

# Memo

**Meeting Date:** August 25, 2014

**To:** Planning Commission members

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

**Subject:** SU14-02: A request for approval of a Special Use to allow for outside storage and display of merchandise in the Neighborhood Commercial (CN) zoning district, on the following properties:

**Location:** 711 North Garfield Street, 2803 and 2807 Houston Street, and unaddressed tracts located south of Houston Street between Hassell Street and North Garfield Street; more specifically occupying the Hatcher Addition, Block 81, Lot 4 and the North Part of Lots 5, 6 and 7 in western San Angelo. See identified area on accompanying map.

**Purpose:** Approval of this request would allow outside storage and display of merchandise for sale as a Special Use on the subject properties zoned Neighborhood Commercial (CN).

**Contacts:** George and Sandra Rodriguez 325-944-8628  
Jeff Fisher, Planner 325-657-4210

**Recommendation:** Planning staff recommends **APPROVAL**, subject to five (5) **Conditions of Approval**, of the proposed Special Use to allow outside storage and display of merchandise for sale on the subject properties zoned Neighborhood Commercial (CN).

## **History and Background:**

On July 7, 2009, the applicants, George and Sandra Rodriguez, were granted a Rezoning by City Council from Single-Family Residential (RS-1) to Neighborhood Commercial (CN) for a satellite and telecommunications retail sales business, SNG Satellite, on Lots 1 and 2 at 711 North Garfield Street, located on the southwest corner of North Garfield Street and Houston Street. Almost two years later on June 7, 2011,

City Council approved a request to expand the CN zoning onto Lots 3, 4, and 5, immediately to the west, for a gazebo and future business expansion (Case Z-11-05).

In late May of 2014, Planning staff were notified by the Permits Division that the applicant had placed outdoor storage buildings and carports for sale on Lots 3, 4, and 5. These lots, which are zoned CN, are not permitted to have outdoor storage areas further than five feet from a building wall.

On June 10, 2014, the applicants submitted an application for approval of a Rezoning from Neighborhood Commercial (CN) to General Commercial (CG) on Lots 1-5 which is being run concurrently with this application to the Planning Commission (Z 14-16). The zoning district of CG would allow for the outdoor display of the storage buildings and carports for sale to the public.

The applicants have subsequently purchased Lots 6 and 7 and intend to place even more outdoor displays of storage buildings and carports for sale to the public.

It was communicated to Mr. Rodriguez that a Rezoning to CN for Lots 6 and 7 with a Special Use on Lots 1-7 to allow for outdoor displays would be more appropriate than rezoning the lots to CG, given that the Future Land Use (FLU) map of the Comprehensive Plan designates all of the properties as "Neighborhood Center." The CN zoning district is consistent with the Neighborhood Center designation of the Comprehensive Plan, not the CG.

The applicants agreed with Planning staff's recommendation and amended their rezoning request from CG to CN for Lots 6 and 7 (Z-14-16). They subsequently filed this Special Use Application for Lots 1-7 on July 14, 2014 to allow the outdoor display of storage buildings and carports for sale. The Special Use application also allows for conditions to be placed on the properties beyond what the Zoning Regulations require, such as maximum size and location of the storage displays, screening from adjacent uses, and hours of operation. Included in the submission was a statement how there is a need for more storage display area for their growing business, as well as a Site Plan showing displays (see site plan attached).

Planning Staff conducted a site visit on Wednesday, July 9, 2014, and found that five storage buildings had been placed on Lots 3, 4, and 5. The applicant, Mr. Rodriguez, stated this is approximately how many displays he will have on the properties at any given time, as the displays sell quickly. He further stated that the Site Plan shows more than five displays in the event the business grows even more or more storage area is needed.

### **General Information**

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

Existing Land Use: Vacant

Surrounding Zoning/Land Use:

North:	Single-Family Residential (RS-1) and Neighborhood Commercial (CN)	Single-family dwellings and vacant land
West:	Single-Family Residential (RS-1)	Single-family dwellings and vacant land
South:	Single-Family Residential (RS-1)	Houston Harte Expressway
East:	Neighborhood Commercial (CN)	SNG Satellite

Thoroughfares/Streets: Houston Street and the West Houston Harte Expressway Frontage Road are “local streets” and is designed to carry light neighborhood traffic at low speeds.

Zoning History: The property was annexed into the City prior to 1940.

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.

Development Standards: Section 209 of the Zoning Regulations contains criteria for Special Uses as outlined in the Analysis Section of this report. In addition to the development standards of the applicable Zone District, Planning Staff may also consider “conditions that will minimize any negative impacts of the use”. The Planning Director “may require an application for a special use approval to be accompanied by a site plan of existing and proposed development of the affected site. A written statement describing how the proposed development meets any specific use requirements set forth in Articles 3 through 5 of the Zoning Ordinance shall accompany the site plan.”

The Planning Commission may propose and City Council may approve and “attach such conditions to a special use approval as are necessary to prevent or minimize adverse impacts on other property in the neighborhood, including, but not limited to: limitation on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation of the special use.”

Lots 1-5 are presently zoned Neighborhood Commercial (CN) and Lots 6-7 are proposed CN. The CN zone district standards are outlined in 502.B. of the Zoning Regulations, and required off-street parking can be found in Section 511.B. of the Zoning Regulations.

Vision Plan Map:	Neighborhood Center
District:	CMD #2 Marty Self
Neighborhood:	The Bluffs
Notification Required:	Yes
Notifications Sent:	14
Responses in Favor:	0
Responses in Opposition:	0

## **Analysis:**

In order to approve this Special Use request, the Planning Commission members are first required to consider the following criteria:

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse affects, including adverse visual impacts, on adjacent properties.*

All of the lots immediately north of the subject properties on the north side of Houston Street, Lots 11-16 of Block 65 of the Hatcher Addition, have a Future Land Use (FLU) designation of Neighborhood in the Comprehensive Plan for residential uses. Lots 9 and 10 furthest to the west are zoned RS-1 for single-family homes and there is an existing house on Lot 9, 2830 Houston Street. Lots 11-16 are currently zoned CN and are vacant. There is also RS-1 zoning west of Hassell Street, west of the subject properties, and east of North Garfield Street, east of the subject properties.

Careful consideration must be given to the proposed Special Use given the surrounding residential area. To reduce any adverse impacts on adjacent properties, Planning staff recommends a 6-foot high privacy fence around the perimeter of the proposed storage area within the required zoning setbacks. Zoning Regulations only require a privacy fence from a side or rear yard abutting a residential district or use. This would result in the erection of a fence along only the west side yard abutting Lot 8 which is zoned RS-1. The Special Use allows for additional screening as a Condition of Approval aimed towards minimizing potential impacts on adjacent properties. The displays are accessory to the principal use, and the existing SNG Satellite retail sales building sits upon on Lots 1 and 2. There is no other outside storage proposed, so further impacts should be minimized.

- 2. Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.*

The CN zoning on Lots 1-5, and further proposed on Lots 6 and 7 through rezoning application Z-14-16, is subject to *Type 1: Outdoor Display* which does not permit outside storage greater than 5 feet from a building wall. Given the applicants need for more outdoor storage display area, staff recommends applying the *Type 2: Limited Outdoor Storage* requirements for CG zoning for outdoor displays only. This would entail that a maximum of 10% of the total site area be able to be utilized as outdoor display. Using the Tom Green County Appraisal District data, the total site area is 46,843 square feet. Therefore, allowing a maximum outdoor display of 10% would amount to 4,685 square feet. The total area of the displays being proposed in the Site Plan is 7.5% of the lot area or 3,528 square feet.

Zoning Regulations consider Lots 6 and 7 “through lots” because they have frontage on both Houston Street to the north, and the West Houston Harte Expressway Frontage Road to the south. As such, these lots require two front yard setbacks of 25 feet from the property line. The west side yard between Lot 7 and 8 requires a 10-foot setback as Lot 8 is zoned RS-1. Lots 1-5 will require a 25-foot front yard setback from Houston Street, but no rear yard setback as the properties abut a 20-foot wide alley to the south.

These required setbacks will significantly reduce the area for the displays and will require a revised Site plan as a Condition of Approval. Nevertheless, the setbacks are achievable by either having the applicant move the displays closer together or by reducing the amount of display area. Therefore, the proposed Special Use appears to be consistent with Zoning Regulations.

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

As mentioned, the six vacant properties immediately to the north and northeast of the subject properties are zoned CN for future development (located on Lots 11-16 of Block 65 of the Hatcher Addition). All of the properties on the south side of Houston Street in Block 80 and 81 are also designated “Neighborhood Commercial” in the Comprehensive Plan, as well as the southern portion of Block 66 immediately northwest of the subject properties. With adequate screening from existing residential uses, this use appears to be compatible with the surrounding area.

- 4. Traffic Circulation.** *Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*

The proposed uses are low intensity and are associated with the existing SNG Satellite business on Lots 1 and 2. Mr. Rodriguez stated that customers park in the designated parking area on Lot 1, pick up the displays, and leave the site. The lots

abut Houston Street to the north and West Houston Harte Expressway Frontage Road to the south, both of which are local roads which meet the minimum street width of 36 feet. Therefore, traffic circulation will not appear to be negatively affected.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed special 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 would be an effect on the natural environment for any permitted CN use, but given that the displays do not require additional paving and will be limited to a maximum of 10% of the total site area, the effects do not appear to be significant.

6. **Community Need.** *Whether and the extent to which the special use addresses a demonstrated community need.*

The applicants stated that their business is growing and they are doing well selling outdoor displays. Based on this statement, there appears to be a community need for this particular type of use.

7. **Development Patterns.** *Whether and the extent to which the proposed special uses would result in a logical and orderly pattern of urban development in the community.*

The subject properties are in close proximity to roads that can accommodate commercial operations: specifically the Houston Harte Expressway and North Garfield Street which is a Minor Collector Road. Therefore, it appears a special use for outdoor displays would result in orderly development for the area.

### **Proposed Conditions**

1. Submit a revised Site Plan showing a maximum area of outdoor display of 4,685 square feet (or 10% of the total site). Said Site Plan shall also show a minimum front yard setback of 25 feet from Houston Street for Lots 1-7, a minimum front yard setback of 25 feet from the West Houston Harte Expressway Frontage Road for Lots 6 and 7, and a minimum side yard setback of 10 feet from the west lot line abutting Lot 8.
2. A 6-foot high opaque privacy fence shall be erected along the entire perimeter of all outdoor display.
3. Any outdoor lighting shall be directed to the interior to the property and away from nearby residential uses.
4. The Special Use is only permitted for outdoor storage displays up to 10% of the total site area. Approval is conditional on the displays being accessory to a permitted primary use on the property.

5. The applicant shall create one (1) parcel I.D. with Tom Green County for Lots 1-7, ensuring that the properties remain as one unified site.

**Attachments:**

Excerpt from Zoning map, showing the general location within the City of San Angelo;  
Aerial photo, highlighting subject property;

Excerpt from the Comprehensive Plan Future Land Use map highlighting the subject property; and

Excerpt of the favor/opposition notification map.

Site Concept Plan

Site Photos

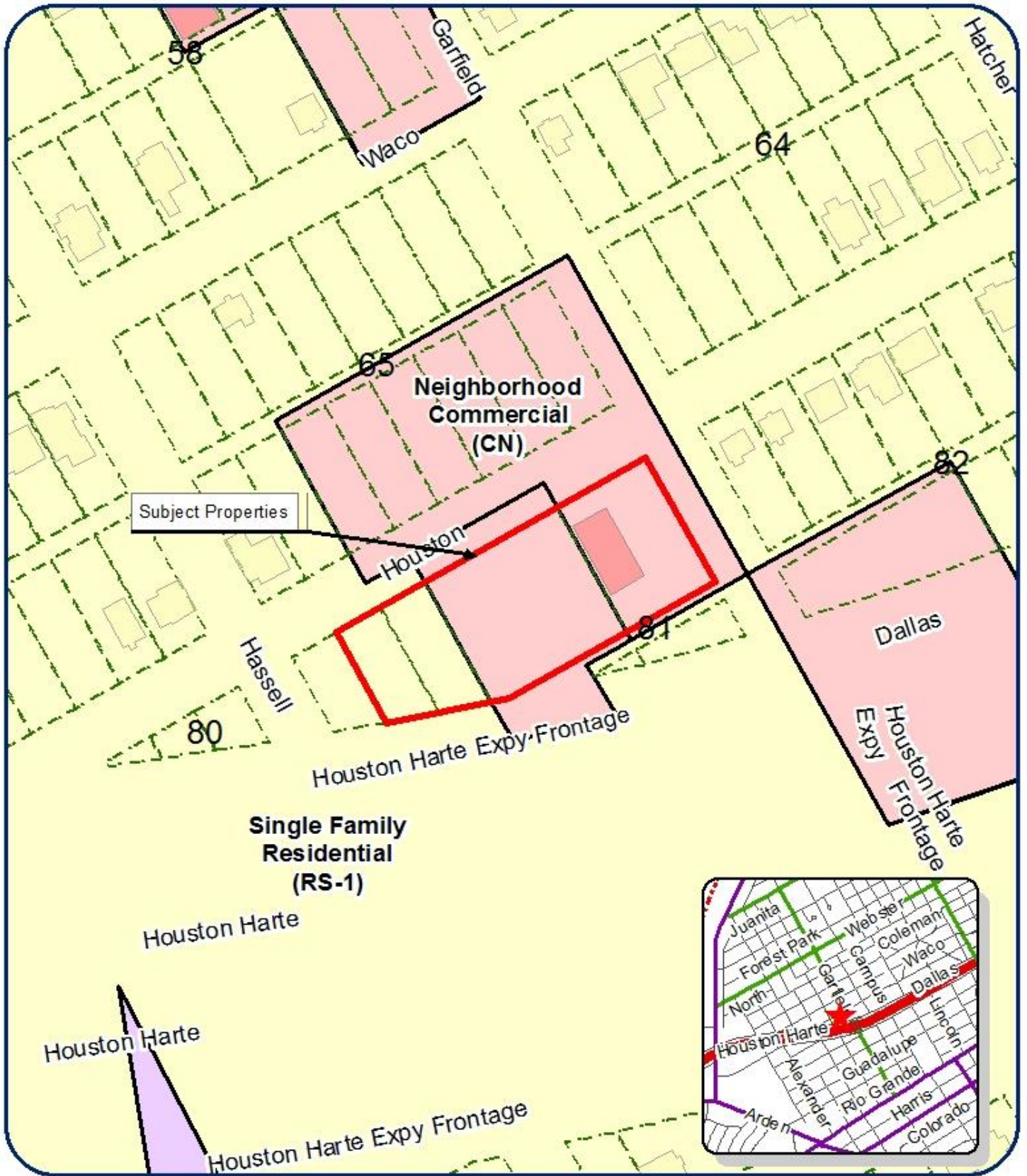
**Presentation:**

Jeff Fisher, Planner

**Reviewed by:**

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





**Zoning Case File**

**Case SU14-02: Rodriguez**

Council District: Marty Self

Neighborhood: Bluffs

Scale: 1" approx. = 125 ft

Subject Property: Hatcher Addition, Block 81, Lots 1-4 and North Part of Lots 5-7

**Legend**

Subject Properties: 

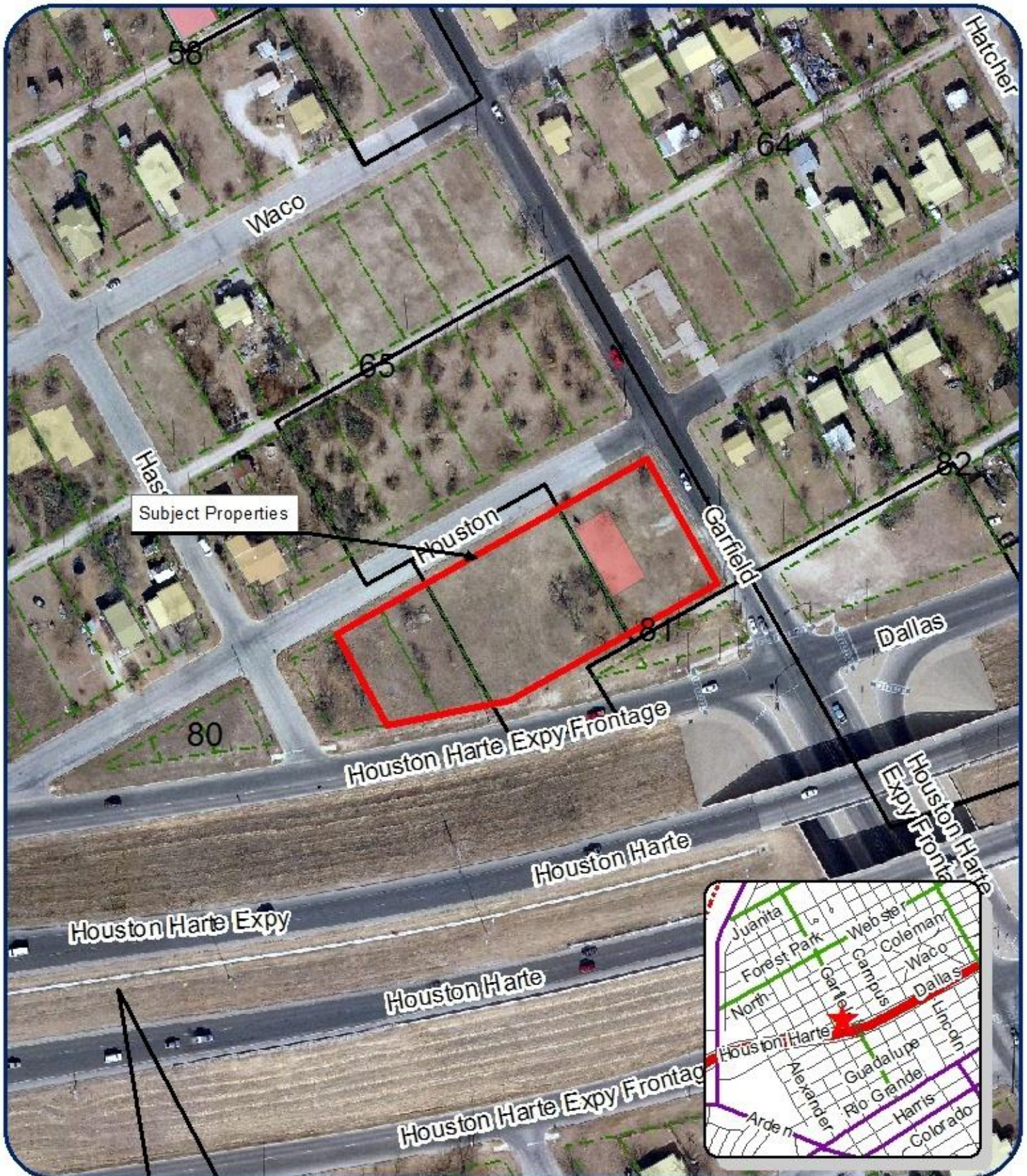
Current Zoning: **Lots 1-5: CN; Lots 6,7: RS-1**

Requested Zoning Change: **N/A**

Vision: **Neighborhood Center**







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**Case SU14-02: Rodriguez**

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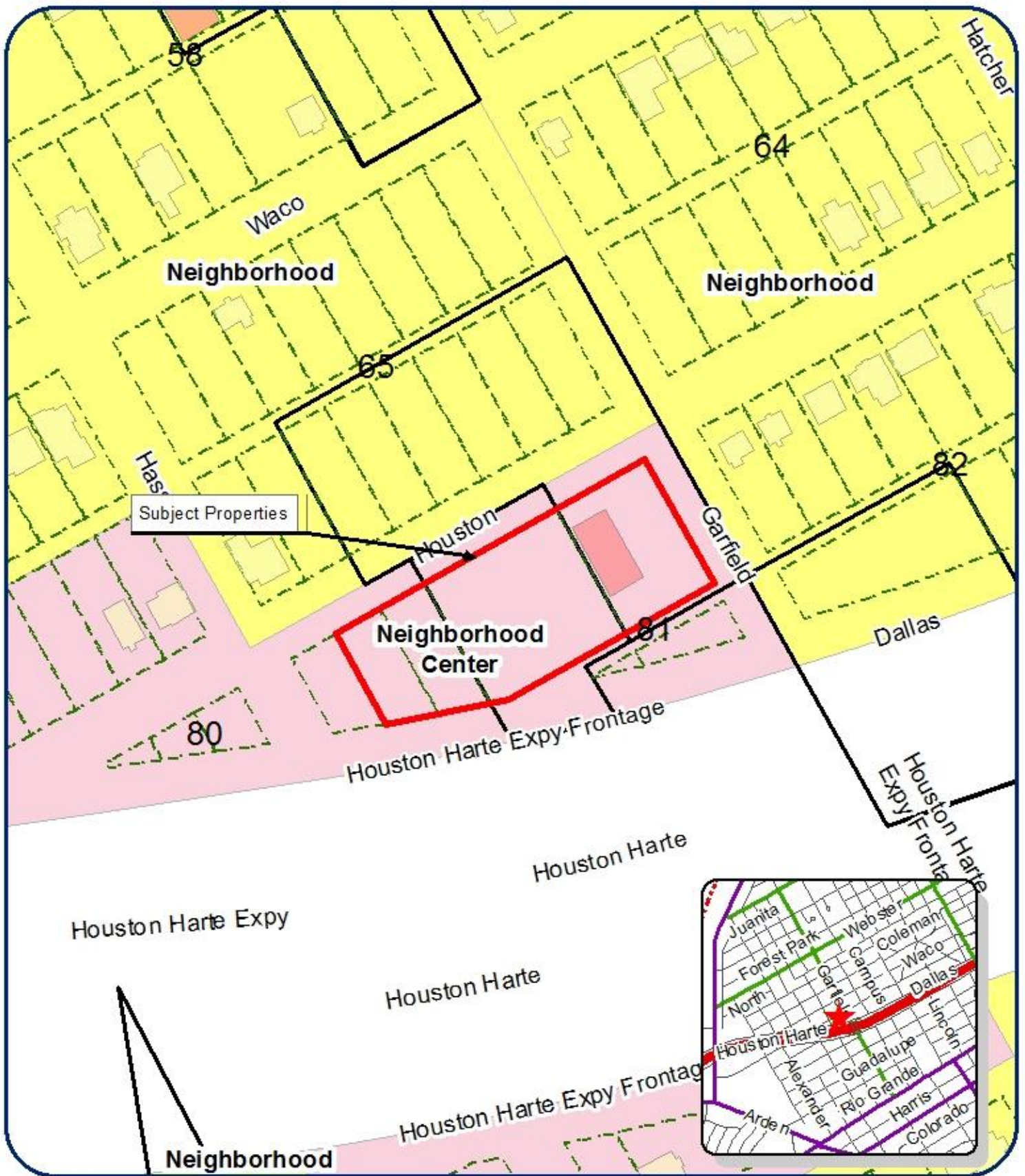
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**Legend**

- Subject Properties: ▬
- Current Zoning: **Lots 1-5: CN; Lots 6,7: RS-1**
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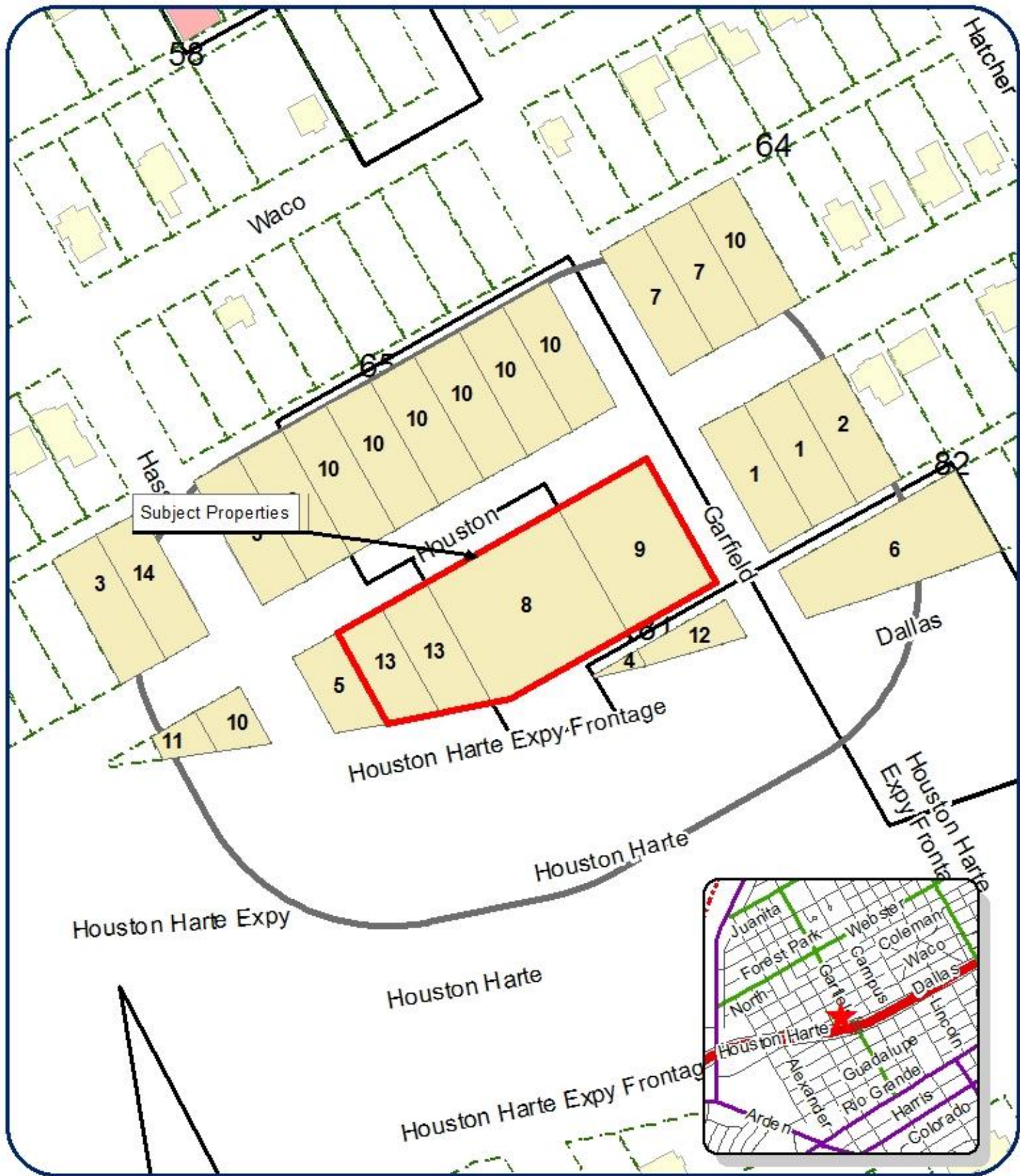
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- Vision: █ Neighborhood Center







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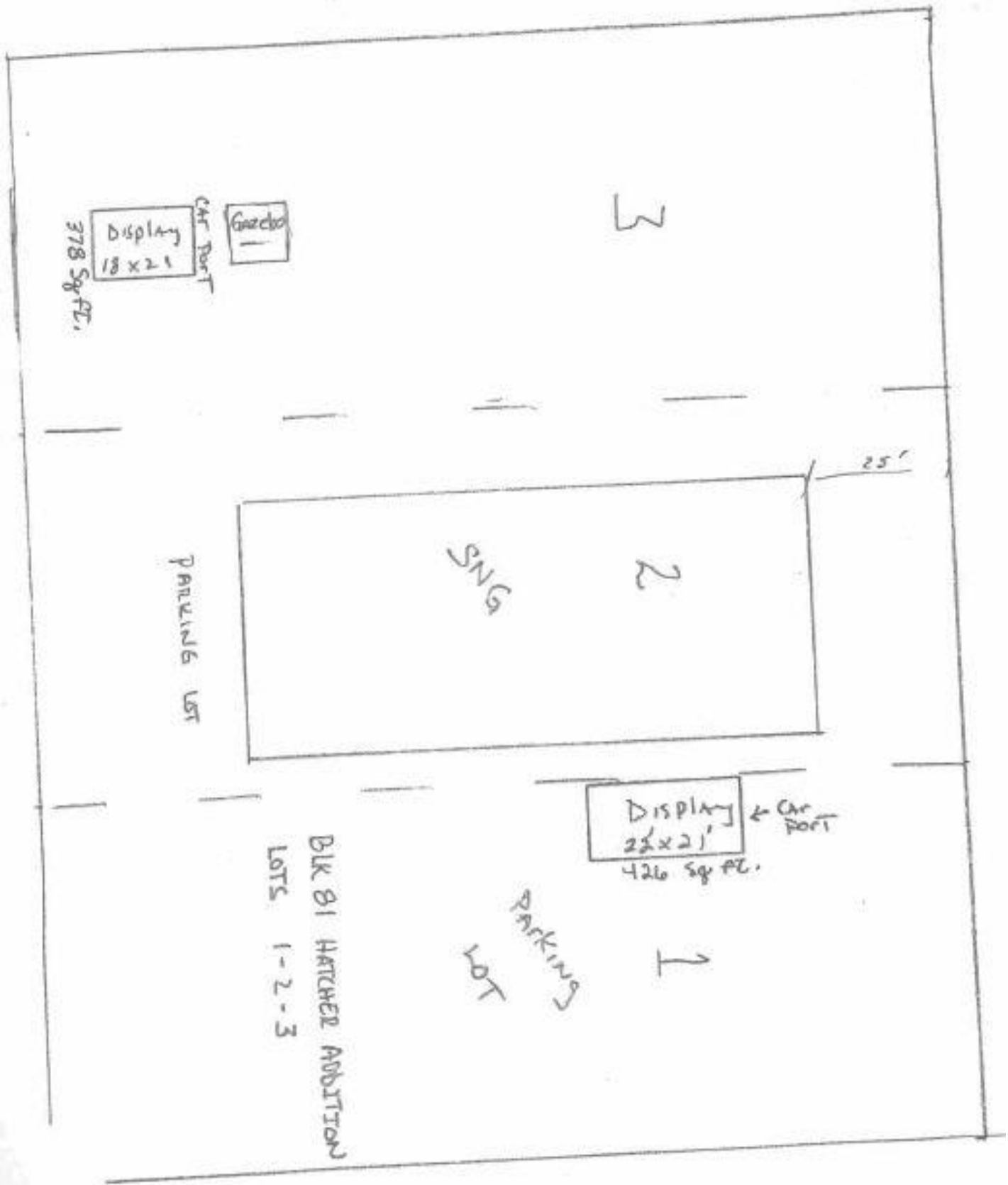
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3

Display  
18 x 21  
378 Sq FT.  
Gazebo  
CAR PORT

25'

2  
SNG

PARKING LOT

Display  
22' x 21'  
426 Sq FT.  
CAR PORT

1

PARKING  
LOT

BLK B1 HATCHED ADDITION  
LOTS 1-2-3

Houston Avenue

10 x 12  
DISP  
140 Sq. FT

8 x 12  
DISP  
96 Sq. FT

8 x 12  
DISP  
96 Sq. FT

DISP

5

14 x 28  
DISP  
392 Sq. FT

4

DISP  
10 x 16 sq. ft.

DISP  
12 x 20  
240 Sq. FT.

DISP  
10 x 14  
140 Sq. FT.

10 x 14  
DISP  
140 Sq. FT.

3

BLK 81 HATCHER ADDITION  
LOTS 3-4-5

Garage

18 x 21  
Display

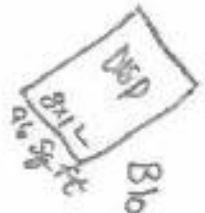
SNG SATELLITE  
711 N. GARFIELD ST

Houston Ave

8



7



Block 81 Watcher Addition  
Lot 6-7





## Site Photos

**South at Property - Lots 1 and 2  
(SNG Satellite)**



**South at Property – Lots 3, 4 and 5  
(Existing Outside Displays)**



**South at Property - Lots 6 and 7  
(Vacant)**





## Site Photos

**West**



**East**



**North**

