

**ORDINANCE NO. 2022-07**

**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 3.07 ACRES OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629 (DESCRIBED IN “EXHIBIT A”), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL (AG) DISTRICT TO THE COMMERCIAL (C) DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED WITHIN THE 21700-21800 BLOCKS (EAST SIDE) OF HUFSMITH-KOHRVILLE ROAD, 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**, Mehendi Maknojia has requested that approximately 3.07 acres of land out of the Jesse Pruitt Survey, Abstract Number 629, generally located within the 21700-21800 blocks (east side) of Hufsmith-Kohrville Road, 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 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 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 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 2<sup>nd</sup> DAY OF MAY 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 16<sup>th</sup> DAY OF MAY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN <del>KLEIN QUINN</del>	_____

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

## Exhibit "A"

### DESCRIPTION

3.070 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being all of that certain called 3.070 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359, said 3.070 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the Easterly right-of-way line of Huffsmith Kohrville Road (60 foot right-of-way) for the Northwestern corner of that certain called 5.5000 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P964270 and the Southwesterly corner of said 3.070 acre tract;

Thence, N 20°20'37" W, along the Easterly right-of-way line of said Huffsmith Kohrville Road, a distance of 389.00 feet to a 5/8 inch iron rod with cap found for the most Westerly Southwest corner of that certain called 5.678 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20070687993;

Thence, N 76°00'34" E, along a Southerly line of said 5.678 acre tract, a distance of 412.84 feet to a 5/8 inch iron rod with cap found for an interior corner of said 5.678 acre tract;

Thence, S 11°23'19" E, along a Westerly line of said 5.678 acre tract, a distance of 290.49 feet to a 5/8 inch iron rod with cap found in the Northwestern line of that certain called 1.000 acre of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number X517792, for the most Southerly Southwest corner of said 5.678 acre tract;

Thence, S 56°48'54" W, along the Northwestern line of said 1.000 acre tract and the Northwestern line of said 5.5000 acre tract, a distance of 215.06 feet to an angle point;

Thence, S 66°29'50" W, continuing along a Northwestern line of said 5.5000 acre tract, a distance of 155.64 feet to the POINT OF BEGINNING and containing 3.070 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983, DERIVED FROM CORS SITE RODS.

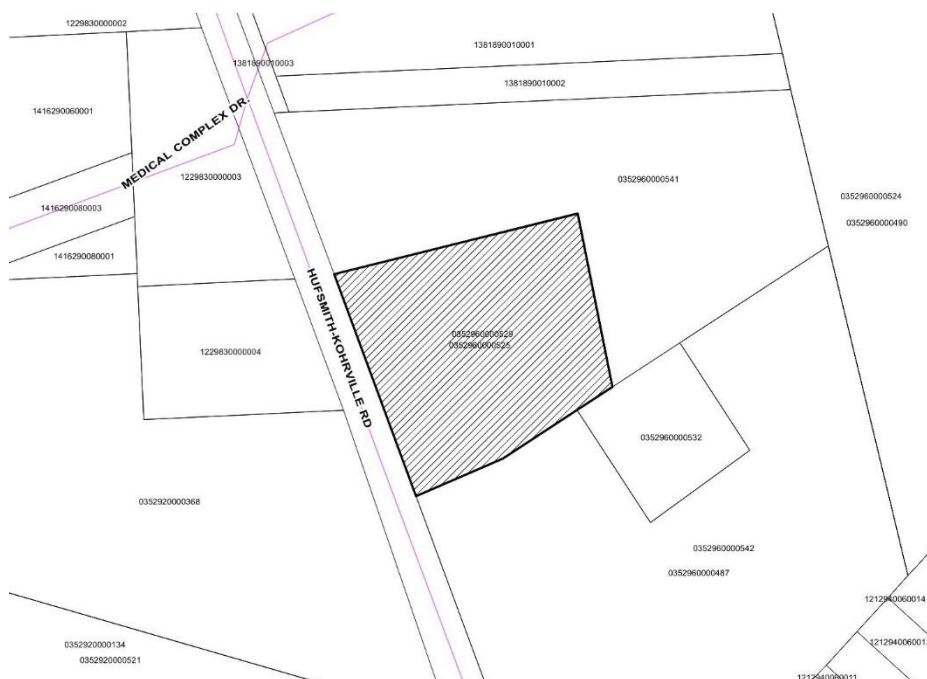
TRACT BEING SHOWN ON MAP (SEE HSC 01516-E)

HOVIS SURVEYING COMPANY, INC.  
Texas Firm Registration No. 10030400

By: 



Date: November 5, 2021  
Job No: 21-154-00  
Dwg No: HSC 01516-E-5  
File No: A21-154.00D  
Dwg File: 2115400.dwg  
Revised: March 10, 2022



Location: 21700-21800 Blocks (east side) Huffsmith-Kohrville Rd. at 21830 Huffsmith-Kohrville Rd.