

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR A SPECIAL USE PERMIT SUP-20-0007 (CALIBER COLLISION) TO ALLOW AN AUTO REPAIR AND OTHER HEAVY VEHICLE SERVICE ON PROPERTY LEGALLY DESCRIBED AS PERRY AND AUSTIN SURVEY, LOT 3, BLOCK 1, BAY COLONY COMMERCIAL RESERVE SECTION 1, AND GENERALLY LOCATED ALONG THE NORTH SIDE OF W. FM 517, APPROXIMATELY 250 FEET WEST OF FM 646, WITH THE ADDRESS OF 871 W. FM 517, IN LEAGUE CITY, GALVESTON COUNTY, 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 replacing Chapter 125 "Zoning" with the Unified Development Code (the "UDC") while repealing Chapters 90 entitled "Signs" and 102 entitled "Subdivisions" of the City of the City of League City, Texas; and

WHEREAS, Section 2.16 of the UDC 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 2.2-acre tract of land, legally described as Lot 3, Block 1, Bay Colony Commercial Reserve Section 1, and generally located along the north side of W. FM 517, approximately 250 feet west of FM 646, with the address of 871 W. FM 517, in League City, Texas, which parcel is currently zoned "CG" (General Commercial), is requesting a Special Use Permit for an "Auto Repair and Other Heavy Vehicle Service" use; as shown in the Zoning Map in Exhibit "A" and Site Plan 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 2.2-acre tract of land legally described as Lot 1, Block 3, Bay Colony Commercial Reserve Section 1, and generally located along the north side of the W. FM 517, approximately 250 feet west of FM 646, with the address of 871 W. FM 517, in League City, Texas, which parcel is currently zoned “CG” (General Commercial), is requesting a Special Use Permit for an “Auto Repair and Other Heavy Vehicle Service” use; as shown in the Zoning Map in Exhibit “A” and Site Plan in Exhibit “B” 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 “Auto Repair and Other Heavy Vehicle Service” specifically, Caliber Collision. All other uses permitted on site are limited to those permitted in the base zoning district.
3. The site layout shall be substantially similar to that which is displayed on the Site and Landscape Plan (Exhibit B) and Elevations (Exhibit C). This includes the parking requirements, landscaping, fencing, and elevations.
4. All work performed on vehicles shall be done inside the building.
5. 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
    - 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 Water Smart 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.
6. A 6-foot masonry wall shall be installed behind the 10-foot landscape setback along the south and east property lines. Landscaping will be 1 tree every 30-linear feet and a continuous hedge of shrubs.
7. Screening of Structures:
  - a. All mechanical equipment (a/c units, electrical boxes, pad-mounted transformers, paint vents) 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.
8. Lighting: All lighting must comply with 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

upon the property from which the light emanates. There shall be no light trespass on any residential property.

9. The exterior elevations shall be consistent with the elevation drawings shown in Exhibit C.
10. Signage: The project shall comply with 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 W. FM 517 with materials that are complementary to the primary building in keeping with the attached elevation drawings.
11. The work being performed at this site will be limited to windshield and glass repair/replacement, light to moderate body and structural repair/restoration, installation and/or aligning of vehicle parts and components, light to moderate mechanical repairs, detailing, smoothing, sanding, and painting of vehicles.
12. All painting rooms shall be self-contained with no harmful chemicals or fumes discharged into the air.
13. All loading and unloading will occur on private property and not in the 60-foot access easement.

PASSED first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
PAT HALLISEY,  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN,  
City Attorney