



## Legislation Details (With Text)

<b>File #:</b>	20-0526	<b>Version:</b>	1	<b>Name:</b>	PH - Special Use Permit (7-Eleven)
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Public Hearing
<b>File created:</b>	10/28/2020	<b>In control:</b>		<b>In control:</b>	Development Services
<b>On agenda:</b>	11/10/2020	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Hold a public hearing on a request on a Special Use Permit Application, 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. (Executive Director of Development Services)				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Data Sheet, 2. Excerpt from P and Z Minutes, 3. Planning and Zoning Commission Staff Report

Date	Ver.	Action By	Action	Result
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Hold a public hearing on a request on a Special Use Permit Application, 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. (Executive Director of Development Services)

A public hearing is required to consider this Special Use Permit for a "Fueling Station and Convenience Store" use.

### Project Timeline:

**December 20, 2019** - Staff held a development meeting with the applicant and property owner to discuss a potential Special Use Permit application for a "Fueling Station and Convenience Store" land use to be operated at this location.

**May 21, 2020** - Applicant held a neighborhood meeting to discuss potential Special Use Permit application with property owners within 500 feet of the subject property.

**May 26, 2020** - Application for a Special Use Permit was submitted for a 7-Eleven Fueling Station and Convenience Store.

**June 2, 2020** - Staff determined the application to be incomplete and returned comments to the applicant.

**August 18, 2020** - Second submittal was received.

**August 31, 2020** - Second Submittal was determined to be incomplete and comments were returned to the applicant.

**September 15, 2020** - The third submittal was received with a comment from the applicant that not all of the outstanding comments had been satisfied by the applicant; However, the applicant requested the application go to the Planning and Zoning Commission meeting as submitted.

**September 25, 2020** - Public notice was sent to the property owners within 500 feet of the subject site and sent

to the newspaper for publishing advertising the October 19, 2020, Planning and Zoning Commission meeting.

**October 16, 2020**- Separate notice was sent to the property owners within 500 feet of the subject site and sent to the newspaper for publishing advertising the November 10, 2020, City Council meeting.

**October 19, 2020** - Planning and Zoning Commission held a public hearing and recommended denial of the request to City Council.

**November 10, 2020** - City Council will hold a public hearing and potentially take action on the Special Use Permit request.

**December 8, 2020** - If approved on first reading, City Council will take final action.

### **Project Summary:**

The applicant is proposing to develop a “Fueling Station and Convenience Store” on a 2.46-acre tract located at the southeast intersection of West Main Street (FM 518) and Newport Boulevard. The property is zoned “CG” (General Commercial), which requires a Special Use Permit for a fueling station.

According to the site plan, a 4,842-square-foot convenience store, with a restaurant “Laredo Taco” inside, is proposed to be constructed on the site. Parking will be on the north, south, and west sides of the structure with additional parking adjacent to the detention area south of the convenience store. A detention area is proposed in the rear of the property with landscaping surrounding the pond. The applicant is proposing eight fuel pumps that will serve sixteen cars at one time. The gas station is proposed to be open for 24-hour service.

The proposed building is to be built with a variety of materials including thin brick and manufactured stone (see Elevations). The fueling canopies and the dumpster enclosure will be wrapped with thin brick to match the primary structure. The applicant is proposing to meet the landscaping requirements around the perimeter of the property and is proposing enhanced landscaping around the detention pond on site. Staff recommended the applicant install a three-foot berm in the landscaping beds surrounding the property to help buffer the development from the adjacent rights-of-way. The applicant did not agree to provide the berm because of the existing Oaks. The City Arborist indicated a berm would be feasible behind the tree line. A berm has been included in past projects such as the Circle K on the southeast corner of League City Parkway and Butler Road to enhance the streetscape and further buffer the site.

Access and traffic generated from the site is a major concern of staff. The site currently has three driveways onto adjacent roadways (West Main Street (1) Newport Boulevard (2)). The middle access point onto Newport Boulevard has historically been an exit-only for a bank drive-thru. The applicant is proposing that this access point be widened for two-way traffic. Staff recommends this access point be closed and traffic use the other two access points. The applicant has also not agreed to increase the throat lengths at the proposed driveways to meet the minimum ordinance requirement of 50 feet. In addition, large fueling trucks will be utilizing Newport Boulevard for regular fuel deliveries. Newport Boulevard is considered a collector roadway that is not built for regular 18-Wheeler use.

A Traffic Impact Analysis (TIA) was completed and submitted by the applicant, Kimley-Horn. The League City Engineering Department did not agree with the findings of the TIA and requested the applicant resubmit the TIA with changes. The applicant did not sufficiently address Engineering’s concerns and requested the application be forwarded to the Planning and Zoning Commission and City Council without satisfying staff’s outstanding comments. If approved, the applicant will need to satisfy all the concerns that were raised with the TIA.

A number of citizens raised concerns with the development through the neighborhood meeting held by the applicant, by email and phone to city staff, and during the public hearing at the Planning and Zoning Commission meeting. Staff received four formal emails expressing opposition from surrounding property

owners. Seven nearby residents expressed opposition to the request during the Planning and Zoning Commission meeting. The concerns raised include traffic, lighting, noise, property values, and the 24-hour operations.

Staff requested a number of items from the applicant to help mitigate some of the site concerns. While they did work with us on several issues, including landscaping around the detention pond and building materials, they were unwilling to address a number of staff comments. These comments included providing an updated TIA, removing the second entrance on Newport Boulevard, providing a photometric plan showing no light trespass off-site, providing a landscape berm around the perimeter of the site, and providing the minimum throat lengths required by ordinance.

The following items summarize staff's findings on the proposal.

- The proposed gas station will increase traffic and trips at an intersection that already suffers from a low level of service.
- The proposal is inconsistent with elements from the Comprehensive Plan related to redevelopment and preservation of existing character.
- A clear plan to mitigate the impacts of the development on the neighbors has not been provided.
- With the two-way center access drive remaining on Newport Boulevard this will bring more traffic conflict points to Newport Boulevard making Newport Boulevard more congested.
- Newport Boulevard is considered a collector roadway and is not designed to handle regular use by 18-wheeler fueling trucks.
- A 24-hour development at this corner will change the existing character of the intersection.

On October 19, 2020, the Planning and Zoning Commission held a public hearing and considered the request. The Planning and Zoning Commission recommended denial of the request, 7-0-0 with one member absent.

Staff recommends the City Council deny the request for a Special Use Permit.

Should the City Council choose to approve the request, staff recommends the following conditions be added to the Ordinance.

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.

Attachments:

1. Data Sheet
2. Excerpt Minutes from the October 19, 2020, P&Z Commission Meeting
3. Planning and Zoning Commission Staff Report

CONTRACT ORIGINATION:

Development Services

Applicant: Sara Harding, Kimley-Horn

Owners: Virgata One, LLC

FUNDING

{ } Funds are available from Account # \_\_\_\_\_

{ } Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to Account # \_\_\_\_\_

{ x } NOT APPLICABLE

STRATEGIC PLANNING

{ } Addresses Strategic Planning Critical Success Factor # \_\_\_\_\_ and Initiative # \_\_\_\_\_

{ x } NOT APPLICABLE