

# STAFF REPORT



**Meeting:** April 20, 2015

**To:** Planning Commission

**From:** Patrick B. Howard, AICP  
Director

**Through:** Rebeca A. Guerra, AICP, LEED-AP, CPD  
Planning Manager

**Staff Planner:** Santiago Abasolo, AICP  
Senior Planner

**Case:** CU15-01

**Request:** A request for approval to allow for a Conditional Use to allow for a lawn and landscaping care and maintenance use in the General Commercial (CG) Zoning District.

**Location:** An unaddressed tract of land located east of Devonian Drive and north of Permian Drive, generally located 325 feet east of the intersection of Devonian Drive and Permian Drive.

**Legal Description:** Arroyo Vista Addition, Tract 1, Block 2, Lot 1-B

**Size:** 0.617 acres

**General Information**

Future Land Use: Commercial

Zoning: General Commercial (CG)

Existing Land Use: Vacant land

Surrounding Zoning / Land Use:

|        |                         |  |
|--------|-------------------------|--|
| North: | General Commercial (CG) | Commercial, Residential, The Light House, Armstrong Electrical Supply, The Venue |
| West:  | General Commercial (CG) | Office, U.S. Service Center  |
| South: | Heavy Commercial (CH)   | Vacant land, Self storage  |
| East:  | General Commercial (CG) | Hotel, Days Inn  |

District: CMD #1 – Rodney Fleming

Neighborhood: Rio Vista Neighborhood  
District:

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), Permian Drive is defined as a local street traffic carrying traffic to arterial streets at a moderate speed and providing the principal means of access to abutting property only.

**Recommendation:**

The Planning Division recommends **APPROVAL** of this request, **subject to three (3) Conditions of Approval** listed below.

## **History and Background:**

On February 13, 2015, the applicant submitted an application for a Conditional Use to allow for a lawn and landscaping care and maintenance use in the General Commercial (CG) zoning district for an unaddressed tract of land located east of Devonian Drive and north of Permian Drive. The CG Zoning District deems lawn and landscaping care and maintenance uses as “Industrial Services” under Section 316.A of the Zoning Ordinance, and requires the granting of a Conditional Use from the Planning Commission.

The applicant explained to Staff that his business needs to expand and build a new storage building for his landscaped business. Section 414 of the Zoning Ordinance allows for lawn and landscaping care and maintenance within the CG Zoning District but only with the approval of a Conditional Use by the Planning Commission. According to the applicant, approximately three vehicles will be coming in and out of the site and a proposed new building will be used as a storage space for the business. The applicant also indicated that minimal storage will be located outside of the proposed building. On March 6, 2015, a Replat application of Lot 1, Block 2 of Arroyo Vista Addition Tract 1 was approved allowing for the subdivision of Lot 1 in two lots, Lot 1-A and Lot 1-B. The applicant is proposing construction only on Lot 1-B.

## **Analysis:**

Section 208(F) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, six (6) factors in determining the appropriateness of any Conditional Use request.

**1. Impacts Minimized.** *Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.*

Existing uses in the area include vacant land, office space, large retail business, warehouse and a hotel. Per the applicant, the proposed storage building will be 60 feet long by 40 feet wide and approximately 16 feet in height. Staff finds that the proposed building will have minimal visual impact on adjacent properties since most of the properties have similar scale. The proposal is also likely to have minimum impacts on traffic circulation since the applicant has indicated only three vehicle will be coming in and out of the subject property.

- 2. Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.*

The nature of the request appears to be consistent with relevant aspects of the Zoning Ordinance. Lot 1-B is 13,444 square feet in size and meets the minimum lot frontage of 50 feet, lot depth of 80 feet; and lot area of 6,000 square feet for the CG Zoning District. The use falls under the "Industrial Service" use category and may be permitted with a Conditional Use in the General Commercial zone.

- 3. Compatible with Surrounding Area.** *Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject property.*

The placement of the storage building on this property appears to be consistent with the existing surrounding uses and with the area to the north, east, south, and west which is zoned General Commercial (CG) and Heavy Commercial (CH) and designated as Commercial in the Future Land Use (FLU) map of the Comprehensive Plan. Existing uses in the area include vacant land, office space, large retail business, warehouse and a hotel.

- 4. Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

There are no vegetation or natural features on the property that might be affected by the proposed use. Since the activities related to the lawn maintenance business are conducted away from the subject site, it appears that noise will not affect the surrounding properties. The applicant has stated that none of the lawn care products to be stored at the subject property are hazardous in nature.

- 5. Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.*

According to the applicant, allowing for the expansion of his landscape business will create new opportunities for hiring more local labor and provide landscape maintenance services to a wider market area.

**6. Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.*

In terms of future growth, it is not anticipated that the proposed expansion of the existing landscape business would alter existing development patterns. The proposed lawn and landscaping care and maintenance use appears to be consistent with the Comprehensive Plan, which envisions future commercial development for this area. The Comprehensive Plan seeks to cluster commercial development and offer convenient access via frontage on major streets. Access to the site from the larger regional area will likely be from South Bryant Boulevard (US Highway 87) located approximately 500 feet to the east.

**Notification:**

On April 3, 2015, 9 notifications were mailed out within a 200-foot radius of the subject site. As of April 13, 2015, there were 2 responses in favor and 0 responses in opposition of the request.

**Action Requested:**

The action requested is for the Planning Commission to recommend **APPROVAL** of Case CU15-01, **subject to the following three (3) Conditions of Approval:**

1. The requested Conditional Use shall be approved consistent with the recording of the approved plat with the Tom Green County Clerk.
2. All exterior lighting shall be shielded and positioned in such a manner so as to not spill over onto any adjacent property.
3. Approval shall be for the proposed use only. Site Plan review and approval shall be required as part of the permitting process.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Major Thoroughfare Map  
Notification Map  
Site Plan



**Conditional Use Case File**

**Case CU15-01 Don Cassaro**

Council District: Rodney Fleming

Neighborhood: Rio Visat

Scale: 1 in approx. = 125 ft

Subject Property: ARROYO VISTA ADDITION, PART OF LOT 1-B Block of Arroyo Visata Add. Tract

**Legend**

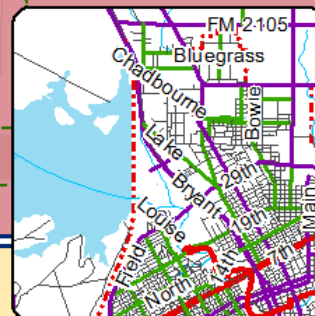
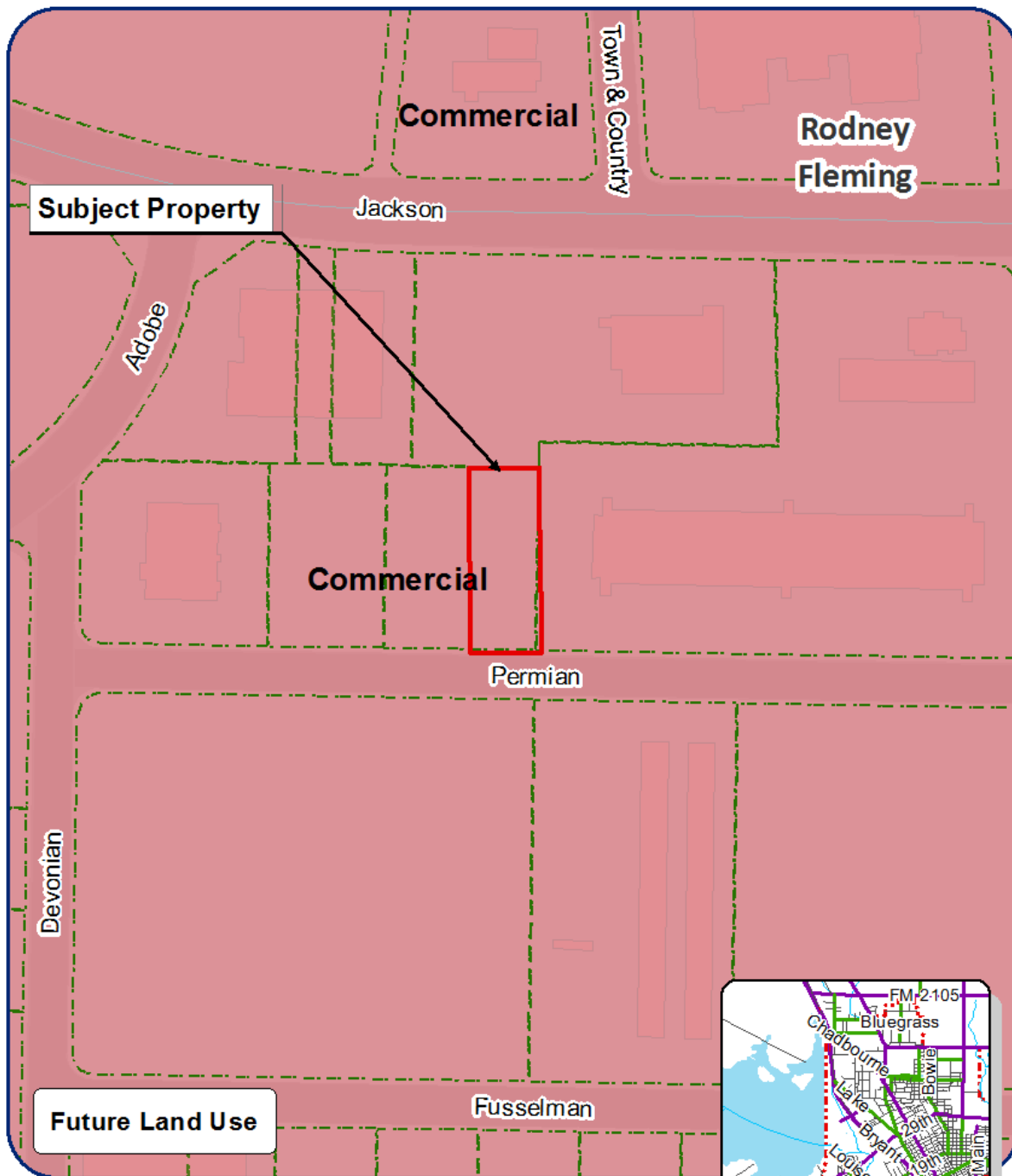
Subject Properties: —

Current Zoning: CG

Requested Zoning Change: N/A

Vision: Commercial





**Conditional Use Case File**

**Case CU15-01 Don Cassaro**

Council District: Rodney Fleming

Neighborhood: Rio Vista

Scale: 1 in approx. = 125 ft

Subject Property: ARROYO VISTA ADDITION, PART OF LOT 1-B Block of Arroyo Visata Add. Tract

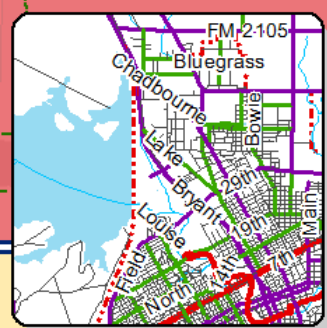
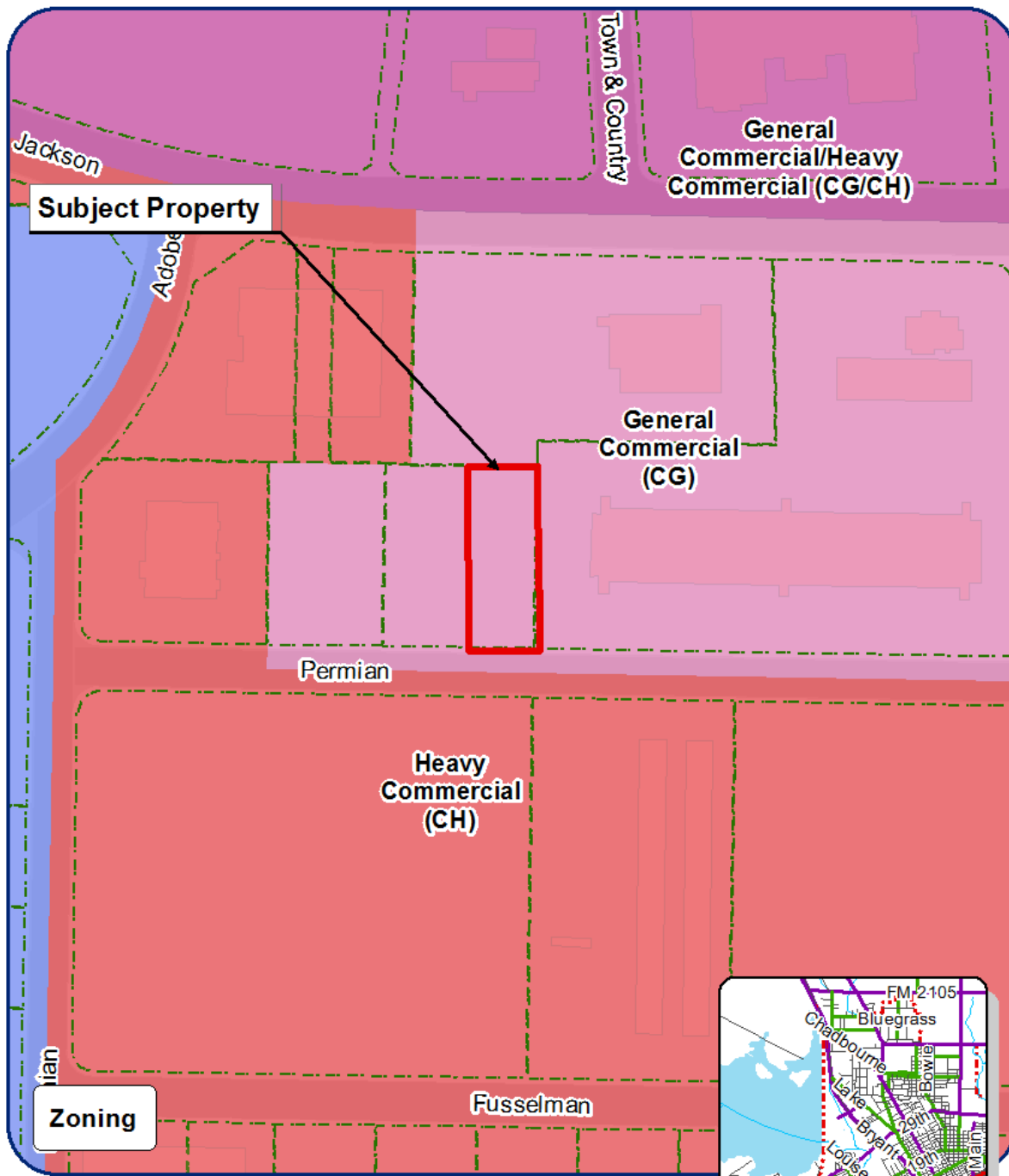
**Legend**

- Subject Properties: —
- Current Zoning: CG
- Requested Zoning Change: N/A
- Vision: Commercial

N



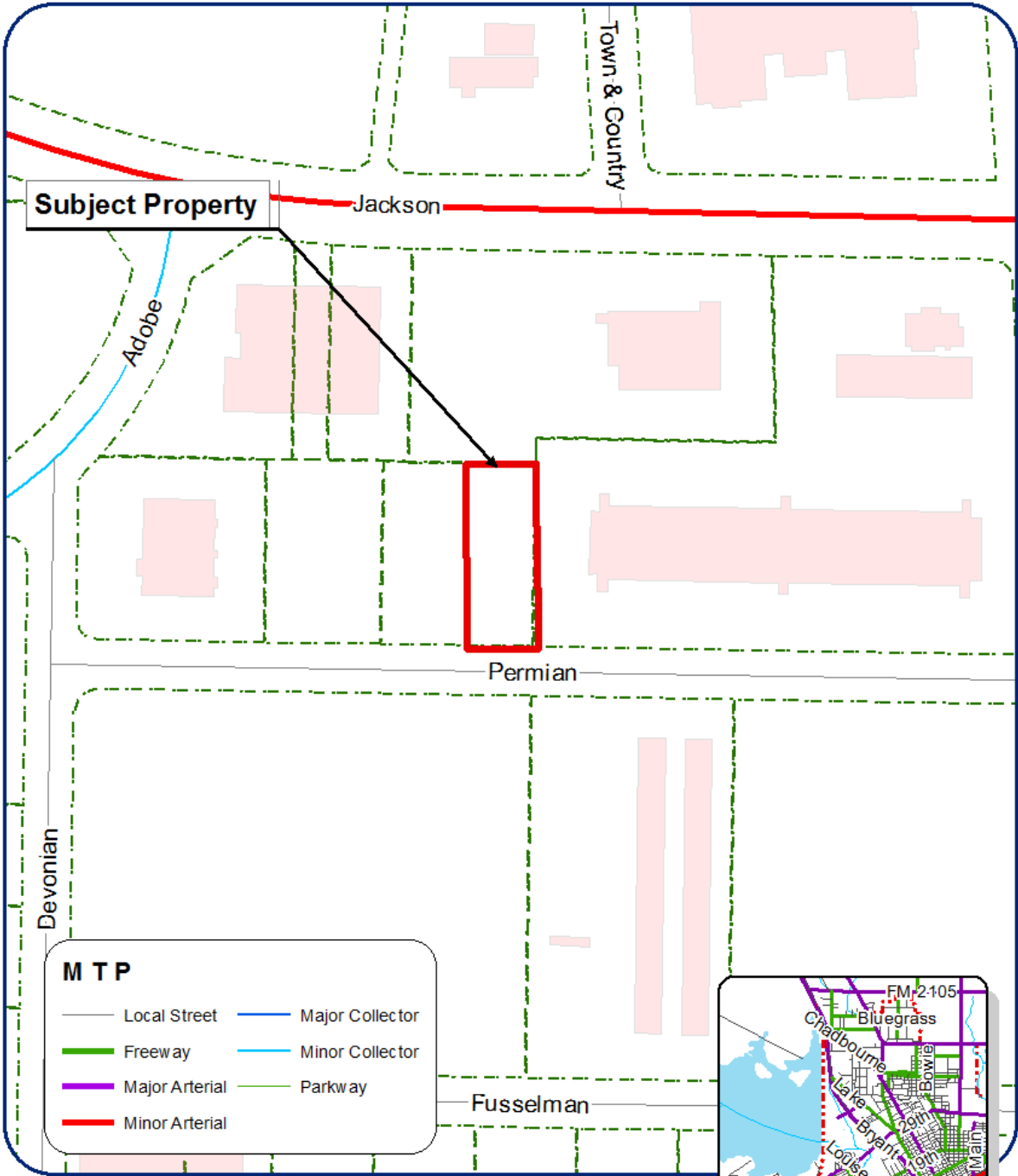




**Conditional Use Case File**  
**Case CU15-01 Don Cassaro**  
 Council District: Rodney Fleming  
 Neighborhood: Rio Vista  
 Scale: 1 in approx. = 125 ft  
 Subject Property: ARROYO VISTA ADDITION, PART OF LOT 1-B Block of Arroyo Visata Add. Tract

**Legend**  
 Subject Properties:   
 Current Zoning: CG  
 Requested Zoning Change: N/A  
 Vision: Commercial





**Conditional Use Case File**

**Case CU15-01 Don Cassaro**

Council District: Rodney Fleming

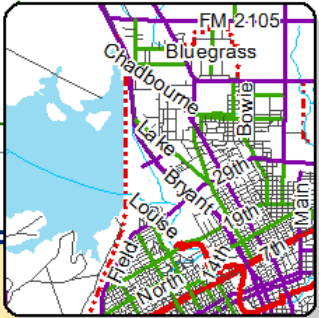
Neighborhood: Rio Vista

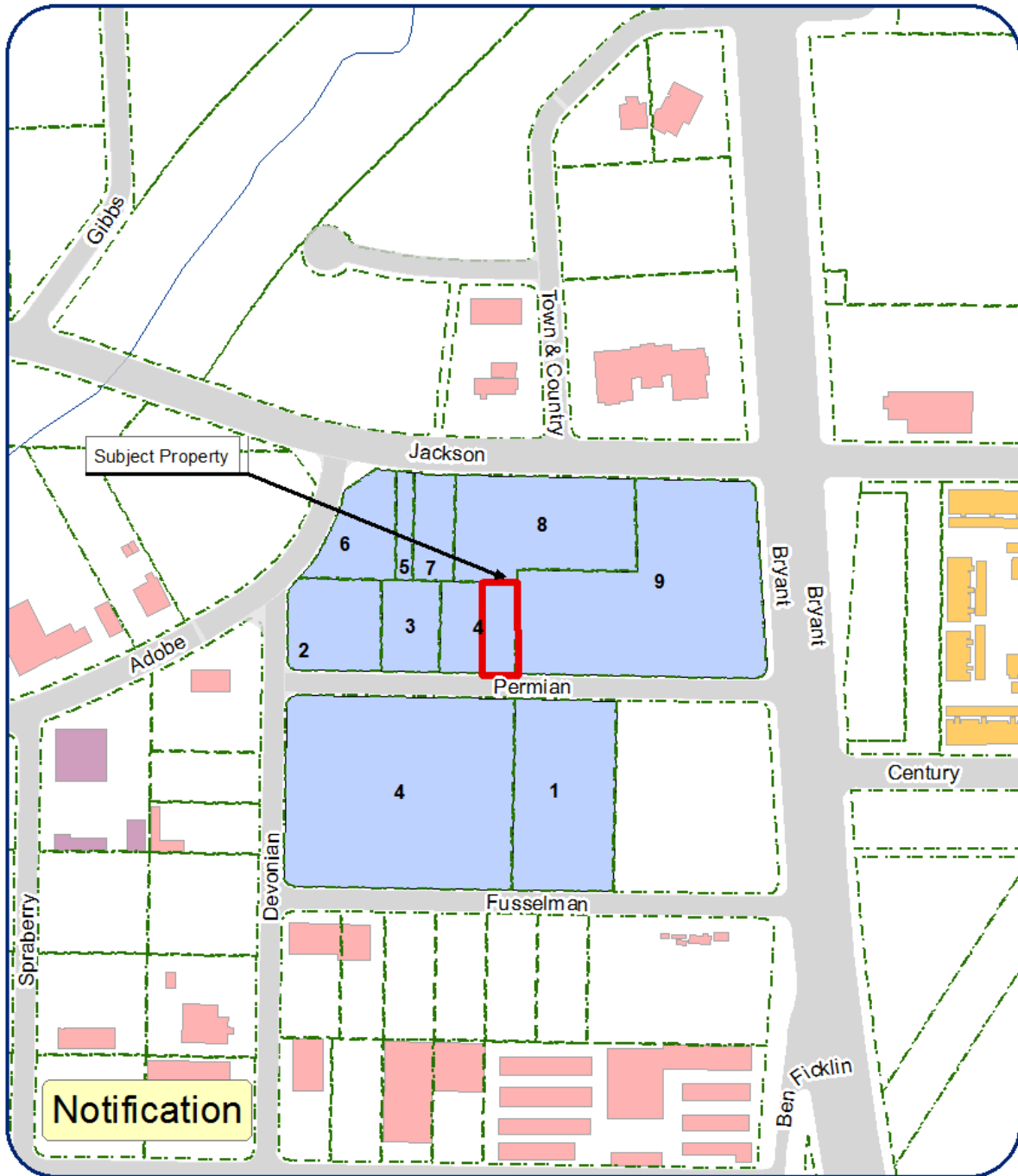
Scale: 1 in approx. = 125 ft

Subject Property: ARROYO VISTA ADDITION, PART OF LOT 1-B Block of Arroyo Visata Add. Tract

**Legend**

Subject Properties:   
 Current Zoning: **CG**   
 Requested Zoning Change: **N/A**   
 Vision: **Commercial**





**Conditional Use Case File**

**Case CU15-01 Don Cassaro**

Council District: Rodney Fleming  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 250 ft  
 Subject Property Legal Description(s): ARROYO VISTA ADDITION, PART OF LOT 1-B Block of Arroyo Vista Add. Tract

**Legend**

Subject Properties:   
 Current Zoning: CG  
 Requested Zoning Change: N/A  
 Vision: Commercial

N



SITE PLAN

