

**ORDINANCE NO. 2022-41**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 22.84 ACRES OF LAND OUT OF THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50 (DESCRIBED IN “EXHIBIT A”, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS FROM AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT #18 (PDD #18), BEING LOCATED WITHIN THE 12700 BLOCK (NORTH SIDE) OF ZION ROAD; 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**, Zion Woods LLC, represented by Blue Kite Building Group has requested that approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, located within the 12700 block (north side) of Zion Road, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; 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 three 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 deny the requested rezoning of the Planned Development 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 zoning classification of the Property is hereby changed from the Agricultural District to the Planned Development District (PDD-18) 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 a Planned Development District (PDD-18), 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 District (PDD-18) as described above.

**Section 5.** The Planned Development (PD-18) 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-18) District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the Planned Development Regulations and concept plan(s) (Exhibit “B”) 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 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 19<sup>th</sup> DAY OF DECEMBER 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

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 3<sup>RD</sup> DAY OF JANUARY 2023.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

## Exhibit "A"

All that certain tract or parcel containing 22.8305 acres of land situated in the Joseph Miller League, A-50 in Harris County, Texas, said 22.8305 acre tract being that same tract described as 22.8140 acres of land in a deed filed for record under Harris County Clerk's File No. 20060033498 and being more particularly described by metes and bounds as follows:

COMMENCING at a 1-1/4" iron pipe (found) in the North right-of-way line of Zion Road, (60.00 feet in width), marking the Southeast corner of that certain call 1.2902 acre, (40.00 foot access easement), tract of land as described in a deed filed for record under Harris County Clerk's File No. Y-635667 and the Southwest corner of that certain call 68.1723 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20090285835;

THENCE N 89°31'28" E, a distance of 351.43 feet, (call N 89°29'18" E, 351.35 feet), along the North right-of-way line of said Zion Road and the South line of said 68.1723 acre tract of land to a 3/8" iron rod (found) marking the Southerly-Southeast corner of said 68.1723 acre tract of land and the Southwest corner and POINT OF BEGINNING of the herein described 22.8305 acre tract of land;

THENCE N 00°38'14" W, a distance of 2,775.27 feet, (call N 02°24'34" W, 2,775.55 feet), along the common line of said 68.1723 acre and said 22.8305 acre tracts of land to a 60d nail in tree root (set) marking an interior corner of said 68.1723 acre tract of land and the Northwest corner of the herein described 22.8305 acre tract of land, from this point a 3/8" iron rod (found bent) bears S 86°57'12" E, 1.43 feet;

THENCE S 85°41'36" E, a distance of 363.82 feet, (call S 87°28'13" E, 362.40 feet), along the common line of said 68.1723 acre and said 22.8305 acre tracts of land to a 1/2" iron rod with cap (found) stamped "RPLS 3971" in the West line of that certain call 155.696 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. P-916725 marking the Easterly-Southeast corner of said 68.1723 acre tract of land and the Northeast corner of the herein described 22.8305 acre tract of land;

THENCE S 00°47'54" E, a distance of 960.17 feet, (call S 02°37'04" E, 960.27 feet), along the common line of said 155.696 acre and said 22.8305 acre tracts of land to a 5/8" iron rod (found) for angle point;

THENCE S 02°00'27" W, a distance of 12.80 feet, (call S 00°08'54" E, 12.81 feet), along the common line of said 155.696 acre and said 22.8305 acre tracts of land to a 3/4" iron pipe (found) for angle point marking the Southwest corner of said 155.696 acre tract of land and the Northwest corner of that certain call 0.7898 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. S-398301;

THENCE S 00°17'31" E, (call S 02°03'15" E), along the common line of said 0.7898 acre and said 22.8305 acre tracts of land, passing at 8.85 feet a 5/8" iron rod which bears N 89°42'29" E, 0.13 feet, a total distance of 310.64 feet, (call 310.97 feet), to a 1/2" iron rod (found) for angle point marking the Southwest corner of said 0.7898 acre tract of land and the Northwest corner of that certain call 2.1976 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. N-839362;

THENCE S 00°14'22" E, a distance of 322.34 feet, (call S 00°38'41" E, 322.40 feet), along the common line of said 2.1976 acre and said 22.8305 acre tracts of to a 1-1/2" iron pipe (found) for angle point marking the Southwest corner of said 2.1976 acre tract of land and the Northwest corner of that certain call 4.5639 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. Z-417605;

THENCE S 00°12'35" E, a distance of 573.54 feet, (call S 00°20'00" E, 573.21 feet), along the common line of said 4.5639 acre and said 22.8305 acre tracts of to an axle (found) for angle point marking the Southwest corner of said 4.5639 acre tract of land and the Northwest corner of that certain call 4.8784 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. R-861792, from this point a ½" iron rod (found) bears N 16°56'49" W, 0.06 feet;

THENCE S 00°08'25" E, a distance of 565.23 feet, (call S 00°24'48" W, 562.27 feet), along the common line of said 4.8784 acre and said 22.8305 acre tracts of to a ½" iron rod (found bent) in the North right-of-way line of said Zion Road marking the Southwest corner of said 4.8784 acre tract of land and the Southeast corner of that the herein described 22.8305 acre tract of land;

THENCE S 89°28'53" W, a distance of 351.29 feet, (call S 87°44'54" W, 351.50 feet), along the North right-of-way line of said Zion Road and the South line of said 22.8305 acre tract of land to the POINT OF BEGINNING and containing 22.8305 acres of land.

Surveyed on the ground June 21, 2011.

Job No. 11-314-06. (See corresponding plat)

The basis of bearing is N 00°38'14" W along the West line of subject tract per deed to 68.1723 acre tract of land.



Location: 12700 block (north side) of Zion Road, within City of Tomball, Harris County, Texas.

## Exhibit “B”

### Exhibit B

#### Planned Development

##### 22.8 Acres Tomball (Zion Road Tract)

- A. Contents. This final development plan includes the following sections:
- a. General Provisions
  - b. Land Uses
  - c. Development Regulations for Single-Family Lots
  - d. Amenities and Landscape regulations
  - e. Open Space and Trails
  - f. Building Regulations
- B. General Provisions
- a. The Planned Development, PD, approved herein, must be constructed, developed, and maintained in compliance with the 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) 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 when the city regulation or provision conflicts with a provision in this ordinance.
  - b. Except as otherwise provided herein, the words used in this planned development have the meaning established by the Development Code.
  - c. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this final development plan:
    - i. Exhibit C – Concept Plan
    - ii. Exhibit C1 – Landscape, amenities, and Open Space Plan
    - iii. Exhibit C2 – Tree Preservation Plan
  - d. As shown on Exhibit C, the PD encompasses 22.8 acres, located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.
- C. Land Uses
- a. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99
Parks and Recreational Facilities, Public or Private	99
Residential Sales Office (Temporary)	

- D. **Development Regulations for Single Family Lots** — Maximum 99 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:

- a. The minimum lot width shall be 50 feet wide.
  - b. Lots shown on Exhibit C
    - i. Minimum lot area: 50ft wide lots shall have a minimum area of 5,250 square feet.
    - ii. Minimum lot width: 50 feet. Lot width shall be measured at the building line.
    - iii. Minimum lot depth: 105 feet
    - iv. Maximum lot coverage: 40% (lot acreage shall include building footprint only)
  - c. Minimum building setbacks:
    - i. Front yard: 20 feet; (measured from front building line)
    - ii. Rear yard: 15 feet
    - iii. Side yard: 5 feet, 10 feet on street side of a corner lot.
- E. **Amenities and Landscape Regulations**— As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
- a. Recreation site and amenities:
    - i. A minimum 1-acre recreational reserve, centrally located within the development, may include a pool, playground, and picnic facilities, etc.
    - ii. A minimum 24, off-street head-in 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.
    - iii. Amenities must include (but are not limited to) Three of the following:
      - 1. Recreation center/Clubhouse
      - 2. Playground
      - 3. Picnic Facilities
      - 4. Pavilions
      - 5. Swimming Pool/ Splash pads
      - 6. Dog Park
      - 7. Active Recreation Facilities (Basketball, Tennis, Soccer, Baseball. Etc.)
      - 8. Walking, Biking, Hiking Trails
  - b. Landscape buffers:
    - i. 20-foot minimum buffer yard shall be provided along all street-side property boundaries for residential lots and along Zion Road. Lots/Reserves designated for recreation and amenity areas shall be exempt from this requirement.

- ii. 20-foot minimum undisturbed vegetative buffer reserve, contiguous to lot lines, shall be provided along the rear of all lots adjacent to neighboring properties. As shown on Exhibit C1
- iii. Street trees must be provided along all street-side property boundaries at a rate of 1 tree for every 40 linear feet of frontage. Street trees must be provided within the landscape open space median illustrated in concept plans. All street trees must be a minimum 4-inch caliper and 7 feet in height at the time of planting.
- iv. All landscaping/trees must be installed/protected in accordance with the approved landscape/preservation plan (as prescribed in subsection H of this ordinance). Preservation efforts must be maintained throughout all phases of construction.
- v. Required Buffers shall include trails as illustrated in provided concept Plan(s).
- vi. Tree(s) planned to be preserved that are removed/killed during or after construction must be replaced in accordance with the following table:

Diameter of Tree Removed/Killed (Inches)	Number of Trees that must be planted
4-9	Two Trees
9-15	Three Trees
Over 15	Six Trees

c. Open Space:

- i. Minimum 20% space, to be distributed as shown on Exhibit C1
- ii. Open space shall include all landscape buffers, landscape reserves, open space, reserves, parks, pool areas, and recreation facilities.
- iii. At a minimum 5 acres shall be provided as parks and recreation facilities
- iv. All required open space shall be maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- v. Landscaped open space reserve shall be provided within median identified on Exhibit C1

F. Sidewalks & Trails -As shown on Exhibit C1, the PD shall be developed in accordance with the following:

a. Sidewalks:

- i. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- ii. All sidewalks shall be paved with concrete.

- b. Trails:
  - i. Trail network within median must be a minimum of 8-feet in width.
  - ii. All other trails must be a minimum of 5-feet in width.
  - iii. All trails must be paved with asphalt or concrete.

G. 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.

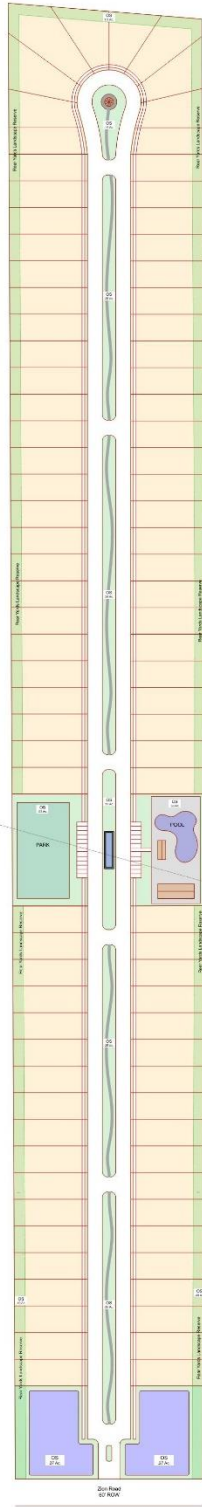
- a. Modifications to internal street patterns are allowed
- b. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
- c. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
- d. 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.

H. ADD: Subdivision Plat Procedure – Platting of the subject property shall be in accordance with all standards and procedures ordinarily applicable within the City of Tomball as prescribed in Chapter 40 of the Tomball Code of Ordinance and shall include the following modifications:

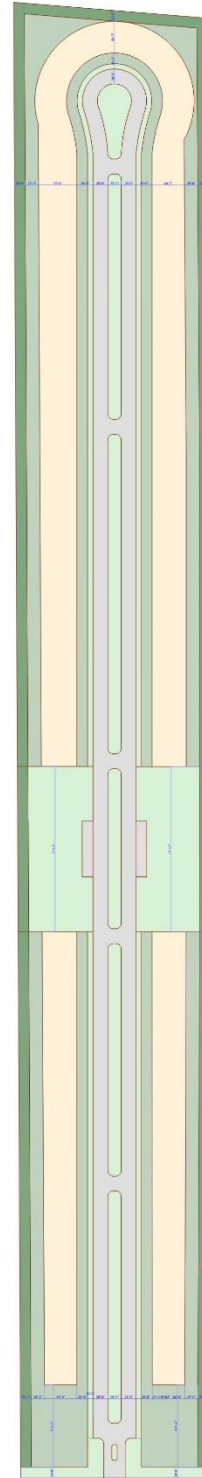
- a. Prior to the approval of a preliminary plat for the subject property an official tree survey must be conducted by a licensed arborist and submitted to the City of Tomball in conjunction with a landscape/tree preservation plan. Said preservation plan must be consistent with the planned preservation areas identified in the provided concept plan (Exhibit C2). Said landscape and tree preservation plan(s) must be approved by the City of Tomball prior to the start of construction.



**Exhibit C**  
Concept Plan



**Exhibit C1**  
Open Space Exhibit



**Exhibit C2**  
Tree Preservation Exhibit

Streets and Parking All existing trees and vegetation removed 155,285 SF	Yard Area All existing trees and vegetation to remain. New Trees, shrubs, and landscaping to be added. 273,900 SF
Building Area All existing trees and vegetation removed only when starting with building footprint 300,167 SF	Buffer Area All existing trees and vegetation to remain. New Trees to be added as needed to buffer property 115,791 SF
Retention Area All existing trees and vegetation removed. New Trees, shrubs, and landscaping added. 140,481 SF	



Blue Kite Building Group  
2138D Welch St. Houston TX 77019  
281-785-5486

Zion Rd. Trac  
Planned Developme  
22.8 A