

ORDINANCE NO. 2018-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO GREG BREUX, TO OPERATE A “MOBILE FOOD COURT”; SAID PROPERTY BEING APPROXIMATELY 3.39 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 1A BLOCK 1 PARKWAY OASIS 3RD REPLAT, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE WEST SIDE OF BUSINESS 249 BETWEEN HIRSCHFIELD ROAD AND ALICE ROAD; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Greg Breux, has requested a CUP to operate a “Mobile Food Court” on approximately 3.39 acres of land, legally described as Lot 1A Block 1 Parkway Oasis 3rd Replat, generally located on the west side of Business 249 between Hirschfield Road and Alice Road, in the City of Tomball, Harris County, Texas, (the "Property"), 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 CUP; 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 CUP; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; 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 CUP, the City Council held the public hearing for the requested CUP 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 CUP.

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. A CUP to operate a “Mobile Food Court” at the Property and subject to the terms and conditions set forth below is hereby granted to Greg Breaux.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “A”.

Section 7. 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.

Section 8. In the event any 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 the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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 17TH DAY OF SEPTEMBER 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<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 1ST DAY OF OCTOBER 2018.

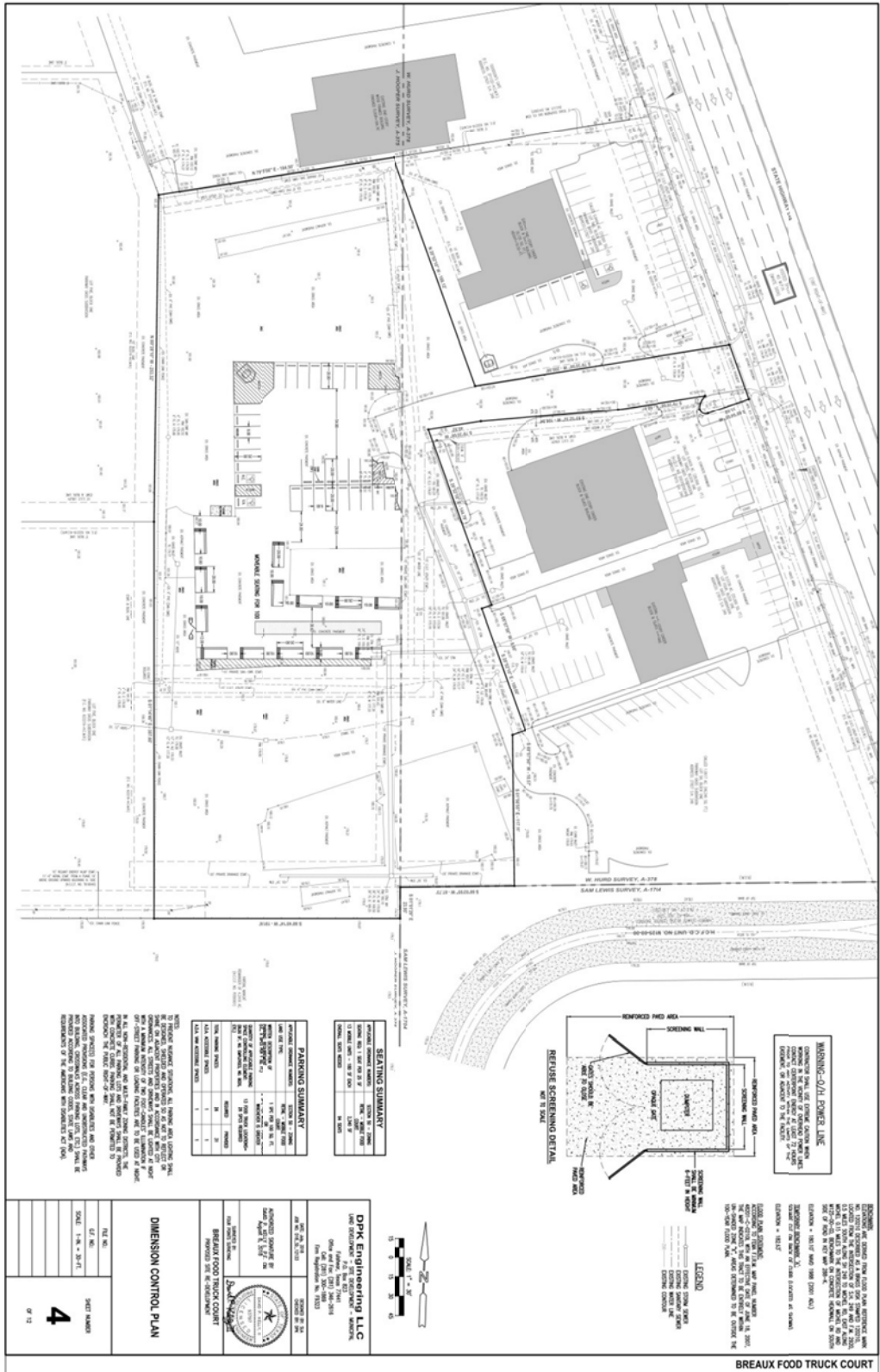
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"



SEATING SUMMARY

SEATING TYPE	NO. OF SEATS	NO. OF TABLES	NO. OF CHAIRS
INDIVIDUAL SEAT	12	0	0
2-PERSON TABLE	0	0	0
4-PERSON TABLE	0	0	0
6-PERSON TABLE	0	0	0
8-PERSON TABLE	0	0	0
10-PERSON TABLE	0	0	0
TOTAL	12	0	0

PARKING SUMMARY

PARKING TYPE	NO. OF SPACES	NO. OF VEHICLES
STANDARD	12	12
BIKE	0	0
EV	0	0
TOTAL	12	12

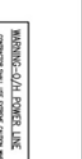
DIMENSION CONTROL PLAN

ITEM NO.	DESCRIPTION	SCALE
1	SEATING AREA	1/4" = 10'
2	REINFORCED PAVED AREA	1/4" = 10'
3	SCREENING WALL	1/4" = 10'
4	BIKE SCREENING DETAIL	1/4" = 10'

REINFORCED PAVED AREA



BIKE SCREENING DETAIL



LEGEND

SYMBOL	DESCRIPTION
(Solid grey area)	EXISTING BUILDING FOOTPRINT
(Dotted pattern)	REINFORCED PAVED AREA
(Hatched pattern)	SCREENING WALL
(Dashed line)	EXISTING PARKING SPACE
(Solid line)	EXISTING SIDEWALK

DPK Engineering LLC

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 (650) 342-1000
 www.dpk-engineering.com

BREAUX FOOD TRUCK COURT

PROJECT: BREAUX FOOD TRUCK COURT
 DATE: 08/11/2021
 DRAWING NO: 2021-08-001

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SCALE: 1/4" = 10'