



Legislation Text

File #: 15-0607, **Version:** 1

Consider and take action on an ordinance amending Ordinance No. 2005-24 for Special Use Permit Application, SUP15-04 (League City Parkway / Butler Road Gas Station), to allow for a gas and service stations use [gas station with convenience store and car wash] on approximately 4.85 acres on property zoned "CM" (Mixed-Use Commercial), legally described as a portion of Lots 3 and 4, Block M of the Clear Creek Subdivision, generally located south of League City Parkway, north of Turner Road, east of Butler Road and west of Calder Road, with the approximate address being in the 1600 block of League City Parkway in League City, Texas (Director of Planning and Development)

Planning & Zoning Commission recommended approval 3-1-0 with 1 absent on September 21, 2015.

A public hearing is required for this special use permit application for a gas station with convenience store and car wash.

Project Timeline:

April 2, 2015 - City staff met with representatives of the property owner to discuss developing a proposed gas station on the southeast corner of the intersection of League City Parkway and Butler Road.

April 28, 2015 - At the applicant's request, staff provided a notification map and addresses within 500 feet of the site in order to notify the residents for a future neighborhood meeting.

May 11, 2015 - Applicant held a pre-submittal meeting at Spring Creek Barbeque in League City. The sign in sheet indicated two property owners attended the meeting.

May 15, 2015 - Applicant submits Special Use Permit Application for review by the Development Review Committee.

June 23, 2015 - As a result of several weeks of discussions with the applicant, the Deputy City Manager approves an exhibit of the site addressing rights-of-way, driveway access, sidewalk safety and future accommodation of Butler Road.

August 30, 2015 - Public hearing notice is published in the newspaper.

August 31, 2015 - Planning staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the subject property.

September 21, 2015 - The Planning and Zoning Commission held a public hearing and recommended approval, 3-1-0 with 1 absent. Commissioner Arnold voted in opposition to the motion with no reason provided.

October 13, 2015 - City Council scheduled to conduct public hearing and consider request on first reading.

October 27, 2015 - Subject to approval on first reading, City Council to consider request on second reading.

The applicant, Lynn Watkins, proposes to develop a gas station with 7 refueling pumps, a 4,650-square-foot convenience store with a car wash on the southwest corner of League City Parkway and Butler Road. The approximate 1.8-acre site is part of a larger 4.85-acre tract with the remaining property proposed for 35,000 square feet of retail and office space. Due to the proposed use, the current conditions of the surrounding area and the site being within one of League City's gateways, conditions affecting the development and aesthetics, including signage, of the site are being recommended.

The surrounding land use to the north is League City Parkway and a gas station with undeveloped commercial property to the east. Undeveloped commercially zoned property located to the south with Butler Road and the Verizon office building to the west of the subject property. Nearby to the west and northwest, is the Marketplace at Ninety-Six Planned Unit Development (PUD) approved by City Council last August.

On September 21, 2015, the Planning and Zoning Commission held a public hearing and recommended approval, 3-1-0 with one member absent. Commissioner Arnold voted in opposition to the motion with no reason provided. During the P&Z public hearing there were no speakers for this request. The Planning Department has not received any public communications either in favor or opposed regarding this request.

Staff recommends approval, subject to the following conditions to enhance the site in order to be more compatible with the surrounding properties as well as the nearby Marketplace at Ninety-Six Planned Unit Development (PUD). The conditions are as follows:

1. The Special Use Permit shall expire 12 months after the date of the adoption of the SUP ordinance unless a completed application for the development is submitted to the City.
2. The facility shall be constructed in conformity to the attached site plan in Exhibit C, in terms of setbacks, size and building elevations.
3. The developer will complete irrigation and landscaping improvements along the south side of League City Parkway between Butler Road and the eastern most proposed driveway along League City Parkway, in joint coordination with like irrigation and landscaping improvements in the Marketplace at 96 project along League City Parkway. The gas station tract shall install improvements prior to issuance of a certificate of occupancy. The adjacent commercial tracts shall install improvements prior to completion of any construction within each tract, including but not limited to driveways, access drives or full development of the site. Any Irrigation and landscaping improvements shall not commence until a plan for such improvements has been submitted and approved by the City.
4. The uses permitted on site will be limited to those permitted in the base zoning district and identified by the Special Use Permit which are for a gas station with an associated convenience store and car wash.
5. All utilities shall be located underground.
6. Ingress/Egress to Butler Road is prohibited for all delivery vehicles until the reconstruction of Butler Road is complete.
7. Once Butler Road is reconstructed the applicant must provide proof of the following in order to permit 18-wheeler trucks from accessing the site via Butler Road, based on standard professional engineering practice:
 - a. A truck will be able to adequately move into the southbound left turn lane of Butler Road and be able to turn into the site without blocking or impeding the adjacent southbound through lane.
 - b. The new southbound turn lane will not prevent the existing northbound turn lane at the intersection of League City Parkway and Butler Road from being constructed to its full extent required.
8. Sidewalks along League City Parkway shall be eight (8) feet in width and a 4-foot-wide sidewalk shall extend the entire length of the property along Butler Road.
9. The project shall comply with the following architectural requirements similarly shown in Exhibit D:
 - a. Both the primary structure and any additional secondary structures shall have a minimum of forty percent (40%) masonry veneer on the front and side facades with complementary materials, such as stone, wood or metal. The masonry color will be complementary to the surrounding residential neighborhood and commercial developments. Painted Concrete Masonry Unit (CMU) will not be sufficient.
 - b. The refueling canopy support columns for the fueling canopy shall be masonry or masonry veneer.
 - c. The refueling canopy roof fascia shall be painted the same color as the Exterior Insulation Finishing System (EIFS) on the main building (Sherwin Williams #2059) with dark bronze roof cap, as shown in Exhibit D.
 - d. The facades along League City Parkway and Butler Road shall have a minimum of 25% transparency.
 - e. No loading areas or service doors for the site shall face League City Parkway or Butler Road, except for the unloading of gasoline into the reserve storage tanks as shown on the preliminary site plan.
 - f. The dumpster enclosure shall be enclosed of similar construction of the principal building including materials and colors.

10. The project shall comply with the following lighting regulations:
 - 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 property that contains a residential use.
 - b. All exterior lighting shall be shielded so that substantially all emitted light falls upon the property from which the light emanates. The measureable amount of light created by the project at a point three (3) feet beyond the property line shall be no more than 0.2 foot candles.
 - c. Lighting fixtures mounted on or under canopy ceilings shall be full cutoff, unless indirect lighting is being used where light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.
11. The project shall comply with the following signage requirements:
 - a. Signage shall be similar to what is proposed in Exhibit E.
 - b. Signage, in conjunction with the landscaping, is intended to provide a layering effect whereby the signage would extend closer to the rights-of-way than the landscaping along League City Parkway. The project shall comply with the existing sign requirements for signage as stipulated in Chapter 90, Signs, of the League City Code of Ordinances with those exceptions shown below:
 - i. Only monument signs are permitted along League City Parkway and Butler Road.
 - ii. Monument signs shall include a masonry based that is compatible with the materials used in the development.
 - iii. Any exterior illumination of signs on the site must have top mounted luminaires that are shielded downwards; no bottom luminaires are permitted.
 - iv. Monument signs located on Butler Road shall be limited to 6-feet in height and shall not include an Electronic Message Center (EMC).
12. The project shall comply with the following landscaping regulations, in addition to the minimum requirements.
 - a. A berm measuring not less than three (3) feet or more than four (4) feet in height from finish grade of the parking lot shall be utilized along League City Parkway and Butler Road. The berm shall be set back a minimum of three (3) feet and a maximum of six (6) feet from the property line and parking area.
 - b. All plant materials shall be from the City's Water Smart Plant list. At least three (3) different tree species and at least two (2) difference shrub species shall be included in the landscaping.
13. Donation drop boxes will be prohibited on the site.

Attachments:

1. Data Sheet
2. Ordinance
3. Exhibit "A"
4. Exhibit "B"
5. Exhibit "C"
6. Exhibit "D"
7. Exhibit "E"

CONTRACT ORIGINATION:

FUNDING

{ X } NOT APPLICABLE

{ } Funds are available from Account # _____

{ } Requires Budget Amendment to transfer from Account # _____ to Account # _____