

ORDINANCE NO. 2017-05

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR SPECIAL USE PERMIT SUP16-03 (JOHN EAGLE HONDA OF CLEAR LAKE) FOR AN AUTOMOBILE / VEHICLE / EQUIPMENT SALES AND SERVICES USE ON PROPERTY LEGALLY DESCRIBED AS LOT 8 (8-1), BLOCK B OF THE CLEAR CREEK SUBDIVISION, LOT 1 AND UNRESTRICTED RESERVES A THRU E OF THE MARSHALL'S CALDER SUBDIVISION AND AN ABANDONED 60-FOOT RIGHT-OF-WAY OF MARGARET DRIVE, GENERALLY LOCATED NORTH OF BIG LEAGUE DREAMS PARKWAY, SOUTH OF LEAGUE CITY PARKWAY, EAST OF CALDER ROAD AND WEST OF THE GULF FREEWAY SOUTH (INTERSTATE 45 HIGHWAY) WITH THE APPROXIMATE ADDRESS BEING 2205 GULF FREEWAY SOUTH 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 27.5-acre tract of land, legally described as Lot 8 (8-1), Block B of the Clear Creek Subdivision, Lot 1 and Unrestricted Reserves A thru E of the Marshall's Calder Subdivision and an abandoned 60-foot right-of-way of Margaret Drive, generally located north of Big League Dreams Parkway, south of League City Parkway, east of Calder Road and west of the Gulf Freeway South with the approximate address being 2205 Gulf Freeway South, which parcel is currently zoned "CM" (Commercial Mixed Use) and "CG" (General Commercial), is requesting a Special Use Permit for an "Automotive / Vehicle / Equipment Sales and Rental" use; as shown in the Zoning Map in Exhibit "A", and depicted on the Land Title and Topographic Survey of Two Tracts Situated in the Stephen F. Austin League, Abstract No. 3 Survey as prepared by Mike Kurkowski, R.P.L.S. on December 15, 2015 in Exhibit "B";

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 Automotive / Vehicle / Equipment Sales and Rental 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 27.5 acres of land legally described as Lot 8 (8-1), Block B of the Clear Creek Subdivision, Lot 1 and Unrestricted Reserves A thru E of the Marshall's Calder Subdivision and an abandoned 60-foot right-of-way of Margaret Drive, generally located north of Big League Dreams Parkway, south of League City Parkway, east of Calder Road and west of the Gulf Freeway South with the approximate address being 2205 Gulf Freeway South in the City of League City is hereby conferred a permitted special use for an Automotive / Vehicle / Equipment Sales and Rental use within the boundaries as shown in the Zoning Map in Exhibit "A", and depicted on the Land Title and Topographic Survey of Two Tracts Situated in the Stephen F. Austin League, Abstract No. 3 Survey as prepared by Mike Kurkowski, RPLS on December 15, 2015 in Exhibit "B", and subject to the following conditions:

1. The Special Use Permit shall expire after a period of 12 months beginning upon the date of the adoption of the SUP ordinance, if no formal application is submitted to the City for development of the site.
2. The uses permitted on the site will be limited to those identified by the applicant which include sales of new and use vehicles, retail sales of parts, service of vehicles including tire and wheel service, car wash/ detailing facilities, and quick lube facilities, while excluding any major body/frame work, vehicle dismantling or salvage, or painting of vehicles. All maintenance and servicing of the vehicles shall occur indoors with the exception of car washing/exterior detailing.
3. The project shall comply with the following architectural requirements:
 - a. The facility shall be constructed in conformity to the attached concept plan in terms of setbacks, size, building elevations, configuration, landscaping and general appearance of the site.
 - b. Masonry shall be provided on the front exterior of the main building along the showroom, excluding doors and windows. Painted masonry is not permitted. The definition of masonry can be found in the Zoning Ordinance.
 - c. The overhead doors of the facility shall be not seen from the I-45 nor the Calder Road rights-of-way by means of orientation of the building, landscaping or a combination of both.
 - d. The above ground fuel tank shall be screened on three sides as not to be seen from any public right-of-way or adjacent property.
 - e. The dumpster enclosure(s) and any other required structure screening shall be enclosed of similar construction of the principal building including materials and colors so as to be architecturally complementary.
4. The project shall comply with the City's landscaping requirements with the following exceptions:
 - a. The remaining non-masonry portion of the main building facing I-45 shall be screened from view with landscaping.

- b. A 10-foot wide landscaped buffer yard along the property line adjacent to the north, east and south sides of the residence in the west/northwest corner of the property at 2490 Calder Road shall be provided. The landscaping within the buffer shall meet the requirements of a type A buffer yard.
 - c. Either a continuous row of hedges or a berm shall be placed along the entire frontage of Calder Road no less than 3-feet or more than 4-feet in height from finished grade. The berm will be setback a minimum of three (3) feet and a maximum of six (6) feet from the property line. In addition, a continuous line of evergreen trees shall be planted along Calder Road, excluding the driveway.
 - d. No more than 25% of the minimum landscaping requirement may be used for a 'SynLawn' product and be located a minimum of 75-feet from any right-of-way.
5. The project shall comply with the League City Sign Ordinance with the following exceptions:
 - 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.
 - b. Any future signs proposed along the Calder Road right-of-way shall be monument signs limited to 6-feet in height from finished grade.
6. All exterior lighting for the site shall be subject to the following:
 - a. Parking lot light fixtures shall be a maximum of 30 feet tall. Concrete bases for light poles shall not exceed a height of 30 inches from finished grade.
 - b. 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 rights-of-way.
 - c. 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 SUP boundary shall be no more than 0.2 foot candles.
7. A deceleration lane shall be constructed by the Owner for access to both driveway entrances along the I-45 frontage road upon meeting any of the following requirements:
 - a. Any requirements met by TxDOT or the City of League City to ensure a safe and efficient flow of traffic to and from the site.
 - b. Construction of Phase II.
8. There shall be no loading or unloading of vehicles on public rights-of-way.
9. All utilities (cable, telephone, electrical, etc.) will be located underground.
10. No 18-wheeler access shall be permitted from Calder Road.

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 14th day of February, 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