

ORDINANCE NO. 2019-18

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR SPECIAL USE PERMIT SUP-19-0005 (TAKE 5 OIL CHANGE) TO ALLOW A LIGHT VEHICLE SERVICE USE ON PROPERTY ZONED "CM" (MIXED USE COMMERCIAL) LEGALLY DESCRIBED AS 0.6652 ACRES OUT OF TRACT 85-1 OF THE PERRY AND AUSTIN SURVEY, GENERALLY LOCATED AT THE SOUTHWEST INTERSECTION OF FM 646 AND BROOKPORT DRIVE, WITH THE ADDRESS OF 1831 FM 646 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 0.6652-acre tract of land, legally described as 0.6652 acres out of Tract 85-1 of the Perry and Austin Survey, generally located at the southwest intersection of FM 646 and Brookport Drive, with the address of 1831 FM 646, 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 metes and bounds description (Exhibit A), the Survey (Exhibit B) and the Zoning Map (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 for the approximately .67 acres of land legally described as 0.6652 acres out of Tract 85-1 of the Perry and Austin Survey, generally located at the southwest intersection of FM 646 and Brookport Drive, with the address of 1831 FM 646, which parcel is currently zoned "CM" (Mixed Use Commercial), for a Light Vehicle Service use within the boundaries as shown in the metes and bounds description (Exhibit A), the Survey (Exhibit B) and the Zoning Map (Exhibit C); 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 Light Vehicle Service. Specifically, the Take 5 Oil Change facility.
3. The site layout shall be substantially similar to that which is displayed on the site plan (Exhibit D) and elevation (Exhibit E).
4. The service bays shall not open towards FM 646.
5. No vehicles shall be stored overnight.
6. All work done on-site shall be within the service bays.
7. An eight-foot wooden screening fence shall be provided where the property is adjacent to "OS" (Open Space).
8. The exterior elevations shall be no less than 80 percent brick masonry and 20 percent concrete stucco, constituting 100 percent masonry on each side of the building.
9. All lights shall be full cutoff.

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 25th day of June, 2019.

PASSED second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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