



## Legislation Text

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**File #:** 16-1418, **Version:** 1

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Consider and take action on Ordinance No. 2016-40 amending Ordinance No. 2005-24 for a Special Use Permit, SUP16-04 (Lowguard Automotive Collision Repair), to allow an Auto Repair and Other Heavy Vehicle Service use to be operated on a property zoned “CG” (General Commercial), generally located along the north side of West FM 517, approximately 215 feet east of Dove Meadow Drive, with the address of 351 West FM 517 in League City, Texas - Second Reading (Director of Planning and Development)

City Council approved the first reading 8-0-0 on November 22, 2016. A petition was submitted on November 22, 2016 in opposition of the request. The petition included 30 signatures, of which 26 were confirmed to be property owners, and 14 were within the 200 foot petition buffer. A total of 15.2% of land within 200 feet is in opposition to the request. Because the protest is less than 20% of the area of the properties within the 200 foot buffer area, a simple majority vote can approve the request.

Approval of the item would grant a Special Use Permit (SUP) to allow for an Auto Repair and Other Heavy Vehicle Service use on a tract of land zoned “CG” (General Commercial), located at 351 West FM 517.

### **Project Timeline:**

**July 5, 2016** - Applicant met with the City in a Pre-Development Meeting for the site.

**July 12, 2016** - Applicant held a neighborhood meeting with property owners within 500 feet of the subject property to discuss the potential application.

**August 1, 2016** - Applicant submitted an application for a Special Use Permit.

**August 5, 2016** - Staff sent staff recommendations to applicant for changes to the application and proposal.

**August 18, 2016** - A consultant representing the applicant met with Staff and presented revised drawings for the project.

**October 13, 2016** - Public notice sign posted on the property and notices mailed to property owners within 500 feet of the subject property.

**October 16, 2016** - Notice published in Galveston Daily Newspaper advertising the Planning and Zoning Commission and City Council meeting dates.

**November 7, 2016** - Planning and Zoning Commission heard the SUP request and made a recommendation to City Council of approval 4-2-0 with one member absent.

**November 22, 2016** - City Council held a public hearing and approved the first reading 8-0-0.

**December 13, 2016** - City Council to consider the second reading of the SUP request.

### **Project Summary:**

The applicant is proposing to open an “Auto Repair and Other Heavy Vehicle Service” use in an existing building at 351 W. FM 517. The property is zoned “CG” (General Commercial), which requires a Special Use Permit for the proposed use. The proposed use specifically repairs cars which have been in collisions. This involves body work, repainting, and other repairs incidental to collisions.

The applicant is proposing to occupy a vacant building with two bay doors facing FM 517. The applicant plans to expand the site to the rear, including a new gravel parking lot with security lighting. In a second phase, the applicant plans a future expansion to add a car port for additional parking for damaged vehicles and a building to detail cars when repairs are complete. All of the proposed improvements can be found on the attached site plan.

All work done to the vehicles, with the exception of detailing the cars, will be performed within the building. The compressors, sanding booth, and painting booth will all be located within the building. The applicant will extract all fluids from the vehicles prior to placing them in the outdoor parking area.

The applicant has agreed to make significant upgrades to the structure. The entire building will be painted an earth-tone color, and a masonry veneer will be wrapped around the portion of the structure fronting FM 517. The masonry veneer will cover approximately 40% of the building face. In addition, a continuous hedge will be installed along the FM 517 frontage, screening the vehicular parking area from view. Additional landscaping will be provided along the fence on the east side of the property. This structure has been vacant for eight years and if a use allowed by-right were to occupy the building, none of the proposed improvements would be made.

On November 7, 2016, the Planning and Zoning Commission conducted a public hearing and recommended approval, 4-2-0, with 1 member absent, subject to staff's conditions and two additional conditions requested by the Planning and Zoning Commission. The two conditions that were added include the assurance that drainage for the development will be satisfactory and that car deliveries are limited to 5:00 PM or earlier.

Two citizens spoke in opposition of the request during the Planning and Zoning Commission meeting. The citizens had a number of concerns about the property. The concerns included drainage along the rear of the single-family dwellings, the noise of truck deliveries in the evening, and fumes, dust and paint generated by the use.

Staff and the applicant have taken measures to reduce the concerns raised by the citizens that were in opposition to this request. First, the Planning and Zoning Commission added a condition to address the drainage concerns of the citizens. During the site plan review phase, Engineering Department will review a drainage plan signed and sealed by a Professional Engineer showing that the property is draining properly and not adversely affecting the neighboring properties. With regard to the noise, fumes, dust, and paint concerns, multiple measures will be taken to mitigate these concerns. An 8-foot tall fence will be installed around the entirety of this development, the rear bay doors will not be open during times when cars are being worked on, and a paint booth will be installed that is completely self-contained with proper ventilation and fire suppression. The SUP will limit the time of car deliveries to 5:00 PM or earlier in order to alleviate citizens' concerns of tow-trucks visiting the site during the evening hours. If a use allowed by-right, such as a quick lube and oil shop, were to operate at this location, none of the proposed conditions or improvements would be required by the Zoning Ordinance.

#### **Staff Recommendation:**

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

1. The SUP shall expire after a period of 12 months beginning upon the date of adoption of the SUP ordinance if no formal application is submitted to the City for development of the site.
2. The uses permitted on the site shall be limited to those permitted by the base zoning district and identified in this SUP.
3. The only use permitted by this SUP is Auto Repair and Other Heavy Vehicle Service, as defined in the Zoning Ordinance.
4. The site layout shall be similar to that which is displayed on the site plan. This includes the parking requirements, landscaping, fencing, and elevations.
5. Junk vehicles shall not be stored at the site for a period longer than two weeks without being repaired.
6. All work done on-site shall be within the existing structure and no work creating noise shall occur when the rear bay doors are open.
7. An eight-foot tall fence shall be installed along the perimeter of the site, with the support posts installed toward the interior of the property.
8. Landscaping:
  - A continuous hedge and tree form shrubs shall be provided along the fence visible from FM 517.
  - A continuous hedge and tree form shrubs shall be provided to screen the parking along FM 517.
  - The applicant will have the following choices to plant as their landscaping requirement:
    1. Taller continuous hedge to screen 8 ft. wooden fence (6-8 ft. in height): Southern Wax Myrtle, Viburnum, Bottlebrush
    2. Shorter continuous hedge to screen parking along FM 517 (3-4 ft. in height): Green Cloud/Silverado Sage, Natal Plum, Dwarf Oleander

3. Tree-form shrubs to screen parking along FM 517 (10-15 ft. in height): Vitex, Southern Wax Myrtle, Bottlebrush, Savannah Holly
9. Lighting:
  - All lighting will be full cutoff.
  - Lighting shall not be more than 0.2 foot-candles at any property line.
  - Lighting shall be directed away from the single-family residences on the northwest side of the property.
  - All exterior lighting, except motion detection lighting, shall be extinguished after business hours.
10. The exterior elevations shall consist of the following:
  - The exterior elevations visible from FM 517 shall be composed of approximately 40% stone.
11. Signage:
  - The only signage allowed on site shall be as follows:
    - A Monument style sign is the only type of freestanding sign that shall be allowed for this business.
    - The monument sign shall not exceed 10 feet in height.
    - The monument sign must be constructed of similar material to the masonry building façade.

Additional conditions recommended by the Planning and Zoning Commission:

12. In no case shall tow-trucks deliver vehicles to the site after 5:00 PM.
13. This development shall not divert flows onto any adjacent property and all natural flows coming onto this property must be compensated for during the development of the site. Any pre-existing drainage problems will not be negatively affected by the development of this property.

**Attachments:**

1. Data Sheet
2. Proposed Ordinance
3. Exhibit A
4. Exhibit B
5. Petition Map

**CONTRACT ORIGINATION:**

Planning and Development

Applicant: Lowguard Enterprises, LLC

Owner: Chris Patelis

**FUNDING**

{ x } NOT APPLICABLE

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

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