

ORDINANCE NO. 2022-12

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 2.1 ACRES OF LAND OUT OF LOT 5 IN TOMBALL MEDICAL PARK (DESCRIBED IN “EXHIBIT A”), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL (AG) DISTRICT TO OFFICE (O) DISTRICT, BEING GENERALLY LOCATED WITHIN THE 13100 BLOCK (NORTH 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.

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Whereas, Shahnaz Shahzad has requested that approximately 2.1 acres of land legally described as being a portion of Lot 5 in Tomball Medical Park, generally located within the 13100 block (north 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 General Retail 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 Office 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 Office 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 **Office 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	<u>ABSTAIN</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<u>AYE</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 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"

Being a lot, tract or parcel of land situated in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, and being a portion of Lot 5 of Tomball Medical Park Replat of Reserve "B" and a Portion of a 0.38 Acre Tract, a subdivision in the City of Tomball, Harris County, Texas, according to the Map or Plat thereof recorded under Film Code No. 571288, Map Records, Harris County, Texas, same being a portion of a tract of land conveyed to Harkins Medical Properties LTD by deed recorded in Instrument No. RP-2019-82497, Official Public Records, Harris County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being along the North right of way line of Medical Complex Drive (variable width right of way), said corner being along the East line of a tract of land conveyed to Gill Real Estate, LLC by deed recorded in Instrument No. 20100000958, Official Public Records, Harris County, Texas;

THENCE North 00 degrees 20 minutes 41 seconds East along the East line of said Gill Real Estate, LLC tract, a distance of 182.84 feet to a 5/8 inch iron rod found for corner, said corner being along the South line of Lot 4 of said Tomball Medical Park Replat of Reserve "B";

THENCE North 87 degrees 48 minutes 48 seconds East along the South line of Lot 4 of said Tomball Medical Park Replat of Reserve "B", a distance of 350.07 feet to a 5/8 inch iron rod found for corner, said corner being the Southeast corner of Lot 4 of said Tomball Medical Park Replat of Reserve "B", said corner being along the West line of a tract of land conveyed to Corral RVP, LLC by deed recorded in Instrument No. RP-2018- 138656, Official Public Records, Harris County, Texas;

THENCE South 02 degrees 34 minutes 37 seconds East along the West line of Corral RVP, LLC tract, a distance of 22.94 feet to 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being the Southwest corner of said Corral RVP, LLC tract;

THENCE North 87 degrees 13 minutes 16 seconds East along the South line of Corral RVP, LLC tract, a distance of 21.35 feet to a 1/2 in iron rod set with yellow cap stamped "CBG SURVEYING" for corner, said corner being the northwest corner of Reserve "C" of said Tomball Medical Park Replat of Reserve "B";

THENCE South 02 degrees 32 minutes 28 seconds East along the West line of Reserve "C" of said Tomball Medical Park Replat of Reserve "B", a distance of 291.04 feet to a ½ inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being along the North right of way line of Medical Complex Drive, said corner being the beginning of curve to the left, having a radius of 3060.00 feet, and origin of 07 degrees 33 minutes 28 seconds, a chord of North 33 degrees 13 minutes 12 seconds West, a chord distance of 403.35 feet;

THENCE along said curve to the left and the North right of way line of Medical Complex Drive, an arc length of 403.64 feet to the POINT OF BEGINNING and containing 91,359 square feet or 2.10 acres of land.



Location: 13100 Block (north side) of Medical Complex Drive