

***Rezoning
Staff Report***

Planning & Zoning Commission Public Hearing Date: December 14, 2020
City Council Public Hearing Date: December 21, 2020

Rezoning Case: P20-332
Property Owner(s): TEJUMA CHERRY STREET LLC
Applicant(s): 7Gen Planning
Legal Description: 9N-2 Abstract 632 C N Pillot
Location: East side of Cherry Street, across from the Cherry Pines Subdivision (Exhibit "A")
Area: 20.78 acres
Comp Plan Designation: Neighborhood Residential and Public & Institutional (Exhibit "B")
Present Zoning and Use: Agricultural District (Exhibit "C") / Undeveloped (Exhibit "D")
Proposed Use(s): Single-family residential community (Exhibit "E")
Request: Rezone from the Agricultural District to the Single-Family 6 District
Adjacent Zoning & Land Uses:
 North: Agricultural Estate District / Undeveloped
 South: Commercial District / Commercial facility (City Masonry)
 West: Single-Family 6 District / Single-family residences (Cherry Pines subdivision under construction)
 East: Agricultural District / City of Tomball M121E Drainage Channel

BACKGROUND

In June 2020, City staff met with the applicant and other representatives to discuss the development of a single-family residential community on the property.

ANALYSIS

The property is approximately 20.78 acres of land on the east side of South Cherry Street. The applicant is requesting a rezoning to the Single-Family 6 District for the development of approximately 65 single-family residential lots. The property is zoned Agricultural District. Surrounding properties are zoned Agricultural to the north and east, Commercial to the south, and Single-Family 6 to the west.

The property is currently undeveloped. There is a single-family residential subdivision, Cherry Pines, across South Cherry Street currently under construction and a single-family residential subdivision at South Cherry Street and Theis Lane, Pine Meadows, that was completed in 2016. There is undeveloped property to the north, a commercial establishment (City Masonry) to the south, and a city drainage channel to the east.

A portion of the property is designated as Public and Institutional, but most of the property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached housing. The Single-Family 6 District is a compatible zoning district for the Future Land Use designation and area.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 23, 2020. A Notice of Public Hearing was published in the paper on November 25, 2020. 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 P20-332.

1. The proposed rezoning is compatible with the surrounding zoning districts in the area;
2. The proposed development is consistent with the surrounding land uses in the area;
3. The proposed rezoning conforms to the Comprehensive Plan and Future Land Use Map.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

**Exhibit “A”
Aerial Photo**



Exhibit "B"
Comprehensive Plan

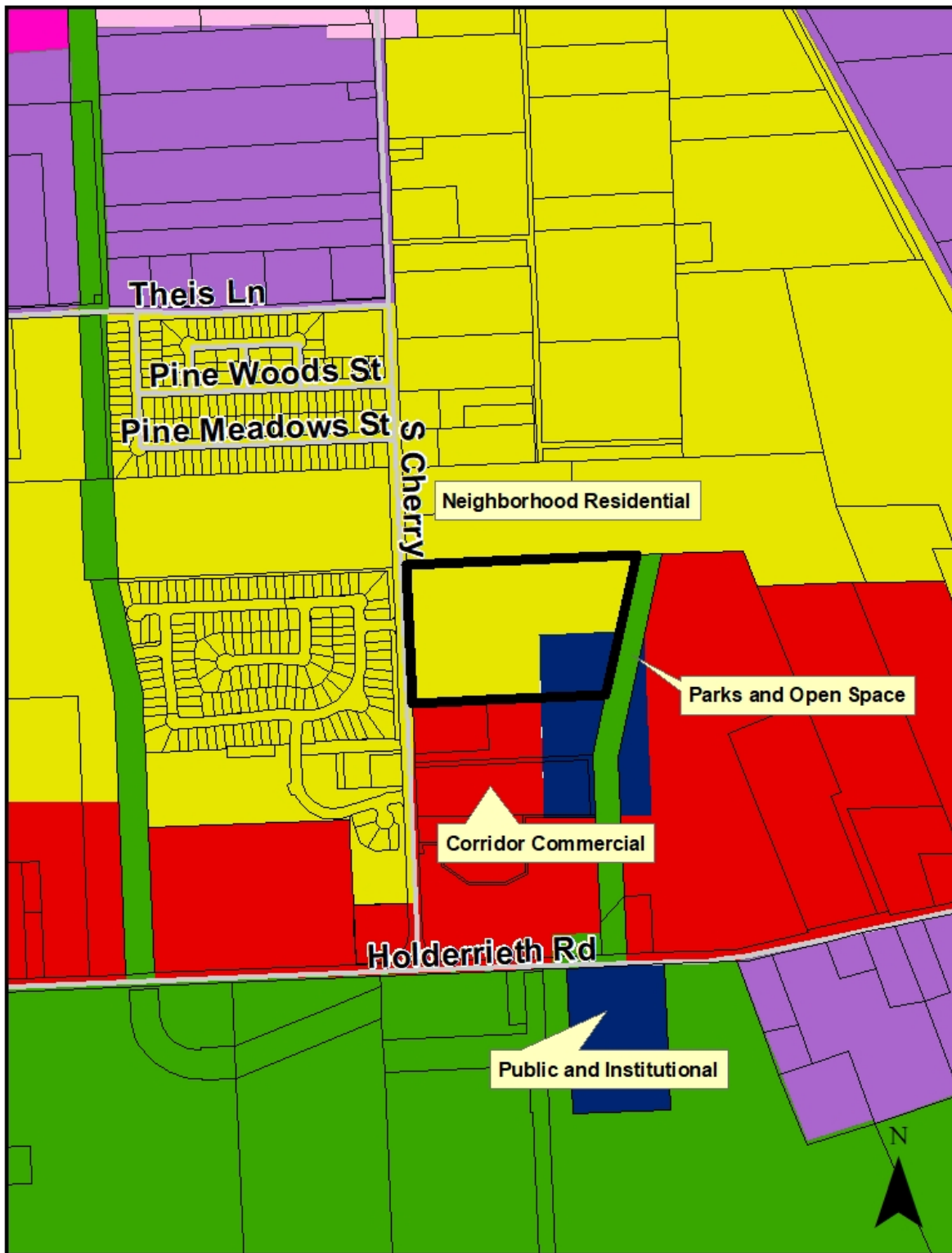
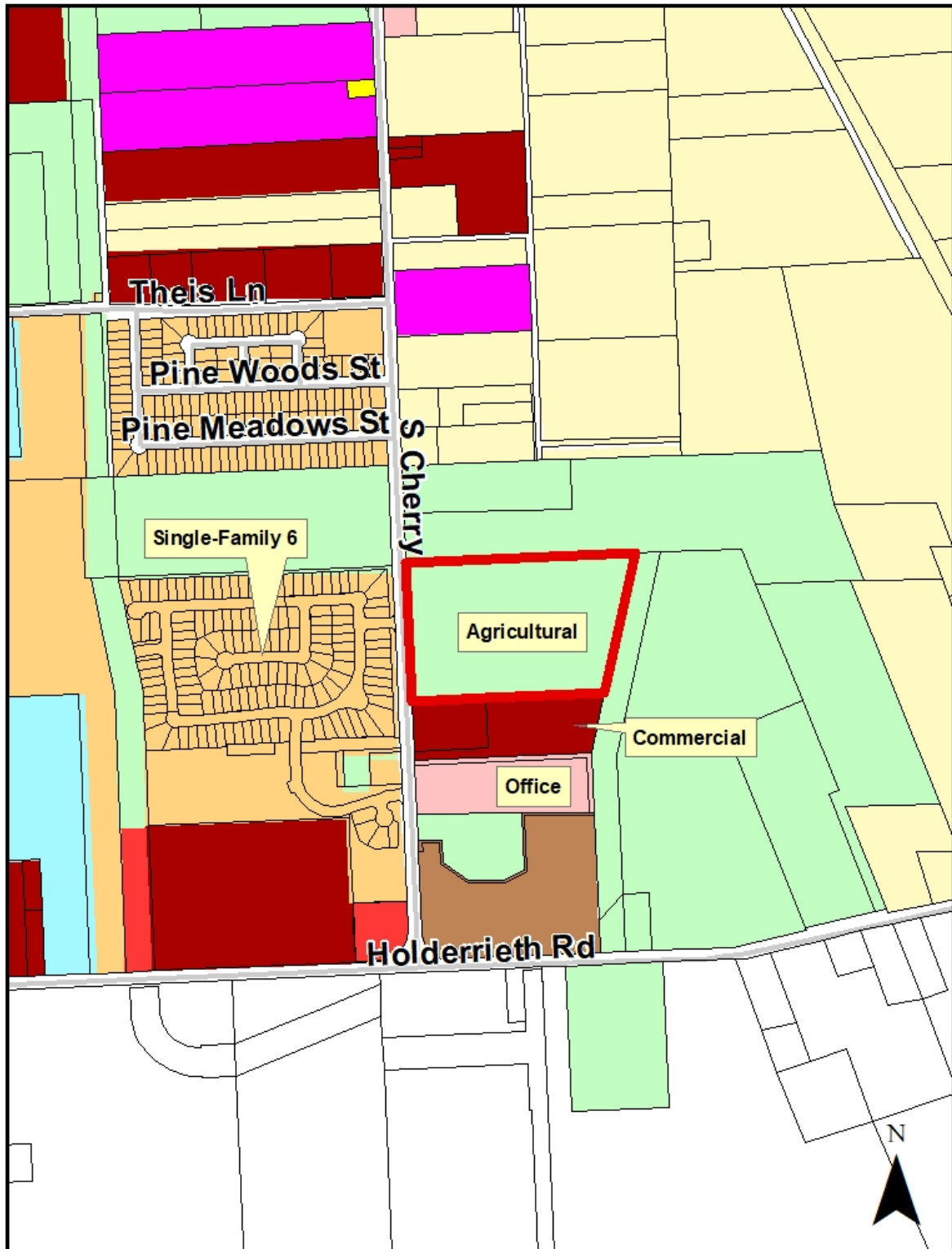


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Rezoning Application



RECEIVED (KC)
11/02/2020 2:15:22 PM

Revised: 4/13/2020

P&Z #20-332

\$607.80

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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: 7Gen Planning Title: Planner
Mailing Address: 2107 City West Blvd, Suite 400 City: Houston State: Texas
Zip: 77042 Contact: Arya C Karve
Phone: (713) 579 3833 Email: akarve@7genplanning.com

Owner

Name: Tejuma Cherry Street LLC Title: Owner
Mailing Address: 20703 Sundance Spring Lane City: Spring State: Texas
Zip: 77379 Contact: Arya C Karve
Phone: (713) 579 3833 Email: akarve@7genplanning.com

Engineer/Surveyor (if applicable)

Name: Costello Inc. Title: Engineer
Mailing Address: 2107 City West Blvd, Suite 300 City: Houston State: Texas
Zip: 77042 Contact: Linh Tran
Phone: (713) 783 7788 Fax: (____) _____ Email: btran@costelloinc.com

Description of Proposed Project: 20.78 Ac Low Density Single Family Subdivision

Physical Location of Property: 0 Cherry Street, Tomball, Tx 77375-Aprox 1,450' North of Cherry St and Holderrieth intersection.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 9N-2 Abstract 632 C N Pilot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agriculture (AG)

Current Use of Property: Agriculture

Proposed Zoning District: Single Family Residential 6 (SF-6)

Proposed Use of Property: Low Density Single Family Residential Lots

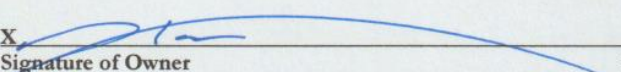
HCAD Identification Number: 0440580000273 Acreage: 20.78 Ac

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

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  11/2/2020
Signature of Applicant Date

X  11/2/2020
Signature of Owner Date

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this _____ day of _____, 2020, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 2020.

Notary Public in and for the State of Texas
My Commission Expires _____

BY _____
PRESIDENT, VICE PRESIDENT OR
LAND DEVELOPMENT

BY _____
LIMITED PARTNERSHIP
BY _____
GENERAL LIMITED LIABILITY COMPANY

BY _____
PRESIDENT, VICE PRESIDENT OR
LAND DEVELOPMENT

BY _____
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GENERAL LIMITED LIABILITY COMPANY

BY _____
PRESIDENT, VICE PRESIDENT OR
LAND DEVELOPMENT

BY _____
LIMITED PARTNERSHIP
BY _____
GENERAL LIMITED LIABILITY COMPANY



WITNESSED BY ME, the undersigned authority, on this _____ day of _____, 2020, at _____, Texas.

BY _____
NOTARY PUBLIC
COUNTY OF HARRIS, TEXAS

BY _____
PRESIDENT, VICE PRESIDENT OR
LAND DEVELOPMENT

BY _____
LIMITED PARTNERSHIP
BY _____
GENERAL LIMITED LIABILITY COMPANY

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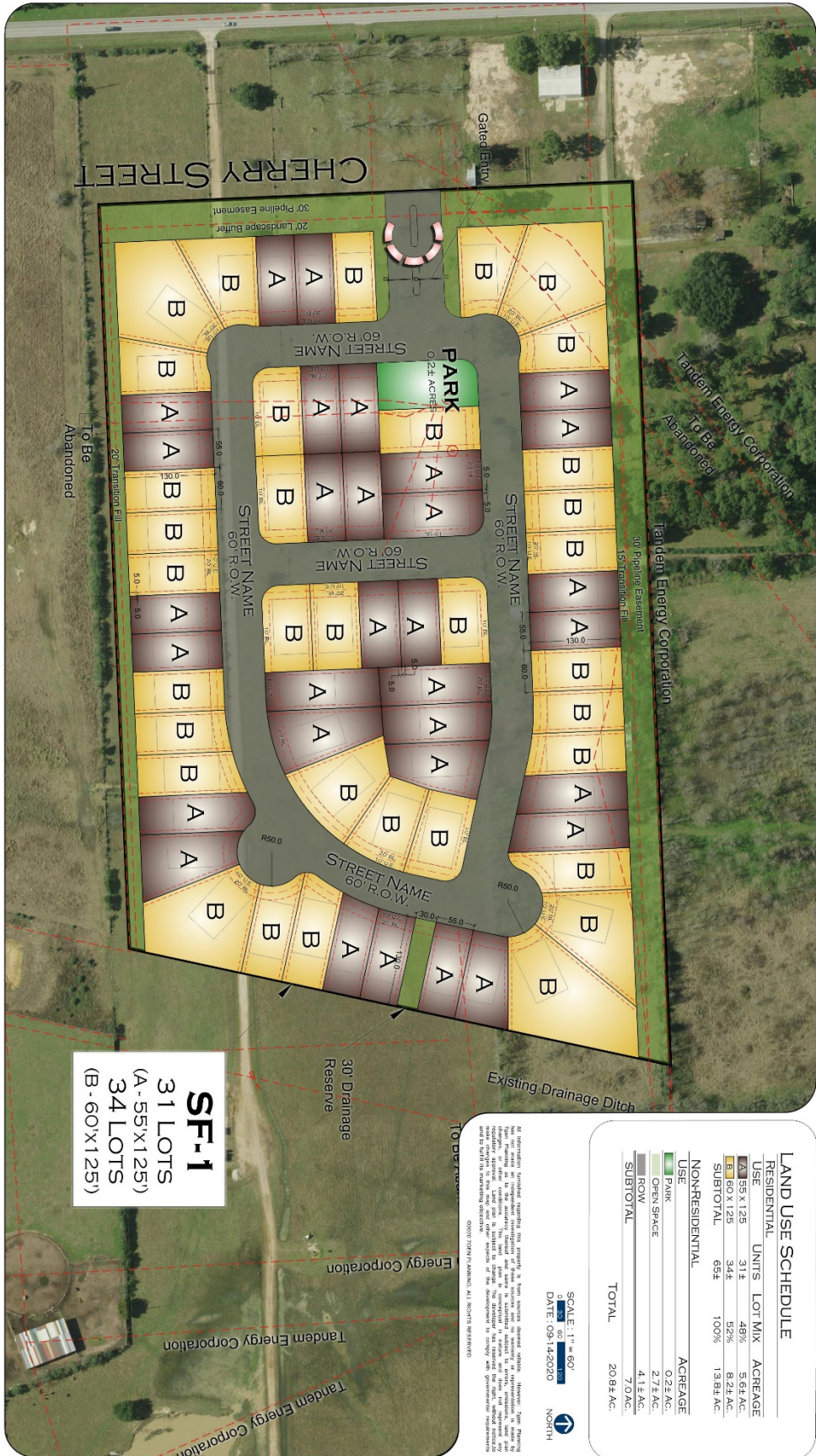
CHERRYWOOD ESTATES

SUBDIVISION OF 807 ACRES
RECORDED IN CLERK'S FILE NUMBER 20100447087
OF REAL PROPERTY OF HARRIS
C. N. LOCATED IN THE
HARRIS COUNTY, TEXAS
65 LOTS 3 BLOCKS 4 RESERVES
DATE OCTOBER 2020





20-ACRE CHERRY TRACT **20.8± ACRES WITHIN TOMBALL TEXAS** **DETAILED LOTTING PLAN - OPTION K**



SF-1
 31 LOTS
 (A - 55'x125')
 34 LOTS
 (B - 60'x125')

LAND USE SCHEDULE			
RESIDENTIAL			
USE	UNITS	LOT MIX	ACREAGE
A 55' x 125'	31±	48%	5.6± AC.
B 60' x 125'	34±	52%	8.2± AC.
SUBTOTAL	65±	100%	13.8± AC.
NON-RESIDENTIAL			
USE			ACREAGE
PARK			0.2± AC.
OPEN SPACE			2.7± AC.
ROW			4.1± AC.
SUBTOTAL			7.0± AC.
TOTAL			20.8± AC.

SCALE: 1" = 60'
 DATE: 09/14/2020
 NORTH

ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF 7GEN PLANNING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS PLAN OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF 7GEN PLANNING, INC. THE USER OF THIS PLAN AND ANY INFORMATION CONTAINED HEREIN IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND TO OBTAIN THE NECESSARY EASEMENTS AND RIGHTS OF WAY FOR THE PROJECT.



October 28, 2020

City of Tomball
Planning Division
501 James St.
Tomball, Tx 77375

Rezone request for 20.78 Ac Cherry Street Tract (HCAD ID # 0440580000273)

To whomever it may concern:

We, 7Gen Planning are submitting a request to rezone the above-mentioned property on behalf of the owner, Tejuma Cherry Street LLC.

This tract is currently zoned as Agricultural (AG). We are requesting it to be rezoned to Single Family Residential - 6 (SF-6). The intent is to develop the property in accordance with the zoning ordinance, as a low density detached, single family residences on lots larger than 6,000 square feet.

Please find a copy of the proposed site plan attached herewith for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arya C Karve', with a horizontal line underneath.

Arya C Karve
Planner.

9050 N. Capital of Texas Hwy., Bldg. 3, Suite 390
Austin, Texas 78759
512.646.3445

2107 CityWest Blvd., 4th Floor
Houston, Texas 77042
713.343.0394

TAX CERTIFICATE



ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON, SUITE 100
HOUSTON, TEXAS 77002

Issued To:

TEJUMA CHERRY STREET LLC
20703 SUNDANCE SPRINGS LN
SPRING, TX 77379-8224
USA

Legal Description

TR 9N-2
ABST 632 C N PILLOT

Parcel Address: 0 CHERRY ST

Legal Acres: 20.7759

< - - -

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Account Number: 044-058-000-0273

Certificate No: 12170720

Certificate Fee: \$10.00

Print Date: 10/15/2020 09:33:37 AM

Paid Date:

Issue Date: 10/15/2020

Operator ID: EAVILA

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2019. TAXES THRU 2019 ARE PAID IN FULL. TAXES HAVE NOT BEEN CALCULATED FOR YEAR(S): 2020.

Exemptions:

OPEN SPACE

Certified Owner:

TEJUMA CHERRY STREET LLC
20703 SUNDANCE SPRINGS LN
SPRING, TX 77379-8224
USA

Certified Tax Unit(s):

40 Harris County
41 Harris County Flood Control Dist
42 Port of Houston Authority
43 Harris County Hospital District
44 Harris County Dept. of Education
45 Lone Star College System
83 City of Tomball
679 Emergency Service Dist #8 (E.M.S.)

2019 Value:	449,652
2019 Levy:	\$13.04
2019 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00



DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GR) No: N/A

Issued By: *Epi Arla*
ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

County: Harris
Project: Cherry Tract
C.I. No.: 1226-18R
Job Number: 2020117-20

METES AND BOUNDS FOR 20.78 ACRES

Being a 20.78-acre tract of land located in the C. N. Pillot Survey, A-632, Harris County, Texas; said 20.78-acre tract being all of a called 20.7832-acre tract of land conveyed to Chesmar Homes, LLC in Clerk's File Number RP-2020-443580 of the Official Public Records of Real Property Harris County (O.P.R.P.H.C.), Texas; said 20.78-acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, NAD 83, South Central Zone):

Beginning at a 1/2-inch iron rod found for the northwest corner of said 20.7832-acre tract and the southwest corner of a called 42-acre tract of land recorded in Clerk's File Number W888872 of the O.P.R.P.H.C., same being the east Right-of-Way (R.O.W.) line of South Cherry Street (80-feet wide);

1. Thence, with the common line of said 20.7832-acre tract and said 42-acre tract, North 87 degrees 31 minutes 44 seconds East, a distance of 1,274.73 feet to a 5/8-inch iron rod with cap found for the northeast corner of said 20.7832-acre tract and the northwest corner of a called 6.3664-acre tract recorded in Clerk's File Number W515871 of the O.P.R.P.H.C.;
2. Thence, with the common line of said 20.7832-acre tract and said 6.3664-acre tract, South 12 degrees 08 minutes 03 seconds West, a distance of 798.09 feet to a 5/8-inch iron rod found for the southeast corner of said 20.7832-acre tract and the northeast corner of Tomball Renewal Center Replat, a subdivision recorded in Film Code Number 617162 of the Harris County Map Records (H.C.M.R.);
3. Thence, with the common line of said 20.7832-acre tract and said Tomball Renewal Center Replat, South 87 degrees 39 minutes 40 seconds West, a distance of 1,073.18 feet to a 5/8-inch iron rod with cap found at the southwest corner of said 20.7832-acre tract and the northwest corner of said Tomball Renewal Center Replat, same being on the east R.O.W. line of aforesaid South Chery Street;
4. Thence, with said east R.O.W. line, North 02 degrees 29 minutes 38 seconds West, a distance of 769.82 feet to the **Point of Beginning** and containing 20.78 acres of land.

09/30/2020

Mark D. Armstrong



TAX CERTIFICATE FOR ACCOUNT : 0440580000273

AD NUMBER: 0440580000273

GF NUMBER:

CERTIFICATE NO : 2579910

COLLECTING AGENCY

Kristi Williams

PO Box 276

Tomball TX 77377-0276

DATE : 10/28/2020

FEE : \$10.00

PROPERTY DESCRIPTION

TR 9N-2|ABST 632 C N PILLOT

PAGE 1 OF 1

REQUESTED BY

COSTELLO INC

9990 RICHMOND AVE #450

HOUSTON TX 77042

0000000 CHERRY ST

20.7759 ACRES

PROPERTY OWNER

TEJUMA CHERRY STREET LLC

20703 SUNDANCE SPRINGS LN

SPRING TX 773798224

THIS IS TO CERTIFY THAT THE AD VALOREM RECORDS OF THE TOMBALL ISD TAX ASSESSOR-COLLECTOR REFLECT THE TAX, INTEREST, AND OTHER STATUTORY FEES THAT HAVE BEEN ASSESSED AND ARE NOW DUE TO THE TAXING ENTITIES AND FOR THE YEARS SET OUT BELOW FOR THE DESCRIBED PROPERTY HEREIN. THE TAX ASSESSOR-COLLECTOR MAKES NO CERTIFICATION AS TO THE AMOUNT OF TAX, PENALTY, INTEREST, OR OTHER FEES ASSESSED BY OR DUE ANY TAXING ENTITY FOR THE YEAR OR YEARS FOR WHICH THE TAX ASSESSOR-COLLECTOR DID NOT HAVE THE STATUTORY DUTY TO COLLECT OR KEEP RECORDS OF SUCH COLLECTION. ADDITIONAL TAXES MAY BECOME DUE ON THE DESCRIBED PROPERTY, WHICH ARE NOT REFLECTED HEREIN, IF THE SAID DESCRIBED PROPERTY HAS OR IS RECEIVING ANY SPECIAL STATUTORY VALUATIONS THAT MAY TRIGGER TAX ROLLBACK PROVISIONS. THIS CERTIFICATE APPLIES TO ADVALOREM TAXES ONLY AND DOES NOT APPLY TO ANY SPECIAL ASSESSMENT LEVIES.

CURRENT VALUES			
LAND MKT VALUE:	1,039	IMPROVEMENT :	0
AG LAND VALUE:	448,613	DEF HOMESTEAD:	0
APPRAISED VALUE:	449,652	LIMITED VALUE:	0
EXEMPTIONS:	Ag 1D1		
LAWSUITS:			

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2020	TOMBALL I.S.D.	0.00	0.00	0.00	0.00	0.00	0.00
2020 SUB TOTAL							\$0.00

TOTAL CERTIFIED TAX DUE 10/2020 : \$ 0.00

ISSUED TO :

COSTELLO INC

ACCOUNT NUMBER:

0440580000273

CERTIFIED BY :



TOMBALL I.S.D.

This is a statement from the Tax Collector of Tomball I.S.D., indicating that the taxes to be imposed by Tomball Independent School District for the 2021 tax year have not been calculated as of the above date.