

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 TO REZONE APPROXIMATELY 10.857 ACRES (**Z15-14 THE DELANEY AT SOUTH SHORE HARBOR**) FROM “PS” (PUBLIC/SEMI-PUBLIC) TO “CM-PUD” (COMMERCIAL MIXED USE WITH A PLANNED UNIT DEVELOPMENT OVERLAY), LEGALLY DESCRIBED AS A PORTION OF LOTS 103, 111, AND 112 OF DIVISION “D” OF LEAGUE CITY, AN UNRECORDED SUBDIVISION OF PART OF THE MICHAEL MULDOON TWO LEAGUE GRANT, ABSTRACT NO. 18 AND PART OF THE S.F. AUSTIN SURVEY, GENERALLY LOCATED SOUTH OF MARINA BAY DRIVE AT THE INTERSECTION OF CONSTELLATION BOULEVARD, WITH THE APPROXIMATE ADDRESS BEING IN THE 2500 BLOCK OF MARINA BAY DRIVE 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 City Council adopted Ordinance No. 2005-24 amending Chapter 125 of the Code of Ordinances of the City of League City and adopting zoning ordinances consistent with the Comprehensive Plan for the City of League City, Texas; and

WHEREAS, Chapter 125, Section 125-49 of the Code of Ordinances establishes a procedure for a property owner, his authorized agent, or the City Planner to request zoning changes; and

WHEREAS, the City Council deems it necessary and in the best interest of the citizens to rezone approximately 10.857 acres from “PS” (Public/Semi-Public) to “CM-PUD” (Commercial Mixed Use with a Planned Unit Development Overlay), a portion of Lots 103, 111, and 112 of Division “D” of League City, an unrecorded subdivision of part of the Michael Muldoon Two League Grant, Abstract No. 18 and part of the S.F. Austin Survey, generally located south of Marina Bay Drive at the intersection of Constellation Boulevard, with the approximate address being in the 2500 block of Marina Bay Drive in League City, Texas; and

WHEREAS, the City Council deems it necessary and in the best interest of the citizens to rezone approximately 10.857 acres from “PS” (Public/Semi-Public) to “CM-PUD” (Commercial Mixed Use with a Planned Unit Development Overlay), in accordance with Section 125-8 of the League City Code, development and improvement of said 10.857 acre property shall be subject to and comply with municipal ordinances and regulations in effect at the time of City Council adoption of this ordinance unless otherwise provided for in Section 3; and

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, that:

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

Section 2. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3. A Planned Unit Development (PUD) Overlay with a base zoning of “CM” (Commercial Mixed Use) of approximately 10.857 acres, legally described as being a portion of Lots 103, 111, and 112 of Division “D” of League City, an unrecorded subdivision of part of the Michael Muldoon Two League Grant, Abstract No. 18 and part of the S.F. Austin Survey, generally located south of Marina Bay Drive at the intersection of Constellation Boulevard, with the approximate address being in the 2500 block of Marina Bay Drive in League City, Texas, is granted, subject to the following use and development regulations:

1. **Zoning Designation:** The property shall be developed and used in accordance with the development and use regulations of the “CM” (Commercial Mixed Use) Zoning district as set forth in the League City Zoning Ordinance except as supplemented or modified by this Ordinance.
2. **Planned Unit Development Overlay Area:** The Delaney at South Shore Harbor Planned Unit Development Overlay (“the PUD”), generally described as 10.857 acres, legally described as a portion of Lots 103, 111, and 112 of Division “D” of League City, an unrecorded subdivision of part of the Michael Muldoon Two League Grant, Abstract No. 18 and part of the S.F. Austin Survey, said land being more particularly described in **Exhibit A**. The concept plan for the PUD is shown on **Exhibit B**, attached hereto.
3. **Land Use Classification Definitions:** Except as defined below, the use classifications that are included in Section 5 are defined in Article V of the League City Zoning Ordinance. In cases where a specific land use or activity is not defined either in this section or in the League City Zoning Ordinance, the City Planner or their designee shall assign the land use or activity to a classification that is substantially similar in character.
  - a. *Independent living facility.* A managed residential community consisting of private residential units, including full kitchens, and providing meal service, laundry service, housekeeping, social activities, and personal services in a group setting to persons fifty-five (55) years and older.
  - b. *Assisted living facility.* A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal preparation, laundry service, housekeeping, social activities, and personal services in a group setting to persons fifty-five (55) years and older who require help or assistance with activities of daily living. An assisted living facility may provide nursing services, but is not a nursing home or convalescent facility as defined by the State of Texas.

- c. *Memory care facility.* A managed residential community consisting of private residential units and providing assistance with activities of daily life, such as meal preparation, laundry service, housekeeping, social activities, and personal services in a group setting to persons with Alzheimer’s disease and other forms of permanent memory impairment.

4. **Building Height:** The maximum building height within the PUD shall be no greater than 42 feet with the exception of the Independent Living portion of the project which will have a height of no greater than 54 feet. The location of the Independent Living portion of the project is shown on **Exhibit B**.

5. **Schedule of Permitted Uses:** The table below includes the permitted uses for the PUD. Regulations for each use are established by the following letter designations:  
“P” designates permitted use classifications.  
“A” designates permitted accessory use classifications.

*The number designations refer to additional regulations listed at the end of the table below.*

<i>Use Classifications</i>	
<b><i>Residential</i></b>	
<i>Assisted living facility</i>	P
<i>Independent living facility</i>	P
<i>Memory care facility</i>	P
<b><i>Commercial</i></b>	
Alcohol Beverage Sales	
<i>On-Premise Consumption</i>	A(1)(2)
Offices	A(1)(3)
Personal Services	A(1)(4)
Retail Sales	A(1)

- (1) Use is limited to residents and guests only, not open for public use. Retail sales is for on premises resident store for residents only  
(2) Permissible if in accordance with Chapter 10 of the City of League City Code of Ordinances and the Texas Alcoholic Beverage Commission (TABC) Code.  
(3) Use is limited to administrative offices.  
(4) Personal services is limited to an on premises beauty salon, services include massage therapy only open to residents of the community

6. **Landscaping:** Landscaping of properties in the PUD shall be developed in accordance with the following standards:

- a. Plantings shall conform to the following minimum sizes at the time of planting:

Shade trees:	2 – ½” caliper, balled and burlapped or container
Ornamental trees:	6’ tall, balled and burlapped or container
Shrubs:	3’ tall, planted no less than 36” off center.

- b. All plant materials shall be from the attached plant list in **Exhibit C**. At least three different tree species, two different shrub species, and one ornamental grass species shall be included in the project landscaping. The landscape plan shall conform with the plan attached in **Exhibit D**.

- c. Landscape islands of no less than 152 square feet shall be provided within each surface parking area for every eight (8) parking spaces, or fraction thereof.

(1) The landscape islands required in Section 6.c., above, need not be placed/located every eight (8) spaces; however, in no case shall any parking space be further than 200 feet from any landscape island and the total square footage of all landscape islands required for each parking area be less than is required by said Section 6.c., above.

(2) Shade trees shall be planted in the parking lot at a ratio of one (1) tree for every eight (8) spaces. No less than 75 percent of the landscape islands required in Section 6.c., above, shall contain shade trees. All other island(s) not including trees, shall be completely landscaped with shrubs or ornamental grasses not exceeding three (3) foot in height.

- d. Non-deciduous or evergreen shrubs shall be planted as a continuous hedge to screen parking areas that are adjacent to private street rights-of-way, street easements, or internal access roads/aisles.

- e. A ten (10) foot landscape setback shall be located on all property adjacent to Marina Bay Drive (FM 2094). The landscape setback shall consist of:

(1) One shade tree for every 30 linear feet of street frontage, excluding driveways. Trees may be clustered or spaced linearly rather than being on 30-foot centers. The minimum size of the tree shall be 2 ½ - inch caliper upon installation. If a utility easement exists within the landscape setback, required trees may be planted within 10 feet of the easement.

(2) A continuous hedge consisting of shrubs that are not less than three (3) feet or more than four (4) feet in height when mature and no less than 36 inches in height at the time of installation. Shrubs shall be planted no more than 36 inches on center. The landscape hedge shall be set back a minimum

of three (3) feet and a maximum of six (6) feet from the perimeter of any parking space, driveway, or any access aisle. The hedge must provide continuous screening of the parking area when viewed perpendicular to the public street. Shrubs planted within sight distance triangles shall not exceed 24 inches in height at maturity.

- (3) A berm measuring not less than three (3) feet or more than four (4) feet in height from finished grade of the parking lot may be utilized as a substitute screening method. The berm shall be set back a minimum of three (3) feet and a maximum of six (6) feet.

f. A 50 foot buffer yard shall be located adjacent to the residentially zoned property to the east of the site. The buffer yard shall consist of:

- (1) An eight (8) foot tall solid wooden fence along the eastern property line.
- (2) A continuous row of Savannah Holly or other evergreen tree shall be planted. These trees shall be no less than 12 feet in height and no more than a distance of eight (8) feet apart at time of planting.
- (3) Pervious pavement for emergency access shall be permitted in the buffer yard.
- (4) Buffer yard can be reduced by 5 feet if 8 foot tall screen fence is provided.

7. **Exterior Lighting:** All exterior lighting in the PUD shall be subject to the following:

- a. The exterior lighting in the PUD shall conform to the lighting plan shown in the attached **Exhibit E**.
- b. Parking lot light fixtures shall be a maximum of 25 feet tall. Concrete bases for light poles shall not exceed a height of 30 inches from finished grade.
- c. 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 the public right-of-way.
- d. 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 beyond three feet of the PUD boundary shall be no more than 0.2 foot candles.

8. **Screening of Structures:** The Property shall be developed with screening as required by the City of League City Zoning Ordinance, however the City Planner

or their designee shall have the authority to permit screening to be substituted with an alternate design, including landscaped screening. In addition, the Property shall be developed in accordance with the following screening requirements:

- a. A screening fence eight (8) feet in height and constructed of solid wooden materials shall be constructed to screen the site from any adjacent residentially-zoned property.
- b. A screening of evergreen trees such as hollies, 20 feet to 30 feet in height when mature shall be installed to screen the site from any adjacent residentially-zoned property.
- c. Screening for utility boxes and similar appurtenances located on the exterior of any building shall be a continuous row of evergreen shrubs not less than three (3) feet tall spaced not less than three (3) feet on center.

**9. Signage:** Signs placed on the Property shall be located and designed in accordance with the Concept Sign Plan shown on **Exhibit F**, attached hereto and incorporated herein by reference, and subject to the following additional regulations:

- a. One (1) monument sign shall be permitted for each entrance as shown on **Exhibit B** and designed in accordance with **Exhibit F**, at a height not to exceed eight (8) feet. The area of the monument sign shall not exceed 75 square feet.
- b. One (1) monument sign shall be allowed for building identification for each section of the facility as shown on **Exhibit B** and designed in accordance with **Exhibit F**, at a height not to exceed four (4) feet. The area of the monument sign shall not exceed 40 square feet.

**10. Building Elevations/Materials:** In general, the Property shall be developed in a character that is complementary with the South Shore Harbor community and in accordance with the attached **Exhibit G** and to the following regulations:

- a. Building elevations shall include a minimum percentage of 80% of preferred materials for the front elevations, and 40% of preferred materials for the side and rear elevations.
- b. All building elevations shall include a minimum of two preferred materials in addition to any required transparency.
- c. Preferred material shall include the following:
  - a. Natural wood
  - b. Stucco

- c. Fiber cement lap siding
  - d. Natural stone
  - e. Unpainted brick
- d. At least one of the preferred materials shall be:
  - a. Unpainted brick
  - b. Natural stone
- e. The following materials shall not be used as on exterior finish:
  - a. Plastic siding
  - b. Fiberglass panels
  - c. Plywood
  - d. Corrugated metal siding

PASSED on first reading the \_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

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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