

ORDINANCE NO. 25 - ____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT IN A COMMERCIAL (C) ZONING DISTRICT TO DEVELOP AN AUTO FUELING STATION LAND USE ON PROPERTY COMMONLY KNOWN AS **13722-14000 SAN LUIS PASS ROAD / FM 3005**, AND WHICH IS LEGALLY DESCRIBED AS PART OF LOTS 32 AND 45 (45-5), AND ADJACENT ABANDONED STREET, TRIMBLE AND LINDSEY SURVEY, SECTION 3, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER **25P-001**; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 4 of the 2015 Galveston Land Development Regulations (LDR) allows for the creation of a Planned Unit Development (PUD) Overlay Zoning District; and,

WHEREAS, the Applicant is Nasser Zia, and the owner is Beach Three LLC. Series 5, and they are requesting to establish a Planned Unit Development (PUD) Overlay Zoning District in a Commercial (C) base zoning district; and,

WHEREAS, the applicant intends to establish an “Auto Fueling Station” land use in the Commercial (C) base zoning district. The site previously operated as an “Auto Fueling Station” however the gasoline sales ceased in 2020. As the Auto Fueling Station Use has lapsed for more than 365 days, the current new regulations for such use must be met; and,

WHEREAS, the proposed land use of “Auto Fueling Station”, is a Limited Use in the Commercial (C) zoning district so long as the associated Limited Use Standards are met; and,

WHEREAS, as further detailed in the Staff Report, attached and incorporated herein as **Attachment 1** (including Exhibits), the subject site consists of a lot located at the northwest corner of the intersection of San Luis Pass Road/FM 3005 and Buccaneer Blvd. The lot has an area of 2.21 acres. The site consists of a commercial center with several businesses including a real estate office, restaurant, seafood market, liquor store, and convenience store; and,

WHEREAS, at its meeting of February 4, 2025, the Planning Commission voted to recommend approval of the request with the modification of staff recommended conditions, to exclude the right of way screening, per section 9.301(B), of the Land Development Regulations; and,

WHEREAS, Staff finds that the proposed land use is generally compatible with the base zone and surrounding zoning and land uses. While the land use of “Auto Fueling Station” carries restrictions on proximity to residential zoning districts, the residential zoning district that is adjacent is currently undeveloped. The site is located at a commercial node which is intended to serve the needs of West End residents and visitors. The site does not conform to the current landscaping screening requirements in the Land Development Regulations. In order to buffer the “Auto Fueling Station” from any potential residential development on the adjacent residential

zoning and the traveling public, Staff recommends that right-of-way screening and visual screening per sections 9.301(B) and 9.301(D) be installed; and,

WHEREAS, Staff recommends approval of the request with conditions as provided in **SECTION 3 below**; and,

WHEREAS, after notice and conduct of a public hearing, the City Council of the City of Galveston, Texas, deems it in the public interest to grant Applicant’s request for a Planned Unit Development (PUD) Overlay Zoning District in a Commercial (C) base zoning district on property commonly known as 13722-14000 San Luis Pass Road / FM 3005, in the City and County of Galveston, Texas, subject to the conditions set forth in **SECTION 3** below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct, and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Subject to certain conditions set forth in **SECTION 3** below, the Applicant is hereby granted a Planned Unit Development (PUD) Overlay Zoning District in a Commercial (C) base zoning district on property commonly known as 13722-14000 San Luis Pass Road / FM 3005, and which is legally described as Part of Lots 32 and 45 (45-5), and Adjacent Abandoned Street, Trimble and Lindsey Survey, Section 3, in the City and County of Galveston, Texas.

SECTION 3. The Planned Unit Development (PUD) Overlay Zoning District is subject to the following conditions:

Specific Conditions to 25P-001:

1. Granting of a PUD zoning district shall not relieve the developer from complying with all other applicable sections of the Land Development Regulations (LDR), and other Codes and Ordinances of the City of Galveston, unless such relief is specified in the approved PUD plan and PUD ordinance. Relief provided by this PUD plan includes:
 - a. To deviate from the minimum distance requirement from single-family residential district stipulated by Section 2.308 of the Land Development Regulations. The requirement is that an “Auto Fueling Station” land use shall be located at least 200 feet from residential use or residential zoning district boundary. The location of the proposed “Auto Fueling Station” is located adjacent to residential zoning district boundary.
2. The use shall conform to the attached PUD plan and other applicable ordinances;
3. A building permit(s) for the project shall be issued no later than 24 months from the date of City Council approval (February 27, 2025) and shall proceed in accordance with Ordinance No. 20-008, “Timeframe for Permits for Construction Activity”;

4. Prior to the issuance of a building permit, the developer shall install ~~right of way~~ and visual screening per sections ~~9.301(B) and~~ 9.301(D) of the Land Development Regulations;

Standard Conditions of a Planned Unit Development (PUD):

5. The applicant shall adhere to all comments/conditions received from City departments;
6. Any change or revisions to the adopted PUD Plan shall require an amendment to the PUD ordinance, which requires review by the Planning Commission and City Council. Minor additions and modifications to the approved PUD plan meeting the criteria set forth in Article 4, Section 4.102 (d)(3) of the Land Development Regulations (LDR) may be approved by the Development Services Department;
7. There shall be no nuisance created or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties; and,
8. The applicant shall submit for approval all plans to the Development Services Department for compliance with all City codes.

SECTION 4. The zoning classification for this property shall be changed to Commercial (C)-PUD overlay and shall be designated as (C)-PUD on the zoning maps of the City of Galveston, subject to the conditions set forth in **SECTION 3** above.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 6. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular Meeting held on February 27, 2025, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2025.

Secretary for the City Council
of the City of Galveston



25P-001

STAFF REPORT

ADDRESS:

13722-14000 San Luis Pass Road/FM 3005

LEGAL DESCRIPTION:

Property is legally described as Part of Lots 32 and 45 (45-5), and Adjacent Abandoned Street, Trimble and Lindsey Survey, Section 3, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Nasser Zia

PROPERTY OWNER:

Beach Three LLC Series 5

ZONING:

Commercial (C)

REQUEST:

Planned Unit Development (PUD)

APPLICABLE LAND USE REGULATIONS:

Article 4 of the Land Development Regulations

STAFF RECOMMENDATION:

Approval with Conditions

EXHIBIT:

- A – Applicant’s Submittal
- B – Zoning Map

STAFF:

Catherine Gorman, AICP
 Assistant Director/HPO
 409-797-3665
 cgorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
5	0	0	0	0

Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

City Department Notification Responses:

- Airport: No Objection
- Building Division: No Objection
- Coastal Resources: No Objection
- Fire Marshal: No Objection
- Fire Chief: No Objection
- Police Chief: No Objection
- Public Works: No Objection

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: No Objection



Executive Summary

This is a request for a Planned Unit Development (PUD) Overlay District to establish “Auto Fueling Station” land use in the Commercial (C) zoning district. The purpose of the PUD is:

- To deviate from the minimum distance requirement from single-family residential district stipulated by Section 2.308 of the Land Development Regulations. The requirement is that an “Auto Fueling Station” land use shall be located at least 200 feet from residential use or residential zoning district boundary. The location of the proposed “Auto Fueling Station” is located adjacent to residential zoning district boundary.

The site previously operated as an “Auto Fueling Station” however the gasoline sales ceased in 2020. Since the use has lapsed for more than 365 days, then the new regulations must be met.

Site Details

The subject site consists of a lot located at the northwest corner of the intersection of San Luis Pass Road/FM 3005 and Buccaneer Blvd. The lot has an area of 2.21 acres. The site consists of a commercial center with several businesses including a real estate office, restaurant, seafood market, liquor store, and convenience store.

Compatibility with Base and Surrounding Zoning and Land Uses

The subject site is zoned Commercial (C). The proposed land use is “Auto Fueling Station” which is a Limited Use in the Commercial (C) zoning district. Limited Uses are permitted provided the associated Limited Standards are met. The Limited Standards require that a “Auto Fueling Station” not be located within 200 feet of a residential zoning district boundary. There is residential zoning directly adjacent to the property to the north and west. That residential zoning district is Residential, Single-Family (R-1) and is currently vacant.

Commercial (C) zoning is found to the east and south of the subject property. The site is located at commercial node at the intersection of San Luis Pass Road/FM 3005 and Buccaneer Blvd. Other land uses at this intersection include office, fitness facility, liquor store, and bank.

Staff finds that the proposed land use is generally compatible with the base zone and surrounding zoning and land uses. While the land use of “Auto Fueling Station” carries restrictions on proximity to residential zoning districts, the residential zoning district that is adjacent is currently undeveloped. The site is located at a commercial node which is intended to serve the needs of West End residents and visitors.

The Planned Unit Development (PUD) is a floating zoning district intended to create a mixture of uses, density and infrastructure standards, allowing flexibility in the development standards for specific uses on a specific site.

Ability of the Property to be used under Current Zoning

The subject site is zoned Commercial (C). The Commercial (C) district is intended to accommodate a wide range of retail, service, and office uses while also providing for a variety of housing options. As noted above, the land use of “Auto Fueling Station” carries restrictions on proximity to residential zoning districts.

PUD Details /Development Plan

The purpose or intent of the PUD	The purpose or intent of the PUD is: <ul style="list-style-type: none"> To deviate from the minimum distance requirement from single-family residential district stipulated by Section 2.308 of the Land Development Regulations. The requirement is that an “Auto Fueling Station” land use shall be located at least 200 feet from residential use or residential zoning district boundary. The location of the proposed “Auto Fueling Station” is located adjacent to residential zoning district boundary.
PUD Land Uses	“Auto Fueling Station”. No prohibitions of other uses permitted in the Commercial (C) base zoning district.
Density	No change in density.
Building Height	Existing strip center. No additional building.
Building Setbacks	No changes to the setbacks
Limits of Construction	The construction is only to remove the underground tanks, install a new underground tank, and a 20’x76’ canopy.
Building Elevations	No change to the existing building and elevations.
Vehicular Parking	There will be no change to the existing parking area.
Pedestrian Access	There will be no change to the existing pedestrian access.
Streets and Circulation	There will be no change to the existing street and circulation.
Screening and Landscape	There will be no change to the existing screening and landscape.
Environmental Protection	There will be a plan for any runoff from site to storm drains.
Signage	There will be no change to existing signage.
Lighting	Per Article 7 of the Land Development Regulations.
Phasing or Scheduling	The project will be completed in one phase.
Unique characteristics or exceptional circumstances	The subject site previously operated as a “Auto Fueling Station” with operations ceasing in 2020.

Criteria for Approval

Per Section 13.601.C of the Land Development Regulations, the Planning Commission may recommend approval and City Council may grant the approval of a rezoning request if it is demonstrated that:

1. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objectives, and policies of the City of Galveston 2011 Comprehensive Plan and other adopted neighborhood plans, special area plans, redevelopment plans, or other plans applicable to the area;
2. The proposed zoning is consistent with the future land use map of the City of Galveston 2011 Comprehensive Plan (a future land use map amendment may be processed concurrently with the rezoning);
3. The proposed change is consistent with the implementation of existing or pending plans for providing streets, water and wastewater, other utilities, and the delivery of public services to the area in which the parcel proposed for rezoning is located;
4. The range of uses and the character of development that is allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for rezoning, and the parcel proposed for rezoning has sufficient dimensions to accommodate reasonable development that complies with the requirements of these Regulations including parking and buffering requirements;
5. The pace of development and/or the amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.

Other Reviews

The Planning Commission reviewed this request at the February 4, 2025 meeting. The Planning Commission voted to recommend approval with Staff's Recommendations and the following change:

- Modify condition number 4 to remove the requirement for right-of-screening: *Prior to the issuance of a building permit, the developer shall install ~~right-of-way and~~ visual screening per sections 9.301(B) and 9.301(D) of the Land Development Regulations*

The vote was unanimous.

Staff Recommendation

Staff finds that the proposed PUD request conforms to the criteria for approval. The uses and the character of development that is proposed are compatible with the properties in the immediate vicinity of the subject parcel. The site is located at a commercial node which is intended to serve the needs of West End residents and visitors. Other land uses at this intersection include office, fitness facility, liquor store, and bank. Prior to ceasing operations in 2020, the subject site long operated as an "Auto Fueling Station" with no history of nuisance complaints.

The site does not conform to the current landscaping screening requirements in the Land Development Regulations. In order to buffer the “Auto Fueling Station” from any potential residential development on the adjacent residential zoning and the traveling public, Staff recommends that right-of-way screening and visual screening per sections 9.301(B) and 9.301(D) be installed. The screening requires a four-foot wide planting strip consisting of shrubs, hedges, and trees. The right-of-way screening would be required between any parking or loading areas and any street rights-of-way abutting the site, including San Luis Pass Road/FM 3005 and Buccaneer Blvd. The visual screening shall be installed and maintained between the parking or loading areas and driveways, and the residential zoning district.

Staff recommends approval with the following conditions:

Specific Conditions;


1. Granting of a PUD zoning district shall not relieve the developer from complying with all other applicable sections of the Land Development Regulations (LDR), and other Codes and Ordinances of the City of Galveston, unless such relief is specified in the approved PUD plan and PUD ordinance. Relief provided by this PUD plan includes:
 - a. To deviate from the minimum distance requirement from single-family residential district stipulated by Section 2.308 of the Land Development Regulations. The requirement is that an “Auto Fueling Station” land use shall be located at least 200 feet from residential use or residential zoning district boundary. The location of the proposed “Auto Fueling Station” is located adjacent to residential zoning district boundary.
2. The use shall conform to the attached PUD plan and other applicable ordinances;
3. A building permit(s) for the project shall be issued no later than 24-months from the date of City Council approval and shall proceed in accordance with Ordinance 20-008, Timeframe for Permits for Construction Activity;
4. Prior to the issuance of a building permit, the developer shall install right-of-way and visual screening per sections 9.301(B) and 9.301(D) of the Land Development Regulations;

Standard Conditions of a Planned Unit Development (PUD):

5. The applicant shall adhere to all comments/conditions received from City departments;
6. Any change or revisions to the adopted PUD Plan shall require an amendment to the PUD ordinance, which requires review by the Planning Commission and City Council. Minor additions and modifications to the approved PUD plan meeting the criteria set forth in Article 4, Section 4.102 (d)(3) of the Land Development Regulations (LDR) may be approved by the Development Services Department;

7. There shall be no nuisance created or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties; and,
8. The applicant shall submit for approval all plans to the Development Services Department for compliance with all City codes.

Respectfully Submitted,



Catherine Gorman, AICP, Assistant Director/HPO

02/06/2025
Date

D. Development Plan- Reponses

Development Plan requirement:

- a. The purpose and intent of the PUD
The purpose is to remove existing under storage tanks and install one new underground storage for selling car fuel at existing C-store.
The location used to be as Auto fueling Station. the store stopped selling fuel after Covid -19.
The original store owner could not continue due to lack of business and sold out the business. The new owner wants to upgrade the store and continue the business.
- b. PUD land uses:
There is an existing strip center over 10,000 sq. ft
It is also used as auto fueling station.
- c. Density:
No change to existing density
- d. Building height:
Existing strip center, no addition building
- e. Building setback:
There will no change to set back, survey included
- f. Limits of construction:
The construction only to remove underground tanks, install a new underground tank and a canopy 20'x76'
- g. Building elevation:
No change to the existing building and elevations
- h. Vehicular parking:
There will be no change to existing parking areas
- i. Pedestrian access:
There will be on change to existing pedestrian access
- j. Streets and circulation:
No change to existing street and circulation

K. screening and landscaping:

There will be no change to existing screening and landscaping

l. Environmental protection:

There will be a plan for any run off from site to storm drains.

m. Signage:

There will no change to existing signages

n. Lighting:

There will no change to existing lighting, only adding extra lighting for new canopy

o. Phasing or scheduling

There will time only for construction time, this will not block any public Road

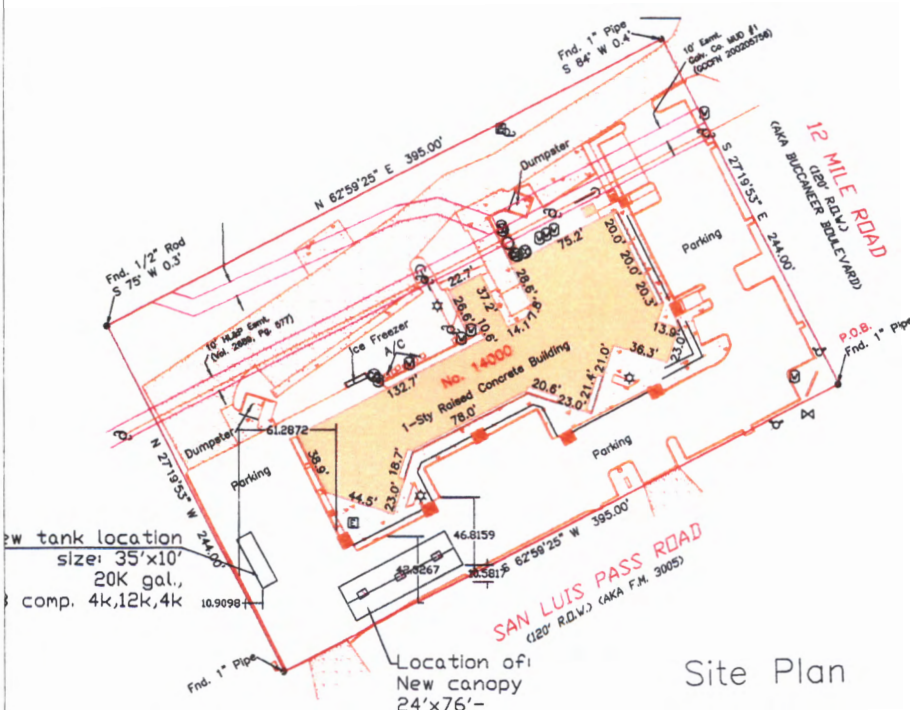
2. The application shall specify the extent to which deviation from otherwise applicable code requirements is justified by unique characteristics of the site or other exception circumstance.

We are requesting only a variance to remove old tanks and install a new 20K underground storage tank and a canopy at this location. It is a land use variance.

We are not changing or modifying any part of the building or parking area or driveways.

3. This Section is not applicable for this project.

4. This section is not applicable for this project.



Hummels General Store
 13722 FM 3005 Rd.
 Galveston, TX
 77554

SW tank location
 size: 35'x10'
 20K gal.,
 comp. 4k,12k,4k

Location of:
 New canopy
 24'x76'-
 3 new columns
 3 new dispensers

Site Plan

Legend	
	Overhead Power
	Ripe Flag
	Wood Fence
	Concrete
	Asphalt
	Water Meter
	Power Pole
	Down Guy
	Clean-out
	Light Pole
	Manhole
	Fire Hydrant
	Easement Line

Drafting: JA
 Parcel ID: 3096.10
 Surveyed for: Mike Al

NZ Construction Corp. 4450 S. Wayside Dr. Suite 101 Houston, TX 77087	Project: 13722 FM 3005 Rd. Galveston, TX	Draw By:	Date:
	Scale:	Project No: COM2023-00242	

