

**ORDINANCE NO. 22 - \_\_\_\_**

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT IN A RESIDENTIAL SINGLE-FAMILY (R-1) ZONING DISTRICT TO DEVELOP A MIXED-USE DEVELOPMENT CONSISTING OF SINGLE-FAMILY DWELLINGS, PASSENGER MOTOR VEHICLE SALES AND RENTAL AND AGRICULTURAL URBAN FARMING LAND USES ON PROPERTY COMMONLY KNOWN AS **23500 SAN LUIS PASS ROAD / FM 3005**, AND WHICH IS LEGALLY DESCRIBED AS LOT 2R (2-18), 10.3127 ACRES, GALVESTON ISLAND RV RESORT REPLAT (2021), IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER **21P-065**; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, Article 4 of the 2015 Galveston Land Development Regulations (LDR) allows for the creation of a Planned Unit Development (PUD) Overlay Zoning District; and,

**WHEREAS**, the Applicant is Brax Easterwood, AIA, and the owner is Galveston Island RV Resort LP and they are requesting to establish a Planned Unit Development (PUD) Overlay Zoning District in a Residential Single-Family (R-1) base zoning district; and,

**WHEREAS**, as further detailed in the Staff Report, attached and incorporated herein as **Attachment 1** (including Exhibits), the subject site is a 10 acres tract adjacent to single-family residential neighborhoods in the Bay Harbor and Miramar subdivisions. There are currently two RV slips on the property; and,

**WHEREAS**, the applicant states the intended purpose is to incorporate the planned unit development (PUD) overlay district to a residential, single-family (R-1) base zoning district to establish a mixed-use development consisting of single-family dwellings, passenger motor vehicle sales and rental and agricultural urban farming land uses; and,

**WHEREAS**, at its meeting of December 7, 2021, the Planning Commission voted to recommend approval of the request with the following additional conditions:

1. Outside storage of golf carts and equipment shall be prohibited on all parcels other than parcel D, and the storage of golf carts and equipment shall be limited to the area below the long-term housing unit planned for parcel D;
2. Delivery and drop-off of golf carts shall be prohibited between the hours of 7:00 PM and 7:00 AM;
3. Stairs shall be redesigned to maintain 8-foot clear side yard setback;
4. Commercial building shall conform to the revised site plan;
5. On-street parking shall be prohibited on the private street; and,

**WHEREAS**, Staff recommends approval of the request with conditions as provided in **SECTION 3 below**. Staff finds that the residential component of the mixed-use development is compatible with the surrounding land uses. Staff finds that the proposed development is not contrary to the goals and objectives of the 2011 Comprehensive Plan and meets the referenced

criteria for approval. The development will not be out-of-scale with the surrounding area and does not create inconsistencies with the overall development patterns in the area; and,

**WHEREAS**, after notice and conduct of a public hearing, the City Council of the City of Galveston, Texas, deems it in the public interest to grant Applicant's request for a Planned Unit Development (PUD) Overlay Zoning District in a Residential Single-Family (R-1) base zoning district on property commonly known as 23500 San Luis Pass Road / FM 3005, in the City and County of Galveston, Texas, subject to the conditions set forth in **section 3** 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 adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** Subject to certain conditions set forth in **Section 3** below, the Applicant is hereby granted a Planned Unit Development (PUD) Overlay Zoning District in a Residential, Single Family (R-1) Development Zone, on property commonly known as 23500 San Luis pass Road / FM 3005, and which is legally described as Lot 2R (2-18), 10.3127 Acres, Galveston Island RV Resort Replat (2021), in the City and County of Galveston, Texas.

**SECTION 3.** The Planned Unit Development (PUD) Overlay Zoning District is subject to the following conditions:

***Specific Conditions - to 21P-065:***

1. Granting of a PUD zoning district shall not relieve the developer from complying with all other applicable sections of the Land Development Regulations (LDR), and other Codes and Ordinances of the City of Galveston, unless such relief is specified in the approved PUD plan and PUD ordinance. Relief provided by this PUD plan includes:
  - a. Deviate from the minimum lot area and width in the "R-1" Addendum. The minimum lot area is 5,000 square feet with a minimum width of 50 feet. The applicant is proposing a range of lot sizes from 4,000 square feet to 4,800 square feet, and all lots having a minimum lot width of 40 feet;
  - b. Allow for a private street;
  - c. Reduce the width of the private street from 60 feet to 28 feet;
  - d. Deviation from Article 2 of the LDR, Agricultural/Urban Farming Limited Use Standards, to reduce the minimum acreage requirement from 5 acres to 4.65 acres in order to establish an apiary;
  - e. Allow for the Passenger Motor Vehicle Sales and Rental land use for the operation of golf cart rentals. The golf cart rentals business model consists of delivery and pick-up of carts only. The business does not receive customers on-site, with all bookings of golf carts conducted online or by phone.
2. The Passenger Motor Vehicle Sales and Rental land use for the operation of golf cart rentals shall conform to the following:

- a. All business operations and any storage shall be indoors. No outdoor display of golf carts permitted;
- b. Commercial vehicles shall not be parked on the site other than those associated with the business and for the personal use of the owner;
- c. No signage or on-site advertising permitted;
- d. The business shall not receive customers on-site;
3. The applicant shall replat the property in accordance with the site layout presented in Exhibit C.
4. The development shall conform to the site plan and design details included with the PUD application and ordinance;
5. A building permit(s) for the project shall be issued no later than 24-months from the date of City Council approval and shall proceed in accordance with Ordinance 20-008, Timeframe for Permits for Construction Activity;
6. There shall be no nuisance created or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties;
7. Outside storage of golf carts and equipment shall be prohibited on all parcels other than parcel D, and the storage of golf carts and equipment shall be limited to the area below the long-term housing unit planned for parcel D;
8. Delivery and drop-off of golf carts shall be prohibited between the hours of 7:00 PM and 7:00 AM;
9. Stairs shall be redesigned to maintain 8-foot clear side yard setback;
10. Commercial building shall conform to the revised site plan;
11. On-street parking shall be prohibited on the private street; and,

**Standard Conditions of a Planned Unit Development (PUD):**

12. The applicant shall adhere to all comments/conditions received from City departments;
13. Any change or revisions to the adopted PUD Plan shall require an amendment to the PUD ordinance, which requires review by the Planning Commission and City Council. Minor additions and modifications to the approved PUD plan meeting the criteria set forth in Article 4, Section 4.102 (d)(3) of the Land Development Regulations (LDR) may be approved by the Development Services Department; and,
14. The applicant shall submit for approval all plans to the Development Services Department for compliance with all City codes.

**SECTION 4.** The zoning classification for this property shall be changed to Residential, Single-Family (R-1)-PUD overlay and shall be designated as (R-1)-PUD on the zoning maps of the City of Galveston, subject to the conditions set forth in **Section 3** above.

**SECTION 5.** 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. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a 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 6.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 7.** 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 8.** This Ordinance shall be and become effective from and after 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 January 27, 2022, 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 \_\_\_\_\_, 2022.

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Secretary for the City Council  
of the City of Galveston