

MAYOR AND COUNCIL COMMUNICATION

DATE: September 15, 2020 **M&C # 2020-09-15-02 B. MELLAND**

TO: Mayor and Council

FROM: Brandon Melland, Planning and Zoning Director

THROUGH: Kelly Kuenstler, City Manager

SUBJECT: Presentation and Discussion on An Ordinance Amending Ordinance 2020-34 And Repealing Ordinance 10-019 Regarding the Specific Use Permit Of 999 Shadow Mist; Generally Located on The East Side of Shadow Mist Road at The Intersection of Shadow Mist Road and Avedisian Drive for Entertainment-Outdoor Purposes; And A Public Hearing on Said Request (1st Reading as Required by City Charter)

PURPOSE

This request was previously considered by the Planning & Zoning Commission at their June 23, 2020 meeting. At that meeting, the P&Z recommended approval and the City Council subsequently approved the request.

However, the City Attorney has advised that the Ordinance approved by Council, which authorized the requested SUP, did not repeal the previous SUP approved in 2010 for the property; as discussed in the original staff report below.

The City Attorney has also advised that the Ordinance should have included all of the land owned by the applicants, not just the portion in which the actual soccer field is located. There is a narrow strip of land between the Shadow Mist right-of-way and the tract with the soccer field that is used to access the soccer field tract.

The City Attorney has advised that the original 2010 ordinance should be repealed and the additional narrow tract can be added by simply amending the most recent SUP.

Applicant:

Arturo Ferrer
ARCA FV Properties, LLC
999 Shadow Mist
Leon Valley, Texas 78238

Property Information:

Address: 999 Shadow Mist

Legal Description: CB 5793 Blk Lot S Irrg 688.22 Ft of 6 & 7
Owner: ARCA FV Properties, LLC
Existing Zoning: B-1, Small Business District

Notice:

Personal Notice: July 31, 2020
Published Notice: August 28, 2020

Summary/Background: This is a request for a Specific Use Permit (SUP) for Entertainment Outdoor Use at 999 Shadow Mist. The property is currently developed as the Olympus Soccer Complex. The complex was originally developed in 2015. The City's Zoning Code classifies an outdoor soccer complex as "Entertainment-Outdoor" and requires SUP approval for properties located in the B-1 District, prior to permitting for development. In anticipation of the original development, the owners applied for - and were granted - an SUP in 2010.

The complex is currently developed with one soccer field and limited parking. The applicants desire to add an additional field and additional parking. However, their proposed layout for the additional field and new associated parking does not comply with the site plan approved with the previous SUP. As SUP's require approval of a site plan to ensure that developments are developed as (specifically) approved, the soccer field owners must amend their original SUP to gain approval of their desired expansion and new site configuration. An SUP amendment is processed in the same manner as a standard SUP.

Analysis: The purpose of a Specific Use Permit is generally to ensure that a use is compatible with surrounding uses, as well as ensure that other special factors such as parking and the natural environment are considered. In this case, the soccer field was allowed to be developed by previous SUP (and site plan approval in 2010). The previous SUP approval also was conditioned on the following restrictions:

1. All lighting will be hooded and directed away from residential areas;
2. Parking areas are to be constructed with permeable surfaces;
3. Field lights will be turned off by 9:30 p.m.;
4. The approved use will follow all other code requirements;
5. The emergency access for public safety will be continued from El Verde Road to Shadow Mist Drive; and
6. Parking must be sufficiently addressed and encouraged to be located away from residential areas.

The complex is currently developed as illustrated in the attached aerial image. The owners now plan to build-out the soccer field as illustrated in the attached proposed site plans labeled as Exhibits A & B. Exhibits A & B generally propose the following:

1. Addition of a new soccer field;
2. Addition of 86 new parking spaces;
3. Addition of restroom facilities;
4. New access point at eastern point of property to facilitate new one-way vehicular circulation throughout the property; and
5. Planting of 13 new canopy trees, within parking areas.

Staff has reviewed Exhibits A & B with regard to the requirements of the Zoning Code and does not have any concerns with the proposed expansion. Staff finds that sufficient parking and landscaping is being added. In addition, the City Engineer and Fire Department have reviewed the site plan and do not have any concerns either.

In addition to satisfying the requirements of the Zoning Code, Exhibits A & B propose to satisfy all the conditions required by the previous SUP except for the previous requirement that all parking areas be constructed with permeable surfaces.

The owners are proposing to still have actual parking stalls be constructed with a permeable surface. The specific permeable surface they will be using is called EZ Roll, which is a prefabricated load transferring system which is rolled out with multiple hexagonal cells that are filled with aggregate or similar pervious materials.

The owners are proposing that drive aisles be paved with asphalt, which is not pervious. Staff does not have any issues with this for the following reasons:

1. Staff believes that this previous requirement was due to half of the property being located in the floodway and the balance of the property being located in the flood plain. However, with the LC17 project, the property is projected to be completely removed from the floodway and primarily removed from the floodplain.
2. Additionally, the owners have provided a drainage study which does not illustrate any adverse impact to the floodplain with the drive aisles paved with asphalt.

SEE LEON VALLEY

Social Equity - Approval of this request will facilitate the expansion of an existing recreational facility for the citizens of Leon Valley to enjoy. It also facilitates better compatibility with the adjacent Shadow Mist neighborhood

Economic Development - Approval of this request will result in more people traveling to Leon Valley and possibly spending additional money in the City.

Environmental Stewardship - N/A

FISCAL IMPACT

Approval of this request will facilitate additional investment into this property which may result in increased ad valorem tax produced for the City.

STRATEGIC GOALS

N/A

P&Z COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended unanimous approval of this action at their August 11, 2020 meeting, subject to the following conditions:

1. That the property be developed in accordance with Exhibits A and B in its entirety;
2. That the restroom facilities shall be constructed prior to the issuance of a Certificate of Occupancy for the use of Proposed Field #2 on Exhibits A & B;
3. That the property shall be required to connect to City of Leon Valley water and sewer services for all on-site facilities; and
4. That field lights will be turned off by 9:30 p.m.

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE No.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE 2020-34 AND REPEALING ORDINANCE 10-019, REGARDING THE SPECIFIC USE OF 999 SHADOW MIST; GENERALLY LOCATED ON THE EAST SIDE OF SHADOW MIST ROAD AT THE INTERSECTION OF SHADOW MIST ROAD AND AVEDISIAN DRIVE FOR ENTERTAINMENT-OUTDOOR PURPOSES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 211 of the Vernon's Local Government Code empowers cities to enact zoning regulations and provide for their administration, enforcement, and amendment; and

WHEREAS the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City, in order to promote the public health, safety, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City's zoning regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning & Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS the Planning & Zoning Commission of the City of Leon Valley has recommended approval of Specific Use Permit 2019-07, to allow for entertainment outdoor uses; and

WHEREAS the City Council of the City of Leon Valley now desires to amend Ordinance 2020-34 and Repealing Ordinance 10-019 allowing for the use of 999 Shadow Mist Drive for Entertainment-Outdoor Use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. That Ordinance 2020-34 is hereby amended and Ordinance 10-019 is hereby repealed.

SECTION 2. The property located at 999 Shadow Mist Drive; more specifically described as CB 5793 Blk Lot S Irrg 688.22 Ft of 6 & 7 and CB 5793 Blk Lot S 746.57

Ft of 5; is hereby granted a Specific Use Permit for entertainment outdoor use, subject to the following conditions:

1. That the property be developed in accordance with Exhibits A and B in its entirety;
2. That the restroom facilities shall be constructed prior to the issuance of a Certificate of Occupancy for the use of Proposed Field #2 on Exhibits A & B;
3. That the property shall be required to connect to City of Leon Valley water and sewer services for all on-site facilities; and
4. That field lights will be turned off by 9:30 p.m.

SECTION 3. That this ordinance shall be cumulative of all provisions of the City of Leon Valley, Texas, except where provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event, conflicting provisions of such ordinance are hereby repealed.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that this ordinance is not severable.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 15th day of September 2020.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney