

ORDINANCE NO. 2016-32

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR A SPECIAL USE PERMIT, **SUP16-02 (DUNCAN SAND PIT)**, FOR AN EXCAVATION AND MINING USE [SAND PIT] TO BE CONSTRUCTED ON A 418.8-ACRE TRACT OF LAND ZONED “RSF-7-PUD” (SINGLE-FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 7,000 SQUARE FEET WITH A PLANNED UNIT DEVELOPMENT OVERLAY), LEGALLY DESCRIBED AS TRACT 2-1 OF THE PERRY AND AUSTIN SURVEY, GENERALLY LOCATED NORTH OF FM 517, SOUTH OF ERVIN STREET, AND WEST OF CALDER ROAD WITH THE APPROXIMATE ADDRESS BEING IN THE 7000 BLOCK OF WEST FM 517 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, Section 98-87 provides that City Council shall, upon the conclusion of a public hearing, shall grant or refuse a permit for excavation, mining or similar activities applied for under the provisions of the division.

WHEREAS, the owner of a certain 418.8-acre tract of land, legally described as Tract 2-1 of the Perry and Austin Survey, generally located north of FM 517, south of Ervin Street, west of Calder Road with the approximate address being in the 7000 block of West FM 517, which parcel is currently zoned “RSF-7-PUD”, is requesting a special use permit for an “excavation and mining” use as shown in the attached Zoning Map in Exhibit “A” and as depicted in the Plan View Accessibility Plan and Plan View Detention Pond and Amenity Lake signed by Steven Sheldon, P.E. of Dannenbaum Engineering on July 20, 2016 in Exhibit “B”; and

WHEREAS, the City Council considered the 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 excavation and mining 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 on the 418.8-acre tract of land, legally described as Tract 2-1 of the Perry and Austin Survey, generally located north of FM 517, south of Ervin Street, west of Calder Road with the approximate address being in the 7000 block of West FM 517 is hereby conferred a permitted special use for an excavation and mining use within the boundaries as shown in the attached Zoning Map in Exhibit "A" and as depicted in the Plan View Accessibility Plan and Plan View Detention Pond and Amenity Lake signed by Steven Sheldon, P.E. of Dannenbaum Engineering on July 20, 2016 in Exhibit "B"; is subject to the following conditions:

1. The Special Use Permit (SUP) is valid beginning on the date of adoption of this SUP ordinance and will expire on December 31, 2017. Any extensions of this SUP shall be approved prior to the expiration date of the permit.
2. The applicant shall submit a bond to the City of League City in the amount of \$100,000.00.
3. The applicant shall provide proof of insurance for the subject property in the amount of \$1,000,000.00 and maintain such insurance as long as excavation operations continue prior to the second reading of the request.
4. The Special Use Permit is limited to excavation and mining uses only with the sand pit being constructed in the location as shown in the attached engineered layout. Within 45 days of completion, the applicant shall provide a survey signed and sealed by a Registered Professional Land Surveyor (RPLS) confirming the conformance with the approved layout.
5. The applicant must receive a Business Registration Permit from the City of League City prior to the selling of any soil to the public.
6. Any signage for the site shall require sign permits and meet the requirements of League City's Sign Ordinance.
7. The proposed on-site office must meet building setbacks and provide parking at the rate of 4 parking spaces per 1,000 square feet of gross floor area.

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 13th day of September, 2016.

PASSED second reading the _____ day of _____, 2016.

PASSED AND ADOPTED the _____ day of _____, 2016.

PAT HALLISEY,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney