

ORDINANCE NO. 2024-08

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 0.87 ACRES OF LAND LEGALLY DESCRIBED AS BEING A PORTION OF TOMBALL OUTLOT 286 FROM SINGLE FAMILY RESIDENTIAL – 20 (SF-20) TO COMMERCIAL (C). THE PROPERTY IS LOCATED WITHIN THE 900 BLOCK (NORTH SIDE) OF AGG ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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, Houston Deco Balloons, LLC, has requested that approximately 0.87 acres of land legally described as being a portion of Tomball Outlot 286, being generally located in the 900 block (north side) of Agg 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 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 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 15TH DAY OF APRIL 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN STOLL	<u>YEA</u>
COUNCILMAN DUNAGIN	<u>YEA</u>
COUNCILMAN TOWNSEND	<u>NAY</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 6TH DAY OF MAY 2024.

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

LORI KLEIN QUINN, Mayor

ATTEST:

TRACYLYNN GARCIA, City Secretary

Exhibit "A"

STATE OF TEXAS §
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 §
 §
COUNTY OF HARRIS §

Metes & Bounds Property Description

A tract of land containing 0.8694 Acre (37,870 Square Feet), being a portion of Outlot 286 of Tomball Townsite according the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas (M.R.H.C.T.), being the remainder of a tract recorded in the name of James Case et ux under Harris County Clerk's File (H.C.C.F.) No. R838860 (Exhibit "A", Tract II) 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 H.C.C.F. No. R838860 of the R.P.R.H.C.T.)

BEGINNING at an iron rod found at the intersection of the north right-of-way line of Agg Road and the west line of said Outlet 286, being the northwest corner of a right-of-way tract recorded in the name of the City of Tomball under H.C.C.F. No. RP-2020-383168 of the R.P.R.H.C.T., and being the southwest corner of this tract;

THENCE, **NORTH 00° 13' 27" EAST**, with the east lines of Outlots 283 and 285 being the east lines of tracts recorded in the name of Robert C. Metcalf and Sherry L. Metcalf under H.C.C.F. No. 20140116371 (Tracts 1 & 2) of the R.P.R.H.C.T., a distance of **147.19 Feet** to 1/2 Inch iron rod found at the northwest corner of this tract;

THENCE, with the lines of a tract recorded in the name of Francisco Lopez and Veronica Beltran under H.C.C.F. No. 20150144381 of the R.P.R.H.C.T. the following two (2) courses:

1. **SOUTH 89° 51' 00" EAST**, a distance of **255.48 Feet** to point at the northeast corner of this tract from which a fence corner bears South 03 01 54 West, a distance of 0.75 Feet;

2. **SOUTH 01° 35' 04" EAST**, a distance of **146.66 Feet** to a 1/2 Inch iron rod with a "PRECISION" cap set on the aforementioned north right-of-way line of Agg Road at the southwest corner of this tract (from which a iron rod found at the southwest corner of the Final Plat of Tim Littlefield, LLC Subdivision recorded under Film Code No. 704839 of the M.R.H.C.T. bears South 89° 59' 00" East, a distance of 30.00 Feet, from said iron rod found a second iron rod found at a corner of said Final Plat bears South 89° 59' 07" East, a distance of 258.39 Feet, from said second rod found a third iron rod found at a corner of said Final Plat bears North 44° 59' 39" East, a distance of 28.27 Feet, from said third rod found a fourth iron rod found bears North 53° 01' 24" West, a distance of 353.25 Feet, from said fourth rod found a fifth iron rod found bears North 00° 08' 58" East, a distance of 10.00 Feet);

THENCE, **NORTH 89° 59' 00" WEST**, with said north right-of-way line, a distance of **260.11 Feet** to the POINT OF BEGINNING and containing 0.8694 Acre of land.

(See attached drawing)



Terrance P. Mish
Registered Professional Land Surveyor
No. 4981
Job No. 24-00516
January 26, 2024



Location: 900 block (north side) of Agg Road, being a portion of Tomball Outlot 286, City of Tomball, Harris County, Texas