

**ORDINANCE NO. 2023-42**

**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 3.00 ACRES OF LAND LEGALLY DESCRIBED AS BEING A PORTION OF LOT 1, BLOCK 1 OF SWINGHAMMER/HAUCK SUBDIVISION FROM SINGLE FAMILY RESIDENTIAL ESTATE -20 (SF-20-E) TO COMMERCIAL (C). THE PROPERTY IS GENERALLY LOCATED NORTH OF THE 12900 BLOCK (NORTH SIDE) OF THEIS LANE; 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**, TCG Capital has requested changing the zoning district classification of approximately 3.00 acres of land being a portion of Lot 1, Block 1 of Swinghammer/Hauck subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is generally located north of the 12900 block (north side) of Theis Lane, 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 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 16 DAY OF October 2023.

|                     |            |
|---------------------|------------|
| COUNCILMAN FORD     | <u>Yea</u> |
| COUNCILMAN STOLL    | <u>Yea</u> |
| COUNCILMAN DUNAGIN  | <u>Yea</u> |
| COUNCILMAN TOWNSEND | <u>Yea</u> |
| COUNCILMAN PARR     | <u>Yea</u> |

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON 6 DAY OF November 2023.

|                     |       |
|---------------------|-------|
| COUNCILMAN FORD     | _____ |
| COUNCILMAN STOLL    | _____ |
| COUNCILMAN DUNAGIN  | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN PARR     | _____ |

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

ATTEST:

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

Exhibit "A"

STATE OF TEXAS §  
§  
§  
§  
COUNTY OF HARRIS §

Metes & Bounds Property Description

A tract of land containing 3.000 Acres, being a portion of Lot 1, Block 1 Swinghammer/Hauck Subdivision according to the map or plat thereof recorded under Film Code No. 678215 of the Map Records of Harris County, Texas (M.R.H.C.T.), being a portion of a tract recorded in the name of Quentin Blanchard under Harris County Clerk's File (H.C.C.F.) No. 2019-561862 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.) and being more particularly described by metes and bounds as follows: (Bearings based on Film Code No. 678215 of the M.R.H.C.T.)

BEGINNING at an iron rod found on the east right-of-way line of a 30 Foot wide unopened road as shown on the plat of Tomball Townsite as recorded in Volume 2, Page 65 of the M.R.H.C.T., being the northwest corner of Outlot 195 of said Tomball Townsite, being the southwest corner of said Lot 1, and being southwest corner of this tract;

THENCE, NORTH 00° 00' 55" WEST, with said east right-of-way line, a distance of 145.17 Feet to an iron rod found at the northwest corner of said Lot 1, being the northwest corner of this tract;

THENCE, NORTH 89° 59' 12" EAST, with the south line of Lot 2, a distance of 899.50 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the northeast corner of this tract;

THENCE, SOUTH 00° 00' 49" EAST, across and through the aforementioned Lot 1, a distance of 145.39 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the southeast corner of this tract;

THENCE, WEST, with the north line of the aforementioned Outlot 195, being the north line of a tract recorded in the name of Hightower Investments, Ltd. under H.C.C.F. No. 20150587574 (Tract 2) of the R.P.R.H.C.T., and the north line of Theis Road Warehouses as recorded under Film Code No. 683774 of the M.R.H.C.T., a distance of 899.50 Feet to the POINT OF BEGINNING and containing 3.00 Acres of land.

(See attached drawing)



Terrance P. Mish  
Registered Professional Land Surveyor  
No. 4981  
Job No. 21-08359  
November 03, 2021



Location: 12900 block (north side) of Theis Ln. Being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision, City of Tomball, Harris County, Texas.

-END-