

ORDINANCE NO. 2021-37

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR A SPECIAL USE PERMIT, SUP-21-0001 (POWER MART) TO ALLOW A VEHICLE FUELING STATION USE, ON PROPERTY LEGALLY DESCRIBED AS 2.036 ACRES OUT OF COMMERCIAL RESERVE, WESTWOOD SUBDIVISION PHASE 1, AND GENERALLY LOCATED AT THE SOUTHWEST INTERSECTION OF WEST MAIN STREET (FM 518) AND MAPLE LEAF DRIVE, WITH THE ADDRESS OF 6205 WEST MAIN STREET (FM 518), 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, 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 2.036-acre tract of land, legally described as a 2.036-acre tract of land out of Commercial Reserve, Westwood Subdivision Phase 1, and generally located at the southwest intersection of West Main Street (FM 518) and Maple Leaf Drive, with the address of 6205 West Main Street (FM 518), in League City, Texas, which parcel is currently zoned "CG" (General Commercial), is requesting a Special Use Permit for a "Vehicle Fueling Station" 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 Vehicle Fueling Station 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 2.036-acre tract of land, legally described as a 2.036-acre tract of land out of Commercial Reserve, Westwood Subdivision Phase 1, and generally located at the southwest intersection of West Main Street (FM 518) and Maple Leaf Drive, with the address of 6205 West Main Street (FM 518), in League City, Texas, which parcel is currently zoned “CG” (General Commercial), is requesting a Special Use Permit for a “Vehicle Fueling Station” 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 the Convenience Store and Fueling Station, specifically a Power Mart to be developed by Micro Star Properties, LLC.
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 (Exhibit “B”), landscape plan (Exhibit “C”), and building elevations (Exhibit “D”).
5. A landscape setback shall be provided along all property lines. 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.
 - iii. A 3-foot landscape berm.
6. Screening of Structures:
 - i. 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
 - ii. All mechanical equipment (a/c units, electrical boxes, pad-mounted transformers) shall be completely screened from public view on all sides with the material consistent with 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 if equipment is on the ground.
 - iii. If a parapet is used to screen mechanical equipment, it shall be tall enough so that no mechanical equipment is visible from the ground.
7. 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. The sidewalk constructed along Maple Leaf Drive shall be a minimum of 8 feet in width.
10. Golf cart and bicycle parking will be provided on-site.
11. Signage: The project shall comply with the Chapter 125, Article 8, Signs, of the Unified Development Code with the following exception:
 - i. The only free-standing sign permitted on the site is a 10-foot-tall monument sign placed along West Main Street (FM 518) and all materials must be complementary of the primary building in keeping with the Covenants, Conditions and Restrictions.

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:

NGHIEM V. DOAN,
City Attorney