

**ORDINANCE NO. 2024-15**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY AMENDING PLANNED DEVELOPMENT DISTRICT – 15 WHICH GOVERNS APPROXIMATELY 33.386 ACRES OF LAND LEGALLY DESCRIBED AS WINFREY ESTATES TO REDUCE THE MINIMUM BUILDING SETBACK IN THE REAR YARD FROM 14-FEET TO 9-FEET. THE PROPERTY IS LOCATED ON THE WEST SIDE OF FM 2978 AT WINFREY LANE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

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**WHEREAS**, CHTA Development, Inc. has requested an amendment to Planned Development District – 15 which governs approximately 33.386 acres of land legally described as Winfrey Estates to reduce the minimum building setback in the rear yard from 14-feet to 9-feet; and

**WHEREAS**, the Planned Development amendment application consists of Exhibits “A” and “B” attached hereto and made part of this ordinance; and

**WHEREAS**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing, the Planning & Zoning Commission held a public hearing on the requested Planned Development amendment; and

**WHEREAS**, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the City Council held a public hearing on the proposed Planned Development amendment; and

**WHEREAS**, the City Council finds it to be in the best interest of the health, safety, and welfare of the citizens to approve the Planned Development amendment as contained in this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except this amendment to Planned Development-15 for the Property as described above.

**Section 3.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any

and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON 17<sup>TH</sup> DAY OF JUNE 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN GARCIA	<u>NAY</u>
COUNCILMAN DUNAGIN	<u>NAY</u>
COUNCILMAN COVINGTON	<u>YEA</u>
COUNCILMAN PARR	<u>YEA</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON 1<sup>ST</sup> DAY OF JULY 2024.

COUNCILMAN FORD	_____
COUNCILMAN GARCIA	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN COVINGTON	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary

**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

STATE OF TEXAS  
COUNTY OF HARRIS

We, CHTA DEVELOPMENT, INC. acting by and through ERIC HYMOWITZ, President and MIKE DISHERBERG, Vice President being officers of CHTA DEVELOPMENT, INC., owners in this section after referred to as owners of the 33.3858 acre tract described in the above and foregoing plat of WINFREY ESTATES, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

IN TESTIMONY WHEREOF, the CHTA DEVELOPMENT, INC. has caused these presents to be signed by ERIC HYMOWITZ, its President, thereunto authorized, attested by MIKE DISHERBERG, its Vice President and its common seal hereunto affixed this 21<sup>st</sup> day of February, 2023.

By:   
ERIC HYMOWITZ, President

Attest:   
MIKE DISHERBERG, Vice President

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ERIC HYMOWITZ and MIKE DISHERBERG, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21<sup>st</sup> day of February, 2023.

  
Notary Public in and for the State of Texas



My Commission expires: 12/16/2025

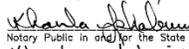
I, ANDREW R JETT, LOT HV III LLC, owner and holder of a lien against the property described in the plat known as WINFREY ESTATES, said lien being evidenced by instrument of record in the Clerk's File No. RP-2022-47356B of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By:   
Andrew R Jett, Vice President

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ANDREW R JETT, known to me to be the person whose name are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23<sup>rd</sup> day of February, 2023.

  
Notary Public in and for the State of Texas

My Commission expires: 07/27/2025



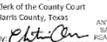
This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of WINFREY ESTATES in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this 21<sup>st</sup> day of February 2023.

By:   
Barbara Tague  
Chairman

I, Teneisha Hudspeth, Clerk of the County Court of Harris County, do hereby certify that the within instrument with its certificate of authentication were filed for registration in my office on April 14, 2023, 2:08 clock P.M., and duly recorded on April 15, 2023, at 9:12 o'clock A.M., and in Film Code Number 703194 of the Map Records of Harris County for said County.

Witness my hand and seal of office of Houston, the day and date last above written.

TENEISHA HUDSPETH  
Clerk of the County Court  
Harris County, Texas

By:   
CHRISTINA ORINA



LOT TABLE

BLOCK 1			BLOCK 3		
LOT	Acres	Sq. Feet	LOT	Acres	Sq. Feet
1	0.1431	6,233.20	1	0.1457	6,347.51
2	0.1433	6,240.00	2	0.1435	6,251.47
3	0.1433	6,240.00	3	0.1433	6,240.00
4	0.1433	6,240.00	4	0.1433	6,240.00
5	0.1427	6,218.16	5	0.1433	6,240.00
6	0.2117	9,222.79	6	0.1433	6,240.00
7	0.3163	13,734.17	7	0.1433	6,240.00
8	0.1702	7,415.39	8	0.1433	6,240.00
9	0.1434	6,247.29	9	0.1433	6,240.00
10	0.1435	6,251.07	10	0.1433	6,240.00
11	0.1436	6,254.86	11	0.1410	6,142.83
12	0.1437	6,258.65	12	0.1803	6,980.68
13	0.1438	6,262.44	13	0.1582	6,890.88
14	0.1577	6,869.35	14	0.1445	6,293.74
15	0.1712	7,455.61	15	0.1445	6,293.74
16	0.1970	8,582.95	16	0.1446	6,297.68
17	0.1766	7,991.41	17	0.1446	6,299.65
18	0.1569	6,832.67	18	0.1447	6,301.63
19	0.1456	6,342.39	19	0.1447	6,303.60
20	0.1604	6,989.20	20	0.1448	6,305.57
21	0.1752	7,632.32	21	0.1448	6,307.54
22	0.1897	8,265.49	22	0.1448	6,309.51
Total	3.6611	159,477.43	23	0.1553	6,766.59

BLOCK 2			BLOCK 4		
LOT	Acres	Sq. Feet	LOT	Acres	Sq. Feet
1	0.1336	5,819.12	25	0.1596	6,951.98
2	0.1343	5,850.11	26	0.1412	5,152.43
3	0.1343	5,850.11	27	0.1313	5,719.80
4	0.1343	5,850.11	28	0.1313	5,719.80
5	0.1464	6,374.80	29	0.1313	5,719.80
6	0.1463	6,374.80	30	0.1313	5,719.80
7	0.1343	5,849.89	31	0.1313	5,719.80
8	0.1343	5,849.89	32	0.1313	5,719.80
9	0.1346	5,853.15	33	0.1313	5,719.80
10	0.1452	6,324.69	34	0.1435	6,249.28
11	0.1764	7,681.87	35	0.1448	6,308.95
12	0.1950	8,494.52	36	0.1313	5,720.00
13	0.2054	9,123.34	37	0.1313	5,720.00
14	0.2300	10,017.76	38	0.1313	5,720.00
15	0.1544	6,726.05	39	0.1313	5,720.00
16	0.1648	7,176.64	40	0.1313	5,720.00
17	0.1474	6,420.45	41	0.1313	5,720.00
18	0.1367	5,953.37	42	0.1313	5,720.00
19	0.1313	5,720.21	43	0.1313	5,720.00
20	0.1430	6,230.18	44	0.2620	11,413.75
21	0.1430	6,230.30	45	0.2303	10,033.53
22	0.1459	6,553.30	46	0.1819	7,922.50
23	0.1487	6,477.71	47	0.1789	7,793.41
24	0.1435	6,252.61	Total	7.1133	309,853.27
25	0.1451	6,320.88			
26	0.1661	7,236.87			
27	0.1661	7,236.87			
28	0.1661	7,236.87			
29	0.1639	7,138.83			
30	0.1661	7,236.87			
31	0.1639	7,138.83			
32	0.1313	5,720.00			
33	0.1313	5,720.00			
34	0.1302	5,869.98			
35	0.1302	5,869.98			
Total	5.1795	225,818.27			

RESERVE TABLE

LAND USE TABLE			Land Use
Reserve	Acres	Sq. Feet	
A	0.0394	1,717.07	Landscape/Open Space
B	0.7282	31,719.50	Landscape/Open Space
C	0.5451	23,731.18	Parkland
D	0.8253	27,237.92	Landscape/Open Space
E	1.2199	53,137.57	Landscape/Open Space
F	0.0398	1,724.78	Landscape/Open Space
G	4.4653	194,512.33	Drainage/Retention
H	0.8371	36,462.30	Parkland
Total	8.4999	370,254.65	

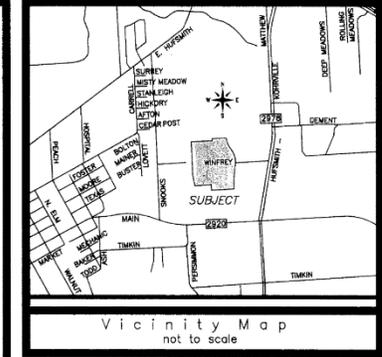
RP-2023-118531

4/4/2023 HCCP1P1 110.00

FILED

4/4/2023 2:08 PM

  
COUNTY CLERK



LEGEND:  
A.E. - Unobstructed Aerial Easement  
C.U.E. - City of Tomball Utility Easement  
U.E. - Utility Easement  
C.I.R. - Capped Iron Rod  
F.C. - Film Code  
FND. - Found  
ESMT. - Easement  
H.C.M.R. - Harris County Map Records  
H.C.D.R. - Harris County Deed Records  
H.C.C.F. - Harris County Clerk's File  
I.R. - Iron Rod  
O.P.R.O.R.P. - Official Public Records of Real Property

NOTES:  
Public Easements:  
According to FEMA Firm Panel No. 48201C0230L, with an Effective Date of 06/18/2007, this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.  
Note #1:  
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.  
Note #2:  
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.  
Note #3:  
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.  
Note #4:  
This plat does not attempt to amend or remove any valid covenants or restrictions.  
Note #5:  
A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.  
Note #6:  
The City of Tomball is responsible for the maintenance of sidewalks inside the right-of-way.  
Note #7:  
Lot markers shall be five-eighths inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

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. 866109 OF THE HARRIS COUNTY MAP RECORDS

REASON TO REPLAT:  
TO CREATE

4 BLOCKS 113 LOTS 8 RESERVES

OWNER:

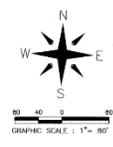
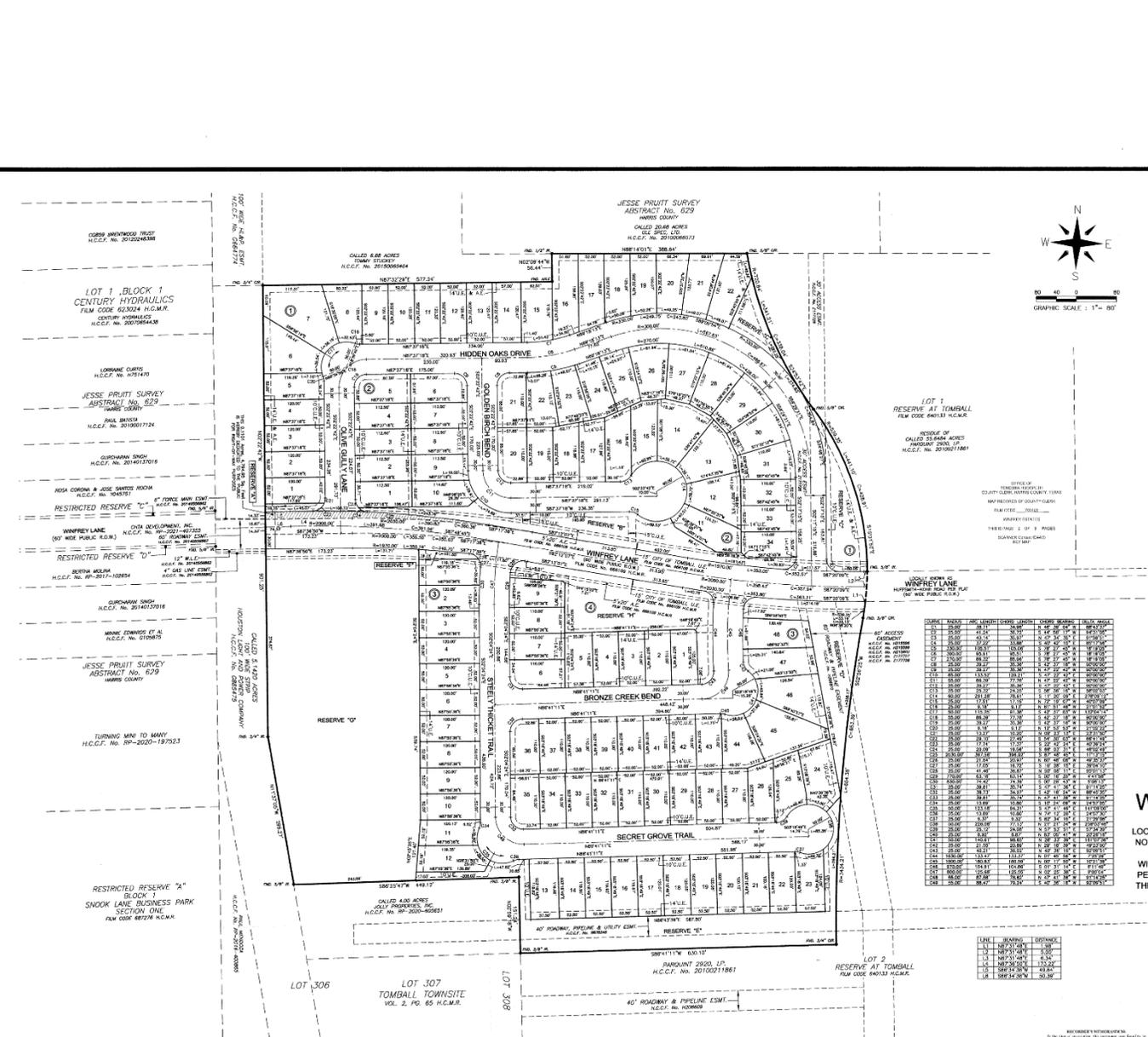
CHTA DEVELOPMENT, INC.

1169 Britton Road, Houston, TX 77043

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



  
PAUL A. COYNE  
Texas Registration No. 6374



**LEGEND:**  
 U.L. - Unsubstantiated Aerial Easement  
 C.U.E. - City of Tomball Utility Easement  
 U.E. - Utility Easement  
 C.F.A. - Capped Iron Rod  
 P.L. - Iron Pipe  
 E.M.W. - Easement  
 H.C.R. - Harris County Map Records  
 H.C.D.S. - Harris County Deed Records  
 H.C.P. - Harris County Plat File  
 O.P.R.D.R.P. - Official Public Records of Real Property

**NOTES:**  
 Public Easements:  
 Public easements located on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right to use, maintain, and improve the easement for the purpose of providing utility services, including installing, maintaining, and repairing any and all equipment or facilities in or on the easement, and any other activity necessary for the proper operation of the public easement.  
 Flood Information:  
 According to FEMA Flood Map No. 480501010101, with an Effective Date of 05/18/2020, this property is in Zone "X" and is not in the C.U.E. Flood Control Flood Plain.  
 Note #1:  
 All lot/plots or parcels of land with centerline easements shall be conveyed through the subdivision lines shown hereon.  
 Note #2:  
 All existing wells with materials (sludge, silt, sand, and/or debris) through the subdivision lines shown hereon.  
 Note #3:  
 No building or structure shall be constructed across any easement, including utility lines, and/or easements, including easements, unless the City of Tomball, which has the right to use, maintain, and improve the easement for the purpose of providing utility services, including installing, maintaining, and repairing any and all equipment or facilities in or on the easement, and any other activity necessary for the proper operation of the public easement.  
 Note #4:  
 The plat does not intend to create or continue any valid easements or restrictions.  
 Note #5:  
 A lot front wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the spot most extension from the City of Tomball right-of-way or City of Tomball utility easement to be used around the gas meter.  
 Note #6:  
 The City of Tomball is responsible for the maintenance of sidewalks upon the right-of-way.  
 Note #7:  
 Lot markers shall be five-eighths inch or greater reinforcing bar, 24 inches long, or approved steel, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

LOT	AREA	PERCENT								
1	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
3	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
4	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
5	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
6	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
7	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
8	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
9	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
10	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
11	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
12	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
13	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
14	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
15	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
16	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
17	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
18	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
19	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
20	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
21	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
22	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
23	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
24	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
25	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
26	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
27	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
28	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
29	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
30	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
31	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
32	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
33	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
34	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
35	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
36	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
37	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
38	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
39	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
40	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
41	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
42	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
43	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
44	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
45	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
46	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
47	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
48	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

**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. 666108 OF  
 THE HARRIS COUNTY MAP RECORDS

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

OWNER:  
 CHTA DEVELOPMENT, INC.  
 1188 Briarwood Road, Houston, TX 77063

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



PAGE 2 OF 2



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](http://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 33.3628 ACRES OF LAND LOCATED IN THE JESSEE FRUITT SURVEY, ABSTRACT NO 623 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



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.

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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 33.3655 ACRES OF LAND LOCATED IN THE JESSEE FRUITT SURVEY, ABSTRACT NO 628 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

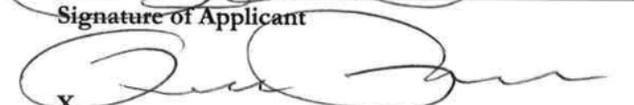
Proposed Use of Property: PD

HCAD Identification Number: 1328330000001 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.

X  4/30/24  
 Signature of Applicant Date

X  4/30/24  
 Signature of Owner For Eric Hymowitz Date

DocuSigned by:  
Nancy Feher 6/3/2024  
04687B5DAED246C...

**Nancy Feher** **Date**  
1310 Hidden Oaks Dr., Tomball, TX

DocuSigned by:  
 6/3/2024  
EF893AEB219E4C1...

**Dan Schreiner** **Date**  
23639 Golden Birch Bend, Tomball, TX

DocuSigned by:  
Maureen Baker 6/3/2024  
0A0B5CC069D2405...

**Maureen Baker** **Date**  
1235 Hidden Oaks Dr., Tomball, TX

DocuSigned by:  
Melanie McGinley Sparks 6/3/2024  
EB74104E23E942C...

**Sparks Adventure** **Date**

DocuSigned by:  
Robert Sparks  
AD72009E63C848A...

**Sparks Adventure** **Date**  
1210 Hidden Oaks Dr., Tomball, TX



**Location:** West side of FM 2978 at Winfrey Lane.

## Exhibit B

### Planned Development

#### 31 Acre Winfrey Tract

**A. Contents. This final development plan includes the following sections:**

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots and Reserves
- Amenities and Landscape Regulations
- Open Space and Trails

**B. General Provisions**

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this 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 the SF-6 (Standard Single Family Residential) zoning district 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 to the extent the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by Section 50-2 (Definitions).
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C – Concept Plan

Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 31.7 acres, located west of FM 2978, east of Snook Lane, north of East Main Street.

**C. Land Uses.**

1. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	
Drill Site	
Well Site	
Wetlands	

- D. Development Regulations for Single Family Lots and Reserves – Maximum 130 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:

1. The minimum lot width shall be 45 feet wide at building line.
2. Lots shown on Exhibit C
  - a. Minimum lots area:
    - i. 45' wide lots shall have a minimum area of 5,500 square feet.
  - b. Minimum lot width: 45 feet.
  - c. Minimum lot depth: 100 feet
  - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
3. Minimum building setbacks:
  - a. Front yard: 20 feet; (measured along front building line)
  - b. Rear yard: 9 feet
  - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

Reserves within the PD shall be developed with the following regulations:

1. Minimum building setbacks
    - a. 10 feet; (measured along any adjoining right-of-way)
- E. Amenities and Landscape Regulations – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:**
1. Recreation site and amenities:
    - a. A minimum one-half (0.5) acre recreational reserve, located within the development, may include benches and trails, etc.
    - b. A minimum of 5, off-street parking spaces shall be provided at the recreation center. 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.
    - c. Amenities may include (but are not limited to):
      - Clubhouse
      - Swimming Pool
      - Pickleball

2. Landscape buffers:

- a. 10' foot minimum buffer shall be provided along all major and minor arterials contiguous to lot lines. As shown on Exhibit C1
  - b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1
  - c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
  - d. Required buffers may include trails.
3. Open Space:
- a. Minimum 15% space, to be distributed as shown on Exhibit C1
  - b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
  - c. At a minimum 1 acre shall be provided as parks (total park acreage may be divided among multiple sites within the PD)
  - d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- F. Minor Modifications** –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Community Development Director.
- 1. Modifications to internal street patterns are allowed.
  - 2. 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.
  - 3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
  - 4. 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.