincerely,

The CHTA Development, Inc. and Roc Homes Team



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: CHTA DEVELOPMENT, INC.

Title:

Mailing Address: 1169 BRITTMOORE RD City: HOUSTON State: TX

Zip: 77043
Phone: (281) 924-5550
1169 BRITTMOORE RD
77043

Contact: ROLAND RAMIREZ

Email: ROLAND@ROC-HOMES.COM

Contact:

Email:

Owner

Name: CHTA DEVELOPMENT, INC.

Title:

77043
Contact: ROLAND RAMIREZ

Phone: (281) 924-5550
Email:

Mailing Address: 1169 BRITTMOORE RD. City: HOUSTON State: TX

Zip:

Phone:

Engineer/ Surveyor (If applicable)

Name: N/A

Title:

Mailing Address: City: State:

Zip: Contact:

Cell: () Fax: () Email:

Description of Proposed Project: 55-PLUS RESIDENTIAL COMMUNITY

Physical Location of Property: 1326 HIDDEN OAKS DR.

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

Legal Description of Property: A SUBDIVISION OF 91.9019 ACRES OF LAND LOCATED IN THE 1988 FIRST SURVEY ABSTRACT NO 629 HARRIS COUNTY TEXAS BEING A PORTION OF

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

Current Zoning District: (PD) : Planned Development District

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 08/25/2023

Current Use of Property: RESIDENTIAL (PD) : Planned Development District

Proposed Zoning: PD District: Proposed Use of Property:

HCAD Identification Number: 1328330000001 Average: 33.3858

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.

Signature of Applicant: [Signature] Date: 4/30/24
Signature of Owner: [Signature] Date: 4/30/24
FOR Eric Hymowitz

DocuSigned by: Nancy Feher 6/3/2024
Nancy Feher Date

1318 Hidden Oaks Dr., Tomball, TX

Dear Dan Schreiner,

We at Winfrey Estates have lots that measure 52 x 110 and 120 feet. Currently, the rear building setback line is 14 feet. Some homes encroach on this line, so we are requesting the City of Tomball to change it to 9 feet.

This change will provide you with an extra 5 feet for any approved structures by the HOA. However, this does not apply to homes with a 14-foot Utility Easement at the rear that isn't shared with a neighboring home.

The City of Tomball staff has requested that all homeowners, whether your home is closed or under contract, sign the amended zoning application. Please find the application attached. Sign it where indicated and return it to the person who gave you this letter and the application.

Thank you for being a part of our community and for your cooperation.

Sincerely,

The CHTA Development, Inc. and Roc Homes Team



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Planning Division

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Applicant

Name: CHTA DEVELOPMENT, INC.

Title: _____

Mailing Address: 1169 BRITTMOORE RD

City: HOUSTON

State: TX

Zip: _____

Contact: ROLAND RAMIREZ

Phone: (281) 924-5550

Email: ROLAND@ROC-HOMES.COM

1169 BRITTMOORE RD

77043

Contact: _____

Email: _____

Owner

Name: CHTA DEVELOPMENT, INC.

Title: _____

77043

Contact: ROLAND RAMIREZ

Phone: (281) 924-5550

Email: _____

Mailing Address: 1169 BRITTMOORE RD.

City: HOUSTON

State: TX

Zip: _____

Phone: _____

Engineer/ Surveyor (if applicable)

Name: N/A

Title: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Contact: _____

Doc: () Fax: () Email:

Description of Proposed Project: 55-PLUS RESIDENTIAL COMMUNITY

Physical Location of Property: 1326 HIDDEN OAKS DR.

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

Legal Description of Property: A SUBDIVISION OF 31.8888 ACRES OF LAND LOCATED IN THE HESSE PLATT SURVEY ABSTRACT NO. 428 HARRIS COUNTY TEXAS, BEING A REPLAT OF

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

Current Zoning District: (PD) : Planned Development District

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 08/25/2023

Current Use of Property: RESIDENTIAL (PD) : Planned Development District

Proposed Zoning: PD District:

Proposed Use of Property:

HCAD Identification Number: 1328330000001 Average: 33.3858

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Signature of Applicant: [Signature] 4/30/24
Signature of Owner: [Signature] For Eric Hymowitz 4/30/24

DocuSigned by: Dan Schreiner 6/3/2024
23639 Golden Birch Bend, Tomball, Tx

Dear Maureen Baker,

We at Winfrey Estates have lots that measure 52 x 110 and 120 feet. Currently, the rear building setback line is 14 feet. Some homes encroach on this line, so we are requesting the City of Tomball to change it to 9 feet.

This change will provide you with an extra 5 feet for any approved structures by the HOA. However, this does not apply to homes with a 14-foot Utility Easement at the rear that isn't shared with a neighboring home.

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Title:

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City: HOUSTON

State: TX

Zip:

ROLAND RAMIREZ

Phone: (281) 924-5550

Email: ROLAND@ROC-HOMES.COM

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Owner

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Contact: ROLAND RAMIREZ

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Email:

Mailing Address: 1169 BRITTMOORE RD.

City: HOUSTON

State: TX

Zip:

Phone:

Engineer/ Surveyor (if applicable)

Name: N/A

Title:

Mailing Address:

City:

State:

Zip:

Contact:

Phone: _____
Cell: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: 55-PLUS RESIDENTIAL COMMUNITY

Physical Location of Property: 1326 HIDDEN OAKS DR.

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

Legal Description of Property: A DIVISION OF 30 PARCELS OF LAND LOCATED WITHIN THE 115TH TRACT SURVEY ABSTRACT TO 429 BARRIO COVETS, TOWN, RANGE & COUNTY OF

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

Current Zoning District: (PD) : Planned Development District

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 08/25/2023

Current Use of Property: RESIDENTIAL
t: (PD) : Planned Development District

Proposed Zoning: PD District:

Proposed Use of Property: _____

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[Signature] 4/30/24
Signature of Applicant Date

[Signature] 4/30/24
Signature of Owner Date
FOR Eric Hymowitz

DocuSigned by:
Maureen Baker 6/3/2024
Maureen Baker Date
1235 Hidden Oaks Dr, Tomball, Tx

Dear Sparks Adventure, LLC,

We at Winfrey Estates have lots that measure 52 x 110 and 120 feet. Currently, the rear building setback line is 14 feet. Some homes encroach on this line, so we are requesting the City of Tomball to change it to 9 feet.

This change will provide you with an extra 5 feet for any approved structures by the HOA. However, this does not apply to homes with a 14-foot Utility Easement at the rear that isn't shared with a neighboring home.

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 Mailing Address: 1169 BRITTMOORE RD City: HOUSTON State: TX

Zip: _____ Contact: ROLAND RAMIREZ
 Phone: (281) 924-5550 Email: ROLAND@ROC-HOMES.COM
1169 BRITTMOORE RD
77043
 Contact:
 Email:

Owner

Name: CHTA DEVELOPMENT, INC. Title: _____
 Zip: 77043 Contact: ROLAND RAMIREZ

Phone: (281) 924-5550 Email: _____
 Mailing Address: 1169 BRITTMOORE RD. City: HOUSTON State: TX
 Zip:
 Phone:

Engineer/ Surveyor (if applicable)

Name: N/A Title: _____
 Mailing Address: _____ City: _____ State: _____
 Zip: _____ Contact: _____

Phone: _____
Cell: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: 55-PLUS RESIDENTIAL COMMUNITY

Physical Location of Property: 1326 HIDDEN OAKS DR.

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

Legal Description of Property: A SUBDIVISION OF AN INTEREST IN LAND LOCATED IN THE 2022 FIRST BUNDEY ABSTRACT IN 2022 HARRIS COUNTY TRACT 2022-001-A (REPLY: 01)

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

Current Zoning District: (PD) : Planned Development District

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 08/25/2023

Current Use of Property: RESIDENTIAL
District: (PD) : Planned Development District

Proposed Zoning: PD District: _____

Proposed Use of Property: _____

HCAD Identification Number: 132833000001 Average: 33.3858

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.

[Signature] 4/30/24
Signature of Applicant Date

[Signature] 4/30/24
Signature of Owner Date
FOR Eric Hymowitz

DocuSigned by: Melanie McGinley Sparks DocuSigned by: Robert Sparks 6/3/2024
Sparks Adventure Sparks Adventure Date

1210 Hidden Oaks Dr., Tomball, Tx.