

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR A SPECIAL USE PERMIT, **SUP15-04 (LEAGUE CITY PARKWAY / BUTLER ROAD GAS STATION)**, FOR A GAS AND SERVICE STATIONS USE [GAS STATION WITH CONVENIENCE STORE AND CAR WASH] ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF LOTS 3 AND 4, BLOCK M OF THE CLEAR CREEK SUBDIVISION, GENERALLY LOCATED SOUTH OF LEAGUE CITY PARKWAY, NORTH OF TURNER ROAD, EAST OF BUTLER ROAD AND WEST OF CALDER ROAD WITH THE APPROXIMATE ADDRESS BEING IN THE 1600 BLOCK OF LEAGUE CITY PARKWAY 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 4.85-acre tract of land, legally described as a portion of Lots 3 and 4, Block M of the Clear Creek Subdivision, generally located south of League City Parkway, north of Turner Road, east of Butler Road and west of Calder Road with the approximate address being in the 1600 block of League City Parkway, which parcel is currently zoned "CM" (Commercial Mixed Use), is requesting a special use permit for a "Gas and Service Stations" use [Gas station with convenience store and car wash]; as shown in the attached Zoning / Notification Map in Exhibit "A" and as depicted in the Survey of Subdivision 9 of the Stephen F. Austin League, Abstract No. 3 as prepared by Dale Hardy of GeoSurv, LLC, dated March 13, 2015 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 Gas and Service Stations 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 4.85-acres of land legally described as a portion of Lots 3 and 4, Block M of the Clear Creek Subdivision, generally located south of League City Parkway, north of Turner Road, east of Butler Road and west of Calder Road with the approximate address being in the 1600 block of League City Parkway in the City of League City is hereby conferred a permitted special use for a Gas and Service Stations use within the boundaries as shown in the attached Zoning / Notification Map in Exhibit "A" and as depicted in the Survey of Subdivision 9 of the Stephen F. Austin League, Abstract No. 3 as prepared by Dale Hardy of GeoSurv, LLC, dated March 13, 2015 in Exhibit "B", and subject to the following conditions:

1. The Special Use Permit shall expire 12 months after the date of the adoption of the SUP ordinance unless a completed application for the development is submitted to the City.
2. The facility shall be constructed in conformity to the attached site plan and elevations in Exhibits C and D, in terms of setbacks, size and building elevations.
3. The developer will complete irrigation and landscaping improvements along the south side of League City Parkway between Butler Road and the eastern most proposed driveway along League City Parkway, in joint coordination with like irrigation and landscaping improvements in the Marketplace at Ninety-Six project along League City Parkway. The gas station tract shall install improvements prior to issuance of a certificate of occupancy. The adjacent commercial tracts shall install improvements prior to completion of any construction within each tract, including but not limited to driveways, access drives or full development of the site. Any Irrigation and landscaping improvements shall not commence until a plan for such improvements has been submitted and approved by the City.
4. 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 a gas station with an associated convenience store and car wash.
5. All utilities shall be located underground.
6. Ingress/Egress to Butler Road is prohibited for all delivery vehicles until the reconstruction of Butler Road is complete.
7. Once Butler Road is reconstructed the applicant must provide proof of the following in order to permit 18-wheeler trucks from accessing the site via Butler Road, based on standard professional engineering practice:
  - a. A truck will be able to adequately move into the southbound left turn lane of Butler Road and be able to turn into the site without blocking or impeding the adjacent southbound through lane.
  - b. The new southbound turn lane will not prevent the existing northbound turn lane at the intersection of League City Parkway and Butler Road from being constructed to its full extent required.
8. Sidewalks along League City Parkway shall be eight (8) feet in width and a 4-foot wide sidewalk shall extend the entire length of the property along Butler Road.
9. The project shall comply with the following Architectural requirements illustrated in Exhibit D:

- a. Both the primary structure and any additional secondary structures shall have a minimum of forty percent (40%) masonry veneer on the front and side facades with complementary materials, such as stone, wood or metal. The masonry color will be complementary to the surrounding residential neighborhood and commercial developments. Painted CMU will not be sufficient.
  - b. The refueling canopy support columns for the fueling canopy shall be masonry or masonry veneer.
  - c. The refueling canopy roof fascia shall be painted the same color as the EIFS on the main building (Sherwin Williams #2059) with dark bronze roof cap, as shown in Exhibit D.
  - d. The facades along League City Parkway and Butler Road shall have a minimum of 25% transparency.
  - e. No loading areas or service doors for the site shall face League City Parkway or Butler Road, except for the unloading of gasoline into the reserve storage tanks as shown on the preliminary site plan.
  - f. The dumpster enclosure shall be enclosed of similar construction of the principal building including materials and colors.
10. The project shall comply with the following lighting regulations:
- a. All parking lot light fixtures shall be full cutoff fixtures. All exterior lighting shall be hooded or otherwise shielded so that the light source is not directly visible from property that contains a residential use.
  - b. All exterior lighting shall be shielded so that substantially all emitted light falls upon the property from which the light emanates. The measureable amount of light created by the project at a point three (3) feet beyond the property line shall be no more than 0.2 foot candles.
  - c. Lighting fixtures mounted on or under canopy ceilings shall be full cutoff, unless indirect lighting is being used where light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.
11. The project shall comply with the following Signage requirements:
- a. Signage shall be similar to what is illustrated in Exhibit E.
  - b. Signage, in conjunction with the landscaping, is intended to provide a layering effect whereby the signage would extend closer to the rights-of-way than the landscaping along League City Parkway. The project shall comply with the existing sign requirements for signage as stipulated in Chapter 90, Signs, of the League City Code of Ordinances with those exceptions shown below:
    - i. Only monument signs are permitted along League City Parkway and Butler Road.
    - ii. Monument signs shall include a masonry base that is compatible with the materials used in the development.
    - iii. Any exterior illumination of signs on the site must have top mounted luminaires that are shielded downwards; no bottom luminaires are permitted.
    - iv. Monument signs located on Butler Road shall be limited to 6-feet in height and shall not include an Electronic Message Center (EMC).
12. The project shall comply with the following Landscaping regulations, in addition to the minimum requirements.
- a. A berm measuring not less than three (3) feet or more than four (4) feet in height from finish grade of the parking lot shall be utilized along League City Parkway

and Butler Road. The berm shall be set back a minimum of three (3) feet and a maximum of six (6) feet from the property line and parking area.

- b. All plant materials shall be from the City's Water Smart Plant list. At least three (3) different tree species and at least two (2) difference shrub species shall be included in the landscaping.

13. Donation drop boxes will be prohibited on the site.

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 \_\_\_\_\_, 2015.

PASSED second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

PASSED AND ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
TIMOTHY PAULISSEN,  
Mayor

ATTEST:

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DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN,  
City Attorney