



Legislation Text

File #: 21-0015, **Version:** 1

Consider and take action on Ordinance No. 2020-37, an ordinance approving a Special Use Permit, SUP-20-0003, (7-Eleven Fueling Station and Convenience Store), in a “CG” (General Commercial) zoning district, with an address of 1210 East FM 518 and generally located on the northwest corner of FM 518 and Lawrence Road, League City, Texas - Second Reading (Executive Director of Development Services)

Planning and Zoning Commission recommended approval on November 16, 2020, 7-0-0 with 1 absent.
City Council approved first reading, 6-0-0 with two absent.

Approval of this Special Use Permit will allow a “Fueling Station and Convenience Store” use at 1210 East FM 518.

Project Timeline:

January 7, 2020 - Staff met with the applicant and property owner to discuss the potential SUP application for a 7-Eleven, Fueling Station and Convenience Store at this location.

May 21, 2020 - The Applicant held a neighborhood meeting to discuss potential SUP application with property owners within 500 feet of the subject property. There were no attendees, but a letter of support was submitted by the adjacent property owner to the north.

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

June 8, 2020 - Application was reviewed by staff and deemed to be incomplete and comments were returned to the applicant.

July 7, 2020 - Second submittal was received with corrections.

July 13, 2020 - Second submittal was found to be incomplete and comments were returned to the applicant.

September 29, 2020 - Third submittal was received with a request from the applicant that the application go forward to the Planning and Zoning Commission without all of staff’s comments met.

October 20, 2020 - Public notice advertising the November 16, 2020, Planning and Zoning Commission meeting was sent to property owners within 500 feet of the subject property, posted on the subject property, and sent to the newspaper for publishing.

November 16, 2020 - Planning and Zoning Commission held a public hearing and made a recommendation of approval, 7-0-0.

December 8, 2020 - City Council held a public hearing and approved the first reading 6-0-0.

Project Summary:

The applicant is proposing to construct a “Fueling Station and Convenience Store” on a 1.9-acre parcel located on the northwest corner of East FM 518 and Lawrence Road. 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. There will be 36 parking spaces surrounding the store with two-way drive isles that access the parking spaces on all four sides of the structure. There will be six fueling pumps

located south of the convenience store that will serve 12 vehicles at one time.

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 minimum landscaping requirements along the roadways and is proposing enhanced landscaping around the remainder of the site. The site is adding a continuous hedge and row of trees along each interior property line, which is not normally required by the ordinance.

The site has access to two arterial roadways. A shared access drive on each roadway will serve the development. The applicant has indicated that the grade change and existing access points are sufficient to handle 18-wheeler traffic for fuel deliveries. The applicant has also proposed to construct a deceleration lane on East FM 518. Both roadways are functionally classified to handle the proposed traffic from a gas station.

The property is in an AE flood zone with a 13-foot Base Flood Elevation. In 2019, the site was raised with fill approximately six (6) feet to elevate out of the floodplain. A detention pond was also constructed in the rear of the property for drainage. Normally, staff requests a landscape berm along the roadways for gas station developments. In this case, the site has already been substantially raised so staff agreed a berm was not necessary.

There have been no communications in opposition of this request. The adjacent property owner to the north submitted a letter in favor of the proposed gas station.

On November 16, 2020, the Planning and Zoning Commission held a public hearing and considered the request. The Planning and Zoning Commission recommended approval subject to the conditions proposed by staff, 7-0-0 with one member absent. On December 14, 2020, the City Council held a public hearing and considered the request. The City Council recommended approval, 6-0-0 with two members absent.

Staff recommends the City Council approve the request for a Special Use Permit 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 Fueling Station and Convenience Store. Specifically, 7-Eleven.
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 and elevations. This includes the parking requirements, landscaping, fencing, and elevations.
5. 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
 - 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, as shown. At least three different tree species, two different shrub species, and one ornamental grass species shall be included in the project landscaping.
 - c. Expand landscape islands to a minimum area of 50 square feet and a minimum interior width of

five (5) feet.

- d. 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.

- e. A ten (10) foot landscape setback shall be provided along the frontages of East FM 518 and Lawrence Road. The landscape setback shall consist of:

- i. One (1) 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.

6. Screening of Structures:

- a. Dumpster enclosures 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 shall be installed around the structure.

- 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.

7. Lighting: All lighting must comply with Chapter 125, Article 4, Section 4.8 of the Unified Development Code:

- a. A photometric survey of the entire property shall be submitted with a building permit.

- b. 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 falls on any residential property; and

- c. 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. Signage: The project shall comply with the Chapter 125, Article 8, Signs of the Unified Development Code with the following exception:

- a. The only free-standing sign permitted on the site is a monument sign placed along East FM 518 and all materials must be complementary of the primary building in keeping with the Covenants, Conditions and Restrictions, enforced by the Property Owners Association.

10. A drawing must be submitted demonstrating how the proposed sidewalk and the placement on the raised grade will connect with the existing sidewalks during the building permit submittal.

Attachments:

1. Data Sheet
2. Ordinance No. 2020-37
3. Exhibit A Zoning Map
4. Exhibit B Survey
5. Exhibit C Site Plan
6. Exhibit D Elevation Drawings
7. Exhibit E Landscape Plan

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 # _____

☒ NOT APPLICABLE

STRATEGIC PLANNING

☐ Addresses Strategic Planning Critical Success Factor # _____ and Initiative # _____

☒ NOT APPLICABLE