

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR SPECIAL USE PERMIT SUP16-09 (JOE HUDSON AUTOMOTIVE CENTER) FOR AN AUTO REPAIR AND OTHER HEAVY VEHICLE SERVICE USE ON PROPERTY LEGALLY DESCRIBED AS TRACT 48-1 OF THE S F AUSTIN SURVEY, GENERALLY LOCATED ALONG THE WEST SIDE OF THE GULF FREEWAY (I-45), WITH THE ADDRESS 2401 GULF FREEWAY SOUTH (I-45) 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 six-acre tract of land, legally described as Tract 48-1 of the S F Austin Survey, generally located along the west side of the Gulf Freeway (I-45), approximately 800 feet north of Big League Dreams Parkway, with the approximate address being 2401 Gulf Freeway South (I-45), which parcel is currently zoned "CG" (General Commercial), is requesting a Special Use Permit for an "Auto Repair and Other Heavy Vehicle Service" use; as shown in the Zoning Map in Exhibit "A";

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 Auto Repair and Other Heavy Vehicle Service 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 six-acre tract of land legally described as Tract 48-1 of the S F Austin Survey, generally located along the west side of the Gulf Freeway (I-45), approximately 800 feet north of Big League Dreams Parkway, with the approximate address being 2401 Gulf Freeway South (I-45), which parcel is currently zoned “CG” (General Commercial), is requesting a Special Use Permit for an “Auto Repair and Other Heavy Vehicle Service” use; as shown in the Zoning Map in Exhibit “A”, and 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 by City Council 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. Specifically, a collision repair shop.
3. The site layout shall be substantially similar to that which is displayed on the site plan (Exhibit B) and elevations (Exhibit C). This includes the parking requirements, landscaping, fencing, and elevations.
4. Junk vehicles shall not be stored at the site for a period longer than two weeks without being repaired. Any vehicles awaiting repair shall be held behind the 6-foot tall screening fence in the car storage area.
5. All work done on-site shall be within the existing structure, and no work creating noise that could project onto adjacent properties shall occur when the bay doors are open.
6. Landscaping: Landscaping listed in the below conditions must be installed prior to issuance of a Certificate of Occupancy.
 - a. Plantings shall conform to the following minimum sizes at the time of planting:
 - I. Shade trees: 2-1/2” caliper, balled and burlapped or container
 - II. Ornamental trees: 6’ tall, balled and burlapped or container
 - III. Shrubs: 3’ tall, planted no less than 36” off center
 - b. Seventy-five percent (75%) of plant materials for the overall site shall be from the attached plant list, as shown on Exhibit D. At least three different tree species, two different shrub species, and one ornamental grass species shall be included in the project landscaping.
 - c. Expand landscape islands to a minimum area of 50 square feet and a minimum interior width of five (5) feet.
 - d. Shade trees shall be planted in the parking lot islands at a ratio of one (1) tree for every eight (8) spaces. All other island(s) not including trees, shall be completely landscaped with shrubs or ornamental grasses not exceeding three (3) feet in height.
 - e. A ten (10) foot landscape setback shall be provided along the frontage (IH-45 Feeder). The landscape setback shall consist of:
 - I. 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 2-1/2” caliper at time of installation. If a utility easement exists within the landscape setback, required trees may be planted outside of, but within 10 feet of, the easement.
 - II. 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 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.

- III. 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) and a maximum of six (6) feet.

7. Screening of Structures:

- a. Dumpster enclosures shall be screened with a masonry wall consistent with the material used on the primary structure. In addition, a continuous, evergreen hedge not less than three (3) feet tall spaced not less than three (3) feet on center shall be installed around the structure.
- b. All mechanical equipment (a/c units, electrical boxes, pad-mounted transformers) shall be screened with a masonry wall consistent with the material used on the primary structure. In addition, a continuous, evergreen hedge not less than three (3) feet tall spaced not less than three (3) feet on center.

8. Buffer:

- a. A type B Buffer Yard shall be provided where adjacent to the "PS" (Public and Semipublic) District where no improvements to the property have been made. The buffer yard shall consist of:
 - I. A 25-foot buffer yard.
 - II. Four canopy trees and four (4) ornamental trees per 100 linear feet.
 - III. A continuous shrub line.
 - IV. A six-foot tall wooden screening fence.

9. Lighting:

- a. All lighting will be full cutoff.
- b. Lighting shall not be more than 0.2 foot-candles at any property line.
- c. Lighting shall be directed away from all property lines toward the interior of the lot.
- d. All exterior lighting, except motion detection lighting, shall be extinguished after business hours.

10. The exterior elevations shall consist of the following:

- a. The southern and eastern elevations shall be composed of approximately 60% masonry, exclusive of any glass. The remainder of the building face shall be painted an earth tone color similar to the adjacent Cabela's.

11. Signage: The project shall comply with the League City Sign Ordinance with the following exception:

- a. Any pylon or monument sign(s) along any right-of-way must be of masonry below the sign cabinet. The colors of the masonry base shall be complementary of the primary building.

12. The following outstanding inspections must be passed prior to a Certificate of Occupancy:

- a. Foundation pier inspection
- b. Foundation inspection
- c. Cover inspection
- d. Complete Plumbing & Ground Inspection (we have indications that pipes were relocated without approved drawings)
- e. Electrical Cover Inspection (electrical was installed and covered without an inspection)
- f. Complete inspection of the water lines.
- g. Mechanical inspection

- h. Planning & Engineering Department Inspections (i.e. parking, landscaping, detention ponds/stormwater)
- i. Windstorm Certification
- j. Energy Code Certification
- k. ADA Certification.

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 _____, 2017.

PASSED second reading the _____ day of _____, 2017.

PASSED AND ADOPTED the _____ day of _____, 2017.

PAT HALLISEY,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney