



## Legislation Text

**File #: 16-1273, Version: 1**

Consider and take action on Ordinance No. 2016-32, amending Ordinance No. 2005-24 for a Special Use Permit, **SUP16-02 (Duncan Sand Pit)**, an Excavation and Mining use (sand pit) on a 418.8-acre tract of land zoned “RSF-7-PUD” (Single-Family Residential with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay), generally located north of FM 517, south of Ervin Street, and west of Calder Road with the approximate address being in the 7000 block of West FM 517, in League City, Texas - Second Reading (Director of Planning and Development)

City Council approved first reading, 6-1-0 with one council member absent on September 13, 2016.

Approval of the item would grant a Special Use Permit (SUP) to create a sand pit on a tract of land located in the undeveloped Duncan Planned Unit Development.

**Project Timeline:**

**July 25, 2006** -

The subject property was rezoned from “RSF-7” to “RSF-7-PUD” (Single-Family Residential with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay) as part of the 1,700-acre Duncan PUD. The Duncan PUD was created along with the McAlister and Lloyd PUDs, all located in the southwest side of League City. At this time, no master plan for the Duncan PUD has been approved by League City.

**July 30, 2015** -

The Owner, West FM 517, LTD, purchases the property.

**August 12, 2015** -

Applicant makes initial inquiry to the City about receiving an Excavation Permit.

**October 5, 2015** -

City Staff and the Applicant meet to discuss the process to receive an Excavation Permit.

**February 25, 2016** -

The League City Building Department issues a Grading and Drainage Permit for the applicant to begin removing the top 1-foot of dirt to begin raising a nearby residential section of the Sedona Subdivision, also owned by the applicant.

**March 16, 2016** -

Applicant holds a neighborhood meeting to discuss the proposed SUP application.

**March 21, 2016** -

Applicant submits an application, fee and documentation for an SUP to the Planning Department.

**August 5, 2016** -

Planning Staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the subject property.

**August 7, 2016** -

Public hearing notice was published in the newspaper.

**August 29, 2015** -

The Planning and Zoning Commission held a public hearing and forwarded a recommendation of approval to City Council, subject to staff's conditions.

**September 13, 2016** -

City Council held a public hearing and approved the first reading, 6-1-0 with one council member absent.

**September 27, 2016** -

City Council to consider request on second reading.

**Project Summary:**

The Owner is requesting to construct a 33.5-acre sand pit on a 418.8-acre property located within the Duncan PUD. The excavation and mining use proposes removal of approximately 1.4 million cubic yards of soil from the property for sale to the general public. Approximately 90,000 cubic yards have already been removed as a result of a Grading and Drainage permit issued earlier this year to prepare another development, Sedona, Section 5. Excavation / Mining uses begin at a depth greater than one foot below the ground. Once completed, the sand pit will serve as a detention/amenity pond for the

future development within the Duncan PUD. The applicant has submitted a conceptual residential plan, however it has not been approved and is subject to the regulations of the Duncan PUD. Any proposed changes to the master plan must be approved by the City prior to the platting and construction phases of the property can begin.

On August 29, 2016, the Planning and Zoning Commission conducted a public hearing and recommended approval, 4-1-1, subject to staff's conditions with 1 member absent. Commissioner Walding voted in opposition and Commissioner Arnold abstained. Commissioner Walding expressed concern of the overall amount of traffic the site will generate. The submitted Traffic Impact Assessment (TIA) indicates there would be a maximum impact of 15 trucks an hour in the mornings from only one driveway onto Farm to Market Road 517 (FM 517). FM 517 is under the jurisdiction of the Texas Department of Transportation (TxDOT). There were no speakers for the public hearing and the Planning Department has received no communications in support or opposition to the request.

#### **Staff Recommendation:**

Staff recommends approval of the Special Use Permit subject to the conditions listed below:

1. The Special Use Permit is valid beginning on the date of adoption of this SUP ordinance and will expire on December 31, 2017. Any extensions of this SUP shall be approved prior to the expiration date of the permit.
2. The applicant shall submit a bond to the City of League City in the amount of \$100,000.00.
3. The applicant shall provide proof of insurance for the subject property in the amount of \$1,000,000.00 and maintain such insurance as long as excavation operations continue prior to the second reading of the request.
4. The Special Use Permit is limited to excavation and mining uses only with the sand pit being constructed in the location as shown in the attached engineered layout. Within 45 days of completion, the applicant will provide a survey signed and sealed by a Registered Professional Land Surveyor (RPLS) confirming the conformance with the layout.
5. The applicant must receive a Business Registration Permit from the City of League City prior to the selling of any soil to the public.
6. Any signage for the site shall require sign permits and meet the requirements of League City's Sign Ordinance.
7. The proposed on-site office must meet building setbacks and provide parking at the rate of 4 parking spaces per 1,000 square feet of gross floor area.

#### **Attachments:**

1. Data Sheet
2. Ordinance
3. Exhibit A
4. Exhibit B

#### **CONTRACT ORIGINATION:**

Planning and Development

Applicant: Tracy Goza of LPI Property Management

Owner: West FM 517, LTD.

#### **FUNDING**

{X } NOT APPLICABLE

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

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