

ORDINANCE NO. 2020-37

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR SPECIAL USE PERMIT SUP-20-0003 (7-Eleven) TO ALLOW A FUELING AND CONVENIENCE STORE ON PROPERTY LEGALLY DESCRIBED AS A TRACT OR PARCEL CONTAINING 1.934 ACRES SITUATED IN THE M. MULDOON TWO LEAGUE GRANT, ABSTRACT NUMBER (NO.) 18, GALVESTON COUNTY, TEXAS, BEING OUT OF LOT 1 AND LOT 2, JARBOE ADDITION (UNRECORDED SUBDIVISION) ALSO BEING OUT OF AND PART OF A CALLED 24.4191 ACRE TRACT CONVEYED TO THE HETLAND FAMILY LIMITED PARTNERSHIP, AS RECORDED UNDER GALVESTON COUNTY CLERK'S FILE (G.C.C. F.) NUMBER 20000044623 AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF EAST FM 518 AND LAWRENCE ROAD, WITH AN ADDRESS OF 1210 EAST FM 518, 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, on September 29, 2020, the Council adopted Ordinance No. 2020-25 amending Chapter 125, entitled "Zoning," Chapter 90, entitled "Signs," and Chapter 102, entitled "Subdivisions," of the Code of Ordinances of the City of League City to create a Unified Development Code; and

WHEREAS, Section 2.16 of the Unified Development Code 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 1.9-acre tract of land, legally described as a tract or parcel containing 1.934 acres situated in the M. Muldoon Two League Grant, Abstract Number (No.) 18, Galveston County, Texas, Being out of Lot 1 and Lot 2, Jarboe Addition (Unrecorded Subdivision) Also being out of and part of a called 24.4191 acre tract conveyed to the Hetland Family Limited Partnership, As recorded under Galveston County Clerk's file (G.C.C.F.) Number 20000044623 and generally located at the northwest corner of East FM 518 and Lawrence Road with an address of 1210 East FM 518, League City Texas, which parcel is currently zoned "CG" (General Commercial), is requesting a Special Use Permit for a "Fueling Station and Convenience Store" use; as shown in the Zoning Map in Exhibit "A" and Survey 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 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. 2020-25 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 1.9-acre tract of land legally described as a tract or parcel containing 1.934 acres situated in the M. Muldoon Two League Grant, Abstract Number (No.) 18, Galveston County, Texas, Being out of Lot 1 and Lot 2, Jarboe Addition (Unrecorded Subdivision) Also being out of and part of a called 24.4191 acre tract conveyed to the Hetland Family Limited Partnership, As recorded under Galveston County Clerk's file (G.C.C.F.) Number 20000044623, and generally located on the northwest corner of East FM 518 and Lawrence Road, with the address of 1210 Lawrence Road, which parcel is currently zoned "CG" (General Commercial), for a "Fueling Station and Convenience Store" use; as shown in the Zoning Map in Exhibit "A", and Survey in Exhibit "B", 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 Fueling Station and Convenience Store. Specifically, 7-Eleven.
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. 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. (Site Plan Exhibit "C") (Elevations Exhibit "D")
5. Landscaping: Landscaping listed in the below conditions must be installed prior to issuance of a Certificate of Occupancy. (Landscape Plan Exhibit "E")
 - 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. 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 frontages of East FM 518 and Lawrence Road. 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.
- 6. 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.
- 7. Lighting: All lighting must comply with Chapter 125, Article 4, Section 4.8 of the Unified Development Code:
 - a. A photometric survey of the entire property shall be submitted with a building permit.
 - 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 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 falls on any residential property; and
 - c. 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.
- 8. The exterior elevations shall be consistent with the Covenants, Conditions and Restrictions and shall be enforced by the Property Owners Association.
- 9. Signage: The project shall comply with the Chapter 125, Article 8, Signs of the Unified Development Code with the following exception:
 - a. The only free standing sign permitted on the site is a monument sign placed along East FM 518 and all materials must be complementary of the primary building in keeping with the Covenants, Conditions and Restrictions, enforced by the Property Owners Association.
- 10. A drawing must be submitted demonstrating how the proposed sidewalk and the placement on the raised grade will connect with the existing sidewalks during the building permit submittal.
- 11. Drawings shall be provided that demonstrate that the large 18-wheeler trucks can access the site with the grade change.

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