

ORDINANCE NO. 2021-30

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY AMENDING PLANNED DEVELOPMENT (PD-14) DISTRICT. THE PROPERTY IS APPROXIMATELY 95.4 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 198A, 202A & 206A, TOMBALL OUTLOTS, TRACTS 3B, 4, 4Q, 21A, 23B & 23B-2 ABSTRACT 632 C V PILLOT, PT TRACT 21A (HOMESITE) (TRACT 4-X) ABSTRACT C N PILLOT, TRACT 23A ABSTRACT 632 C N PILLOT, PT TRACT 21A (AG-USE) ABSTRACT 632 C N PILLOT, TRACTS 3A-2, 4P, 19A & 23B-1 ABSTRACT 632 C V PILLOT, TRACT 4R ABSTRACT 632 C V PILLOT, TRACT 23A-2 ABSTRACT 632 C N PILLOT, TRACTS 4Q-1, 23B-3 & 23B-2A ABSTRACT 632 C V PILLOT, TRACTS 3A & 3A-3 ABSTRACT 632 C V PILLOT, AND TRACT 4R-1 ABSTRACT 632 C V PILLOT, AND WOOD LEAF RESERVE SECTION 1; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF THEIS LANE AT COMMERCIAL PARK ROAD AND NORTH SIDE OF HOLDERRIETH ROAD BETWEEN SH 249 AND SOUTH CHERRY STREET; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; 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.

* * * * *

Whereas, Kathryn Parker with META Planning + Design, has requested an amendment to Planned Development PD-14 District, an approximately 95.4 acre tract of land, legally described Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, and Wood Leaf Reserve Section 1; generally located on the south side of Theis Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for an amendment to the Planned Development (PD-14) District to allow for the construction of a mixed-use development; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to 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 and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested amendment of Planned Development (PD-14) District; 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 for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

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. The Planned Development (PD-14) District is hereby amended and subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-14) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-14) District as described above.

Section 5. The Planned Development (PD-14) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-14) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

Section 6. 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 7. 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 THE 16TH DAY OF AUGUST 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF SEPTEMBER 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



June 29, 2021

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: WOODLEAF RESERVE PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, Chesmar Homes, we are submitting the application for the creation of the Woodleaf Reserve Planned Development Amendment.

The developer intends to develop the 95-acre tract into a single-family residential community. The tract is located north of Holderrieth Road, south of Theis Lane, west of South Cherry Street. This application is for an amendment to revise the commercial uses and updated the concept plan to reflect the approved section 1 plat.

Below is a list of the items that are included with this submittal:

- 1) Completed application
- 2) Surveys that comprise the tract
- 3) List of HCAD tracts that comprise tract
- 4) Redlined Planned Development Text
 - a. Revisions to Commercial Uses
- 5) Planned Development Text
 - a. Revisions to Commercial Uses
- 6) Detailed Concept Plan
 - a. Minor adjustments to Section One to reflect submitted plat
- 7) Open Space Plan
 - a. Minor adjustments to Section One to reflect submitted plat

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Parker". The signature is fluid and cursive.

Kathryn Parker
Enclosure



RECEIVED (KC)
06/29/2021 11:43:47 AM

Revised 5/19/15
P&Z #21-308
No Charge, Amendment

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g, single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

APPLICATION SUBMITTAL: 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.

Applicant
Name: Kathryn Parker - META Planning + Design Title: Senior Planner
Mailing Address: 24275 Katy Freeway Suite 200 City: Katy State: TX
Zip: 77494
Phone: (281) 749-1803 Fax: () Email: kparker@meta-pd.com

Owner
Name: Maritia LP Title: _____
Mailing Address: 30 E Rivercrest Drive City: Houston State: TX
Zip: 77042
Phone: () Fax: () Email: _____

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Woodleaf Reserve PD - 95.4 Acres Residential Development with Commercial
Physical Location of Property: East of SH 249, North of Holderrich Rd, +/-1,500 west of Cherry St.
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: see attached description
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]


HCAD Identification Number: see attached list Acreage: 95.4

Current Use of Property: Vacant

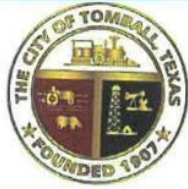
Proposed Use of Property: Planned Development - Residential, Commercial and Open Space

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  Lou Smulders 06/23/2021
Signature of Applicant Date

X Kathryn Parker 6/29/21
Signature of Owner Date



Revised 5/19/15

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

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Applicant

Name: Kathryn Parker - META Planning + Design Title: Senior Planner
Mailing Address: 24275 Katy Freeway Suite 200 City: Katy State: TX
Zip: 77494
Phone: (281) 749-1803 Fax: () Email: kparker@meta-pd.com

Owner

Name: Chesmar Homes LLC Title: _____
Mailing Address: 480 Wildwood Forest Dr Ste 803 City: Spring State: TX
Zip: 77380
Phone: () Fax: () Email: ron.brooks@chesmar.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Woodleaf Reserve PD - 95.4 Acres Residential Development with Commercial

Physical Location of Property: East of SH 249, North of Holderrieth Rd., +/-1,500 west of Cherry St.
[General Location – approximate distance to nearest existing street corner]

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HCAD Identification Number: See attached list Acreage: 95.4

Current Use of Property: Vacant

Proposed Use of Property: Planned Development - Residential, Commercial and Open Space

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 Kathryn Parker 6/29/21
Signature of Applicant Date

X Pon Brooks 6/25/21
Signature of Owner Date

Exhibit “B”
Planned Development Regulations

Exhibit B

Planned Development

95 Acres Tomball (Theis Lane Tract)

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

1. General Provisions
2. Land Uses
3. Development Regulations for Single Family Lots
4. Development Regulations for Non-Residential Uses
5. Amenities and Landscape Regulations
6. Open Space and Trails
7. Building Regulations

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 a SF-6 (Standard Single Family Residential) or C (Commercial) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 and C zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extend 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 the Development Code.
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 95.4 acres, located west of S. Cherry Street, east of State Highway 249, north of Holderrieth Road and south of Theis Lane.

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	

2. Commercial: Permitted uses of the Commercial tracts on Exhibit C shall be those uses permitted within C – Commercial District of the Zoning Ordinance with the following exceptions.

a. Prohibited Uses:

- i. Tattoo or Body Piercing Studio
- ii. Painting and Refinishing Shop
- iii. Auto Body Repair/Painting
- iv. Auto Paint Shop
- v. Auto Wrecker Service
- vi. Railroad Team Tracks, Unloading Docks, and Spurs
- vii. Railroad Yards - Round House or Shop
- viii. Transfer station (Reuse/Pick-Up)
- ix. Transit Terminal
- x. Truck and Bus Leasing
- xi. Truck sales and Services (Heavy Trucks)
- xii. Truck Stop
- xiii. Truck Terminal
- xiv. Drive-in Theater
- xv. Electric Power Plant
- xvi. Fair Ground or Rodeo
- xvii. Penal or Correctional Institutions
- xviii. Propane Sales Filing (Retail)
- xix. Scientific and Industrial research Laboratories (Hazardous)
- xx. Adhesive and Sealants Manufacture
- xxi. Animal Processing and Slaughter
- xxii. Any Manufacture or Industrial Process Not listed and Not prohibited by Law
- xxiii. Concrete or Asphalt Mixing/Batching Plant (Temporary)
- xxiv. Food Processing
- xxv. Paint Manufacturer and/or Mixing
- xxvi. Petroleum Distribution/Storage

D. **Development Regulations for Single Family Lots** – Maximum 350 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 40 feet wide. Except the maximum number of lots 40 feet wide shall not exceed 60% percent of the total maximum number of lots.
2. Lots shown on Exhibit C
 - a. Minimum lots area:
 - i. 40' wide lots shall have a minimum area of 4,800 square feet.

- ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
Lot width shall be measured at the building line.
 - b. Minimum lot width: 40 feet. Lot width shall be measured at the building line.
 - c. Minimum lot depth: 100 feet
 - d. Maximum lot coverage: 60% (lot acreage shall include building footprint only)
 - 3. Minimum building setbacks:
 - a. Front yard: 20 feet; (measured from front building line)
 - b. Rear yard: 15 feet;
 - c. Side yard: 5 feet, 10 feet on street side of a corner lot.
- E. **Development Regulations for non-residential uses-** All provisions and regulations regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a C (Commercial) zoning district with the following exceptions:
 - 1. Building Height:
 - a. Shall not exceed 42 feet in height.
 - 2. Building Setbacks:
 - a. Rear Yard: 15 feet
- F. **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 1-acre recreational reserve, centrally located within the development, may include a playground and picnic facilities, etc.
 - b. A minimum 6, off-street parking spaces shall be provided. 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):
 - Playground
 - Picnic Facilities
 - 2. Landscape buffers:
 - a. 15' foot minimum buffer shall be provided along all major and minor arterials and within commercial areas 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 30% 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

- 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

G. **Sidewalks** - As shown on Exhibit C1, the PD shall be developed in accordance with the following:

- 1. Sidewalks:
 - a. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
 - b. All sidewalks shall be paved with concrete.

H. **Minor Modifications** –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance with the applicable Tomball Codes and this Ordinance and approved by the Planning 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.

Exhibit "C" Concept Plan



EXHIBIT C

This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PURPOSES. LAND DRAWINGS IS A SKETCHED BASED ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. WITHDRAWN. THE CITY OF KATY HAS REVIEWED THIS DRAWING FOR CONFORMANCE WITH THE CITY OF KATY DEVELOPMENT REGULATIONS. THE CITY OF KATY'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE DRAWING AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP. THE CITY OF KATY DOES NOT WARRANT, REPRESENT OR IMPLY, CONCERNING THE PHYSICAL CONDITION, LOCATION AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP. ALL ATTACHED, ADDITIONAL, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION ON THIS DRAWING.

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a conceptual development plan for **HOLDERRIETH TRACT PLANNED DEVELOPMENT** ± 95.4 ACRES OF LAND



24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE
0 100 200 300

MTA-62001
JUNE 23, 2021

