

# Memo

**Meeting Date:** June 23, 2014

**To:** Planning Commission members

**From:** Roxanne Johnston, Planner

**Subject:** CU14-08: Maurizio Iaquaniello, a request for approval of a Conditional Use to allow for “Wholesale Trade” as defined in Section 316.F of the Zoning Ordinance in order to in a General Commercial (CG) Zoning District, on the following property:

**Location:** Unaddressed tracts of land comprised of approximately 15.03 acres, located approximately 130 feet north of the intersection of North Bryant Frontage and Lake Drive; more specifically occupying approximately 15.03 acres of the SA & MG RR CO Survey 0011 Abstract 1954, in northwest San Angelo.

**Purpose:** Approval of this request would allow for sales, lease, rent and product repair of heavy equipment.

**Contacts:** Maurizio Iaquaniello, Owner 432-561-8900  
Roxanne Johnston, Planner 325-657-4210

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**Summary:** The Planning Commission may:

- (1) **Approve** a Conditional Use to allow the above use on this subject property, as requested;
- (2) **Approve** a Conditional Use to allowing the placement of a telecommunication transmission tower on this subject property, **subject to** additional **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, subject to conditions as listed below**, the proposed Conditional Use request.

**History and Background:**

On June 3, City Council approved a zone change (Z14-05) from Ranch & Estate (R&E) to General Commercial (CG). A subdivision containing the property was approved by Planning Commission on April 28, 2014.

**General Information**

Existing Zoning: General Commercial (CG)

Existing Land Use: Storage for construction materials

Surrounding Zoning/Land Use:

North:	Ranch & Estate	Single Family Residences
West:	Light Manufacturing	Undeveloped land
South:	General Commercial, Ranch & Estate	New commercial development, single-family residence
East:	Ranch & Estate	Undeveloped land

Thoroughfares/Streets: North Bryant Boulevard Frontage Road is defined as a “local street” designed to carry light neighborhood traffic at lower speeds and generally connect to collector streets.

Zoning History: On June 3, City Council approved a zone change (Z14-05) from Ranch & Estate (R&E) to General Commercial (CG). A subdivision containing the property was approved by Planning Commission on April 28, 2014.

On January 28, 2013, a request for a zone change Z13-01 from R&E to General Commercial was denied.

Conditional Use 13-05 was withdrawn in early 2013. The request was to allow Warehouse and Freight Movement on the subject property.

On February 5, 1985, Special Permit #1089 was approved by City Council to allow for a mobile home and two residences to exist on the property, with the restriction that the mobile home was to be used as a full-time residence for a security guard.

On June 4, 1968, the City Council approved Special Permit #251 to allow for the operation of an asphalt paving company and storage yard on the site.

Applicable Regulations: Zoning Ordinance  
Section 502.B. Nonresidential District Standards

1. Maximum Floor Area Ratio: 200%
2. Maximum Height (ft): 35
3. Minimum Lot Area (sq ft): 6,000
4. Minimum Front Yard: 25 ft
5. Minimum Side/Rear Yard: ---

Section 504.F. Allowed Storage

CG Zoning Districts allow "Type 2: Limited Outdoor Storage," which includes screened storage up to 1000 feet or ten percent of the lot size, whichever is greater.

Vision Plan Map: Commercial

Related Comp Plan Excerpt(s): *"Promote better transition between nearby commercial and residential use of land and buildings."*

**Special Information**

Traffic Concerns: This proposed use is not expected to create heavy traffic concerns as the entrance to the property along North Bryant Frontage Road is regulated by Texas Department of Transportation.

Parking Requirements: Zoning Ordinance  
Section 511. Off-Street Parking Standards

511.F.3. *"All areas used for required off-street parking shall be paved."*

C.4. *"In the case of multiple principal uses located on a single lot or tract of land, the total required off-street parking shall equal the sum of the parking required for each of the various uses calculated separately."*

C.7. *"In no circumstance shall new construction or installation of any principal building on a lot require any less than 2 off-street parking spaces to be provided in accordance with this section."*

F.2. *“It shall also be unlawful to use buildings or land without acquiring and development of appropriate areas for off-street parking that meet the requirements of this section.”*

Parking Provided:	The site is currently unimproved; however, the site plan draft indicates 42 spaces to be used for parking which is adequate for the proposed use.
Related Specific Use Standards:	<u>Section 316.A.</u>
Notification Required:	Yes
Notifications Sent:	5
Responses in Favor:	2
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.

### **Proposed Conditions**

1. All outdoor lighting shall be focused on the proposed lot away from other commercial properties and residences.
2. Hours of operation for the repair shop and wash bays shall be no earlier than 7AM and no later than 9PM unless these activities take place indoors, with the bay doors closed.
3. Heavy machinery should access the site by North Bryant Frontage Road and not West 42<sup>nd</sup> Street which has been proposed to access the lot in the future.

The staff recommendation is based upon the statements listed below, utilizing the above criteria.

The Zoning Ordinance allows the Planning Commission to approve some uses conditionally, meaning that they may be appropriate at some, but not all, locations. Additionally, the Planning Commission has the authority to impose conditions to make some uses fit the area appropriately.

Staff believes that a Conditional Use to allow for “Wholesale Trade” could have possible negative effects of introducing a higher degree of noise and vibration on adjacent properties zoned CG; however Conditions 1 & 2 have been suggested to minimize these impacts which include hours of operation and lighting.

The applicant intends to use the proposed tract of land for a dealership that will sell and service equipment used for industrial and farming purposes. The applicant recently obtained a zone change from City Council and also obtained a subdivision approval through the Planning Commission (Lake Park, approved April 28, 2014). Although the retail aspect allows for this use by right in CG zoning districts, it does not allow for the service and repair of such equipment, which the applicant seeks to provide. Aside from requesting a zoning to Heavy Commercial (which staff would not recommend given area development), the applicant is taking this Conditional Use avenue due to the desire to blend responsibly with area development. Additionally, the applicant does not want to expose the area to a wide variety of heavy uses that Heavy Commercial zoning could attract.

Staff notes that the subject property would be transformed environmentally through any commercial development process. Part of this process will entail ensuring that stormwater will drain away from neighboring properties and that building setbacks and traffic concerns will also be addressed. Condition 3 addresses traffic concerns regarding heavy equipment. Once W. 42<sup>nd</sup> St. is installed, staff wants to ensure that it will be used for local traffic and not heavier commercial traffic, in order to be harmonious with area residential uses.

In considering whether this request meets a community need, staff believes that the location of the subject property near North Bryant Boulevard is ideal for the proposed use. The community needs large equipment in order to develop other areas of the city and also for agricultural purposes. The ability to service the equipment at the proposed dealership will benefit the customers and makes sense.

Wholesale Trade is listed in Section 310 of the Zoning Ordinance under the Industrial Use Category, and involves the “*sale, lease, or rental of products for industrial, institutional, or commercial business.*” Given that the neighboring property located to the south is zoned similarly and has a Condition Use that allows for an animal crematorium, which is also listed as an Industrial Use Category, and that the neighboring property to the north contains a caliche pit, then staff is confident that the proposed use is compatible with area uses allowed there and also falls in line with current development patterns.

In conclusion, staff is confident that the requested proposal is consistent with the 6 criterion listed above.

**Attachments:**

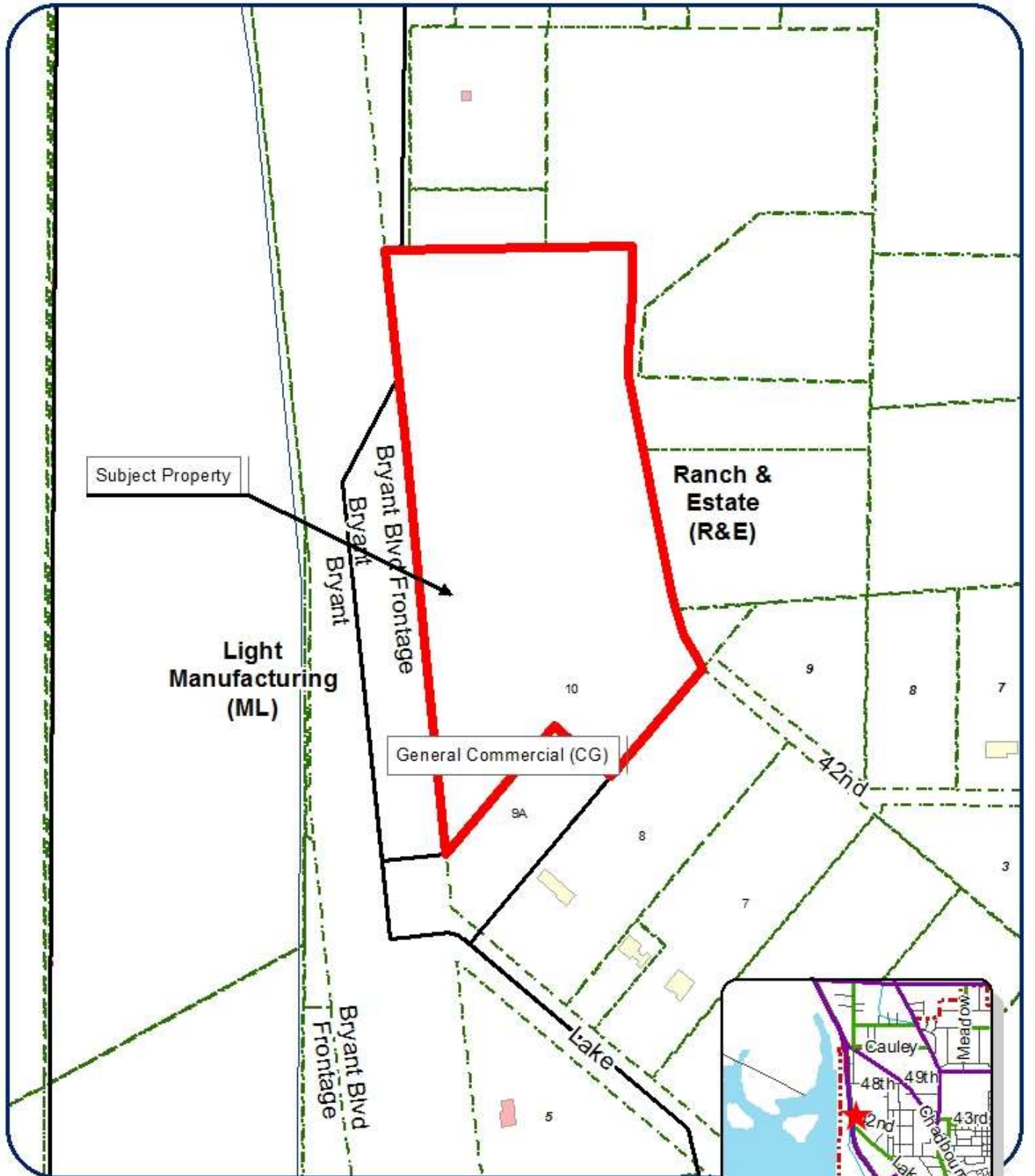
Excerpt from zoning map, highlighting the subject property;

Excerpt from the aerial map, highlighting the subject property;  
and

Application and site plan submitted by the applicant

**Presentation:**

Roxanne Johnston, Planner



**Zoning Case File**

**Case CU14-08**

Council District: Marty Self  
 Neighborhood: Riverside  
 Scale: 1" approx. = 300 ft  
 Location: NE Corner N. Bryant Frontage Rd & Lake Dr.

**Legend**

- Subject Property: —
- Current Zoning: CG
- Request: Wholesale Trade
- Vision: Commercial





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