

ORDINANCE NO. 2020-

AN ORDINANCE APPROVING A SPECIAL USE PERMIT, SUP-20-0004 (7-ELEVEN), TO ALLOW A “FUELING STATION AND CONVENIENCE STORE” TO BE LOCATED ON A 2.46 ACRE TRACT ZONED “CG” (COMMERCIAL GENERAL), LEGALLY DESCRIBED AS LOT 1, BLOCK 1, JHH, FIRESTONE SUBDIVISION (2020) ABSTRACT 3, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST MAIN STREET (FM 518) AND NEWPORT BOULEVARD, WITH THE ADDRESS OF 2051 WEST MAIN STREET (FM 518), 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 a 2.46 acre tract zoned “CG” (Commercial General), legally described as Lot 1, Block 1, JHH, Firestone Subdivision (2020) Abstract 3, generally located at the southeast corner of West Main Street (FM 518) and Newport Boulevard, with the address of 2051 West Main Street (FM 518), League City, Texas is requesting a Special Use Permit for a “Fueling Station and Convenience Store” use; as shown in the Plat (Exhibit A), the Site Plan (Exhibit B), Elevations (Exhibit C) and Landscape Plan (Exhibit D);

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 testimony that the proposed Fueling Station and Convenience Store 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 2.46 acre tract zoned “CG” (Commercial General), legally described as Lot 1, Block 1, JHH, Firestone Subdivision (2020) Abstract 3, generally located at the southeast corner of West Main Street (FM 518) and Newport Boulevard, with the address of 2051 West Main Street (FM 518), League City, Texas, for a Fueling Station and Convenience Store use within the boundaries as shown in the Plat (Exhibit A), the Site Plan (Exhibit B), Elevations (Exhibit C) and Landscape Plan (Exhibit D); 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 the 7/11 Convenience Store and Fueling Station.
3. The uses permitted on site will be limited to those permitted in the base zoning district and identified by the Special Use Permit.
4. Outside storage of Ice Machines only.
5. Provide a Traffic Impact Analysis that satisfies any outstanding concerns from the League City Engineering Department.
6. The site layout shall be substantially similar to that which is displayed on the site plan and elevations. This includes the parking requirements, landscaping, fencing, and elevations.
7. The center access drive along Newport Boulevard shall be eliminated.
8. 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; and
 - 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. At least three different tree species, two different shrub species, and one ornamental grass species shall be included in the project landscaping;
 - c. 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; and
 - d. A ten (10) foot landscape setback shall be provided along the frontage (W. Main Street (FM 518) and Newport Boulevard). 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; and
- 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. The berm shall be set back a minimum of three (3) and a maximum of six (6) feet. To avoid the existing Oaks the berm shall be installed behind the tree line.

9. Screening of Structures:

- a. Dumpster enclosures shall be screened to match 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; and
- 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.

10. Lighting: All lighting must comply with Chapter 125, Article 4, Section 4.8 of the Unified Development Code:

- 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 residential properties. All exterior lighting shall be shielded so that all emitted light falls are upon the property from which the light emanates. There shall be no light trespass that falls on any residential property;
- b. Canopy Lights. Light fixtures mounted on canopies or vehicle fueling station islands shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy; and
- c. A photometric survey of the entire property shall be submitted with a building permit.

11. Signage: The project shall comply with Chapter 125, Article 8, Signs of the Unified Development Code, with the following exception:

- a. The only freestanding sign permitted is a monument sign. A monument sign along West Main Street (FM 518) must match the material used on the main structure as proposed for the base of the structure. The colors of the masonry base shall be complementary to the primary building;

- b. Any exterior illumination of signs on the site must have top mounted luminaries that are shielded downwards; no bottom luminaries are permitted;
- c. Reader board/Digital portion is 50% of the total sign area; and
- d. All other signage must comply with Article 8, Signs of the Unified Development Code.

12. All communication and electrical support equipment (transformers, amplifiers, switching devices, etc.) necessary to support underground installation shall be mounted on a pedestal or pad or placed underground.

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 _____, 2020.

PASSED second reading the _____ day of _____, 2020.

PASSED AND ADOPTED the _____ day of _____, 2020.

PAT HALLISEY,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney