

ORDINANCE NO. 2022-13

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 13.2 ACRES OF LAND OUT OF TOMBALL OUTLOTS 163, 167, 171, 172, 175, AND 176 FROM THE AGRICULTURAL (AG) DISTRICT TO THE COMMERCIAL (C) DISTRICT, BEING GENERALLY LOCATED WITHIN THE 13000 BLOCK (SOUTH SIDE) OF MEDICAL COMPLEX DRIVE, 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, Welcome Land Development LLC and Jacquelyn Marshall have requested that approximately 13.2 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176, generally located within the 13000 block (south side) of Medical Complex Drive, 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 approve 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 Agricultural District to the Commercial 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 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 20th DAY OF JUNE 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 5th DAY OF JULY 2022.

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

Lori Klein Quinn, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"

TRACT 1

BEING 3.5879 ACRES (156,290 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 7.56 ACRE TRACT RECORDED UNDER H.C.C.F. NO. 20120271296 AND BEING A PORTION OF OUTLOTS 172, 175 AND 176 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 3.5879 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a 1-inch iron pipe found at the West right-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of said called 7.56 acre tract and the herein described tract;

THENCE, South $87^{\circ}28'49''$ West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southeast corner of that certain called 2.500 acre tract recorded under H.C.C.F. No. 20130397880, said iron rod also marks the Southwest corner of said called 7.56 acre tract and the herein described tract;

THENCE, North $02^{\circ}21'26''$ West, along the East line of said called 2.500 acre tract, a distance of 188.18 feet to a 5/8 inch iron rod with cap found in the South line of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644 for the Westerly most Northwest corner of the herein described tract;

THENCE, North $87^{\circ}29'33''$ East, along the South line of said called 15.541 acre tract, a distance of 199.17 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Townsite, said pinch pipe also marks an interior corner for the herein described tract;

THENCE, North $02^{\circ}39'54''$ West, along the common line between said called 7.56 acre tract and said called 15.541 acre tract, a distance of 134.16 feet to a point in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20150107119 for the Northwest corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears N $82^{\circ}17'$ E, 0.36 feet, said point falling in the arc of a non-tangent curve to the Left;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of $28^{\circ}35'35''$, a radius of 1560.00, an arc length of 778.51 feet and a chord bearing and distance of S $73^{\circ}19'34''$ E, 770.45 feet to a 5/8 inch iron rod with cap found marking the Westerly cutback corner at the intersection of East right-of-way line said South Cherry Street, said iron rod also marks the Northerly most Northeast corner of the herein described tract;

THENCE, South $45^{\circ}17'46''$ East, along said cutback line, a distance of 36.70 feet to a 5/8 inch iron rod with cap found marking the Easterly cutback corner at the intersection of East right—of-way line said South Cherry Street and the South right—of-way line of Medical Complex Drive, said iron rod also marks the Easterly most Northeast corner of the herein described tract;

THENCE, South $02^{\circ}24'16''$ East, along the East right—of-way line of South Cherry Street, a distance of 42.07 feet to the POINT OF BEGINNING and containing 3.5879 acres (156,290 square feet) of land, more or less.

TRACT 2

BEING 2.5043 ACRES (109,087 SQUARE FEET) OF LAND BEING ALL OF THAT CERTAIN 2.500 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOT 175 OF TOMBALL TOWN SITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 2.5043 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

COMMENCING at a 1-inch iron pipe found at the Westright-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of that certain called 7.56 acre tract recorded under H.C.C.F. No. 20120271296;

THENCE, South 87°28'49" West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southwest corner of said called 7.56 acre tract, said iron rod also marks the Southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 87°28'49" West, continuing along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 579.21 feet to a point in the West line of said Outlot 175 for the Northwest corner of said Lot 1, Block 1 of Devasco International and the Southwest corner of the herein described tract, from which a found 3/4 inch iron pipe bears, N 76°26' E, 1.4 feet;

THENCE, North 02°32'23" West, along the West line of said called 2.500 acre tract, a distance of 188.30 feet to a point for the common West corner of Outlots 171 and 175, the Southwest corner of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644, said point also marks the Northwest corner of said called 2.500 acre tract and the herein described tract, from which a found 1-inch iron pipe bears N 65°31' E, 1.39 feet;

THENCE, North 87°29'33" East, along the South line of said called 15.541 acre tract, a distance of 579.81 feet to a 5/8 inch iron rod with cap found for the Northwest corner of said called 7.56 acre tract, Northeast corner of said called 2.500 acre tract and the herein described tract;

THENCE, South 02°21'26" East, along the common line between said called 7.56 acre tract and said called 2.500 acre tract, a distance of 188.18 feet to the POINT OF BEGINNING and containing 2.5043 acres (109,087 square feet) of land, more or less.

TRACT 3

BEING 7.1364 ACRES (310,860 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 15.541 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOTS 163, 167 AND 171 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 7.1364 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a point in the East right-of-way line of a 30.00 foot road (unimproved), as shown on said Plat of Tomball Townsite for the common West corner of said Outlots 171 and 175, said point also marks the Southwest corner of said called 15.541 acre tract and the herein described tract, from which a found 1-inch iron pipe bears, N 65°31' E, 1.39 feet;

THENCE, North 02°32'23" West, along the East right-of-way line of said 30.00 foot road, being common with the West line of said Outlots 163, 167 and 171, a distance of 643.20 feet to a 5/8 inch iron rod with cap set in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20130059562 for the Northwest corner of the herein described tract, said iron rod falling in the arc of a non-tangent curve to the Right;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Right, having a central angle of 07°25'11", a radius of 2940.00, an arc length of 380.73 feet and a chord bearing and distance of S 61°30'58" E, 380.46 feet to a 5/8 inch iron rod with cap set for the Point of Tangency;

THENCE, South 57°48'23" East, continuing along the Southeast right-of-way line of Medical Complex Drive, a distance of 517.25 feet to a 5/8 inch iron rod with cap set for the Point of Curvature of a curve to the Left;

THENCE, in a Southeasterly direction, continuing along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of 01°13'24", a radius of 1560.00, an arc length of 33.31 feet and a chord bearing and distance of S 58°25'05" E, 33.31 feet to a point in the East line of said called 15.541 acre tract and said Outlot 171 for the Northeasterly corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, N 82°17' E, 0.36 feet;

THENCE, South $02^{\circ}39'54''$ East, along the East line of said called 15.541 acre tract, a distance of 134.16 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Site, said pinch pipe also marks the Southeast corner for the herein described tract:

THENCE, South $87^{\circ}29'33''$ West, along the South line of said called 15.541 acre tract, at 199.17 feet pass a 5/8 inch iron rod with cap found marking the common North corner of s called 7.56 acre tract recorded under H.C.C.F. No. 20120271296 and a called 2.500 acre tract recorded under H.C.C.F. No. 20130397880 and continuing a total distance of 778.98 feet to the POINT OF BEGINNING and containing 7.1364 acres (310,860 square feet) of land, more or less.

Location: 13000 Block (South side) of Medical Complex D

