

ORDINANCE NO. 2023-15

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 2.73 ACRES OUT OF THE WILLIAM HURD SURVEY, ABSTRACT 378 FROM AGRICULTURAL (AG) TO OFFICE (O) ZONING. THE PROPERTY IS GENERALLY LOCATED WITHIN THE 13200-13400 BLOCKS (SOUTH SIDE) OF MEDICAL COMPLEX DRIVE; 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, Tomball 10 Joint Venture, represented by Khoa Nguyen, has requested approximately 2.73 acres of land out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to Office (O) zoning. The property is generally located within the 13200-13400 blocks (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 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 deny the requested General Retail (GR) rezoning; and

Whereas, the City Council deems it appropriate to grant the rezoning, subject to an amendment to the request to rezone to Office (O) as opposed to the requested General Retail (GR) zoning.

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 19th DAY OF June 2023.

COUNCILMAN FORD	<u>Aye</u>
COUNCILMAN STOLL	<u>Aye</u>
COUNCILMAN DUNAGIN	<u>Aye</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 _____ DAY OF _____ 2023.

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

LORI KLEIN QUINN, Mayor

ATTEST:

TRACYLYNN GARCIA, City Secretary

Exhibit "A"

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Firm No. 100334-00

All that certain tract or parcel containing 2.7320 acres of land out of that certain call 9.872 acre tract of land situated in the William Hurd Survey, A-378 in Harris County, Texas, said 9.872 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. H784607, said 2.7320 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (found) in the West line of Lot 2 in Block 1 of Park Manor of Tomball, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 617004 of the Harris County Map Records, same point marking the Northeast corner of that certain call 7.200 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. H784607, the Southeast corner of said 9.872 acre tract of land and the Southeast corner of the herein described 2.7320 acre tract of land;

THENCE S 87°43'23" W, a distance of 544.77 feet along the common line of said 7.200 acre and said 9.872 acre tracts of land to a 5/8" iron rod with PBS & J Surveying cap (found) in the East right-of-way line of Holderrieth Road, (60.00 feet in width), as described in an instrument filed for record under Harris County Clerk's File No. J650875 marking the Northwest corner of said 7.200 acre tract of land and the Southwest corner of the herein described 2.7320 acre tract of land, same point being in a curve to the left having a radius of 330.00 feet;

THENCE Northeasterly, along the East right-of-way line of said Holderrieth Road, with said curve to the left through a central angle of 13°54'08", a chord bearing and distance of N 04°25'23" E, 79.88 feet, an arc distance of 80.07 feet to a 5/8" iron rod (found) marking a point of tangency;

THENCE N 02°31'37" W, a distance of 118.44 feet along the East right-of-way line of said Holderrieth Road to a 1/4" iron rod (found) at the Southwest end of a cut-back corner marking the intersection of the East right-of-way line of said Holderrieth Road with the South right-of-way line of Medical Complex Drive, (variable width), same point marking the Southwesterly corner of that certain 1.4454 acre tract of land known as Parcel 2 as described in a deed to the City of Tomball for road right-of-way as described in a deed filed for record under Harris County Clerk's File No. 20120351956 and the Westerly-Northwest corner of the herein described 2.7320 acre tract of land;

THENCE N 43°08'09" E, a distance of 35.42 feet along said cut-back corner and said 1.4454 acre tract of land to a 5/8" iron rod (found) in the South right-of-way line of said Medical Complex Drive marking an interior corner of said 1.4454 acre tract of land and the Northerly-Northeast corner of the herein described 2.7320 acre tract of land;

THENCE N 87°45'10" E, a distance of 509.81 feet along the South right-of-way line of said Medical Complex Drive marking and the South line of said 1.4454 acre tract of land to a 5/8" iron rod with EIC cap (set) in the East line of said 9.872 acre tract of land marking the Southeast corner of said 1.4454 acre tract of land, an angle point in the South right-of-way line of said Medical Complex Drive and the Northeast corner of the herein described 2.7320 acre tract of land;

THENCE S 02°31'06" E, along the East line of said 9.872 acre tract of land, passing at 48.20 feet a 1" iron pipe (found) marking an angle point in the South right-of-way line of said Medical Complex Drive and the Northwest corner of said Lot 2 in Block 1, a total distance of 222.37 feet to the POINT OF BEGINNING and containing 2.7320 acres of land.

Surveyed on the ground July 01, 2021.

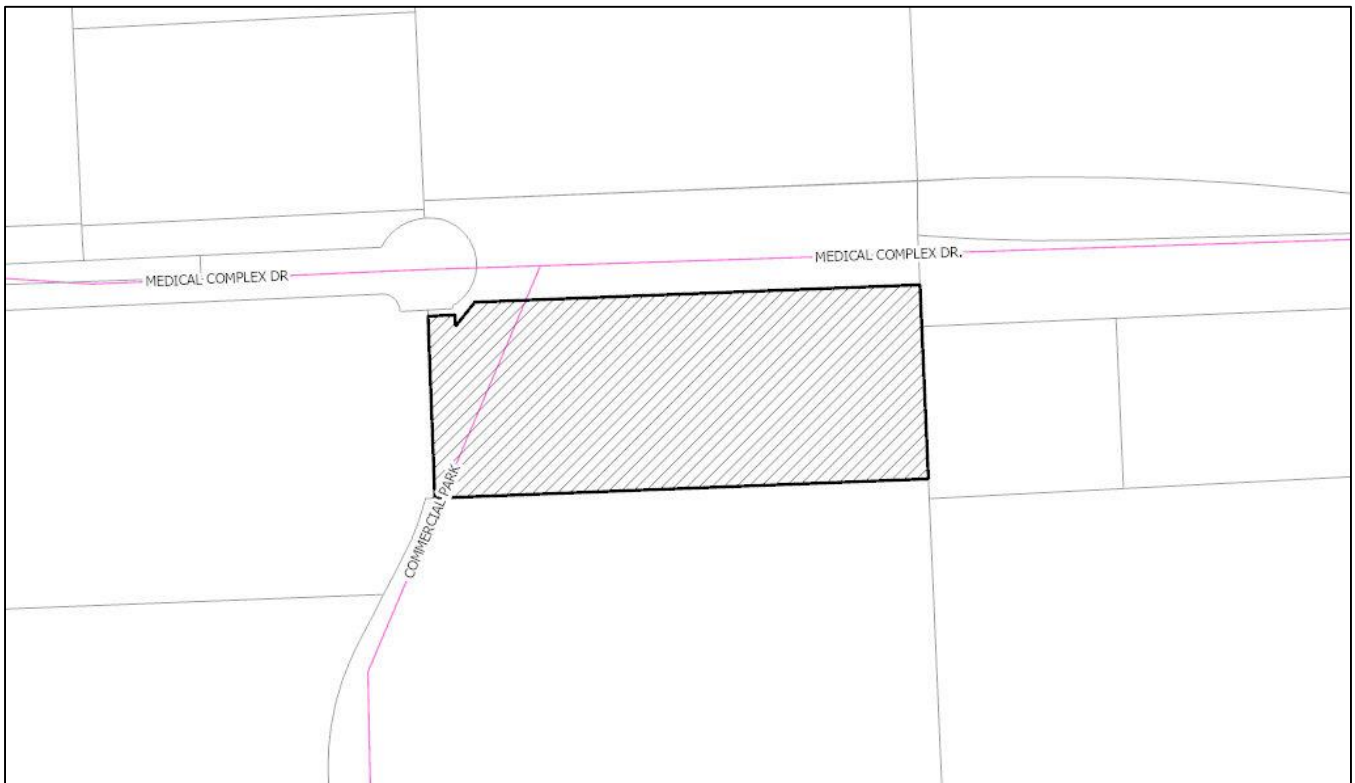
Job No. 21-182-04. (see corresponding plat)

The basis of bearing is S 02°31'06" E along the East line of subject tract per plat prepared by PBS&J Surveying dated 6/6/2002 under Job No. 460615.00 and signed by Darrel Heidrich, RPLS #5378.

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LEH
DS
KN

Land Boundary / Topographic Surveying
A Division of Everything In Christ Services, Inc.





Location: 13200-13400 blocks (south side) of Medical Complex Drive. Being 2.73 acres out of the William Hurd Survey, Abstract 378, City of Tomball, Harris County, Texas.