

**Rezoning  
Staff Report**

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

**Rezoning Case:** Z24-15  
**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:** 11.40 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 Duplex (D) zoning district.

**Adjacent Zoning & Land Uses:**

**North:** Single-Family Residential-6 (SF-6) / Proposed single-family development (currently undeveloped)

**South:** None / Proposed retail development (currently undeveloped)

**East:** Commercial (C) and Planned Development District (PD-18) / City of Tomball water well, proposed multi-family development (currently undeveloped), and 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 duplex community.

## **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 Duplex (Two-Family) Residential (D) zoning district is designed to accommodate medium density residential multiple-occupancy housing. This district is commonly used as a buffer or transition district between lower density residential areas and higher density residential uses, non-residential areas, or major thoroughfares.

The request to rezone the subject property to the Duplex (D) zoning district is compatible with the intent of the district and is consistent with the existing and proposed development of this area. The subject property would act as a transition district between FM 2920, a major arterial, and the Single-Family Residential-6 (SF-6) zoning district to the north and will expand the range of housing options for Tomball residents.

## **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site, and within the 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 Z24-15.

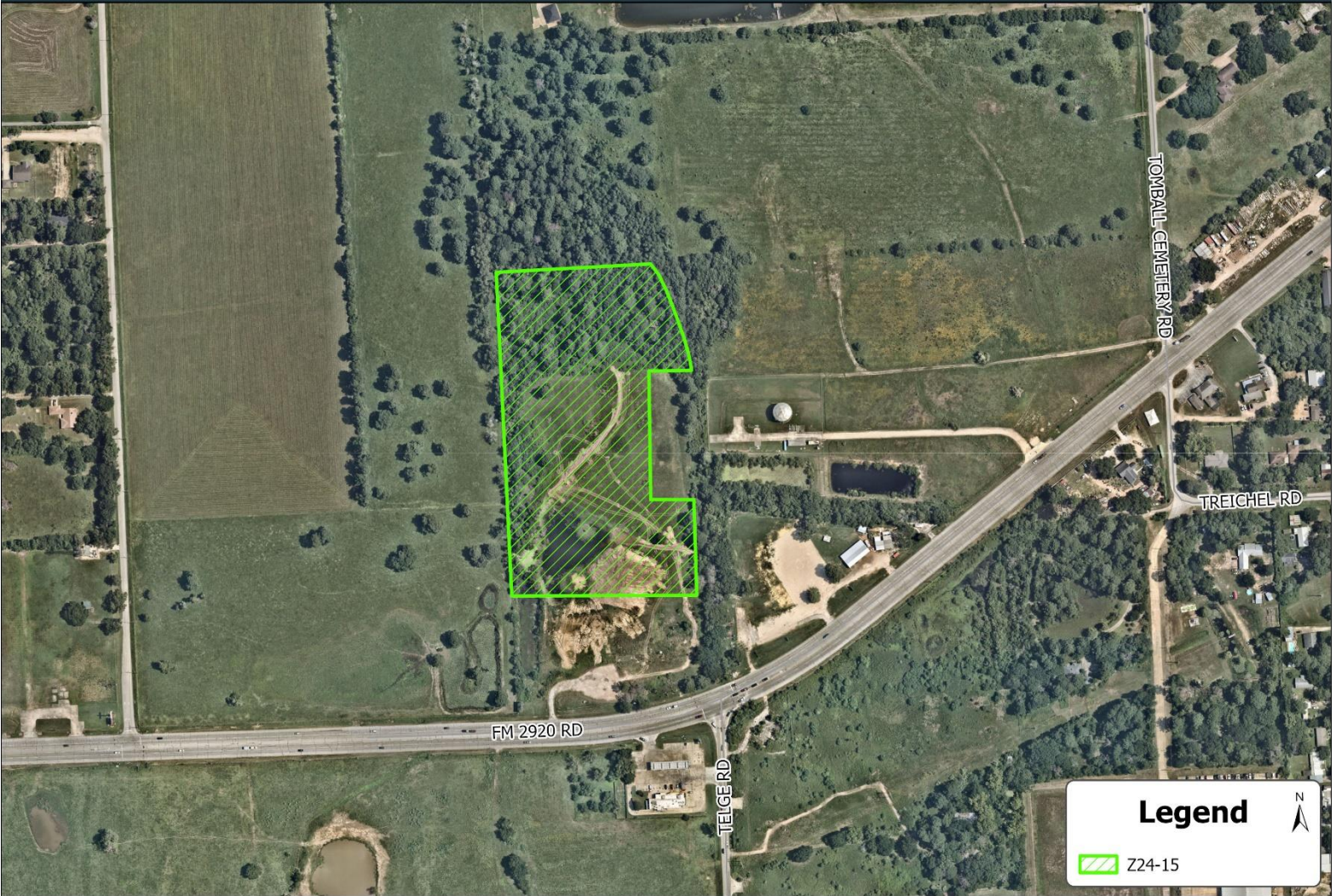
## **EXHIBITS**


- 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** 


 Z24-15

Exhibit "B"  
Future Land Use Plan



# Future Land Use

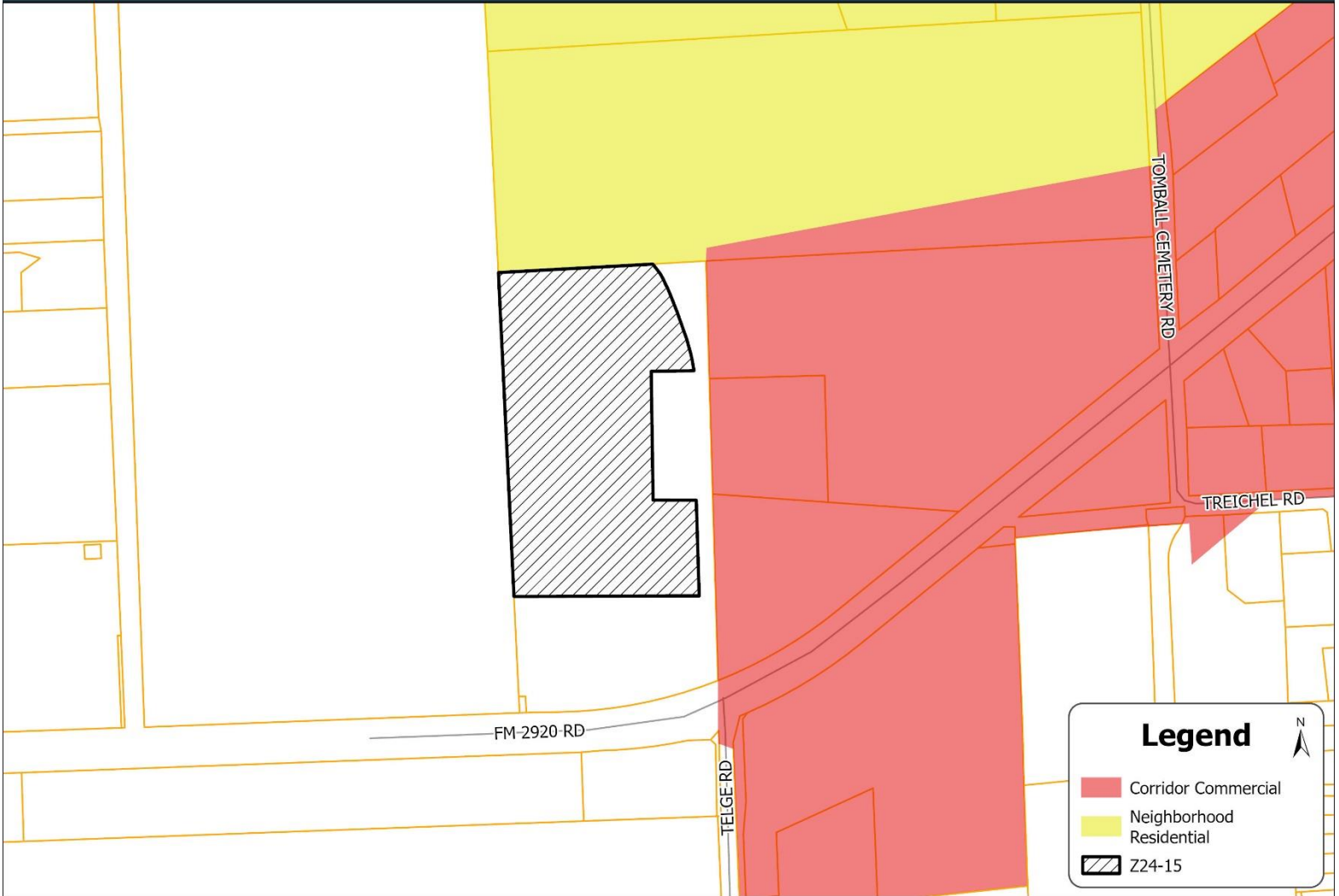
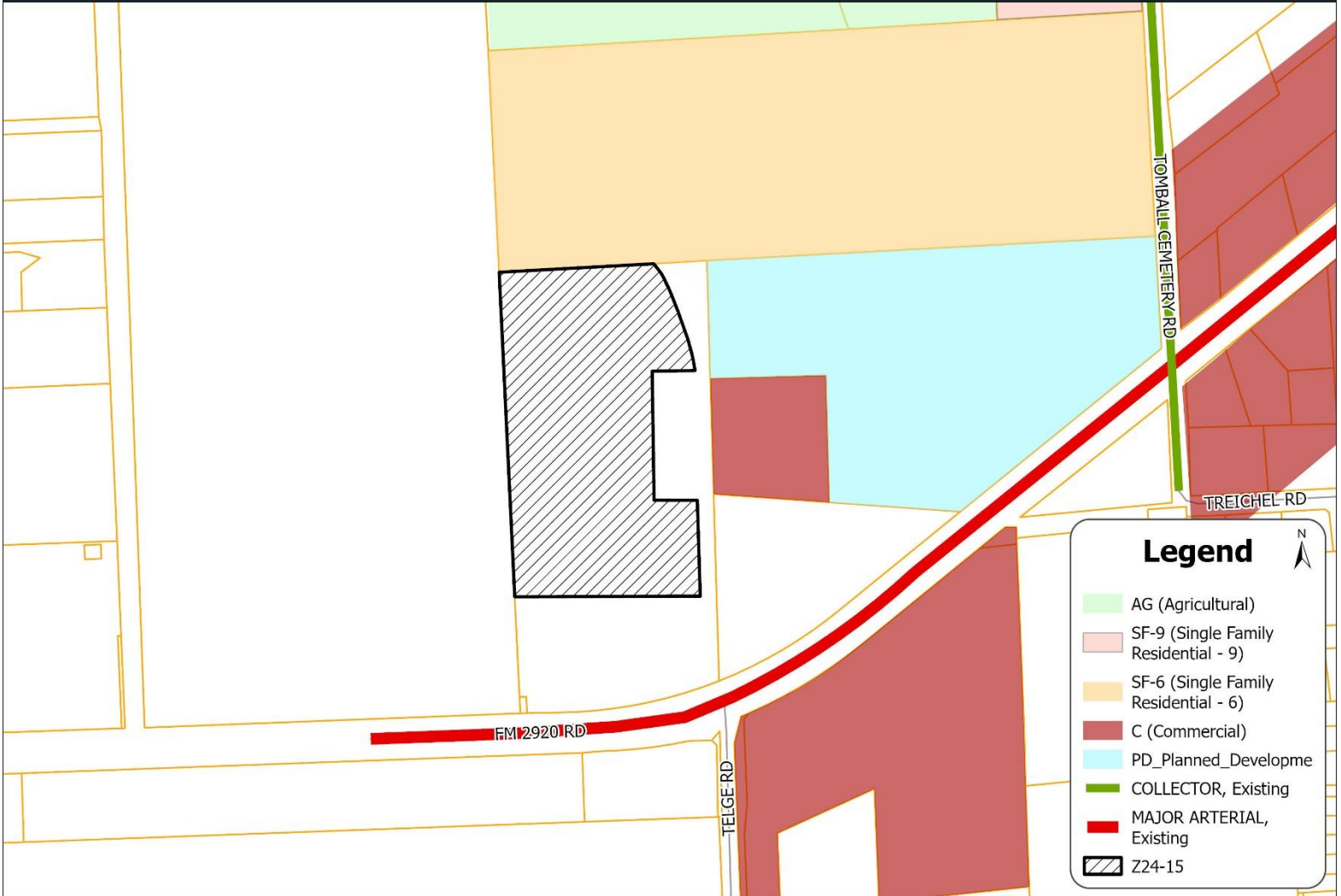


Exhibit "C"  
Zoning Map



# Zoning



**Exhibit "D"**  
**Site Photo(s)**

**Subject Site**



**Neighbor (North)**



Neighbor (South)



Neighbor (East)



## Neighbor (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](http://tomballtx.gov/secure/send)  
USERNAME: [tomballdd](#)  
PASSWORD: [Tomball1](#)

**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:** Duplex Residential 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](http://www.tomballtx.gov)

Revised: 10/1/2022

Current Use of Property: Vacant property

Proposed Zoning District: D Duplex (two-family) Residential

Proposed Use of Property: D: - 26 Duplex, total of 52 residents

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.**

	07/17/2024
<b>X</b> Signature of Applicant	<b>Date</b>

	7/17/2024
<b>X</b> <b>Signature of Owner</b>	<b>Date</b>

## **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 (1<sup>st</sup>) and third (3<sup>rd</sup>) 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.

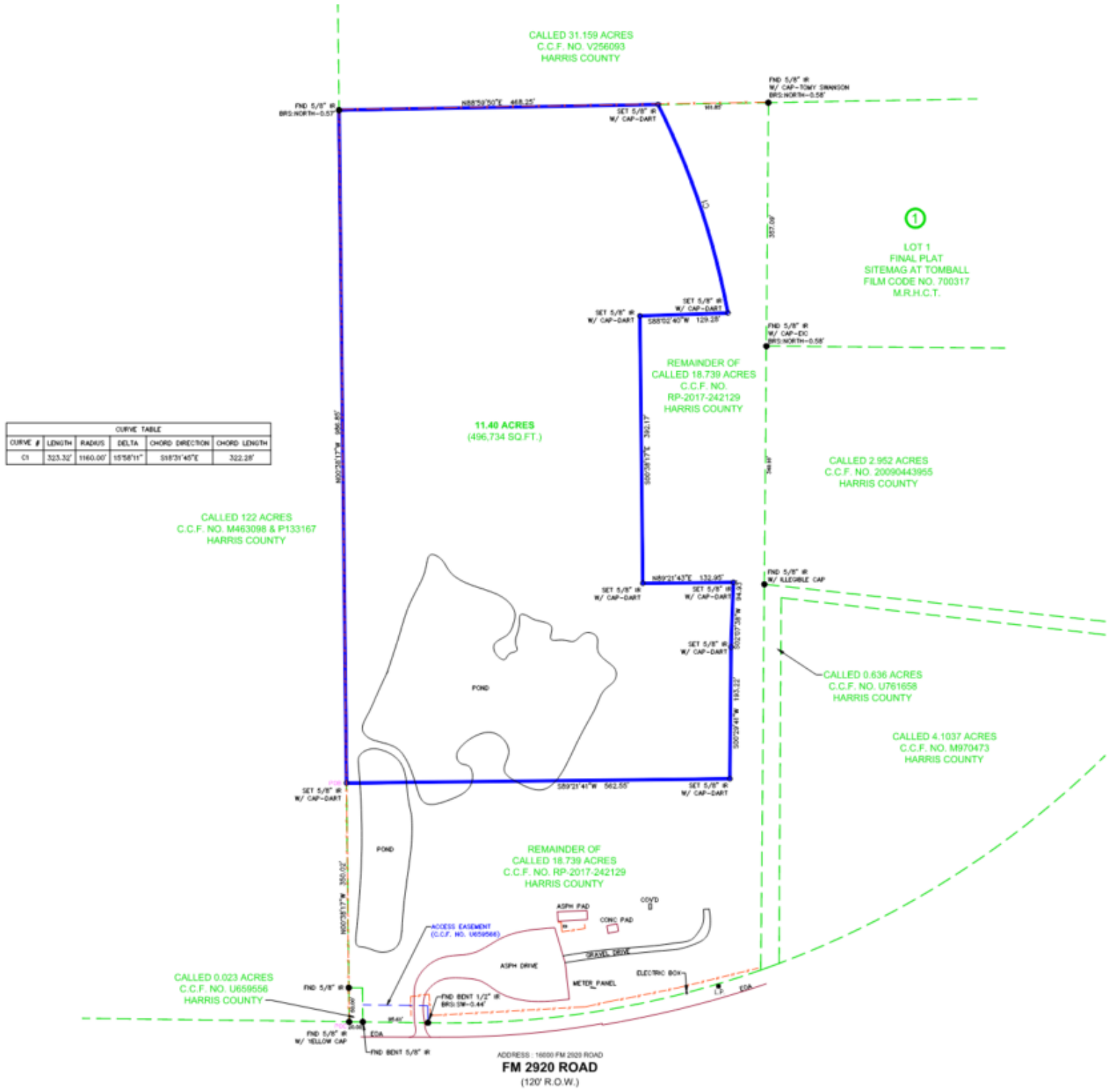
Thank you

Sincerely,

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

P-01  
July 17, 2024

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	323.32'	1160.00'	15°58'11"	S18°31'45"E	322.28'



CALLED 122 ACRES  
C.C.F. NO. M463098 & P133167  
HARRIS COUNTY

11.40 ACRES  
(496,734 SQ.FT.)

CALLED 31.159 ACRES  
C.C.F. NO. V256093  
HARRIS COUNTY

REMAINDER OF  
CALLED 18.739 ACRES  
C.C.F. NO.  
RP-2017-242129  
HARRIS COUNTY

①  
LOT 1  
FINAL PLAT  
SITEMAG AT TOMBALL  
FILM CODE NO. 700317  
M.R.H.C.T.

CALLED 2.952 ACRES  
C.C.F. NO. 20090443955  
HARRIS COUNTY

CALLED 0.636 ACRES  
C.C.F. NO. U761656  
HARRIS COUNTY

CALLED 4.1037 ACRES  
C.C.F. NO. M970473  
HARRIS COUNTY

REMAINDER OF  
CALLED 18.739 ACRES  
C.C.F. NO. RP-2017-242129  
HARRIS COUNTY

CALLED 0.023 ACRES  
C.C.F. NO. U859556  
HARRIS COUNTY

ADDRESS - 16600 FM 2920 ROAD  
**FM 2920 ROAD**  
(120' R.O.W.)



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

**METES AND BOUNDS DESCRIPTION  
 11.40-ACRES (496,734 SQUARE FEET.)  
 JOHN EDWARDS SURVEY, ABSTRACT NO. 20 &  
 CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311  
 HARRIS COUNTY, TEXAS**

**BEING** 11.40 ACRES (496,734 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 11.40-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** North 00°38'17" West, with the east line of said 122-acres tract, passing at a distance of 50.00 feet, a 5/8-inch iron rod found for the northwest corner of said 0.023-acres tract, continuing a total distance of 350.02 feet to a 5/8-inch iron rod with cap set for the **POINT OF BEGINNING**, and the southwest corner of the herein described tract;

**THENCE** North 00°38'17" West, continuing with the east line of said 122-acres tract, a distance of 986.85 feet, to the southwest corner of that certain tract of land described as 31.159-acres tract recorded under C.C.F. NO. V256093, O.P.R.H.C.T., and the northwest corner of the herein described tract, from which a 5/8-inch iron rod found bears NORTH - 0.57 feet;

**THENCE** North 88°59'50" East, with the south line of said 31.159-acres tract, a distance of 468.25 feet, to a 5/8-inch iron rod with cap (DART) set for the northeast corner of the herein described tract, and the beginning of a curve to the right;

**THENCE** along the following courses over and through said 18.739-acres tract:

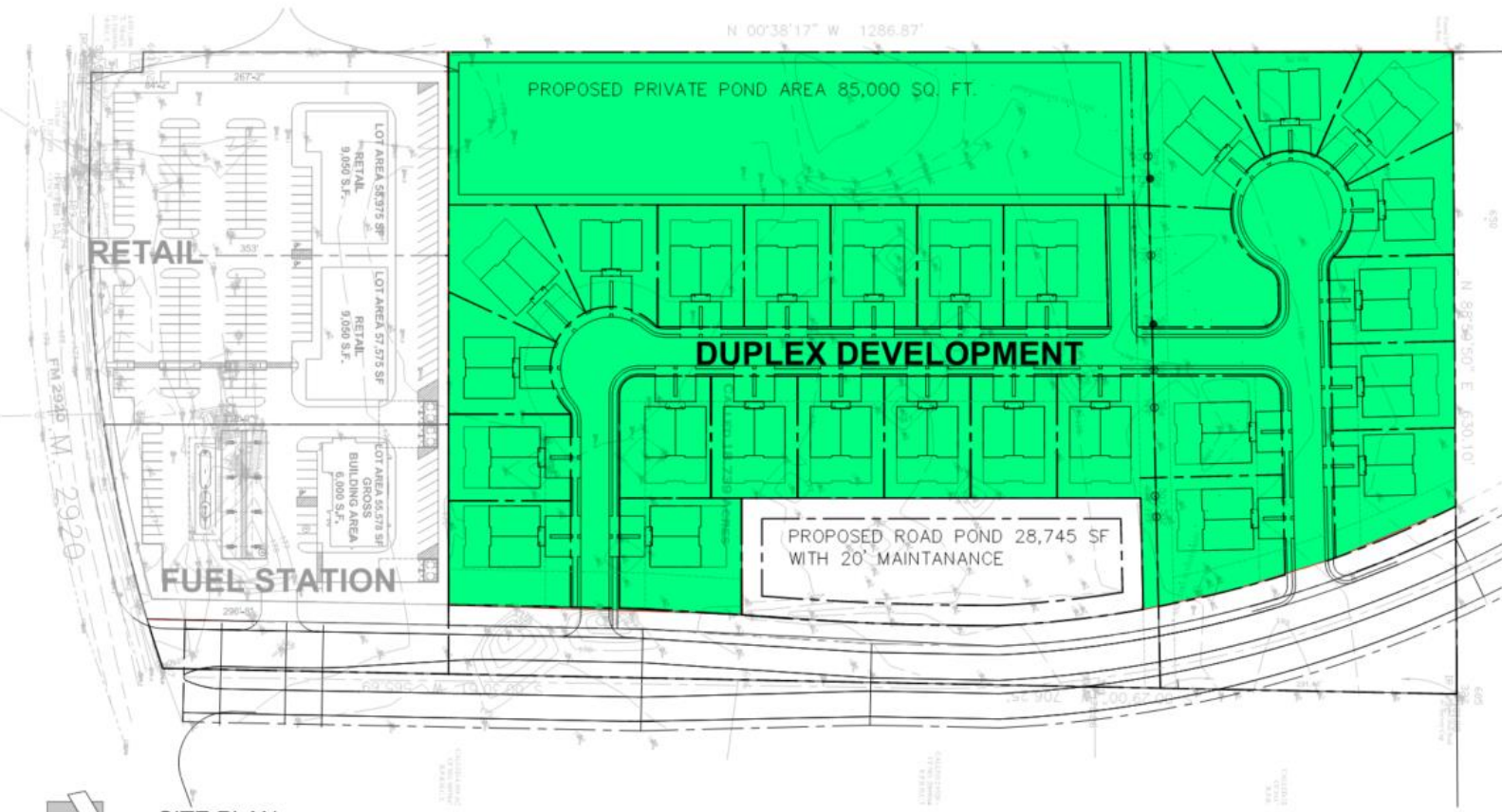
- (C1) along said curve to the right, having a curve length of 323.32 feet, a radius of 1160.00 feet, a delta angle of 15°58'11", and a chord bearing and distance of South 18°31'45" East, 322.28 feet to a 5/8-inch iron rod with cap (DART) set;
- South 88°02'40" West, a distance of 129.28 feet, to a 5/8-inch iron rod with cap (DART) set;
- South 00°38'17" East, a distance of 392.17 feet, to a 5/8-inch iron rod with cap (DART) set;
- North 89°21'43" East, a distance of 132.95 feet, to a 5/8-inch iron rod with cap (DART) set;
- South 02°07'38" West, a distance of 94.93 feet, to a 5/8-inch iron rod with cap (DART) set;
- South 00°29'41" West, a distance of 193.22 feet, to a 5/8-inch iron rod with cap (DART) set;

**THENCE** South 89°21'41" West, over and through said 18.739-acres tract, a distance of 562.55 feet, to the **POINT OF BEGINNING** and containing 11.40-Acres (496,734 Square feet) more or less.

Benjamin Jauma  
 R.P.L.S. No. 6417  
 May 10, 2024



Job No. 2024-04-006  
 FIRM number 10194710



**SITE PLAN**  
NTS







## 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

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