

ORDINANCE NO. 2022-09

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 1.77 ACRES OUT OF TRACT 53 FROM ABSTRACT 34 J HOUSE SURVEY (DESCRIBED IN “EXHIBIT A”), FROM MULTI-FAMILY RESIDENTIAL TO THE COMMERCIAL DISTRICT, SAID PROPERTY BEING LOCATED WITHIN THE 300-400 BLOCKS OF W. HUFSMITH ROAD (SOUTH SIDE), AT 457 WEST HUFSMITH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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, Glenn R. Stumpner has requested that approximately 1.77 acres of land legally described as being a portion of Tract 53 from Abstract 34 of the J House Survey, generally located within the 300-400 blocks of W. Hufsmith Road (south side), between Baker Drive and N. Cherry Street, 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 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 deny the requested rezoning of the Commercial 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 Multi-Family Residential District to the Commercial District 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 Commercial 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 Commercial District 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 THE 18th DAY OF APRIL 2022.

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 2ND DAY OF MAY 2022.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Metes & Bounds Description

BEING 2.00 acres of land out of Joseph House Survey, Abstract 34, Harris County, Texas; said 2.00 acres of land being the same property described in Deed from Harold J. Black to Maybelle Black and recorded under County Clerk's File No. D482038 of the Official Public Records of Real Property of Harris County, Texas; said 2.00 acres being more particularly described as follows:

BEGINNING at an iron rod marking the Northwest corner of said 2.00-acre tract and in the South line of Hufsmith Road;

THENCE S. 00 Degrees, 40 Minutes East, 308 feet to an iron rod marking the Southwest corner of said 2.00-acre tract and in the North line of the Tomball Terrace Subdivision;

THENCE N. 89 Degrees, 22 Minutes East, 282.86 feet along said North line to iron rod marking the Southeast corner of said 2.00-acre tract;

THENCE N. 00 Degrees, 40 Minutes West, 308 feet to iron rod marking the Northeast corner of said 2.00-acre tract in the South line of said Hufsmith Road;

THENCE S. 89 Degrees, 20 Minutes West, 282.86 feet to **PLACE OF BEGINNING** and containing 2.00 acres of land;

SAVE AND EXCEPT, HOWEVER, the following:

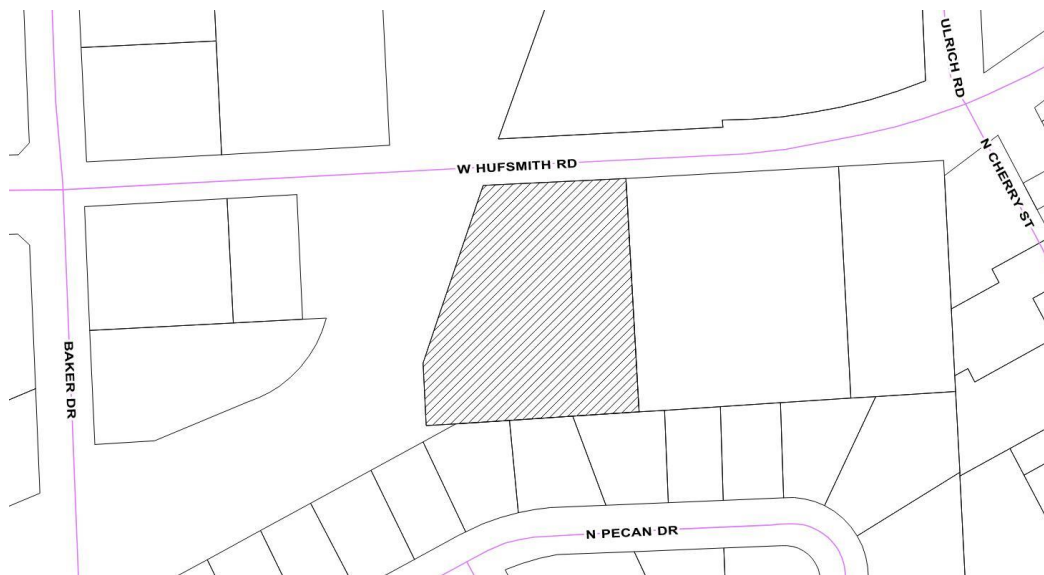
A tract of land situated in the County of Harris, State of Texas, being part of the Joseph House Survey, Abstract No. 34, also being part of that tract of land conveyed in File Number Sequence K011890, Film Code No. 014-67-0228, of the Official Public Records of Real Property of Harris County, Texas; said tract being more particularly described as follows:

BEGINNING at the northwesterly corner of the aforesaid tract of land, also being on the southerly line of that right-of-way for West Hufsmith Road (50 feet wide);

THENCE along said southerly line South 88 Degrees, 1 Minute 37 Seconds East, 91.54 feet to a point;

THENCE S. 25 Degrees, 06 Minutes 53 seconds West, 232.92 feet to a point in the North line of the aforesaid tract;

THENCE along said easterly line North 01 Degree 58 Minutes 23 Seconds East, 214.18 feet to the **POINT OF BEGINNING** containing 9,803 square feet (0.2225 acre), more less.



Location: 300-400 Block of W Hufsmith Rd. (South Side) at 457 W. Hufsmith Rd.