

**CITY OF SEABROOK
ORDINANCE NO. 2021-01**

SEABROOK TOWN CENTER “PUD” (PLANNED UNIT DEVELOPMENT)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, APPENDIX A, “COMPREHENSIVE ZONING”, ARTICLE 2, “ADMINISTRATION”, SECTION 2.05, “OFFICIAL ZONING MAP”, BY REZONING THREE TRACTS OF LAND, APPROXIMATELY 19.5355 ACRES SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, GENERALLY LOCATED EAST OF LAKESIDE DRIVE, WEST OF STATE HIGHWAY 146, NORTH OF REPSDORPH ROAD, AND SOUTH OF OAK DALE WAY, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT “A,” FROM “C-2,” MEDIUM COMMERCIAL DISTRICT, TO PLANNED UNIT DEVELOPMENT, “PUD,” FOR A MIXED USE DEVELOPMENT COMPRISING A 320 UNIT MULTI-FAMILY APARTMENT COMPLEX, 37,000 SQ.FT. OF LEASABLE RETAIL/OFFICE SPACE, AN ENTERTAINMENT PLAZA, AND PARKING; PROVIDING FOR AN AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; REVISING ARTICLE 4. “SPECIAL USE DISTRICTS”, SECTION 4.16, THE SEABROOK TOWN CENTER COMMERCIAL DEVELOPMENT OVERLAY DISTRICT REGULATIONS, AS REFERENCE IN EXHIBIT “C”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the owner, Pacific Ridge Development Co. LLC, (“Owner”) by and through its authorized agent, WMF Investments, (“collectively “Applicants”) have requested rezoning of property consisting of approximately 19.5355 acres generally located east of Lakeside Drive, West of State Highway 146, north of Repsdorph Road and south of Oak Dale Way within the City of Seabrook, the same to be divided for 320 residential apartments, 37,000 sq. ft. retail/office, an entertainment plaza and 737 parking spaces to be referred to as “The Seabrook Town Center,” consisting of 3 tracts of land, with Tract 1, consisting of 3.9818 acres, Tract 2, consisting of 3.4196 acres, and Tract 3, consisting of 12.1341 acres., all being out of the 19.5355 acres tract or parcel of land situated in the Ritson Morris Survey, Abstract 52, being part of the Ruggles Subdivision, Harris County, Texas, said 19.5355 acres tract being more particularly described by metes and bounds in the attached “Exhibit A”, (the “Property”), which is incorporated by reference for all purposes; and

WHEREAS, Applicant has filed an application to rezone the Property from “C-2” (Medium Commercial District) to “PUD” (Planned Unit Development) and has submitted a development plan providing for a Mixed Use Development, consisting of a 320 unit luxury multi-family apartment complex, 37,000 sq. ft. of leasable retail/office space, an entertainment plaza, and 737 parking spaces, as further depicted in site PUD plan (“Plan”), referenced herein as Exhibit “B” which is on file with the City Secretary and incorporated by

reference for all purposes; and

WHEREAS, the Seabrook Planning and Zoning Commission and the City Council conducted a public hearing to consider approval of the preliminary plan for PUD designation submitted by Applicants, with the Planning and Zoning Commission filing a report recommending approval on August 20, 2020, which was thereafter approved by City Council; and

WHEREAS, the Seabrook Planning and Zoning Commission and the City Council conducted a public hearing to consider approval of the final plan for PUD designation submitted by Applicants, with the Planning and Zoning Commission filing a report recommending approval on January 19, 2021; and

WHEREAS, the subject hearings were duly called as provided by the laws of the State of Texas and Appendix "A" of the Code of Ordinances of the City, that at such hearings all persons attending were allowed to be heard on the question of whether or not to rezone the Property from C-2 to PUD, as requested, (as further depicted in the site PUD Plan, Exhibit "B", which is incorporated by reference), to determine whether such rezoning would promote the public health, safety, convenience, or general welfare of the citizens and is in conformance with the zoning ordinance and comprehensive plan for development of the City; and

WHEREAS, all public notices have been published, mailed and provided in accordance with statute and Appendix "A" of the City Code of Ordinances (Zoning Code); and

WHEREAS, a written protest to the requested rezoning was received, as provided by Texas Local Government Code Section 211.006(d), and accordingly the affirmative vote of at least three-fourths of all members of the Seabrook City Council was required for approval of the rezoning request; and

WHEREAS, as a result of the said public hearings and the recommendation of the Planning and Zoning Commission as contained in its final report, the City Council, by the affirmative vote of at least three-fourths of all members, deems it appropriate to grant such request, subject to certain regulations, restrictions, conditions, and City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, it being understood that City Council is relying upon the express representations of Applicants appearing in the documents submitted for final approval, including the application for rezoning, oral representations made to the Planning and Zoning Commission and City Council to induce approval of the rezoning made the subject of this

Ordinance, the final report from the Planning & Zoning Commission, the minutes of Planning and Zoning/City Council, the property identification, (Exhibit “A”) and Plan, (Exhibit “B”).

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE AND TO THE OFFICIAL ZONING MAP.

The Seabrook City Code of Ordinances, Appendix A, “Comprehensive Zoning”, Article 2, “Administration”, Section 2.05, “Official Zoning Map” is hereby amended by rezoning the Property from C-2 to PUD *strictly conditioned upon full and complete compliance with the approved PUD Plan, the regulations, restrictions, and conditions* hereinafter set forth in “Exhibit B”, (the “Plan”), on file with the City Secretary and incorporated by reference, for the subject 19.5355 acres generally located east of Lakeside Drive, West of State Highway 146, north of Repsdorph Road and south of Oak Dale Way within the City of Seabrook, the same to be a Mixed Use Development and to be referred to as “Seabrook Town Center,” consisting of a 320 unit luxury multi-family apartment complex, 37,000 sq. ft. of leasable retail/office space, an entertainment plaza, and 737 parking spaces, legally described as approximately 19.5355 acre Tract, situated in Abstract 52 of Ritson Morris Survey, in Seabrook, Harris County, Texas being more particularly described by metes and bounds in the attached “Exhibit A”, which is incorporated by reference for all purposes.

SECTION 3. AMENDMENT OF ZONING MAP.

The Official Zoning Map of the City of Seabrook shall be revised and amended to show the designation of the Property, as described and as provided in Section 2 above, 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. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 11.06, “Criminal Enforcement” which provides that 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 \$2,000.00. Each day of violation shall constitute a separate offense. Additionally, should the subject PUD project fail to meet the schedule as approved herein, or otherwise fail to comply with this Ordinance, the PUD Plan, the PUD classification and all related permits shall be immediately terminated, and the Property shall be subject to rezoning by City Council.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed, and commensurate with this Ordinance, revises specific provisions of Section 4.16, “The Seabrook Town Center Commercial Development Overlay

District Regulations”, Sections 4.16.03, 4.16.08, and Graphic 4, as depicted in “Exhibit C” attached hereto and incorporated by reference. This Ordinance shall in no manner otherwise amend, change, supplement, or revise any provision of any ordinance of the City of Seabrook, save and except the change in zoning classification and specific uses/structures approved in the Plan, as provided herein.

SECTION 6. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each 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.

SECTION 7. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading with a quorum present, by an affirmative vote of at least three-fourths of all members of the Seabrook City Council in accordance with Appendix A, Section 2.04.09 of the Seabrook City Code of Ordinances this 19th day of January, 2021.

PASSED, APPROVED, AND ADOPTED on final reading with a quorum present, by an affirmative vote of at least three-fourths of all members of the Seabrook City Council in accordance with Appendix A, Section 2.04.09 of the Seabrook City Code of Ordinances on this 2nd day of February, 2021.

By: _____
Thomas G. Kolupski, Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

[EXHIBITS FOLLOW]

Exhibit “A” to Ordinance No. 2021-01

The Property – Metes & Bounds
19.5355 acres

Exhibit “B” to Ordinance No. 2021-01

1. Planned Unit Development Plan (on file with City Secretary)

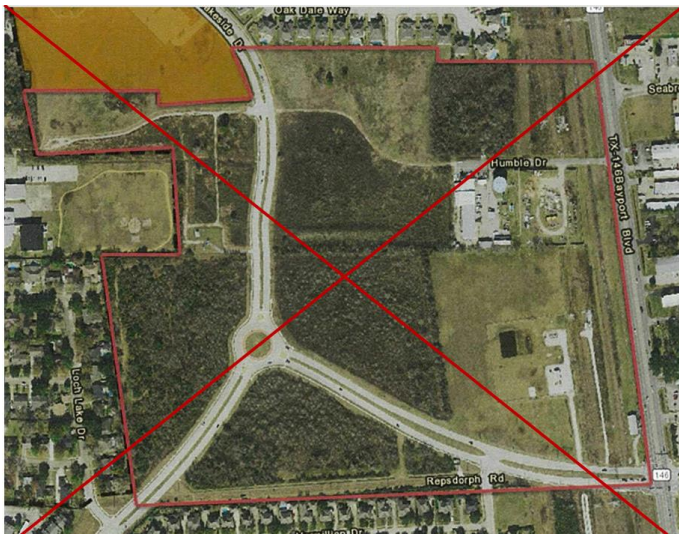
Exhibit "C" to Ordinance No. 2021-01

Ordinance 2021-01 Exhibit C.

~~4.16.03. Boundaries of the overlay district: The Seabrook town center commercial development overlay district ("STCOD") shall consist of the area lying west of the western edge of State Highway 146 right of way, north of Vermillion Drive rear property lines, east of Loch Lake Drive rear property lines, east of Ed White Elementary School, south of Oak Dale Way rear property lines, and south of Seabrook Methodist Church.]~~

4.16.03. Boundaries of the overlay district: The Seabrook town center commercial development overlay district ("STCOD") shall consist of the area lying west of the western edge of State Highway 146 right-of-way, north of Vermillion Drive rear property lines, east of Loch Lake Drive rear property lines, east of Ed White Elementary School, south of Seabrook Methodist Church, west of Lakeside Drive, south of Humble Drive.

Delete Exhibit



Replace with Exhibit Below



~~{4.16.08. Buffering and screening:~~

- ~~A. *Special landscape area:* (Graphic 4 A delineates the special landscape area boundaries) the area within 50 feet of contiguous and adjoining R-1 zoned properties located in the special landscape area shall meet the following standards:~~
- ~~1. Pervious, landscaped area.~~
 - ~~2. No drives or parking.~~
 - ~~3. No commercial or retail use.~~
 - ~~4. Irrigated and maintained by the owner thereof in good order, appropriately trimmed and clear of trash/debris.~~
- ~~B. *Special screening/buffering:* Along the boundary with contiguous and adjoining R-1 zoned properties located in the special landscape area, the following requirement shall apply:~~
- ~~1. Eight foot masonry wall without openings.~~
 - ~~2. Trees no shorter than eight feet tall and in a quantity of no less than one tree per four feet of boundary wall shall be planted, maintained, and replaced as required. The layout shall be approved by the city planning director at the time of plan approval for the project. The trees shall be appropriately irrigated.~~
- ~~C. *Special setbacks for certain uses:* The following uses must be setback 75 feet from the following distances from contiguous and adjoining R-1 zoned properties located in the special landscape area:~~
- ~~1. Loading docks.~~
 - ~~2. Trash dumpsters.~~
 - ~~3. Open storage.~~

~~{GRAPHIC 4 A~~

~~SPECIAL LANDSCAPE AREA}~~

Delete Exhibit

