

ORDINANCE NO. 2016-40

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR A SPECIAL USE PERMIT, **SUP16-04 (LOWGUARD AUTOMOTIVE COLLISION REPAIR)**, TO ALLOW AN AUTO REPAIR AND OTHER HEAVY VEHICLE SERVICE USE ON A PROPERTY ZONED "CG" (GENERAL COMMERCIAL), LEGALLY DESCRIBED AS TRACT 123 OF THE PERRY AND AUSTIN SURVEY, GENERALLY LOCATED ALONG THE NORTH SIDE OF WEST FM 517, APPROXIMATELY 215 FEET EAST OF DOVE MEADOW DRIVE, WITH THE ADDRESS OF 351 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, the owner of a certain tract of land, legally described as Tract 123 of the Perry and Austin Survey, generally located along the north side of West FM 517, approximately 215 feet east of Dove Meadow Drive, with the address of 351 West FM 517, which parcel is currently zoned "CG", is requesting a Special Use Permit for an "Auto Repair and Other Heavy Vehicles Service" use as shown in the attached Zoning Map in Exhibit "A", and as shown on the attached site plan 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 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 tract of land, legally described as Tract 123 of the Perry and Austin Survey, generally located along the north side of West FM 517, approximately 215 feet east of Dove Meadow Drive, with the address of 351 West FM 517, is hereby conferred a permitted special use for Auto Repair and Other Heavy Vehicles Service use within the boundaries as shown in the attached Zoning Map in Exhibit “A; and is subject to the following conditions:

1. The SUP shall expire after a period of 12 months beginning upon the date of adoption of the SUP ordinance if no formal application is submitted to the City for development of the site.
2. The only use permitted by this SUP is Auto Repair and Other Heavy Vehicle Service, as defined in the Zoning Ordinance.
3. The uses permitted on the site shall be limited to those permitted by the base zoning district and identified in this SUP.
4. The site layout shall be similar to that which is displayed on the site plan. This includes the parking requirements, landscaping, fencing, and elevations.
5. Junk vehicles shall not be stored at the site for a period longer than two weeks without being repaired.
6. All work done on-site shall be within the existing structure and no work creating noise shall occur when the rear bay doors are open.
7. An eight-foot tall fence shall be installed along the perimeter of the site, with the support posts installed toward the interior of the property.
8. Landscaping:
 - A continuous hedge and tree form shrubs shall be provided along the fence visible from FM 517.
 - A continuous hedge and tree form shrubs shall be provided to screen the parking along FM 517.
 - The applicant will have the following choices to plant as their landscaping requirement:
 1. Taller continuous hedge to screen 8 ft. wooden fence (6-8 ft. in height): Southern Wax Myrtle, Viburnum, Bottlebrush
 2. Shorter continuous hedge to screen parking along FM 517 (3-4 ft. in height): Green Cloud/Silverado Sage, Natal Plum, Dwarf Oleander
 3. Tree-form shrubs to screen parking along FM 517 (10-15 ft. in height): Vitex, Southern Wax Myrtle, Bottlebrush, Savannah Holly
9. Lighting:
 - All lighting will be full cutoff.
 - Lighting shall not be more than 0.2 foot-candles at any property line.
 - Lighting shall be directed away from the single-family residences on the northwest side of the property.
 - All exterior lighting, except motion detection lighting, shall be extinguished after business hours.
10. The exterior elevations shall consist of the following:
 - The exterior elevations visible from FM 517 shall be composed of approximately 40% stone.

11. Signage:

- The only signage allowed on site shall be as follows:
 - A Monument style sign is the only type of freestanding sign that shall be allowed for this business.
 - The monument sign shall not exceed 10 feet in height.
 - The monument sign must be constructed of similar material to the masonry building façade.

12. In no case shall tow-trucks deliver vehicles to the site after 5:00 PM.

13. This development shall not divert flows onto any adjacent property and all natural flows coming onto this property must be compensated for during the development of the site. Any pre-existing drainage problems will not be negatively affected by the development of this property.

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 22nd day of November, 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