

Memo

Meeting Date: August 25, 2014

To: Planning Commission members

From: Patrick B. Howard, AICP
Planning & Development Services Department Director

Subject: SV14-03: Autism Behavior Communication (ABC) Center for Children, a request for approval of a Sign Variance from Section 12.604(2)(C) of the Sign Ordinance to allow one (1) additional sign on a building where a maximum of one (1) nonresidential use sign per street frontage is permitted.

Location: 902 Spaulding Street, more specifically occupying the Baze Subdivision, Block 1, Lots 1-16 (San Jacinto Elementary) in east San Angelo.

Purpose: Approval of this request will allow for a second nonresidential use sign on the same street frontage.

Contacts: Susan Holler, MHMR Services for Concho Valley 972-739-6516
Jeff Fisher, Planner 325-657-4210

Recommendation: Planning staff recommends **APPROVAL**, subject to three (3) **Conditions of Approval**, of the requested Variance from Section 12.604(2)(C) of the Sign Ordinance.

History and Background:

On July 8, 2014, the applicant submitted an application for a Sign Variance from Section 12.604(2)(C) of the Sign Ordinance which allows for only one nonresidential use sign per street in a Residential District. The applicant wishes to erect a second nonresidential sign on the subject property, 902 Spaulding Street, at San Jacinto Elementary School. The property is zoned Two-Family Residential (RS-2). The existing sign is an orange and white freestanding sign with the name of the school and a non-electronic message board. It is

located in front of the main school building on the far west of the property facing south along Spaulding Street. MHMR Services for the Concho Valley, which runs the Autism Behavior Communication (ABC) Center for Children, has been granted permission from the school to use the existing portable building on the east side of the property to provide services to children with autism. The new sign would be used to direct site traffic to the portable building where the ABC services will take place. The applicant has stated that the sign's intent is to assist those individuals who may think the center is located within the main school building. The sign also delineates a telephone number for the autism services center.

The school building to the west, and the portable building to the east, where the autism services would take place are separated by over 180 feet with a driveway and parking area in the middle, making it appear as two separate properties. The proposed sign will be non-illuminated and will measure 3 feet high by 6 feet wide for a total area of 18 square feet. The Sign Ordinance delineates a maximum sign area of 64 square feet for all new signage within Residential Districts. A site visit confirms there are presently no existing signs on the portable building, or anywhere else facing the street frontage on Spaulding Street, except for the previously-mentioned freestanding sign for the elementary school.

General Information

Existing Zoning: Two-Family Residential (RS-2)

Existing Land Use: San Jacinto Elementary School

Surrounding Zoning/Land Use:

North:	Two-Family Residential (RS-2)	Single-family dwellings, SESCO Transformers
West:	Two-Family Residential (RS-2)	Single-family dwellings
South:	Two-Family Residential (RS-2)	Single-family dwellings
East:	Light Manufacturing (ML)	Parking Lot, Roller Rink USA

Thoroughfares/Streets: Spaulding Street is a "local street" designed to carry light neighborhood traffic at low speeds.

Zoning History: The properties were annexed into the City prior to 1940.

Applicable Regulations: Sign Ordinance 12.600

Section 12.601.a.
"[that] regulation of visual clutter can help preserveand promote the steady growth that is vital to the continued economic health and prosperity of [the] city."

Section 12.601.e.

*“city council finds that the **visual clutter...is detrimental to the economic and commercial welfare** of the community and detracts from the quality of life in the city.”*

Section 12.601.e.

*“the provisions of this article establish minimum standards for signs that directly relate to the **use of the property, traffic patterns and safety.**”*

Section 12.604(a)

(2) Nonresidential Uses Allowed within Residential Zoning Districts shall be allowed signage according to the following regulations:

(A) Area. A nonresidential use sign shall be no larger than one half (0.50) square foot of sign area for one (1.00) linear foot of lot frontage, not to exceed a maximum of sixty-four (64) square feet.

(B) Height. A nonresidential use sign shall be no taller than one (1) foot of height for each foot of setback from the property line, not to exceed eight (8) feet in height. Five (5) feet of height is allowed at the property line, provided a ten (10) foot minimum setback is maintained from the curb line.

(C) Number. No more than one nonresidential use sign (1) per street frontage is allowed.

(D) Setback. A nonresidential use sign must be setback ten (10) feet from the curb line or street edge or zero feet from the property line whichever is greater. Additionally, one (1) foot of additional setback is required for each additional foot of height in excess of five (5) feet.

Vision Plan Map: Neighborhood

Notification Required: No

Analysis:

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

- (1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises**

The subject property contains unique circumstances because it has substantial lot frontage of over 800 feet. The primary building for San Jacinto Elementary is over 180 feet away from the portable building to the east where the subject ABC sign will be placed, and is separated by an internal driveway and parking lot. Effectively, this large frontage gives the appearance of there being two separate properties. Further, the ABC business itself is unique because it is education-based, thus it is suitable to be located on a school property, unlike a commercial business which is clearly separate from the primary school use. As a result, placement of a second sign which meets all other provisions of the Sign Ordinance appears to comply with Criterion #1.

- (2) Such special circumstances were not created by the applicant;**

The subject property specifically occupies Block 1 of Lots 1-16 in the existing Baze Subdivision. ABC is utilizing an existing building on an existing lot whose development was created well before their appearance on the school's campus. Consequently, Criterion #2 appears to have been met.

- (3) The granting of the variance will be in general harmony with the purpose of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general;**

The proposed sign area of 18 square feet is only 25% of the sign area permitted for a nonresidential sign may be permitted to be a maximum of 64 square feet in size. The City's GIS software shows that the existing portable building where the sign will be placed is approximately 20 feet from the front property line along Spaulding Street. The proposed sign height is 7.41 from grade, which is under the maximum 8 feet permitted. Therefore, there should be no visible impacts on adjacent properties so Criterion #3 appears to have been met.

- (4) The variance applied for represents the minimum variance necessary in order to afford relief from the hardship;**

As previously mentioned, the proposed sign meets all other provisions of the Sign Ordinance for nonresidential signs in Residential Zoning Districts. Therefore, the variance applied for represents the minimum necessary to provide sufficient information for ABC's autism services to the public entering the site, and Criterion #4 appears to have been met.

(5) The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.

The variance does not depart from any other provisions of the Sign Ordinance then necessary. The proposed sign is designed to be no larger than 18 square feet size and is less than 7.5 feet tall. The sign is intended to be functional and directional in nature, providing the minimum amount of information needed for site traffic to be directed into the portable building for the autism services for children. Therefore, Criterion #5 appears to have been met.

Proposed Conditions

1. Approval shall only be for the subject sign, as depicted in renderings submitted as part of this request, for the Autism Behavior Communication Center for Children only.
2. The sign shall not be internally or externally illuminated.
3. The copy area of the sign shall be limited to a maximum of 18 square feet.

Attachments:

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

Aerial photo, highlighting subject property;

Site Photos;

Subject sign location;

Proposed renderings of sign;

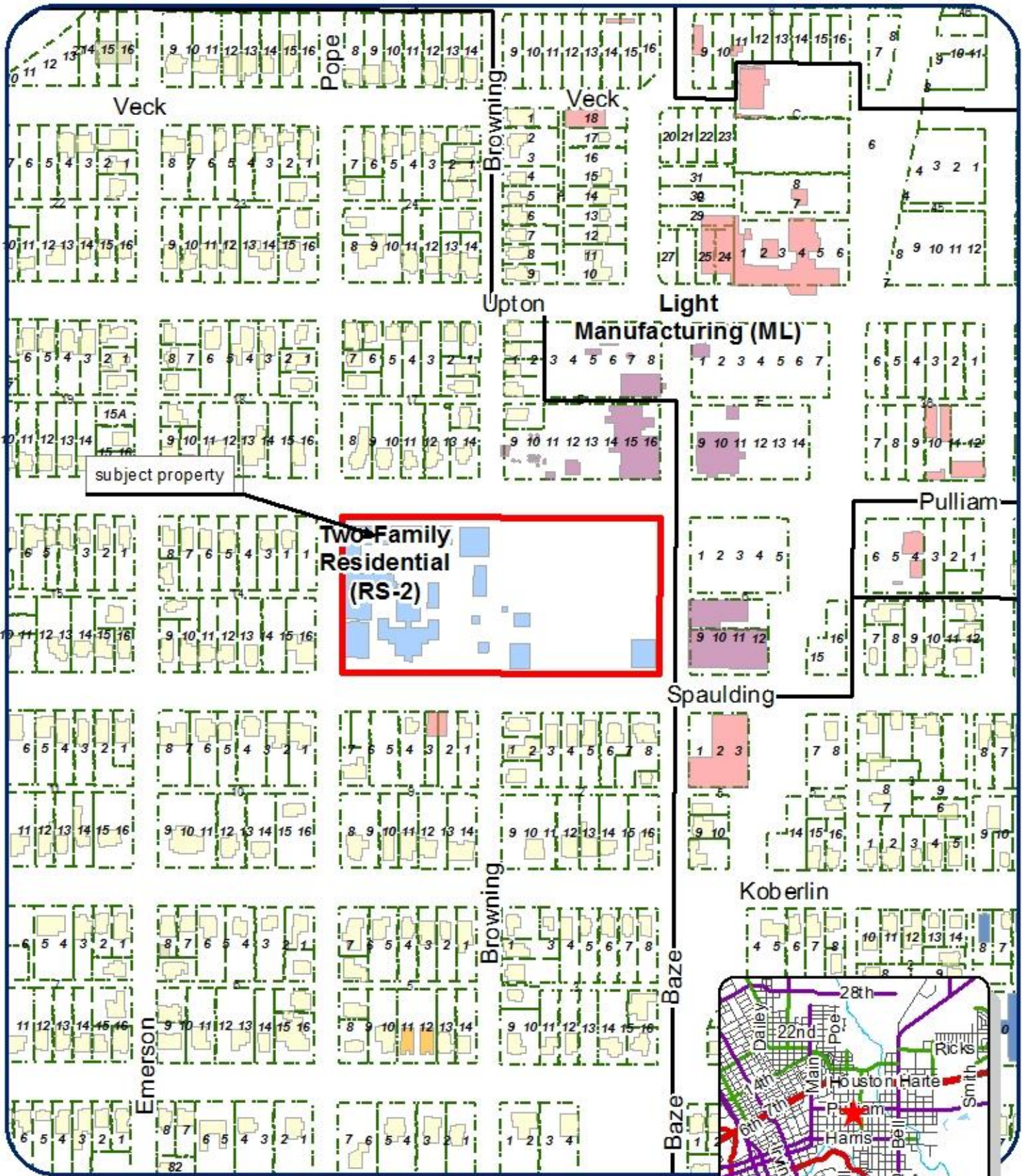
Application Submitted for Sign Variance

Presentation:

Jeff Fisher, Planner

Reviewed by:

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



Zoning Case File

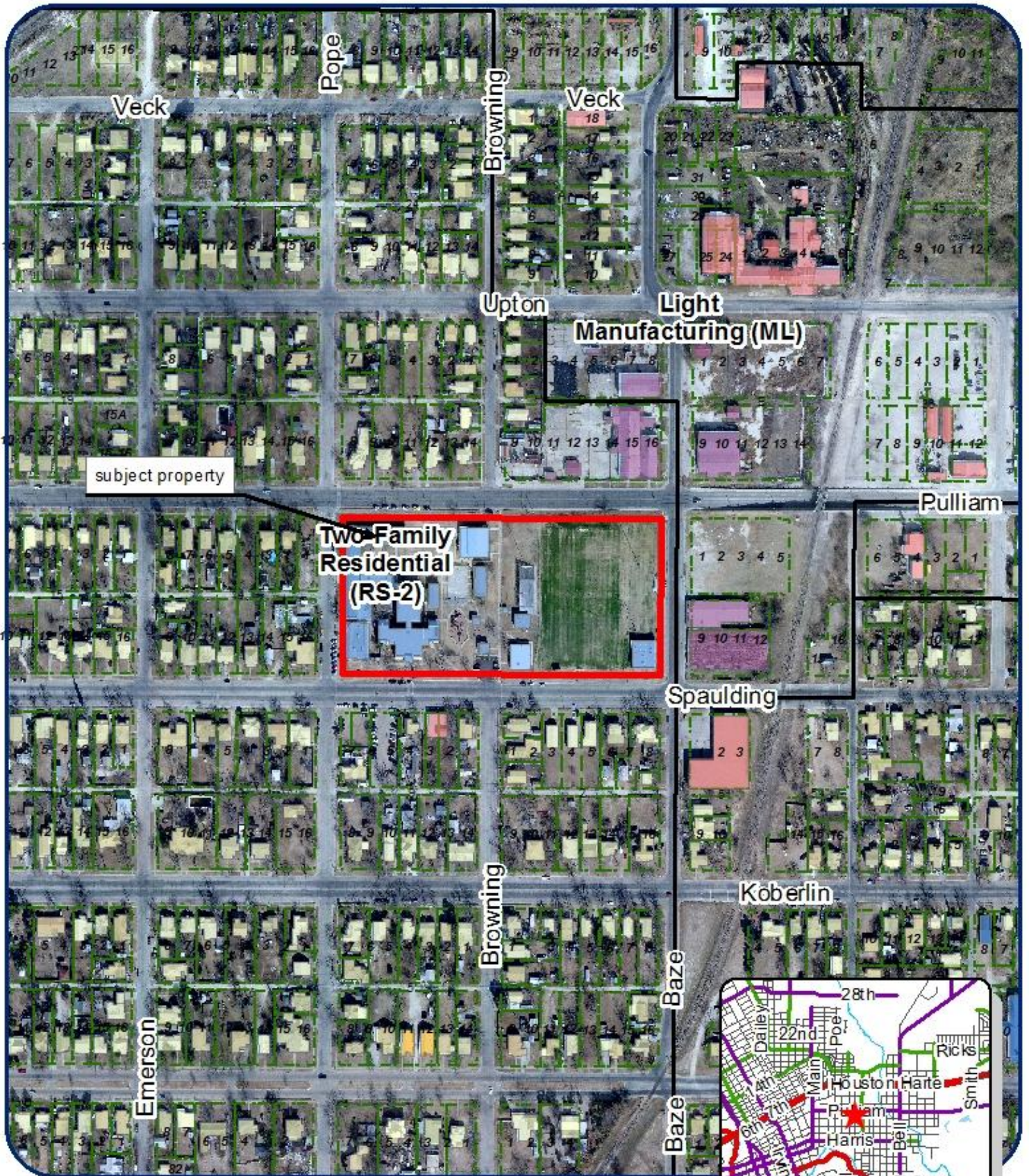
Case SV14-03 ABC Center for Children

Council District: Johnny Silvas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 325 ft
 Subject Property Legal Description(s): Baze Subdivision, Blk 1, Lot 1-16

Legend

- Subject Properties: —
- Current Zoning: RS 2
- Requested Zoning Change: N/A
- Vision: Neighborhood





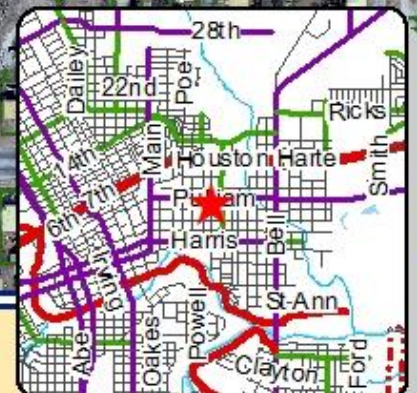
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- Vision: **Neighborhood**



Site Photos

Looking north – west part of property
(San Jacinto Elementary School)



Looking north – east part of property
(Portable building – future sign location)



West (existing sign in front of San Jacinto
Elementary School)



East



South





Autism
Behavior
Communication

Center for Children

325-617-5845
902 Spaulding

Sign dimensions?

City of San Angelo, Texas - Planning Division
Application for Variance from Sign Regulations

Name of Applicant(s): MHMR Services for the Concho Valley - Autism Behavior Communication
(ABC) Center for Children
 Owner Tenant Representative (Affidavit required)

Mailing Address: 1501 West Beavergard Telephone: 325-481-4336

City/State/Zip: San Angelo, TX 76901 Fax/other: 325-658-8381

Contact Email Address: grobe@harcet.org Susan Haller

Please include the following with this application:
 Application for a sign permit A fully-dimensioned site plan
cell 234-9112
325

Subject Property Address and/or Location*:
902 Spaulding San Angelo, TX 76903

Legal Description*:
Block 13, Ellis Addition

Zoning: RS-1 Single Family Residential

Specific Description of Request*:
One sign per street frontage in a residential district.
metal
facing South (Spaulding Street)
sign is for "ABC Center for Children" a program of MHMR CV
* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct, and have read the statements below.

Gregory J. Rove
Signature

3/13/2014
Date

- I understand that the Planning Commission is bound by criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;

- I/We the undersigned acknowledge that the information provided above is true and correct. I/We understand that any variation(s) authorized by the Planning Commission will require me/us to obtain a building permit for that stated variation within **twelve (12) months** of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any petition of a decision made by the Planning Commission must be appealed to the City Council within thirty (30) days after receipt of the results notification of such action. The petition must state that the decision of the Planning Commission is illegal in whole or in part and specifying the grounds of the illegality.

I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

- That special circumstances or conditions would substantially restrict the effectiveness of the sign in question;
Explanation: MHAMR has been given access to this building on the San Jacinto School Campus to provide services for children with Autism.
- That such special circumstances were not created by the applicant;
Explanation: MHAMR asks that a sign be allowed on this building to designate it as separate from the school + state^{ed} purpose of building.
- That the granting of the variance will be in general harmony with the purpose of the sign ordinance and will not be materially detrimental to the adjacent property or neighborhood or to the general public;
Explanation: The proposed sign will be mounted on the building based on designate height + size. The sign will include name of Autism Center, phone number + address.
- That the variance applied for represents the minimum variance necessary to afford relief from the hardship;
Explanation: The sign will represent MHAMR and the program: ABC Center for Children. It will set MHAMR's services as separate + apart from SATSO.
- That the variance applied for does not depart from the provisions of the sign ordinance any more than is required.
Explanation: The proposed sign will comply with all sign ordinances for height + size, as well as any additional rules.

* Please note... it appears that there was once a sign on the building at one time.

OFFICE USE ONLY			
Case no.:	SV <u>14-03</u>	Date of application:	<u>7/8/14</u>
Fully-dimensioned site plan:	<input checked="" type="checkbox"/>	Nonrefundable fee:	\$ <u>168.75</u> Date paid: <u>7/8/14</u>
Date to be heard by PC:	<u>8/18/14</u>		
Received by:	<u>Jeff Fisher</u>	Receipt Number:	_____
Ordinance section(s) from which variance(s) is/are requested: _____			

AFFIDAVIT

STATE OF TEXAS)
COUNTY OF TOM GREEN)

I, Jeff Bright / SAUSD, make this affidavit and hereby on oath state the following:

I, being the sole partial owner of the following property:

PROPERTY ADDRESS: 902 Spaulding San Angelo, Tx 76903

LEGAL DESCRIPTION*: All of block 13, Ellis Addition

give my permission to below named representative, to apply for approval of a Zone Change, Special Use or Conditional Use on the above-described property.

REPRESENTATIVE'S NAME: Jeffrey Long / ABC Center for Children

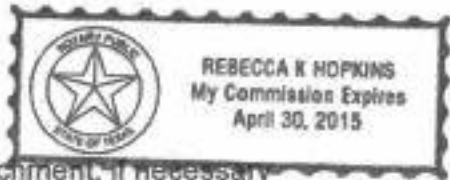
Signed this the 6th day of March, 2014.

Jeff Bright Area Supr SAUSD
Signature of property owner

Telephone #: 325-949-3767

BEFORE ME, the undersigned authority, this day personally appeared Jeff Bright and on oath stated that the facts hereinabove stated are true to the best of his knowledge or belief.

SWORN TO AND SUBSCRIBED before me on this the 6th day of March, 2014.



Rebecca Hopkins
Notary Public, State of Texas

* use attachment, if necessary