

# Memo

**Meeting Date:** July 21, 2014

**To:** Planning Commission members

**From:** Kevin Boyd, Planner

**Subject:** SU 14-01: Dale Fisher, a request for a Special Use to allow for a barn as a primary structure and limited livestock a Single-Family Residential (RS-1) zoning district, on the following property:

**Location:** 3559 Lake Drive, located at the southwest corner of the intersection of Lake Drive and Humble Road; more specifically occupying the Williams Fred Addition No. 1, Tract 1, in northern San Angelo.

**Purpose:** Approval of this request would allow for a barn as the primary structure and limited livestock on the property.

**Contacts:**

Dale Fisher, Owner	325-450-1365
Kevin Boyd, Planner	325-657-4210

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**Summary:** The Planning Commission may:

- (1) **Recommend approving** a Special Use allowing for a barn structure and limited livestock on the subject property, as requested; or
- (2) **Recommend approving** the Special Use, **subject to** conditions believed necessary and appropriate to mitigate any adverse effects of such use; or
- (3) **Recommend denying** the requested Special Use allowing for a barn structure and limited livestock on the subject property.

**Recommendation:** Planning staff recommends **approval, with conditions** the proposed special use.

## History and Background:

The subject tract measures five acres, situated several blocks from the City's Coliseum, in northern San Angelo. The site is roughly 1.5 miles south of the city limits, at its closest point to the north. Mostly rural in nature, the area characterized by ranch and estate homes and agricultural development. Evidenced among adjacent lots are some barns and agricultural buildings that serve as the primary structures, accompanied by limited livestock – less than 10 animals. The applicant has had barn structures on the lot previously, once the structure(s) were removed, the legal nonconformance become void. The applicant seeks to construct a barn and maintain a small livestock of no more than 5 horses. Although such requests are subjected to careful consideration, special circumstances and precedence in approval of a related request on the property, largely led to staff's recommendation.

Household living is the primary use in residential districts, unless expressly approved by Planning Commission or the City Council. The use category 'Household Living' is characterized by the residential occupancy of a dwelling unit by a household – tenancy is arranged on a month-to-month or longer basis. Approval of this request will inevitably permit a primary use other than household living on the property.

On October 5, 1965, the City Council approved special permit (SP 180) to allow for a 24' x 110' greenhouse (constructed of lumber, with a polyethylene cover) for growing tomatoes, located 115' from Lake Drive and 16' from Humble Road, on the property.

## General Information

Existing Zoning: Single-Family Residential (RS-1)

Existing Land Use: Previous agricultural land, mostly vacant open space.

Surrounding Zoning/Land Use:

North:	Ranch & Estate (R&E)	Ranch and estate residences and farm structures
West:	Single-Family Residential (RS-1)	Ranch and estate residences and farm structures
South:	Single-Family Residential (RS-1)	Ranch and estate residences and farm structures
East:	Single-Family Residential (RS-1)	Ranch and estate residences and farm structures

Thoroughfares/Streets: Humble Road is identified as an 'arterial street,' which is designed to connect collector streets to freeways and carries large volumes of traffic at high speeds. Access is secondary and mobility is the prime function of these streets.

Lake Drive is identified as a 'collector street,' which is designed to connect local traffic to arterials and generally carries traffic at a moderate rate of speed.

Zoning History: The property was annexed into the city limits prior to 1949.

Since 1987, the property was zoned Single-Family Residential (RS-1).

Applicable Regulations: Section 317.I: Any Uses Deemed Appropriate

This entry allows consideration of uses not ordinarily allowed in the zoning district where those uses are proposed, but only where and in a manner that such uses provide an effective transition between less restrictive and more restrictive zoning districts. Such special uses can integrate otherwise hard edges between zoning districts of starkly contrasting character and, furthermore, help make use of long-vacant tracts on the boundary between different zoning districts.

Section 313.H: Household Living

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Any one of following: one or more persons related by blood, marriage or adoption, living together in a dwelling unit; or, a group of not more than four persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit; or two unrelated persons and their children living together in a dwelling unit.

Vision Plan Map: Neighborhood

Notification Required: Yes

Notifications Sent: 12

Responses in Favor: 1

Responses in Opposition: 0

## **Analysis:**

The staff recommendation is based upon the statements listed below.

Given the nature of the request and factors associated with the site, staff recommends approval, subject to conditions outlined in the report. Measuring 5 acres (240,838 sq. ft.), the tract is zoned Single-Family Residential (RS-1) and remains mostly vacant at this time. The composition of the area is mainly rural and low density residential. Elements of the long-range plan call for 'Neighborhood', recent development trends point slightly more residential. That being said, open fields and agricultural land uses remain prevalent in the immediate area. Many of the nearby residential tracts exceed an acre in size, which may allow for the continuance of existing livestock on respective properties.

The special use to allow for a barn structure and limited livestock fits Section 317, Other Use Categories of the Zoning Ordinance and is being processed more specifically under the use category, 'Any Uses Deemed Appropriate'. This use category was designed to allow for uses to exist and provide effective transition between less restrictive and more restrictive zoning districts. Although the property is zoned RS-1, the area directly to the north transitions to R&E, roughly 85 feet of abutting land is R&E, and much of the adjoining RS-1 areas are more reflective of a rural setting. The Vision Plan envisions 'Rural' development for the tracts directly north of the site. While areas to the south trend more residential, the tracts near the site are larger and remain largely vacant open space, approval of this request will allow for the effective transition between uses of contrasting zoning districts, consistent with the purpose and intent of Section 317.

Household living is the primary use in residential districts. This request, if approved, will inevitably permit a primary use other than household living on the property. Given the rural nature of the site and the fact the area is representative of low intensive development, staff finds that an exception can be made to allow a non-residential use as the primary use on the property. Further, there is precedence for the site with a previous approval of a special use back on 1965. Decades ago, the City Council approved a special permit to allow for a 24' x 110' greenhouse (constructed of lumber, with a polyethylene cover) for growing tomatoes, located 115' from Lake Drive and 16' from Humble Road, on the property.

- Humble Road and Lake Drive are identified as an arterial street and collector street, respectively. The proposed use will generate very little traffic and access does not appear to be an issue.
- Approval of the request with conditions outlined below, will have a limited to no effect on the natural environment. In the circumstance that proposed structure(s) are completely vacated and abandoned, aggressive efforts shall be made to remove it from the site – unoccupied, dilapidated structures usually serve as a major source of blight for surrounding property owners.

The area is isolated which reduces the likelihood of presenting unwanted nuisances (such as visual, smells and sounds) in the area. The nearest residence is located on the tract immediately to the south and measures roughly 70 feet south of the property line. Granting

approval of the proposed structure and animal enclosure should be accomplished in a manner that aims to reduce the likelihood of unforeseen nuisances. The conditions outlined at the end of this report help to ensure that potential incompatibilities with surrounding uses are minimized.

### **Proposed Conditions**

1. Submission and review of a site plan that provides details of the proposed barn structure and animal enclosure. Colors and materials for proposed structure(s) shall be consistent throughout the entire site.
2. The combined floor area of accessory structures shall not exceed more than 100 percent of the principle structure without review and final administrative approval from the Planning Director. No other principle structure(s) related to the use is allowed.
3. The applicant must ensure regular maintenance of related structure(s). Given the circumstance that the site is completely vacated and abandoned, said structures shall be either removed from the premises or torn down.
4. Provide a minimum separation of 60 feet from the public right-of-way (of both streets) for any structures related to the use. Fencing is not included in this provision.
5. Limit the livestock to a maximum of 5 horses. Any additional animals, including hoofed animals, may require subsequent review and final approval from the appropriate city official.
6. Ensure that the proposed fencing is in keeping the nature of the use, chain-link fencing shall not be used to enclose the animals.

#### Notes:

1. Structures introduced to the site must adhere to the general development standards for a RS-1 zoning, unless otherwise stated and approved as a condition of approval.
2. Proposed use must comply with applicable standards outlined in Chapter 3 Animal Control, City Code of Ordinances.
3. Any proposed fencing must adhere to the requirements set forth in Section 509, Zoning Ordinance.

**Attachments:**

Excerpt from the comprehensive plan vision map highlighting the subject property;

Excerpt from zoning map, highlighting subject property;

Aerial photo, highlighting subject property; and

Responses from proponent on application.

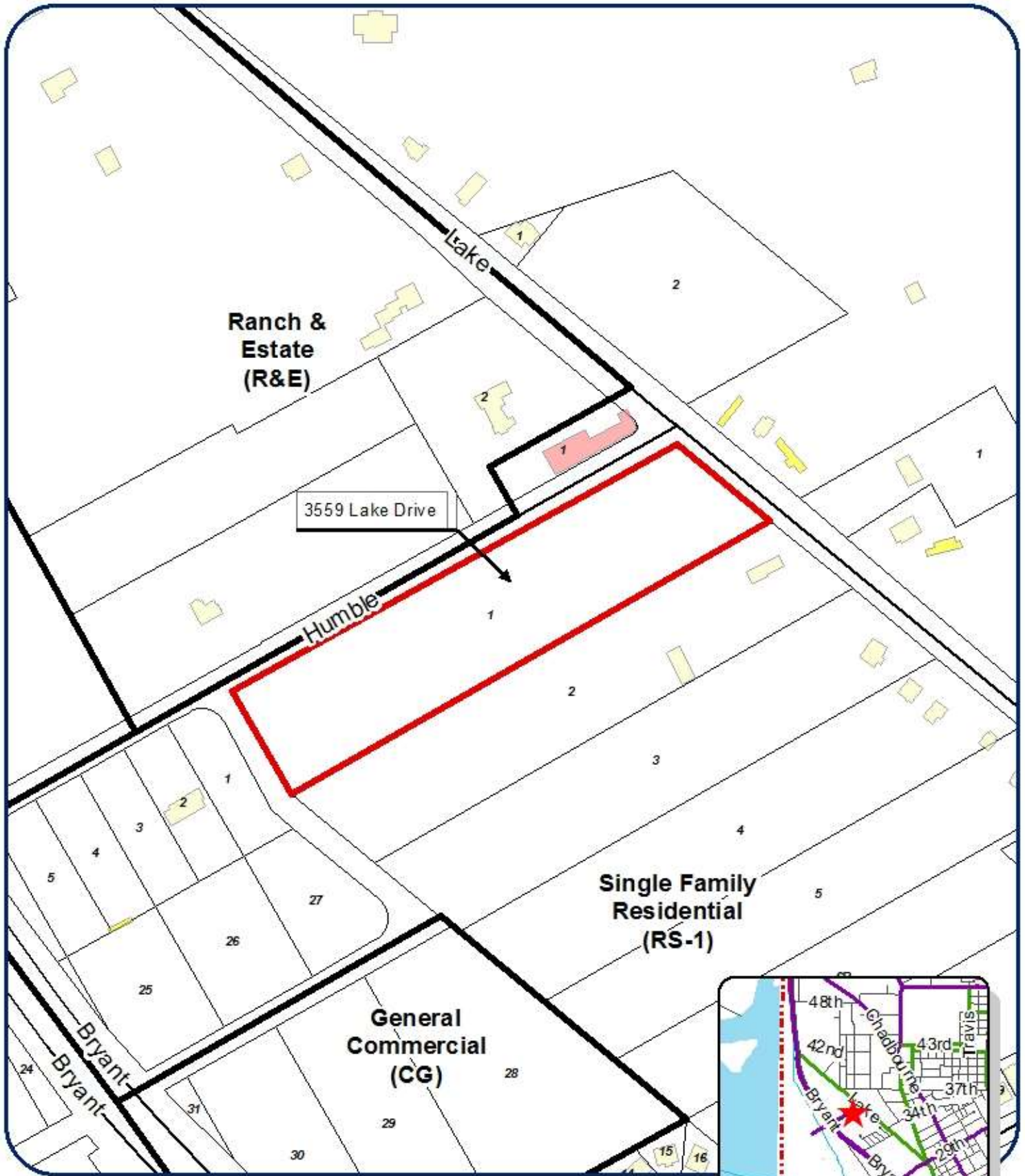
**Presentation:**

Kevin Boyd, Planner

Patrick Howard, AICP, Director of Development Services

**Reviewed by:**

Patrick Howard, AICP, Director of Development Services



**Zoning Case File**

**Case: SP14-01**

Council District: Marty Self  
 Neighborhood: Riverside  
 Scale: 1" approx. = 250 ft  
 Subject Property: 3559 Lake Drive

**Legend**

- Subject Properties: —
- Current Zoning: **RS-1**
- Requested Zoning Change: **N/A**
- Vision: **Neighborhood**






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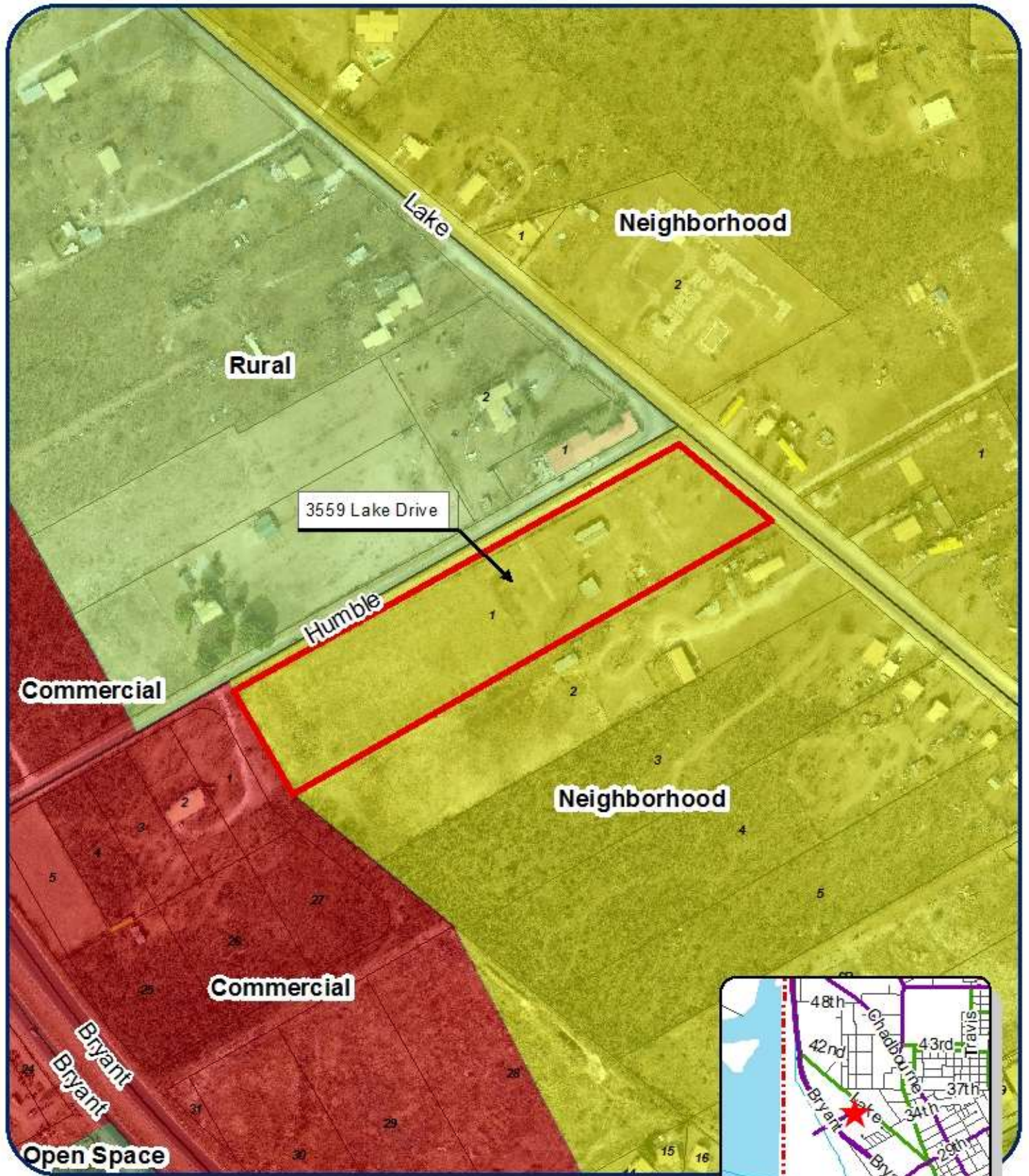
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