

ORDINANCE NO. 2016-

AN ORDINANCE GRANTING SPECIAL USE PERMIT **SUP15-09 (VANDERFORD AIR)**, FOR A WAREHOUSING AND INDOOR STORAGE USE ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF LOTS 1 THRU 5 AND 7 THRU 11, BLOCK 165 OF THE MOORE'S ADDITION SUBDIVISION, GENERALLY LOCATED SOUTH OF FM 646, NORTH OF 17TH STREET, EAST OF DELAWARE AVENUE AND WEST OF STATE HIGHWAY 3, WITH THE APPROXIMATE ADDRESS BEING 201 WEST FM 646 IN LEAGUE CITY, TEXAS.

WHEREAS, at the May 1, 1999 General Election the qualified voters of the City of League City voted that staff proceed with the concept of zoning for the City; and

WHEREAS, on August 10, 1999, the City Council of the City of League City, Texas (the "Council") adopted Ordinance No. 99-52 amending the Code of Ordinances of the City of League City to add Chapter 125 regarding Zoning; and

WHEREAS, on August 30, 2005, the Council adopted Ordinance No. 2005-24 amending Chapter 125 of the Code of Ordinances of the City of League City, Texas (the "Code of Ordinances") and adopting zoning ordinances consistent with the Comprehensive Plan for the City of League City, Texas; and

WHEREAS, Section 125-50 provides that the City Council may grant a special use permit for special uses that are otherwise prohibited by this ordinance, and may impose appropriate conditions and safeguards to conserve and protect property and property values in the neighborhood; and

WHEREAS, the owner of a certain 1.5-acre tract of land, legally described as Lots 1 thru 5 and 7 thru 11, Block 165 of the Moore's Addition Subdivision, generally located south of FM 646, north of 17th Street, east of Delaware Avenue and west of State Highway 3 with the approximate address being 201 West FM 646, which parcel is currently zoned "CO" (Office Commercial), is requesting a special use permit for a "Warehousing and Indoor Storage" use as shown in the attached Zoning / Notification Map in Exhibit "A" and as depicted in the Survey of Lots One (1) through Five (5) and Seven (7) through Eleven (11) of the Moore's Addition to the Town of Dickinson as prepared for Robert Vanderford by Dale Hardy of GeoSurv, LLC, dated September 9, 2014 in Exhibit "B"; and

WHEREAS, the City Council considered the affirmative recommendation of the Planning and Zoning Commission and duly conducted a public hearing as required by law; and

WHEREAS, the applicant presented adequate testimony that the proposed warehousing and indoor storage use is consistent with the standards for issuance for a special use permit; and

WHEREAS, the City Council has discretionary authority under Ordinance No. 2005-24 and applicable law to grant or withhold approval of a special use permit; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. A special use permit is hereby granted and the 1.5-acres of land, legally described as Lots 1 thru 5 and 7 thru 11, Block 165 of the Moore's Addition Subdivision, generally located south of FM 646, north of 17th Street, east of Delaware Avenue and west of State Highway 3 with the approximate address being 201 West FM 646 is hereby conferred a permitted special use for a Warehouse and Indoor Storage use within the boundaries as shown in the attached Zoning / Notification Map in Exhibit "A", and as depicted in the Survey of Lots One (1) through Five (5) and Seven (7) through Eleven (11) of the Moore's Addition to the Town of Dickinson as prepared for Robert Vanderford by Dale Hardy of GeoSurv, LLC, dated September 9, 2014 in Exhibit "B"; is subject to the following conditions:

1. The Special Use Permit shall expire after a period of 12 months beginning upon the date of the adoption of the SUP ordinance if no building permits are issued for development of the site.
2. The facility shall be constructed in conformity to the attached plan in Exhibit C, in terms of setbacks, size and building elevations. The site will be constructed in two phases, a 6,000 square foot building with an additional 5,200 square foot future expansion.
3. The uses permitted on site will be limited to those permitted in the base zoning district and identified by the Special Use Permit which are for an office and warehouse with indoor storage.
4. Since no dumpster enclosure is being provided outside, all refuse and recycling containers are to remain inside the building unless in preparation for collection. Should a dumpster be required, a dumpster enclosure must be constructed in accordance with the Zoning Ordinance and constructed of similar materials used on the building.
5. Both phases of the project shall comply with the following Architectural requirements:
 - a. The primary façade (along FM 646) and columns shall have 100% masonry with a minimum of forty-five percent (45%) masonry on the side facades with complementary materials such as wood or metal. The natural masonry color will be complementary to the surrounding residential neighborhood and commercial developments. Painted CMU is not permitted.
 - b. No loading areas or service doors for the site shall face FM 646.
6. The entire site shall comply with the minimum landscaping requirements of the Zoning Ordinance as represented in the phased Landscaping Plan in Exhibit C.
7. All exterior lighting for the site shall be hooded or otherwise shielded so that the light source is not directly visible from the roadways and all emitted light falls upon the property from which the light emanates. The measureable amount of light created on site at a point three (3) feet beyond the property line shall be no more than 0.2 foot candles.
8. The project shall comply with the minimum requirements of the Sign Ordinance and the following additional Signage requirements:
 - a. Signage shall be similar to what is represented in the Sign Exhibit in Exhibit D.
 - b. Only monument signs are permitted on the site.
 - i. All free standing signs on the site shall be monument signs with a masonry base constructed of similar materials used on the building.
 - ii. Any exterior illumination of signs on the site must have top mounted luminaires that are shielded downwards; no bottom luminaires are permitted.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED first reading the _____ day of _____, 2016.

PASSED second reading the _____ day of _____, 2016.

PASSED AND ADOPTED the _____ day of _____, 2016.

TIMOTHY PAULISSEN,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney