

Memo

Meeting Date: May 19, 2014

To: Planning Commission members

From: Roxanne Johnston, Planner

Subject: CU14-05: Steve Gallegos, a request for approval of a Conditional Use to allow for "Alcoholic Beverages Sales for On Premises Consumption" as defined in Section 315.A of the Zoning Ordinance in a General Commercial/Heavy Commercial Zoning District on the following property:

Location: 1101 North Chadbourne Street, located at the northwest corner of the intersection at North Chadbourne Street and West 11th Street; more specifically occupying the Miles Addition, Block 53, Lots 19 & 20, in north central San Angelo.

Purpose: Approval of this request would allow for alcohol beverage sales for on-premise consumption in a General Commercial/Heavy Commercial Zoning District.

Contacts: Steve Gallegos, Owner 325-227-6623
Roxanne Johnston, Planner 325-657-4210

Summary: The Planning Commission may:

- (1) **Approve** a Conditional Use on the subject property, as requested; or
- (2) **Approve** a Conditional Use on the subject property, **subject to** conditions believed necessary and appropriate to mitigate any adverse effects of such use; or
- (3) **Deny** the requested Conditional Use on the subject property.

Recommendation: Planning staff recommends **approving, with conditions** the proposed conditional use request.

Proposed Conditions

1. No Type 3 Unlimited Outdoor Storage will be allowed with this use.
2. All outdoor lighting will be directed interior to the property and away from residential uses.
3. Approval of the request will require construction of a minimum 6' privacy fence along the west side of the lot.
4. No outdoor seating shall be allowed on the west side of the property, and any outside seating along the south and west side would require a 6' privacy fencing.
5. Hours of alcohol sales and on-site consumption shall be limited to 10:00am and 10:00pm.

History and Background:

In 2003, on site sales and consumption of alcoholic beverages were no longer allowed by right in most commercial and manufacturing zoning districts. The only zoning district where such use is permitted by right is the Central Business District. The central reason the Planning Commission was deemed the discretionary authority to judge where and under what conditions this use should be allowed was to protect potential negative impacts on nearby residences. In this case, three residences are located within the 200 foot notification area generated by staff; and only one of which is located in a residential zoning district.

The applicant seeks this Conditional Use in order to provide a gathering place for patrons of his furniture shop, stating that there are no nearby on-premises sales within several blocks of his business. He explained to staff that he would not be selling food, but that he was only planning on selling beer and wine pending approval of this request. He has already applied for a license through the Texas Alcoholic Beverage Commission for the sales of beer and wine. Because the property has not been a location where such sales were allowed, it is necessary for the applicant to seek this Conditional Use.

The subject property is located in a subdivision that was recorded in 1890, and as other area blocks, it sits at a northeast to southwest angle, bounded by North Chadbourne Street to the east, and a 20 foot wide alleyway to the south, and West 11th Street to the south, respectively. A single-family residence is located to the west, approximately 40 feet from the subject building.

Current General Commercial/Heavy Commercial zoning allows for the following uses: group living; alcohol and drug recovery facilities; college, school, public & non-profit or charitable uses providing services to the community; day care for children or adults;

meeting areas for religious institutions; public safety and emergency services; auto and boat dealerships; bed & breakfast; business, government, professional, medical or financial offices; commercial parking; retail sales; self-service storage; vehicle service (performed while the customer waits); vehicle wash; small animal veterinary clinic; personal service-oriented business; entertainment-oriented business; and restaurants. Heavier uses allowed include industrial services; warehouse and freight movement; waste-related uses; wholesale trade; and plant nurseries.

General Information

Existing Zoning: General Commercial/Heavy Commercial (CG/CH)

Existing Land Use: Retail

Surrounding Zoning/Land Use:

North:	General Commercial/Heavy Commercial	Grand Motel
West:	General Commercial/Heavy Commercial	Single Family Residential
South:	General Commercial/Heavy Commercial	Retail
East:	General Commercial/Heavy Commercial	San Angelo Insurance

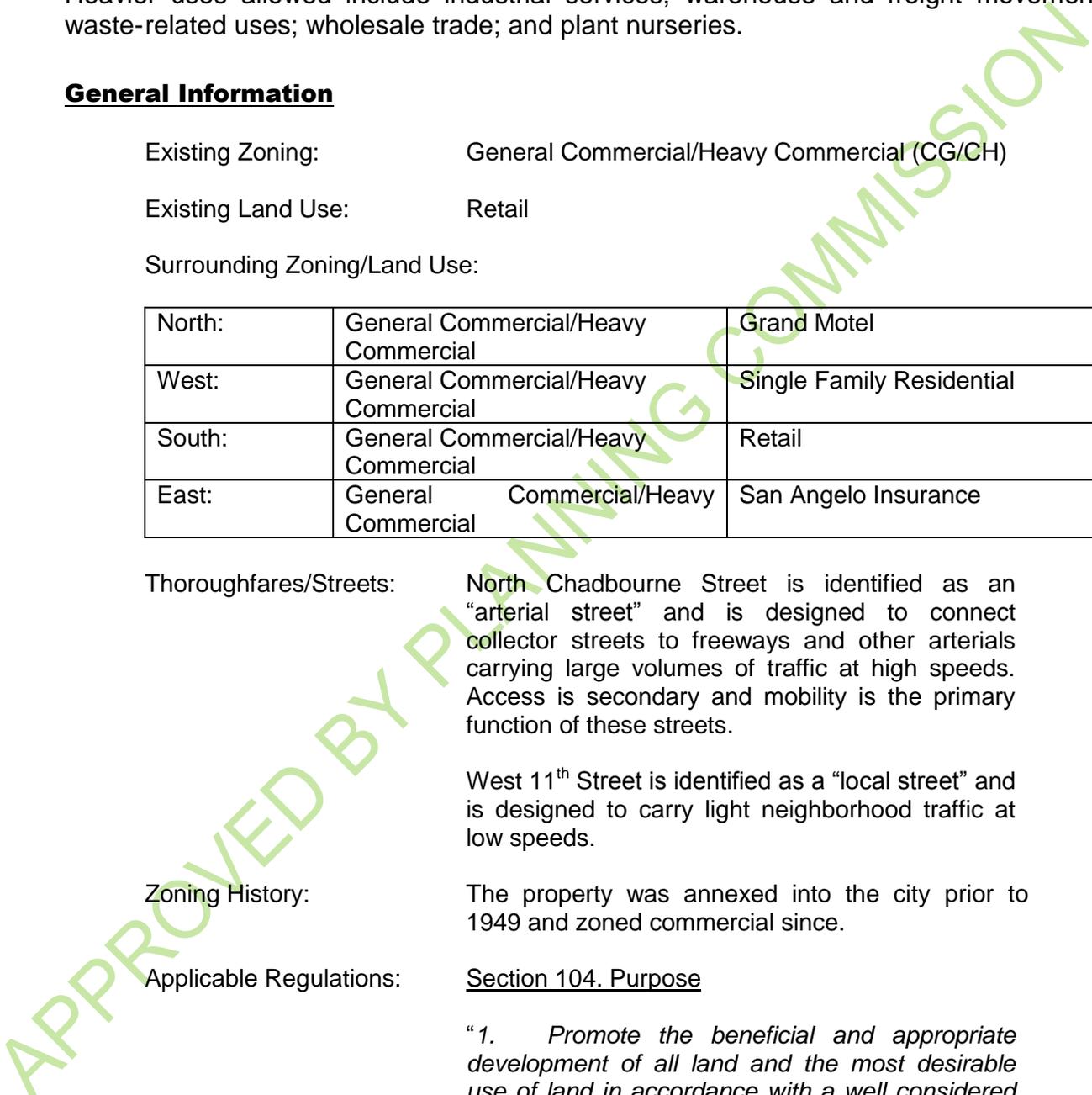
Thoroughfares/Streets: North Chadbourne Street is identified as an “arterial street” and is designed to connect collector streets to freeways and other arterials carrying large volumes of traffic at high speeds. Access is secondary and mobility is the primary function of these streets.

West 11th Street is identified as a “local street” and is designed to carry light neighborhood traffic at low speeds.

Zoning History: The property was annexed into the city prior to 1949 and zoned commercial since.

Applicable Regulations: Section 104. Purpose

- “1. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well considered plan;
- 2. Protect the character and the established pattern of desirable development in each area;



3. Prevent or minimize land use incompatibilities and conflicts among different land uses...”

Section 206: Conditional Use Review

“G.1. All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actual acquire a building permit for the approved use within 12 months from the granting of the conditional use approval.”

Section 310: Use Table

Alcohol Beverage Sales for On-Premises Consumption, establishments where alcoholic beverages are sold for consumption on the premises, except for certain restaurants where such beverages are provided as supplemental service.

Retail Sales and Service may describe firms involved in the sale of new or used products to the public may provide personal services, entertainment or product repair (for this case, it would allow for the sale of alcoholic beverages).

Section 509: Fences

This section addresses fencing as a screening mechanism. Any time a commercial use abuts a residential district or use (other than an R&E Zoning District), an opaque privacy fence is required.

Related Comp Plan
Excerpt(s):

“Commercial properties tend to be organized in a single use, isolated pattern of development. This form generates little synergy between businesses and land uses and often result in incompatibility.”

“Establish transition areas between commercial areas and nearby neighborhoods.”

“Promote better transition between nearby commercial and residential use of land and buildings.”

“Organize commercial uses in nodes to avoid deteriorating corridors.”

Special Information

Traffic Concerns: Staff has determined that N. Chadbourne Street can easily accommodate increased traffic generated by the proposed use.

Parking Requirements: Section 511. Off-Street Parking Standards
511.F.3. *“All areas used for required off-street parking shall be paved.”*

Parking would reflect the occupancy category of restaurants, bars, taverns, night clubs, & diners which require 1 space per 4 seats of patron use and 1 space per every 400 square foot gross for that portion of the business used for the retail sales of furniture.

Parking Provided: Although paved parking already exists on the lot; future parking will be re-calculated with the submission of site plans pending approval of this Conditional Use request.

Density: Surrounding uses consist of medium density retail and businesses offering personal services along North Chadbourne. Medium density residential exists to the west and southwest of the subject property.

Vision Plan Map: Commercial

Related Comp Plan Excerpt(s): *“Commercial properties tend to be organized in a single use, isolated pattern of development. This form generates little synergy between businesses and land uses and often result in incompatibility.”*

“Establish transition areas between commercial areas and nearby neighborhoods.”

“Promote better transition between nearby commercial and residential use of land and buildings.”

“Organize commercial uses in nodes to avoid deteriorating corridors.”

Notification Required:	Yes
Notifications Sent:	16
Responses in Favor:	0
Responses in Opposition:	0

Analysis:

In order to approve this request, the Planning Commission members are first required to find that:

1. **Impacts Minimized.** Whether and the extent to which the proposed Conditional Use creates adverse effects, including adverse visual impacts, on adjacent properties.
2. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.
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.
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, adverse impacts on water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
5. **Community Need.** Whether and the extent to which the proposed Conditional Use addresses a demonstrated community need.
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.

The staff recommendation is based upon the statements listed below.

The subject property is situated along North Chadbourne Street, one of the City’s main corridors that enables traffic to move north and south. The current commercial zoning is a result of zoning done prior to the late 1970’s where the common practice for zoning the city was to line main traffic corridors such as North Chadbourne Street, with C-2

zoning (Business District) which was later converted to General Commercial/Heavy Commercial (CG/CH), a zoning designation that is no longer available as a zone change request under the current 2000 Zoning Ordinance.

Many properties situated near these major street and commercial corridors typically contain residences which were also assigned the same zoning, regardless of their residential uses. This is true within the subject property neighborhood; particularly to the west. The majority of the residential property located approximately 40 feet west of the property is zoned CG/CH as is the subject property, with Two-Family Residential (RS-2) zoning to for the remainder of the lot. This residential property shares an approximately 940 feet in width Two-Family Residential (RS-2) Zoning District that meets with more CG/CH Zoning to the west, along Martin Luther King Drive. It is the location of these residences that must be carefully considered when considering the impact a Conditional Use that would allow "Alcohol Beverage Sales for On-Premises Consumption" would have on the residences.

Staff also looks at a request such as this in terms of where public schools are located. Although there are none in this area, the Carl Ray Johnston Recreation Center, a privately owned recreational facility, is also located in the area, northwest of W. 11th Street and east of Martin Luther King Boulevard. Given that this facility is located approximately 765 feet southwest of the subject property, staff is not concerned that patrons of that facility will be negatively impacted by this proposed Conditional Use.

To minimize possible negative impacts on area residents, conditions can be applied to this request; particularly helpful to the neighboring residential use to the west. One such condition would be to require the applicant to install a 6' privacy fence along the western border of the subject property. Another condition would be to prohibit outdoor storage. Additionally, requiring that all outside lighting be directed interior to the subject property and away from residential uses could minimize potential visual nuisances. By limiting the hours of operation for the sales and consumption of alcohol, potential noise nuisances could also be addressed.

When considering area development patterns, staff finds that the request is in keeping with several other commercial businesses that have developed along North Chadbourne Street. In this case, the immediate area does not contain a similar business that serves alcohol for on-site consumption.

In being able to demonstrate a community need, this request, if granted, could provide the community another choice in respect to leisure entertainment and relaxation, and could also provide a social outlet for area residents as well as patrons of area businesses. The projected and recent population growth of San Angelo brings demand for such entertainment-oriented businesses.

Environmental concerns would be minimal with this request, if it were approved, given that the property is already developed and the majority of it paved. Additionally, when compared to possible businesses/uses that could locate on this property by right, under General Commercial/Heavy Commercial zoning as outlined in the 'History and

Background' section of this report, the sales and consumption of alcohol are minimal in terms of possible nuisances when compared to a full service heavy equipment repair shop, for example.

Lastly, staff finds that this request is in harmony with the Zoning Ordinance, particularly given the conditions listed below. Such conditions seek to maintain compatibility between the proposed commercial use as "Entertainment Oriented" with the existing residential uses in the area. This request is in line with the Vision Plan Map, which calls for the subject property to remain commercial. Therefore, a Vision Plan Map amendment would not be required. Additionally, given the size of the lot, it is highly unlikely that the subject business would experience a high volume of traffic entering and exiting the property since the alcohol would be consumed on premises and not taken "to go." Because N. Chadbourne Street was designed to handle heavy traffic, then there would be no reason to widen it simply to accommodate this request, nor would there be a need to amend the Thoroughfare Plan since the street is already a major arterial.

Proposed Conditions

6. No Type 3 Unlimited Outdoor Storage will be allowed with this use.
7. All outdoor lighting will be directed interior to the property and away from residential uses.
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10. Hours of alcohol sales and on-site consumption shall be limited to 10:00am and 10:00pm.

Attachments:

Excerpt from zoning map, showing the general location within the City of San Angelo;

Excerpt from zoning map, highlighting the subject property;

Aerial photo, highlighting subject property;

Excerpt from the Comprehensive Plan Vision Map highlighting the subject property; and

Applicant's application

Presentation: Roxanne Johnston, Planner

Reviewed by: Patrick Howard, AICP, Director of Development Services and acting Planning Manager (05/14/14)

APPROVED BY PLANNING COMMISSION



CU14-05: Steve Gallego
1101 N. Chadbourne St

1 inch = 50 feet



Path: K:\workarea\200ft_all_gisusers.mxd

COMMERCIAL DISTRICTS	RESIDENTIAL DISTRICTS	MANUFACTURING DISTRICTS
CN (NEIGHBORHOOD COMMERCIAL) CO (OFFICE COMMERCIAL) CG (GENERAL COMMERCIAL) CG/CH (GENERAL COMMERCIAL / HEAVY COMMERCIAL) CH (HEAVY COMMERCIAL) CBD (CENTRAL BUSINESS DISTRICT) OW (OFFICE WAREHOUSE) PD (PLANNED DEVELOPMENT)	R&E (RANCH AND ESTATE) RS-1 (SINGLE-FAMILY RESIDENCE) RS-2 (TWO-FAMILY RESIDENCE) RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE) RM-1 (LOW RISE MULTI-FAMILY RESIDENCE) RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE) MHP (MANUFACTURED HOUSING PARK) MHS (MANUFACTURED HOUSING SUBDIVISION)	M (LIGHT MANUFACTURING) MH (HEAVY MANUFACTURING) CU (CONDITIONAL USE) SP (SPECIAL PERMIT) SU (SPECIAL USE) ZC (ZONE CHANGE)



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1 inch = 50 feet



Path: K:\workarea\200ft_all_gisusers.mxd

COMMERCIAL DISTRICTS

- CN (NEIGHBORHOOD COMMERCIAL)
- CO (OFFICE COMMERCIAL)
- CG (GENERAL COMMERCIAL)
- CG/CH (GENERAL COMMERCIAL / HEAVY COMMERCIAL)
- CH (HEAVY COMMERCIAL)
- CBD (CENTRAL BUSINESS DISTRICT)
- OW (OFFICE WAREHOUSE)
- PD (PLANNED DEVELOPMENT)

RESIDENTIAL DISTRICTS

- R&E (RANCH AND ESTATE)
- RS-1 (SINGLE-FAMILY RESIDENCE)
- RS-2 (TWO-FAMILY RESIDENCE)
- RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE)
- RM-1 (LOW RISE MULTI-FAMILY RESIDENCE)
- RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE)
- MHP (MANUFACTURED HOUSING PARK)
- MHS (MANUFACTURED HOUSING SUBDIVISION)

MANUFACTURING DISTRICTS

- ML (LIGHT MANUFACTURING)
- MH (HEAVY MANUFACTURING)
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