

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: October 6, 2015

Submitter/Requestor: City of Seabrook

Date Submitted: Sept. 25, 2015

Presenter: Sean Landis

Description/Subject:

A request to rezone the property being the east 6.322 acres of Tract 31 situated in Abstract 52 in the Ritson Morris Survey, Harris County Texas, from the current classification of C-2 (Commercial-Medium) to R-2 (Residential-Single Family Detached Small Lot). This property is located east of Old Highway 146 and immediately north of Red Bluff Road, A Public Hearing was held at the Planning and Zoning Commission Meeting on September 17, 2015. The Planning and Zoning Commission has recommend approval with a 5 to 2 vote.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING THE PROPERTY LOCATED ON TRACT 31, BEING AN 6.322 ACRES TRACT OF LAND SITUATED IN ABSTRACT 52 IN THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, FROM C-2 COMMERCIAL-MEDIUM DISTRICT TO R-2 RESIDENTIAL-SINGLE FAMILY DETACHED SMALL LOT DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS AMENDMENT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Applicant:

Stonemarc One, LLC, De Four Trace Seabrook, Texas 77586

Legal Description:

Tract 31, being an 6.322 acre tract of land situated in Abstract 52 in the Ritson Morris Survey, Harris County, TX.

The property is located east of Old Highway 146 and immediately north of Red Bluff Road.

Request: The applicant is requesting a zoning change from the current classification of C-2 (Commercial-Medium) to R-2 (Residential- Single Family Detached Small Lot).

Purpose/Need: Policy Issue Administrative Issue

Background/Issue (What prompted this need?):

Stonemarc One, LLC. owner of an **8.883 acre** site located on Red Bluff Road and Old SH-146 in Seabrook, is requesting a zoning change for a **6.33 acre** portion of the site from C-2 to R-2. The tract is currently vacant land, zoned C-2 and is approximately 1,400 feet long by 250-300 feet wide. The property currently has City water and sewer service and all storm water drainage is into TXDOT right-of-way, along Red Bluff Rd. to Old SH-146. A commercial entrance has been approved by TXDOT in the center of the western boundary onto Old SH-146. Stonemarc is requesting that the parcel be bifurcated into 2 tracts (2.5 acres C-2 & 6.33 acres R-2) for zoning purposes.

Tract 1

Tract 1 (**2.5 acres, net of detention**) would remain C-2 on the visible western most part of the property. Tract 1 would have highway visible frontage on Old SH-146 and a soft corner on Red Bluff and Old SH-146. Tract 1 would be net of detention, as all detention would be located on the northern boundary of the proposed R-2 Tract 2 (see exhibit). As such, the 2.5 acre parcel would be suitable for commercial development as contemplated by the C-2 zoning. Stonemarc's plan would be to develop the site as commercial retail, office and/or hospitality. With the planned expansion of SH-146 through Seabrook, this parcel would be a potential relocation option for displaced business desiring to remain visible along the SH-146 corridor.

Tract 2

Tract 2 (**6.33 acres**) would be rezoned to R-2 (**4.0 acres, net of detention**) on the eastern part of the property. The 6.33 acres includes all required TXDOT detention for both tracts and will be approximately **2.3 acres**, located along the northern boundary and behind the 19 residential lots. The detention pond will be a "wet" pond with fountains that will also serve as an amenity for the project. Tracts 1 and 2 will drain to this detention pond, which will discharge to TXDOT drainage. All 19 lots will back to the detention pond which will also serve as a buffer between the R-2 and the northern, adjacent vacant C-2 property. The Bayshore Acres community along Red Bluff to the south of Tract 2 is residential and zoned R-2. The property to the east of the tract is currently used as residential although zoned C-2.

Impacted Parties (Expected/Notified):

Recommended Action:

The proposed changes to the zoning map were recommended for approval by the Planning & Zoning Commission by a 5-2 vote at the regular meetings held on September 17, 2015

Aye: Miller, Davis, Sharp, Caradec, and Hammann
Nay: Potts and Dehart

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Proposed Ordinance 2015-20
Planning and Zoning Commission Official Report from the September 17, 2015 Meeting
Survey of the Property
Photo of Zoning Map
Proposed Site Plan

Fiscal Impact: Budgeted _____ Yes _____ No Finance Officer Review:
Budget Amendment Required _____ Yes _____ No
Future/Ongoing Impact _____ Yes _____ No

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

Public Hearing & New Business

Suggested Motion:

The proposed changes to the zoning map were recommended for approval by the Planning & Zoning Commission by a 5-2 vote at the regular meetings held on September 17, 2015

Aye: Miller, Davis, Sharp, Caradec, and Hammann

Nay: Potts and Dehart

City Manager Review:

- Approved as submitted
- Submitted for Council consideration without comment
- Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

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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.

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 6.322 acres of land identified as of Tract 31, situated in Abstract 52 of the Ritson Morris Survey, Seabrook, Harris County, Texas, located east of Old Highway 146, and immediately north of Red Bluff Road, (more specifically described in the attached Exhibit “A”), from C-2 Commercial-Medium District to R-2 Residential-Single Family Detached Small Lot District.

The property to be rezoned is shown on the survey, identified as Exhibit A and the metes and bounds description, identified as Exhibit B, both of which said Exhibits which are incorporated herein by reference.

Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be amended to reflect this change.

SECTION 3. 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.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

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SECTION 5. 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 6. 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 this _____ day of _____, 2016.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____ 2016.

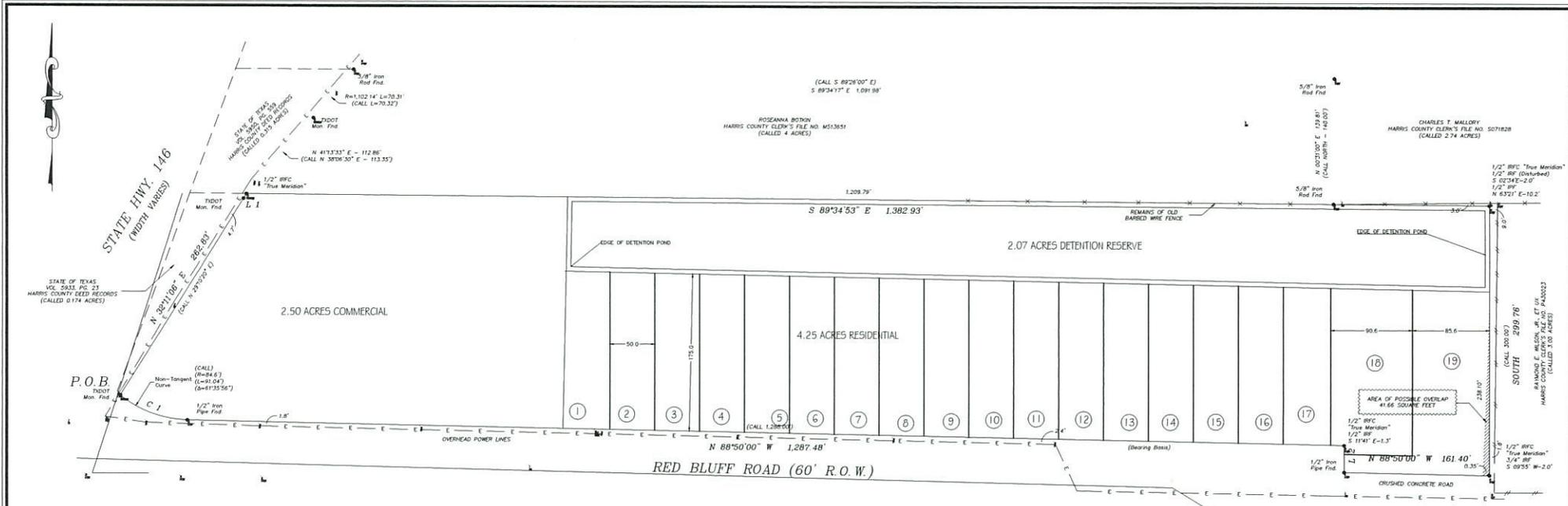
By: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney



FIELD NOTE DESCRIPTION OF A 8.822 ACRE TRACT OF LAND OUT OF THE RITSON MORRIS SURVEY, ABSTRACT NO. 52, IN HARRIS COUNTY, TEXAS, BEING OUT OF LOT 5 SET APART TO ADA GOODRICH IN THE PARTITION DEED DATED APRIL 13, 1918, RECORDED IN VOLUME 470, PAGE 495 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED IN DEEDS FILED FOR RECORD UNDER HARRIS COUNTY CLERK'S FILE NOS. 0973229 AND 0994713, SAVE AND EXCEPT THAT 0.174 ACRE TRACT CONVEYED TO THE STATE OF TEXAS BY DEED RECORDED IN VOLUME 5933, PAGE 23 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT AT THE INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 146 (WIDTH VARIES) AND THE NORTH RIGHT-OF-WAY LINE OF RED BLUFF ROAD (60' R.O.W.), SAME BEING THE MOST SOUTHERLY CORNER OF A TRACT OF LAND CONVEYED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 5933, PAGE 23 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS;

THENCE N 32°11'30" E, ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 146 A DISTANCE OF 262.78 FEET TO A FOUND TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT;

THENCE N 41°12'58" E, CONTINUING ALONG SAID STATE HIGHWAY 146 A DISTANCE OF 0.52 FEET TO A FOUND 1/2 INCH IRON ROD WITH CAP STAMPED "TRUE MERIDIAN" ON THE SOUTH LINE OF A CALLED 4.00 ACRE TRACT OF LAND AS DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NO. M513651;

THENCE S 89°34'53" E, ALONG THE SOUTH LINE OF SAID 4.00 ACRE TRACT OF LAND PASSING AT 1,209.79 FEET A FOUND 5/8 INCH IRON ROD MARKING THE SOUTHEAST CORNER OF SAID 4.00 ACRE TRACT OF LAND, CONTINUING IN ALL A TOTAL DISTANCE OF 1,382.93 FEET TO A FOUND 1/2 INCH IRON ROD WITH CAP STAMPED "TRUE MERIDIAN" MARKING THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND, FROM WHICH BEARS A FOUND 1/2 INCH IRON ROD (DISTURBED) S 02°34' E - 2.0 FEET AND A FOUND 1/2 INCH IRON PIPE N 63°21' E - 10.2 FEET;

THENCE SOUTH A DISTANCE OF 299.76 FEET TO A FOUND 1/2 INCH IRON ROD WITH CAP STAMPED "TRUE MERIDIAN" MARKING THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND, FROM WHICH BEARS A FOUND 3/4 INCH IRON ROD S 09°55' W - 2.0 FEET;

THENCE N 88°50'00" W, A DISTANCE OF 161.39 FEET TO A FOUND 1/2 INCH IRON PIPE ON THE EAST RIGHT-OF-WAY LINE OF RED BLUFF ROAD;

THENCE NORTH, A DISTANCE OF 30.00 FEET TO A 1/2 INCH IRON ROD FOUND WITH A CAP STAMPED "TRUE MERIDIAN" FOR CORNER, FROM WHICH BEARS A FOUND 1/2 INCH IRON ROD S 11°41' E - 1.3 FEET;

THENCE N 88°50'00" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF RED BLUFF ROAD A DISTANCE OF 1,287.48 FEET TO A FOUND 1/2 INCH IRON PIPE MARKING THE BEGINNING OF A CURVE;

THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE THE RIGHT, HAVING A RADIUS OF 122.50 FEET, AN ARC LENGTH OF 81.06 FEET, A DELTA ANGLE OF 37°54'48", A CHORD BEARING AND DISTANCE OF N 69°45'25" W - 79.58 FEET TO THE PLACE OF BEGINNING AND CONTAINING 8.822 ACRES OF LAND, MORE OR LESS.

NOTES

1. Properly subject to assessments and terms, conditions and stipulations as set forth in instruments recorded under Harris County Clerk's File Nos. K-534309, K-534310, K-534311, K-534312, K-534313, K-534314, K-534315, K-534316, K-534317, K-534318, K-534319, K-534320, K-534321, K-534322, K-534323, K-534324, K-534325, K-534326, K-534327, K-534328, K-534329, K-534330, K-534331, K-534332, K-534333, K-534334, K-534335, K-534336, K-534337, K-534338, K-534339, K-534340, K-545091, K-545092, K-545093, K-545094, K-545095, K-545096, K-545097, K-545098, K-545099, K-545100, K-545101, K-545102, K-545103, K-545104, K-545105, K-545106, K-545107, K-545108, K-545109, K-545110, K-545111, K-545112, K-545113, K-545114, K-545115, K-545116, K-545117, K-545118, K-545119, K-545120, K-545121, K-545122, K-545123, K-545124, K-545125, K-545126, K-545127, K-545128, K-545129, K-545130, K-545131, K-545132, K-545133, K-545134, K-545135, K-545136, K-545137, K-545138, K-545139, K-545140, K-545141, K-545142, K-545143, K-545144, K-545145, K-545146, K-545147, K-545148, K-545149, K-545150, K-545151, K-545152, K-545153, K-545154, K-545155, K-545156, K-545157, K-545158, 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C-3

C-2

Proposed R-2
Currently C-2

C-2

R-2

C-2

C-2

C-3

PUD

Seabrook

Red Bluff Rd

Bayport Blvd

Old TX-146

Red Bluff Rd

Davey Ln

Bayview Dr

Red Bluff Rd

Bayport Blvd TX-146

Old TX-146