

ORDINANCE NO. 20-\_\_\_\_

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, CHANGING THE ZONING FROM RESIDENTIAL, SINGLE-FAMILY, HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 6 (R-1-HDDZ-6) TO COMMERCIAL, HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 6 (C-HDDZ-6) ZONING DISTRICT ON PROPERTY COMMONLY KNOWN AS **11279 STEWART ROAD** AND LEGALLY DESCRIBED AS THE NORTHEAST PART OF LOT 39 (39-1), TRIMBLE AND LINDSEY SURVEY, SECTION 2, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER **20P-028**; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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**WHEREAS**, the City has received a request to change the zoning from Residential, Single-Family, Height and Density Development Zone, Zone 6 (R-1-HDDZ-6) to Commercial, Height and Density Development Zone, Zone 6 (C-HDDZ-6) Zoning District on property commonly known as **11279 Stewart road** and legally described as the Northeast Part of Lot 39 (39-1), Trimble and Lindsey Survey, Section 2, in the City and County of Galveston, Texas; and,

**WHEREAS**, as more detailed in the staff report attached hereto, as **Exhibit 1** and fully incorporated herein, the site is comprised of 3.12 acres of land located on the corner of Stewart and 8 Mile Road. The site is one lot with two zoning designations. The property is currently partially zoned Commercial (C) on the northern portion of the lot, and Residential, Single-family (R-1) on the south third portion of the property. The land area of this change of zoning will serve as a parking; and,

**WHEREAS**, the majority of the property is zoned Commercial (C), which allows for various commercial uses by right. There are limited residential uses in the immediate area and the general vicinity is mostly vacant land. The zoning classification of nearby properties is comprised of Commercial (C), Resort/Recreation (RES/REC), and Traditional Neighborhood (TN); and,

**WHEREAS**, Staff finds that the rezoning request meets the demonstrative criteria required for approval, per Division 13.601 (C), of the Land Development Regulations based on the following findings:

1. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objective and policies of the City of Galveston 2011 Comprehensive Plan and other adopted plans;
2. The proposed zoning is consistent with the future land use map prepared by staff and accompanying the staff report for this case;
3. The proposed change is consistent with the implementation of existing or planned streets, water, wastewater, other utilities and delivery of public services to the area in which the proposed rezoning is located;
4. The range of uses and character of development allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for

rezoning and the parcel has sufficient dimensions to accommodate reasonable development that complies with the requirements or the Land Development Regulations including parking and buffering requirements;

5. The pace of development and/or amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development; and,

**WHEREAS**, the Planning Commission, at their regular meeting of September 22, 2020, voted to recommend approval of the zoning change request; and,

**WHEREAS**, after notice and after conducting a public hearing, the City Council of the City of Galveston, Texas, finds that the rezoning request meets the demonstrative criteria required for approval, per Division 13.601 (C), of the Land Development Regulations and deems it in the public interest to grant applicant's request for a zoning change on property commonly known as **11279 Stewart road** and legally described as the Northeast Part of Lot 39 (39-1), Trimble and Lindsey Survey, Section 2, subject to certain conditions listed below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** The zoning classification is hereby changed from Single-Family, Height and Density Development Zone, Zone 6 (R-1-HDDZ-6) Zoning District to Commercial, Height and Density Development Zone, Zone 6 (C-HDDZ-6) Zoning District on property commonly known as **11279 Stewart road** and legally described as the Northeast Part of Lot 39 (39-1), Trimble and Lindsey Survey, Section 2, in the City and County of Galveston, Texas.

**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 4.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive

caption only.

**SECTION 6.** This Ordinance shall become effective upon its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

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DONNA M. FAIRWEATHER  
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on October 22, 2020, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Secretary for the City Council  
of the City of Galveston