

ORDINANCE NO. 2023-49

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 12.11 ACRES OF LAND LEGALLY DESCRIBED AS BEING A PORTION OF THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70 AND THE C.N. PILOT SURVEY, ABSTRACT 632 FROM AGRICULTURAL (AG) TO LIGHT INDUSTRIAL (LI). THE PROPERTY IS GENERALLY LOCATED AT 11701 HOLDERRIETH ROAD, WITHIN 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, HH 11701 Properties LLC has requested changing the zoning district classification of approximately 12.11 acres of land being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within the City of Tomball, Harris County, Texas; 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 approve 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 THE 20th DAY OF November 2023.

COUNCILMAN FORD	<u>Yea</u>
COUNCILMAN STOLL	<u>Yea</u>
COUNCILMAN DUNAGIN	<u>Yea</u>
COUNCILMAN TOWNSEND	<u>Yea</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 THE 18th DAY OF December 2023.

COUNCILMAN FORD	<u>Yea</u>
COUNCILMAN STOLL	<u>Yea</u>
COUNCILMAN DUNAGIN	<u>Yea</u>
COUNCILMAN TOWNSEND	<u>Yea</u>
COUNCILMAN PARR	<u>Yea</u>

Lori Klein Quinn
LORI KLEIN QUINN, Mayor

ATTEST:

Tracylynn Garcia
TRACYLYNN GARCIA, City Secretary

Exhibit "A"

**METES AND BOUNDS DESCRIPTION
12.114 ACRES (527,706 SQUARE FEET)
LOCATED IN THE
ELIZABETH SMITH SURVEY, ABSTRACT 70
& THE C.M. PILOT SURVEY, ABSTRACT 632,
HARRIS COUNTY, TEXAS**

Being a tract or parcel, containing 12.114 acres (527,706 square feet) of land situated in the Elizabeth Smith Survey, Abstract Number 70 and in the C.M. Pilot Survey, Abstract 632, Harris County, Texas; Said 12.114 acre tract of record in the name of CSV Holderrieth, LLC in Harris County Clerk's File (H.C.C.F.) Number 20140017182; Said 12.114 acre tract being more particularly described by metes and bounds as follows (bearing referenced herein are based on the Texas Coordinate System, South Central Zone NAD83):

BEGINNING at a 5/8 inch iron rod with "Gorrdanda" cap found for the northeast corner of the herein described tract and the northwest corner of a called 29.707 acre tract of record in the name of Bernard C. Holderrieth and Alvina Holderrieth in H.C.C.F. Number B402171, and being on the south Right-of-Way (R.O.W.) line of Holderrieth Road (width varies);

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 29.707 acre tract, South 14 Degrees 21 Minutes 24 Seconds East, a distance of 1,023.87 feet to a 1/2 inch iron rod with "Villa 6751" cap set for the southeast corner of the herein described tract and the northeast corner of a called 16.4724 acre tract of record in the name of 11311 Holderrieth Limited, L.P., in H.C.C.F. Number W840420, and being on the west line of said 29.707 acre tract;

THENCE, coincident the south line of the herein described tract and the north line of aforesaid 16.4724 acre tract, South 82 Degrees 00 Minutes 26 Seconds West, a distance of 522.80 feet to the southwest corner of the herein described tract and the northwest corner of said 16.4724 acre tract, and being on the east line of a called 7.3995 acre tract of record in the name of the City of Tomball in H.C.C.F. Number V109876;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 7.3995 acre tract the following five (5) courses:

1. North 23 Degrees 31 Minutes 10 Seconds West, a distance of 477.72 feet to the beginning of a curve to the right;
2. Coincident aforesaid curve to the right, an arc length of 71.37 feet, having a radius of 325.00 feet, a central angle of 12 Degrees 34 Minutes 58 Seconds and a chord bearing of North 11 Degrees 33 Minutes 44 Seconds East, a distance of 71.23 feet;
3. North 17 Degrees 51 Minutes 14 Seconds East, a distance of 113.68 feet to the beginning of a curve to the left;
4. Coincident aforesaid curve to the left, an arc length of 373.07 feet, having a radius of 475.00 feet, a central angle of 45 Degrees 00 Minutes 02 Seconds and a chord bearing of North 04 Degrees 38 Minutes 58 Seconds West, a distance of 363.55 feet;
5. North 27 Degrees 08 Minutes 46 Seconds West, a distance of 26.50 feet to the northwest corner of the herein described tract and the northeast corner of aforesaid 7.3995 acre tract, and being on the south R.O.W. line of aforesaid Holderrieth Road;

THENCE, coincident the north line of the herein described tract and the south R.O.W. line of aforesaid Holderrieth Road, North 82 Degrees 01 Minutes 22 Seconds East, a distance of 451.28 feet to the **POINT OF BEGINNING** and containing 12.114 acres (527,706 square feet) of land.

