

ORDINANCE NO. 2023-04
SEABROOK PLAZA (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 11.096 ACRES SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, GENERALLY LOCATED NORTH OF CLEAR LAKE, SOUTH OF NASA ROAD ONE AND WEST OF ELAM STREET, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT “A”, FROM (WAD) “WATERFRONT ACTIVITY DISTRICT”, TO (PUD) “PLANNED UNIT DEVELOPMENT”, FOR A MIXED USE DEVELOPMENT COMPRISING OF A BOUTIQUE HOTEL, EXTENDED STAY HOTEL, CONFERENCE CENTER AND BALLROOM, APPROXIMATELY 52,000 SQUARE FEET OF LEASEABLE COMMERCIAL/RETAIL SPACE, APPROXIMATELY 300 UNIT LUXURY MULTI-FAMILY APARTMENT COMPLEX, AND PARKING; 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, Seabrook Plaza One, LP, has requested rezoning of property consisting of approximately 11.096 acres generally located north of Clear Lake, south of NASA Road One and west of Elam Street within the City of Seabrook, the same to be divided for a boutique hotel, extended stay hotel, conference center and ballroom, approximately 52,000 square feet of commercial/retail space, and approximately 300 unit luxury multi-family apartment complex to be referred to as “Seabrook Plaza Planned Unit Development”, consisting of 3 tracts of land, with the first tract consisting of 6.962 acres, the second consisting of 3.303 acres, and the third consisting of 0.8310 acre, all being out of the 11.096 acres tract or parcel of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas, said 11.096 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 “WAD” (Waterfront Activity District) to “PUD” (Planned Unit Development) and has submitted a development plan providing for a Mixed Use Development, consisting of a boutique hotel, extended stay hotel, conference center and ballroom, approximately 52,000 square feet of commercial/retail space, and approximately 300 unit luxury multi-family apartment complex, 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 January 17, 2023, 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 March 7, 2023; 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 WAD 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, 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 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 WAD 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 11.096 acres generally located north of Clear Lake, south of NASA Road One and west of Elam Street within the City of Seabrook, the same to be a Mixed Use Development and to be referred to as “Seabrook Plaza”, consisting of a boutique hotel, extended stay hotel, conference center and ballroom, approximately 52,000 square feet of commercial/retail space, and approximately 300 unit luxury multi-family apartment complex, legally described as approximately 11.096 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. This Ordinance shall in no manner 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 a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 7th day of March, 2023

PASSED, APPROVED, AND ADOPTED on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 21st day of March, 2023.

By: _____
Thomas G. Kolupski, Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

Loren B. Smith
City Attorney

[EXHIBITS FOLLOW]

Exhibit “A” to Ordinance No. 2023-04

The Property – Metes & Bounds
11.096 acres

Legal Description:

BEING 6.962 acres (303,244 square feet) of land in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, being all of the called 1.8819 acre tract of land described in the deed from Marker 1, Ltd. to Endeavor Lofts Clear Lake LP recorded in File Number Z279237 of the Official Public Records of Harris County, Texas, the same being Restricted Reserve “A”, Block 1 of MARKER 1 ADDITION, the plat thereof recorded in Film Code 513034 of the Harris County Map Records, further being all of the called 1.777 acre tract of land described in the deed from ENDEAVOR LOFTS CLEAR LAKE LP to LAMROCK 3/2001 LP recorded in File Number RP-2020-13580 of the Official Public Records of Harris County, Texas, further being all of the called 1.737 acre tract of land (“Tract I”) and the called 1.587 acre tract of land (“Tract II”) described in the deed from Celox, LLC to Lamrock 3/2001 LP recorded in File Number 20070130413 of the Official Public Records of Harris County, Texas.

BEING 3.303 acres (143,889 square feet) of land in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, being a portion of the called 5.7470 acre tract of land described in the deed from Endeavour Marina Clear Lake LP to Lamrock 3/2001 LP recorded in File Number 20070236698 of the Official Public Records of Harris County, Texas, and being a portion of the called 2.8408 acre tract of land described in the deed from ENDEAVOUR LOFTS CLEAR LAKE LP to Lamrock 3/2001 LP recorded in File Number RP-2020-130148 of the Official Public Records of Harris County, Texas, and being a portion of MARKER 1 ADDITION, the plat thereof recorded in Film Code 513034 of the Harris County Map Records.

BEING 0.8310 acre (36,198 square feet) of land in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, being a portion of Lot 2-A and a portion of the 60-foot road dedicated by REPSDORPH SUBDIVISION according to the plat thereof recorded under Volume 18, Page 63 of the Map Records of Harris County, Texas, said road dedication later released to Allen Repsdorph et al. under Volume 1482, Page 239 of the Deed Records of Harris County, Texas.

Exhibit “B” to Ordinance No. 2023-04

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