



Legislation Text

File #: 21-0533, **Version:** 1

Consider and take action on Ordinance 2021-37 approving a Special Use Permit Application, SUP-21-0001, (Power Mart), to allow a “Vehicle Fueling” use to operate in a “CG” (General Commercial) zoning district, generally located west of the South Gulf Freeway (I-45), at the southwest intersection of West Main Street (FM 518) and Maple Leaf Drive with the address of 6205 West Main Street (FM 518), in League City, Texas - Second Reading (Executive Director of Development Services)

Planning and Zoning Commission recommended approval, 6-0-0 with 2 absent on 8/18/21.
City Council approved first reading, 8-0-0 with 0 absent on 9/14/21.

Approval of this Special Use Permit will allow a “Fueling Station and Convenience Store” use to operate in the “CG” District.

Project Timeline:

November 10, 2020 - Staff held a predevelopment meeting with the applicant and property owner to discuss the potential Special Use Permit application for a “Fueling Station and Convenience Store” land use to be operated at this location.

December 16, 2020 - Applicant held a neighborhood meeting to discuss potential Special Use Permit application with property owners within 200 feet of the subject property.

April 13, 2021 - An application for a Special Use Permit was submitted for the Power Mart Fueling Station and Convenience Store.

April 23, 2021 - An application was reviewed by staff and deemed to be incomplete, and comments were returned to the applicant.

July 07, 2021 - A submittal was received addressing all of staff comments.

July 30, 2021 - Public notice was sent to the property owners within 200 feet of the subject site and sent to the newspaper for publishing advertising the August 18, 2021, Planning and Zoning Commission meeting.

August 18, 2021 - Planning and Zoning Commission held a public hearing and made a recommendation of approval to City Council.

September 14, 2021 - City Council held a public hearing and approved the first reading, 8-0-0.

September 28, 2021 - City Council is scheduled to take final action.

Project Summary:

The applicant is proposing to construct a “Fueling Station, Convenience Store and Retail Shell” on a 2.036-acre tract located at the southwest intersection of West Main Street (FM 518) and of Maple Leaf Drive. The property is zoned “CG” (General Commercial), which requires a Special Use Permit for a fueling station.

The proposed structure will be 12,296 square feet consisting of a 5,696 square-foot convenience store and a 6,600 square-foot retail space. There will be 52 parking spaces surrounding the store and five fueling pumps that will serve 10 vehicles at one time.

The applicant has developed deed restrictions that outline the material to be used on the site. A list of the proposed materials can be referenced in the attached elevation exhibit. Each side of the building has a minimum

of 80% masonry. In addition, the fueling canopy posts, monument sign, and dumpster enclosure will be clad with masonry products to match the primary structure. The applicant is proposing to provide a 3-foot berm, a continuous hedge, and a row of trees along each interior property line, which is not normally required by the ordinance. In addition, the applicant will forego the allowance of a pole sign and install a monument sign that will be constructed of masonry materials consistent with the primary structure.

The proposed development will be accessed from West Main Street (FM 518) and Maple Leaf Drive, by an existing 35' shared access drive adjacent to this site. These shared access drives will also serve the remaining undeveloped land within the same commercial reserve. The site has 78 feet of internal stacking space before the first curb cut to promote safe traffic flow. A 10-foot sidewalk/hike & bike trail is proposed along West Main Street (FM 518) and an 8-foot sidewalk is proposed along Maple Leaf Drive (only 6-foot is required).

The closest fueling station is less than half a mile east of this site at the intersection of West Main Street (FM 518) and Countryside Drive. A gas station is also being constructed approximately 1.2 miles to the west within the City of Friendswood. There are no other existing gas stations within 2 miles of the development.

Thirteen notices were mailed to property owners within 200 feet of the subject property. There have been no formal communications in favor or opposition of this request within the notification area. There was one email received in opposition to the request from a resident of Westover Park.

On August 18, 2021, the Planning and Zoning Commission held a public hearing and recommended approval subject to the conditions proposed by staff, 6-0-0 with two members absent.

On September 14, 2021, the City Council held a public hearing and approved the first reading of the request, 8-0-0.

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 the Convenience Store and Fueling Station, specifically a Power Mart to be developed by Micro Star Properties, LLC.
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, landscape plan, and building elevations.
5. A landscape setback shall be provided along all property lines. 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.
- iii. A 3-foot landscape berm.
6. Screening of Structures:
- i. 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
- ii. All mechanical equipment (a/c units, electrical boxes, pad-mounted transformers) shall be completely screened from public view on all sides with the material consistent with 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 if equipment is on the ground.
- iii. If a parapet is used to screen mechanical equipment, it shall be tall enough so that no mechanical equipment is visible from the ground.
7. 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. The sidewalk constructed along Maple Leaf Drive shall be a minimum of 8 feet in width.
10. Golf cart and bicycle parking will be provided on-site.
11. Signage: The project shall comply with the Chapter 125, Article 8, Signs, of the Unified Development Code with the following exception:
- i. The only free-standing sign permitted on the site is a 10-foot-tall monument sign placed along West Main Street (FM 518) and all materials must be complementary of the primary building in keeping with the Covenants, Conditions and Restrictions.

Attachments:

1. Data Sheet
2. Ordinance 2021-37
3. Exhibit A
4. Exhibit B
5. Exhibit C
6. Exhibit D

CONTRACT ORIGINATION:

Development Services

Applicant: Nery Aguilar, Heights Engineering, LLC

Owners: Micro Star Properties, 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