

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR SPECIAL USE PERMIT SUP16-08 (LEAGUE CITY CAR CARE) FOR A LIGHT VEHICLE SERVICE USE [VEHICAL OIL / LUBE / TIRE FACILITY] ON APPROXIMATELY 0.83 ACRES IN THE "CM" (MIXED USE COMMERCIAL) ZONING DISTRICT, LEGALLY DESCRIBED AS LOT 2 OF THE BUTLER ROAD BUSINESS PARK & LEAGUE CITY UNITED METHODIST SUBDIVISION, GENERALLY LOCATED SOUTH OF LEAGUE CITY PARKWAY, NORTH OF TURNER STREET, EAST OF BUTLER ROAD, AND WEST OF CALDER ROAD WITH THE ADDRESS OF 2020 BUTLER ROAD 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 0.83-acre tract of land, legally described as Lot 2 of the Butler Road Business Park & League City United Methodist Subdivision, generally located south of League City Parkway, north of Turner Street, east of Butler Road and west of Calder Road with the address of 2020 Butler Road, which parcel is currently zoned "CM" (Mixed Use Commercial), is requesting a Special Use Permit for a "Light Vehicle Service" use; as shown in the Zoning Map in Exhibit "A", as further shown on the Amending Plat of Lot 2, Butler Road Business Park & of Lot 1, League City United Methodist Subdivision plat recorded as Galveston County Map Record Document No. 2016064295 on October 19, 2016 in Exhibit "B", and depicted on the site plan and elevations in Exhibit "C";

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 Light 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 0.83 acres of land legally described as Lot 2 of the Butler Road Business Park & League City United Methodist Subdivision, generally located south of League City Parkway, north of Turner Street, east of Butler Road and west of Calder Road with the address of 2020 Butler Road in the City of League City is hereby conferred a permitted special use for a Light Vehicle Service use within the boundaries as shown in the Zoning Map in Exhibit "A", as further shown on the Amending Plat of Lot 2, Butler Road Business Park & of Lot 1, League City United Methodist Subdivision plat recorded as Galveston County Map Record Document No. 2016064295 on October 19, 2016 in Exhibit "B", and depicted on the site plan and elevations in Exhibit "C", and is 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 facility shall be constructed in conformity to the attached Site Plan and Elevations in Exhibit "C", in terms of setbacks, size, building elevations, signage and in conjunction with any other conditions.
3. The use(s) 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 light vehicle service with factory scheduled maintenance such as repair and replacement of air filters, starters, alternators, along with tire sales and service.
4. The light vehicle service use shall adhere to the following conditions for the site:
  - a. All work shall be performed inside the building.
  - b. No cars or equipment shall be left outside of the building overnight.
  - c. No tires shall be stored outside unless within an enclosure, screened from view on all sides.
  - d. The second floor storage area shall remain as a storage unless additional parking is provided subject to the issuance of a building permit.
5. All utilities shall be located underground.
6. Any 18-wheeler trucks delivering to the site shall be prohibited from travelling on Butler Road until the reconstruction of Butler Road is complete.
7. The project shall comply with the following Architectural requirements:
  - a. Both the primary structure and any additional secondary structures shall have a minimum of eighty percent (80%) masonry on all sides with the remaining 20% consisting of complementary materials. The masonry color will be complementary to the surrounding residential and commercial developments. Painted CMU will not be permitted.
  - b. The dumpster enclosure shall be constructed of similar material of the principle building. Painted CMU will not be permitted.
  - c. An eight (8) foot tall masonry fence will be provided on the south side of the building to limit the view of the vehicles / overhead doors and mitigate noise to the south.
8. 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 measurable 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.
9. 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:
- a. Only one (1) monument sign will be permitted along Butler Road in addition to the wall signs for the building.
  - b. Monument signs shall include a masonry base that is compatible with the materials used in the development.
  - c. Any exterior illumination of signs on the site must have top mounted luminaires that are shielded downwards. No bottom luminaires are permitted.
  - d. Electronic Message Center (EMC) signs shall not be permitted along Butler Road.
10. The project shall comply with the minimum landscaping requirements of the Zoning Ordinance with the following considerations:
- a. A berm measuring not less than three feet (3) or more than four (4) feet in height from finish grade of the parking lot shall be installed along 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 or parking area.
  - b. All plant materials shall be from the City's Water Smart Plant list. At least two (2) different tree species and at least one (1) shrub species shall be included in the landscaping.
11. 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 \_\_\_\_\_, 2017.

PASSED second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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PAT HALLISEY,  
Mayor

ATTEST:

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DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN,  
City Attorney