

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: October 14, 2024
City Council Public Hearing Date: October 21, 2024

Rezoning Case: Z24-14
Property Owner(s): International Commercial Development Enterprise, LLC
Applicant(s): Ernesto Quintanilla
Legal Description: A tract of land situated in the John Edwards Survey, Abstract No. 20 and the Chauncey Goodrich Survey, Abstract No. 311
Location: 16000 FM 2920 (Exhibit "A")
Area: 4.339 acres
Comp Plan Designation: None-recently annexed into the Tomball ETJ (Exhibit "B")
Present Zoning: None-currently outside the Tomball city limits (Exhibit "C")
Request: Rezone upon annexation from the Agricultural (Ag) zoning district to the General Retail (GR) zoning district.

Adjacent Zoning & Land Uses:

North: None / Proposed duplex development (currently undeveloped)

South: None / Convenience Store - Gas Station

East: None / Hans Crawfish

West: None / Single-family detached residence on large tract of land

BACKGROUND

The subject property is presently undeveloped and within the City of Tomball's Extra Territorial Jurisdiction (ETJ). The applicant is requesting annexation into the City of Tomball and the simultaneous rezoning of the property to allow for the development of a fuel station and retail center.

ANALYSIS

Since the subject property was recently annexed into the City of Tomball's ETJ, the property is not currently included in the City of Tomball's Comprehensive Plan and does not have a Future Land Use designation. The General Retail (GR) zoning district is designed to accommodate nonresidential uses along high-traffic areas, intersections of major collector streets, and along regionally serving thoroughfares. Land uses found within the GR district should facilitate opportunities for local neighborhood shopping, create facilities for the retail sales of goods and services, and help create a network of supportive services for the surrounding community.

The request to rezone the subject property to the General Retail (GR) zoning district is consistent with the development of the area. Additionally, the subject property has proposed access onto FM 2920 and the future northern extension of Telge Road, which is an existing major arterial that currently terminates at FM 2920. High traffic volume can be anticipated at the intersection of these roads which would support the development desired by the applicant.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site, within city limits, were mailed notification of this proposal on September 24, 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 in the analysis section of this staff report, City staff recommends approval of Zoning Case Z24-14.

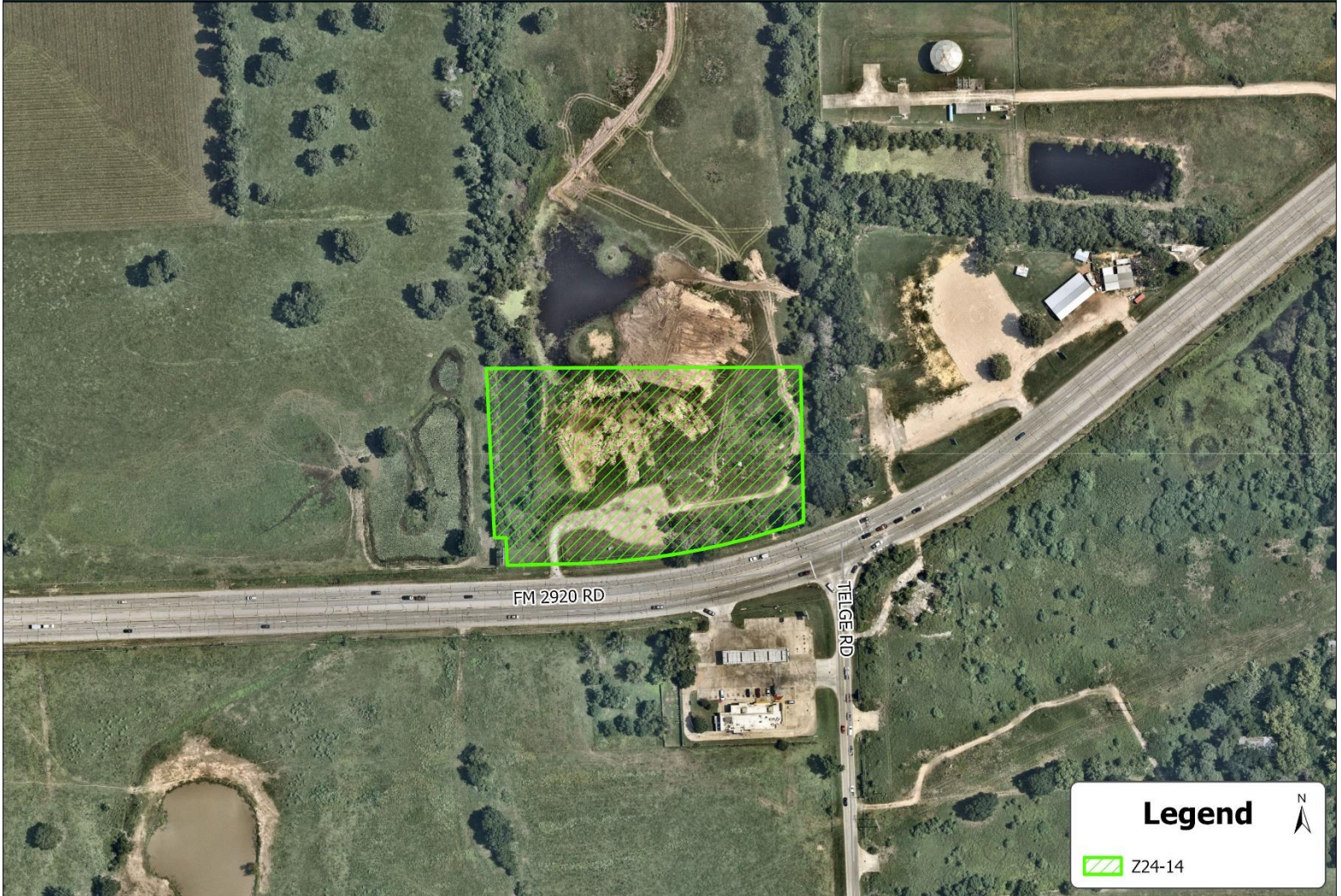
EXHIBITS

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

Exhibit "A"
Aerial Location Map



Location



Legend 

 Z24-14

Exhibit "B"
Future Land Use Plan



Future Land Use

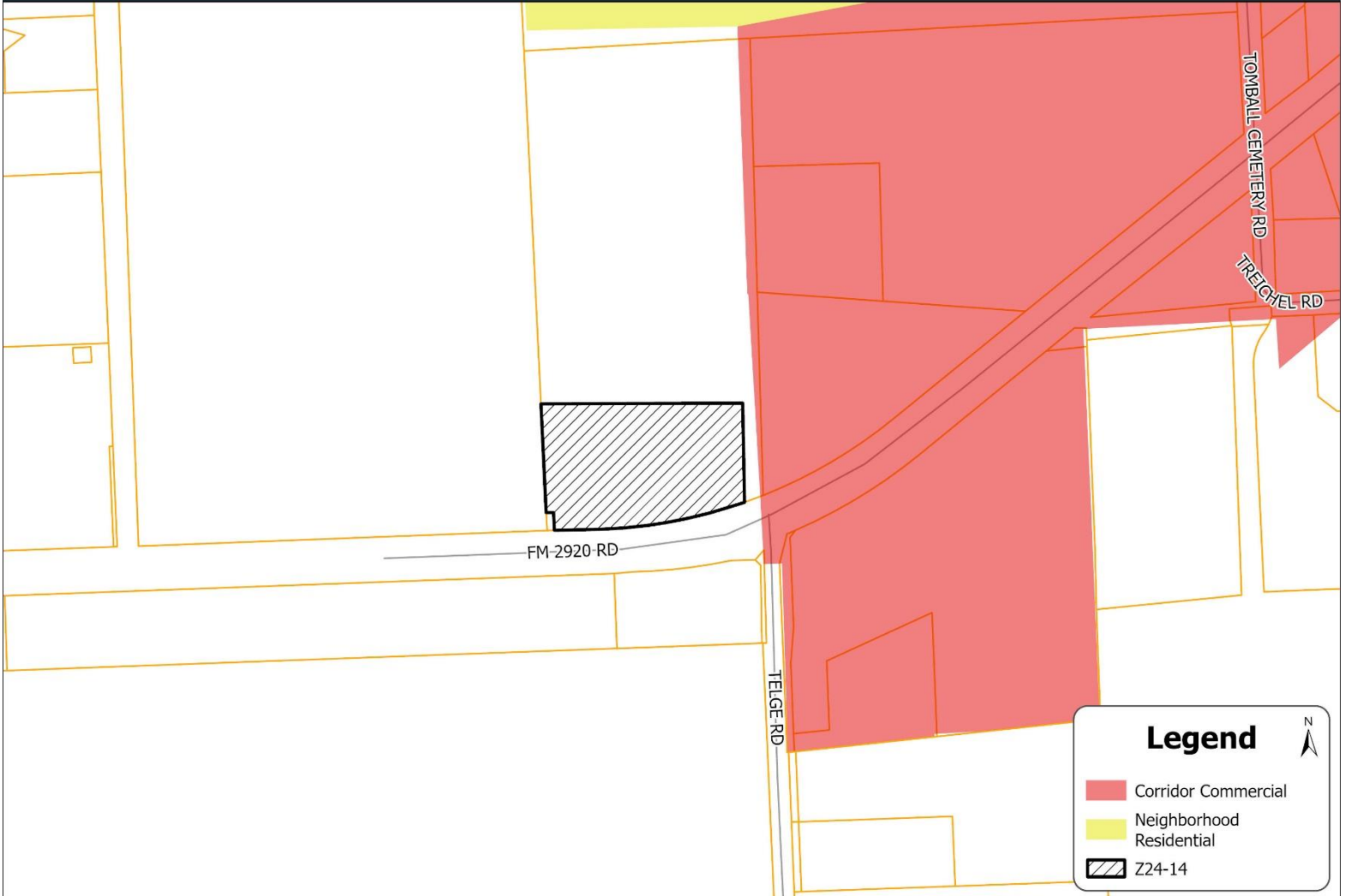
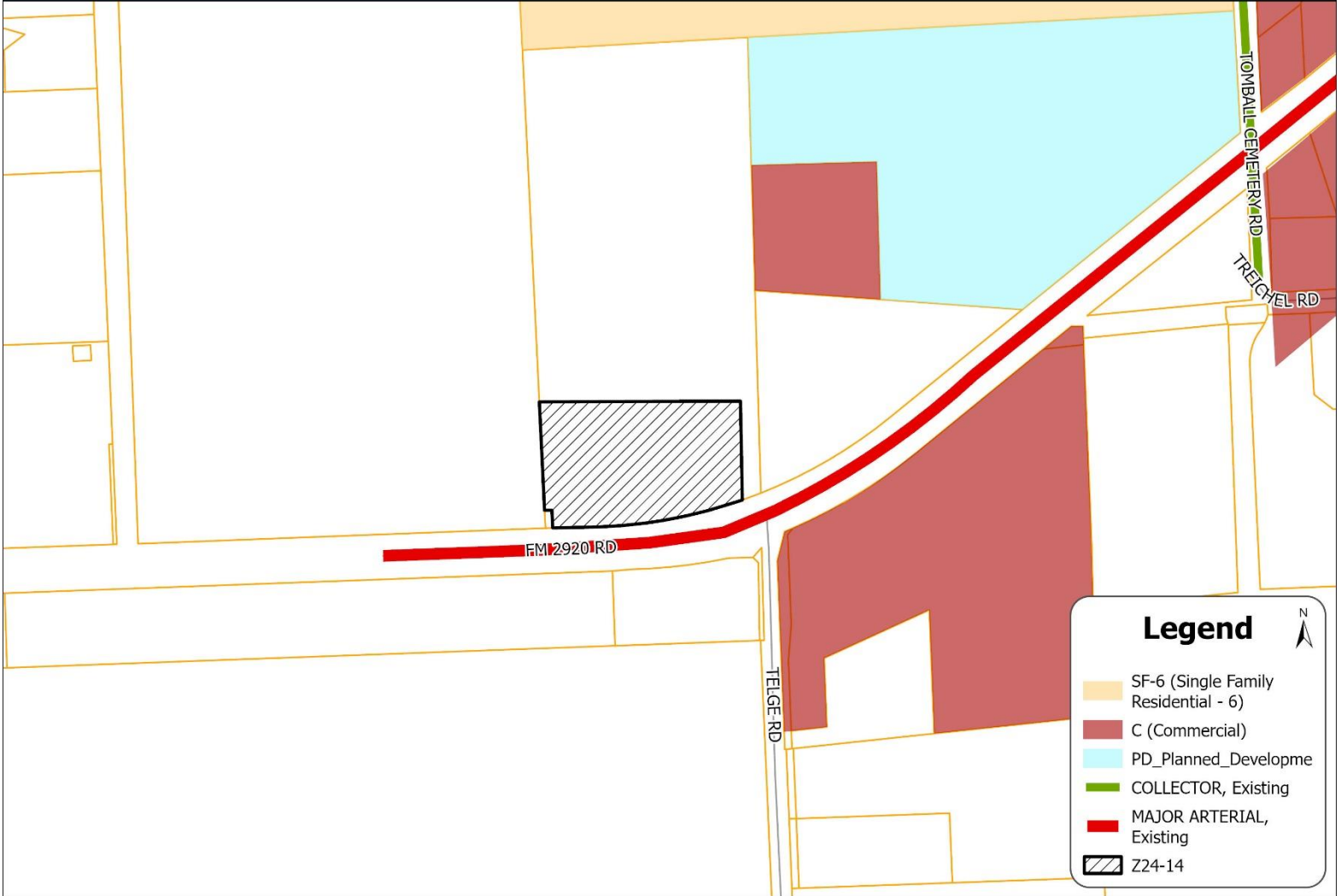


Exhibit "C"
Zoning Map



Zoning



**Exhibit “D”
Site Photo(s)**

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E"
Rezoning Application

DocuSign Envelope ID: 406F359F-799B-4E0C-ADB2-515510680BA7

Revised: 10/1/2022



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.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/secure/send
USERNAME: [tomballedd](#)
PASSWORD: [Tomball](#)

Applicant

Name: Ernesto Quintanilla Title: owners representative
Mailing Address: 810 S. Mason Rd. Suite 225 City: Katy State: TX
Zip: 77494 Contact: Ernesto Quintanilla
Phone: (210) 2559850 Email: quintanilla@concept-eandy.com

Owner

Name: International Commercial Development Ent. Title: owner
Mailing Address: 25420 Kuykendahl Rd. Ste D-400 City: Tomball State: TX
Zip: 77375 Contact: Ernesto Grey
Phone: (832) 888 3321 Email: ernestogrey100@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial Development

Physical Location of Property: 16000 FM 2920 Road Tomball TX, 77377
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 17 ABST 20 J H EDWARDS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Out of city limits.
Requesting for zoning at the same time with annexation.

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

Revised: 10/1/2022

Current Use of Property: Vacant property

Proposed Zoning District: GR General Retail


Proposed Use of Property: GR: - 2 retail plazas approx. 9,000sf
- gas station approx. 6,000sf

HCAD Identification Number: 0402200010065 Acreage: 18.75 AC

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  07/17/2024
Signature of Applicant Date

X  7/17/2024
Signature of Owner Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00**
- Completed application form
- *Copy of Recorded/Final Plat
- Letter stating reason for request and issues relating to request
- Conceptual Site Plan (if applicable)
- Metes & Bounds of property
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc., have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

CONCEPT E & Y LLC
810 S. MASON RD. SUITE 225
KATY, TX 77450

SUBJECT PROPERTY
16000 FM 2920 RD.
TOMBALL TX 77377
HCAD #
0402200010065

TBAE : BR-1855



CONCEPT E & Y LLC
ARCHITECTURAL DESIGN SERVICES



REQUEST LETTER

To Whom it May Concern:

We are requesting re-zoning along with the annexation process for the subject property. This property will house General Retail development at the south side of the property and Duplex development at the north side of the property.

For the General Retail property, the development will be 2 Retail Plazas and a Gas Station with a Convenience Store.

For the Duplex development we are proposing 26 Duplex buildings, or a total of 52 residences.

The purpose for the annexation is to gain Public Utilities for our Water, Wastewater and Gas.

The property will be platted along with this request, including the extension of TELGE Rd.

Thank you

Sincerely,

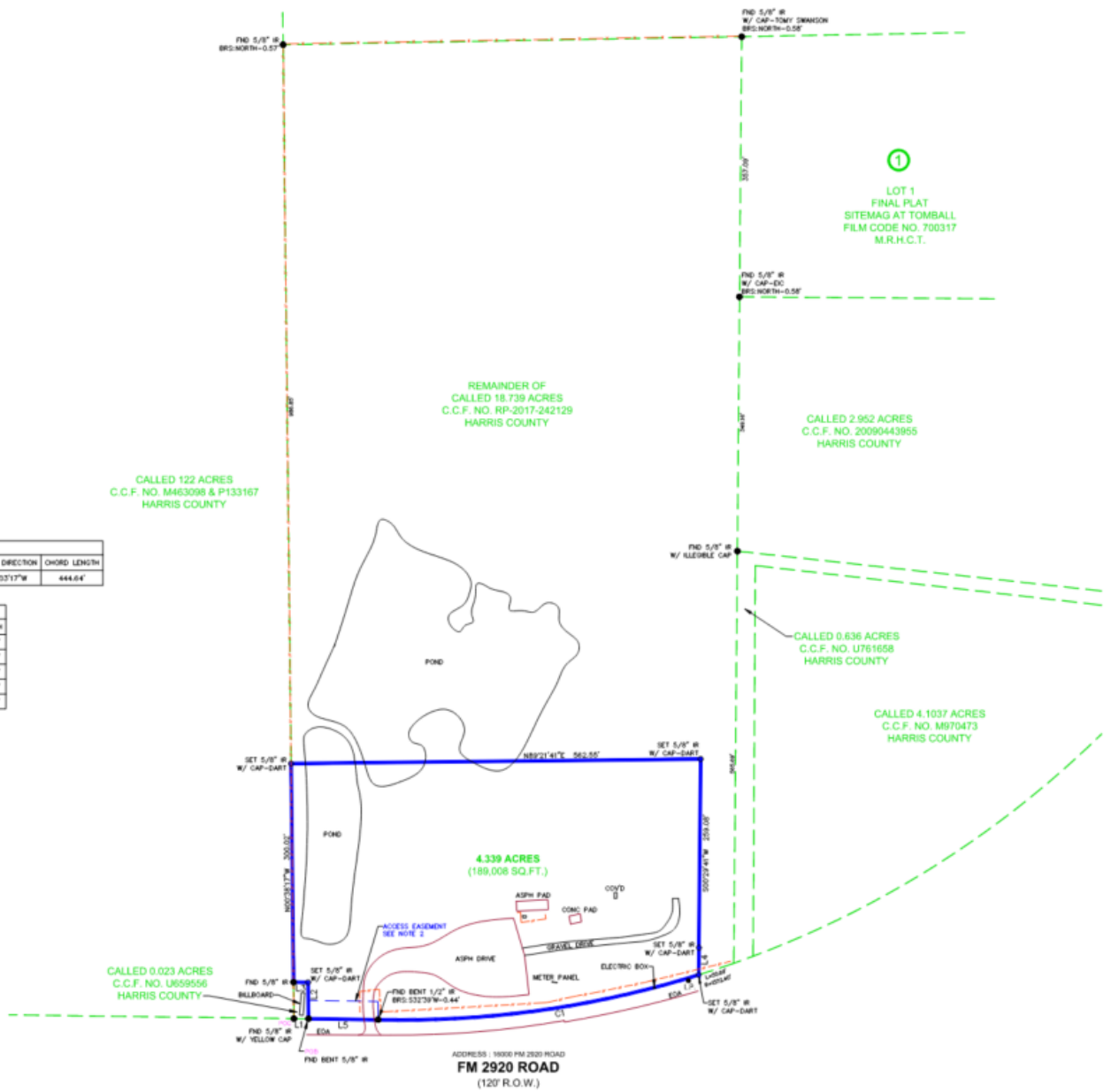
Ernesto Quintanilla
Owners Representative
e: quintanilla@concept-eandy.com
p: (210) 255 9850

P-01

July 17, 2024

CURVE TABLE					
CURVE #	LEN0TH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	446.60'	1372.40'	183°34'2"	S82°03'17"W	444.64'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N89°16'00"W	20.00'
L2	S00°38'17"W	50.00'
L3	N89°16'00"W	20.00'
L4	S00°38'09"W	37.22'
L5	N89°16'00"W	95.61'





14701 Saint Mary's Lane
 Ste. 150
 Houston, TX 77079
 Office: 281-584-6688

**METES AND BOUNDS DESCRIPTION
 4.339-ACRES (189,008 SQUARE FEET.)
 JOHN EDWARDS SURVEY, ABSTRACT NO. 20 &
 CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311
 HARRIS COUNTY, TEXAS**

BEING 4.339-ACRES (189,008 SQUARE FEET) TRACT OF LAND SITUATED IN THE JOHN EDWARDS SURVEY, ABSTRACT NO. 20 AND CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311, IN HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 18.739-ACRES RECORDED UNDER COUNTY CLERK'S FILE NO. (C.C.F. NO.) RP-2017-242129, OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 4.339-ACRES TRACT MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING At a 5/8-inch iron rod with yellow cap found in the northerly Right-Of-Way (R.O.W.) line of FM 2920 Road (120 foot wide), being the southeast corner of that certain tract of land described as 122-acres tract recorded under C.C.F. NO. M463098 & P133167, O.P.R.H.C.T., and the southwest corner of that certain tract of land described as 0.023-acres tract recorded under C.C.F. NO. U659556, O.P.R.H.C.T.;

THENCE (L1) South 89°16'00" East, with the northerly R.O.W. line of said FM 2920 Road, a distance of 20.00 feet to a bent 5/8-inch iron rod found for the **POINT OF BEGINNING**, the southeast corner of said 0.023-acres tract and the southwest corner of the herein described tract;

THENCE (L2) North 00°38'17" West, with the east line of said 0.023-acres tract, a distance of 50.00 feet, to a 5/8-inch iron rod with cap (DART) set for the northeast corner of said 0.023-acres tract, and an interior angle point of the herein described tract;

THENCE (L3) North 89°16'00" West, with the north line of said 0.023-acres tract, a distance of 20.00 feet, to a 5/8-inch iron rod found for the northwest corner of said 0.023-acres tract, and an exterior angle point of the herein described tract;

THENCE North 00°38'17" West, with the east line of said 122-acres tract, a distance of 300.02 feet, to a 5/8-inch iron rod with cap (DART) set in the west line of said 18.739-acres tract, being the northwest corner of the herein described tract;

THENCE North 89°21'41" East, over and through said 18.739-acres tract, a distance of 562.55 feet, to a 5/8-inch iron rod with cap (DART) set for the northeast corner of the herein described tract;

THENCE South 00°29'41" West, over and through said 18.739-acres tract, a distance of 259.08 feet, to a 5/8-inch iron rod with cap (DART) set for an angle point in the east line of the herein described tract;

THENCE (L4) South 00°38'09" West, over and through said 18.739-acres tract, a distance of 37.22 feet, to a 5/8-inch iron rod with cap (DART) set in the northerly R.O.W. line of said FM 2920 Road, being the southeast corner of the herein described tract;

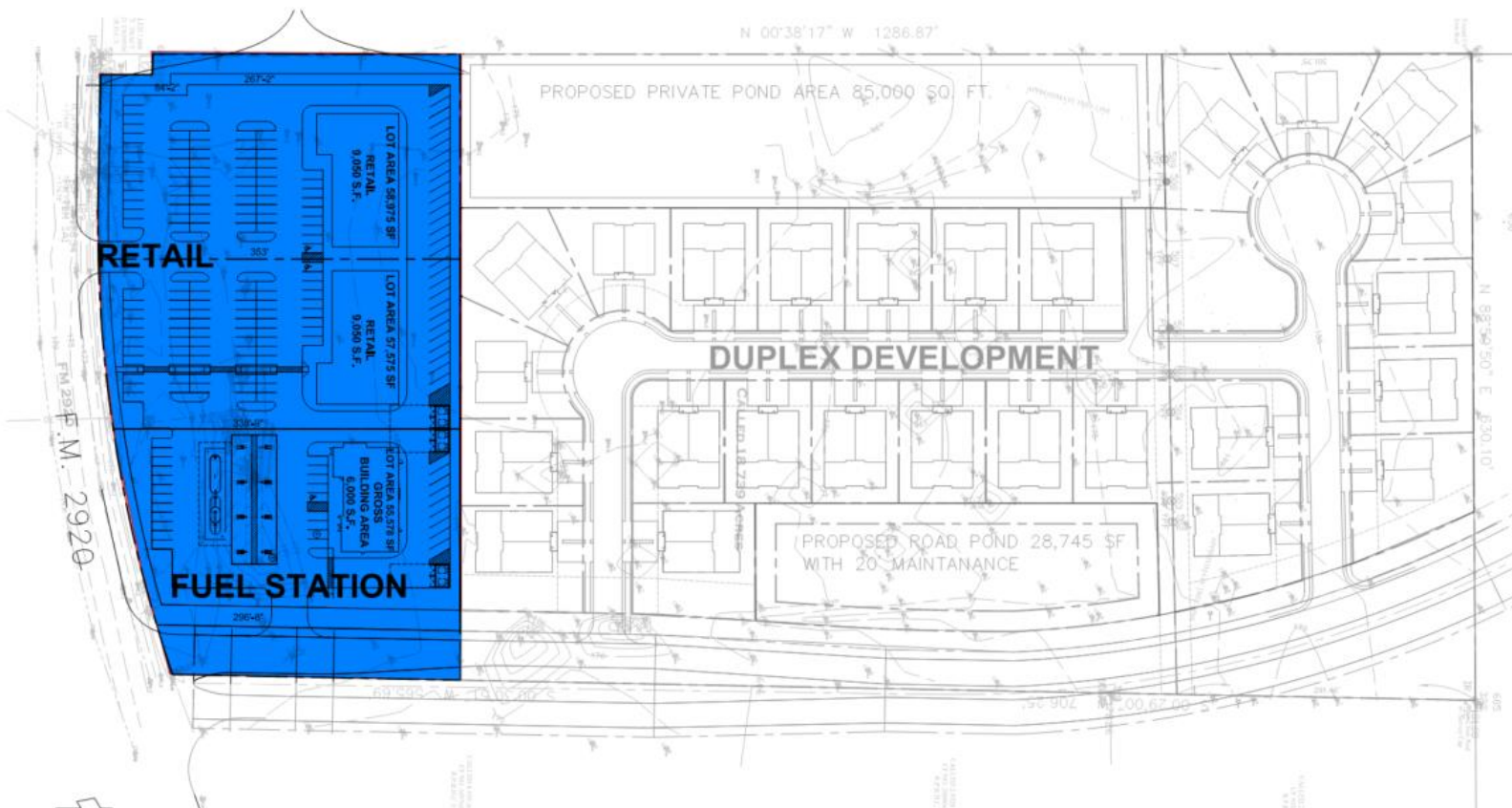
THENCE (C1) along a curve to the right with the northerly R.O.W. line of said FM 2920 Road, having a curve length of 446.60 feet, a radius of 1372.40 feet, a delta angle of 18°38'42", and a chord bearing and distance of South 82°03'17" West, 444.64 feet to the end of said curve, from which a bent 1/2-inch iron rod found bears South 32°39' West, 0.44 feet;

THENCE (L5) North 89°16'00" West, with the north line of said FM 2920 Road, a distance of 95.61 feet, to the **POINT OF BEGINNING** and containing 4.339-Acres (189,008 Square feet) more or less.

Benjamin Jauma
 R.P.L.S. No. 6417
 May 13, 2024



Job No. 2024-04-006
 FIRM number 10194710



SITE PLAN

NTS

NORTH

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

**THE STATE OF TEXAS §
 § **KNOW ALL BY THESE PRESENTS: THAT**
COUNTY OF HARRIS §**

FREDDY WIRT, A MARRIED MAN, NOT JOINED HEREIN BY MY SPOUSE AS THE PROPERTY HEREIN CONVEYED CONSTITUTES NO PART OF OUR HOMESTEAD ("Grantor"), whose mailing address is 20716 Cedar Ln, Tomball, Texas 77377, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration to Grantor in hand paid by **INTERNATIONAL COMMERCIAL DEVELOPMENT ENTERPRISE, LLC,** a Texas limited liability company ("Grantee"), whose mailing address is 25420 Kuykendahl Rd, Suite D-400, Tomball, Texas 77375, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, has **GRANTED, SOLD AND CONVEYED,** and by these presents does **GRANT, SELL AND CONVEY,** unto Grantee, Grantor's entire undivided ownership interest in the real property, together with all improvements thereon, described as follows (the "**Property**"):

BEING A 18.739 ACRE TRACT OF LAND IN THE JOHN EDWARDS SURVEY (A-20), AND THE CHAUNCEY GOODRICH SURVEY, (A-311) IN HARRIS COUNTY, TEXAS, OUT OF THAT CERTAIN 130.971 ACRE TRACT OF LAND DESCRIBED UNDER CLERK'S FILE NO. T469927, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (OPRRPHCOTX), SAID 18.739 ACRES IS HEREAFTER REFERRED TO AS "THE SUBJECT TRACT" AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging to have and to hold unto Grantee, and Grantee's heirs, successors and assigns, forever; and Grantor does hereby bind itself and its heirs and successors to **WARRANT AND FOREVER DEFEND** all and singular the Property unto Grantee, Grantee's heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, provided, however, that this conveyance is made by Grantor and accepted by Grantee subject to (i) to the liens securing payment of ad valorem taxes for the current and all subsequent years and (ii) easements, liens, reservations, covenants, conditions, and restrictions of record in **Harris County, Texas,** or visible or apparent on the ground to the extent the foregoing affect the Property. By acceptance of this Deed, Grantee assumes and agrees to perform all of the obligations of Grantor under said easements, reservations, covenants, conditions and restrictions, and agrees to pay and indemnifies and agrees to hold Grantor harmless from and against all ad valorem taxes relating to the Property, for the current and all subsequent years.

17066933

**FILED BY
ALAMO TITLE COMPANY
(HOUSTON)**

RP-2017-242129

When the context requires, singular nouns and pronouns include the plural.

EXECUTED AS OF AND EFFECTIVE the 31 day of May, 2017.

GRANTOR:

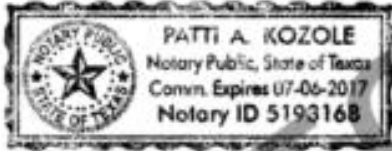
Freddy Wirt

FREDDY WIRT

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF Harris §

Before me, a Notary Public, on the 31 day of May, 2017, personally appeared **FREDDY WIRT**, who acknowledged that he did sign the foregoing instrument, and acknowledged to me that he executed the same for the uses and purposes and consideration therein expressed.



Patti A Kozole

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

THE HAY LEGAL GROUP PLLC
611 W. 5th Street, Suite 300
Austin, Texas 78701

RP-2017-242129

UNOFFICIAL COPY

LEGAL DESCRIPTION

Order No.: ATCH17066923

Being a 18.739 acre tract of land in the **John Edwards Survey (A-20)**, and the **Chauncey Goodrich Survey, (A-311)** in Harris County, Texas, out of that certain 130.971 acre tract of land described under Clerk's File No. T469927, of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCoTx), said 18.739 acres is hereafter referred to as "the subject tract" and is more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found lying in a curve in the North right-of-way line of FM 2920 (120 Ft. R-O-W), and marking the lower Southeast corner of the said 130.971 acre tract (hereafter called "parent tract"). Said point marks the Southeast corner of the subject tract, and the Southwest corner of a forty-foot-wide strip of land that is the old abandoned right-of-way of Tomball Waller Road;

THENCE in a westerly direction with a curve to the right along the North line of F. M. 2920 (Radius = 1372.40', Central Angle = 20°45'42", Chord = South 80°59'48" West - 494.58') an arc length of 497.30 feet to a 5/8 inch iron rod found marking the end of said curve;

THENCE North 89°16'00" West, continuing with the North line of F.M. 2920, a distance of 95.61 feet to a 5/8 inch iron rod found marking the lower Southwest corner the subject tract, and the Southeast corner of that certain twenty-by-fifty foot (20' X 50') tract of land described in deed to Salem Lutheran Church recorded under Clerk's File No. U659556;

THENCE North 00°38'17" West, departing the North line of F.M. 2920 a distance of 50.00 feet to a 5/8 inch iron rod found marking an interior corner of the subject tract, and the Northeast corner of the said Salem Lutheran Church tract;

THENCE North 89°16'00" West, a distance of 20.00 feet to a 5/8 inch iron rod found lying in the West line of the parent tract, in the East line of that certain 121 acre tract of land recorded in Volume 3948, Page 462, and Volume 962, Page 260 (HCDR) and marking the upper Southwest corner of the subject tract, and the Northwest corner of the said Salem Lutheran Church tract;

THENCE North 00°38'17" West, with the West line of the parent tract, a distance of 1286.87 feet to a 5/8 inch iron found marking the Northwest corner of the subject tract, and the Southwest corner of that certain 31.159 acre tract of land described under Clerk's File No. V256093;

THENCE North 88°59'50" East, departing the West line of the parent tract and with the South line of the said 31.159 acre tract, a distance of 630.10 feet to a 5/8 inch iron rod found marking the Northeast corner of the subject tract, and the Northwest corner of that certain 21.001 acre tract of land described under Clerk's File No. U682638;

THENCE South 00°29'00" West departing the South line of the said 31.159 acre tract, a distance of 706.25 feet to a 5/8 inch iron rod found marking the Southwest corner of the said 21.001 acre tract, an outside corner of a ninety-degree bend in the said old abandoned right-of-way of Tomball Waller Road, an interior corner of the parent tract, and a slight angle point in the East line of the subject tract;

THENCE South 00°30'51" West, with the West line of the said abandoned right-of-way, a distance of 565.69 feet to the **POINT OF BEGINNING** and containing 18.739 acres of land.

RP-2017-242129

RP-2017-242129
Pages 4
06/01/2017 02:18 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$24.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS