

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) / 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 the desired house floor plan for accommodating 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 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

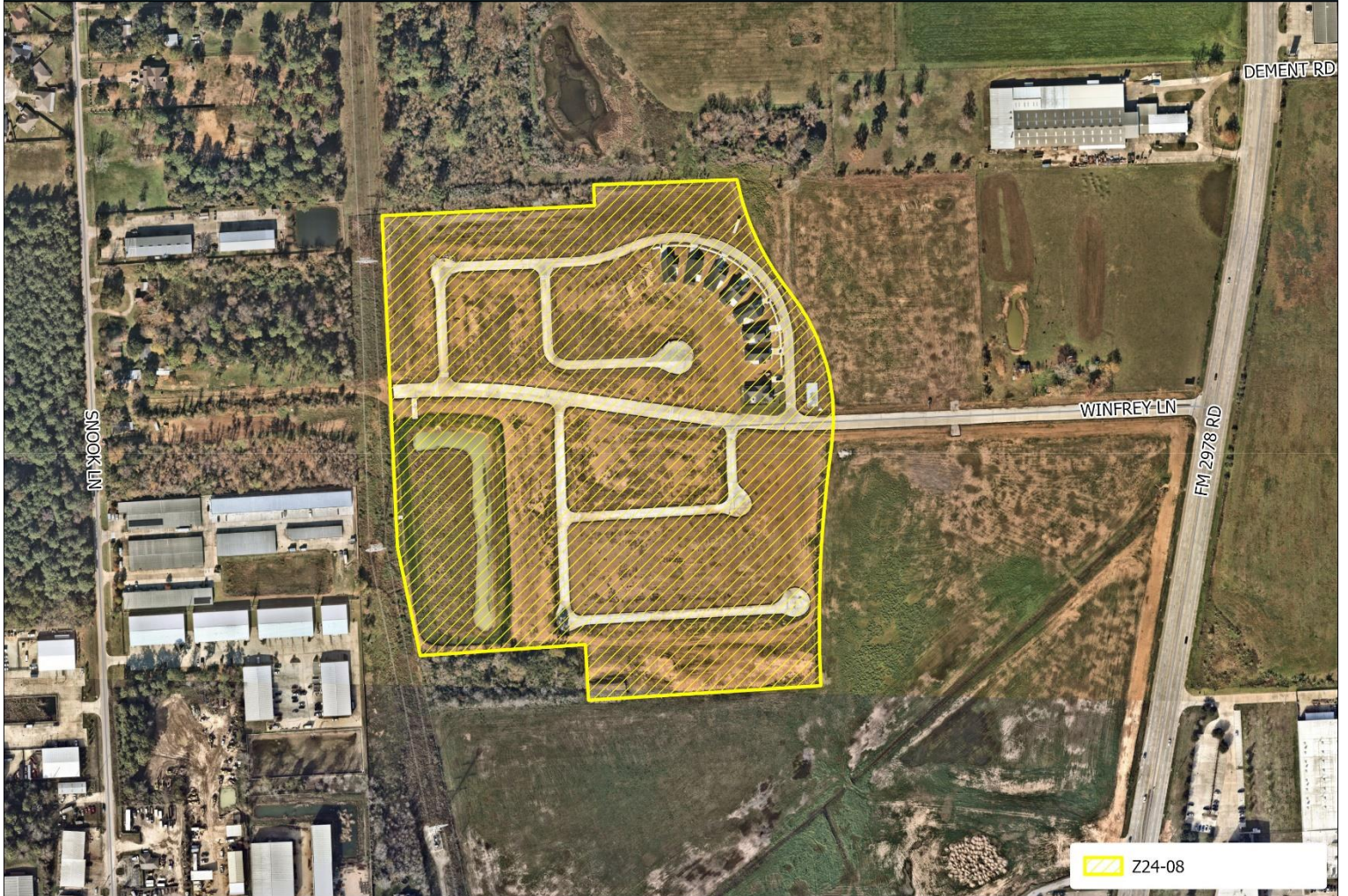
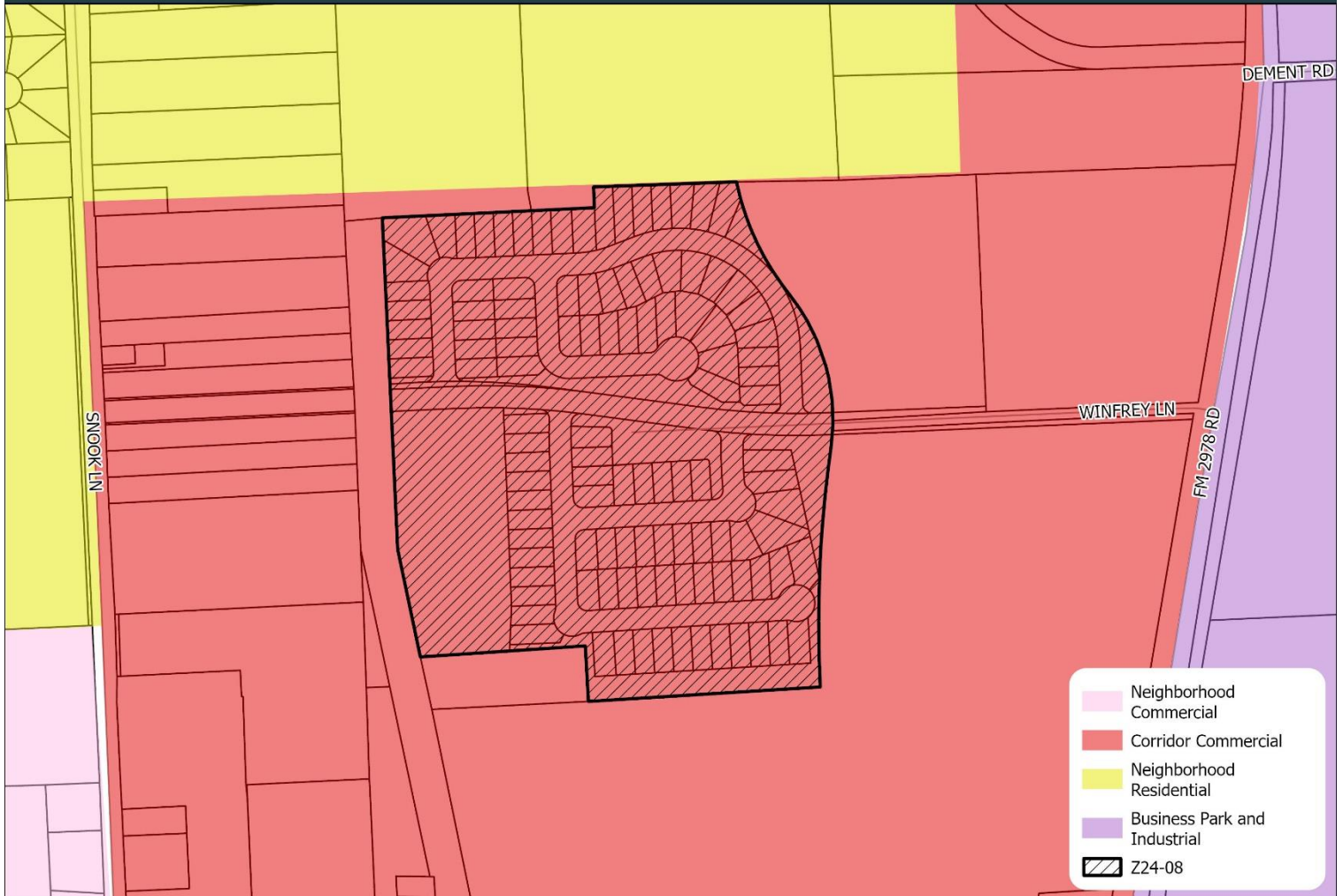


Exhibit "B"
Future Land Use Plan



Future Land Use

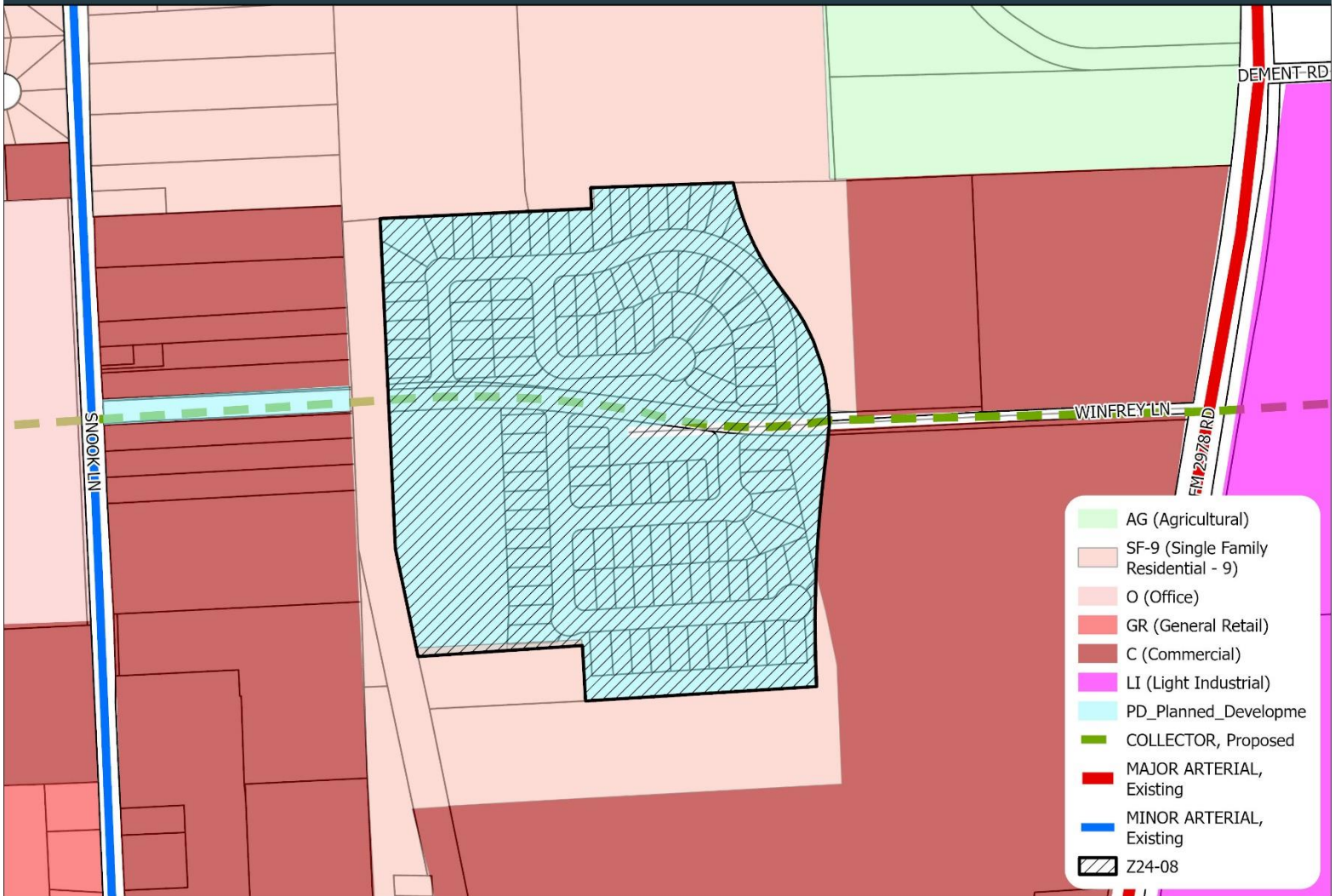


- Neighborhood Commercial
- Corridor Commercial
- Neighborhood Residential
- Business Park and Industrial
- Z24-08

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 620 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

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 Date
For Eric Hymowitz

**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.

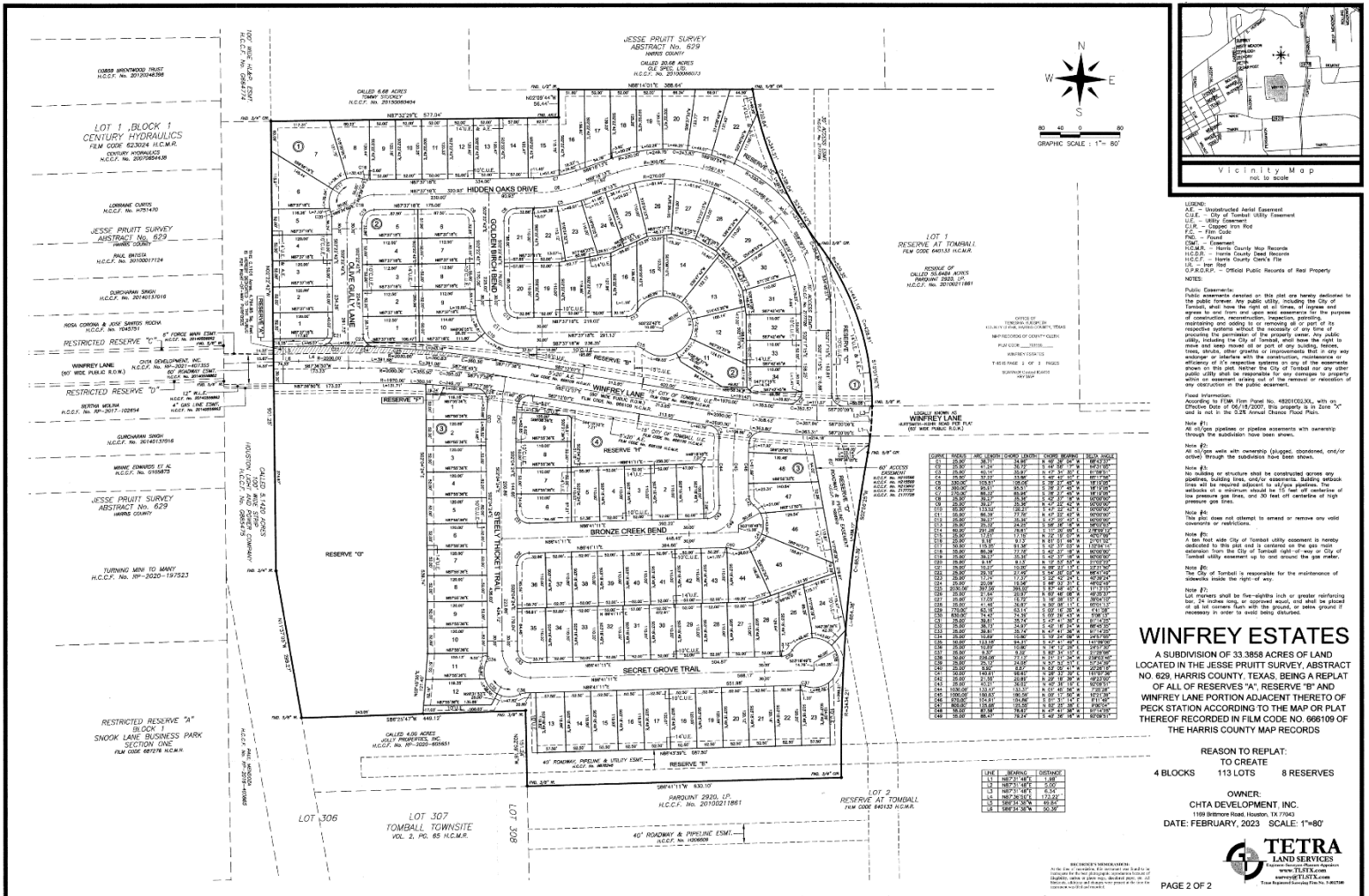
We respectfully request that the Rear Building Line be adjusted to accommodate all of our plans. We understand that, in some areas, the CenterPoint easements will not allow for encroachment into there 14-foot rear Utility Easement and will abide by this.

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



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 Brennon Road, Houston, TX 77063
DATE: FEBRUARY, 2023 SCALE: 1"=80'

TETRA
LAND SERVICES
www.tetra.com
Engineering EIT/LS
Texas Registered Professional Engineer No. 100808

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

Revised: 08/25/2023



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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- \$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:

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WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: CHTA DEVELOPMENT, INC.

Title:

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

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

ROLAND RAMIREZ

Email: ROLAND@ROC-HOMES.COM

Contact:

Email:

Owner

Name: CHTA DEVELOPMENT, INC.

Title:

77043

Contact: ROLAND RAMIREZ

or: (281) 924-5550 Email:

Mailing Address: 1169 BRITTMORE 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 25.5019 ACRES OF LAND LOCATED IN THE JAMES FRUIT SURVEY, ABSTRACT NO. 529 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
t: (PD) : Planned Development District

Proposed Zoning: PD

District:

Proposed Use of Property:

HCAD Identification Number: 1328330000001 Average: 33.3858

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

DocuSigned by:
Nancy Feher 6/3/2024
045870BAED24EC
Nancy Feher Date
1310 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

Revised: 08/25/2023



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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:

Phone: (281) 924-5550

ROLAND RAMIREZ

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 31.3688 ACRES OF LAND LOCATED IN THE JESSE HUNT 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

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

DocuSigned by: [Signature] 6/3/2024
Dan Schreiner Date
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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Sincerely,

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Title:

Mailing Address: 1169 BRITTMORE RD

City: HOUSTON

State: TX

Zip:

ROLAND RAMIREZ

Phone: (281) 924-5550

Email: ROLAND@ROC-HOMES.COM

1169 BRITTMORE RD

77043

Contact:

Email:

Owner

Name: CHTA DEVELOPMENT, INC.

Title:

77043

Contact: ROLAND RAMIREZ

Phone: (281) 924-5550

Email:

Mailing Address: 1169 BRITTMORE 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 30 PARCELS OF LAND LOCATED IN THE 11TH TRACT SURVEY ABSTRACT TO 429 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

t: (PD) : Planned Development District



Proposed Zoning

PD

District:

Proposed Use of Property:

HCAD Identification Number: 1328330000001

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33.3858

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X 
Signature of Applicant

4/30/24

Date

X 
Signature of Owner

4/30/24

Date

FOR Eric Hymowitz

Downloaded by:

Maureen Baker

6/3/2024

Maureen Baker

1235 Hidden Oaks Dr, Tomball, Tx

Date

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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ROLAND RAMIREZ

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Contact:

Email:

Owner

Name: CHTA DEVELOPMENT, INC.

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Contact: ROLAND RAMIREZ

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Email:

Mailing Address: 1169 BRITTMORE RD.

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State: TX

Zip:

Phone:

Engineer/ Surveyor (if applicable)

Name: N/A

Title:

Mailing Address:

City:

State:

Zip:

Contact:

