



## Legislation Details (With Text)

<b>File #:</b>	18-701	<b>Version:</b>	1	<b>Name:</b>	P19-05F. The issuance of a Special Use Permit to allow outdoor storage & display in a Community Commercial Zoning District (CC)
<b>Type:</b>	Public Hearing (Public & Legislative)	<b>Status:</b>			Agenda Ready
<b>File created:</b>	3/11/2019	<b>In control:</b>			City Council Regular Meeting
<b>On agenda:</b>	3/25/2019	<b>Final action:</b>			
<b>Title:</b>	P19-05F. The issuance of a Special Use Permit to allow outdoor storage and display in a Community Commercial Zoning District (CC) on property located at 929 Bragg Blvd. (Tax Map # 0437-17-2966) near the intersection of Bragg Blvd. and Blue St., and being the property of Peter B & John P Stewart.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 1. P19-05F Aerial Map, 2. 2. P19-05F Zoning Map, 3. 3. P19-05F Land Use Map, 4. 4. Plan Review Application, 5. 5. P19-05F Site Map, 6. 6. Subject Property Site Photo, 7. 7. Surrounding Properties Site Photos				

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council

**THRU:** Kristoff Bauer, ICMA - CM - Deputy City Manager  
Gerald Newton, AICP - Development Services Director  
Taurus Freeman - Planning & Zoning Divisional Manager

**FROM:** Craig M. Harmon, AICP, CZO - Senior Planner

**DATE:** March 25, 2019

**RE:**  
P19-05F. The issuance of a Special Use Permit to allow outdoor storage and display in a Community Commercial Zoning District (CC) on property located at 929 Bragg Blvd. (Tax Map # 0437-17-2966) near the intersection of Bragg Blvd. and Blue St., and being the property of Peter B & John P Stewart.

**COUNCIL DISTRICT(S):**  
District 2

### Relationship To Strategic Plan:

- 2024 Goals, Goal III: High Quality Built Environment is achieved by the conditioning of the Special Use Permit to require a type D buffer between the property in question and the residentially zoned property to the west.

### **Executive Summary:**

This property is currently a used car lot and auto repair garage. The owners of this property began setting up and selling storage buildings prior to receiving their Special Use Permit (SUP). They were notified by the City's Code Enforcement of the need to receive an SUP for this type of use. The requested SUP would limit the area of outdoor storage to where the applicant currently has the barn/sheds on display.

### **Background:**

Owner: Peter B & John P Stewart  
Applicant: Peter B & John P Stewart  
Requested Action: SUP  
Property Address: 929 Bragg Blvd.  
Council District: 2  
Status of Property: Car sales lot & garage  
Size: Approximately 4.57 acres +/-  
Adjoining Land Use & Zoning:  
North - SF-10: Single-Family and Multi-Family  
South - MR-5: Single-Family Residential  
West - CC: Commercial & MR-5 Single Family Residential  
East - CC: Commercial & MR-5 Single Family Residential  
Letters Mailed: 59

Land Use Plan: Heavy Commercial

### **Additional Reviews:**

Technical Review Committee (TRC) - No preliminary review was conducted on this site, since it is already developed.

### **Issues/Analysis:**

The owner of this property wishes to allow the display and sales of utility buildings/storage barns on this property. Barn like buildings are to be sold to the public on the lot. According to the owner, they will be open from 8 am to 7 pm Monday through Saturday and all of their customers will be walk-ins. The owner wishes to line the outskirts of the dealership lot, on the west side of the property, just as they are being displayed now. This way these barns will not block incoming traffic. The units are stationary and require no maintenance or power.

The SUP must meet the following findings of facts:

#### **(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;**

Yes, the applicant must comply with all of the following standards.

It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. Reasonable exceptions shall be made for approved farmer's market, plant nursery, garden center and similar operations. The outdoor display/sales of goods shall comply with the following standards:

- a. Outdoor display/sales areas shall be depicted upon a site plan.
- b. All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.
- c. Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
- d. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front of the total shopping center.
- e. The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
- f. No goods shall be attached to a building's wall surface.
- g. The height of the outdoor display shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.
- h. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- i. At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- j. Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.

**(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;**

Yes, with the condition that a type D Buffer be maintained where this property abuts a residential zoning district.

**(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

Yes, the proposed site plan demonstrates how this property meets the requirements of the UDO.

**(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

Yes, the proposed site plan demonstrates how this property meets the requirements of the UDO.

**(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

Yes, this property is already developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.

**(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

Yes, this property is already fully developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.

**(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

Yes, no documentation has been submitted showing that property values would be negatively affected.

**(8) The Special use complies with all other relevant City, State, and Federal laws and regulations.**

Yes, the applicant will be required to meet all applicable standards.

Conditions recommended by the Zoning Commission and Planning Staff.

1. Compliance with the attached site map, with final review and approval by the TRC.
2. Construct and maintain a type D Buffer where this property abuts a residential zoning district.

On February 12<sup>th</sup>, the City Zoning Commission held a public hearing regarding this case. There was one speaker in favor and none in opposition to this application. The Commission voted 5-0 to recommend approval.

The Zoning Commission and Planning staff recommend APPROVAL of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The uses permitted by the proposed SUP will be appropriate in the Community Commercial (CC) district, which allows for heavy commercial activity and the outdoor display of goods;
- The proposed SUP ensures that new development is compatible with the 2010 Land Use Plan and Bragg Boulevard Land Use Plan;
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

**Budget Impact:**

This action should result in no increase in City services.

**Options:**

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

**Recommended Action:**

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow outdoor display and storage on the

portion of the subject property that is depicted on the attached site map, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Community Commercial district and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is April 4, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

\*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

## OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow outdoor display and storage on the subject property, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application does not meet the finding (s) of fact listed below. More specifically finding(s) # \_\_\_\_.

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is April 4, 2019.

\* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].

- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.  
[insert supporting facts]

**Attachments:**

- 1. Aerial Map
- 2. Zoning Map
- 3. Land Use Plan Map
- 4. Application
- 5. Site Map
- 6. Subject Property Photos
- 7. Surrounding Properties photos