

**ORDINANCE NO. 2023-50**

**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 1.06 ACRES OF LAND LEGALLY DESCRIBED AS BEING A PORTION OF THE JOHN SMITH SURVEY, ABSTRACT NO. 730 FROM SINGLE FAMILY ESTATE RESIDENTIAL – 20 (SF-20-E) TO COMMERCIAL (C). THE PROPERTY IS GENERALLY LOCATED WITHIN THE 1100 BLOCK (NORTH SIDE) OF E. HUFSMITH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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.**

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**Whereas**, Sendero Ventures LLC has requested changing the zoning district classification of approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas; 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 approve the requested rezoning; 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 rezoning classification of the Property is hereby changed and is 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 hereby stated, 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 as described above.

**Section 5.** 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 6.** 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary

# Exhibit "A"

Description of 1.057 acres (46,040 square feet) of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas; being a portion of a called 15.237 acre tract to Daniel G. Rodano by Special Warranty Deed of land as recorded in Harris County Clerk's File No. X609281, said 1.057 acre tract being more particularly described as follows (all bearings are based NAD83 Texas State Plane Coordinate System):

COMMENCING at a found 5/8-inch iron rod for the southwest corner of said 15.237 acre tract, the southeast corner of a called 0.850 acre residual of a called 15.2374 acres as recorded under Harris County Clerk's File No. X609278 and in the northwest right-of-way of Huffsmith Road;

THENCE, North 02°57'19" West, along the west line of said 15.237 acre tract and the east line of said 0.850 acre, a west line of a called 2.792 acre to Hogan Crum, LLC by General Warranty Deed as recorded under Harris County Clerk's File No. RP-2017-108431, passing a found 5/8-inch iron rod with cap at 339.17 feet and a called 7.000 acre tract to Hogan Crum, LLC by General Warranty Deed as recorded under Harris County Clerk's File No. RP-2017-46121 a total distance of 931.85 feet to the POINT OF BEGINNING and southwest corner of the herein described tract;

THENCE, North 02°57'19" West, along the west line of said 15.237 acre tract and the east line of said 7.000 acre tract a distance of 104.70 feet to a found 5/8-inch iron rod with cap for the northwest corner of the herein described tract;

THENCE, North 89°10'35" East, over and across said 15.237 acre tract a distance of 469.78 feet to a found 5/8-inch iron rod with cap for the northeast corner of the herein described tract and in the west line of a called 4.2394 acre tract to Weston Hickey ETUX by General Warranty Deed as recorded under Harris County Clerk's File No. 20150258907;

THENCE, South 02°25'15" East, along the east line of said 15.237 acre tract and the west line of said 4.2394 acre tract a distance of 91.60 feet to point for the southeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 02°25'15" East, 623.14 feet, for the southeast corner of the said 15.237 acre tract and in the northwest right-of-way of said Huffsmith Road;

THENCE, South 87°34'45" West, continuing over and across said 15.237 acre tract 468.62 feet to the POINT OF BEGINNING and containing a computed area of 1.057 acres (46,040 square feet) of land. This description is based on a ground survey and plat prepared by Mark Sherley, Registered Professional Land Surveyor and dated October 17, 2023.

  
Mark L. Sherley  
Registered Professional Land Surveyor No. 5326

